

Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 128
6 November 1996
No. 45

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Legal deposit — 1st Quarter 1968
Bibliothèque nationale du Québec
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Regulations and other acts

Gouvernement du Québec

O.C. 1340-96, 23 October 1996

An Act respecting the Caisse de dépôt et placement du Québec
(R.S.Q., c. C-2)

Caisse de dépôt et placement du Québec — Internal management — Amendments

Regulation amending the Regulation respecting the internal management of the Caisse de dépôt et placement du Québec

WHEREAS the board of directors of the Caisse de dépôt et placement du Québec made, by resolution, at its meeting of 31 May 1996, the Regulation to amend the Regulation respecting the internal management of the Caisse de dépôt et placement du Québec attached hereto;

WHEREAS at the same time, the board of directors of the Caisse de dépôt et placement du Québec authorized the management of the Caisse to make the necessary adjustments to the Regulation to take the discussions with the Government into account and those adjustments have been made;

WHEREAS under section 13 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., c. C-2), the Regulations made by the board of directors of the Fund shall be submitted to the Government for approval;

WHEREAS under section 15 of the Act respecting the Caisse de dépôt et placement du Québec, the officers and other employees shall be appointed in the manner provided in its regulations and in accordance with the staff requirements established thereunder and the remuneration standards and scales, as well as other conditions of employment applicable to them shall also be submitted to the Government for approval;

WHEREAS the Regulation amending the Regulation respecting the internal management of the Caisse de dépôt et placement du Québec contains provisions respecting the management of funds and portfolios and the subjects governed by section 15;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Finance:

THAT the Regulation amending the Regulation respecting the internal management of the Caisse de dépôt et placement du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the internal management of the Caisse de dépôt et placement du Québec

An Act respecting the Caisse de dépôt et placement du Québec
(R.S.Q., c. C-2, ss. 13, 15 and 23, sub. *a* and *e*)

1. The Regulation respecting the internal management of the Caisse de dépôt et placement du Québec (R.R.Q., 1981, c. C-2, r.2), amended by the Regulations made by Orders in Council 3569-81 dated 22 December 1981, 2505-82 dated 3 November 1982, 2985-82 dated 21 December 1982, 980-85 dated 29 May 1985, 2444-85 dated 27 November 1985, 1468-87 dated 23 September 1987, 1869-87 dated 9 December 1987, 32-88 dated 13 January 1988, 663-88 dated 4 May 1988, 578-89 dated 19 April 1989, 1867-89 dated 6 December 1989, 359-90 dated 21 March 1990, 437-92 dated 25 March 1992 and 330-94 dated 9 March 1994, is further amended by this Regulation.

2. Section 16 is amended as follows:

a) by the replacement, in the second line of the first paragraph, of the words “in Schedule A” with the words “by this Regulation”;

b) by the insertion, in the third line of the first paragraph, after the word “remuneration”, of the words “and their working conditions”;

c) by the addition, at the end of the first paragraph, of the following sentence: “The staff of the Fund shall be determined by its board of directors according to the maximum ratio of one point three (1.3) person-year per one hundred (100) million of assets under management.”;

d) by the replacement, in the second paragraph, of the words “in categories IV, V and VI within the functional group” with the words “at level 10 and higher”.

3. Section 17 is amended by the deletion, in the last line of the first paragraph, of the words “in accordance with the staff requirements established in Schedule A”.

4. Section 18 is amended as follows:

a) by the insertion, in the second line, after the word “appoint”, of the words “and assign”;

b) by the deletion, in the second line, after the word “employees”, of the words “within the functional group of technical staff and support staff”.

5. Section 19 is amended by deleting the words “,in the opinion of the general manager,”.

6. Section 20 is amended as follows:

a) by the replacement, in the first paragraph, of the words “his employment may be terminated by a simple notice of the general manager” with the words “his employment may be terminated”;

b) by the replacement, in the second paragraph, of the words “the general manager may set a longer or shorter probationary period” with the words “a longer or shorter probationary period may be set”;

c) by the replacement, in the second paragraph, of the words “He may also renew or extend the probationary period of an employee” with the words “The probationary period of an employee may also be renewed or extended”.

