

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

Table of Contents
Coming into force of Acts
Regulations and other acts
Draft Regulations
Index

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Table of Contents**Page**

Coming into force of Acts

| | | |
|--------|---|------|
| 548-99 | Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator, An Act to amend the... — Coming into force of section 31 | 1315 |
|--------|---|------|

Regulations and other acts

| | |
|--------------------------------------|------|
| Breast cancer detection centre | 1317 |
|--------------------------------------|------|

Draft Regulations

| | |
|--|------|
| Income support | 1319 |
| Tariff of fees and transportation expenses of bailiffs | 1352 |

Coming into force of Acts

Gouvernement du Québec

O.C. 548-99, 12 May 1999

An Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator (1997, c. 80)

— **Coming into force of section 31**

COMING INTO FORCE of section 31 of the Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator

WHEREAS the Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator (1997, c. 80) was assented to on 18 December 1997;

WHEREAS under section 82 of that Act, its provisions come into force on the date or dates to be fixed by the Government, except sections 28, 32, 38, 44, 79 and 80 which came into force on 18 December 1997;

WHEREAS 16 December 1998 was fixed as the date of coming into force of sections 36 and 37 of that Act under Order in Council 1554-98 dated 16 December 1998;

WHEREAS it is expedient to fix 1 June 1999 as the date of coming into force of section 31 of that Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Relations with the citizens and Immigration:

THAT 1 June 1999 be fixed as the date of coming into force of section 31 of the Act to amend the Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator (1997, c. 80).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulations and other acts

M.O., 1999

Order of the Minister of State for Health and Social Services and Minister of Health and Social Services to designate a breast cancer detection centre, dated 7 May 1999

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING that it is expedient to designate a breast cancer detection centre under subparagraph *b.3* of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c. A-29);

ORDERS:

THAT the following breast cancer detection centre be designated for the Abitibi-Témiscamingue region:

Centre hospitalier Rouyn-Noranda
4, 9^e Rue
Rouyn-Noranda (Québec)
J9X 2B2

Québec, 7 May 1999

PAULINE MAROIS,
*The Minister of State for Health and Social Services
and Minister of Health and Social Services*

2855

Draft Regulations

Draft Regulation

An Act respecting income support, employment assistance and social solidarity (1998, c. 36)

Income support

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 income support, 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 prescribe various rules of application of the Act respecting income support, employment assistance and social solidarity, assented to on 20 June 1998.

With respect to employment assistance, the draft Regulation prescribes the minimum employment-assistance allowance to be granted under the Employment-Assistance Program to a recipient who participates in an employment-assistance measure or program. That minimum amount shall be excluded for benefit calculation purposes.

The draft Regulation prescribes rules for the application of the new Employment-Assistance Program and the Parental Wage Assistance Program. The rules namely concern eligibility for the programs, as well as the establishment and payment of benefits. Furthermore, it prescribes certain administrative rules and rules of interpretation.

It also prescribes various terms and conditions for the recovery of amounts owed under the Act and includes some transitional and final provisions.

To date, study of the matter has shown a beneficial effect on the recipients concerned.

Further information may be obtained by contacting Ms. Geneviève Bouchard, Assistant Director General, Politiques de sécurité du revenu, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1 (tel. (418) 646-2564; fax: (418) 643-0019).

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 Minister of Social Solidarity, 425, rue Saint-Amable, 4^e étage,

Québec (Québec) G1R 4Z1 or, if the comments concern the provisions regarding employment assistance, the Minister of State for Labour and Employment, Minister of Labour and Minister responsible for Employment, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ANDRÉ BOISCLAIR,
*Minister of Social
Solidarity*

DIANE LEMIEUX,
*Minister of State for Labour
and Employment, Minister
of Labour and Minister
responsible for Employment*

Regulation respecting income support

An Act respecting income support, employment assistance and social solidarity (1998, c. 36, ss. 154, 155, 156, subpars. 1 to 6, 8 to 26 and 28 to 30, 158, 159, subpars. 4 to 8, 160 and 161)

CHAPTER I GENERAL PROVISIONS

1. For the purposes of this Regulation, any reference to an employment-assistance measure or program or a wage subsidy refers to a measure or a program provided for in Title I of the Act respecting income support, employment assistance and social solidarity (1998, c. 36), and any reference to an employment-assistance allowance refers to such allowance granted under this title.

An adult is deemed to be admitted to shelter as soon as a contribution is exigible for that person under section 512 of the Act respecting health services and social services (R.S.Q., c. S-4.2), under section 159 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), or as a beneficiary or a user sheltered in a facility maintained by an institution referred to in either one of those statutes.

An adult is deemed to be admitted to shelter for the time he is in held custody for observation under section 672.11 of the Criminal Code (R.S.C. (1985), c. C-46).

The expressions “child and youth protection centre”, “rehabilitation centre”, “hospital centre”, “residential and long-term care centre” and the word “institution”, when used in conjunction with any of those expressions, have the meaning assigned to them by the Act respect-

ing health services and social services. The foregoing also applies to the expressions “foster home” and “foster family”.

Those expressions and that word also include and mean, respectively, within the meaning of the Act respecting health services and social services for Cree Native persons, a “social service centre”, a “reception centre of the class of rehabilitation centres”, a “hospital centre of the class of short-term care hospital centres”, a “reception centre of the class of residential centres” or a “reception centre of the class of residential and long-term care centres”, an “institution”, a “foster family for adults” and a “foster family for children”.

CHAPTER II EMPLOYMENT-ASSISTANCE MEASURES, PROGRAMS AND SERVICES

2. The amount granted as an employment-assistance allowance to a recipient of the Employment-Assistance Program under the third paragraph of section 5 of the Act respecting income support, employment assistance and social solidarity may not be less than \$30 per day of participation in an employment-assistance measure or program.

