

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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Legal deposit — 1<sup>st</sup> Quarter 1968  
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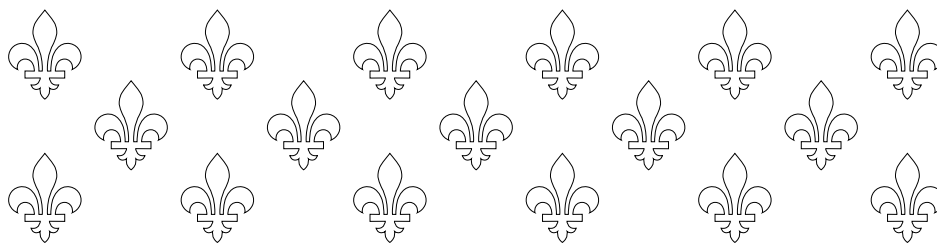
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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 272

(Private)

## **An Act respecting Municipalité de Saint-Jean-des-Piles**

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**Introduced 12 May 1998**

**Passage in principle 19 June 1998**

**Passage 19 June 1998**

**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**



## **Bill 272**

(Private)

### **AN ACT RESPECTING MUNICIPALITÉ DE SAINT-JEAN-DES-PILES**

WHEREAS it is expedient to validate certain compensation payable to and levied by Municipalité de Saint-Jean-des-Piles in respect of immovables situated in its territory;

Whereas it is in the public interest that the carrying out of certain work near Lac des Piles and the loans and expenses incurred for that purpose by the municipality be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Loan By-laws 285-11-92 and 325-11-95 of Municipalité de Saint-Jean-des-Piles as well as the work carried out, the expenses incurred and the contracts awarded under those by-laws may not be invalidated on any of the following grounds:

- (1) work was carried out on lands that did not belong to the municipality;
- (2) a contract was not awarded in accordance with articles 934 to 936 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (3) a contract was not approved by the council before being concluded, contrary to article 142 of the Municipal Code of Québec.

No judicial recourse may be exercised on any of the grounds mentioned in the first paragraph.

2. No compensation payable and levied under the by-laws referred to in section 1 and no payment in a single instalment made under article 1072.1 of the Municipal Code of Québec may be invalidated on any of the grounds mentioned in section 1 or because the amount of the compensation payable and levied or of the payment made is not the amount that it should have been.

3. A loan by-law passed by the council before 18 September 1998 to complete the work carried out under the by-laws referred to in section 1 may provide, notwithstanding article 1072.1 of the Municipal Code of Québec, that a ratepayer required to pay compensation may be exempted therefrom by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the compensation.

The by-law may also amend the provisions of By-laws 285-11-92 and 325-11-95 that establish a compensation; the new compensation and the new tax so ordered shall have effect retroactively to the date of coming into force of those by-laws.

The Amicale des Écoles de Grand-Mère may transfer, by agreement, to the municipality the portion of its land which the municipality proposes to acquire under section 3 of By-law 360-04-98 passed on 20 April 1998, even without the consent of 90% of all its members in good standing, as provided for in the amendment brought to its charter on 27 May 1962.

4. The municipality shall, before 18 October 1998, establish a reapportionment of the tax burden imposed by loan By-laws 285-11-92 and 325-11-95 as amended by the by-law referred to in section 3.

The municipality shall establish, in particular, for each ratepayer concerned by compensation that is amended by the by-law,

(1) the total amount of the taxes and compensation that should have been paid, each year, pursuant to the amended provisions or, as the case may be, the amount that should have been paid pursuant to article 1072.1 of the Municipal Code of Québec;

(2) the total amount of compensation paid each year or, as the case may be, the amount paid pursuant to article 1072.1 of the Municipal Code of Québec.

A copy of the reapportionment shall be sent to the Minister of Municipal Affairs.

5. Where the amount established under subparagraph 1 of the second paragraph of section 4 exceeds the amount established under subparagraph 2 of that paragraph, the municipality shall send to the ratepayer, before 17 November 1998, a tax account in an amount equal to that difference.

Where a ratepayer has, under article 1072.1 of the Municipal Code of Québec, paid the ratepayer's portion of the loan ordered by By-law 285-11-92 in one instalment, the municipality shall send to the ratepayer, within the same time, a claim for the difference between the two amounts.

The ratepayer is exempted from the payment of the compensation ordered by the by-law, pursuant to article 1072.3 of the Municipal Code of Québec, only if the ratepayer pays the amount claimed within 30 days of the claim. Where no such payment is made, the ratepayer is exempted only in the proportion that the amount paid by the ratepayer is of the amount that the ratepayer should have paid.

6. Where the amount established under subparagraph 2 of the second paragraph of section 4 exceeds the amount established under subparagraph 1 of that paragraph, the amount of that difference shall be paid by the municipality



to the person concerned or be set off against any sum payable to the municipality by that person.

7. The servitudes of right of way established on the private road situated on lots 368 (part), 369 (part), 370 (part) and 371 (part) of the official cadastre of the parish of Sainte-Flore by the acts published at the registry office of the registration division of Shawinigan under Nos. 167281, 164391, 157559 and 142126 and at the registry office of the registration division of Champlain under Nos. 132476, 196792, 164713, 159169 and 179576, are extinguished.

In addition, the servitudes of right of way established on the private road situated on lots 373 (part) and 374 (part) of the official cadastre of the parish of Sainte-Flore by the acts published under No. 123843 at the registration division of Shawinigan and No. 180573 at the registration division of Champlain are also extinguished.

Every servitude of right of way established before 1 December 1997 on any of the private roads mentioned in this section and not published on that date is also extinguished.

8. On application by the municipality, the cancellation of the servitudes referred to in the first and second paragraphs of section 7 shall be effected by the publication, at the registry office of the registration division of Shawinigan and at the registry office of the registration division of Champlain, of a notice referring to section 7 and reproducing the provisions thereof, and certifying that the work ordered by a by-law under sections 1 and 3 is completed.

Notwithstanding articles 2981, 2990 and 2991 of the Civil Code of Québec, the signature of the secretary-treasurer of Municipalité de Saint-Jean-des-Piles on the notice is sufficient.

Where a servitude referred to in the third paragraph of section 7 is published after 1 December 1997, it may be cancelled in accordance with this section.

9. The compensation required, under a loan by-law referred to in section 3, of the beneficiaries of the servitudes extinguished under section 7 shall not exceed 60% of the compensation required of the ratepayers whose immovables are situated on the shore of Lac des Piles and who were not entitled to any access to the public highway before the beginning of the work provided for by By-laws 285-11-92 and 325-11-95.

The difference between the two compensations referred to in the first paragraph shall be in lieu of any indemnity and any damages related to the cancellation of the servitudes extinguished under this Act.

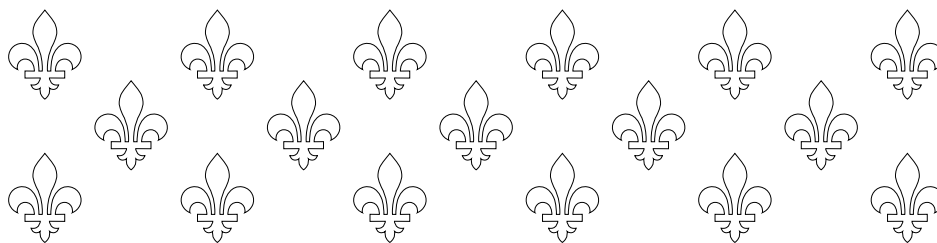
10. The secretary-treasurer of the municipality shall enter a reference to this Act in the book of the by-laws of the municipality at the end of each by-law referred to in this Act.

11. This Act does not affect any case pending on 1 December 1997.

12. Section 3 has effect from 20 April 1998.

13. Section 7 becomes effective on the day of the publication of the notice referred to in section 8.

14. This Act comes into force on 20 June 1998.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 275

(Private)

**An Act respecting certain immovables of  
the cadastre of the parish of Saint-Louis-  
de-Terrebonne**

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**Introduced 11 June 1998**

**Passage in principle 19 June 1998**

**Passage 19 June 1998**

**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**



## **Bill 275**

(Private)

### **AN ACT RESPECTING CERTAIN IMMOVABLES OF THE CADASTRE OF THE PARISH OF SAINT-LOUIS-DE- TERREBONNE**

WHEREAS it is expedient to confirm the titles of ownership pertaining to certain immovables of the cadastre of the parish of Saint-Louis-de-Terrebonne ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The title of ownership to part of lot 12 and part of lot 13 of the cadastre of the parish of Saint-Louis-de-Terrebonne, registration division of Terrebonne, granted to Ville de Bois-des-Filion by the acts published on 24 February 1992 and 14 June 1989 under numbers 982317 and 873350, respectively, is hereby validated.

2. The title of ownership to part of lot 16 of the cadastre of the parish of Saint-Louis-de-Terrebonne, registration division of Terrebonne, granted to Pauline Ouimet Lebeau and Denise Després Damboise by a notice of adjudication published on 20 March 1972 under number 337, is hereby validated.

