

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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**PROVINCE OF QUÉBEC**

2nd SESSION

35th LEGISLATURE

QUÉBEC, 13 MARCH 1997

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## OFFICE OF THE LIEUTENANT-GOVERNOR

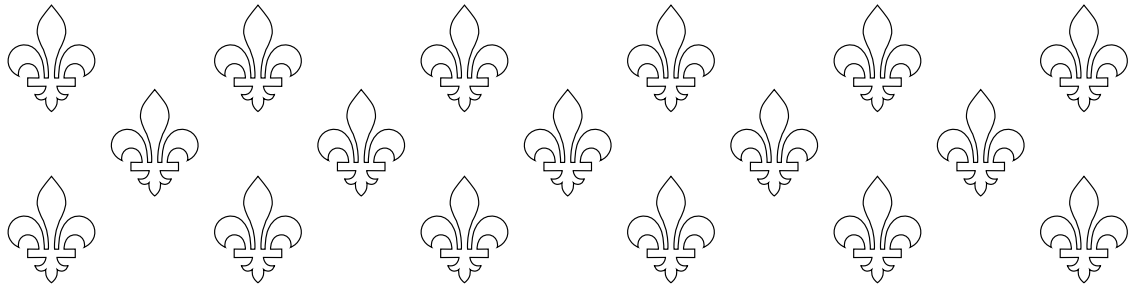
*Québec, 13 March 1997*

This day, at twelve minutes past twelve o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

93 Appropriation Act No. 1, 1997-98

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 93  
(1997, chapter 1)

## **Appropriation Act No. 1, 1997-98**

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**Introduced 12 March 1997**  
**Passage in principle 12 March 1997**  
**Passage 12 March 1997**  
**Assented to 13 March 1997**

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**Québec Official Publisher**  
**1997**

**EXPLANATORY NOTES**

*The object of this bill is to authorize the Government to pay out of the consolidated revenue fund the sum of \$354,700,000.00 representing 2.2% of the appropriations for the “Employment Assistance Measures” program of the “Emploi, Solidarité et Condition féminine” portfolio, and 10.0% of the appropriations for the “Financial Assistance Measures” program of the same portfolio.*

*The sum will appear in the Québec 1997-98 Expenditure Budget.*



## Bill 93

### APPROPRIATION ACT NO. 1, 1997-98

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** The Government may take out of the consolidated revenue fund a sum not exceeding \$354,700,000.00 to defray a part of the Québec 1997-98 Expenditure Budget that will be laid before the National Assembly and that is not otherwise provided for.

The sum is apportioned as follows :

(1) \$9,700,000.00 representing 2.2% of the appropriations to be voted for Program 3, "Employment Assistance Measures", of the "Emploi, Solidarité et Condition féminine" portfolio ;

(2) \$345,000,000.00 representing 10.0% of the appropriations to be voted for Program 4, "Financial Assistance Measures", of the "Emploi, Solidarité et Condition féminine" portfolio.

**2.** This Act comes into force on 13 March 1997.



## Coming into force of Acts

Gouvernement du Québec

### **O.C. 304-97, 12 March 1997**

#### **An Act to amend the Pesticides Act (1993, c. 77) — Coming into force**

COMING INTO FORCE of the Act to amend the Pesticides Act

WHEREAS the Act to amend the Pesticides Act (1993, c. 77) was assented to on 17 December 1993;

WHEREAS section 14 of that Act provides that the provisions of the Act will come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix 23 April 1997 as the date of coming into force of sections 1 to 8, section 10 in respect of respecting the repeal of section 108 of the Pesticides Act (R.S.Q., c. P-3.1) and sections 12 and 13 of that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT 23 April 1997 be fixed as the date of coming into force of sections 1 to 8, section 10 in respect of the repeal of section 108 of the Pesticides Act and sections 12 and 13 of the Act to amend the Pesticides Act (1993, c. 77).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 363-97, 19 mars 1997**

#### **Act to facilitate the payment of support (1995, c. 18) — Coming into force**

CONCERNING the coming into force of certain provisions of the Act to facilitate the payment of support (1995, c. 18)

WHEREAS the Act to facilitate the payment of support was assented to on 16 May 1995;

WHEREAS section 102 of the Act prescribes that it will come into force on the date or dates to be fixed by the Government;

WHEREAS Order in Council 1352-95 dated 11 October 1995 fixed 1 December 1995 as the date of coming into force of the Act, except sections 80, 85, 87, 88, 97 and 98, sections 81 and 96 where the collector of support payments is charged with compulsory execution of a judgment awarding support, subparagraph 1 of the first paragraph of section 99 and section 100;

WHEREAS Order in Council 547-96 dated 8 May 1996 fixed 16 May 1996 as the date of coming into force of sections 81 and 96 where the collector of support payments is charged with compulsory execution of a judgment awarding support, of sections 97 and 98 and subparagraph 1 of the first paragraph of section 99 of the Act;

WHEREAS it is expedient to fix 1 April 1997 as the date of coming into force of sections 80, 85, 87, 88 and 100 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and of the Minister for Revenue:

THAT 1 April 1997 be fixed as the date of coming into force of sections 80, 85, 87, 88 and 100 of the Act to facilitate the payment of support (1995, c. 18).

*Clerk of the Conseil exécutif,*  
MICHEL CARPENTIER

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## Regulations and other acts

Gouvernement du Québec

### O.C. 288-97, 5 March 1997

Designation of the territory or part of the territory of municipalities that the Government recognizes as a disaster area for the purposes of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996

WHEREAS section 2 of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, c. 45) provides that the Government shall designate the territory or part of the territory of municipalities it recognizes as a disaster area for the purposes of that Act;

WHEREAS the Minister of Public Security has obtained from Environment Canada information making it possible to identify the territories affected by the exceptionally intense low-pressure system that caused the torrential rains of 19 and 20 July 1996;

WHEREAS those rains caused very serious damage in a number of Québec municipalities;

WHEREAS it appears expedient to designate the territory or part of the territory of municipalities that the Government recognizes as a disaster area for the purposes of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and Minister for Canadian Intergovernmental Affairs:

THAT the territory of the following municipalities be recognized as a disaster area for the purposes of the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996:

— Regional County Municipalities (RCM's)

Caniapiscau	Le Fjord-du-Saguenay
Charlevoix	Le Haut-Saint-Maurice
Charlevoix-Est	Manicouagan
Francheville	Maria-Chapdelaine
La Côte-de-Beaupré	Mékinac
Lac-Saint-Jean-Est	Minganie
La Haute-Côte-Nord	Portneuf
Le Domaine-du-Roy	Sept-Rivières

— Municipalities

Durham-Sud (region 04)	Saint-Adolphe-d'Howard (region 15)
Boileau (region 07)	Saint-Faustin-Lac-Carré (region 15)
Maria (region 11)	Paroisse de Saint-Jovite (region 15)
Saint-François-de-la-Rivière-du-Sud (region 12)	Village de Val-David (region 15)
Canton d'Arundel (region 15)	Canton d'Harrington (region 15).
Montcalm (region 15)	

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### O.C. 305-97, 12 March 1997

Pesticides Act  
(R.S.Q., c. P-9.3)

Environment Quality Act  
(R.S.Q., c. Q-2)

#### Permits and certificates for the sale and use of pesticides

##### — Amendments

Regulation respecting permits and certificates for the sale and use of pesticides

Regulation to amend the Regulation respecting the application of the Environment Quality Act

WHEREAS sections 32, 101, 104 and paragraphs 1 to 11, 12 and 13 of section 109 of the Pesticides Act (R.S.Q., c. P-9.3) confer upon the Government the power to regulate the matters set forth therein and paragraph *f* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2) also confers upon the Government regulatory powers enabling it to make concordance amendments, as required, to the Regulation respecting the application of the Environment Quality Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regula-

tion respecting permits and certificates for the sale and use of pesticides and a draft of the Regulation to amend the Regulation respecting the application of the Environment Quality Act were published in Part 2 of the *Gazette officielle du Québec* of 15 May 1996 with a notice that they could be made by the Government upon the expiry of 60 days following those publications;

WHEREAS it is expedient to make the Regulation respecting permits and certificates for the sale and use of pesticides, with amendments, and the Regulation to amend the Regulation respecting the application of the Environment Quality Act, without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation respecting permits and certificates for the sale and use of pesticides, attached to this Order in Council, be made;

THAT the Regulation to amend the Regulation respecting the application of the Environment Quality Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting permits and certificates for the sale and use of pesticides

Pesticides Act  
(R.S.Q., c. P-9.3, ss. 32, 101 and 104  
and s. 109, pars. 1 to 11, 12 and 13)

### DIVISION I SCOPE

**1.** This Regulation applies to pesticides included in the classes of pesticides established by sections 2 to 10.

It also applies to immovables comprised in a reserved area or agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

### DIVISION II CLASSES OF PESTICIDES

**2.** Classes of pesticides 1 to 5 are hereby established.

Pesticides belong to the class of pesticides in which they are respectively included by sections 3 to 7.

A pesticide used in a form different from the form in which it is marketed continues to belong to the class in which it is included.

**3.** The following pesticides are included in Class 1:

(1) any pesticide the registration of which is not required by the Pest Control Products Act (R.S.C., 1985, c. P-9), except for a mixture of pesticide and fertilizer; and

(2) any pesticide composed of a mixture containing one or more of the following active ingredients:

- (a) aldicarb;
- (b) aldrin;
- (c) chlordane;
- (d) dieldrin;
- (e) endrin;
- (f) heptachlor.

**4.** A pesticide that is not specifically included in Class 1 or Class 3 is included in Class 2, where the container bears the word "RESTRICTED" on a label or inscription or where that word appears in a document accompanying it.

**5.** The following pesticides are included in Class 3:

(1) any pesticide that is not specifically included in another class, where the container bears the word "COMMERCIAL", "AGRICULTURAL" or "INDUSTRIAL" on a label or inscription or where that word appears in a document accompanying it;

(2) any pesticide composed of *Bacillus thuringiensis Berliner var Kurstaki* intended for use in forests or on wooded land; and

(3) any pesticide prepared by the user by mixing a fertilizer with a Class 3 pesticide.

**6.** The following pesticides are included in Class 4:

(1) any pesticide that is not specifically included in one of the other classes, where the container bears the word "DOMESTIC" on a label or inscription or where that word appears in a document accompanying it;

(2) any fertilizer-pesticide mixture for the lawn, except a mixture included in Class 3.

**7.** A pesticide whose container bears the word "DOMESTIC" on an inscription or label is included in Class 5 where

(1) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than one litre or one kilogram, respectively, and it is intended for one or more of the following uses exclusively:

(a) fabric protection, if the product is composed of paradichlorobenzene or naphthalene;

(b) as ant or cockroach bait, if the container protects users against contact with the product;

(c) as animal repellent, if the product is not polymerized butene-based or thiram-based;

(d) flea-repellant collars or tags for dogs and cats;

(e) insect repellent to be applied on human beings;

(f) herbicide for local treatment;

(2) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than one litre or one kilogram, respectively, and it is composed of a mixture that contains one or more of the following active ingredients exclusively:

(a) allethrin;

(b) D-Trans allethrin;

(c) cypermethrin;

(d) tetramethrin;

(e) resmethrin;

(f) pyrethrin;

(g) piperonyl butoxide;

(h) methopren;

(i) n-octyl bicycloheptene dicarboximide;

(j) di-n-propyl isocinchomeronate;

(k) n-octyl hydroxyethyl-2 sulphide;

(l) D-cis, trans allethrin;

(m) permethrin;

(n) deltamethrin;

(o) diatomaceous earth;

(p) soap; or

(3) it is composed of a mixture containing one or more of the following active ingredients exclusively:

(a) *Bacillus thuringiensis Berliner var Kurstaki*;

(b) diatomaceous earth;

(c) soap.

Notwithstanding clauses *o* and *p* of subparagraph 2 of the first paragraph, a mixture requiring no preparation or dilution containing exclusively soap or diatomaceous earth may be marketed in a volume or weight greater than one litre or kilogram.

**8.** A word appearing on a label or inscription or in an accompanying document and referred to in sections 4 to 7 means the word appearing on the principal display panel prescribed by the Pest Control Products Regulations for the designation of the class of a pest control product.

**9.** Ingredients that are used or prepared for use as the following are not included in the classes of pesticides established in sections 2 to 7:

(1) an algicide or bactericide for swimming pools or aquariums or for the treatment of drinking water;

(2) an air cleanser;

(3) a disinfectant; or

(4) a detergent additive.

**10.** Class 4 and Class 5 pesticides and the pesticides mentioned in section 9 are hereby designated for domestic use for the purposes of the second paragraph of section 34 of the Pesticides Act (R.S.Q., c. P-9.3).

### DIVISION III PERMITS

**11.** The following classes of permits relating to pesticides are hereby established:

(1) Class A: Wholesale Permit;

(2) Class B: Retail Permit;

(3) Class C: Remunerated Work Permit; and

(4) Class D: Non-Remunerated Work Permit.

#### §1. Sale of pesticides

**12.** Class A “Wholesale Permit” covers the following sales activities for resale purposes:

(1) the sale or offer for sale of a Class 1 to Class 5 pesticide to a person holding a wholesale permit or a Subclass B1 retail permit;

(2) the sale or offer for sale of a Class 4 or Class 5 pesticide to a person holding a Subclass B2 retail permit; and

(3) the sale or offer for sale of a Class 5 pesticide or of a pesticide that is a topical medication for external use on animals to a person who retails those pesticides.

**13.** Class B “Retail Permit” covers sales activities involving, for the purposes of use, Class 1 to Class 4 pesticides included in Subclasses B1 and B2 described below:

(1) Subclass B1 “Retail Sale of Class 1 to Class 4 Pesticides” covers the sale or offer for sale, for the purpose of use, of

(a) a Class 1 pesticide, to a person holding a certificate of authorization issued by the Minister of the Environment and Wildlife under section 22 of the Environment Quality Act (R.S.Q., c. Q-2);

(b) a pesticide composed in whole or in part of aluminum phosphide to a person holding

- i. a Subclass C6 or D6 permit;
- ii. a Subclass E4 or E5 certificate;

(c) a pesticide composed, in whole or in part, of methyl bromide, carbon dioxide and ethylene oxide to a person holding

- i. a Subclass C6 or D6 permit;
- ii. a Subclass E5 certificate;

(d) a Class 2 or Class 3 pesticide, other than those listed in subparagraphs *b* and *c*, to a person who

- i. holds a permit authorizing that person to cause work involving the use of that pesticide to be performed; or
- ii. is exempt from such permit, but holds an application certificate for Class E or Class F pesticides established by section 36 or 37 and authorizing that person to apply that pesticide or, if the person does not hold such a certificate, has a holder of such a certificate in his service;

(e) a Class 3 pesticide, other than a pesticide mentioned in subparagraph *c*, to the following persons or a person authorized to act on their behalf:

- i. a farmer whose agricultural operation is registered under the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 1692-91 dated 11 December 1991; and
- ii. a forest manager holding a management permit issued under the Forests Act (R.S.Q., c. F-4.1) for the cultivation and operation of a sugar bush for acericultural

purposes or for the supply of a wood processing plant, or recognized as a forest producer under Chapter II of Title II of that Act and holding a certificate issued under those legislative provisions; or

(f) a Class 4 pesticide to a legal person or a person at least 16 years of age;

(2) Subclass B2 “Retail Sale of Class 4 Pesticides” covers the sale or offer for sale, for the purpose of use, of a Class 4 pesticide to a legal person or a person at least 16 years of age.

## §2. Pesticide application

**14.** Class C “Remunerated Work Permit” covers activities involving the use of a Class 1 to Class 4 pesticide, carried on for remuneration and included in Subclasses C1 to C11 described below:

(1) Subclass C1 “Aerial Application” covers the application of a Class 1 to Class 4 pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass C2 “Aquatic Application” covers the application above water of a Class 1 to Class 4 pesticide on a boat’s hull and the application, using an application method other than by aircraft, of such pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass C3 “Application on Raw Land” covers the application of a Class 1 to Class 4 pesticide, using an application method other than by aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass C4 “Application in Ornamental Horticulture” covers the application of a Class 1 to Class 4 pesticide, using an application method other than by aircraft; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;



(b) in pedestrian areas, or parking or sports areas, in order to eliminate plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or eliminate plants growing therein.

(5) Subclass C5 “Application for Extermination” covers the application of a Class 1 to Class 4 pesticide, using an application method other than by aircraft, in order to destroy or control harmful vertebrate animals in places where they occur, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in the space enclosed by the tarpaulins and in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass C6 and pesticide application to control or destroy undesirable fish in an aquatic environment are not covered by this Subclass;

(6) Subclass C6 “Application by Fumigation” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, ethylene oxide and phosphine;

(7) Subclass C7 “Application in Forest Areas” covers the application of a Class 1 to Class 4 pesticide, using an application method other than by aircraft, in order to destroy or control animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass C8 “Application on Cultivated Land” covers the application of a Class 1 to Class 4 pesticide, using an application method other than by aircraft, on cultivated land, in order to destroy or control invertebrates harmful to crops growing thereon, except for decorative or ornamental plants, and to prevent or fight the parasitic diseases of those crops, to control their growth or to destroy plants harmful to them; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass;

(9) Subclass C9 “Application for Control of Stinging Insects” covers the application of a Class 1 to Class 4 pesticide, using an application method other than by aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(10) Subclass C10 “Application in Buildings for Horticultural Purposes” covers the application of a Class 1 to Class 4 pesticide that is not mentioned in Subclass C6

(a) on the plants cultivated in a building in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

(b) in any ornamental lake or pond located in a building in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 metre in width around a greenhouse, in order to control or eliminate the harmful vegetation or animals in that strip;

(11) Subclass C11 “Other Applications” covers the application of a Class C pesticide that is not included in Subclasses C1 to C10 and for which the application method, the purpose and the place of application are specified in the permit.

The holder of a Class C permit may also, in respect of a subclass corresponding to his permit, carry on the activities covered by a Class D permit.

**15.** Class D “Non-Remunerated Work Permit” covers activities involving the use of a Class 1 to Class 3 pesticide, carried on without remuneration and included in Subclasses D1 to D10 described below:

(1) Subclass D1 “Aerial Application” covers the application of a Class 1 to Class 3 pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass D2 “Aquatic Application” covers the application above water of a Class 1 to Class 3 pesticide on a boat’s hull and the application, using an application method other than by aircraft, of such pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass D3 “Application on Raw Land” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass D4 “Application in Ornamental Horticulture” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by aircraft; fumigation of a gas mentioned in Subclass D6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to eliminate plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or eliminate plants growing therein;

(5) Subclass D5 “Application for Extermination” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by aircraft, in order to destroy or control harmful vertebrate animals in places where they occur, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in the space enclosed by the tarpaulins and in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass D6 and pesticide application to control or destroy undesirable fish in an aquatic environment are not covered by this Subclass;

(6) Subclass D6 “Application by Fumigation” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, ethylene oxide and phosphine;

(7) Subclass D7 “Application in Forest Areas” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by aircraft, in order to destroy or control animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass D9 “Application for Control of Stinging Insects” covers the application of a Class 1 to Class 3 pesticide, using an application method other than by aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(9) Subclass D10 “Application in Buildings for Ornamental Horticulture Purposes” covers the application of a Class 1 to Class 3 pesticide, except fumigation of the gases referred to in Subclass D6,

(a) on ornamental or decorative plants cultivated in a building, in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

(b) in any ornamental lake or pond located in a building, in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 metre in width around a greenhouse, in order to control or eliminate the harmful vegetation or animals in that strip;

(10) Subclass D11 “Other Applications” covers the application of a Class D pesticide that is not included in Subclasses D1 to D10 and for which the application method, the purpose and the place of application are specified in the permit.

### §3. *Exemption from permit*

**16.** A pesticide is exempted from the application of the second paragraph of section 34 of the Pesticides Act where it is used

(1) to prepare water or fluid used in the operation of evaporation, washing, extraction, cooling, pasteurization or heating equipment or in the manufacture of a product other than a pesticide; or

(2) in a pesticide injection system in a drinking water catchment facility or in an industrial water intake, in order to prevent the proliferation of zebra mussels in such facilities and in the pipes they supply.

### §4. *Application for a permit or for modification of a permit*

**17.** Every application for a permit or for modification of a permit shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, domicile and postal address;

(2) if the applicant is a legal person, its name and head office, the names, domiciles and postal addresses of its officers, and the quality of the person signing the application;

(3) if the applicant is a partnership within the meaning of the Civil Code of Québec, the names, domiciles and postal addresses of the partners;

(4) a statement identifying the class and, where applicable, the subclasses of the permit covered by the application;

(5) a statement identifying the classes of pesticides the applicant intends to sell or use in carrying on his activities; and

(6) the name and address of the place of business or establishment for which the permit is applied for or, for a Class A, B or C permit, the name and address of each establishment located in Québec that is covered by the application and will be used in the carrying on of the activities for which the permit is applied for.

**18.** In addition to the information prescribed by section 17, the application for a permit or modification of a permit shall be accompanied by,

(1) in the case of a legal person, its charter, a certified copy of the resolution authorizing the signing of the application for a permit and the registration number assigned by the Inspector General of Financial Institutions;

(2) in the case of a partnership within the meaning of the Civil Code of Québec, a copy of the contract of partnership or of the declaration of partnership required under that Code; and

(3) where a name different from its proper name is used, a copy of the notice to the Inspector General of Financial Institutions.