3. The provisions of the Labour Code (R.S.Q., c. C-27), the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Public Service Act (R.S.Q., c. F-3.1.1) and the Act respecting labour standards (R.S.Q., c. N-1.1) do not apply to a work activity carried out under an Individualized Integration, Training and Employment Plan as described in the second paragraph of section 5 of the Act, where such activity is not governed by the Code or the statute in question, or where the activity is part of a measure or program focused on training or acquiring skills.

In addition, the Code or the statute in question does not apply to activities as a volunteer recognized by the Minister pursuant to section 6 of the Act.

CHAPTER III EMPLOYMENT-ASSISTANCE PROGRAM

DIVISION I ELIGIBILITY

4. An adult not residing in Québec is eligible for the Employment-Assistance Program where

(1) he receives treatment required by his physical or mental condition, on the written recommendation of a physician entered on the roll of the Ordre des médecins du Québec and for the duration indicated by that physician;

(2) he must accompany, for a period of not more than six months, the person who provides him with the constant care required by his physical or mental condition;

(3) he participates, under an Individualized Plan and for the specified duration, in an employment-assistance measure or program; or

(4) he must carry out remunerated employment, for its duration, where he is a member of a family residing in Québec.

The adult accompanying the person referred to in subparagraph 1 of the first paragraph and to whom applies the temporarily limited capacity for employment allowance provided for in subparagraph 5 of the first paragraph of section 24 of the Act or under the second paragraph of section 30 due to the presence of such person is also eligible for the program.

Likewise, an adult who, owing to a superior force, is withheld outside Québec for a period of not more than six months is eligible for the program.

5. An adult who is not legally authorized to live in Canada is also eligible for the program, where

(1) he is claiming the status of refugee within the meaning of the Immigration Act (R.S.C. (1985), c. I-2);

(2) he was claiming the status of refugee but such status has not been recognized and his presence on the territory is authorized; or

(3) he is the subject of an application for permanent residence based on humanitarian grounds or for reasons of public interest which is in compliance with the Act, he holds a selection certificate under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and his spouse is a Canadian citizen, a permanent resident or a refugee recognized in Canada in accordance with the Immigration Act.

6. For the purpose of subparagraph 3 of the first paragraph of section 15 of the Act respecting income support, employment assistance and social solidarity, attending an educational institution means, for an adult:

(1) attending an institution at the secondary level in a vocational program on a full-time basis;

(2) attending an institution at the college or university level

(a) on a full-time basis;

(b) for more than 2 courses or for courses giving entitlement to more than 6 credits or units per term; or

(c) for one course giving entitlement to credits or units corresponding to a total of more than 6 periods or hours of instruction per week, including laboratories and supervised practical work; or

(3) being registered for his master's thesis or doctoral dissertation at the graduate level of university for more than 6 credits per term.

7. The spouse of a student who is ineligible under subparagraph 3 of the first paragraph of section 15 of the Act is eligible for the program provided that the latter

(1) is eligible for financial assistance under the Act respecting financial assistance for students (R.S.Q., c. A-13.3);

(2) is ineligible for such assistance by reason of his parents' contribution; or

(3) is ineligible for such assistance for a reason other than that provided for in subparagraph 2 and until the decision of the Minister of Education referred to in section 44 of the Act respecting financial assistance for students is rendered.

For that purpose, the spouse is deemed to cease to be part of the family from the month in which the student becomes ineligible for the program, except for the application of sections 56, 71, 81 to 83, 102, and 104 to 126.

8. An independent adult required to live in an establishment with a view to his reintegration into society shall be eligible for the program from the month in which he begins to live there

(1) if he is released on supervised probation under section 5 of the Act respecting correctional services (R.S.Q., c. S-4.01);

(2) if he is authorized to be absent temporarily from a house of detention under section 22.2 of that Act, where a certificate from the Director General within the meaning of paragraph *b* of section 1 of that Act attests that his absence will likely be renewed; or

(3) if he is released on parole under section 21 of the Act to promote the parole of inmates (R.S.Q., c. L-1.1).

For the purposes of this section, an "establishment" means a community residential centre, a community shelter or a foster home bound by a services contract entered into with the Minister of Public Security to facilitate the reintegration into society of the persons required to live therein.

9. An independent adult or family who possessed, on the date of application, liquid assets in excess of the amounts established as follows, is ineligible for the program:

| Adult(s) | Dependent child(ren) | Amount |
|----------|----------------------|---------|
| 1 | 0 | \$726 |
| 1 | 1 | \$1 051 |
| 1 | 2 | \$1 251 |
| 2 | 0 | \$1 079 |
| 2 | 1 | \$1 296 |
| 2 | 2 | \$1 496 |

Each amount shall be increased by \$200 for the third dependent child and for each subsequent child.

However, the liquid assets of a family including an adult member referred to in section 7 may not exceed \$330, which shall be increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each dependent child who receives an allowance for a handicapped child under the Act respecting family benefits (1997, c. 57).

In the case of an independent adult who is sheltered, the adult referred to in section 8, or the family referred to in section 20, the liquid assets possessed on the date of the application may not exceed \$149.

10. Despite section 9, an independent adult or a family referred to in section 12 who files an application in the period provided for therein or during the following month, where the liquid assets possessed exceed, as of the date of the application, the amount as established hereunder, is ineligible for the program:

| Adult(s) | Dependent child(ren) | Amount |
|----------|----------------------|----------|
| 1 | 0 | \$ 2 500 |
| 1 | 1 | \$5 325 |
| 1 | 2 | \$5 525 |
| 2 | 0 | \$5 000 |
| 2 | 1 | \$5 217 |
| 2 | 2 | \$5 417 |

Each amount shall be increased by \$200 for the third dependent child and for each subsequent child.