7. Section 21 is replaced with the following:

“**21.** The remuneration and other working conditions of the officers and other employees of the Fund shall be determined by the board of directors in accordance with the standards and scales appearing in Schedule “A”, which is an integral part of this Regulation.”.

8. The following sections are inserted following Section 21:

“**21.1** The remuneration of the officers and other employees of the Fund shall be adjusted by the board of directors in accordance with the standards and scales provided in section 21. More specifically, as regards the variable remuneration plan, the board of directors shall set the targets to be achieved, study the annual results and, if applicable, approve the distribution of the sums generated.

21.2 The board of directors shall annually deposit a report to the government, following the requested form, level of staff, the application of Schedule “A” and their underlying data. The government may communicate its observations to the board of directors, which shall be bound to take note of them.

21.3 The resources committee, formed by the board of directors, shall be responsible for the advance study of the subjects covered by this section and shall formulate recommendations to the board. The general manager, in the same manner, may formulate any recommendations he deems relevant.”.

9. Section 22 is replaced by the following:

“**22.** The staff shall not exceed the standards and scales of remuneration and the other working conditions established by this section without approval in advance by the government.”.

10. The following section is inserted after Section 22:

“**22.1** Section 15 of the Act is added to the list of sections stipulated in the second paragraph of section 37.1 of the Act. It shall be applied by the board of directors of the Fund, taking this division into account and making the necessary adaptations thereto.”.

11. Section 23 is amended by the replacement, in both paragraphs, of the words “belonging to officer categories IV,V and VI” with the words “at level 10 or higher”.

12. Sections 45.1, 45.2 and 45.4 are repealed.

13. Section 48.1 is amended by the addition, after subsection “(6)”, of the following:

“(7)” specific bond portfolios.”.

14. Section 48.3 is amended by the addition, at the end, of the following: “However, for the purposes of section 45, a portfolio’s net income for an exercise shall consist of the gross income minus the expenses mentioned therein.”.

15. Schedule A is replaced by the contents of the schedule of this Regulation, as an integral part thereof, entitled, “Method of establishing standards and scales of remuneration and other working conditions”.

16. This Regulation shall take effect on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE "A"

(s. 21)

**METHOD OF ESTABLISHING STANDARDS
AND SCALES OF REMUNERATION AND OTHER
WORKING CONDITIONS**

1. The remuneration and other working conditions of the officers and other employees of the Fund shall be adjusted annually or on a spot basis according to the provisions of this Schedule.

2. The remuneration and other working conditions of the officers and other employees of the Fund shall fall between the base level corresponding to the conditions in force at the time of adoption of this Regulation, as approved by C.T. 184152 dated November 16, 1993, and the maximum level, which must fall within the upper decile of the reference market. However, for non investment duties, the total remuneration must be within the third quartile of the reference market.

3. For the purposes of this Schedule "A", the reference market for non investment duties shall be Quebec and includes namely duties in the public sector.

For investment duties, the reference market shall be the Canadian institutional investment market; reference may however be made to the North American institutional investment market for those duties related to foreign or international markets such as managers or analysts of foreign stocks or bonds, as well as any products or securities traded on foreign and international markets and their derivatives, such as foreign currencies and commodities and for the assignments such as the responsibility of portfolios including such securities or products or the responsibility of deciding asset mix between foreign markets.

The reference market shall include a representative sample of entities such as institutions, insurance companies, trust companies, pension funds, investment advisers, brokerage firms and funds or other similar industries managers.

4. The data reflecting the reference market profile shall be computed by means of an annual or spot survey, conducted by a recognized firm, administered and analyzed according to a methodology and rules generally recognized in this field.