**19.** Where modification of a permit is applied for, the applicant is exempt from the obligation to provide a document already provided to the Minister with a prior application, where the information in the document already provided is still up to date.

**20.** An applicant for a permit or modification of a permit shall pay the fees exigible with his application, in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

**21.** The fees exigible for the issue of a permit are

- |                               |        |
|-------------------------------|--------|
| (1) for a Class A permit:     | \$450; |
| (2) for a Subclass B1 permit: | \$450; |
| (3) for a Subclass B2 permit: | \$150; |
| (4) for a Class C permit:     | \$450; |
| (5) for a Class D permit:     | \$75.  |

**22.** The fees exigible for the issue of a temporary permit are

- |                           |        |
|---------------------------|--------|
| (1) for a Class C permit: | \$200; |
| (2) for a Class D permit: | \$75.  |

**23.** The fees exigible for the issue of a permit shall be indexed on 1 January of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada.

The fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of the Environment and Wildlife shall inform the public, through Part 1 of the *Gazette officielle du Québec* and by such other means as he considers appropriate, of the indexing calculated under this section.

**24.** Every person who applies for a Class A, B or C permit and who carries on his activities in two or more establishments in Québec shall pay the fees exigible under section 21 for each establishment that he uses to carry on his activities.

**25.** A holder of a Class A, B or C permit who wishes to carry on an activity in a new establishment in Québec for the carrying on of activities already authorized by his permit shall first apply for modification of his permit; with his application for modification, he shall pay the fees exigible under section 21 for each establishment covered by the application. Notwithstanding the foregoing, if the application is made during the last 18 months of the permit's term, the fees are fixed at one-half of the fees prescribed in section 21.

**26.** The fees prescribed in section 21 apply to an application for modification of a permit where the holder applies for a change from Subclass B2 to Subclass B1.

Furthermore, if the application is made during the last 18 months of the permit's term, the fees are fixed at one-half of the fees prescribed in section 21.

**27.** The charge exigible for the issue of a duplicate of a permit is \$5.

**28.** An application for renewal of a permit shall be made at least 30 days before it expires, on the form provided by the Minister.

The application shall include the information prescribed in section 17, the permit number and the date of expiry.

Where the application is made by a legal person, it shall also include the documents prescribed in paragraph 1 of section 18, except the charter, unless the charter has been amended since the a copy thereof was sent when the permit was applied for; in such case, the application shall include a copy of the amendment to the charter.

The applicant shall pay, with his application, the fees exigible for the issue of a permit, in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

**29.** The issuance or renewal of a temporary Class C permit is conditional on the furnishing by the applicant or by a third party on the applicant's behalf of a guarantee intended to reimburse the Minister for any costs he incurs for measures taken pursuant to section 24, 26 or 27 of the Pesticides Act.

The amount of such guarantee is \$50 000.

**30.** The guarantee shall be furnished as

(1) cash, a bank money order or a certified cheque to the order of the Minister of Finance;

(2) bearer bonds issued or guaranteed by Québec, Canada or a Canadian province or territory, the United States of America or one of its member states, the International Bank for Reconstruction and Development, a municipality or a school board in Canada or a fabrique in Québec;

(3) security or a guarantee policy, with a stipulation that it is joint and several and with a waiver of the benefits of discussion and division, taken out with a legal person authorized to stand surety under the Bank Act (S.C., 1991, c. 46), the Savings and Credit Unions Act (R.S.Q., c. C-4.1), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01) or the Act respecting insurance (R.S.Q., c. A-32); or

(4) an irrevocable letter of credit issued by a bank or a savings and credit union.

**31.** The cash, cheques or securities furnished as a guarantee shall be deposited with the Minister of Finance for the term of the permit and until the expiry of the 6-month period following the date of expiry or revocation of the permit, whichever occurs first.

**32.** A guarantee furnished as security, a guarantee policy or a letter of credit shall have a term equal to that of the permit.

The guarantee shall contain a clause stipulating that the period during which a claim may be made based on the permit holder's failure to discharge his obligations must extend at least 6 months after the guarantee expires or, as the case may be, after its revocation, resiliation or cancellation.

Any revocation, resiliation or cancellation clause in a guarantee may take effect only after advance notice of at least 15 days is sent to the Minister by registered mail.

#### DIVISION IV CERTIFICATES

**33.** The following classes of certificates relating to the sale and application of pesticides are hereby established:

- |   |           |
|---|-----------|
| (1) Certificate for the Sale of Pesticides:                         | Class AB; |
| (2) Certificate for the Application of Pesticides:                  | Class CD; |
| (3) Farmer's Certificate for the Application of Pesticides:         | Class E;  |
| (4) Forest Manager's Certificate for the Application of Pesticides: | Class F.  |

#### §1. Sale of pesticides

**34.** A Class AB "Certificate for the Sale of Pesticides" authorizes a natural person holding the certificate to perform the sales activities described in Class A "Wholesale Permit", in respect of Class 1 to Class 5 pesticides, or the sales activities described in Class B "Retail Permit", Subclass B1, in respect of Class 1 to Class 4 pesticides, or Subclass B2, in respect of Class 4 pesticides, or to supervise those activities at the places where they are performed.

#### §2. Pesticide application

**35.** A Class CD "Certificate for the Application of Pesticides" covers activities involving the use of Class 1 to Class 4 pesticides, carried on by a person who is not covered by Class E or Class F and included in Subclasses CD1 to CD11 described below:

(1) a Subclass CD1 "Certificate for Aerial Application" authorizes the natural person holding it to carry on

the activities described in permit Subclass C1, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D1, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(2) a Subclass CD2 “Certificate for Aquatic Application” authorizes the natural person holding it to carry on the activities described in permit Subclass C2, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D2, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(3) a Subclass CD3 “Certificate for Application on Raw Land” authorizes the natural person holding it to carry on the activities described in permit Subclass C3, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D3, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(4) a Subclass CD4 “Certificate for Application in Ornamental Horticulture” authorizes the natural person holding it to carry on the activities described in permit Subclass C4, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D4, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(5) a Subclass CD5 “Certificate for Extermination” authorizes the natural person holding it to carry on the activities described in permit Subclass C5, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D5, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(6) a Subclass CD6 “Certificate for Fumigation” authorizes the natural person holding it to carry on the activities described in permit Subclass C6 or Subclass D6, in respect of the gases mentioned in those subclasses, or to supervise those activities at the places where they are performed;

(7) a Subclass CD7 “Certificate for Application in Forest Areas” authorizes the natural person holding it to carry on the activities described in permit Subclass C7, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D7, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(8) a Subclass CD8 “Certificate for Application on Cultivated Land” authorizes the natural person holding it to carry on the activities described in permit Subclass

C8, in respect of a Class 1 to Class 4 pesticide, or to supervise those activities at the places where they are performed;

(9) a Subclass CD9 “Certificate for Application for Control of Stinging Insects” authorizes the natural person holding it to carry on the activities described in permit Subclass C9, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D9, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(10) a Subclass CD10 “Certificate for Application in Buildings for Horticultural Purposes” authorizes the natural person holding it to carry on the activities described in permit Subclass C10, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D10, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed;

(11) a Subclass CD11 “Certificate for Other Applications” authorizes the natural person holding it to carry on the activities described in permit Subclass C11, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D11, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities at the places where they are performed.

**36.** A Class E “Farmer’s Certificate for the Application of Pesticides” covers the activities involving the use of a Class 1 to Class 3 pesticide that are included in Subclasses E1 to E5 described below and are carried on by a natural person who is a farmer, a person authorized to act on behalf of a farmer, or a farmer’s employee, or who is acting under the supervision of a Class E certificate holder:

(1) a Subclass E1 “Farm Producer’s Certificate” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a Class 1 or Class 2 pesticide, except work described in Subclasses E3, E4 and E5, on an agricultural operation, including a woodlot forming a part thereof, registered under the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 1692-91 dated 11 December 1991, in order to destroy or control harmful animals and plants, to control the growth of plants, to protect those plants against parasitic diseases, or to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of the agricultural operation; and

(b) to supervise those activities at the places where they are performed;

(2) a Subclass E2 “Farmer’s Certificate” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a Class 1 to Class 3 pesticide, except the work described in Subclasses E3, E4 and E5, in order to destroy or control harmful animals and plants on an agricultural operation and the woodlot forming a part thereof, to control the growth of plants and to protect them from parasitic diseases, to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of an agricultural operation; and

(b) to supervise those activities at the places where they are performed;

(3) a Subclass E3 “Farmer’s Certificate for Application in Buildings for Horticultural Purposes” authorizes the holder

(a) to perform, in a building, work involving the use of a Class 1 to Class 3 pesticide, except the work described in Subclasses E4 and E5

i. on plants cultivated therein and intended for sale in whole or in part, in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

ii. in ornamental lakes and ponds located in the building, in order to control or to eliminate the plants growing therein;

(b) to apply a pesticide referred to in subparagraph *a* on a strip not exceeding 1 metre in width around a greenhouse, in order to control or to eliminate the harmful vegetation or animals within that strip;

(c) to supervise the activities provided for in subparagraphs *a* and *b* at the places where they are performed;

(4) a Subclass E4 “Certificate for the Fumigation of Phosphine” authorizes the holder to fumigate phosphine on an agricultural operation or to supervise that activity at the places where it is performed;

(5) a Subclass E5 “Certificate for the Fumigation of Certain Gases” authorizes the holder to fumigate methyl bromide, carbon dioxide, ethylene oxide or phosphine or to supervise that activity at the places where it is performed.

**37.** A Class F “Forest Manager’s Certificate for the Application of Pesticides” covers activities involving the use of a Class 1 to Class 3 pesticide, included in Subclasses F1 and F2 described below and carried on by a natural person who is a forest manager exempt from the obligation to hold a permit under paragraph 2 of section 35 of the Act, a person authorized to act on behalf of such forest manager or a person employed by such forest manager or acting under the supervision of a Class F certificate holder:

(1) a Subclass F1 “Certificate of a Forest Producer or of a Holder of a Forest Management Permit” authorizes the holder

(a) to perform, using an application method other than by aircraft, work involving the use of a Class 1 or Class 2 pesticide, in order to destroy or control harmful animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation in a forest operation managed by a forest producer recognized under Chapter II of the Forests Act and holding a certificate issued under those provisions or operated under a management permit issued under that Act for the cultivation and operation of a sugar bush for acericultural purposes or for the supply of a wood processing plant;

(b) to supervise those activities at the places where they are performed;

(2) a Subclass F2 “Forest Manager’s Certificate” authorizes the holder to perform, using an application method other than by aircraft, work involving the use of a Class 1 to Class 3 pesticide, in order to destroy or control harmful animals, vegetation or parasitic diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation and to supervise those activities at the places where they are performed.

**§3.** *Application for a certificate or for modification of a certificate*

**38.** Any application for a certificate or for modification of a certificate shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, address and telephone number;

(2) a statement identifying the certificate class and, where applicable, the subclasses covered by the application; and

(3) a statement identifying the classes of pesticides the applicant intends to sell or use in carrying on his activities.

The application for a certificate shall be accompanied by an attestation that the applicant has passed the examination prescribed or recognized by the Minister or by the documents required by the Minister pursuant to subparagraph 1 of the first paragraph of section 54 of the Act.

Where a Subclass E1 or F1 certificate is applied for, the application shall be accompanied, as the case may be, by a copy of the farm producer card, of the forest producer certificate or of the forest management permit.

An application for modification of a certificate shall also be accompanied by the attestation or documents referred to in the third paragraph where the holder applies for a change of certificate class or for a subclass to be changed or added.

**39.** The fees exigible for the issue of a certificate are \$125. They shall be paid with the application for a certificate, in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

Those fees shall be indexed on 1 January of each year in accordance with the provisions of section 23.

**40.** The charge exigible for the issue of a duplicate of a certificate is \$5.

**41.** An application for renewal of a certificate shall be made at least 30 days before it expires, on the form provided by the Minister of the Environment and Wildlife.

The application shall include the information prescribed in the second paragraph of section 38, the certificate number, its date of expiry and the documents mentioned in the fourth paragraph of section 38.

**42.** An application for renewal shall be accompanied by the fees exigible under section 39, in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

## DIVISION V TERMS AND CONDITIONS APPLICABLE TO PERMITS AND CERTIFICATES

**43.** A holder of a permit or certificate for the sale of pesticides may not sell, or cause to be sold, a pesticide that is specifically mentioned in section 13 or a pesticide belonging to a class of pesticides mentioned in his class of permit or certificate, to a person who is not identified in that class of permit or certificate as a person authorized to acquire that pesticide.

**44.** A holder of a Remunerated Work Permit may neither offer to perform for remuneration, nor perform or cause to be performed for remuneration, work involving the application of a pesticide other than a Class 5 pesticide for a purpose, at a place, in a space, on an object or property or using an application method that is not covered by his permit.

**45.** A holder of a Non-Remunerated Work Permit may neither offer to perform, nor perform or cause to be performed, work involving the application of a Class 1 to Class 3 pesticide for a purpose, at a place, in a space, on an object or property or using an application method that is not covered by his permit.

**46.** A holder of a Class CD, E or F certificate may not supervise or perform work involving the application of a pesticide of a class mentioned in one of the certificate subclasses of those classes for a purpose, at a place, in a space, on an object or property or using an application method that is not covered by his certificate.

## DIVISION VI REGISTERS

**47.** A holder of a Class A permit shall keep a register of his purchases and sales, as well as account books. He shall also keep the related vouchers.

For each transaction involving the purchase or sale of a Class 1 to Class 5 pesticide, the register, account books and vouchers shall indicate the name, address, permit number of the holder and, where applicable, the name and address of the establishment involved, and the following information:

(1) the name, address and permit number of the customer for the register of sales and the name, address and permit number of the supplier for the register of purchases;

(2) the name, class, federal registration number and quantity of the pesticide purchased or sold; and

(3) the date of the transaction.

**48.** A holder of a Class A permit shall forward to the Minister, not later than 31 January of each year, an account of the information kept in the registers, indicating for each Class 1 to Class 5 pesticide that he manufactures or buys directly from a supplier not holding a sales permit, the name, federal registration number and total quantity of pesticide sold between 1 January and 31 December of the preceding year.

**49.** A holder of a Subclass B1 permit shall keep a register of his purchases and sales, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate the name, address and permit number of the holder and, where applicable, the name and address of the establishment involved, and the following information:

(1) for each transaction involving the purchase of a Class 1 to Class 3 pesticide:

(a) the name, address and permit number of the supplier;

(b) the name, class, federal registration number and quantity of the pesticide purchased; and

(c) the date of the transaction;

(2) for each transaction involving the sale of a Class 1 to Class 3 pesticide:

(a) the customer's name and address and

i. the permit number, if he is the holder of a permit;

ii. the certificate number, if he is the holder of a certificate; and

iii. the certificate number of the customer's employee, if the customer is a person exempt from a permit under section 35 of the Act;

(b) the name, class, federal registration number and quantity of the pesticide sold;

(c) the date of the transaction;

(d) where a Class 1 pesticide is sold, the file number of the customer's certificate of authorization issued under section 22 of the Environment Quality Act;

(e) where a Class 3 pesticide is sold to a person referred to in clauses *i* and *ii* of subparagraph *e* of paragraph 1 of section 13:

i. the number of the farmer's registration card;

ii. the number of the forest producer's card or of the forest manager's management permit.

**50.** A holder of a Class C or Class D permit shall keep a register of his purchases, as well as account books. He shall also keep the related vouchers.

For each transaction involving the purchase of a Class 1 to Class 3 pesticide, the register, account books and vouchers shall indicate the name, address and permit number of the holder and, where applicable, the name and address of the establishment involved, as well as the following information:

(1) the supplier's name, address and permit number;

(2) the name, class, federal registration number and quantity of the pesticide purchased; and

(3) where a Class 1 pesticide is purchased, the file number of his certificate of authorization issued under section 22 of the Environment Quality Act.

**51.** A holder of a Class C permit shall keep a pesticide use register, as well as account books. He shall also keep the related vouchers.

For each transaction relating to work involving the use of a Class 1 to Class 4 pesticide, the registers, account books and vouchers shall indicate the name, address and permit number of the holder and, where applicable, the name and address of the establishment involved, as well as the following information:

(1) the date on which the work is performed;

(2) the customer's name and address;

(3) the reasons warranting the work and the place where it was performed;

(4) identification of what the treatment was applied to, including the surface area and the volume or quantity;

(5) the name, class, federal registration number and quantity of the pesticide used; and

(6) the name of the certificate holder who performed the work or supervised it and the certificate number; that certificate holder shall sign the register in respect of those entries.



In the case of a Subclass C1 permit, the following information shall be furnished, in addition to the information prescribed in the first paragraph:

- (1) wind direction; and
- (2) the pilot's name, and the type and registration number of each aircraft used.

The holder of a Subclass C1 permit shall hold and keep a map indicating the space treated and the take-off site of the aircraft used.

**52.** A holder of a Class D permit shall keep a use register for Class 1 to Class 3 pesticides, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address and permit number and, for each use, at least the date, information and signatures referred to in subparagraphs 3 to 6 of the second paragraph of section 51.

In the case of a holder of a Subclass D1 permit, the registers, account books and vouchers shall also indicate the information provided for in the third paragraph of section 51. The holder of a Subclass D1 permit shall hold and keep the card provided for in the fourth paragraph of section 51.

**53.** The holder of a Class C6 or D6 permit shall also record in the pesticide use register, the date and time of each gas content measurement taken during the ventilation period of a place he has fumigated, as well as the concentration of fumigated gas measured.

**54.** A permit holder shall keep the registers and account books referred to in sections 47 to 53 for 5 years following the last entry, the vouchers for 5 years following their date and the map referred to in section 51 for 5 years following completion of the work.

**55.** A document evidencing a transaction and containing at least the information that must be recorded in a register provided for in sections 47 to 53 may stand in lieu of such register. That document shall be kept by the person required to keep the register for at least 5 years following its date.

## **DIVISION VII** PENAL, TRANSITIONAL AND FINAL

**56.** Contravention of sections 43 to 46 constitutes an offence.

**57.** The permits and certificates issued under the regulations replaced by this Regulation remain in force until they expire and correspond, with no other formality, to those listed in Schedule I.

**58.** An application for modification of a permit or certificate issued under a regulation replaced by this Regulation does not change the term of the permit or certificate.

**59.** An application for modification of a permit issued in accordance with a regulation replaced by this Regulation to change from Subclass B2 to Subclass B1 or to add a new establishment may be made upon payment of the following fees:

(1) for a Class A permit	\$300;
(2) for a Subclass B1 permit	\$300;
(3) for a Subclass B2 permit	\$100;
(4) for a Class C permit	\$300.

Where the application is made during the last 12 months of the permit's term, the required fees are one-half of those prescribed in the first paragraph.

**60.** This Regulation replaces the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988, the Regulation respecting the application of pesticides on farms, made by Order in Council 875-88 dated 8 June 1988, and the Regulation respecting the application of pesticides in forests, made by Order in Council 876-88 dated 8 June 1988.