However, the liquid assets of the family of the adult referred to in section 7 may not exceed \$2 500, which shall be increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

In the case of an independent adult who is sheltered, the adult referred to in section 8, or the family referred to in section 20, the liquid assets possessed on the date of the application may not exceed \$2 500.

11. For the purposes of sections 9 and 10, the following is excluded:

(1) the increases in the liquid assets provided for in sections 106, 107 and 109;

(2) liquid assets referred to in sections 110 to 113; and

(3) the amount of the cheques outstanding on the date of the application and intended to pay the rent, electricity and heating or other form of energy, provided that they are cashable in the month of the application.

12. An independent adult or family who no longer qualifies for the program may continue to receive the dental and pharmaceutical services described in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29) in the cases and conditions as set out hereunder:

(1) for not more than 6 consecutive months, where non-qualification is attributable to the work income earned as part of the independent adult's participation, or that of an adult member of the family, in a wage subsidy measure or program;

(2) for not more than 6 consecutive months where a family including only one adult ceases to be eligible due to the work income earned;

(3) for not more than 3 consecutive months for any nine-month period, where non-qualification is attributable to the work income earned by the independent adult or by an adult member of the family from seasonal work;

(4) for the entire period for which an employment-assistance allowance is granted, where non-qualification is attributable to the payment of such allowance for the

participation of the independent adult or an adult member of the family in an employment-assistance measure or program; and

(5) for more than 48 consecutive months, in the case of an independent adult or a family including only one adult whose capacity is severely limited and who no longer qualifies due to his work income, if his gross monthly income does not exceed \$1 500.

This section applies to an adult who continues, without interruption, to meet the eligibility requirements prescribed in subparagraphs 1 to 5 of the first paragraph and whose financial resources and those of his family, where applicable, are below the amount required to meet their needs in accordance with the calculation prescribed in section 27 of the Act respecting income support, employment assistance and social solidarity, without taking into account the income that disqualified the adult. Furthermore, subparagraph 5 of the first paragraph ceases to apply if, after the first month of non-qualification and for more than 3 consecutive months, the adult's gross monthly work income or benefits under the Employment Insurance Act (R.S.C. (1996), c. 23) exceed \$1 500.

13. For the purposes of calculating the consecutive months of eligibility required by this Regulation, the independent adult or the family is, during the period described in section 12, a recipient of the program.

The special benefits provided for in sections 52 and 53, in paragraphs 1, 2 and 4 of section 54, in paragraphs 2 to 6 of section 55, and in sections 62 to 66, except those provided for the installation or repair of a heating system, are also granted to the independent adult or the family described in subparagraph 5 of the first paragraph of section 12.

DIVISION II INTERPRETATION

14. A child who is the dependant of a brother, a sister, an uncle, an aunt, a grandparent or an adult where the adult has custody of the child under a court order, except in the case of a foster family, is the dependant of an adult other than his father or mother.

15. A child whose income from work or from a public income security plan would reduce his family's benefits below the amount to which it would be entitled if he were not part of the family is not the dependant of a person if that person so applies to the Minister.

16. A child who does not reside in Québec is not the dependant of a person, unless he must be absent for one of the reasons and for the duration provided for in sub-

paragraphs 1 and 2 of the first paragraph as well as the third paragraph of section 4, or to pursue full-time studies for those durations.

17. A dependent child who becomes a member of the family is deemed to be a dependent child from the preceding month.

18. A dependent child sheltered in an institution operating a rehabilitation centre or placed in a foster family ceases to be a member of a family from the third month following the month he is placed, unless the child's return to or gradual reintegration into his family begins during that period under an intervention plan set up by the institution operating a child and youth protection centre.

Accordingly, that child is deemed to become a member of the family in the month preceding such return or reintegration.

19. An adult ceases to be a member of the family from the third month following the month of his admission to shelter.

However, an adult who has been hospitalized for at least 45 days in a facility maintained by an institution operating a hospital centre at the time of his admission to shelter by that institution is considered admitted to shelter from the 45th day preceding the day of the admission.

20. A minor adult is deemed to form a family with a dependent child if they are sheltered in the same facility maintained by an institution operating a rehabilitation centre or a hospital.

21. An adult incarcerated in a penitentiary, in a house of detention or in any other prison or who is required to reside in a halfway house for the purpose of his reintegration into society ceases to be part of a family from the third month following that of incarceration or detention.

22. An adult or a dependent child who dies ceases to be part of a family from the third month following that of the death.

DIVISION III ESTABLISHMENT OF BENEFITS

§1. Basic benefits, allowances and increases

23. Except in the cases provided for in sections 25 to 28, the basic benefit of an independent adult and of a family composed of an independent adult is \$481. That of a family composed of 2 adults is \$745.

24. The basic benefit stipulated in section 23 shall be increased to account for the advance Québec sales tax credit referred to in Division II.16 of Chapter III.1 of Book IX of Part I of the Taxation Act. The increase is established as follows:

(1) for an independent adult or a family composed of an independent adult: \$13;

(2) for a family composed of two independent adults: \$26.

The amount prescribed in subparagraph 1 above shall be increased by \$8 if the adult does not share a dwelling unit within the meaning of section 123.

25. The basic benefit of an independent adult referred to in section 7 is \$132. That benefit is increased by \$13 to account for the advance Québec sales tax credit. It is also increased by \$101 when the temporarily limited capacity allowance applies, or \$224 when the severely limited capacity allowance applies.