3. The real rights extinguished by section 1 are replaced by personal rights exercisable against Ville de Bois-des-Filion. The value of the personal rights is equal to the value of the real rights at the time of the registration of the real rights by means of the acts referred to in section 1.

4. Not later than the thirtieth day after 20 June 1998, the clerk of Ville de Bois-des-Filion shall, in accordance with the Cities and Towns Act (R.S.Q., chapter C-19), give a public notice

(1) informing the readers of the passage of this Act, and mentioning the title and bill number of and date of assent to this Act ;

(2) mentioning the fact that under this Act, the titles of ownership of Ville de Bois-des-Filion to certain immovables are validated as of the date of registration of a notice in the land register under the number of the lots concerned ;

(3) describing, using street names whenever possible, the perimeter of the immovables referred to in section 1 and illustrating them by means of a sketch ;

(4) indicating how a copy of this Act and any information concerning its provisions may be obtained free of charge from the city.

5. The publication, in the registry office of the registration division of Terrebonne, of the rights resulting from this Act is effected by means of a notice referring to this Act and containing the enacting terms of this Act and the description of immovables set out in the Schedule. The notice shall also mention the issue of the newspaper in which the notice referred to in section 4 appeared.

Notwithstanding articles 2981, 2990 and 2991 of the Civil Code of Québec, the notice need only be signed by the clerk of Ville de Bois-des-Filion.

6. The titles validated by sections 1 and 2 do not constitute transfers within the meaning of section 1 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1).

7. This Act does not affect any judicial proceeding in progress on 17 April 1998.

8. This Act comes into force on 20 June 1998, except sections 1 to 3 which take effect on the date of registration in the land register of the notice referred to in section 5.

## SCHEDULE

## TECHNICAL DESCRIPTION

Cadastre of the parish of Saint-Louis-de-Terrebonne  
Registration division of Terrebonne  
Ville de Bois-des-Filion

**1. Part of lot 12**

A parcel of land situated in the said municipality, being part of original lot TWELVE (12 Pt) of the said cadastre, as indicated by the figures "16-15-19-18-17-16" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 12, on the southeast and northeast by another part of lot 12-78, on the southeast by lot 12-2 and on the southwest by part of lot 5.

MEASURING thirty-five and four hundredths metres (35.04 m) to the northwest (16-15), twelve and sixty-six hundredths metres (12.66 m) to the southeast (15-19), two and twenty-seven hundredths metres (2.27 m) to the northeast (19-18), twenty-one and ninety-six hundredths metres (21.96 m) again to the southeast (18-17) and seven and forty-four hundredths metres (7.44 m) to the southwest (17-16).

CONTAINING an area of one hundred and thirty-nine and four tenths square metres (139.4 m<sup>2</sup>).

**2. Part of lot 12**

A parcel of land situated in the said municipality, being part of original lot TWELVE (12 Pt) of the said cadastre, as indicated by the figures "22-23-24-25-22" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by lots 12-41, 12-40, 12-39 and 12-38, on the northeast by lots 12-51, 12-50, 12-49, 12-48, 12-47, 12-46, 12-45, 12-44 and 12-74, on the south by part of lot 11 and on the southwest by part of lot 5.

MEASURING twenty and seventy hundredths metres (20.70 m) to the northwest (22-23), seventy-three and fourteenth hundredths metres (73.14 m) to the northeast (23-24), twenty-seven and forty-eight hundredths metres (27.48 m) to the south (24-25) and fifty-four and seventy-three hundredths metres (54.73 m) to the southwest (25-22).

CONTAINING an area of one thousand three hundred and twelve and five tenths square metres (1,312.5 m<sup>2</sup>).

### 3. Part of lot 12

A parcel of land situated in the said municipality, being part of original lot TWELVE (12 Pt) of the said cadastre, as indicated by the figures “26-27-28-26” on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by lot 12-42 (street), on the northeast by part of lot 13 and on the south by part of lot 11.

MEASURING eight and forty-four hundredths metres (8.44 m) to the northwest (26-27), four and seven hundredths metres (4.07 m) to the northeast (27-28) and ten and sixty-three hundredths metres (10.63 m) to the south (28-26).

CONTAINING an area of sixteen square metres (16.0 m<sup>2</sup>).

### 4. Part of lot 12-78

A parcel of land situated in the said municipality, being part of lot SEVENTY-EIGHT of original lot TWELVE (12-78 Pt) of the said cadastre, as indicated by the figures “19-15-14-21-20-19” on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 12 and by another part of lot 12-78, on the northeast by lot 12-79 (street), on the southeast by lot 12-72 and on the southwest by lot 12-2 and part of lot 12.

MEASURING twelve and sixty-six hundredths metres (12.66 m) to the northwest (19-15), eighteen and two hundredths metres (18.02 m) again to the northwest (15-14), six and forty-eight hundredths metres (6.48 m) to the northeast (14-21), thirty and forty-eight hundredths metres (30.48 m) to the southeast (21-20) and nine and forty-four hundredths metres (9.44 m) to the southwest (20-19).

CONTAINING an area of two hundred and fifty-five square metres (255.0 m<sup>2</sup>).

### 5. Part of lot 13

A parcel of land situated in the said municipality, being part of original lot THIRTEEN (13 Pt) of the said cadastre, as indicated by the figures “8-7-6-5-2-1-8” on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 13, on the northeast by part of lot 14, on the southeast by lot 13-62, on the west by part of lot 13-39, on the south by lot 13-1 (avenue Des Bois-Francis) and on the southwest by lots 13-37 and 13-38 and part of lot 13-42.



MEASURING nineteen and thirty hundredths metres (19.30 m) to the northwest (8-7), sixty-four and forty-seven hundredths metres (64.47 m) to the northeast (7-6), sixteen and forty hundredths metres (16.40 m) to the southeast (6-5), fifteen and eighty-four hundredths metres (15.84 m) to the west (5-2), twenty-nine and twenty-nine hundredths metres (29.29 m) to the south (2-1) and thirty-one and forty-four hundredths metres (31.44 m) to the southwest (1-8).

CONTAINING an area of nine hundred and eighty-seven and four tenths square metres (987.4 m<sup>2</sup>).

#### **6. Part of lot 13**

A parcel of land situated in the said municipality, being part of original lot THIRTEEN (13 Pt) of the said cadastre, as indicated by the figures "27-30-29-28-27" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by lots 13-1 (avenue Des Bois-Francis), 13-8, 13-7, 13-6, 13-5, 13-4, 13-3 and 13-2, on the northeast by part of lot 14, on the south by part of lot 11 and by lot 11-380 (park) and on the southwest by part of lot 12.

MEASURING sixty-two and eighty-five hundredths metres (62.85 m) to the northwest (27-30), thirty-four and thirty-nine hundredths metres (34.39 m) to the northeast (30-29), seventy-nine and seventeen hundredths metres (79.17 m) to the south (29-28) and four and seven hundredths metres (4.07 m) to the southwest (28-27).

CONTAINING an area of one thousand one hundred and twenty-four and four tenths square metres (1,124.4 m<sup>2</sup>).

#### **7. Part of lot 13-39**

A parcel of land situated in the said municipality, being part of lot THIRTY-NINE of original lot THIRTEEN (13-39 Pt) of the said cadastre, as indicated by the figures "3-2-5-4-3" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the north by lot 13-1 (avenue Des Bois-Francis), on the east by part of lot 13, on the southeast by lot 13-62 and on the southwest by lots 13-34, 13-35 and 13-36.

MEASURING seventeen and ninety hundredths metres (17.90 m) along an arc of circle having a radius of thirty-four and eighty-seven hundredths metres (34.87 m) to the north (3-2), fifteen and eighty-four hundredths metres (15.84 m) to the east (2-5), three and five hundredths metres (3.05 m) to the southeast (5-4) and twenty and thirty-two hundredths metres (20.32 m) to the southwest (4-3).

CONTAINING an area of one hundred and eighty and one tenth square metres (180.1 m<sup>2</sup>).

**8. Part of lot 13-41**

A parcel of land situated in the said municipality, being part of lot FORTY-ONE of original lot THIRTEEN (13-41 Pt) of the said cadastre, as indicated by the figures "10-9-11-10" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lot 13-41, on the southeast by part of lot 13-42 and on the southwest by lot 13-1 (street).

MEASURING twenty-eight and eighty-nine hundredths metres (28.89 m) to the northwest (10-9), twenty-eight and fifty-seven hundredths metres (28.57 m) to the southeast (9-11) and four and twenty-seven hundredths metres (4.27 m) to the southwest (11-10).

CONTAINING an area of sixty and nine tenths square metres (60.9 m<sup>2</sup>).