**61.** This Regulation comes into force on 23 April 1997.

**SCHEDULE I**

(s. 57)

## TABLE OF EQUIVALENCES FOR PERMITS AND CERTIFICATES

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**Classes and subclasses of permits issued in accordance with the Regulation respecting pesticides made by Order in Council 874-88 dated 8 June 1988**

<b>Classes and subclasses of permits issued in accordance with the Regulation respecting pesticides made by Order in Council 874-88 dated 8 June 1988</b>	<b>Equivalences of permit classes and subclasses</b>
A - Wholesale	A - Wholesale
B.1 - Retail - Classes 1 to 4	B1 - Retail - Classes 1 to 4
B.2 - Retail - Class 4	B2 - Retail - Class 4
C - Commercial use	C - Remunerated work
C.1 - Aerial application	C1 - Aerial application
C.2 - Aquatic application	C2 - Aquatic application C9 - Application for control of stinging insects
C.3 - Application for maintenance of road, rail and energy transportation corridors	C3 - Application on raw land
C.4 - Application for landscape maintenance	C4 - Application in ornamental horticulture C10 - Application in buildings for horticultural purposes
C.5 - Application for extermination	C5 - Application for extermination
C.6 - Application by fumigation	C6 - Application by fumigation
C.7 - Forest application	C7 - Application in forest areas
C.8 - Agricultural application	C8 - Application on cultivated land C10 - Application in buildings for horticultural purposes
C.9 - Application not referred to	C11 - Other applications
D - Private use	D - Non-remunerated work
D.1 - Aerial application	D1 - Aerial application
D.2 - Aquatic application	D2 - Aquatic application D9 - Application for control of stinging insects
D.3 - Application for maintenance of road, rail, and energy transportation corridors	D3 - Application on raw land
D.4 - Application for landscape maintenance	D4 - Application in ornamental horticulture D10 - Application in buildings for horticultural purposes
D.5 - Application for extermination	D5 - Application for extermination
D.6 - Application by fumigation	D6 - Application by fumigation
D.7 - Forest application	D7 - Application in forest areas
D.9 - Application not referred to	D11 - Other applications

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<b>Classes and subclasses of certificates issued in accordance with the Regulation respecting pesticides</b>	<b>Equivalences of certificate classes and subclasses</b>
A - Wholesaler	AB - Sale of pesticides
B.1 - Retail - Classes 1 to 4	AB - Sale of pesticides
B.2 - Retail - Class 4	AB - Sale of pesticides
C - Commercial use	CD - Application of pesticides
C.1 - Aerial application	CD1 - Aerial application
C.2 - Aquatic application	CD2 - Aquatic application CD9 - Application for control of stinging insects
C.3 - Application for maintenance of road, rail and energy transportation corridors	CD3 - Application on raw land
C.4 - Application for landscape maintenance	CD4 - Application in ornamental horticulture CD10 - Application in buildings for horticultural purposes
C.5 - Application for extermination	CD5 - Application for extermination
C.6 - Application by fumigation	CD6 - Application by fumigation
C.7 - Forest application	CD7 - Application in forest areas
C.8 - Agricultural application	CD8 - Application on cultivated land CD10 - Application in buildings for horticultural purposes
C.9 - Application not referred to	CD11 - Other applications
D - Private use	CD - Application of pesticides
D.1 - Aerial application	CD1 - Aerial application
D.2 - Aquatic application	CD2 - Aquatic application CD9 - Application for control of stinging insects
D.3 - Application for maintenance of road, rail and energy transportation corridors	CD3 - Application on raw land
D.4 - Application for landscape maintenance	CD4 - Application in ornamental horticulture CD10 - Application in buildings for horticultural purposes
D.5 - Application for extermination	CD5 - Application for extermination
D.6 - Application by fumigation	CD6 - Application by fumigation
D.7 - Forest application	CD7 - Application in forest areas
D.9 - Application not referred to	CD11 - Other applications

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**Certificates issued in accordance with the Regulation respecting the application of pesticides on farms made by Order in Council 875-88 dated 8 June 1988**

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Private farm user (farmer applicant status)

**Equivalences of certificate subclasses**

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E1 - Farm producer (holding a farm producer's card)  
 E3 - Application in buildings for horticultural purposes  
 E4 - Fumigation of phosphine  
 E5 - Fumigation of certain gases  
 OR  
 E2 - Farmer (not holding a card)  
 E3 - Application in buildings for horticultural purposes  
 E4 - Fumigation of phosphine  
 E5 - Fumigation of certain gases

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**Certificates issued in accordance with the Regulation respecting the application of pesticides in forests made by Order in Council 876-88 dated 8 June 1988**

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Private forest user  
 (forest manager applicant status)

**Equivalences of certificate subclasses**

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F1 - Forest producer  
 (holding a forest producer's card)  
 OR  
 F2 - Forest manager (not holding a card)

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**Regulation to amend the Regulation respecting the application of the Environment Quality Act**

Environment Quality Act  
 (R.S.Q., c. Q-2, s. 31, par. f)

**1.** The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, is amended, in subparagraph *b* of paragraph 10 of section 2, by substituting the following: “, as established in the Regulation respecting permits and certificates for the sale and use of pesticides, made by this Order in Council,” for “established in Schedule I to the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988”.

**2.** This Regulation comes into force on 23 April 1997.

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Gouvernement du Québec

**O.C. 309-97, 12 March 1997**

An Act respecting market intermediaries  
 (R.S.Q., c. F-15.1)

**Association des courtiers d'assurances de la province de Québec**  
 — Amendments

By-law to amend the By-law of the Association des courtiers d'assurances de la province de Québec

WHEREAS under subparagraphs 1, 2 and 3 of the first paragraph of section 125 of the Act respecting market intermediaries (R.S.Q., c. I-15.1), the Association des courtiers d'assurances de la province de Québec shall, by by-law which shall be submitted to the Government for approval, determine the conditions of admission, refusal, renewal, removal, expulsion and readmission of members of the Association, the rules relating to the discipline applicable to damage-insurance brokers and the membership fees payable;

WHEREAS on 30 October 1996, the Association made the By-law to amend the By-law of the Association des courtiers d'assurances de la province de Québec;

WHEREAS in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the By-law to amend the By-law of the Association des courtiers d'assurances de la province de Québec was published in Part 2 of the *Gazette officielle du Québec* of 12 February 1997, with a notice that it could be approved by the Government at the expiry of fifteen days from that publication;

WHEREAS the fifteen-day period has expired;

WHEREAS under section 18 of the Regulations Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of that Act, where the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— the amendments proposed by the Draft By-law were adopted by a majority vote of the members of the Association at a general assembly held on 30 October 1996;

— in view of the fact that the membership renewal date is currently 1 April, the implementation of new procedures allowing renewal to be spread over a ten-month period must be in force no later than 1 April 1997 in order for the members concerned and the Association to be able to benefit therefrom beginning this year;

— the increase in membership fees applicable to firms will generate additional revenues for the Association. In order for the Association to benefit therefrom beginning in the next fiscal year, that measure must come into force no later than 1 April 1997;

WHEREAS under section 203 of the Act respecting market intermediaries, the Government may amend any by-law submitted to it for approval;

WHEREAS it is expedient to approve the By-law with amendments;

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

THAT the By-law to amend the By-law of the Association des courtiers d'assurances de la province de Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## By-law to amend the By-law of the Association des courtiers d'assurances de la province de Québec

An Act respecting market intermediaries  
(R.S.Q., c. I-15.1, s. 125)

**1.** The By-law of the Association des courtiers d'assurances de la province de Québec, approved by Order in Council 1017-91 dated 17 July 1991 and amended by the By-laws approved by Orders in Council 274-93 dated 3 March 1993 and 413-94 dated 23 March 1994, is further amended in section 1

(1) by striking out subparagraph 11 of the first paragraph; and

(2) by revoking Schedule I.

**2.** Section 6 is amended by adding the words “or a copy of a certificate attesting to its incorporation” at the end of subparagraph 8 of the first paragraph.

**3.** The following is substituted for sections 26 to 34.1:

“**26.** The annual membership fees payable by a member of the Association shall be:

(1) \$450 for a natural person;

(2) \$100 for a firm.

**27.** The membership fees paid by a member are not refundable, except in the case provided for in section 30.

**28.** The annual membership fees payable by a member who is a natural person must be paid not later than the first day of the month corresponding to the first letter of his surname:

(1) 1 February, if that letter is A or B;

(2) 1 March, if that letter is C or D;

(3) 1 April, if that letter is E, F or G;

(4) 1 May, if that letter is H, I or J;

(5) 1 June, if that letter is K or L;

(6) 1 August, if that letter is M or N;

(7) 1 September, if that letter is O or P;

- (8) 1 October, if that letter is Q or R;
- (9) 1 November, if that letter is S, T or U;
- (10) 1 December, if that letter is V, W, X, Y or Z.

**29.** Where a natural person applies to be admitted or readmitted to the Association, the term of membership shall extend from the date of admission or readmission to the date on which the annual membership fees become payable under section 28, but shall not be less than 6 months nor more than 18 months.

Where the term of membership is for a period of less than or more than 12 months, the membership fees of a member shall be established proportionally to the number of months, including a part of a month, corresponding to the term of membership.

**30.** A member who is a natural person and has been expelled from the Association under paragraph 3 of section 15 may obtain a full refund of the membership fees paid by applying in writing to the Association.

**31.** The amount of the membership fees payable by members who are natural persons and who renew their membership on 1 April 1997 shall be established proportionally to the number of months remaining to run until the payment required under section 28.

**32.** The annual membership fees payable by a firm must be paid not later than 1 April.

**33.** Where a new member that is a firm is admitted or readmitted to the Association, it must pay, as its initial membership fees, the totality of the annual membership fees.”.

**4.** The following is substituted for section 48:

“**48.** Where a member is notified that a complaint has been filed against him, he must not communicate with the complainant, unless required to do so in order to execute his commission.”.

**5.** This Regulation comes into force on 1 April 1997.

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Gouvernement du Québec

**O.C. 324-97, 12 March 1997**

Hydro-Québec Act  
(R.S.Q., c. H-5)

**Electricity rates and their conditions of application  
— Amendments**

Hydro-Québec Bylaw Number 655 modifying Bylaw Number 642 previously modified by Bylaw Number 644 establishing electricity rates and their conditions of application

WHEREAS in accordance with section 22.0.1 of the Hydro-Québec Act (R.S.Q., c. H-5), the bylaws fixing the rates and conditions upon which power is supplied are subject to the approval of the Government;

WHEREAS by Order in Council 461-96 dated 17 April 1996, the Government approved Bylaw Number 642 establishing electricity rates and their conditions of application;

WHEREAS by Order in Council 608-96 dated 22 May 1996, the Government approved Hydro-Québec Bylaw Number 644 modifying Bylaw Number 642 cited above, so as to include service rates in Hydro-Québec's rates bylaw;

WHEREAS at its meeting of 19 December 1996, Hydro-Québec's board of directors made Bylaw Number 655 modifying Bylaw Number 642 in respect of the reimbursement that may be granted when a municipal electrical distribution system supplies a customer at rate L;

WHEREAS under Order in Council 250-87 dated 18 February 1987, such bylaws are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to approve the Bylaw;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Natural Resources:

THAT Hydro-Québec Bylaw Number 655 modifying Bylaw Number 642 previously modified by Bylaw Number 644 establishing electricity rates and their conditions of application, attached to this Order in Council, be approved.

*Le greffier du Conseil exécutif,*  
MICHEL CARPENTIER

**Hydro-Québec Bylaw number 655  
modifying Bylaw number 642 previously  
modified by Bylaw number 644  
establishing electricity rates and their  
conditions of application**

Hydro-Québec act  
(R.S.Q., c. H - 5)

**1.** Hydro-Québec Bylaw Number 642 establishing electricity rates and their conditions of application, approved by Decree Number 461-96 of April 17, 1996, and modified by Bylaw Number 644, is modified as follows:

In Subdivision 1 of Division VI, Section 105 is abrogated and replaced by the following:

“**105** – Conditions applying to municipalities: One of the two following conditions applies to a contract held by a municipality that is a Hydro-Québec customer:

*a)* Rate L and associated conditions of application, as set out in this Bylaw; or

*b)* Rate L as in effect April 30, 1990 and associated conditions of application at the date, except for the optimization charge, which must be adjusted to reflect conditions determined in this Bylaw; the customer's bill will be multiplied by 1.2941.

Option *b* above is reserved for contracts to which it applies on April 30, 1996.

Option *b* will continue to be offered as long as one or more municipalities make use of it. The applicable multiplier is revised annually.

When a municipality wishes to terminate option *b*, it must notify Hydro-Québec in writing and this decision is irrevocable. The change comes into effect at the beginning of the consumption period during which Hydro-Québec receives the written notice, or at the beginning of the subsequent consumption period or at the beginning of one of the three previous consumption periods, whichever the customer prefers.

No matter which option is chosen, if a municipality has one or more customers billed at Rate L, it is entitled to a refund of 15 % of their bills if the maximum power demand during a given consumption period is equal to or greater than 5,000 kilowatts for each customer concerned. If the maximum power demand is between 4,300 and 5,000 kilowatts, the percentage of the refund is determined as follows:

$$\frac{(\text{Maximum power demand} - 4,300 \text{ kW}) \times 15 \%}{700 \text{ kW}}$$

For a municipality to be entitled to the 15 % refund, the customer cannot be a former Hydro-Québec customer unless it became the customer of the municipality with Hydro Québec's consent.

If the maximum power demand is less than 4,300 kilowatts, the municipality is not entitled to a refund.

To obtain a refund, the municipality must provide Hydro-Québec with vouchers for each consumption period to prove that it is entitled to a refund.

For the purpose of application of this Section, “municipality” designates a municipality which is a customer of Hydro-Québec and which operates its own distribution system.”

**2.** Effective date: The present Bylaw shall take effect on the date its approval by the government.

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Gouvernement du Québec

**O.C. 332-97, 19 March 1997**

Financial Administration Act  
(R.S.Q., c. A-6)

**Contracts of government departments  
and public bodies  
— General Regulation  
— Amendments**

Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS by means of a Regulation made by Order in Council 1241-96 dated 2 October 1996, the Government included measures intended to fight undeclared labour in the construction industry in the General Regulation respecting the conditions of contracts of government departments and public bodies;

WHEREAS the application of these measure poses certain problems insofar as:

— contractors who have been found guilty of offences against the Regulation since 11 May 1995, that is, the day after the date of the 1995-96 Budget Speech, could not know before the publication of those measures that they were also subject to administrative penalties;

— certain offences established by the Regulation would not be directly related to undeclared labour;

— the number of convictions required to determine that a contractor fails to apply those measures could have taken the size of the business into account;

— a general contractor does not have easy access to the information he would need to ascertain that his potential subcontractors respect the provisions applicable to them;

WHEREAS it is expedient to revoke those measures;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed in section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is also of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the Regulation;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the present measures intended to fight undeclared labour in the Québec construction industry are not adequate to attain the governmental objective;

— for most construction contracts to be carried out during the 1997 summer season, the awarding procedure will have to be initiated in the coming months of March and April; therefore, in order to avoid unwanted situations, it is expedient to revoke the provisions intended to fight undeclared labour in the Québec construction industry as soon as possible;

WHEREAS it is expedient to make the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, which has been recommended by the Conseil du trésor;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies**

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 1565-94 dated 9 November 1994, 492-95 dated 12 April 1995, 233-96 dated 28 February 1996, 1241-96 dated 2 October 1996 and 1497-96 dated 4 December 1996, is further amended by substituting the following for section 7.3:

“**7.3** No construction contract may be awarded to a supplier unless he holds the licence required under the Building Act (R.S.Q., c. B-1.1).”.

**2.** Sections 7.4, 13.1 and 13.2 are revoked.

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



Gouvernement du Québec

## O.C. 333-97, 19 March 1997

Financial Administration Act  
(R.S.Q., c. A-6)

### Construction contracts

#### — Regulation

#### — Amendments

Regulation to amend the Regulation respecting construction contracts of government departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS by means of a Regulation made by Order in Council 1242-96 dated 2 October 1996, the Government included measures intended to fight undeclared labour in the Québec construction industry in the Regulation respecting construction contracts of government departments and public bodies;

WHEREAS the application of these measures, which require contractors to comply with the conditions set out in section 7.4 of the General Regulation respecting the conditions of contracts of government departments and public bodies, poses certain problems insofar as:

— contractors who have been found guilty of offences against the Regulation since 11 May 1995, that is, the day after the date of the 1995-96 Budget Speech, could not know before the publication of those measures that they were also subject to administrative penalties;

— certain offences established by the Regulation would not be directly related to undeclared labour;

— the number of convictions required to determine that a contractor fails to apply those measures could have taken the size of the business into account;

— a general contractor does not have easy access to the information he would need to ascertain that his potential subcontractors respect the provisions applicable to them;

WHEREAS it is expedient to revoke these measures;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed in section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is also of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the Regulation;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the present measures intended to fight undeclared labour in the Québec construction industry are not adequate to attain the governmental objective;

— for most construction contracts to be carried out during the 1997 summer season, the awarding procedure will have to be initiated in the coming months of March and April; therefore, in order to avoid unwanted situations, it is expedient to revoke, as soon as possible, the provisions containing measures intended to fight undeclared labour in the construction industry;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies, which has been recommended by the Conseil du trésor;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting construction contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting construction contracts of government departments and public bodies

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

**1.** The Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993 and amended by the Regulations made by Orders in Council 181-94 dated 2 February 1994, 1106-94 dated 20 July 1994, 235-96 dated 28 February 1996, 332-96 dated 21 March 1996 and 1242-96 dated 2 October 1996, is further amended in section 10 by revoking subparagraph *c* of paragraph 7 and paragraph 7.01.

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

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Gouvernement du Québec

### O.C. 334-97, 19 March 1997

Financial Administration Act  
(R.S.Q., c. A-6)

Exemption of the public bodies described in paragraph 1 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.4 of the Financial Administration Act (R.S.Q., c. A-6), the Government, on the conditions it determines, may exempt a public body described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1243-96 dated 2 October 1996, the Government exempted from the application of all regulations made under section 49 of the Financial Administration Act the public bodies described in paragraph 1 of section 5 of the Auditor General Act, on the following conditions;

(1) that they file, with the Chairman of the Conseil du trésor, the policy prescribed in section 49.4 of the Financial Administration Act as well as all amendments that will have been made thereto within 30 days following the making of the latter;

(2) that in the policy they provide for measures to fight undeclared labour in the construction industry in Québec, inspired by the provisions of sections 7.3, 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies;

(3) in the case of the bodies that already have such a policy, that they amend it in order to provide for the measures indicated in paragraph 2, that those amendments take effect on 1 January 1997 and that they be filed not later than on that date;

(4) that they report on the application of that policy in their annual report;

WHEREAS a policy filed with the Minister of Supply and Services, in accordance with Order in Council 1164-93 dated 18 August 1993, was equivalent to a policy filed with the Chairman of the Conseil du trésor, in accordance with paragraph 1 of the first paragraph of the operative part of Order in Council 1243-96 dated 2 October 1996;

WHEREAS it is expedient to eliminate the condition that obliges the bodies to apply measures intended to fight undeclared labour in the construction industry, which they had to include in their policy, inspired by regulatory provisions that will be revoked;

WHEREAS it is expedient that these bodies withdraw those measures from their policy and that they file the amendments thereto with the Chairman of the Conseil du trésor;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the public bodies described in paragraph 1 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted from the application of all regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6), on the following conditions:

(1) that they have filed, with the Chairman of the Conseil du trésor, the policy prescribed in section 49.4 of the Financial Administration Act as well as all amendments that will have been made thereto within 30 days following the making of the latter;

(2) that they report on the application of that policy in their annual report;

THAT, in the case of bodies already having such a policy:

(1) the policy filed with the Minister of Supply and Services, in accordance with Order in Council 1164-93 dated 18 August 1993, be equivalent to a policy filed with the Chairman of the Conseil du trésor, in accordance with paragraph 1 of the first paragraph of the operative part of this Order in Council;

(2) that those bodies no longer be required to apply their measures intended to fight undeclared labour in the construction industry from the date on which this Order in Council is made; that they file with the Chairman of the Conseil du trésor the amendments required to withdraw those measures from their policy, within 30 days following the making of the latter;

THAT this Order in Council replace Order in Council 1243-96, made on 2 October 1996.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 335-97, 19 March 1997**

Financial Administration Act  
(R.S.Q., c. A-6)

Exemption of the public bodies described in paragraph 2 of section 5 of the Auditor General Act from the application of government regulations concerning contracts

WHEREAS under section 49.3.1 of the Financial Administration Act (R.S.Q., c. A-6), the Government, upon the recommendation of the Conseil du trésor and with or without conditions, may exempt a public body described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS under Order in Council 1244-96 dated 2 October 1996, the Government exempted without conditions the public bodies described in paragraph 2 of section 5 of the Auditor General Act from the application of all regulations made under section 49 of the Financial Administration Act;

WHEREAS, however, the bodies exempted hereinabove that are responsible for carrying out construction work for a body described in section 3 or 4 or in paragraph 1 of section 5 of the Auditor General Act are exempted under the following conditions:

(1) that they adopt measures to fight undeclared labour in the construction industry in Québec inspired by the provisions of sections 7.3., 7.4, 13.1 and 13.2 of the General Regulation respecting the conditions of contracts of government departments and public bodies and the provisions of subparagraphs *b* and *c* of paragraph 7 of section 10 and of paragraph 7.01 of section 10 of the Regulation respecting construction contracts of government departments and public bodies and that they file the text of those measures and the text of any amendments that will have been made thereto with the Chairman of the Conseil du trésor, within 30 days following the making of the latter;

(2) in the case of the bodies existing at the time of the making of that Order in Council, that those measures take effect on 1 January 1997 and that they file the text of those measures with the Chairman of the Conseil du trésor, not later than on that date;

WHEREAS it is expedient to eliminate the condition that obliges the bodies to apply measures intended to fight undeclared labour in the construction industry, which they had to adopt under regulatory provisions that will be revoked;

WHEREAS it is expedient that these bodies withdraw these measures and that they so inform the Chairman of the Conseil du trésor;

WHEREAS the Conseil du trésor recommended that this Order in Council be made;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the public bodies described in paragraph 2 of section 5 of the Auditor General Act (R.S.Q., c. V-5.01) be exempted, without conditions, from the application of all regulations made under section 49 of the Financial Administration Act (R.S.Q., c. A-6);

THAT these bodies no longer be obliged to apply their measures intended to fight undeclared labour in the construction industry from the date of making of this Order in Council; that they inform the Chairman of the Conseil du trésor that they have withdrawn their measures within 30 days of such withdrawal;

THAT this Order in Council replace Order in Council 1244-96, made on 2 October 1996.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### O.C. 337-97, 19 March 1997

An Act respecting the Régie du logement  
(R.S.Q., c. R-8.1)

#### Criteria for the fixing of rent

##### — Regulation — Amendment

Regulation to amend the Regulation respecting the criteria for the fixing of rent

WHEREAS under subparagraph 3 of the first paragraph of section 108 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), amended by paragraph 2 of section 1 of Chapter 61 of the Statutes of 1995, the Government may make regulations, for the application of articles 1952 and 1953 of the Civil Code of Québec, establishing, for such categories of persons, of leases, of dwellings or of land intended for the installation of a mobile home as it may determine, the criteria for the fixing of rent or for the revision of rent and the rules of implementation of these criteria;

WHEREAS under subparagraph 6 of section 108 of that Act, amended by paragraph 4 of section 1 of Chapter 61 of the Statutes of 1995, the Government may make regulations prescribing, subject to section 85, what must be prescribed by regulation under that Act and articles 1892 to 2000 of the Civil Code of Québec;

WHEREAS under article 1953 of the Civil Code of Québec, where the court has an application before it for the fixing or adjustment of rent, it takes into consideration the standards prescribed by regulation;

WHEREAS by Order in Council 738-85 dated 17 April 1985, the Government made the Rent Review (Criteria) Regulation, the title of which was changed for "Regulation respecting the criteria for the fixing of rent" by Order in Council 454-94 dated 30 March 1994;

WHEREAS it is expedient to amend that Regulation;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation to

amend the Regulation respecting the criteria for the fixing of rent, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 22 January 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendments;

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

THAT the Regulation to amend the Regulation respecting the criteria for the fixing of rent, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the criteria for the fixing of rent

An Act respecting the Régie du logement  
(R.S.Q., c. R-8.1, s. 108, 1<sup>st</sup> par., subpars. 3 and 6;  
1995, c. 61, s. 1)

Civil Code of Québec  
(1991, c. 64, a. 1953)

1. The Regulation respecting the criteria for the fixing of rent, made by Order in Council 738-85 dated 17 April 1985 and amended by the Regulations made by Orders in Council 1430-85 dated 10 July 1985, 562-86 dated 30 April 1986, 1047-87 dated 30 June 1987, 688-88 dated 11 May 1988, 528-89 dated 12 April 1989, 344-90 dated 21 March 1990, 519-91 dated 17 April 1991, 637-92 dated 29 April 1992, 580-93 dated 28 April 1993, 454-94 dated 30 March 1994, 825-94 dated 8 June 1994, 505-95 dated 12 April 1995 and 692-96 dated 12 June 1996, is further amended by adding the following after paragraph XII of Schedule I:

"XIII. Applications for the fixing of rent in respect of leases expiring between 1 April 1997 and 31 March 1998 and for contestations of adjustment of rent to take effect between 2 April 1997 and 1 April 1998:

Percentage applicable to the cost of electricity subject to the:

domestic rate (D or DM)	0.7 %
domestic dual energy rate (DT)	0.5 %
general small power rate (G)	0.0 %
all other rates	0.7 %

Percentage applicable to the cost of fuel:

heating oil	1.1 %
gas and other form of energy	2.8 %

Percentage applicable to the cost of maintenance: 2.0 %

Percentage applicable to the cost of providing services: 3.1 %

Percentage applicable to management costs: 3.1 %

Percentage applicable to capital expenditure: 6.8 %

Percentage applicable to net revenue: 0.5 %

Where the percentage applicable to the costs of electricity and fuel is not representative for the building concerned, the tribunal, where it has the necessary information, shall take those costs into account by proceeding, in their respect, in the manner provided for in the second paragraph of section 4.”.