26. The basic benefit of an independent adult referred to in section 8 is \$149.

27. The basic benefit of an independent sheltered adult is \$149.

28. The basic benefit for a family referred to in section 20 is \$149.

29. The basic benefit provided for in sections 26 to 28 shall be increased on 1 January of each year according to the adjustment rate provided for in the first paragraph of section 119 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), to the nearest dollar.

30. The temporarily limited capacity for employment allowance applies

(1) for the purposes of subparagraph 3 of the first paragraph of section 24 of the Act respecting income support, employment assistance and social solidarity, to an adult member of family having the care of a child under 5 years of age on the last 30 September or 5 years old on that date, where no full-time kindergarten class is available for the child;

(2) to an adult or an adult member of the family who must provide constant care to a person whose autonomy is significantly reduced within the meaning of subparagraph 5 of section 24.

31. The temporarily limited capacity for employment allowance does not apply to an adult referred to in section 5.

32. The basic benefit provided for in section 23 shall be increased by the following amounts where the temporarily or severely limited capacity for employment allowance or the mixed allowance applies:

| Adult(s) | Mixed allowance | Temporarily limited capacity | Severely limited capacity |
|---|-----------------|------------------------------|---------------------------|
| 1 adult | | \$101 | \$224 |
| 1 capable adult and 1 temporarily limited adult | | \$101 | |
| 1 capable adult and 1 severely limited adult | | | \$308 |
| 1 temporarily limited adult and 1 severely limited adult | \$308 | | |
| 2 temporarily limited adults | \$176 | | |
| 2 severely limited adults | \$308 | | |

33. The amount of a mixed allowance shall be \$101 where the spouse of an adult whose capacity for employment is temporarily limited cannot apply for the temporarily limited capacity for employment allowance applicable under the first paragraph of section 26 of that Act or section 31.

34. In the case of a family composed of one independent adult and at least one dependent child, the basic benefit provided for in section 23 shall be increased by \$108.33.

35. The basic benefit provided for in section 23 shall be increased by \$81.25 for each minor dependent child in the family.

36. The basic benefit provided for in section 23 shall also be increased by the following amounts for each minor dependent child: \$50.41 for the first child; \$33.75 for the second; and \$27.50 for each subsequent child.

37. The basic benefit provided for in section 23 shall be increased by \$8.58 for each dependent minor child aged 12 or over, if that child is the first or second child in the family.

That increase does not apply if the dependent child is placed in a foster family or sheltered in an institution operating a rehabilitation centre.

38. The basic benefit provided for in section 23, in the case of a family composed of at least one dependent

child of full age who attends an educational institution at the secondary level in vocational education, or at the college or university level, shall be increased by the following amounts:

(1) if the family is composed of one independent adult: \$136.67 for the first child and \$121 for the second;

(2) if the family is composed of 2 adults who are not severely limited: \$121 for the first child and \$96 for the second;

(3) if the family is composed of 2 adults, at least one of whom is severely limited: \$130 for the first child and \$102 for the second.

39. The basic benefit provided for in section 23 shall be increased by the following amounts for any dependent child of full age who attends an educational institution at the secondary level in general education: \$225.67 for the first child; and \$209 for the second and each subsequent child.

Those amounts shall be increased by \$119.22 where the child is handicapped within the meaning of the Act respecting family benefits.

40. The basic benefit provided for in section 23 shall be increased by \$100 for each dependent child who resides with the family while attending an educational institution at the secondary level in vocational education, or at the college or university level.

41. In the case of a family composed of one independent adult and at least 3 dependent children, where the third child and any subsequent child are of full age and attend an educational institution at the secondary level in vocational education, or at the college or university level, the basic benefit provided for in section 23 shall be increased by \$8.33 for the first child and \$22.83 for the second.

42. For the purposes of sections 35 to 39 and 41, the youngest dependent child is deemed to be the first child.

43. The increases provided for in section 35 to 41 do not apply to a family composed of an independent adult or 2 adults as referred to in paragraphs 1 and 2 of section 5. In such a case, the basic benefit provided for in section 23 shall be increased as follows:

(1) if the family is composed of one independent adult: \$136.67 for the first dependent child and \$121 for the second;

(2) if the family is composed of 2 adults: \$121 for the first dependent child and \$96 for the second.

44. Where a family includes a dependent child whose custody is shared by virtue of a judgment or, failing that, a written agreement, the amount of any increase provided for in sections 35 to 41 and applicable for that child shall be established on a monthly basis by multiplying that amount by the annual percentage of custody time if that percentage is less than 20 %.

§2. *Special benefits*

45. Special benefits shall be granted where

- (1) the need is acknowledged by the Minister; and
- (2) advance authorization to meet that need is given by the Minister;
- (3) the costs or fees correspond to the actual cost of goods acquired or services rendered, up to the amount normally required to obtain them but without exceeding the amount indicated for those benefits.

The authorization referred to in subparagraph 2 of the first paragraph is not required from an independent adult or a family including a severely limited adult, except in the case of benefits referred to in section 49.

This authorization does not apply in the case of an emergency or in the case of benefits referred to in section 62, but the application for payment must be made not later than 30 days after the costs or fees were incurred or as soon as possible where the applicant demonstrates that it was impossible for him to act within that period. If the service rendered was transportation by ambulance, this period is extended to 90 days.

46. In the case of benefits referred to in sections 52 and 53, paragraphs 1 and 2 of section 54, sections 55, 58 and 62 to 65, the need shall be attested to by a medical certificate from a physician or a dentist, as the case may be.