**9. Part of lot 13-42**

A parcel of land situated in the said municipality, being part of lot FORTY-TWO of original lot THIRTEEN (13-42 Pt) of the said cadastre, as indicated by the figures "11-9-8-13-12-11" on the plan prepared under minute number 23161 by the undersigned land surveyor on 1 June 1998.

BOUNDED on the northwest by part of lots 13-41 and 13-42, on the northeast by part of lot 13, on the southeast by lot 13-38 and on the southwest by lot 13-1 (street).

MEASURING twenty-eight and fifty-seven hundredths metres (28.57 m) to the northwest (11-9), one and ninety-three hundredths metres (1.93 m) again to the northwest (9-8), eight and eighty-six hundredths metres (8.86 m) to the northeast, thirty and forty-eight hundredths metres (30.48 m) to the southeast (13-12) and nine and fourteen hundredths metres (9.14 m) to the southwest (12-11).

CONTAINING an area of two hundred and seventy-eight and four tenths square metres (278.4 m<sup>2</sup>).

Together with the following lots: 12-1 (avenue Des Laurentides), 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, 12-27, 12-28, 12-29, 12-30, 12-31, 12-32, 12-33, 12-38, 12-39, 12-40, 12-41, 12-42 (street), 12-44, 12-45, 12-46, 12-47, 12-48, 12-49, 12-50, 12-51, 12-52, 12-53, 12-54, 12-55, 12-56, 12-57, 12-58, 12-59, 12-60, 12-61, 12-62, 12-63, 12-64, 12-65, 12-66, 12-67, 12-68, 12-69, 12-70, 12-71, 12-72, 12-74, 12-75, 12-76, 12-77, 13-1 (avenue Des Bois-Francis), 13-2, 13-3, 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, 13-10, 13-11, 13-12, 13-13, 13-14, 13-15, 13-16, 13-17, 13-18, 13-19, 13-20, 13-21, 13-22, 13-23, 13-24, 13-25, 13-26, 13-27, 13-28, 13-29, 13-30, 13-31, 13-32, 13-33, 13-34, 13-35, 13-36, 13-37, 13-38, 13-43,

13-44, 13-45, 13-46, 13-47, 13-48, 13-49, 13-50, 13-51, 13-52, 13-53, 13-54, 13-55, 13-56, 13-57, 13-58, 13-59, 13-60, 13-61, 13-62.

All dimensions in this description in METRES (SI).

Gilles Legault  
Land Surveyor

Cadastre of the parish of Saint-Louis-de-Terrebonne  
Registration division of Terrebonne  
Ville de Bois-des-Filion

#### **10. Part of lot 16**

A parcel of land situated in the said municipality, being part of original lot SIXTEEN (16 Pt) of the said cadastre, as indicated by the letters "A-B-C-D-A" on the plan prepared under minute number 39676 by the undersigned land surveyor on 11 June 1998.

BOUNDED on the southwest by part of lot 14, by lot 14-621, by another part of lot 14, by lots 14-576, 14-577, 14-578, 14-579, 14-580, 14-581, 14-582, 14-583, 14-584, 14-585, 14-586, 14-587, 14-588, 14-624, 14-625, 14-626, 14-627, 14-628, 14-629, 14-630, 14-631 and 14-632 and by another part of lot 14, on the northwest by another part of lot 16, on the northeast by part of lot 17 and on the southeast by part of lot 14.

MEASURING three hundred and twenty-eight and forty-seven hundredths metres (328.47 m) to the southwest (B-C), sixty and seventeen hundredths metres (60.17 m) to the northwest (C-D), three hundred and fourteen and fifty-five hundredths metres (314.55 m) to the northeast (D-A) and fifty-nine and ninety-one hundredths metres (59.91 m) to the southeast (A-B).

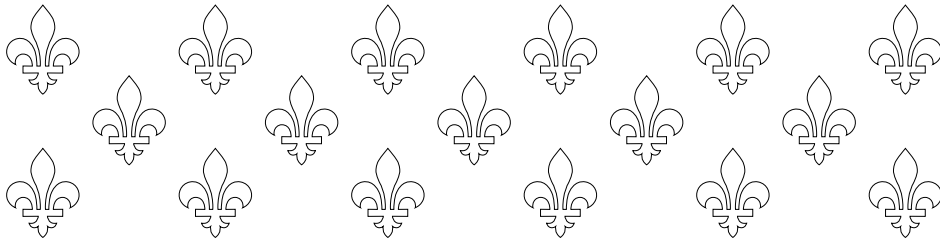
CONTAINING an area of nineteen thousand one hundred and sixty-eight and five tenths square metres (19,168.5 m<sup>2</sup>).

All dimensions in this description and on the attached plan in METRES (SI).

PREPARED AT BOISBRIAND on this eleventh day of the month of June nineteen hundred and ninety-eight under minute number 39676.

Jacques Noury  
Land Surveyor





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 276

(Private)

**An Act to authorize Loeb Inc.  
to continue under Part IA of the  
Companies Act of Québec**

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**Introduced 9 June 1998  
Passage in principle 19 June 1998  
Passage 19 June 1998  
Assented to 20 June 1998**

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**Québec Official Publisher  
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## Bill 276

(Private)

### **AN ACT TO AUTHORIZE LOEB INC. TO CONTINUE UNDER PART IA OF THE COMPANIES ACT OF QUÉBEC**

WHEREAS Loeb Inc. is a business corporation governed by the Canada Business Corporations Act (R.S.C. 1985, chapter C-44) and is the result of an amalgamation which took place on 31 January 1981;

Whereas the said Act enables the corporation to apply for continuance under the laws of another jurisdiction;

Whereas Loeb Inc. wishes to cease to be governed by the said Act and wishes to be continued under Part IA of the Companies Act (R.S.Q., chapter C-38);

Whereas the Companies Act does not contain provisions enabling a company incorporated under the laws of another jurisdiction to be continued under the Companies Act;

Whereas the proposed continuance would not affect the interests of the general public;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Division I of Chapter XVIII of Part IA of the Companies Act (R.S.Q., chapter C-38) applies to Loeb Inc.
2. On the date shown on the certificate of continuance of Loeb Inc. incorporated pursuant to Part IA of the Companies Act,
  - (a) the company so continued is the owner of the property of Loeb Inc.;
  - (b) the company so continued is liable for the obligations of Loeb Inc.;
  - (c) any existing cause of action in respect of Loeb Inc. is unaffected;
  - (d) any civil, penal or administrative proceeding instituted by or against Loeb Inc. may be prosecuted by or against the company so continued;
  - (e) any judicial or quasi-judicial decision or ruling in favour of or against Loeb Inc. is executory in respect of the company so continued.
3. This Act comes into force on 20 June 1998.





## Regulations and other acts

Gouvernement du Québec

### O.C. 1004-98, 5 August 1998

An Act respecting childcare centres and childcare services  
(R.S.Q., c. S-4.1)

#### Reduced contributions — Amendments

Regulation to amend the Regulation respecting reduced contributions

WHEREAS under paragraphs 20 and 21 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1; 1997, c. 58, ss. 58 and 122, pars. 1, 13 and 14), the Government may, by regulation, for certain services which are determined therein, fix the amount of a contribution which apply to services provided to children subject to the age class determined by this Regulation and which is required from a parent or from any other person determined by this Regulation by the holder of a childcare centre permit or of a home childcare provider;

WHEREAS under the same provisions, the Government may also determine the conditions subject to which a parent may pay the contribution or be exempted therefrom for all or some of the services that it determines;

WHEREAS the Government approved the Regulation respecting reduced contributions by Order in Council 1071-97 dated 20 August 1997;

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

WHEREAS under section 13 of that Act, the reason justifying the absence of prior publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the absence of prior publication is justified by the urgency due to the following circumstances:

— the purpose of the proposed changes is to grant the parents of children who are at least 3 years old on 30 September 1998 the reduced contribution provided

for in the Regulation respecting reduced contributions as of 1 September 1998, as announced in the Government's family policy;

— certain children attending class at the kindergarten or elementary level are among the persons covered;

— it is imperative, considering the needs for care of those persons during the school year, that the proposed amendments come into force on 1 September 1998;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting reduced contributions;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education and Minister of Child and Family Welfare:

THAT the Regulation to amend the Regulation respecting reduced contributions, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Acting Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting reduced contributions(\*)

An Act respecting childcare centres and childcare services  
(R.S.Q., c. S-4.1, s. 73, pars. 20 and 21; 1997, c. 58, ss. 58 and 122, pars. 1, 13 and 14)

1. The Regulation respecting reduced contributions is amended in section 1

(1) by adding the words “for a child who is at least 3 years old on 30 September of the year of reference” after the words “a type of service” in the second paragraph;

(2) by adding the following after the second paragraph:

“A type of service is either, for a child who is at least 5 years old on 1 October of the year of reference, a day

\* The Regulation respecting reduced contributions made by Order in Council 1071-97 dated 20 August 1997 (1997, G.O. 2, 4392) has not been amended since.

of childcare equivalent to a continuous period or to discontinuous periods totalling at least 2 hours and a half per day.”.