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

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Gouvernement du Québec

### **O.C. 340-97, 19 March 1997**

Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14)

#### **Registration of agricultural operations and reimbursement of real estate taxes and compensations — Regulation**

Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations

WHEREAS under sections 36.12 and 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14), amended respectively by sections 8 and 11 of Chapter 64 of the Statutes of 1995, the Government may make regulations respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations;

WHEREAS the Regulation respecting the registration of agricultural operations and the reimbursement of real

estate taxes and compensations was made by Order in Council 1692-91 dated 11 December 1991 and amended by the Regulations made by Orders in Council 841-93 dated 16 June 1993 and 271-95 dated 8 March 1995;

WHEREAS the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting municipal taxation (1995, c. 64), assented to on 15 December 1995, provides for transitory provisions respecting certain elements prescribed in the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations;

WHEREAS the information to be included in the registration slip must be updated to take into account the realities of the biofood sector;

WHEREAS it is expedient to replace the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 29 January 1997 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS the 45-day period has expired;

WHEREAS no comments were received;

WHEREAS under section 18 of the Regulations Act (R.S.Q., c. R-18.1), a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies such coming into force:

— it is essential that the Regulation be in force before 1 April 1997, in order for the agricultural operations, whose registration ends on 31 March 1997, to be able to register under the new regulation;

— it is essential not to impose upon the agricultural operations the obligation to register again once the new regulation is in force;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations**

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14, ss. 36.12 and 36.15; 1995, c. 64, ss. 8 and 11)

### **DIVISION I DEFINITIONS**

**1.** For the purposes of the Act and of the Regulation, unless the context indicates otherwise,

“agricultural operation” means a business comprising in a single economic and accounting unit the capital and basic inputs necessary to derive therefrom an agricultural product intended for sale;

“agricultural product” means any raw or processed product derived from

- (1) agriculture;
- (2) horticulture;
- (3) apiculture;
- (4) aviculture;
- (5) maple syrup production;
- (6) aquaculture;
- (7) the wooded portion of an agricultural operation;
- (8) the raising of fur-bearing animals, the raising of horses or the raising of animals fit for human consumption; or
- (9) activities related to the breeding of animals intended for human consumption;

“gross revenue” means the receipts generated by the sale of an agricultural product and crop insurance and farm income stabilization insurance compensations.

Any immovable used primarily or intended for residential, industrial, commercial, leisure, recreation or sports purposes is not comprised in the definition of “agricultural operation”. Such exception does not apply to an immovable used primarily or intended either for the processing of an agricultural product of the agricultural operation or for the packaging or marketing of such a product in a raw state or after being processed on the premises of the agricultural operation.

### **DIVISION II REGISTRATION OF AGRICULTURAL OPERATIONS**

**2.** In order for an agricultural operation to qualify for registration, the person applying for registration shall prove that the agricultural operation has generated, during the preceding calendar year, a gross annual revenue equal to or greater than the minimum value of agricultural production necessary to qualify as a producer under the Farm Producers Act (R.S.Q., c. P-28).

For the purposes of the first paragraph, the gross revenue from the sale of wood shall be taken into account for only half of the minimum amount necessary to qualify for registration.

The gross revenue of an agricultural operation shall be considered equal to the minimum value referred to in the first paragraph

(1) where the agricultural operation is registered for the first time or was registered for the first time during one of the two calendar years preceding the year during which an application for registration is made;

(2) where development work has been done or undertaken with a view to producing the minimum gross revenue necessary for registration in the future, taking into account the special features of the production;

(3) where a new type of livestock production has been undertaken with a view to producing such revenue in the future, taking into account the special features of the production; or

(4) where production is temporarily limited owing to exceptional natural causes.

**3.** A person applying for the registration of an agricultural operation shall use and complete the registration slip put at his disposal by the Minister.

**4.** The registration slip shall contain the following information:

(1) the name of the agricultural operation, its legal status, the name, date of birth and social insurance number of the operator or the date on which the agricultural operation was formed, its registration number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), its mailing address and the address where the majority of the operation's activities take place;

(2) the names of the partners, shareholders or members, their sex, date of birth and social insurance number and their share or interest in the partnership or legal person;

(3) the total area of the agricultural operation, the usable area and the unusable area, the area of each parcel of land used for plant production, the type of each production and a statement indicating whether the agricultural operation is the owner, lessor or lessee of those areas;

(4) the species of livestock produced, the number of animals of each species, the agricultural practices applied to such species and, in respect of heavy calves, hogs, horses and poultry, a statement indicating whether or not the agricultural operation owns the animals;

(5) the particular agricultural practices used in the agricultural operation in respect, *inter alia*, of management, fertilization, condition of watercourses, manure and tilling of soil; and

(6) the annual gross revenue of the agricultural operation and a breakdown of its sources.

The registration slip shall be signed by the applicant or by an authorized person and shall contain a declaration that the information provided is true and authorization for the Minister of Agriculture, Fisheries and Food to make available to or obtain from various agencies under his authority documents or information relating to the management of the agricultural operation.

**5.** Registration granted by the Minister is valid for a term not exceeding three years.

Registration is no longer valid if it is not renewed on the expiry date appearing on the registration card issued by the Minister, if the agricultural operation ceases its activities during the term of the registration or if it no longer meets the conditions of eligibility for registration.

**6.** In the days following registration, the Minister shall issue a registration card in the name of the agricultural operation.

**7.** The Minister may require any information or document that he considers necessary when an application for registration of an agricultural operation is made. The same applies where the information or document is necessary to prove that the agricultural operation meets the conditions to remain registered.

**8.** The Minister may revoke the registration of an agricultural operation that has ceased its activities or that no longer meets the conditions for registration.

The revocation takes effect from the date on which the agricultural operation ceases its activities or ceases to meet the conditions for registration.

### DIVISION III REIMBURSEMENT OF REAL ESTATE TAXES AND COMPENSATIONS

**9.** In order for an agricultural operation to qualify for the reimbursement of real estate taxes and compensations, the person applying for reimbursement shall prove that the agricultural operation generated a minimum gross revenue of \$10 000 during the calendar year that ended before the beginning of the municipal fiscal year for which an application for reimbursement is made.

A registered agricultural operation shall be exempt from the requirement to produce the minimum gross revenue referred to in the first paragraph

(1) where the agricultural operation is registered for the first time during the municipal fiscal year for which an application for reimbursement is made or where it was registered for the first time during one of the two municipal fiscal years preceding the municipal fiscal year for which an application for reimbursement is made;

(2) where development work has been done or undertaken, excluding work carried out on the wooded portion of the agricultural operation, with a view to producing a gross revenue of \$10 000 in the future, taking into account the special features of the production;

(3) where a new type of livestock production has been undertaken with a view to producing a gross revenue of \$10 000 in the future, taking into account the special features of the production; or

(4) where production is temporarily limited owing to exceptional natural causes.

**10.** For the purposes of subparagraphs 2 and 3 of the first paragraph of section 36.4 of the Act, the amount per hectare of land situated in the agricultural zone and forming part of the agricultural operation is \$800.

**11.** A person who applies for the reimbursement of real estate taxes and compensations shall use and complete the form put at his disposal by the Minister.

**12.** The form of an application for reimbursement shall contain the following information:

- (1) the applicant's identity;
- (2) a statement of the gross revenue of the agricultural operation for the calendar year that ended before the beginning of the municipal fiscal year for which an application for reimbursement is made;
- (3) the total area of the agricultural operation situated in an agricultural zone;
- (4) identification of the immovables leased by the agricultural operation and their value entered on the assessment roll;
- (5) the amount of the real estate taxes and compensations for which the application is made; and
- (6) the reimbursement applied for.

The form of an application for reimbursement shall contain a declaration by the applicant that the information provided is true and that he has not claimed financial assistance from another department or public body with respect to the real estate taxes and compensations for which he has applied for reimbursement. It shall also contain an authorization for the Minister to consult his appraisal record with the municipality or with the appraiser. The form shall be signed by the applicant or by a person authorized by him.

**13.** The originals, whether paid or unpaid, of the real estate tax and compensation accounts for which an application for reimbursement is made, detailed proof of the gross revenue, proof of payment of the annual assessment exigible under the Farm Producers Act and, where applicable, a copy of the leases binding the agricultural operation shall be attached to the application for reimbursement.

**14.** This Regulation replaces the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 1692-91 dated 11 December 1991, as amended.

**15.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

The provisions of this Regulation concerning the reimbursement of real estate taxes and compensations are applicable

(1) to the fiscal year beginning on 1 January 1997 and to subsequent fiscal years, for municipal taxes; and

(2) to the fiscal year beginning on 1 July 1996 and to subsequent fiscal years, for school taxes.

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Gouvernement du Québec

### O.C. 364-97, 19 March 1997

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

#### Basic prescription drug insurance plan — Amendments

Regulation to amend the Regulation respecting the basic prescription drug insurance plan

WHEREAS under the first paragraph of section 116 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), the Government may, by regulation, before 1 August 1997, make any other transitional provision to remedy any omission and ensure the implementation of the basic prescription drug insurance plan as soon as possible after the plan is established by that Act;

WHEREAS under the second paragraph of section 116 of that Act, a regulation made under that section is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1); it shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation, notwithstanding section 17 of that Act and it may, once published and where it so provides, apply from any date not prior to 1 August 1996;

WHEREAS by Order in Council 1519-96 dated 4 December 1996, the Government made the Regulation respecting the basic prescription drug insurance plan;

WHEREAS it is expedient to amend that Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:



THAT the Regulation to amend the Regulation respecting the basic prescription drug insurance plan, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the basic prescription drug insurance plan

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32, s. 116)

**1.** The Regulation respecting the basic prescription drug insurance plan, made by Order in Council 1519-96 dated 4 December 1996 and amended by the Regulation made by Order in Council 1532-96 dated 6 December 1996, is further amended by inserting the following after section 2:

“**§1.1 Exceptional medications**”.

**2.** Section 8 is amended

(1) by substituting the following for subparagraph 10 of the first paragraph:

“(10) in the case of a child 25 years of age or under:

(a) a statement that the child is spouseless and pursues full-time studies, within the meaning of section 9 of the Act respecting financial assistance for students (R.S.Q., c. A-13.3), as a duly registered student in an educational institution; or

(b) a statement that the child is spouseless, suffers from one of the impairments provided for in paragraphs 1 to 4 of section 11.1 and pursues part-time studies, within the meaning of section 9 of that Act respecting financial assistance for students, as a duly registered student in an educational institution;”;

(2) by inserting the following paragraph after the first paragraph:

“Furthermore, the person shall provide the Board with the following documents:

(1) in the case referred to in clause *b* of subparagraph 10 of the first paragraph and subject to the third paragraph of section 11.2, the medical certificate and the evaluation of disabilities provided for in the first and second paragraphs of that section;

(2) in the case referred to in paragraph 11 of the first paragraph, the attestation of results or the medical certificate provided for in section 6.”.

**3.** The following is inserted after section 8:

“**8.1** Any person referred to in the first paragraph of section 19 or in section 20 of that Act shall notify the Régie of any change in the information or documents forwarded under sections 7, 8 and 11.2 of this Regulation, within 30 days of such a change.”.

**4.** The following is inserted after section 11:

“**11.1** Any eligible person without a spouse who is 25 years of age or under, in respect of whom someone would exercise parental authority if the person were a minor, is deemed to attend an educational institution on a full-time basis if the person suffers from one of the following impairments and, for that reason, attends such institution on a part-time basis as a duly registered student:

(1) severe visual impairment: visual acuity in each eye, after correction by means of appropriate ophthalmic lenses, excluding special optical systems and additions greater than 4.00 dioptres, is not more than 6/21, or the field of vision in each eye is less than 60 degrees in the 180- and 90-degree meridians, and, in either case, the person is unable to read, write or move about in an unfamiliar environment;

(2) severe hearing impairment: the ear having the greater hearing capability is affected by a hearing impairment evaluated, according to 1992 standard S3.21 of the American National Standard Institute (11 West 42<sup>nd</sup> Street, New York, New York 10036; tel.: (212) 642-4900; fax: (212) 398-0023), to be an average of at least 70 decibels, in aerial conduction, on any of the 500, 1000 or 2000 Hertzian frequencies;

(3) motor impairments, where they result in significant and persistent limitations for the student in the performance of his daily activities: loss, malformation or abnormality in the skeletal, muscular or neurological systems responsible for body motion;

(4) organic impairments, where they result in significant and persistent limitations for the student in the performance of his daily activities: disorder or abnormality in the internal organs forming part of the cardio-respiratory, gastrointestinal and endocrinal systems.

**11.2** The impairments referred to in section 11.1 shall be stated in a medical certificate issued by a physician.

The disabilities related to one of those impairments shall be evaluated by a therapist specializing in the field of the impairment. In the absence of a specialized therapist or where care by such therapist is not required, such evaluation shall be made by a physician.

Where the Minister of Education has taken into account, for the purposes of the program it administers, a medical certificate attesting that a student suffers from a major functional deficiency within the meaning of the Regulation respecting financial assistance for students made by Order in Council 844-90 dated 20 June 1990, as it reads when it is applied, such student does not have to provide the documents required under the first and second paragraphs if he provides either the Régie, the group insurer or the manager of the employee benefit plan offering him coverage, a written consent authorizing him to obtain confirmation of his state from the ministère de l'Éducation.”.

**5.** This Regulation comes into force on 1 April 1997.

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**M.O., 1997**

**Order number 9600538 of the Minister of Natural Resources dated March 11, 1997**

Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

WHEREAS under the third paragraph of section 5 of the Forest Act (R.S.Q., c. F-4.1), the Minister shall determine the unit rates for the classes of forest management permits for which the unit rates have not been determined by regulation of the Government;

WHEREAS under section 72 of that Act, the Minister shall determine the unit rate corresponding to the stumpage value according to the rules of calculation determined by regulation of the Government;

WHEREAS by Order in Council 372-87 dated 18 March 1987, the Government made the Regulation respecting forest royalties;

WHEREAS in accordance with sections 2 and 7 of that Regulation, it is expedient to establish the unit rates for the stumpage value applicable to the calculation of the dues payable by the holder of a forest management permit for the supply of a wood processing plant for the 1997-1998 fiscal year;

WHEREAS in accordance with sections 8 and 10 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order was published in Part 2 of the *Gazette officielle du Québec* of 8 January 1997 with a notice that it could be made by the Minister upon the expiry of a 45-day period following that publication;

WHEREAS the 45-day period has expired;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, or between that date and the date applicable under section 17 of that Act, where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under the same section, the reason justifying such coming into force shall be published with the regulation;

WHEREAS in the opinion of the Minister, the urgency due to the following circumstances justifies such coming into force:

— the Draft Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants is one of the elements that will make it possible to enforce the Regulation respecting forest royalties.

Section 2 of that Regulation prescribes in particular that “In order to determine a unit rate fixed by the Minister under section 72 of the Forest Act (R.S.Q., c. F-4.1), the stumpage value of standing timber shall be calculated on 1 April of each year in each forest tariffing zone, by species or group of species and quality of timber, according to the parity technique applicable in property assessment, by comparing the timber to similar timber for which the selling price is known.”.

For the effective application of the above provisions, the rates must be calculated on 1 April next and must be effective as of that date, a deadline that the Minister could not meet were he to comply fully with the time period for coming into force provided for in the Regulations Act.

WHEREAS it is expedient to make the Regulation with amendments;

THEREFORE, the Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants, attached to this Order in Council, is made.

Charlesbourg, March 11, 1997

GUY CHEVRETTE,  
*Minister of State for  
Natural Resources*

## Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

Forest Act

(R.S.Q., c. F-4.1, ss. 5 and 72)

**1.** The unit rates for stumpage in forests in the public domain set out in Schedule I shall be indexed on 1 April, 1 August and 1 December 1997 in accordance with the performance of the price indexes for the forest products specified in Schedule II. The index rates per species, group of species and quality shall be calculated in accordance with the following formulas:

Index rate at at 1 April 1997	=	Average price index for the months of October, November and December 1996 and January 1997
		-----
		Average price index for the months of April 1995 to March 1996;
Index rate at 1 August 1997	=	Average price index for the months of February, March, April and May 1997
		-----
		Average price index for the months of April 1995 to March 1996
Index rate at 1 December 1997	=	Average price index for the months of June, July, August and September 1997
		-----
		Average price index for the months of April 1995 to March 1996

The amounts thus indexed shall apply, in each forest tariffing zone indicated in Schedule I, to the calculation of the dues payable by the holder of a forest management permit for the supply of a wood processing plant for the 4-month period following the date of indexing.

The amounts indexed in the manner prescribed in the first paragraph shall be reduced to the nearest fraction of \$0.10/m<sup>3</sup> where they contain a fraction less than \$0.025/m<sup>3</sup>. They shall be rounded off to the nearest fraction of \$0.05/m<sup>3</sup> where they contain a fraction equal to or greater than \$0.025/m<sup>3</sup> but less than \$0.075/m<sup>3</sup> and shall be increased to the nearest fraction of \$0.10/m<sup>3</sup> where they contain a fraction equal to or greater than \$0.075/m<sup>3</sup>.

The Minister of Natural Resources shall inform the public, through Part I of the *Gazette officielle du Québec* and, where he considers it appropriate, by any other means, of the indexing calculated under this section.

**2.** This Regulation replaces the Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants, made by Minister's Order 9600137 of the Minister of Natural Resources, dated 10 July 1996 and published in Part 2 of the *Gazette officielle du Québec* of 24 July 1996.