The foregoing also applies where a benefit referred to in section 66 is granted for health reasons.

47. In the case of benefits referred to in paragraph 1 of section 55, the medical certificate signed by a physician shall indicate the name and date of birth of the recipient, the number of weeks of pregnancy and the expected date of delivery. That medical certificate may be replaced by a certificate written by a midwife who is participating in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., c. P-16.1).

48. A sheltered adult or family as referred to in section 20 shall cease to be eligible for special benefits from the month following that of admission to shelter.

The foregoing also applies to an adult member of a family from the third month following that of his admission to shelter.

Despite the first paragraph herein, the sheltered adult or family shall be eligible for the special benefits referred to in sections 70 and 73 and, in the case of an independent adult sheltered in a facility maintained by an institution operating a hospital, for the other special benefits other than those referred to in sections 55 and 56.

49. Special benefits for the cost of purchasing or replacing dental prostheses, eyeglasses, lenses, or for the cost of moving for health reasons shall be granted only if the recipient has been receiving benefits under a program for at least 6 consecutive months or, in the case of a dental prosthesis, 24 consecutive months.

50. The dental and pharmaceutical services referred to in sections 70 and 71.1 of the Health Insurance Act and in Schedule I shall be granted as special benefits.

Special benefits shall also be granted to defray the cost of a medical report issued under subparagraph 1 of section 24 or under section 25 of the Act respecting income support, employment assistance and social solidarity.

Those benefits shall be reimbursed in accordance with the standards and practices of the Régie.

Section 45 does not apply to such benefits. However, subparagraph (2) of the first paragraph of that section applies to the purchase, replacement or relining of a dental prosthesis.

51. Special benefits shall be granted to defray the cost of eyeglasses and lenses in accordance with Schedule II.

52. Special benefits shall be granted to defray the cost of orthopedic shoes or plantar orthoses in accordance with Schedule III.

53. Special benefits shall be granted to defray the cost of prostheses, orthoses and accessories in accordance with Schedule IV.

54. Special benefits shall be granted to defray the cost of

(1) accessories required in the first month, up to a maximum of \$100, in the case of temporary urostomy, ileostomy or colostomy;

(2) installing at home a hemodialysis machine, up to a maximum of \$300;

(3) an intra-uterine device, up to a maximum of \$25; and

(4) replacing batteries for a hearing aid, the cost of which is covered by the Régie de l'assurance-maladie du Québec, in the lump-sum amount of \$5 per hearing aid per month.

55. Continuous special benefits shall be granted in the following cases, from the month during which the Minister receives the certificate provided for in section 46 or 47, as the case may be:

(1) \$40 per month in the case of pregnancy;

(2) \$100 per month in the case of hemodialysis, if the family includes an independent adult;

(3) \$100 per month in the case of paraplegia, if such benefits were granted for August 1992 and have been granted on a continuous basis ever since;

(4) \$20 per month in the case of diabetes;

(5) \$55 per month from the month following the first month in which accessories were required, in the case of temporary urostomy, ileostomy or colostomy;

(6) to defray the cost of oxygen used for medical purposes.

56. Continuous special benefits of \$50 per month shall be granted for breast-feeding a dependent child under 12 months of age, from the month during which the Minister receives a written declaration signed by the recipient and indicating the expected period of breast-feeding.

57. Special benefits shall be granted to defray the cost of liquid concentrate milk formulas, liquid concentrate formulas made from soya protein or lactose-free liquid concentrate formulas for a dependent child under 9 months of age.

58. Special benefits shall be granted to defray the cost of liquid concentrate formulas made from soya protein or lactose-free liquid concentrate formulas, for a dependent child 9 months or over but less than 12 months old, upon receipt by the Minister of a medical certificate.

59. The benefits referred to in section 57 shall be granted up to 35 cases of 12 385-ml cans for the entire period covered. The benefits referred to in section 58 shall be granted up to 9 cases of 12 385-ml cans for the entire period covered.

These benefits are determined as follows:

(1) if the dependent child is less than 7 months of age: \$32 per purchase of 2 cases of 12 385-ml cans, up to 48 cans per month;

(2) if the dependent child is at least 7 months but less than 12 months of age: \$16 per case of 12 385-ml cans, up to 36 cans per month.

60. The benefits referred to in sections 57 and 58 shall be refunded to a pharmacist who is a member of the Ordre des pharmaciens du Québec and is covered by an agreement between the Minister and the person designated by the Minister to administer the payment of those benefits.

The benefits shall be granted for the purchase, from that pharmacist, of cases of formula covered by an agreement between the Minister and formula suppliers, entered into under section 13 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63).

61. The benefits provided for in section 56 and those provided for in section 57 or 58 may not be granted simultaneously, except during a single month, to allow for the change in diet of the dependent child.

62. Special benefits shall be granted to pay the transportation and living expenses incurred by a recipient in order to be treated by a physician or a dentist, or at the request of a physician or a dentist, up to a maximum of \$250 per trip. That maximum shall be \$275 if transportation is by ambulance and \$350 if transportation is by air.

Those expenses shall be paid only up to the amount that would normally be incurred for treatment provided at the closest place to the recipient's residence where such treatment is offered.

63. For the purposes of section 62, the least expensive means of transportation in the circumstances shall be used.

If transportation is by private vehicle, the special benefits are granted to pay for parking fees and use of the vehicle, up to \$0.135 per kilometre travelled. How-

ever, the expenses incurred for the use of a motor vehicle when such transportation is supplied by a volunteer driver as part of a charitable undertaking supported by a community organization, are fixed in accordance with the rates prescribed by the Commission des transports du Québec, within a regulation made under subparagraph 2.1 of the first paragraph of section 68 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1).