**2.** Section 2 is amended by substituting “at least 3” for “4” .

**3.** Section 6 is amended by inserting the words “for the care of a 3 or 4-year old child” after the words “reduced contribution” in the first paragraph;

**4.** The following is added after section 6:

“**6.1.** A childcare provider must also provide a parent who has paid the reduced contribution for the care of a child who is at least 5 years old on 1 October with:

(1) educational childcare spread over a maximum of 5 hours per day, between 6:30 a.m. and 6:30 p.m., for a maximum of 20 days per 4-week period and for an annual maximum of 200 days spread from 1 September to 30 June per year of reference;

(2) the material required for providing a child with an educational program.

Where one of the days mentioned in paragraph 1 is a pedagogical day provided for in the school calendar, the childcare provider must, for that day and up to a maximum of 20 pedagogical days, provide the parent of a child attending class at the kindergarten or elementary level with continuous educational childcare spread over a maximum of 10 hours per day between 6:30 a.m. and 6:30 p.m.

A childcare provider must fulfil that obligation taking the following factors into account: the organization of childcare, the days of attendance by the child and the hours for providing childcare as agreed between the provider and the parent.”.

**5.** The following is added after section 11:

“**11.1.** A parent is not eligible to the exemption from payment of the reduced contribution for the care of his child who is at least 5 years old on 1 October of the year of reference.”.

**6.** Section 12 is amended

(1) by substituting the words “his birth certificate” for the words “a copy of his act of birth” in subparagraph 3 of the second paragraph;

(2) by substituting the following for subparagraph 4 of the second paragraph:

“(4) the child’s birth certificate, except if the child is at least 5 years old on 1 October of the year of reference and if the child attends class at the kindergarten or elementary level.”;

(3) by adding the following after the second paragraph:

“The parent of a child who is at least 5 years old on 1 October of the year of reference attending class at the kindergarten or elementary level must provide an attestation, signed by the principal of the school attended by his child, establishing that the child may not be received in childcare services provided at school because of the absence of such a service or, where the service exists, because of a lack of availability.”;

(4) by substituting the words “A parent who wishes to be granted the exemption from the reduced contribution must also” for the words “Moreover, a parent who wishes to be granted the exemption from the contribution must” in the third paragraph.

**7.** Section 13 is amended by substituting “the child’s age” for “that the child is 4 years old” in the second paragraph.

**8.** Section 15 is amended by striking out the second paragraph.

**9.** Section 21 is amended by striking out the words “as well as any day off for which he was granted the reduced contribution” after the words “reduced contribution” in the first paragraph.

**10.** Section 24 is amended by inserting “and in section 49 of the Regulation respecting day care centres” after the words “childcare centres”.

**11.** This Regulation comes into force on 1 September 1998.

2451

## Draft Regulations

### Draft Regulation

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### Non-structural metalwork – Montréal — Amendments

Notice is hereby given, that the Minister of Labour has received an application to amend the Decree respecting the non-structural metalwork in the Montréal region (R.R.Q., 1981, c. D-2, r. 35) from the contracting parties covered by the Decree and that, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting the non-structural metalwork in the Montréal region, 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 actualize certain working conditions that have remained unchanged since 1 June 1995.

To that end, it proposes to extend the jurisdiction to include the production of metal doormats, to grant the employer the possibility of changing the duration of the standard workweek, to permit the scheduling of hours of work other than on a weekly basis under certain conditions, to increase minimum hourly wage rates for each job classification, to raise the percentage for the indemnity for paid annual vacation, to increase the maximum amounts for certain safety equipment, for the employer and employee contributions to the social security plan and, finally, the amount paid by the employer to the employee's pension fund.

This draft regulation has been the object of an economic impact study within the framework of amendments to be made to the Act respecting collective agreement decrees.

The consultation period will serve to clarify the impact of the proposed amendments. According to the 1997 annual report submitted by the parity committee, the decree governs 152 employers and 961 employees, of whom 193 are skilled workers.

Further information may be obtained by contacting Ms. Judith Gagnon, Direction des décrets, Ministère du

Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1 (Telephone: 418 646-2458; FAX: 418 528-0559).

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

RÉAL MIREAULT,  
*Deputy Minister*

### Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region\*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 6.1)

**1.** The following is substituted for section 2.01 of the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 35):

**“2.01. Industrial:** This Decree governs the fabrication, production, processing and erection in the plant, for any other party, of any non-structural metalwork, regardless of the metal involved, used for building purposes. Such work includes, but is not limited to doors, sashes, windows, frames, sills, stairs, fire escapes, ladders, catwalks, fences, gates, balconies, all types of railings, protection guards, curb angles, frames, covers for pits and trenches, grills, window guards, cages, participations, and doormats.”.

**2.** The following is substituted for sections 3.01 and 3.03:

**“3.01.** The standard workday is, as the case may be, 8 or 10 hours, scheduled between 7 hours and 17 h 30.”.

**3.02. Standard workweek:** The standard workweek is 5 days, scheduled from Monday through Friday. How-

\* The last amendment to the Decree respecting the non-structural metalwork industry in the Montréal region was made by the regulation made by Order in Council 757-98 of 3 June 1998 (1998, G.O. 2, 3067). For other prior amendments, see the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

ever, the employer may, provided the employees agree, establish a standard workweek of 4 consecutive days of 10 hours each, from Monday through Friday.

**3.03.** Where the employer operates more than one shift, the standard workweek is 5 days and the regular workday begins at the following hours:

- (a) the first shift, between 7 hours and 9 hours;
- (b) the second shift, between 15 hours and 18 hours;
- (c) the third shift, between 23 hours and 1 hour.

Where the duration of the standard workweek in force is 4 days, the beginning and the end of the regular workday for shifts must be scheduled within a period of 24 hours, beginning with the hour at which the first shift begins its workday.”.

**3.** Section 3.05 is amended by striking the words “or when employees agree”.

**4.** The following is substituted for section 4.02:

“**4.02.** Where the duration of the standard workweek is 5 days:

1. time and a half shall be paid for the first 4 hours of overtime worked in excess of the regular workday or workweek. Double time shall be paid for subsequent overtime hours;

2. double time shall be paid for overtime hours worked on Sunday.

Where the standard workweek is 4 consecutive days:

1. time and a half shall be paid for the first 2 hours of overtime worked in excess of the regular workday. Double time shall be paid for subsequent overtime hours;

2. time and a half shall be paid for hours worked on the fifth day up to twelve hours. Double time shall be paid for subsequent overtime hours;

3. time and a half shall be paid for the first four hours worked on Saturday. Double time shall be paid for subsequent overtime hours;

4. double time shall be paid for hours worked on Sunday.”.

**5.** The following is substituted for section 5.01:

“**5.01.** Minimum hourly wage rates are as follows for the classifications listed below:

## Classifications

As of  
(insert here the  
enforcement date  
of this decree)

### 1. Zone 1:

(a) specialized brake press operator and mechanic	\$19.09;
(b) fitter and blacksmith	\$17.42;
(c) brake press operator, blade sheer operator, buffer	\$17.13;
(d) trailer-truck driver	\$16.59;
(e) production worker A	\$16.33;
(f) truck driver	\$16.33;
(g) production worker B and painter	\$10.72;
(h) labourer	
— less than 4 000 hours of work	\$ 8.57;
— more than 4 000 hours of work	\$ 9.64;

**2. Zone 2:** Minimum wage rates in zone 2 are the rates of zone 1, reduced by \$0.15 per hour.”.

**6.** Section 5.06 is revoked.

**7.** Section 6.01 is amended by substituting, in paragraph 3, the words “are payable to the employee” for the words “are granted to the employee”.

**8.** Section 7.03 is amended by substituting the following for paragraphs 1 to 5:

“1. from 1 to less than 5 years	4.16 %	2 weeks;
2. from 5 to less than 13 years	6.36 %	3 weeks;
3. from 13 to less than 20 years	8.64 %	4 weeks;
4. from 20 to less than 24 years	9.81 %	4 weeks;
5. 24 years and more	11 %	5 weeks.”.

**9.** Section 13.04 is amended:

1. by substituting, in subparagraph *a* of the second paragraph, “\$90.00” for “\$80.00”;

2. by substituting, in subparagraph *b* of the second paragraph, “\$90.00” for “\$85.00”.

**10.** Section 14.01 is amended by substituting “\$0.40” for “\$0.26”.

**11.** Section 14.02 is amended by substituting “\$0.40” for “\$0.26”.

**12.** Section 14.06 is amended by substituting “\$0.55, as of (*insert here the enforcement date of this decree*), and \$0.60, as of 31 May 1999,” for “\$0.35”.

**13.** Section 17.01 is amended:

1. by substituting “31 May 1999” for “31 May 1996”;
2. by substituting “the year 1999” for “the year 1996”.