5. Adjustments to the remuneration of the officers and other employees of the Fund shall not exceed, for each officer or employee, except in the case of a promotion in accordance with the rules in force, the amount equivalent to the total remuneration observed for a matching job in the reference market.

6. The total payroll generated shall not exceed 100 % of the midpoint of the salary scales developed in accordance with section 2 above.

1030

Draft Regulations

Draft Regulation

An Act respecting the acquisition of farm land by non-residents
(R.S.Q., c. A-4.1)

Tariff of duties, fees and costs — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the acquisition of farm land by non-residents, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to increase the duties to be paid by any person submitting an application for authorization to the Commission de protection du territoire agricole.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Serge Cardinal, Director of the Direction des affaires juridiques et des enquêtes, Commission de protection du territoire agricole, 25, Lafayette, 3^e étage, Longueuil (Québec), J4K 5C7.

GUY JULIEN,
*Minister of Agriculture,
Fisheries and Food*

Regulation to amend the Regulation respecting the tariff of duties, fees and costs made under the Act respecting the acquisition of farm land by non-residents

An Act respecting the acquisition of farm land by non-residents
(R.S.Q., c. A-4.1, s. 35, 1st par., subpar. 4)

1. The Regulation respecting the tariff of duties, fees and costs made under the Act respecting the acquisition of farm land by non-residents, made by Order in Council 89-91 dated 23 January 1991 and amended by Order in Council 1667-93 dated 1 December 1993, is further amended by substituting the amount “\$200” for the amount “\$100” in section 1.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1031

Draft Regulation

An Act to preserve agricultural land
(R.S.Q., c. P-41.1)

Tariff of duties, fees, expenses and costs (application for authorization and removal of exemptions) — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the tariff of duties, fees, expenses and costs made under the Act to preserve agricultural land, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to increase the amount to be paid by any person submitting an application for authorization and to remove exemptions.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Serge Cardinal, Director of the Direction des affaires juridiques et des enquêtes, Commission de protection du territoire agricole, 25, Lafayette, 3^e étage, Longueuil (Québec), J4K 5C7.

GUY JULIEN,
*Minister of Agriculture,
Fisheries and Food*

Regulation to amend the Regulation respecting the tariff of duties, fees, expenses and costs made under the Act to preserve agricultural land

An Act to preserve agricultural land
(R.S.Q., c. P-41.1, s. 80, pars. 2 and 8)

1. The Regulation respecting the tariff of duties, fees, expenses and costs made under the Act to preserve agricultural land, made by Order in Council 90-91 dated

23 January 1991 and amended by Order in Council 8-93 dated 13 January 1993, is further amended by substituting the amount "\$200" for the amount "\$95" in section 1.

2. The Regulation is amended by substituting the amount "\$10" for the amount "\$5" in section 3.

3. Sections 4 and 5 are revoked.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1032

Draft Regulation

An Act to preserve agricultural land
(R.S.Q., c. P-41.1)

Tariff of duties, fees, expenses and costs (registration of an appeal and revocation of exemptions)

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the tariff of duties, fees, expenses and costs, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to amend the tariff in force for registration of an appeal with the Tribunal d'appel en matière de protection du territoire agricole and to make it applicable to any person, including the government, public agencies, communities, municipalities and regional county municipalities.

To that end, it proposes to increase to \$200 the tariff of duties for registration of an appeal and to revoke the exemptions. Those duties, fixed at \$95 in 1992, must be indexed according to the rate of increase in the general Consumer Price Index on 1 January of each year and are fixed at \$99 since 1 January 1996. That amendment to the Regulation comes within the Government's user fee policy.

Thus, any person who wishes to file an appeal will have to pay an additional amount of \$101.

Further information may be obtained by contacting Mrs. Nicole Jobin, Secretary, 200, chemin Sainte-Foy, 4^e étage, Québec (Québec), G1R 4X6; tel. (418) 646-3047, fax: (418) 643-0022.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mrs. Rita Bédard, President of the Tribunal d'appel en matière de protection du territoire agricole, 200, chemin Sainte-Foy, 4^e étage, Québec (Québec), G1R 4X6.