64. The need for transportation by taxi shall be attested to by a medical certificate, unless it is the most economical means of transportation. This certificate shall establish that the urgency of the situation or the nature of the treatment prevented the use of a more economical means.

In respect of an independent adult or a family without a severely limited adult member, the special benefits for the expenses for each occasion where an adult is transported by taxi shall be granted, minus \$20 or 20 % of the transportation cost, whichever is less. The maximum for that deduction shall be \$20 per month but shall not exceed \$100 per year per adult. It shall be computed on the basis of the date of receipt of the application for payment or on the basis of any advance authorization given by the Minister.

65. Where such transportation is by ambulance, the benefits provided for in section 62 shall be granted, in the case of an adult, if the need for transportation by ambulance is attested to by a certificate signed by a physician or by a person designated for that purpose by an institution referred to in the Act respecting health services and social services or in the Act respecting health services and social services for Cree Native persons and maintaining a facility to which the recipient is taken, or if such transportation is authorized by a centre for the coordination of emergency calls set up pursuant to section 149.26 of the Act respecting health services and social services for Cree Native persons.

An application for payment may be made by the carrier. It shall be accompanied by a document proving that the transportation took place and indicating, except for a centre referred to in the first paragraph, whether transportation by ambulance was needed. The Minister shall then pay the carrier for such transportation and, where the need is not attested to, the benefits thereby granted must be refunded to the Minister by the adult concerned.

66. Special benefits shall be granted to pay the cost of moving for health reasons or of installing or repairing a heating system, up to a maximum of \$200 for any 12 month period.

67. Special benefits shall be granted to pay the transportation and living expenses incurred by a recipient to return to his point of origin.

Those benefits shall not exceed a total of \$250 for any 12-month period.

68. Special benefits shall be granted in August of each year in the following cases and for the following amounts:

(1) a dependent child attending an elementary-level educational institution, a kindergarten class or a pre-kindergarten class, in which case the benefits shall be \$46; or

(2) a dependent child attending a secondary-level educational institution, except in a full-time vocational education, in which case the benefits shall be \$93.

69. Special monthly benefits of \$100 shall be granted to a person who has taken refuge in a shelter for victim of violence.

70. Special benefits shall be granted to a sheltered adult or family as referred to in section 20 to pay for the lodging, up to \$325 per month for any 12-month period, from the month following that of admission to shelter.

71. Special benefits shall be granted to pay the lodging expenses for a family with at least one minor dependent child, unless it concerns a family referred to in section 20, or at least one dependent child of full age who attends a secondary-level educational institution in general education.

Those benefits shall be equal to 66 2/3 % of the amount by which the lodging expenses exceed the following minimum costs fixed on the basis of the number of people in the family, but may not exceed the corresponding maximum costs:

| Number of people in family | 2 | 3 | 4 | 5 or more |
|----------------------------|-------|-------|-------|-----------|
| Minimum cost | \$398 | \$434 | \$460 | \$486 |
| Maximum cost | \$518 | \$554 | \$580 | \$606 |

The amounts of special benefits shall be reduced by the allowance granted to the family under the unified housing allowance, approved by Décret 1094-98 dated 26 August 1998. The amount of that reduction shall be established by dividing the annual amount of that housing allowance by 12. However, the family is presumed to have received the maximum amount by the month of October every year.

This section does not apply to a family residing in a dwelling in low-rental housing within the meaning of article 1984 of the Civil Code.

72. If special benefits provided for in section 71 are granted to a family where the only adult or both adults are referred to in paragraphs 1 and 2 of section 5, the percentage is set at 50 %.

73. Special benefits shall be granted to pay the funeral expenses for an adult or a dependent child, up to a maximum of \$2 500 per deceased person.

Nevertheless, such benefits are reduced by the amount of benefits payable upon death, received under a contract for the advance arrangement of funeral services or received for the advance purchase of a sepulchre and, in the case of an independent adult,

(1) by the total of his liquid assets, and

(2) by the value of all his other assets, minus his debts at the time of his death.

This section does not apply in the case of an unclaimed body within the meaning of section 57 of the Public Health Protection Act (R.S.Q., c. P-35), unless delivery of the body was authorized under that Act to the foster family or the reception centre in which the deceased person had been placed, to a clergyman or to the Public Curator.

74. In the event of a fire or other disaster, special benefits shall be granted as compensation for the following losses suffered by an independent adult or a family already receiving benefits under the program:

(1) the cost of repairing or replacing furniture and essential household articles, in accordance with customary insurance practices, in the amount of

(a) \$1 000 plus \$500 per person, up to a maximum of \$4 000 per family, or

(b) \$1 500 per independent adult, and

(2) the living expenses of an independent adult or of a family during the restoration or relocation period, up to a maximum of 10 % of the special benefits applicable under subparagraph 1.

Those benefits shall be reduced by any indemnity paid by an insurer as compensation for losses.

75. Special benefits shall be granted to pay the cost of a move made necessary by a separation of spouses, up to a maximum of \$200.

Except where a move is ordered by a court, the cost of only one move may be paid for a 12-month period.

76. Special benefits up to a maximum of \$250 for one case shall be granted to pay the transportation and living expenses incurred by a recipient who travels more than 50 kilometres from his place of residence to have a support order enforced.

The expenses for the use of a private vehicle shall be \$0.135 per kilometre travelled.

§3. Month of Application

77. For the month of application, the basic benefit, the amount of the allowances and the increases provided for in this Regulation, except for those that are in stead of the advance Québec sales tax credit, shall be established pro rata to the number of days remaining in the month on the date of application, in relation to the number of days in that month.