**14.** This decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

2453

## Draft Regulation

Transport Act  
(R.S.Q., c. T-12)

### Commission des transports du Québec — Procedure

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 rules of procedure of the Commission des transports du Québec, the text of which appears below, may be made by the Commission des transports du Québec upon the expiry of 45 days following this publication.

The purpose of this regulation which replaces the Rules of practice and rules for the internal management of the Commission des transports du Québec (O.C. 147-82, 20 January 1982) presently in force, is to promote the quick and easy processing of applications submitted to the Commission des transports du Québec and, generally, to guide the exercise of the administrative function of the Commission. It contains, in particular, rules regarding the presentation of observations by interested persons and rules regarding the holding of public hearings if the need arises.

Further information may be obtained relating to this regulation from Mr. Léonce Girard, Secretary and Director of Legal Affairs and Secretariat, Commission des transports du Québec, 200, chemin Sainte-Foy, 7<sup>e</sup> étage, Québec (Québec) G1R 5V5, by telephone at (418) 643-5970 or by fax at (418) 646-8423.

Any person having comments to make on this matter is asked to forward them in writing, before the expiry of the 45-day period, to Mr. Léonce Girard, Secretary and

Director of Legal Affairs and Secretariat, Commission des transports du Québec, 200, chemin Sainte-Foy, 7<sup>e</sup> étage, Québec (Québec) G1R 5V5. These comments will be analysed by the Commission des transports du Québec.

*The President of the Commission  
des transports du Québec,*  
LOUIS GRAVEL

## Rules of procedure of the Commission des transports du Québec

Transport Act  
(R.S.Q., c. T-12, s. 48)

### DIVISION I PRELIMINARY PROVISIONS

**1.** The purpose of these rules is to insure the prompt and simple processing of an application in keeping with the duty to act fairly.

**2.** If the means of exercising a right has not been provided for within these rules, it may be compensated by any means not inconsistent with them or with any provision of the law.

**3.** At any time, any defect of form or procedural irregularity may be remedied upon permission of the Commission.

**4.** The Commission may release a person from his failure to act within the time prescribed by law if that person establishes that he was unable, for serious and valid reason, to act sooner and if the Commission considers that no other person concerned suffers serious prejudice.

### DIVISION II DEFINITIONS

**5.** In these rules, unless the context indicates otherwise, the following definitions apply:

“application”: any application, including a procedure by filing, and a question treated at the Commission’s own initiative;

“special permit”: permit issued in answer to an emergency where no permit holder is able to ensure the required services;

“temporary permit” permit issued in case of an exceptional and unforeseeable emergency.

### DIVISION III GENERAL APPLICATION PROVISIONS

#### §1. *Delays*

**6.** If a delay expires on a day when the offices of the Commission are closed, such delay is extended to the following working day.

**7.** In the computation of any delay, the starting day is not counted but the expiry day is.

**8.** Unless the law to which these rules apply contains contrary provisions, the delay to present observations is of at least ten days.

It is determined either in the notice published according to section 16, in the notice prescribed by section 5 of the Act respecting administrative justice or in any other notice given by the Commission.

#### §2. *Transmission of a document*

**9.** The transmission of a document may be made, among others, by electronic mail, regular or registered mail, certified mail, bailiff, fax, or any other means providing proof of expedition or reception.

However, an application for a temporary permit may be forwarded by any written communication, by telegram or fax among others.

**10.** Where circumstances require, the Commission may authorise another means of transmission.

**11.** Any transmission by the Commission to a carrier or a person registered with the Commission, to the last recorded address, is deemed to have been validly made to this carrier or person.

**12.** An application accessory to a main application must be forwarded to the Commission and to the persons concerned at least five days prior to its presentation date.

#### §3. *Representation*

**13.** The attorney who represents a person must notify the Commission of the fact, in writing.

**14.** The attorney who ceases to represent a person must notify the Commission of the fact, as well as the other persons in the record, in writing, indicating the date of termination of his mandate.

### DIVISION IV PROCESSING OF APPLICATIONS AND OBSERVATIONS

#### §1. *General rules*

**15.** An application is forwarded to the Commission on the form provided, if any, to its offices in Québec or Montreal, accompanied by the required documents, and the costs and fees prescribed by regulation.

#### §2. *Publication of an application*

**16.** In the cases where these rules demand it or when the Commission orders it, a notice of the application is published by the Commission, at the applicant's expense, in at least one daily newspaper circulating in the territory to which the application refers.

**17.** A notice must be published in the following cases:

1° the application for a permit and for the modification of a permit:

a) for bulk trucking except for the application for a forest rental permit and the authorisation to use a rented truck;

b) for bus transport except that for a permit for a period of less than 60 days;

2° the permit, modification or specialisation application for transport by taxi;

3° the application for a bulk trucking brokerage permit and that for the modification or renewal of such, apart from the exception provided for in the third paragraph of section 19;

4° the application for reinstatement of a bulk trucking permit and of a transportation by bus permit concerned by sections 22.3 of the Regulation respecting bulk trucking and 15.2 of the Regulation respecting transportation by bus;

5° the application for a certificate of aptitude relating to rail transportation;

6° the application for a special permit except:

a) that concerning the transport of snow during a period of less than seven months;

b) that concerned by section 34 of the Regulation respecting bulk trucking;

c) that concerning the bulk transport of a material referred to in section 63 of the Regulation respecting bulk trucking;

d) that concerning bulk trucking where the applicant demonstrates he has the support of the brokerage permit holders of the zone and that of the recognised regional corporation, if any, to which his permit and his application relate;

7° the application for particular fixing of tariffs as well as the application for modification or revocation of filed tariffs;

8° the application to discontinue, partly or totally, urban or interurban bus transport;

9° in the case of urban or interurban bus transport, the filing of a modification of schedule, frequency or route when treated as an application in accordance with section 21;

10° a filing of tariffs when treated as an application in accordance with section 20;

11° any other application that the Commission could designate in its policies and practices.

**18.** The application for a temporary permit is not subject to the publication of a notice.

**19.** In the case of an application for a brokerage permit or of an application for modification of a brokerage permit, in addition to the publication of the notice referred to in paragraph 3 of section 17, the Commission notifies each bulk trucking permit holder of the region or the zone concerned and the brokers of that region and zone, if any, of the nature of the application, of the date, time and place where they may present observations.

In the case of an application to renew a brokerage permit, no notice is required other than the one that must be published according to paragraph 3 of section 17.

However, upon reading the record, if the applicant establishes that he represents at least 40 % of the bulk trucking permit holders of his brokering zone, or 40 % of the interested holders of said zone, and if the previous time, the brokerage permit had been renewed after publication of a notice, then no publication of a notice is required and the decision is rendered on record.

**20.** The Commission may refuse the filing of tariffs; in that case, the filing is treated as an application requiring publication of a notice at the expense of the applicant, as provided for in section 44 of the Rules of prac-

tice and rules for the internal management of the Commission des transports du Québec (Decree 147-82, 20 January, 1982).

Sections 42 to 45.3 of the Rules of practice and rules for the internal management of the Commission des transports du Québec or any other regulation taken by the Government in accordance with the third paragraph of section 46 of the Transport Act (R.S.Q., c. T-12) determine the forms of filing and terms of coming into force of tariffs.

**21.** In the case of bus transport, the modification of schedule, frequency or route which will have been posted in the applicant's buses for ten consecutive days prior to its filing comes into force on the 15th day following its filing with the Commission or at any other later date indicated by the applicant.

The Commission may refuse a filing; in that case, the filing is treated as an application requiring publication of a notice at the expense of the applicant in the case provided for in paragraph 9 of section 17.

**22.** Notice of an application to discontinue, partly or totally, urban or interurban bus transport services must be posted in the applicant's buses for ten consecutive days prior to transmission of the application to the Commission.

**23.** The notice referred to in sections 21 and 22 must indicate that any interested person may present observations to the Commission within at least ten days following the last day of posting.

### §3. *Observations*

**24.** A person may, within the time indicated in the notice or in the notice prescribed by section 5 of the Act respecting administrative justice, published or transmitted to him, as the case may be, present observations in favour of or in opposition to an application.

**25.** To be admissible, the observations must:

1° have been transmitted to the Commission and the applicant, if any, within the time indicated;

2° be useful for the making of the decision;

3° be accompanied by the fees prescribed by regulation.

The observations transmitted to the Commission by an applicant or a permit holder who received the notice prescribed by section 5 of the Act respecting administrative justice are made without costs.

**26.** The Minister of Transport and the Attorney General may, at any time, without notice or costs, present observations to the Commission, in any matter submitted to the Commission.

## DIVISION V DECISIONS OF THE COMMISSION

### §1. *General rules*

**27.** Where there are observations opposing an application, the Commission makes its decision after having given the persons concerned the opportunity to present additional observations if it deems so necessary.