GUY JULIEN,
*Minister of Agriculture,
Fisheries and Food*

Regulation to amend the Regulation respecting the tariff of duties, fees, expenses and costs

An Act to preserve agricultural land
(R.S.Q., c. P-41.1, s. 80, par. 8)

1. The Regulation respecting the tariff of duties, fees, expenses and costs, made by Order in Council 128-91 dated 6 February 1991 and amended by the Regulation made by Order in Council 1770-92 dated 9 December 1992, is amended in section 1 by substituting "\$200" for "\$95".

2. Section 2 is revoked.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1033

Draft Order in Council

An Act respecting land use planning and development
(R.S.Q., c. A-19.1)

Ville de La Baie

— Declaration of special planning zones

Notice is hereby given that the Government may make the Order in Council the text of which appears below and which declares that certain parts of the territory of Ville de La Baie will be special planning zones upon completion of the consultation mentioned below.

In accordance with section 161 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), a special planning zone order may be made only if a draft order has been previously published in the *Gazette officielle du Québec*.

From the date of this publication, in accordance with section 162 of the Act respecting land use planning and

development, and up to the date of the coming into force of the Order in Council, the following are prohibited on the territory covered by the draft Order in Council:

(1) any new construction, alteration, addition or installation, or any new use of land except uses of land and buildings for agricultural purposes on land under cultivation;

(2) any new cadastral operation and the parcelling out of a lot by alienation.

The Minister of Municipal Affairs or his representative will, prior to the making of the Order in Council and in accordance with the manner provided for in sections 163 and 156 of the Act respecting land use planning and development, hold a consultation on the content of the draft Order in Council.

Further information may be obtained from Mr. Pierre Turmel, advocate, 20, rue Pierre-Olivier-Chauveau, aile Chauveau, 3^e étage, Québec (Québec), G1R 4J3, tel.: (418) 691-2022, fax: (418) 644-5772.

RÉMY TRUDEL,
Minister of Municipal Affairs

Declaration of special planning zones in the territory of Ville de La Baie

WHEREAS on 19 and 20 July 1996, torrential rains caused total or substantial losses to several immovables located in certain parts of the territory of Ville de La Baie;

WHEREAS it is urgent to intervene rapidly in order to provide for the disaster victims land that may receive new homes;

WHEREAS the zoning by-laws presently applicable in those parts of the territory of the town do not provide for housing development;

WHEREAS in accordance with section 158 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the Government may, by order, declare any part of the territory of Québec to be a "special planning zone" in order to solve a development or environmental problem the urgency or seriousness of which, in the opinion of the Government, justifies its intervention;

WHEREAS section 160 of that Act provides that the order shall include the land use planning and development controls applicable in that zone;

WHEREAS due to the urgency and seriousness of the development problems with which the town and its citizens are confronted, it is important to amend the land use planning and development controls applicable to those parts of the territory;

WHEREAS by Resolution 96-479, adopted on 13 September 1996, the town requested that the Minister of Municipal Affairs adopt an Order in Council declaring certain parts of its territory special planning zones;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the parts of the territory of Ville de La Baie described below be declared "special planning zones" and that their perimeter be described as follows:

Zone 1

Zone 1 consists of two strips. One strip lies along the west edge of chemin de la Rivière, while the other strip lies along the east edge.

The west strip is 60 metres deep and 150 metres in length along the west edge of chemin de la Rivière, and its southern limit is the line dividing lots 313 and 314 of the cadastre of the Paroisse de Saint-Alexis.

The east strip is 60 metres deep and 150 metres in length along the east edge of chemin de la Rivière, and its southern limit is the line dividing lots 313 and 314 of the cadastre of the Paroisse de Saint-Alexis.