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

**SCHEDULE 1**

(s. 1)

**REFERENCE UNIT RATES FOR STUMPAGE IN FORESTS IN THE PUBLIC DOMAIN BY FOREST TARIFFING ZONE FOR THE 1997-1998 FISCAL YEAR**

		Stumpage (\$/m <sup>3</sup> )															
		Zones															
Species	Quality*	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Fir, spruce, jack pine, tamarack	A	18,04	16,11	12,79	12,86	14,12	12,79	3,85	3,85	9,71	11,46	11,60	12,95	14,04	17,19	20,23	18,84
	B	17,55	16,11	12,22	11,36	14,12	8,98	3,08	3,08	5,70	11,46	11,60	10,57	12,85	16,78	18,43	14,28
White pine	B	11,63	7,91	7,59	7,60	7,59	7,59	2,24	2,24	13,59	13,86	13,11	11,37	11,17	10,05	10,54	9,96
Red pine	A	20,98	14,10	12,81	12,84	12,81	12,81	12,81	12,81	21,57	21,66	20,09	16,75	17,07	15,05	15,33	15,02
	B	8,22	5,66	5,66	5,66	5,66	5,66	5,66	5,66	9,74	9,84	9,43	8,57	8,42	7,65	8,03	7,74
Hemlock, cedar	B	3,62	2,83	2,54	2,55	2,54	2,54	0,89	0,89	3,53	3,57	3,12	2,14	2,42	2,01	2,06	2,08
White pine, red pine, hemlock, cedar	C	3,32	2,59	2,54	2,54	2,54	2,54	0,89	0,89	3,40	3,39	2,98	2,14	2,42	2,01	2,06	2,08
Oak, cherry, walnut	A	25,38	21,00	21,00	20,78	21,00	21,00	21,00	21,00	35,10	36,29	32,11	21,00	24,05	21,00	21,00	21,00
	B	11,90	7,52	7,52	7,52	7,52	7,52	7,52	7,52	17,30	17,93	15,76	9,97	10,63	8,28	7,96	7,91
Yellow birch, basswood	A	21,03	10,69	6,86	6,87	6,86	6,86	6,53	6,53	21,48	22,08	20,06	14,97	16,33	15,31	15,54	14,44
	B	10,01	5,44	5,23	5,23	5,23	5,23	3,16	3,16	10,43	10,63	9,78	8,05	7,89	7,26	7,37	6,86
White birch, maple, ash, elm, ironwood	A	19,51	10,63	10,74	10,74	10,74	10,74	3,17	3,17	20,34	20,74	18,56	13,71	14,87	13,90	13,98	13,18
	B	6,63	4,33	3,65	3,67	3,65	3,65	1,10	1,10	4,75	4,76	4,29	3,52	3,53	3,36	3,41	3,32
Poplar/Aspen	B	2,81	2,13	1,60	1,61	1,60	1,60	0,51	0,51	2,46	2,43	2,17	1,83	1,87	1,83	1,84	1,77
	C	1,49	1,28	1,21	1,22	1,21	1,21	0,47	0,47	1,34	1,31	1,24	1,16	1,25	1,13	1,22	1,20
Other hardwoods	B	4,00	3,13	3,06	3,06	3,06	3,06	1,09	1,09	4,11	4,10	3,61	2,58	2,92	2,43	2,50	2,44
All hardwoods (except poplar/ aspen)	C	4,00	3,13	3,06	3,06	3,06	3,06	1,09	1,09	4,11	4,10	3,61	2,58	2,92	2,43	2,50	2,44
	D	2,73	2,13	2,08	2,09	2,08	2,08	0,75	0,75	2,80	2,79	2,46	1,76	1,99	1,65	1,70	1,66

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

**SCHEDULE 1**

(s. 1)

**REFERENCE UNIT RATES FOR STUMPAGE IN FORESTS IN THE PUBLIC DOMAIN BY FOREST TARIFFING ZONE FOR THE 1997-1998 FISCAL YEAR**

Species	Quality*	Stumpage (\$/m <sup>3</sup> )															
		Zones															
		17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
Fir, spruce, jack pine, tamarack	A	15,73	9,18	9,11	7,48	3,08	10,71	9,03	7,16	6,27	3,08	16,64	13,47	10,66	20,25	17,69	13,81
	B	14,41	9,18	6,99	6,39	3,08	10,60	8,13	3,08	5,29	3,08	15,64	13,47	10,66	20,25	15,30	13,81
White pine	B	9,56	4,62	5,87	4,85	1,80	6,80	5,79	5,45	4,03	1,72	15,04	14,14	11,72	14,00	12,81	11,15
Red pine	A	14,79	12,81	12,88	12,81	12,81	13,35	12,81	12,81	12,81	12,81	24,79	22,41	18,83	24,63	23,48	19,23
	B	7,39	5,66	5,73	5,66	5,66	6,12	5,66	5,66	5,66	5,66	10,67	10,03	8,72	10,41	9,87	8,55
Hemlock, cedar	B	2,02	1,79	2,20	1,88	0,76	1,85	1,58	2,12	1,58	0,73	4,22	3,72	2,89	4,27	4,02	3,12
White pine, red pine, hemlock, cedar	C	2,02	1,79	2,20	1,88	0,76	1,85	1,58	2,12	1,58	0,73	4,22	3,59	2,84	4,27	4,02	2,97
Oak, cherry, walnut	A	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	39,37	37,00	28,39	35,56	34,82	29,07
	B	8,30	7,52	7,53	7,52	7,52	7,74	7,52	7,52	7,52	7,52	19,45	18,28	13,63	17,27	16,94	13,67
Yellow birch, basswood	A	14,50	6,53	6,79	6,53	6,53	8,71	6,53	6,53	6,53	6,53	24,28	22,60	17,80	24,65	21,57	17,40
	B	6,88	3,16	3,28	3,16	3,16	4,18	3,16	3,16	3,16	3,16	12,55	11,08	8,46	11,97	10,24	8,26
White birch, maple, ash, elm, ironwood	A	13,32	6,03	7,62	6,32	2,48	8,95	7,25	7,69	5,29	2,37	24,59	21,65	16,37	23,40	19,87	15,97
	B	3,30	2,18	2,70	2,28	0,88	2,62	2,21	2,72	1,91	0,85	6,32	5,13	3,71	7,05	5,59	3,77
Poplar/Aspen	B	1,78	1,06	1,32	1,11	0,43	1,37	1,16	1,30	0,93	0,41	3,44	2,67	1,94	3,53	2,89	2,02
	C	1,10	0,83	1,01	0,87	0,38	0,94	0,83	1,15	0,74	0,37	1,59	1,38	1,27	1,64	1,62	1,33
Other hardwoods	B	2,38	1,71	2,06	1,78	0,84	2,02	1,82	2,48	1,53	0,81	5,09	4,33	3,42	5,16	4,85	3,58
All hardwoods (except poplar/ aspen)	C	2,38	1,71	2,06	1,78	0,84	2,02	1,82	2,48	1,53	0,81	5,09	4,33	3,42	5,16	4,85	3,58
	D	1,62	1,16	1,40	1,21	0,57	1,38	1,24	1,69	1,04	0,55	3,47	2,95	2,33	3,52	3,31	2,44

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

**SCHEDULE 1**

(s. 1)

**REFERENCE UNIT RATES FOR STUMPAGE IN FORESTS IN THE PUBLIC DOMAIN BY FOREST TARIFFING ZONE FOR THE 1997-1998 FISCAL YEAR**

		Stumpage (\$/m <sup>3</sup> )															
		Zones															
Species	Quality*	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
Fir, spruce, jack pine, tamarack	A	11,08	18,86	17,23	15,91	13,13	14,52	14,54	15,83	16,12	18,34	15,96	12,97	11,75	10,33	9,06	4,54
	B	9,82	18,86	14,31	15,91	11,34	11,82	12,38	15,83	12,91	18,34	15,96	12,97	6,03	10,33	9,06	3,08
White pine	B	10,55	12,79	12,18	7,03	7,03	8,39	8,74	8,17	8,90	8,14	7,82	6,51	7,75	5,94	5,80	3,57
Red pine	A	16,72	23,45	22,45	13,84	13,84	13,13	12,81	16,04	16,79	15,02	14,70	13,04	13,84	12,81	12,81	12,81
	B	7,95	9,86	9,45	5,87	5,87	6,00	5,87	7,09	7,34	6,63	6,37	5,71	6,47	5,66	5,66	5,66
Hemlock, cedar	B	2,40	4,01	3,84	2,50	2,50	2,75	2,75	3,10	2,93	2,41	2,35	2,00	1,72	1,50	2,43	1,54
White pine, red pine, hemlock, cedar	C	2,39	4,01	3,77	1,68	1,68	2,75	2,75	2,87	2,82	2,38	2,15	2,00	1,72	1,50	2,43	1,54
Oak, cherry, walnut	A	24,38	34,85	33,64	21,00	21,00	21,00	21,00	22,84	24,37	21,00	22,07	21,00	21,00	21,00	21,00	21,00
	B	10,97	16,96	16,13	7,52	7,52	7,52	7,52	8,78	9,81	7,52	8,25	7,52	8,08	7,52	7,52	7,52
Yellow birch, basswood	A	16,25	21,46	20,34	12,53	12,53	14,01	13,77	16,01	15,19	13,12	12,41	7,88	11,13	6,53	6,53	6,53
	B	7,71	10,18	9,65	5,94	5,94	6,71	6,61	7,61	7,24	6,28	5,92	3,79	5,30	3,16	3,16	3,16
White birch, maple, ash, elm, ironwood	A	14,91	19,77	18,71	11,45	11,45	12,94	12,75	14,71	13,96	12,10	11,54	9,02	10,74	7,33	8,56	5,28
	B	3,47	5,53	5,11	2,65	2,65	4,16	4,11	4,62	4,03	3,63	3,16	2,79	2,74	2,18	3,10	1,92
Poplar/Aspen	B	1,86	2,87	2,68	1,44	1,44	1,72	1,69	2,06	1,95	1,74	1,60	1,44	1,49	1,17	1,49	0,93
	C	1,15	1,62	1,56	0,93	0,93	1,19	1,22	1,17	1,23	1,12	1,05	1,06	0,92	0,80	1,37	0,86
Other hardwoods	B	2,87	4,84	4,55	2,02	2,02	3,33	3,34	3,46	3,40	2,86	2,59	2,42	2,08	1,83	2,94	1,87
All hardwoods (except poplar/ aspen)	C	2,87	4,84	4,55	2,02	2,02	3,33	3,34	3,46	3,40	2,86	2,59	2,42	2,08	1,83	2,94	1,87
	D	1,96	3,30	3,10	1,38	1,38	2,27	2,28	2,36	2,31	1,95	1,76	1,65	1,42	1,25	2,01	1,27

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

**SCHEDULE 1**

(s. 1)

**REFERENCE UNIT RATES FOR STUMPAGE IN FORESTS IN THE PUBLIC DOMAIN BY FOREST TARIFFING ZONE FOR THE 1997-1998 FISCAL YEAR**

Species	Quality*	Stumpage (\$/m <sup>3</sup> )																
		Zones																
		49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	99
Fir, spruce, jack pine, tamarack	A	15,28	11,72	12,88	9,68	5,60	4,08	15,72	12,65	13,54	10,92	7,12	4,26	5,03	3,35	3,08	5,87	3,08
	B	14,88	11,72	12,88	9,39	3,29	3,08	15,72	12,65	13,54	10,92	6,69	3,54	3,08	3,08	3,08	5,87	3,08
White pine	B	8,25	7,68	7,10	6,63	3,10	1,70	8,73	8,69	8,71	7,03	5,32	3,40	2,07	2,45	1,96	3,79	1,17
Red pine	A	14,36	12,81	12,83	12,81	12,81	12,81	12,87	12,81	12,81	12,81	12,81	12,81	12,81	12,81	12,81	12,81	12,81
	B	6,39	5,67	5,66	5,66	5,66	5,66	5,88	5,67	5,66	5,66	5,66	5,66	5,66	5,66	5,66	5,66	5,66
Hemlock, cedar	B	2,46	2,18	1,98	1,88	1,13	0,75	2,73	2,51	2,50	2,11	1,61	1,17	0,73	0,91	0,85	1,34	0,53
White pine, red pine, hemlock, cedar	C	2,46	2,18	1,98	1,88	1,13	0,75	2,73	2,51	2,50	2,11	1,61	1,17	0,73	0,91	0,85	1,34	0,53
Oak, cherry, walnut	A	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00	21,00
	B	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52	7,52
Yellow birch, basswood	A	13,12	9,99	9,15	8,12	6,53	6,53	13,58	11,14	10,96	8,47	7,20	6,53	6,53	6,53	6,53	6,53	6,53
	B	6,29	4,83	4,43	3,93	3,16	3,16	6,52	5,39	5,31	4,10	3,49	3,16	3,16	3,16	3,16	3,16	3,16
White birch, maple, ash, elm, ironwood	A	12,12	9,43	8,54	8,02	4,18	2,46	12,60	10,72	10,59	8,72	6,61	4,45	2,70	3,29	2,81	5,00	1,69
	B	3,72	3,08	2,79	2,64	1,46	0,90	4,06	3,52	3,49	2,89	2,20	1,51	0,92	1,13	1,04	1,70	0,65
Poplar/Aspen	B	1,71	1,38	1,29	1,27	0,67	0,43	1,68	1,49	1,47	1,25	0,97	0,67	0,42	0,51	0,48	0,76	0,31
	C	1,14	1,04	0,94	0,90	0,59	0,40	1,22	1,21	1,21	1,07	0,81	0,61	0,37	0,46	0,44	0,70	0,28
Other hardwoods	B	2,97	2,63	2,38	2,27	1,36	0,90	3,30	3,02	3,00	2,55	1,94	1,42	0,88	1,10	1,04	1,62	0,65
All hardwoods (except poplar/ aspen)	C	2,97	2,63	2,38	2,27	1,36	0,90	3,30	3,02	3,00	2,55	1,94	1,42	0,88	1,10	1,04	1,62	0,65
	D	2,02	1,79	1,62	1,54	0,93	0,61	2,25	2,06	2,05	1,73	1,32	0,97	0,60	0,75	0,71	1,10	0,44

\* The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

**SCHEDULE II**

## PRICE INDEXES PER SPECIES, GROUP OF SPECIES AND QUALITY

<b>Species and groups of species</b>	<b>Quality<sup>1</sup></b>	<b>Price index<sup>2</sup></b>	<b>Reference price index<sup>3</sup></b>
FIR, SPRUCE, JACK PINE, TAMARACK	A	Preserved or treated wood (D691527)	158.4
	B	Lumber and pulp and paper index, softwood: Lumber, softwood, Québec (D692870; 75.6 %) Newsprint paper (D691618; 12.4 %) Paper board (D693067; 2.0 %) Woodpulp, sulphate, bleached, domestic (D691604; 6.9 %) Other paper for printing (D691621; 3.1 %)	100.0
WHITE PINE	B	White pine (Eastern Quotes and Comments)	763
RED PINE	A	Preserved or treated wood (D691527)	158.4
	B	White pine (Eastern Quotes and Comments)	763
HEMLOCK, CEDAR	B	Lumber, softwood, Québec (D692870)	128.2
WHITE PINE, RED PINE, HEMLOCK, CEDAR	C	Pulp and paper index, softwood: Newsprint paper (D691618; 1.8 %) Paper board (D693067; 1.5 %) Woodpulp, sulphate, bleached, domestic (D691604; 94.9 %) Other paper for printing (D691621; 1.8 %)	100.0
OAK, CHERRY, WALNUT	A	Veneer and plywood, hardwood (D691529)	147.7
	B	Lumber, hardwood (D691502)	104.7
YELLOW BIRCH, BASSWOOD	A	Veneer and plywood, hardwood (D691529)	147.7
	B	Lumber, hardwood (D691502)	104.7
WHITE BIRCH, MAPLE, ASH, ELM, IRONWOOD	A	Veneer and plywood, hardwood (D691529)	147.7
	B	Lumber, hardwood (D691502)	104.7
POPLAR/ASPEN	B	Poplar/Aspen index: Veneer and plywood, hardwood (D691529; 13.0 %) Waferboard OSB (Random Lengths; 45.6 %) Pallets (D691568; 41.4 %)	100.0
	C	Waferboard OSB (Random Lengths)	154.0
OTHER HARDWOODS	B	Lumber, hardwood (D691502)	104.7



Species and groups of species	Quality <sup>1</sup>	Price index <sup>2</sup>	Reference price index <sup>3</sup>
ALL HARDWOODS (EXCEPT POPLAR/ASPEN)	C	Lumber, hardwood (D691502)	104.7
	D	Pulp and paper index, hardwood Newsprint paper (D691618; 0.8 %) Paper board (D693067; 11.0 %) Woodpulp, sulphate, bleached, domestic (D691604; 73.0 %) Other paper for printing (D691621; 15.2 %)	100.0

<sup>1</sup> The letters A, B, C and D correspond respectively to the superior, intermediate and inferior quality levels determined on the basis of the assessment of cuts according to species, diameter, length and imperfections observed on crosscuts and trunks.

<sup>2</sup> The source of the price indexes and the relative weight of each are indicated in parentheses. The price indexes from Statistics Canada are indicated according to the Cansim number appearing in catalogue 62-011.

<sup>3</sup> The reference price index corresponds to the average of the price indexes calculated between 1 April 1995 and 31 March 1996. The weighting for the composite index Poplar/Aspen, Quality B, is preliminary. The final result will be printed in the Regulation of March 1997.

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## M.O., 1997

### Order number 9600537 of the Minister of Natural Resources respecting the value of silvicultural treatments

Forest Act  
(R.S.Q., c. F-4.1, ss. 73.1 and 73.3)

**1.** The silvicultural treatments described in Schedule I shall be admitted as payment of the dues prescribed by the Minister responsible for the administration of the Forest Act for the 1997-1998 fiscal year.

**2.** The values of such silvicultural treatments are those established in Schedule II.

**3.** This Minister's Order replaces Minister's Order 9501399 of the Minister of Natural Resources, published in Part 2 of the *Gazette officielle du Québec* of 27 March 1996.

**4.** This Minister's Order of the Minister of Natural Resources comes into force on 1 April 1997.

GUY CHEVRETTE,  
*Minister of State  
for Natural Resources*

## SCHEDULE I

(s. 1)

### SILVICULTURAL TREATMENTS ADMITTED FOR THE 1997-1998 FISCAL YEAR

#### DIVISION I ALL FOREST AREAS

1. Site preparation: site preparation consists of any of the following five operations:

(1) scarification: loosening the soil to promote natural or artificial regeneration of desired species of trees;

(2) clearing: windrowing or piling non-commercial ligneous matter to facilitate the planting of seedlings or the passage of a scarifier;

(3) winter shear-blading: clearing frozen ground with a shear-blade-equipped tractor in order to eliminate all vegetation and remove excessively thick organic matter;

(4) ploughing and harrowing: loosening the soil by means of a plough and a harrow to promote the planting of tolerant hardwoods or hybrid poplars;

(5) prescribed burning: intentional burning of forest fuels left lying in a forest management area after the felling of commercial timber carried out in weather conditions that enable fire to spread freely within the selected area.

2. Planting: the setting in the soil of cuttings, sets, bare-root seedlings or container seedlings in order to produce ligneous matter.

3. Natural regeneration reinforcement planting: the planting of seedlings in an area where natural regeneration is insufficient, in order to obtain a number of evenly distributed trees of the principal species in that area.

4. Release treatment: the controlling of competing vegetation by spraying herbicides registered for forestry, such as glyphosate, or by using mechanical means such as circular saws, chain saws or shears, in order to promote the natural or artificial regeneration of desired species.

5. Precommercial thinning: the felling of trees that impede the growth of selected trees in a young stand, by equalizing the spacing between them.

6. Commercial thinning: the felling or harvesting of trees in an even-aged stand that has not yet reached cutting age, in such a way as to accelerate the diameter growth of the remaining trees and to improve the quality of the stand.

7. Drainage: the digging of ditches to lower soil humidity by draining away surface run-off and seepage, in order to improve tree growth and to promote natural and artificial regeneration.

#### **DIVISION II** FOREST AREAS INTENDED FOR PRIORITY PRODUCTION OF SOFTWOODS

8. Pine seeding: the aerial or ground seeding of jack pine seed or the seeding of jack pine or white pine in funnels.

#### **DIVISION III** FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF TOLERANT HARDWOODS, WHITE PINE, RED PINE, CEDAR AND MIXED STANDS WITH TOLERANT HARDWOODS

9. Selection cutting: the periodic felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A balanced selection structure must be obtained or maintained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

10. Improvement cutting: the felling or harvesting of trees in a degraded uneven-aged high forest whose diameter is equal to or greater than the diameter determined for each species, while maintaining the percentage of the basal area of Quality 1 trees after treatment.

#### **DIVISION IV** FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF TOLERANT HARDWOODS, WHITE PINE, RED PINE AND MIXED STANDS WITH TOLERANT HARDWOODS

11. Preselection cutting: the felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A structure conducive to selection must be obtained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

12. Enrichment planting: the introduction of or an increase in the number of white pine, red oak, American ash or yellow birch in a stand, through planting.

#### **DIVISION V** FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF SOFTWOODS, TOLERANT HARDWOODS, WHITE PINE, RED PINE AND MIXED STANDS

13. Progressive seed cutting: the felling or harvesting of trees at the time of the first of a series of successive regeneration cuts in an even-aged stand that has reached cutting age, thus permitting the opening of the forest cover and the elimination of overtopped trees, and promoting natural regeneration from seeds produced by dominant and codominant trees left as seed bearers.

14. Strip cutting with regeneration and soil protection: felling or harvesting in a stand, in strips no more than 60 metres wide, leaving a distance between each strip at least equal to the width of the strip harvested. In the strips, all trees of commercial species whose diameter has reached 10 centimetres or more at 1.30 metres above the highest ground level are harvested. Cutting must allow the harvesting of not less than 75 % of the basal area or the reduction of the forest cover to less than 25 %. Felling or hauling roads must be spaced and every precaution must be taken to avoid damaging advance regeneration and to protect the soil.