**28.** The president or the vice-president he designates, if he deems it necessary, may decide that many applications submitted to the Commission be processed simultaneously and decided based on the same elements of information or that those provided relative to one application be used for the other.

He may also decide that one application be processed first, the others being suspended until a decision is made relative to the first application.

**29.** The president or the vice-president he designates may replace with another member, with the consent of the persons concerned, a member who has processed an application, where the latter is ill, becomes incapable of acting as such, resigns, retires or dies before a decision is rendered.

**30.** The president or the member he designates may decide that an application is processed in priority or immediately, according to the terms he determines.

**31.** Applications accessory to a main application are processed in priority by the member designated by the president, which member also decides any question raised to him.

**32.** The designated member may dispose of such applications upon reading of the record or after having met with the persons concerned at the date indicated in the application or at any other time agreed upon with them, or refer them to the member who is treating the related main application.

**33.** The Commission may, in its policies and practices, provide for the terms of processing of these applications, in particular the time and place of the meetings referred to in the preceding section.

### §2. *Hearings*

**34.** The Commission holds hearings each time a person concerned indicates he wishes to present observations at a hearing, unless it appears in the record that it is not necessary to resolve the question.

It also holds hearings each time it deems it necessary, whether there are observations or not.

**35.** The Commission notifies the persons concerned or their representative, with reasonable delay, in a way it deems appropriate, of the date, time and place of the hearing.

**36.** If, at the date set for the hearing, a person concerned is absent, the Commission may proceed without further notice or delay.

**37.** The person who requires the presence of a witness may summon him by way of an appearance notice issued by the Commission and served at least five days prior to the hearing date.

A person may, in the same way, be summoned to produce documents.

**38.** The Commission may postpone the hearing to another date or adjourn it.

It may set conditions to the postponement or adjournment.

No postponement is granted solely based on the consent of the persons concerned.

The petition for postponement made before the set date is filed in writing to the president or the designated vice-president.

**39.** The hearings of the Commission may be recorded on audio or video magnetic tapes. The recording is part of the record.

Any recording by any person is forbidden unless previously authorised by the Commission.

**40.** Where circumstances demand or allow it, the Commission may hold hearings by means of telephone or video conferencing. The hearing is then considered to have been held in the Commission's offices in Québec or Montreal.

**41.** Each of the persons concerned may present observations.



**42.** An interpreter under solemn declaration may assist any person, at his expense.

**43.** Minutes of all hearings are drawn up; these minutes must contain the names of the persons concerned, attorneys and witnesses, mention of all documents produced and reference to any decision made during the hearing.

#### **DIVISION VI** ELEMENTS OF INFORMATION

**44.** The Commission bases its decision on the elements of information and documents contained in the record.

**45.** The Commission may accept or request any element of information or document it deems useful to resolve the questions at hand.

**46.** The expert witness gives an opinion on a question within the scope of his expertise; he may be declared expert when his competence or experience has been established or has been recognised by the persons concerned.

#### **DIVISION VII** CORRECTION AND REVIEW OF A DECISION

**47.** The Commission forwards a copy of the decision to the persons concerned and their attorney, by mail or any other means.

**48.** A decision of the Commission containing an error in writing or in calculation or any clerical error or which, by obvious inadvertence, grants more than was applied for or omits ruling on part of the application, may be corrected by the signatory of the decision.

**49.** An application for review of a decision is notified to the Commission within 30 days following the coming into force of the decision and is referred to the president, or to the member he designates, who determines the terms of processing.

**50.** A person whose application has been rejected may not reapply within six months of this reject, unless within this period, new facts occur which, had they existed at the time of the application, could have changed the decision.

#### **DIVISION VIII** MISCELLANEOUS PROVISIONS

**51.** An applicant may, at any time, withdraw his application by written declaration. Upon receiving the declaration, the Commission or the member processing the application closes the record.

**52.** The Commission may declare an application abandoned if a year has elapsed since the date of transmission of the last document or of the observations on record.

It must notify the persons concerned or their representative of its intention.

**53.** Where the Commission notes that a permit has become obsolete, it may cancel such without other formality, having insured that no right is affected and no one suffers any prejudice.

**54.** Unless decided otherwise by the Commission, the recognition regarding a league of taxi owners or a regional corporation of truckers is automatically renewed yearly.

#### **DIVISION IX** FINAL PROVISIONS

**55.** This regulation replaces the Rules of practice and rules for the internal management of the Commission des transports du Québec, prescribed by Order in council 147-82, of January 20, 1982, with the exception of sections 22 and 35, of section 40 as fees are concerned, of sections 42 to 45.3, of sections 120 to 123 and of annex I, which continue to apply with the necessary adaptations.

**56.** This regulation comes into force on the 15th day following its publication in the *Gazette officielle du Québec*.

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## Notices

### Notice concerning the rules of practice of the Court of Appeal of Québec in civil matters

At a meeting held for that purpose in North Hatley on 22, 23 and 24 October 1997, a majority of the judges of the Court of Appeal of Québec, under article 47 of the Code of Civil Procedure, adopted amendments to the rules of practice of that Court in civil matters, adopted on 31 August 1982 (1982, *G.O.* 2, 3093) and amended on 23 October 1987 (1987, *G.O.* 2, 944), 30 July 1993 (1993, *G.O.* 2, 6937) and 2 April 1996 (1996, *G.O.* 2, 2095 and 2319). The Rules of practice of the Court of Appeal in civil matters are now those attached to this notice.

At the said meeting, the judges of the Court of Appeal ordered that those rules be observed in all civil matters brought before the Court of Appeal, from their coming into force, in accordance with article 48 of the Code of Civil Procedure, that is, 10 days after their publication in the *Gazette officielle du Québec*.

Montréal, 27 July 1998

PIERRE A. MICHAUD,  
*Chief Justice of Québec*

### Rules of practice of the Court of Appeal in civil matters

Code of Civil Procedure  
(R.S.Q., c. C-25, s. 47)

#### I. OFFICE OF THE COURT

**1.** The office of the court shall be located in Québec and in Montréal. It shall be open on juridical days from Monday to Friday, from eight-thirty in the morning until four-thirty in the afternoon.

**2.** The clerk shall not give up possession of a document in a file without a receipt from the attorney of one of the parties and shall furnish copies thereof at the expense of the party requesting them.

**3.** The clerk shall keep up to date a register in which, for each case, the following information is entered:

- the names of the parties and of their attorneys;
- the date of receipt of the copy or of the original of the inscription in appeal and, if applicable, the date of the security;
- the date of the appearance of the respondent;
- the date of filing of the factum of each party;
- the date of filing of the certificate of readiness;
- the date when the case is taken under advisement and the date of judgment, as well as the number given to the judgment;
- the date of every other proceeding and, if applicable, the date of the decision thereon;
- relevant information with respect to the requirements of the last paragraph of section 8 and of section 8a and 8b.

#### II. PROCEEDINGS

**4.** The size of the paper shall be 21.5 cm x 35,5 cm.

**5.** In every proceeding, the case heading shall include, in the following order, the names of the appellant, of the respondent and, if applicable, of the other parties. Under the name of each party, there must be indicated her or his position in appeal, in capital letters, and in first instance, in small letters.

The case heading shall remain the same in all proceedings during the appeal.

**6.** The title of a motion, appearing on the back and on the first page of the proceeding, shall indicate the position in appeal of the party presenting it, followed by precise reference to the texts of law or of regulation upon which it is based.

**7.** Every motion shall be accompanied by what is necessary for an examination thereof, and in particular by proceedings, exhibits, depositions, minutes, judgments or extracts therefrom.

The motion and its schedules shall be accompanied by a copy for each judge to whom they are presented.

**8.** Every motion intended for a single judge shall be served and filed at the office of the court, with its schedules, at least one clear day before the day fixed for its presentation.

Before 1:00 p.m. on the last juridical day preceding the day fixed for its presentation, the petitioner shall notify the clerk in writing or by fax of the parties' consent to postpone the presentation to a later date or of the fact that, on the selected day, a party will request such postponement.

Every motion intended for the Court shall be served and filed at the office of the court, with its schedules, at least five clear juridical days before the day fixed for its presentation.

Before serving and filing a motion intended for the Court, the petitioner shall settle with the clerk the date and time of its presentation. The notice of presentation shall mention the day and time on which the motion will be presented.

Before 4:30 p.m. on the day before last of the five juridical days preceding the day fixed for its presentation, the petitioner shall notify the clerk in writing or by fax of the parties' consent to postpone the presentation to a later date or of the fact that, on the scheduled day, a party will request such postponement.

In the absence of the notice to the clerk required by the second and fifth paragraphs of this Rule and in the absence of any special circumstance, the single judge or the Court shall take cognizance of the motion and rule on it. The same applies where the motion is already postponed to a later date. The same applies where the motion will already have been postponed to a later date.