Zone 2

Zone 2 is a right triangle 70 metres high in a north-easterly direction, with its base 200 metres in length along the east edge of chemin de la Rivière and the hypotenuse lying in a southeasterly direction along the line dividing lots 269 and 270 of the cadastre of the Paroisse de Saint-Alexis.

Zone 3

Zone 3 consists of a strip 80 metres deep and 120 metres in front in length along the east edge of the new chemin de la Rivière, and its southern limit is the line dividing lots 286 and 290 of the cadastre of the Paroisse de Saint-Alexis.

Zone 4

Zone 4 consists of a strip 80 metres deep and 400 metres in length along the west edge of chemin de la Rivière, and its southern limit is the line dividing lot 289 of the cadastre of the Paroisse de Saint-Alexis and lot 85 of the cadastre of Ferland.

Zone 5

Zone 5 consists of a strip 60 metres deep and 470 metres in length along the north edge of the new chemin Saint-Jean, and its western limit is the line dividing lots 320 and 321 of the cadastre of the Paroisse de Saint-Alexis.

Zone 6

Zone 6 consists of a strip 60 metres deep and 200 metres in length along the northwest edge of the new chemin Saint-Jean, and its southwestern limit is the line dividing lots 331 and 332 of the cadastre of the Paroisse de Saint-Alexis.

Zone 7

Zone 7 consists of a strip 60 metres deep and 1300 metres in length along the east edge of chemin Saint-Bruno, and its northern limit is the line dividing lots 68 and 69 of the cadastre of the Paroisse de Saint-Alexis before the cadastral revision.

Zone 8

Zone 8 consists of a strip 60 metres deep and 1950 metres in length along the west edge of chemin Saint-Bruno, and its southern limit is the line dividing lots 351 and 352 of the cadastre of the Paroisse de Saint-Alexis.

Zone 9

Zone 9 consists of a strip 60 metres deep and 825 metres in length along the north edge of chemin des Chutes, and its eastern limit is the line dividing lots 569 and 568 of the cadastre of the Paroisse de Saint-Alphonse.

Zone 10

Zone 10 consists of a strip 60 metres deep and 150 metres in length along the north edge of chemin des Chutes, and its eastern limit is the line dividing lots 555 and 554 of the cadastre of the Paroisse de Saint-Alphonse.

Zone 11

Zone 11 consists of lots 3712-1 to 3712-58 and lots 837-1, 594-5, 594-3, 594-2, 594-1, 837-2 and 837-3 of the cadastre of Ville de La Baie;

THAT the objectives pursued be stated as follows:

(1) to provide land to the disaster victims as rapidly as possible, allowing them to rebuild a dwelling as soon as possible;

(2) to promote the return of families to their former neighbourhood;

(3) to avoid the creation of prejudices, in particular financial loss and psychological distress for persons already greatly affected by the total or partial loss of their property;

(4) to avoid speculation on land in the territory of Ville de La Baie;

THAT the land use planning and development controls applicable within the perimeters constituting the "special planning zones" described above be as follows:

The uses allowed are:

(1) In zones 1 to 10: residential use allowing the installation of single-dwelling buildings;

(2) In Zone 11: low-density residential use allowing the installation of detached buildings containing one to three dwellings or buildings containing four dwellings in a row;

THAT the Ville de La Baie be designated as the authority responsible for the administration of the land use planning and development controls applicable within the perimeters constituting the "special planning zones";

THAT the land use planning and development controls applicable within those zones be amended, reviewed or repealed in accordance with the procedure provided for in sections 123 and following of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

1036

Erratum

Bill 249

(Private)

An Act to amend the charter of the city of Québec

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 128, number 34, 21 August 1996.

On page 3845, the second paragraph of article 52, one should read “section 8” instead of “section 9”.

On page 3846, at the end of article 54, one should read “section 186.14” instead of “section 186.16”.

On page 3846, article 56, one should read “Section 7” instead of “Section 8”.

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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