15. Fertilization: the application of chemical or organic fertilizers to increase the production capacity of the soil.

## DIVISION VI SILVICULTURAL TREATMENTS FOR THE PROTECTION OF FOREST RESOURCES

16. Strip cutting with regeneration and soil protection: felling or harvesting in a stand, in strips no more than 60 metres wide, leaving a distance between each strip at least equal to the width of the strip harvested. In the strips, all trees of commercial species whose diameter has reached 10 centimetres or more at 1.30 metres above the highest ground level are harvested. Cutting must allow the harvesting of not less than 75 % of the basal area or the reduction of the forest cover to less than 25 %. Felling or hauling roads must be spaced and every precaution must be taken to avoid damaging advance regeneration and to protect the soil.

17. Selection cutting: the periodic felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A balanced selection structure must be obtained or maintained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

18. Improvement cutting: the felling or harvesting of trees in a degraded uneven-aged high forest whose diameter is equal to or greater than the diameter determined for each species, while maintaining the percentage of the basal area of Quality 1 trees after treatment.

19. Preselection cutting: the felling or harvesting of trees selected individually or in small groups in an uneven-aged high forest, taking into account all the species and diameter classes of trees in a stand, as well as their strength and quality. A structure conducive to selection must be obtained in the stand by ensuring that growing trees receive the necessary tending and by favouring seed establishment.

## SCHEDULE II

(s. 2)

### VALUE OF SILVICULTURAL TREATMENTS ADMITTED AS PAYMENT OF DUES FOR THE 1997-1998 FISCAL YEAR

#### DIVISION I ALL FOREST AREAS

##### 1. SITE PREPARATION

– Scarification	
Anchor chains	\$100/ha
Shark-fin barrels and chains	\$290/ha
Hydraulic cone trenchers (Wadell type)	\$230/ha

Hydraulic disk trenchers (TTS hydraulic and Donaren types)	\$185/ha
Batch scarifier (Bracke), disk trencher (TTS type)	\$130/ha
Batch scarifier moulder (Bracke moulder)	\$180/ha
“V” blade batch scarifier (Bracke) or disk trencher	\$360/ha
Cutter-type portable scarifier, forest mattock	\$320/1 000 microsites
Forest harrows (Rome and Crabe types)	
Single pass	\$205/ha
Double pass	\$370/ha
Létourneau tree crusher	\$225/ha
– Winter shear-blading with a shear-blade-equipped crawler tractor	\$415/ha
– Clearing	
Rake-equipped crawler tractor	\$410/ha
Rake-equipped skidder	\$345/ha
Modified “V” blade models C and H	\$175/ha
– Ploughing and harrowing	
Forest plough (Lazure type) + forest harrow (Rome and Crabe types)	\$1 120/ha
– Prescribed burning	\$375/ha

##### 2. PLANTING

– With site preparation		
Bare-root seedlings	Conventional size	\$210/1 000 seedlings
	Large size	\$245/1 000 seedlings
Container seedlings	67-50:	\$170/1 000 seedlings
	45-110 or cuttings:	\$175/1 000 seedlings
	25-200:	\$230/1 000 seedlings
	45-340 and 25-350-A:	\$315/1 000 seedlings
– Without site preparation		
Bare-root seedlings	Conventional size	\$225/1 000 seedlings
	Large size	\$260/1 000 seedlings
Container seedlings	67-50:	\$185/1 000 seedlings
	45-110:	\$190/1 000 seedlings
	25-200:	\$245/1 000 seedlings
	45-340 and 25-350-A:	\$330/1 000 seedlings

<b>3. NATURAL REGENERATION REINFORCEMENT PLANTING</b>		
– With site preparation		
Bare-root seedlings	Conventional size	\$225/1 000 seedlings
	Large size	\$260/1 000 seedlings
Container seedlings	67-50:	\$180/1 000 seedlings
	45-110:	\$190/1 000 seedlings
	25-200:	\$245/1 000 seedlings
	45-340 and 25-350-A:	\$330/1 000 seedlings
– Without site preparation		
Bare-root seedlings	Conventional size	\$240/1 000 seedlings
	Large size	\$275/1 000 seedlings
Container seedlings	67-50:	\$195/1 000 seedlings
	45-110:	\$205/1 000 seedlings
	25-200:	\$260/1 000 seedlings
	45-340 and 25-350-A:	\$345/1 000 seedlings
<b>4. RELEASE TREATMENT</b>		
– Mechanical		
	Coniferous or boreal forest zone	\$555/ha
	Mixed and hardwood forest zones	\$630/ha
– Herbicides		
	Ground spraying	\$340/ha
	Aerial spraying	\$205/ha
<b>5. PRECOMMERCIAL THINNING</b>		
– Priority production of softwoods and mixed predominantly softwood stands		
	4 000 to 6 999 t/ha	\$355/ha
	7 000 to 10 999 t/ha	\$550/ha
	11 000 to 14 999 t/ha	\$695/ha
	15 000 to 19 999 t/ha	\$815/ha
	20 000 and over t/ha	\$910/ha
– Priority production of intolerant hardwoods and mixed predominantly intolerant hardwood stands		
		\$795/ha
– Priority production of tolerant hardwoods and mixed predominantly tolerant hardwood stands		
		\$760/ha

<b>6. COMMERCIAL THINNING</b>		
– Softwoods		
<b>Average DPH of felled trees (cm)</b>	<b>Value with tree marking (\$/ha)</b>	<b>Value without tree marking (\$/ha)</b>
10 to 10.9	1 205	1 065
11 to 11.9	1 005	865
12 to 12.9	850	710
13 to 14.9	680	540
15 or more	520	380
– Mixed with tolerant and intolerant hardwoods		
		\$545/ha
– Tolerant and intolerant hardwoods		
		\$235/ha

<b>7. DRAINAGE</b>	
Cleared areas (without prior felling)	\$1.40/m or m <sup>3</sup>
Wooded areas (with prior felling)	\$1.75/m or m <sup>3</sup>

**DIVISION II**  
FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF SOFTWOODS

<b>8. PINE SEEDING</b>	
– Aerial seeding	\$35/ha
– Ground seeding	\$130/ha
– Funnels	\$295/1 000 seeded microsites

**DIVISION III**  
FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF TOLERANT HARDWOODS, WHITE PINE, RED PINE, CEDAR AND MIXED STANDS WITH TOLERANT HARDWOODS

<b>9. SELECTION CUTTING</b>	
– Tolerant hardwoods	\$235/ha
– Mixed with tolerant hardwoods	\$235/ha
– Cedar	\$220/ha
<b>10. IMPROVEMENT CUTTING</b>	
– Tolerant hardwoods	\$235/ha
– Mixed with tolerant hardwoods	\$235/ha
– Cedar	\$220/ha

**DIVISION IV**  
FOREST AREAS INTENDED FOR THE PRIORITY PRODUCTION OF TOLERANT HARDWOODS, WHITE PINE, RED PINE AND MIXED STANDS WITH TOLERANT HARDWOODS

<b>11. PRESELECTION CUTTING</b>	
– Tolerant hardwoods	\$235/ha
– Mixed with tolerant hardwoods	\$235/ha
– Cedar	\$220/ha

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12. ENRICHMENT AND REINFORCEMENT PLANTING OF HARDWOODS AND PINE	\$495/1 000 seedlings
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**DIVISION V**

FOREST AREAS INTENDED FOR THE PRIORITY  
PRODUCTION OF SOFTWOODS, TOLERANT  
HARDWOODS, WHITE PINE, RED PINE AND  
MIXED STANDS

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13. PROGRESSIVE SEED CUTTING	
– Softwoods	\$505/ha
– Mixed with tolerant and intolerant hardwoods	\$235/ha
– Tolerant and intolerant hardwoods	\$235/ha
14. STRIP CUTTING WITH REGENERATION AND SOIL PROTECTION (except in mixed stands)	\$205/ha
15. FERTILIZATION	
– Softwoods and mixed stands with tolerant hardwoods	\$355/ha
– Tolerant hardwoods	\$355/ha

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**DIVISION VI**

SILVICULTURAL TREATMENTS FOR THE  
PROTECTION OF FOREST RESOURCES

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16. STRIP CUTTING WITH REGENERATION AND SOIL PROTECTION	\$205/ha
17. SELECTION CUTTING	
– Tolerant hardwoods	\$235/ha
– Mixed with tolerant hardwoods	\$235/ha
– Cedar	\$220/ha
18. IMPROVEMENT CUTTING	
– Tolerant hardwoods	\$235/ha
– Mixed with tolerant hardwoods	\$235/ha
– Cedar	\$220/ha
19. PRESELECTION CUTTING	
– Tolerant hardwoods	\$235/ha
– Mixed with tolerant hardwoods	\$235/ha
– Cedar	\$220/ha

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Note: The expression “tolerant hardwoods” includes  
white pine and red pine.



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## Draft Regulations

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### Draft Regulation

Education Act  
(R.S.Q., c. I-13.3)

#### Basic school (régime pédagogique) for preschool and elementary school education — 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 Basic school regulations (régime pédagogique) for preschool and elementary school education, 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 certain provisions applicable to 5-year-old children in preschool education so that, as of 1 July 1997, they may receive full-time developmental and cognitive learning services.

To date, study of the matter has shown no negative impact on the public, on businesses and on small and medium-size businesses.

Further information may be obtained by contacting Mr. Robert Bisaillon, Assistant Deputy Minister for preschool and elementary and secondary education, tel.: (418) 643-3810.

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 the undersigned, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec), G1R 5A5.

PAULINE MAROIS,  
Minister of Education

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### Regulation to amend the Basic school regulations (régime pédagogique) for preschool and elementary school education

Education Act  
(R.S.Q., c. I-13.3, s. 447)

**1.** The Basic school regulations (régime pédagogique) for preschool and elementary school education, made by Order in Council 73-90 dated 24 January 1990, is amended by substituting the following for section 29:

“**29.** For the preschool students referred to in section 32, the school calendar shall comprise a maximum of 200 days, at least 180 of which must be devoted to educational services scheduled five days per week; for the handicapped students and students living in economically disadvantaged areas referred to in section 33, the school calendar shall comprise a maximum of 200 half days, at least 180 of which must be devoted to developmental and cognitive learning services, student services and special services, scheduled five half days per week.”

**2.** The following is substituted for section 34:

“**34.** For the preschool students referred to in section 32, the standard week of five complete days shall comprise a minimum of 23 hours and 30 minutes per week devoted to educational services; for the handicapped students and students living in economically disadvantaged areas referred to in section 33, the standard week of five half days shall comprise a minimum of 11 hours and 45 minutes per week devoted to developmental and cognitive learning services, student services and special services.”

**3.** This Regulation comes into force on 1 July 1997.

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26, s. 88; 1994, c. 40)

### Chartered appraisers — Conciliation and arbitration procedure for accounts

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 respecting the conciliation and arbitration procedure for the accounts of chartered appraisers, made by the Bureau of the Ordre des évaluateurs agréés du Québec, the text of which appears below, may be submitted to the Government which may approve it, with or without amendment, upon the expiry of a 45-day period following this publication.

According to the Ordre des évaluateurs agréés du Québec, the purpose of the Regulation is to replace the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers (R.R.Q., 1981, c. C-26, r.94) and to establish a conciliation and arbitration procedure for the accounts of chartered appraisers that complies with the provisions of the Professional Code. In particular, the Regulation provides for provisions that allow a client to use that procedure even if he has already paid the account and for provisions indicating that arbitration will take place before a council of arbitration composed of three arbitrators if the amount in dispute is \$2 000 or more and before only one arbitrator in other cases.

The draft Regulation also proposes that a chartered appraiser may not institute proceedings in respect of an account so long as the dispute may be settled by conciliation or arbitration. However, it empowers the council of arbitration, as allowed by the Professional Code, to add interest and an indemnity computed in accordance with the Civil Code of Québec in its arbitration award.

In the opinion of the Order, the impact of those measures will be mainly to provide the client of a chartered appraiser with better protection by putting at his disposal a procedure for conciliation and arbitration of his account. That procedure helps to avoid possible irregularities by chartered appraisers in the fixing and recovery of their fees and to ensure equal treatment for both the chartered appraiser and the client in an application for arbitration and conciliation of accounts. It is indeed a procedure of settlement of accounts that is more flexible and less expensive.

Further information may be obtained by contacting Ms. Céline Viau, Secretary of the Ordre des évaluateurs agréés du Québec, 2075, rue University, bureau 1200,

Montréal (Québec), H3A 2L1, tel.: (514) 281-9888; fax: (514) 281-1020.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order which made the Regulation and to interested persons, departments and bodies.

ROBERT DIAMANT,  
*Chairman of the Office  
des professions du Québec*

## Regulation respecting the conciliation and arbitration procedure for the accounts of chartered appraisers

Professional Code  
(R.S.Q., c. C-26, s. 88; 1994, c. 40 s. 76)

### DIVISION I GENERAL

**1.** The syndic shall send a copy of this Regulation to any person who so requests and to a person who sends him an application for conciliation.

In this Regulation, the term “syndic” means the syndic, assistant syndic or a corresponding syndic of the Ordre des évaluateurs agréés du Québec.

**2.** A client who has a dispute with a member of the Order concerning the partial or total amount of an account for professional services may, even if it has been paid for, require conciliation by the syndic.

Where the conciliation did not settle the dispute, the client may submit it to arbitration.

**3.** A member of the Order may not institute proceedings in respect of an account so long as the dispute may be settled by conciliation or arbitration, except with the authorization of the syndic where there is a risk that recovery of the account will be imperilled unless proceedings are instituted.

Notwithstanding the foregoing, a member of the Order may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).



## DIVISION II PROCEDURE FOR CONCILIATION

**4.** An application for conciliation shall be sent to the syndic within 45 days following the day on which the client received the account.

Where payment of the account has been withdrawn or withheld by the member of the Order from the funds that he holds or receives for or on behalf of his client, the period runs from the moment on which the client becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account whose full amount has not been paid may be sent to the syndic upon the expiry of the 45-day period provided that it is sent before proceedings on the account are served on the client.

**5.** Within 5 days of receiving an application for conciliation, the syndic shall notify the member of the Order or, where he is unable to notify the member personally within that period, the member's firm.

**6.** The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

To that end, he may require that the member of the Order or the client give him any information or document he deems necessary.

**7.** Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member of the Order and shall be filed with the secretary of the Order.

**8.** Failing an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the conciliation to the client and to the member of the Order, within the 20 days that follow, by registered mail.

The syndic shall give the following information in his report, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member of the Order acknowledges having to reimburse or is willing to accept as a settlement of the dispute;
- (4) the amount suggested by the syndic during conciliation as a payment to the member of the Order or as a reimbursement to the client.

The syndic shall send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

## DIVISION III PROCEDURE FOR ARBITRATION

### §1. *Application for arbitration*

**9.** Where conciliation has not led to an agreement, the client may, within 30 days of receiving the conciliation report, apply for arbitration of the account by sending the form in Schedule I to the secretary of the Order.

The application shall be accompanied by the conciliation report and, where applicable, by the deposit of the amount he has acknowledged owing during conciliation and which is mentioned in the syndic's report.

**10.** Within 5 days of receiving an application for arbitration, the secretary of the Order shall give notice thereof to the member concerned of the Order by registered mail, to which he shall attach, where applicable, the amount deposited in accordance with section 9. The arbitration shall proceed and shall pertain only to the amount still in dispute.

**11.** A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

**12.** A member of the Order who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

**13.** Any agreement reached by the client and the member of the Order after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

### §2. *Formation of council of arbitration*

**14.** A council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$2 000 or more, and of a single arbitrator where the amount is less than \$2 000.

**15.** The administrative committee shall appoint the members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chairman.

The administrative committee shall also appoint a clerk to assist the council of arbitration.

**16.** The secretary of the Order shall give written notice of the formation of the council to the arbitrators and parties.

**17.** Before acting, the member or members of the council of arbitration shall take the oath or make the solemn affirmation of office and discretion in Schedule II.

**18.** A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or of the day on which the reason for the request becomes known.

The administrative committee shall decide the request and, where expedient, shall see that the arbitrator is replaced.

**19.** Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through. Where that arbitrator is the chairman of the council of arbitration, the administrative committee shall designate from among the other two arbitrators the arbitrator who shall act as chairman.

If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator and the dispute shall be reheard.

### §3. *Hearing*

**20.** The council of arbitration shall fix the date, time and place of the hearing. At least 10 days before the date fixed, the clerk shall notify the parties of the hearing by registered mail.

**21.** The parties are entitled to be represented or assisted by an advocate.

**22.** The council of arbitration shall hear the parties as soon as possible, receive their evidence or record any failure on their part. For those purposes, it shall follow the rules of evidence and procedure as it considers appropriate.

**23.** The council of arbitration may order the parties to submit a statement of their contentions with documents in support thereof within the time it fixes.

**24.** A party requesting that the testimony be recorded shall assume the cost thereof.

### §4. *Arbitration award*

**25.** The council of arbitration shall issue its award within 60 days of the end of the hearing.

**26.** The award shall be a majority award of the members of the council of arbitration; failing a majority, it shall be rendered by the chairman of the council.

The award shall give reasons and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

**27.** In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute and determine the reimbursement or payment to which a party may be entitled.

**28.** The council of arbitration may also, when all or part of the account in dispute is maintained or when a reimbursement is granted, add interest and an indemnity, computed in accordance with articles 1618 and 1619 of the Civil Code of Québec, from the date of the application for conciliation.

The council of arbitration may also decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 15 % of the amount to which the arbitration pertains.

**29.** The arbitration award is binding on the parties and is subject to compulsory execution after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.6 of the Code of Civil Procedure.

**30.** The arbitration award shall be filed with the secretary of the Order and shall be sent to each party or to their advocates within 10 days after being filed.

**31.** This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers (R.R.Q., 1981, c. C-26, r.94), but the latter Regulation continues to govern the procedure for conciliation and arbitration of disputes for which conciliation had been applied for prior to the date of coming into force of this Regulation.

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

**SCHEDULE I**

(s. 9)

**APPLICATION FOR ARBITRATION OF AN ACCOUNT**

I, the undersigned, .....  
(client's name)

.....  
(domicile)

declare that:

1. ....  
(Order member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

2. I have enclosed a copy of the conciliation report and, where applicable, a certified cheque made out to the name of the member of the Order of \$..... representing the amount I acknowledge owing and which is mentioned in the conciliation report.

3. I am applying for arbitration of the account under the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered appraisers.

4. I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

5. I agree to submit to the procedure provided for in the Regulation and, where required, to pay to .....  
(member's name)  
the amount of the arbitration award.

Signed on .....  
(signature)

**SCHEDULE II**

(s. 17)

**OATH OR SOLEMN AFFIRMATION OF OFFICE AND DISCRETION**

I swear (or solemnly affirm) that I will perform all my duties and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I also swear (or solemnly affirm) that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

In the case of an oath, add: "So help me God."

.....  
(signature of arbitrator)

Sworn or solemnly affirmed before me .....  
(name and position, profession or quality)

at ..... on.....  
(municipality) (date)

.....  
(signature of person who receives oath or solemn affirmation)

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**Draft Regulation**

Professional Code  
(L.R.Q., c. C-26)

**Industrial relations Counsellors — Code of Ethics**

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre professionnel des conseillers en relations industrielles du Québec made the Code of Ethics of Industrial Relations Counsellors.

The Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Thereafter, it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

According to the Ordre professionnel des conseillers en relations industrielles du Québec, this Regulation replaces the Code of Ethics of industrial relations counsellors (R.R.Q., c. C-26, r. 52), in the purpose of providing for certain rules relating to the use or administration of interview and selection techniques or tools.

Secondly, in the section on general duties and obligations to the public, the Regulation introduces specific obligations relating to the industrial relations counsellor's attitude toward any tribunal, agency or commission of inquiry. The Regulation also provides for certain conditions, obligations and prohibitions regarding the advertising done by an industrial relations counsellor.

For citizens, this Regulation will contribute toward improving the quality and excellence of services provided by Industrial Relations Counsellors. There is no impact on businesses, smbs and others.

Further information may be obtained from Mr. Florent Francoeur, Secretary of the Ordre professionnel des conseillers en relations industrielles du Québec, 1100, Beaumont Avenue, Suite 503, Mont-Royal, Québec, H3P 3H5; tel.: (514) 344-1609, fax (514) 344-1610.

Any person having comments to make on the text reproduced below is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of the legislation respecting the professions: they may also be forwarded to the professional order that made the Regulation, that is, the Ordre professionnel des conseillers en relations industrielles du Québec, as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,  
*Chairman of the Office  
des professions du Québec*

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## Code of Ethics of Industrial Relations Counsellors

Professional Code  
(R.S.Q., c. C-26, a. 87)

### DIVISION I GENERAL PROVISIONS

**1.01.** In this Regulation, unless the context indicates otherwise, the following words mean:

- a) *Ordre*: the Ordre professionnel des conseillers en relations industrielles du Québec;
- b) *counsellor*: whoever is entered on the roll of the Ordre;
- c) *client*: a person or an employer who has recourse to the professional services of a counsellor.

**1.02.** The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

### DIVISION II GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.01.** Unless he has sound reasons to the contrary, a counsellor must support every measure likely to im-

prove the quality and availability of professional services in the field in which he practices.