A motion based on subparagraph 5 of the first paragraph of article 501 of the Code of Civil Procedure, with or without a subsidiary conclusion seeking an order for security, shall be served and filed with its schedules, at least thirty days before the date of presentation settled with the clerk. The Court shall inform the parties as soon as possible of those motions which are found without merit and which are accordingly dismissed without hearing the parties.

**8a.** The written statement prescribed by section 495.2 of the Code of Civil Procedure shall be in the following form:

I, the undersigned, \_\_\_\_\_, hereby certify under oath (of office, if by an attorney) that, on \_\_\_\_\_, I directed \_\_\_\_\_ to tran-

scribe or translate with diligence the depositions or extracts of depositions to be filed as a schedule to my factum or I hereby certify under the same oath that no deposition is necessary for the appeal.

Signed at \_\_\_\_\_, this \_\_\_\_\_.  
(Jurat) \_\_\_\_\_.

This Rule also applies *mutatis mutandis* to an incidental appeal.

**8b.** The certificate attesting to the abandonment of an appeal shall be in the following form:

I, the undersigned, \_\_\_\_\_, clerk of the Court of Appeal or clerk's representative, hereby certify that I have this day recorded the default of the appellant to file his or her factum or schedules, as the case may be, within the time period prescribed in the Code of Civil Procedure and in the Rules of practice of the Court of Appeal in civil matters, and I therefore issue and file this certificate stating that the appeal is abandoned, with costs, since \_\_\_\_\_.

Signed at \_\_\_\_\_, on \_\_\_\_\_.

The clerk shall forward a true copy of the certificate to the parties or their attorneys.

The clerk may, ex officio or upon application by a party, cancel the certificate of abandonment if it was issued through an obvious oversight. The clerk shall then forward a copy of the document attesting to the cancellation to the parties or their attorneys.

**8c.** In the event of an amendment to a proceeding, the additions or replacements must be underlined or indicated in the margin by a vertical line, and deletions must be indicated by means of dots between brackets.

### III. FACTUM

**9.** The contents of the factum shall be divided into five parts, identified by Roman numerals. Unless a judge on motion permits otherwise, the first four parts together must not exceed fifty pages.

#### PART I FACTS

In this part, the appellant shall set forth the facts succinctly. The respondent shall indicate her or his position with regard to the appellant's statement of the facts and, if need be, shall state the other facts which she or he deems relevant.

## **PART II**

### **QUESTIONS IN DISPUTE AND GROUNDS OF APPEAL**

In this part, the appellant shall list the questions in dispute and her or his other grounds of appeal; the respondent shall indicate her or his position in regard thereto, following the order adopted by the appellant and shall list, if need be, the other points which she or he intends to argue.

## **PART III**

### **ARGUMENT**

In this part, the parties shall develop each of the factual and legal grounds raised, with precise references to the schedules.

## **PART IV**

### **CONCLUSIONS**

The parties shall formulate precisely the conclusions sought, including, if applicable, a decision on costs which derogates from the general rule.

## **PART V**

### **AUTHORITIES**

The parties shall supply, both for the caselaw and for the doctrine, a list of the authorities referred to, drawn up in the order in which they are referred to in the factum, with mention of the pages of the factum where the references appear.

**10.** The factum of the appellant shall also include schedules comprising two parts.

The first part shall include:

(a) the inscription in appeal and, if applicable, the permission to appeal with the motion requesting it;

(b) the judgment appealed from and, if applicable, the notes or reasons for judgment in accordance with article 507, second paragraph, of the Code of Civil Procedure;

(c) the proceedings of the joined issue.

The second part shall include only those exhibits and depositions, or extracts therefrom, that are necessary for the examination of the arguments and of all the questions raised by the appeal. When filing her or his factum, the appellant shall inform the other parties that she or he is placing at their disposal, free of charge, the original or a copy of all the depositions whose recording has been

transcribed or whose stenographic notes have been translated at her or his request.

**11.** The respondent's factum shall include in the schedules only the items which she or he deems necessary for the examination of any question raised by her or his incidental appeal. When filing her or his factum, the incidental appellant shall inform the other parties that she or he is placing at their disposal, free of charge, the original or a copy of all the depositions whose recording has been transcribed or whose stenographic notes have been translated at her or his request.

**11a.** Except for short quotations which can be inserted in the main body of the argumentation, the factums and their schedules shall not include the text of the quoted authorities.

Any party is free to file a book of authorities in which the relevant excerpts shall be highlighted. Such a book shall be served on all other parties and filed in three copies with the office of the Court as soon as possible before the date fixed for the hearing of the appeal or of the motion; if the motion is intended for a single judge, it is sufficient to file one copy of the book of authorities.

**12.** At the end of the schedules, the attorney shall certify that the factum and the schedules are in conformity with the present rules and that she or he places at the disposal of the other party, free of charge, the original or a copy of all the depositions whose recording has been transcribed or whose stenographic notes have been translated at her or his request.

**13.** The form of the factum and of the schedules shall be subject to the following rules:

1° The colour of the covers shall vary with the party: yellow for the appellant, green for the respondent and grey for the other parties.

2° The front cover shall contain the following information:

— the number given to the file by the clerk;

— the court of first instance which rendered the judgment appealed from, the judicial district, the name of the judge, the date of the judgment, as well as the number of the file;

— the names of the appellant, of the respondent and, if applicable, of the other parties, in that order; under the name of each party there must be indicated her or his position in the appeal, in capital letters, and in first instance, in small letters;

— the identification of the factum according to the position of the party who produces it;

— the name of the attorney.

3° Each volume of the factum and of the annexes shall include, at the front, a general table of contents. The pagination shall be in the upper left corner of each page. If there is more than one volume, the number of each one and the series of pages contained in each one shall be printed on the front cover and on the lower edge of the volumes.

4° In the schedules, each exhibit or extract from an exhibit shall begin on a new page, bearing at the top the date; in cases which permit of it, the nature and the number of the exhibit. The exhibits shall be reproduced, so far as possible, in chronological order rather than in the order of production in first instance.

5° In the schedules, the depositions or extracts from depositions shall each begin on a new page showing at the top the name of the witness in capital letters followed, the first time only and in brackets, by his given name, age, occupation and residence. This title shall be completed by abbreviated mention of:

— the name of the party who called the witness;

— the fact that the testimony was not given at trial, if applicable;

— the stage of the hearing (proof, defence, rebuttal);

— the stage of the examination (examination, cross-examination, re-examination);

**14.** The factum and the schedules shall be bound so that the text is printed only on the pages on the left side. The text shall be presented with the lines at least one and one-half lines apart, except for quotations which shall be indented and single-spaced. The text, when typewritten, shall be in 10 point type, neither smaller than “elite” type nor larger than standard pica and, when computer prepared, in 12 point type.

They shall be presented on white paper of good quality, size 21.5 cm x 28 cm. Each page shall contain approximately fifty lines, numbered in the left margin every ten lines.

Any exhibit that may usefully be included in the factum shall be legible and, if illegible, shall be accompanied by a legible text; photocopies of photographs are acceptable only if they are clear.

**15.** A party relying upon provisions of law other than those of the Civil Code or of the Code of Civil Procedure, or upon regulations, must reproduce them in his factum or furnish a copy thereof to each of the judges who make up the coram of the Court.

**16.** Any factum not in conformity with the law or with these rules shall be refused by the clerk as soon as possible after its filing. The clerk shall so inform the attorneys or the parties, if they are not represented. A factum that is refused is deemed not to have been filed, unless the irregularity is rectified within the time period fixed by the clerk.

Such decision may be revised by a judge upon motion presented within fifteen days from the notification.

**17.** When ruling on costs, the Court may order a reduction of judicial expenses and fees or make any other order in cases where the schedules include elements not necessary for the examination of the dispute.

**18.** The clerk shall tax the memorandum of costs. As a general rule, the cost of the transcription of depositions according to the tariff, the cost of the reproduction of exhibits and the cost of the preparation and printing of factums, schedules and book of authorities shall, to the extent that they are not excessive, form part of the costs.

#### IV. INCIDENTAL APPEAL

**19.** If there is an incidental appeal, the factum of the principal respondent shall include two parts, the first being the factum of the appeal and the second the factum in the incidental appeal. The second part shall be in the form prescribed for the factum of the appellant.

The principal appellant may, in reply to the incidental appeal, serve and file a factum in the form prescribed for the factum of the respondent, within thirty days following receipt of the factum of the incidental appellant.

The time period allotted to the respondent who has made an incidental appeal shall be computed from the filing of the appellant’s factum at the office of the court, in accordance with article 504.1 of the Code of Civil Procedure, or, if the appellant fails to file it within the time period allotted, from the expiry of that period.

#### V. CERTIFICATE OF READINESS

**20.** The certificate of readiness, in the form shown as schedule A, must be produced at the office of the court within fifteen days following the filing of the factums. It

shall be signed by the attorneys of the parties or by the parties themselves if they are not represented by attorney. It shall indicate the name of the attorney personally in charge of the file.