The income received or to be received during the month of the application, regardless of the period for which it is due, shall be considered in calculating the benefit for that month. However, in the case of benefits to be received under the Employment Insurance Act, subparagraph *c* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity also applies for the month of the application.

The family allowances paid under the Act respecting family benefits and the national child benefit supplement, and determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (R.S.C. 1985, 5th Supplement, chapter I, shall be considered only if they are received during the month of the application and owed for that month.

In addition, if the application is submitted by the independent adult or the family as described in section 12, during the period provided for or in the following month, the employment assistance allowance and, as the case may be, any work income are considered only where they are owed for the month of application.

78. Liquid assets possessed on the date of application, unless otherwise excluded under sections 106 to 113, shall be considered in calculating benefits for the month of application.

The amount of the cheques outstanding on the date of the application and intended to pay the rent, electricity and heating, or any other form of energy, provided that those cheques are cashable in the month of the applica-

tion, shall be subtracted therefrom, as well as income considered pursuant to the second paragraph and to the fourth paragraph of section 77, provided that they have been deposited with a financial institution.

79. For the purposes of section 78, the following amounts shall be subtracted from the liquid assets possessed on the date of application by a family with at least one minor dependent child, except where it concerns a family referred to in section 20:

| Adult(s) | Dependent child(ren) | Amount |
|----------|----------------------|--------|
| 1 | 1 | \$325 |
| 1 | 2 | \$525 |
| 2 | 1 | \$217 |
| 2 | 2 | \$417 |

That amount shall be increased by \$200 for the third minor dependent child and each subsequent child.

Notwithstanding the foregoing, an amount of \$217 for the first minor dependent child and \$200 for each subsequent child shall be subtracted from the liquid assets possessed by a family including an adult member covered by section 7.

An amount of \$119 shall also be subtracted from liquid assets for any minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

80. The first paragraph of section 77 and section 79 do not apply if the application submitted by the independent adult or the family referred to in section 12 during the period provided for or in the following month.

In such a case, in addition to amount of liquid assets excluded under the first paragraph of section 78, the amounts referred to in sections 103 to 105 shall be subtracted from the liquid assets possessed by such adult or family.

§4. Reduction for lodging costs

81. The basic benefit provided for in section 23 shall be reduced by the amount by which the minimum lodging costs fixed by this section exceed lodging expenses for an independent adult or a family. The minimum cost is determined as follows:

| Adult(s) | Dependent child(ren) | Minimum cost |
|----------|----------------------|--------------|
| 1 | 0 | \$139 |
| 1 | 1 | \$196 |
| 1 | 2 or more | \$224 |
| 2 | 0 | \$204 |
| 2 | 1 | \$236 |
| 2 | 2 or more | \$257 |

However, that reduction may not exceed \$100.

82. Monthly lodging expenses comprise

(1) in the case of an owner, real estate taxes, fire insurance premiums, hypothecary payments or any other dwelling-related loan, \$35 for maintenance and repairs, \$35 for heating and \$25 for electricity or any other form of energy;

(2) in the case of a tenant, the monthly rent, rental taxes and, if not included in the rent, \$35 for heating and \$25 for electricity or any other form of energy.

83. For the purposes of paragraph 1 of section 82,

(1) a hypothec includes a borrowed amount used to purchase, build, repair or renovate a dwelling;

(2) a dwelling-related loan

(a) includes a borrowed amount used to purchase, put in place, renovate or repair a mobile home that serves as a principal residence;

(b) the reimbursement of a loan authorized by a financial institution, a municipality or the Government to purchase, build, repair or renovate a dwelling.

The owner's expenses are in proportion to the space that he occupies in a building consisting of a number of dwellings.

§5. Income, earnings and pecuniary benefits

84. The following income, earnings and pecuniary benefits shall be excluded for benefit calculation purposes:

(1) amounts granted as tax benefits for children under Part 9 of the Income Tax Act, other than those granted as a national benefit supplement for children;

- (2) family benefits paid under the Act respecting family assistance allowances (R.S.Q., c. A-17);
- (3) the allowances for handicapped children paid under the Act respecting family benefits;
- (4) amounts received by a reception centre to take charge of an adult or by a foster family to take charge of a child, as well as amounts received by such a foster family under the Regulation respecting financial assistance to facilitate the adoption of a child, made by Order in Council 1178-95 dated 30 August 1995;
- (5) amounts earned by a dependent child incidentally to his studies and the loans and scholarships that he receives as a student;
- (6) support paid to an independent adult by his father or mother, up to a maximum of the parental contribution that he is deemed to receive under subparagraph *h* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity;
- (7) a premium paid by an institution that operates a rehabilitation centre to a recipient in order to facilitate his attending that centre or paid by an institution operating a residential and long-term care centre or a hospital to a recipient to follow a therapy program;
- (8) income from a succession, a trust or a gift devolved on a dependent child, before that income can be used for his maintenance;
- (9) income that ceases during a month in which an applicant not already receiving benefits files an application, for the purpose of establishing the benefits for the following month;
- (10) income earned in the previous period of at least three months or, in the case of a self-employed worker, income attributed to such a period, insofar as that income ceases; however, this exclusion does not apply in respect of family allowances received under the Act respecting family benefits or to amounts received as a national child benefit supplement;
- (11) income from interest;
- (12) amounts received as tax refunds or credits;
- (13) the benefit granted under the Parental Wage Assistance Program (PWA) provided for in Chapter III of Title II of the Act respecting income support, employment assistance and social solidarity;
- (14) allowances received under section 3.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8);
- (15) amounts paid as additional expenses related to participation in an employment-assistance measure or program;
- (16) up to \$130 per month, per adult, in employment-assistance allowance;
- (17) amounts received under a program of the Ministère de la Santé et des Services sociaux for home care and assistance services;
- (18) amounts received by a person responsible for a foster home bound by a services contract concluded with the Minister of Public Security to facilitate the social reintegration of those who are required to lodge therein;
- (19) income from room or board received by a recipient who shares a dwelling unit within the meaning of the first paragraph of section 123;
- (20) income from room or board received from a recipient of a program as long as the recipient is an immediate relative, brother or sister;
- (21) income earned as an enumerator, as a polling officer or, if he has been so designated and been given a power of attorney, as a mandatary of a candidate;
- (22) up to \$100 per month, the periodic payments of support received by a family including at least one dependent child under 5 years of age on 30 September;
- (23) the part of the periodic payments of support exceeding \$305 per month, where those payments are made as payment of a residence in which the creditor resides, but which belongs to the debtor of support;
- (24) the amount of periodic payments made by a third party, up to \$305 per month, to allow a recipient to reside in a facility maintained by a private institution not under agreement that operates a residential and long-term care centre or a private residence for retirees or persons with a slight loss of autonomy;
- (25) the part of the monthly instalment for a hypothecary debt on the residence exceeding \$305, when these payments are made directly by a third party under a disability insurance contract;
- (26) payment of a debt other than that covered in paragraph 25 paid directly by a third party under a disability insurance contract;