**2.02.** In the practice of his profession, a counsellor must, where applicable, bear in mind:

- a) the protection of the physical and mental health of the persons under his authority or supervision;
- b) the necessary hygiene and safety measures in the work environment in which he practices his profession;
- c) the relative value of the results of psychometric tests which he uses in the practice of his profession;
- d) the importance of the measures for receiving and initiating new employees;
- e) the importance of promotion, advancement, training and staff upgrading courses and programmes;
- f) the confidentiality of the records of persons under his authority or supervision and of the confidential information which he possesses concerning these persons;
- g) the right of the employees of the organization he represents to consult any document which concerns them and to obtain a copy of any records in regard to them, in compliance with the law.

Within the framework of his duties, a counsellor must make the pertinent recommendations to his clients on the matters listed in the first paragraph.

**2.03.** The counsellor must protect the use or the administration of the techniques and tools he employs, and the interpretation of the information resulting therefrom, against improper or deficient use by a third party.

**2.04.** In the practice of his profession, a counsellor must bear in mind the general effect which his research and work may have on society.

**2.05.** A counsellor must promote measures of education and information in the field in which he practices. In the practice of his profession, he must also, unless he has sound reasons to the contrary, do what is required to ensure such education and information.

**2.06.** The counsellor must strive to maintain his knowledge and expertise up to date in order to provide professional services.

**2.07.** The counsellor must remain objective, moderate and act with dignity. He must avoid all methods, procedures or attitudes which might damage the reputation of the profession.

**2.08.** The counsellor may represent a client in a case regardless of his personal opinion of the position taken by the client.

**2.09.** The counsellor must be respectful towards any tribunal, court, agency, board or commission of inquiry involved in industrial relations.

**2.10.** The counsellor must avoid and refuse to take part in illegal or discriminatory practices.

**2.11.** The counsellor must not directly or indirectly publish or broadcast remarks or comments which he is aware are false or which are obviously false in regard to a tribunal, court, agency, board or commission of inquiry involved in industrial relations, or any member thereof.

**2.12.** The counsellor must not directly or indirectly comment publicly in any way whatsoever on a case pending before a tribunal, court, agency or board involved in industrial relations and on which he or one of his partners or employees holds a position.

**2.13.** The counsellor must scrupulously protect his professional qualifications, and those of others against misrepresentation by third parties, and, if necessary, diligently act to correct such misrepresentation.

### DIVISION III

#### DUTIES AND OBLIGATIONS TOWARDS CLIENTS

##### General provisions

**3.01.01.** Before undertaking professional service, a counsellor must bear in mind the extent of this proficiency, knowledge and the means at his disposal. He must not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

**3.01.02.** A counsellor must at all times acknowledge his client's right to consult another counsellor, a member of another professional corporation or any other competent person.

**3.01.03.** A counsellor must not practice under conditions or in situations which could impair the quality of his services.

**3.01.04.** A counsellor must try to establish a mutual trust relationship between the client and himself.

**3.01.05.** A counsellor must not interfere in the personal affairs of his client in matters that do not fall within the generally recognized competence of the profession.

**3.01.06.** In the practice of his profession, a counsellor must identify himself in relation to his client as an industrial relations counsellor.

##### Integrity

**3.02.01.** A counsellor must discharge his professional duties towards his client with integrity and competences.

**3.02.02.** A counsellor must avoid any misrepresentation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If the good of the client so requires he must, with the latter's authorization, consult another counsellor, a member of another professional corporation or another competent person, or refer him to one of these persons.

**3.02.03.** A counsellor must inform his client as early as possible of the extent and the terms and conditions of the mandate entrusted to him by the latter.

**3.02.04.** A counsellor must set out in a complete and objective manner to his client the nature and scope of the problem as he sees on the basis of the facts brought to his knowledge.

**3.02.05.** A counsellor must try to gain a complete knowledge of the facts before giving an opinion or advice. A counsellor must not, in particular, accept, alone or without a competent counsellor, a mandate in respect of which he does not have, and is unable to acquire in the proper time, the necessary competence.

**3.02.06.** A counsellor must take reasonable care of the property entrusted to him by a client and he may not lend it or use it for purposes other than those for which it was entrusted to him.

**3.02.07.** A counsellor must notify his client of any illegal act likely to benefit that client and of which he became aware in the execution of his mandate.

**3.02.08.** A counsellor must refer to his client any offer of settlement that is made to him.

**3.02.09.** A counsellor is free to accept or to refuse a mandate. However, he must not accept a number of mandates of which the interest of his clients may require.

##### Availability and diligence

**3.03.01.** A counsellor must display reasonable availability and diligence in the practice of his profession.

**3.03.02.** In addition to opinion and counsel, a counsellor must provide his client with any explanation necessary to the understanding and evaluation of the services rendered to him.

**3.03.03.** A counsellor must give an accounting to his client when so requested by the latter.

**3.03.04.** A counsellor must be objective when persons other than his clients ask him for information.

**3.03.05.** Unless he has sound and reasonable grounds to the contrary, a counsellor may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds:

*a)* loss of the client's confidence;

*b)* the fact that the counsellor is in a situation of conflict of interest or in a situation such that his professional independence could be called in question;

*c)* the fact of being incited by the client to perform illegal, unfair, fraudulent or discriminatory acts.

**3.03.06.** Before he ceases to exercise his functions for the account of a client, the counsellor must forward and advance notice of withdrawal within a reasonable time and ensure, as far as possible, that such termination of services is not prejudicial to his client.

**3.03.07.** A counsellor must appear in person or be represented at the time fixed for any proceeding relative to the practice of his profession unless he is prevented therefrom for good and sufficient reason and has, where possible, given prior notice of his absence to his client and to the other parties concerned.

#### Liability

**3.04.01.** A counsellor is prohibited from inserting in a contract of professional services any clause directly or indirectly excluding, in whole or in part, his personal civil liability.

#### Independence and impartiality

**3.05.01.** A counsellor must subordinate his personal interest to that of his client.

**3.05.02.** A counsellor must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**3.05.03.** A counsellor must safeguard his professional independence at all times and avoid any situation

in which he would be in conflict of interest. Without restricting the generality of the foregoing, a counsellor is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or whereby his judgment and loyalty towards the latter may be unfavourably affected.

**3.05.04.** As soon as he ascertains that he is in a situation of conflict of interest, the counsellor must notify his client thereof and ask for authorization to continue his mandate.

**3.05.05.** A counsellor must not receive, other than the remuneration to which he is entitled, any benefit, allowance or commission relative to the practice of his profession. Nor shall he pay, offer to pay or undertake to pay such benefit, allowance or commission.

**3.05.06.** A counsellor may share his fees with another person only to the extent that such sharing corresponds to a distribution of services and responsibilities.

**3.05.07.** For a given service, the counsellor must only accept fees from one source, unless explicitly agreed otherwise by all the parties concerned. He shall accept payment of these fees only from his client or the latter's representative.

**3.05.08.** Generally, a counsellor shall only act, in the same matter, for one party representing the same interests. If his professional duties require that he acts otherwise, the counsellor must specify the nature of his duties or responsibilities and must keep all the parties concerned informed that he will cease to act if the situation becomes irreconcilable with his duty of impartiality.

#### Professional secrecy

**3.06.01.** A counsellor must respect the secrecy of all confidential information acquired in the practice of his profession.

**3.06.02.** A counsellor may be relieved from professional secrecy only upon the authorization of his client or when so ordered by law.

**3.06.03.** A counsellor must take reasonable care to prevent his partners, employees or the other persons whose services he retains from disclosing or making use of the confidential information obtained from a client.

**3.06.04.** A counsellor must avoid indiscreet conversations concerning a client and the services rendered to him.

**3.06.05.** A counsellor shall not make use of confidential information to the prejudice of a client or with a view to obtaining a direct or indirect benefit for himself or for another.

#### Accessibility of records

**3.07.01.** A counsellor must respect the right of his client to consult the documents that concern him in any record made in his regard and to obtain a copy of such documents.

#### Determination and payment of fees

**3.08.01.** A counsellor must charge fair and reasonable fees.

**3.08.02.** Fees are fair and reasonable if they are warranted by the circumstances and in proportion to the services rendered. A counsellor must, in particular, take the following factors into account when determining his fees:

*a)* the time spent in carrying out the professional service;

*b)* the complexity and extent of the service;

*c)* the performance of unusual services or services requiring exceptional competence or celerity.

**3.08.03.** A counsellor must provide his client with all the explanations necessary to the understanding of his statement of fees and of the terms and conditions of payment.

**3.08.04.** A counsellor must refrain from demanding advance full payment for his services; however, he must notify his client of the approximate cost of his services.

**3.08.05.** A counsellor may collect interest on outstanding accounts only after having notified his client. The interest thus charged must be at a reasonable rate.

**3.08.06.** Before having recourse to legal proceedings, a counsellor must have exhausted all the other means at his disposal for obtaining payment of his fees.

**3.08.07.** Where a counsellor entrusts the collection of his fees to another person he must, as far as possible, ensure that the latter will act with tact and moderation.

## DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

### Derogatory acts

**4.01.01.** In addition to those referred to in sections 57 and 58 of the Professional Code (R.S.Q., c. C-26), the following acts are derogatory to the dignity of the profession of industrial relations counsellor:

*a)* communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an inquiry into his professional conduct or competence will be held or when he has received the service of a complaint against him;

*b)* inducing someone to use criminal or violent means to achieve his aims, or resorting to such means;

*c)* refusing to counsel or to represent a person with a complaint or claim against a colleague, for the sole reason that it concerns a colleague;

*d)* drawing up an incomplete or false report of declaration concerning a person under his authority or supervision;

*e)* not informing the Ordre that an individual is wrongfully assuming the title of industrial relations counsellor or allowing it to be believed that that he is an industrial relations counsellor.

### Relations with the Ordre and colleagues

**4.02.01.** The counsellor whose participation on a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Ordre, must accept that duty unless he has reasonable grounds for refusing it.

**4.02.02.** A counsellor must reply promptly to all correspondence addressed to him by the syndic of the Ordre, investigators or members of the professional inspection committee.

**4.02.03.** A counsellor shall not be guilty of disloyal practices towards a colleague.

**4.02.04.** A counsellor who is consulted by a colleague must give the latter his opinion and recommendation as promptly as possible.

**4.02.05.** A counsellor must not betray the good faith of a colleague or be guilty towards him of an abuse of trust or of disloyal conduct, in particular by claiming credit for work done by a colleague.

**Contribution to the advancement of the profession**

**4.03.01.** A counsellor must, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with his colleagues and students and by participating in courses and continuing training periods recommended by the Ordre.

**DIVISION V  
RESTRICTIONS AND OBLIGATIONS TOWARDS  
ADVERTISING**

**5.01.** A counsellor must not release, or allow to be released, by any means, advertising which is false, deceptive or reasonably likely to mislead.

**5.02.** A counsellor must not claim for himself any qualifications or skills which he cannot substantiate.

**5.03.** A counsellor must not use advertising methods which might denigrate or disoarage another industrial relations counsellor.

**5.04.** A counsellor must not use comparative advertising.



## Municipal Affairs

Gouvernement du Québec

### **O.C. 258-97, 5 March 1997**

Amendment to the letters patent establishing the Municipalité régionale de comté d'Antoine-Labelle

WHEREAS under section 166 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the Government established, by letters patent, the Municipalité régionale de comté d'Antoine-Labelle on 1 January 1983;

WHEREAS the process for the constitution of a regional county municipality was amended on 17 December 1993 by inserting into the Act respecting municipal territorial organization (R.S.Q., c. O-9) sections 210.30 to 210.42, which provide that henceforth the Government itself may, by order, constitute a regional county municipality;

WHEREAS under section 109 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (1993, c. 65), every regional county municipality constituted before 17 December 1993 under section 166 of the Act respecting land use planning and development shall continue to exist in accordance with the provisions of its letters patent, as if it had been constituted under section 210.30 of the Act respecting municipal territorial organization enacted by section 71 of that Act;

WHEREAS under the same provision, the letters patent of such a regional county municipality constituted before 17 December 1993 shall be regarded as its constituting order;

WHEREAS the Government may, by order, amend the letters patent of the Municipalité régionale de comté d'Antoine-Labelle;

WHEREAS an application for an amendment to those letters patent was submitted by the council of that regional county municipality;

WHEREAS it is expedient to amend the letters patent of the Municipalité régionale de comté d'Antoine-Labelle;

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

THAT the letters patent establishing the Municipalité régionale de comté d'Antoine-Labelle be amended by substituting the following for the third and fourth paragraphs of the operative part:

“The number of votes of the representative of a municipality on the council of the Municipalité régionale de comté d'Antoine-Labelle shall be determined according to the following formula:

- from 0 to 1 500 inhabitants: 1 vote;
- from 1 501 to 3 000 inhabitants: 2 votes.

The representative of any municipality having a population greater than 3 000 inhabitants shall also have one additional vote per 1 500 inhabitants in his municipality, by making the necessary adjustments in the formula established in the preceding paragraph; in addition, a veto shall be granted to the representative of Ville de Mont-Laurier.”.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

1302

Gouvernement du Québec

### **O.C. 259-97, 5 March 1997**

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of the Village de Sainte-Clotilde-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Municipalité de Saint-Jacques-de-Horton

WHEREAS each of the municipal councils of the Village de Sainte-Clotilde-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Municipalité de Saint-Jacques-de-Horton has adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the 3 municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application has been sent to the Minister of Municipal Affairs;

WHEREAS no objections have been sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS the Commission de toponymie recommends that the spelling of the name of the local municipality proposed in the joint application be corrected in order that the name "Clothilde" be written "Clotilde";

WHEREAS the municipalities concerned accept that spelling correction;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application with the amendments proposed by the Minister of Municipal Affairs and approved by the councils of the applicant municipalities;

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

THAT the application be granted and that a local municipality be constituted through the amalgamation of the Village de Sainte-Clotilde-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Municipalité de Saint-Jacques-de-Horton, under the following conditions:

(1) The name of the new municipality is "Municipalité de Sainte-Clotilde-de-Horton".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 29 October 1996; that description is attached as a schedule to this Order in Council.

(3) The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

(4) The new municipality will be part of the Municipalité régionale de comté d'Arthabaska.

(5) A provisional council will remain in office until the first general election. It will be composed of 9 members, with the mayor and 2 councillors representing each municipality. Should a mayor be unable to sit on the provisional council, he will be replaced by the acting mayor. The representatives of each municipality will be selected by a drawing of lots among all the councillors in office at the time of the coming into force of this Order in Council. The quorum will be 5 members. The current mayors will alternate as mayor and acting mayor of the provisional council for 3 equal periods. The mayor of the Paroisse de Sainte-Clothilde-de-Horton will serve

as mayor for the first period, followed by the mayor of the Village de Sainte-Clotilde-de-Horton, for the second period, and then the mayor of the Municipalité de Saint-Jacques-de-Horton, for the third period. The mayors of the Village de Sainte-Clotilde-de-Horton, the Municipalité de Saint-Jacques-de-Horton and the Paroisse de Sainte-Clothilde-de-Horton will serve successively as acting mayor for the 3 periods.

For the duration of the term of the provisional council, all the council members in office in the 3 councils at the time of the coming into force of this Order in Council will continue to receive the same remuneration they were receiving prior to the coming into force of this Order in Council, whether or not they are selected to sit on the provisional council.

(6) The first meeting of the provisional council will be held on the second juridical Monday following the coming into force of this Order in Council; it will be held at 8:00 p.m., at the Centre communautaire de Sainte-Clotilde-de-Horton.

(7) The first general election will be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If that date falls on the first Sunday in January, the first general election will be postponed until the first Sunday in February.

(8) The council of the new municipality will be composed of 7 members, that is, a mayor and 6 councillors. From the first general election, the councillors' seats will be numbered from 1 to 6.

(9) The second general election will be held on the first Sunday in November 2001.

(10) For the first and second general elections, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the Village de Sainte-Clotilde-de-Horton, will be eligible for seats 1 and 4; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the Municipalité de Saint-Jacques-de-Horton, will be eligible for seats 2 and 5; and only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the Paroisse de Sainte-Clothilde-de-Horton, will be eligible for seats 3 and 6.

(11) Mr. Roger Boissonneault, secretary-treasurer of the Village de Sainte-Clotilde-de-Horton and Mr. Jean-Paul Fleurant, secretary treasurer of the Municipalité de

Saint-Jacques-de-Horton, will act as assistant secretary-treasurers of the new municipality until the council, made up of the persons elected at the first general election, decides otherwise.

(12) Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues will be accounted for separately as if those municipalities continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budgets of each of the former municipalities in proportion to their standardized real estate values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Order in Council 719-94 dated 18 May 1994 and 502-95 dated 12 April 1995), as appearing in their financial reports for the fiscal year ending prior to the coming into force of this Order in Council.

(13) The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force prior to the coming into force of this Order in Council will continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

(14) The working capital of the former Paroisse de Sainte-Clothilde-de-Horton will be abolished at the end of the last fiscal year for which it adopted a separate budget. The amount of the working capital that is not committed at that date will be added to the surplus accumulated on behalf of that former municipality and will be used in accordance with the provisions of sections 15 and 16.

(15) A working capital is constituted for the new municipality and all or a part of the surplus, including the amounts reserved, accumulated on behalf of a former municipality at the end of the last fiscal year for which the new municipality applies separate budgets, will be paid into it.

The amount of the working capital will be determined as follows:

1. the amount of the surplus accumulated on behalf of a former municipality that is paid into the working capital must correspond to the proportion obtained by dividing its standardized real estate value within the meaning of section 261.1 of the Act respecting municipal taxation, as it appears at the date of the deposit of the last triennial roll of the former municipalities, by the total standardized real estate value of the new municipality, at that same date.

2. the amount of the accumulated surplus paid by each of the former municipalities into the working capital of the new municipality will be equal to the maximum amount that may be paid according to the proportion established under the preceding paragraph up to an amount of \$50 000.

(16) Once the operation provided for in section 15 has been carried out, the balance of the surplus, if any, accumulated on behalf of each of the former municipalities, at the end of the last fiscal year for which the former municipalities adopted separate budgets, will be used in the following manner:

— the balance of the surplus accumulated on behalf of the former Paroisse de Sainte-Clothilde-de-Horton and the balance accumulated on behalf of the former Municipalité de Saint-Jacques-de-Horton will be used exclusively for maintenance work and road repairs in the respective sectors made up of the territory of those former municipalities.

— the balance of the surplus accumulated on behalf of the former Village de Sainte-Clothilde-de-Horton will be used to reduce the special taxes provided for in sections 9 and 10 of loan by-law No. 27 as amended by by-law No. 85. Up to the amount of the total of the surplus and of the amount of the taxes, it will be used in the following order:

(a) to reduce the special tax levied on all of the territory of the former municipality by section 9 for the 1998 fiscal year;

(b) to reduce the special tax levied by section 9 for the 1997 fiscal year;

(c) to reduce the special sector tax levied by section 10 for the 1998 fiscal year;

(d) where an unused balance remains, for the realization of work carried out in the sector made up of the territory of that former municipality.

(17) Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets will continue to be charged to all the taxable immovables located in the sector made up of the territory of that former municipality.

(18) The balance in principal and interest on all the loan by-laws adopted by a former municipality will continue to be charged to the taxable immovables located in the sector made up of the territory of that former municipality in accordance with the taxation clauses

provided for in those by-laws. The new municipality may amend the taxation clauses provided for in those by-laws in accordance with the law; notwithstanding the foregoing, such amendments may affect only the taxable immovables located in the sector made up of the territory of the former municipality that made the by-law.

(19) For the first 9 complete fiscal years following the coming into force of this Order in Council, the costs for operating the water supply and sewer system for servicing the school, the community centre, the church and the rectory will be charged to all the taxable immovables of the new municipality.

(20) Any subsidy granted for local roads by the Gouvernement du Québec or by one of its departments, for the first 2 years following the coming into force of this Order in Council, for the sector made up of the territory of any one of the former municipalities will be used solely for works on the road network of that sector. The subsidy paid for the sector made up of the territory of the former Municipalité de Saint-Jacques-de-Horton will be used, in first order of priority, for repairing the road of range No. 10.

(21) Any debt or gain that may result from legal proceedings for any act performed by a former municipality will continue to be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

(22) The Régie intermunicipale des loisirs de Horton will cease to exist from the coming into force of this Order in Council.

(23) The new municipality will succeed to the rights, obligations and responsibilities of the former municipalities and of the Régie intermunicipale des loisirs de Horton. It will become, without continuance of suit, a party to any proceeding in place of those former municipalities and the Régie.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities will remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are compatible with this Order in Council.

(24) All the movable and immovable property belonging to each of the former municipalities and to the Régie intermunicipale des loisirs de Horton become the property of the new municipality.