**21.** If the appellant does not sign the certificate, the respondent may request the clerk to place the case on the roll. Such request shall be made in writing, accompanied by the certificate signed by her or him, and shall be served on the opposite party.

If the respondent does not sign the certificate or has not filed her or his factum within the prescribed delays, the appellant may in the same manner request the clerk to place the case on the roll.

**22.** Requests that a case be placed on the roll, filed at least one clear day previously, shall be presented on Tuesday morning from 10 o'clock.

## VI. ROLL FOR HEARING

**23.** The clerk shall prepare the roll for hearing, observing to the extent possible the order of filing of the certificates of readiness, subject to the priorities provided by law or granted by the chief justice or a judge named by her or him.

**24.** Revoked.

**25.** The clerk shall, under the supervision of the chief justice or of a judge named by her or him, indicate the time allotted for the argument of each party in each case.

**26.** At least thirty days before the beginning of the term, the clerk shall forward copies of the roll to the attorneys of the parties, or to the parties themselves if they are not represented by attorney, at the addresses indicated on the certificates. The clerk shall also display a copy thereof at the office of the court.

These two formalities constitute notice of the date fixed for hearing.

The parties and their attorneys shall advise the clerk of any change of address without delay.

**27.** The parties shall inform the clerk of any discontinuance, settlement or bankruptcy as soon as it takes place.

**27a.** When granting a motion for leave to appeal from an interlocutory judgment, a single judge or the Court may allow that the appeal go through accelerated procedure, if the parties agree thereto.

If such is the case, the judge or the Court shall determine the date and time of presentation of the appeal and shall fix a time limit for filing, in three copies, the documents that ordinarily constitute Schedules I and II to the factum and that stand in lieu of the factum. The appellant must also file, within the same delay, an outline of argument of no more than five pages referring to the relevant depositions and authorities; the respondent may do the same, her or his outline being also limited to a maximum of five pages.

Where the schedules in lieu of the appellant's factum are not served and filed within the time fixed, the appeal is deemed to be abandoned and the provisions of article 503.1 of the Code of Civil Procedure apply *mutatis mutandis*.

Where the schedules in lieu of the respondent's factum, where applicable, are not served and filed within the time fixed, the respondent is foreclosed from filing them and the provisions of article 505 of the Code of Civil Procedure apply *mutatis mutandis*.

In family matters, a judge may, having examined the inscription in appeal, conclude that the appeal may be presented through accelerated procedure. A judge may decide likewise in the case of an appeal from a judgment taxing a bill of cost, from a judgment dismissing a motion in revocation of judgment at the stage of reception and from a judgment dismissing a motion based on article 75.1 of the Code of Civil Procedure.

In such case, the judge shall so inform the parties and invite them to give their consent for the appeal to be governed by the accelerated procedure. Where they do so, the clerk shall fix a time limit for filing, in three copies, the documents that ordinarily constitute Schedules I and II to the factum. The appellant must also file, within the same delay, an outline of argument of no more than five pages referring to the relevant depositions and authorities; the respondent may do the same, her or his outline being also limited to a maximum of five pages.

Where the schedules in lieu of the appellant's factum are not served and filed within the time fixed, the appeal shall be struck from the roll of appeals going through accelerated procedure and shall be placed on the regular roll of the Court.

The provisions of the fourth paragraph of this rule apply to any schedules that the respondent may wish to file.

**27b.** Revoked.

## VII. HEARING

**28.** Sittings of the Court shall begin at ten o'clock in the morning or at such other time as the Court may fix.

**29.** In each term, cases shall be pleaded in the order in which they appear on the roll, unless the Court decides otherwise.

**30.** If none of the parties are ready to plead when a case is called out, the Court shall strike the case from the roll, postpone the presentation to a later date or dismiss the appeal.

If only the appellant is ready to plead, the Court shall hear the pleadings or postpone the presentation to a later date.

If only the respondent is ready to plead, the Court shall strike the case from the roll, postpone the presentation to a later date or dismiss the appeal.

**31.** On the merits of the appeal, two attorneys may be heard for each party but only one may reply for the appellant. On a motion, only one attorney may be heard for each party, unless the Court otherwise permits.

**31a.** If they agree, the parties may request that an appeal be decided on the basis of the factums, without oral presentation.

Such request shall be made in the certificate of readiness. If such is the case, the appellant shall attach to the certificate of readiness a factum in reply to the respondent's factum, prepared in the ordinary form, without new schedules and not exceeding ten pages.

Such request may also be made after the certificate of readiness has been filed. In such case, the parties shall make their request in writing to the clerk and the appellant is then allowed to file a factum in reply to the respondent's factum, on the conditions set out in the preceding paragraph.

The clerk shall inform the parties of the date on which the appeal is taken under advisement and of the identity of the judges who are in charge of the case.

If the judges in charge of the appeal consider that an oral presentation is required, the parties shall be informed that their case is no longer under advisement and the appeal shall be replaced on the general roll.

**31b.** In Quebec City, motions made to single judge or to the Court and appeals whose date and time for the oral presentation have already been determined may be presented through a video.

To that end, the parties shall present a written request to the coordinating judge. In cases of urgency, such request may be made by telephone.

After examining the file, the judge who must preside over the sitting of the Court shall forward her or his decision to the persons who made the request.

All parties concerned may plead from any video room available in the territory or either party may also plead in the courtroom where the receiving apparatus is located and where the single judge or the Court is sitting.

In the case of a hearing of the Court, the dress requirements set under Rule 32 shall apply.

The cost for renting the video cost of the long distance calls shall be borne by the party or the parties that required the presentation through a video.

**32.** At hearings before the Court, the following dress is obligatory;

(a) For attorneys, black gown, bands, white collar, and dark suit;

(b) For articulated students, black gown and dark suit;

(c) For clerks and for criers, black gown and dark suit.

**33.** Revoked.

**34.** Motions submitted to a judge sitting alone shall be presented at ten o'clock in the morning. Between the first of July and Labour Day, they shall be presented on one of the days fixed by the chief justice.

**35.** The beginning and the ending of sittings of the Court and of those of a judge sitting alone shall be announced by the crier, who shall remain present during the entire hearing, unless the Court or a judge permits otherwise.

## VIII. MISCELLANEOUS

**36.** In the case of an appeal from a decision of a court other than the Superior Court or of a public body, the duties which, on ordinary appeals, are imposed on the clerk of the Superior Court under the law and the rules of practice must be performed, as the case may be, by the clerk of the court, or the secretary of the public body.

**36a.** The Rules of practice of the Court shall be construed so as to ensure the fair and simple operation of the appeal procedure and to eliminate unjustified expenses



and delays. Unless there is a declaration to the contrary, these rules of practice may be relaxed or set aside by the Court where compliance with them might create an injustice. In the absence of rules, the Court may rule in a manner compatible with the objectives set out above.

**36b.** (1) Where satisfied that a party is conducting a proceeding in a vexatious manner, the Court may order that the proceedings be stayed, on the terms the Court deems appropriate.

(2) Where an application for leave to appeal or an appeal has been dismissed, the Court may order that no further proceedings be filed relating to the leave application or to the appeal, where the Court is satisfied that the further proceedings would be vexatious or brought for an improper purpose.

(3) A motion for an order under subsection (1) or (2) may be made by any party in accordance with Rules 7 and 8.

## IX. REVOKED

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**SCHEDULE A**

## COURT OF APPEAL

**Certificate of readiness**

C.A. No.

Roll No.

\_\_\_\_\_

\_\_\_\_\_

Appellant

Respondent

Object of the dispute: \_\_\_\_\_

Amount \_\_\_\_\_

On the merits

Interlocutory

Filed:

Reasons for judgment appealed from

Factum of the appellant

Factum of the respondent

Factum of other parties

The undersigned attorneys declare that the case is ready to be pleaded on the day fixed.

Duration of pleadings: Appellant \_\_\_\_\_

Respondent \_\_\_\_\_

Others \_\_\_\_\_ Total \_\_\_\_\_

We waive an oral presentation of the appeal and declare that the argumentation contained in our respective factums is complete.

At \_\_\_\_\_

This \_\_\_\_\_

\_\_\_\_\_  
Signature of attorney of appellant\_\_\_\_\_  
Signature of attorney of respondent

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Tel. \_\_\_\_\_

\_\_\_\_\_ Tel. \_\_\_\_\_

Name of attorney personally  
in charge of the fileName of attorney personally  
in charge of the file\_\_\_\_\_  
Signature of attorney of..\_\_\_\_\_  
Signature of attorney of..

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Tel. \_\_\_\_\_

\_\_\_\_\_ Tel. \_\_\_\_\_

Name of attorney personally  
in charge of the fileName of attorney personally  
in charge of the file

Note to the clerk: The following are the numbers of the files between the same parties that will be joined in the same hearing.

No. \_\_\_\_\_

No. \_\_\_\_\_

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

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