(25) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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#### OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINTE-CLOTHILDE-DE-HORTON, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARTHABASKA

The current territory of the Municipalité de Saint-Jacques-de-Horton, the Paroisse de Sainte-Clothilde-de-Horton and the Village de Sainte-Clotilde-de-Horton, in the Municipalité régionale de comté d'Arthabaska, comprising, in reference to the cadastres of the Canton de Horton, Canton de Simpson and Canton de Warwick, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the extension of the northwest line of lot 1 of the cadastre of the Canton de Horton and of the centre line of rivière Nicolet; thence, successively, the following lines and demarcations: the centre line of the said river upstream to its point of intersection with the centre line of rivière Bulstrode; the centre line of the said river upstream to its point of intersection with the extension of the line dividing ranges 2 and 3 of the cadastre of the Canton de Horton; in reference to the cadastre of that township, the said extension, part of the said line dividing the ranges and the northwest side of the right of way of the public road partially limiting lot 100 on the northwest to the extension of the northeast line of lot 96; the said extension and the northeast line of lots 96 to 99; southwesterly, part of the line dividing ranges 3 and 4 to the northeast line of lots 156 and 157; the northeast line of the said lots and its extension to the southeast side of the right of way of the public road located on the line dividing ranges 4 and 5; northeasterly, the southeast side of the said right of way to the northeast line of lot 239; the northeast and east lines of lot 239; the north line of lots 239, 279, 280 and 281; part of the line dividing the Canton de Horton and the Canton de Warwick up to the northeast line of lot 1091 of the cadastre of the Canton de Warwick; in reference to the cadastre of the said township, the northeast line of the said lot 1091; southwesterly, part of the line dividing ranges 10 and 11 to the northeast line of lot 1061, that line extended across route number 122 and rivière Nicolet that it meets; the northeast line of lots 1061 and 1062; the southeast line of lots 1062, 1063, 1066, 1067, 1070 and 1071, that southeast line extended across the public road and rivière à Pat that it meets; northwesterly, part of the line dividing the Canton de Warwick and the

Canton de Simpson to the southeast line of lot 19C of range 12 of the cadastre of the Canton de Simpson; in reference to that cadastre, the said southeast line of lot 19C, that southeast line extended across the public roads and rivière à Pat that it meets; the southeast line of lot 19 of range 11; part of the line dividing ranges 10 and 11 to the apex of the eastern angle of lot 19D of range 10; the southeast line of lot 19D of range 10; part of the line dividing ranges 9 and 10 to the apex of the eastern angle of lot 19 of range 9; the southeast line of the said lot, that southeast line extended across rivière Nicolet Sud-Ouest that it meets; northwesterly, part of the line dividing ranges 8 and 9, to the northwest line of lot 13 of range 9; the said northwest line of lot 13; northwesterly, part of the line dividing ranges 9 and 10 to the northwest line of lot 7 of range 10; the said northwest line of lot 7; southeasterly, part of the line dividing ranges 10 and 11 to the northwest line of lot 7A of range 11; the said northwest line of lot 7A, that northwest line extended across rivière Nicolet Sud-Ouest that it meets; the northwest line of lot 7A of range 12, that northwest line extended across the public road and route number 122 that it meets; northwesterly, part of the line dividing the Canton de Simpson and the Canton de Horton to the northwest line of lot 35 of the latter cadastre; in reference to the cadastre of the Canton de Horton, part of the said northwest line of lot 35 to the southeasterly extension of the southwest line of lot 3; northwesterly, the said extension, the southwest line of lot 3 and its extension to the apex of the southern angle of lot 4; the southwest line of lots 4 and 5; finally, northeasterly, part of the line dividing the Canton de Horton and the Canton de Wendover to the starting point, that line extended across the public road that it meets; the said limits define the territory of the Municipalité de Sainte-Clothilde-de-Horton.

Ministère des Ressources naturelles  
Service de l'arpentage  
Charlesbourg, 29 October 1996

Prepared by: PIERRE BÉGIN,  
*Land Surveyor*

C-269/1

1303

Gouvernement du Québec

## O.C. 300-97, 12 March 1997

Amalgamation of the Village d'Aston-Jonction and the Partie sud de la Paroisse de Saint-Raphaël

WHEREAS each of the municipal councils of the Village d'Aston-Jonction and the Partie sud de la Paroisse de Saint-Raphaël has adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application has been sent to the Minister of Municipal Affairs;

WHEREAS no objections have been sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

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

THAT the application be granted and that a local municipality be constituted through the amalgamation of the Village d'Aston-Jonction and the Partie sud de la Paroisse de Saint-Raphaël, under the following conditions:

(1) The name of the new municipality is "Municipalité d'Aston-Jonction".

(2) The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 10 January 1997; that description is attached as a schedule to this Order in Council.

(3) The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

(4) The new municipality will be part of the municipalité régionale de comté de Nicolet-Yamaska.

(5) A provisional council will remain in office until the first general election. It will be composed of all the members of the two councils existing at the time of the

coming into force of this Order in Council. The quorum will be one-half of the council members in office plus one. The current mayors will alternate as mayor and acting mayor of the provisional council for two equal periods. The mayor of the former Village d'Aston-Jonction will serve as mayor of the provisional council for the first period, and the mayor of the former Partie sud de la Paroisse de Saint-Raphaël will serve as mayor of the provisional council for the second period.

Should the mayor of a former municipality be unable to sit on the provisional council, he will be replaced by the acting mayor of that former municipality.

(6) The first general election will be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If that date falls on the first Sunday in January, the first general election will be postponed until the first Sunday in February. The second general election will be held on the first Sunday in November 2001.

The council of the new municipality will be composed of seven members, that is, a mayor and six councillors. From the first general election, the councillors' seats will be numbered from 1 to 6.

(7) For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Partie sud de la Paroisse de Saint-Raphaël, may be eligible for seats 1, 3 and 5; only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former Village d'Aston-Jonction, may be eligible for seats 2, 4 and 6.

(8) Ms. Jacqueline Laplante, the secretary-treasurer of the former Partie sud de la Paroisse de Saint-Raphaël, will be the assistant secretary-treasurer of the new municipality until the council made up of the persons elected at the first general election decides otherwise, according to law.

(9) Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues must be accounted for separately as if those former municipalities continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budget of each of the former municipalities in proportion to their standardized real estate values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92

dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994 and 502-95 dated 12 April 1995), as appearing in the financial reports of those former municipalities for the fiscal year ending prior to the coming into force of this Order in Council.

(10) The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force prior to the coming into force of this Order in Council will continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

(11) Any surplus accumulated in the name of a former municipality at the end of the last fiscal year for which the new municipality applied separate budgets will be deposited in the general fund of the new municipality.

Notwithstanding the foregoing, the amount of the surplus accumulated in the name of the former Partie sud de la Paroisse de Saint-Raphaël deposited in the general fund of the new municipality may not exceed 122 % of the amount of the surplus accumulated in the name of the former Village d'Aston-Jonction so deposited.

(12) If, after the operation provided for in section 11, there remain amounts in the surplus accumulated in the name of the former Partie sud de la Paroisse de Saint-Raphaël, those amounts will be used, in first order of priority, for improving the route de la Voie ferrée.

(13) Any deficit accumulated in the name of a former municipality at the end of the last fiscal year for which the municipalities adopted separate budgets will continue to be charged to all the taxable immovables located in the sector made up of the territory of that former municipality.

(14) A proportion of 6/7 of the amounts allotted for expenditures made by the new municipality during the first eight complete fiscal years following the coming into force of this Order in Council for work on the road network must be allotted to work carried out in the sector made up of the territory of the former Partie sud de la Paroisse de Saint-Raphaël.

Notwithstanding the foregoing, this section will cease to apply before that term if the Government ceases to pay subsidies in respect of the sector made up of the territory of the former Partie sud de la Paroisse de Saint-Raphaël for taking charge of the local road network.

(15) Any debt or gain that may result from legal proceedings for any act performed by a former municipality will continue to be charged or credited to all the

taxable immovables in the sector made up of the territory of that municipality.

(16) The new municipality will succeed to the rights, obligations and responsibilities of the former municipalities. It will become, without continuance of suit, a party to any proceeding in place of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities will remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are compatible with this Order in Council.

(17) All the movable and immovable property belonging to each of the former municipalities becomes the property of the new municipality.

(18) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

OFFICIAL DESCRIPTION OF THE LIMITS  
OF THE TERRITORY OF THE MUNICIPALITÉ  
D'ASTON-JONCTION, IN THE MUNICIPALITÉ  
RÉGIONALE DE COMTÉ DE NICOLET-  
YAMASKA

The current territory of the Paroisse de Saint-Raphaël-Partie-Sud and the Village d'Aston-Jonction, in the municipalité régionale de comté de Nicolet-Yamaska, comprising, in reference to the cadastres of the Paroisse de Saint-Wenceslas and the Paroisse de Sainte-Eulalie and the enlargement of the Canton de Bulstrode, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, railroad right of way, water-courses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the extension of the east line of lot 257 of the cadastre of the Paroisse de Saint-Wenceslas and of the centre line of rivière Bécancour; thence, successively, the following lines and demarcations: southerly, the said extension and part of the line dividing the cadastres of the Paroisse de Saint-Wenceslas and the enlargement of the Canton de Bulstrode, that dividing line crossing two public roads and the railroad that it meets, up to its meeting with the northwest line of lot 32 of the cadastre of the enlargement of the Canton de Bulstrode; the northwest line of lots 32 down to 21 of the said cadastre; the line of the said lot 21 and its southerly extension to its meeting with the line dividing the cadastres of the enlargement of the Canton de Bulstrode and the Paroisse de Sainte-Eulalie; southwesterly, the line dividing the said cadastres to its meeting with the east line of lot 63 of the cadastre of the Paroisse de Sainte-Eulalie, that

line crossing the railroad and the public road that it meets; northerly, the east line of lot 63 of the said cadastre to its meeting with the southeast line of lot 2 of the cadastre of the Paroisse de Sainte-Eulalie, that line crossing the public road that it meets; the southeast line of lot 2 of the said cadastre, that line crossing the public road that it meets; the southeast line of lots 3 to 11 of the said cadastre; the southwest line of the said lot 11 and its northwesterly extension to its meeting with the northwest side of the right of way of the road of Rang 11; northeasterly, the northwest side of the right of way of the said road to its meeting with the southwest line of lot 219 of the cadastre of the Paroisse de Saint-Wenceslas; in reference to that cadastre, the southwest line of lot 219, that line crossing the railroad and the public road that it meets; the northwest line of lots 219 down to 214 to its meeting with the southwest line of lot 199; the southwest line of the said lot 199 and its northwesterly extension to its meeting with the northwest side of the right of way of the public road of Rang 9, that line crossing the railroad and the public road that it meets; northeasterly, the said northwest side of the right of way of the road of Rang 9 dividing lots 120 down to 113 and lots 199 to 208 and the line separating lots 112 and 209 and its extension to the centre line of rivière Bécancour; the centre line of the said river upstream to the starting point; the said limits define the territory of the Municipalité d'Aston-Jonction.

Ministère des Ressources naturelles  
Service de l'arpentage  
Charlesbourg, 10 January 1997

Prepared by: PIERRE BÉGIN,  
*Land Surveyor*

A-232/1

1321





## Erratum

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### O.C. 111-97, 29 January 1997

Public Buildings Safety Act  
(R.S.Q., c. S-3)

#### **Elevators and lifts for persons with physical disabilities** — Safety Code

*Gazette officielle du Québec*, Part 2, Laws and Regulations, Volume 129, number 6, 12 February, 1997, page 827.

The text that appears on page 827 is replaced by the following text:

“Gouvernement du Québec

### O.C. 111-97, 29 January 1997

Public Buildings Safety Act  
(R.S.Q., c. S-3)

#### **Elevators and lifts for persons with physical disabilities** — Safety Code

Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities

WHEREAS section 39 of the Public Buildings Safety Act (R.S.Q., c. S-3) provides that the Government may, by regulation, make prescriptions applying to public buildings relating to precautions to be taken in respect of elevators and their safety appliances;

WHEREAS the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons was made by Order in Council 1009-88 dated 22 June 1988;

WHEREAS it is expedient to make a new regulation, entitled Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, in particular for the purposes of

— updating the requirements for such apparatuses and taking into account technological changes;

— recognizing that elevators and related apparatuses installed in accordance with the 1990 edition of the Safety Code for Elevators and its 1992 Supplement (No. 1), where applicable, comply with the requirements of the new regulation;

— introducing more appropriate rules to govern the installation of new apparatuses; and

— insuring better application of the Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities was published in Part 2 of the *Gazette officielle du Québec* of 14 February 1996 with a notice that it could be submitted for approval by the Government at the expiry of 45 days following that publication;

WHEREAS the comments received have been evaluated;

WHEREAS it is expedient to approve the Draft Regulation with amendments, as it appears attached to this Order in Council;

WHEREAS section 39 of the Public Buildings Safety Act provides that every regulation relating to an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) shall be made on the joint recommendation of the Minister and the Minister of Health and Social Services;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour and the Minister of Health and Social Services:

THAT the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*,

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## Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities

Public Buildings Safety Act  
(R.S.Q., c. S-3, s. 10, pars. 3 and 8, and s. 39)

### DIVISION I SCOPE

**1.** This Regulation applies to elevators, escalators, dumbwaiters, moving walks, freight platform lifts and lifts for persons with physical disabilities, installed in a public building within the meaning of the Public Buildings Safety Act (R.S.Q., c. S-3) or, where public safety must be ensured, in an establishment within the meaning of the Act respecting occupational health and safety (R.S.Q., c. S-2.1).

### DIVISION II INSPECTOR'S POWERS

**2.** An inspector may prohibit the operation of an elevator, escalator, dumbwaiter, moving walk, freight platform lift or lift for persons with physical disabilities, and may affix a seal thereto, if he finds that an offence against this Regulation is of a nature to directly endanger a person's life or health.

**3.** An inspector may require of the owner of an apparatus covered by section 1 that he perform, or cause to be performed, a test, analysis or verification of a material, a piece of equipment or the installation of such apparatus in order to ensure that it complies with the requirements of this Regulation.

**4.** Where an apparatus covered by section 1 is put into service for the first time or where such apparatus is put back into service following an alteration, the owner of the apparatus shall so notify the inspector in writing within 30 days.

The notice shall contain the following information:

- (1) the name and address of the owner, the manufacturer and the installer of the apparatus;
- (2) the address of the building in which the apparatus is installed; and
- (3) the type, make and model of apparatus, and its technical features.

### DIVISION III NEW INSTALLATIONS

#### §1. Definitions

**5.** In this Division, unless otherwise indicated by the context,

“Code” means the Safety Code for Elevators: Escalators, Dumbwaiters, Moving Walks, and Freight Platform Lifts, Public Safety, A National Standard of Canada CAN/CSA-B44-94, published in September 1994 by the Canadian Standards Association, as amended by this Regulation; and

“Standard” means Standard CAN/CSA-B355-94, Lifts for Persons with Physical Disabilities, Public Safety, A National Standard of Canada, published in January 1994 by the Canadian Standards Association, as amended by this Regulation.

#### §2. Amendments to the Code

**6.** In the Code, a reference to

(1) Standard CSA C22.1 is a reference to the electrical code that serves as a basis in applying the Act respecting electrical installations (R.S.Q., c. I-13.01), as prescribed and amended by the Bureau des examinateurs électriciens du Québec under section 29 of that Act in force at the time of installation of an apparatus or of an alteration thereto; and

(2) the National Building Code of Canada or the Building Code is a reference to the National Building Code of Canada adopted under the Public Buildings Safety Act (R.S.Q., c. S-3), as amended, in force at the time of installation of an apparatus or of an alteration thereto.

**7.** The Code is amended

(1) by deleting the notes, wherever they occur in sections 1 to 15;

(2) in the French text, by substituting *mutatis mutandis* the words “vérification”, “vérifier” and “vérifié” for the words “inspection”, “inspecter” and “inspecté”, wherever they occur;

(3) by substituting the words “devices approved by a person appointed by the Minister,” for the words “approved devices” in section 7.3.8.5, the words “type approved by a person appointed by the Minister,” for the words “approved type” in paragraph *b* of section 3.7.5, and the words “means approved by a person appointed

by the Minister” for the words “approved means” in paragraph *h* of clause 3.14.9.3.3;

(4) by substituting *mutatis mutandis* the words “inspector responsible for the application of the Public Buildings Safety Act” for the words “regulatory authority” in clauses 2.3.5.3, 2.7.1.4, 2.7.4, 2.9.6 and 3.6.2.2 and in paragraph *b* of clause 3.12.15.5;

(5) by substituting *mutatis mutandis* the words “person appointed by the Minister” for the words “regulatory authority” or “regulatory authorities” in clauses 1.2.1, 1.2.2, 3.2.7.2, 3.6.5.1, 3.14.5.1, 7.2.4.1, 8.3.11.1, 8.3.11.2, 8.4, 10.4.1, 14.2.3.2 and 14.2.8.2, subparagraphs *i* and *ii* of paragraph *c* of clause 3.5.7 and paragraph *c* of clauses 3.14.9.3.3 and 8.3.3.7.1, respectively;

(6) in clause 1.3,

(1) by substituting the following for the introductory paragraph:

“This Standard refers to the following publications:”;  
and

(2) by deleting the following publications:

“C22.1-94  
Canadian Electrical Code, Part I;”; and  
“National Building Code of Canada–1990;”;

(7) by deleting the following definitions in section 1.4:

“Accessible”;  
“Weatherproof”;  
“Approved”;  
“Private residence elevator”;  
“Existing installation”;  
“New installation”;  
“Private residence”; and  
“Shall”;

(8) by deleting the word “directly” in paragraph *a* of clause 2.7.1.5;

(9) by deleting subparagraph *d* of the second paragraph of clause 3.6.2.5;

(10) by revoking clause 9.1.2;

(11) by revoking section 12;

(12) by revoking clause 13.2;

(13) by revoking clause 14.6;

(14) by revoking clause 14.9.1.2;

(15) by revoking clause 14.9.2.2; and

(16) by deleting the second sentence in clause 15.3.1.

### §3. Amendments to the Standard

#### 8. Any reference in the Standard

(1) to Standard CAN/CSA-B44 is a reference to the Code; and

(2) to Standard CSA C22.1 is a reference to the electrical code that serves as a basis in applying the Act respecting electrical installations (R.S.Q., c. I-13.01), as prescribed and amended by the Bureau des examinateurs électriciens du Québec under section 29 of that Act in force at the time of installation of an apparatus or of an alteration thereto.

#### 9. The Standard is amended

(1) by deleting the notes, wherever they occur in sections 1 to 9;

(2) in the French text, by substituting *mutatis mutandis* the words “vérification”, “vérifier” and “vérifié” for the words “inspection”, “inspector” and “inspecté”, wherever they occur;

(3) by deleting the second sentence in clause 1.4;

(4) by adding the following after clause 1.4:

“**1.5** Any person wishing to use a material, device, piece of equipment, construction method or installation method that is not specifically covered in this Standard shall so inform the inspector. Such use shall be approved by a person appointed by the Minister where it is demonstrated that the level of safety procured is at least equivalent to that required under this Standard.

**1.6** Where it would be difficult to apply any of the provisions of this Standard because of the impact thereof, the owner may propose compensatory measures to the inspector, which may be accepted by a person appointed by the Minister where it is demonstrated to that person that the measures render the apparatus safe.”;

(5) in clause 2,

(1) by substituting the following for the introductory paragraph:

“This Standard refers to the following publications:”;  
and

(2) by deleting the following publications:

“CAN/CSA-B44-M90  
Safety Code for Elevators;” and  
“C22.1-1994  
Canadian Electrical Code, Part I;”;

(6) by deleting the word “directly” in subparagraph *i* of paragraph *g* of clause 5.4.2; and

(7) by deleting clause 6.1.1.2.

#### §4. General

**10.** An elevator, escalator, dumbwaiter, moving walk or freight platform lift that is not covered by Division IV shall comply with the Code.

**11.** A lift for persons with physical disabilities that is not covered by Division IV shall comply with the Standard.

#### DIVISION IV EXISTING INSTALLATIONS

**12.** An elevator, escalator, dumbwaiter, moving walk or freight platform lift whose installation is completed by 27 August 1997 shall comply with the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons, made by Order in Council 1009-88 dated 22 June 1988 and amended by the Regulations made by Orders in Council 1836-88 dated 7 December 1988, 927-90 dated 27 June 1990 and 1331-92 dated 9 September 1992.

Notwithstanding the foregoing, an apparatus that, at the time of installation or alteration, complies with the Safety Code for Elevators: Escalators, Dumbwaiters, Moving Walks, and Freight Platform Lifts, Public Safety, A National Standard of Canada CAN/CSA-B44-94, published in May 1990 by the Canadian Standards Association, as amended, excluding section 12, is deemed to comply with the requirements of this section.

**13.** A lift for persons with physical disabilities whose installation is completed by 27 August 1997 shall comply with the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons, made by Order in Council 1009-88 dated 22 June 1988 and amended by the Regulations made by Orders in Council 1836-88 dated 7 December 1988, 927-90 dated 27 June 1990 and 1331-92 dated 9 September 1992.

**14.** Any alteration to an existing elevator or escalator shall comply with Division 10 of the Code referred to in section 5.

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

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#### M.O., 1997

##### Minister's Order 97-01 of the Minister of Health and Social Services dated 26 February 1997

*Gazette officielle du Québec*, Part 2, Laws and Regulations, Volume 129, number 10, 12 March 1997, pp. 1016-1026.

On page 1021, article 31, should read as follows: “not later than 30 days” instead of “not later than 40 days”.

Article 57 on page 1023 should read as follows:

“**57.** This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.”

instead of:

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

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

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