(27) supplementary family income paid to a family with more than two dependent children by the Service d'aide aux réfugiés et aux immigrants du Montréal métropolitain;

85. For the purposes of subparagraph 2 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity, family allowances received by the family under the Act respecting family benefits shall be deducted:

(1) from the sum of the increases provided for in sections 34 and 35, where a family includes one independent adult;

(2) the sum of the increases provided for in section 35, where the family includes two adults.

In addition, the amounts received as a national child benefit supplement shall be subtracted from the increases provided for in section 36, unless the dependent child is placed in a foster family or sheltered in an institution that operates a rehabilitation centre.

86. For the purposes of section 85, the family is deemed to receive the annual amount the family allowance or the annual amount of the national child benefit supplement, divided by 12. Where such amount is paid to a person who is not a family member, but used by that person for the needs of the dependent child, that amount is deemed to be received by the family. In addition, the family is presumed to receive, for July of each year, the maximum amount of the national child benefit supplement.

87. Work income, income from employment insurance benefits granted under the Employment Insurance Act and that from the amounts paid as employment assistance allowances shall be calculated by deducting the following amounts from that income or, in the case of income from self-employment, from net income:

(1) amounts to be deducted or withheld under section 1015 of the Taxation Act (R.S.Q., c. I-3) or provisional accounts to be paid under sections 1025 and 1026 of that Act and any such amount to be deducted, withheld or paid under the Income Tax Act;

(2) the employee's premium payable under the Employment Insurance Act;

(3) contributions payable by a worker under the Act respecting the Québec Pension Plan or by virtue of his participation in an obligatory retirement plan; and

(4) union dues.

Work income shall also be reduced by the expenses connected with the fact of holding employment, in the amount of \$25 or 6 % of monthly income from employment, whichever is less, except in the case of the income of a self-employed worker, of a volunteer fireman and income referred to in sections 92 and 93.

88. The following amounts shall be excluded from work income:

(1) in the case of an independent adult or a family composed of only one adult: \$200, unless that adult has a severely limited capacity for employment, in which case that amount is set at \$100; and

(2) in the case of a family composed of two adults: \$300, unless they have a severely limited capacity for employment, in which case that amount is set at \$100.

For the purposes of this section, an amount granted under section 22 or 23 of the Employment Insurance Act or paid by the Minister as an allowance for a maternity or parental leave is deemed to be work income.

89. Net income from self-employment shall be established according to the accrual accounting method, in accordance with generally recognized accounting principles.

In the calculation of net income, the depreciation of property used by a business shall be excluded and the repayment of principal shall not be considered an operating expense.

90. In the case of seasonal self-employment, the amount by which net income from such employment or from other sources exceeds the amount by an amount calculated as follows is deemed to be work income for the period of inactivity.

| Adult(s) | Dependent child(ren) | Minimum cost |
|----------|----------------------|--------------|
| 1 | 0 | \$726 |
| 1 | 1 | \$1 051 |
| 1 | 2 | \$1 251 |
| 2 | 0 | \$1 079 |
| 2 | 1 | \$1 296 |
| 2 | 2 | \$1 496 |

Those amounts shall be increased by \$200 for the third dependent child and for each subsequent child.

However, in the case of an adult referred to in section 7, that amount is \$330, which is increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

In the case of an independent adult sheltered or referred to in section 8, or a family referred to in section 20, the amount is \$149.

91. For the purposes of section 90,

(1) the period of activity begins in the month in which work begins and ends in the month in which work ceases, and

(2) the period of inactivity begins in the month following that during which the work ceases and ends 12 months after the beginning of the last period of activity, or as soon as work resumes, whichever comes first.

92. Income from the office of mayor, municipal councillor or school commissioner is deemed to have been received during the period in which it was earned.

The expense allowances inherent in those offices shall be excluded from that income, but only up to half the amount paid for the same period in the form of salary or other remuneration.

93. Income from babysitting at the recipient's domicile shall be calculated in the proportion of 40 %.

94. Income from providing room and board shall be calculated in the proportion of 40 %, with a minimum of \$85 for one person and \$50 for each additional person in that person's family.

95. Periodic support payments paid in arrears shall be applied first and foremost to periods subsequent to 30 April 1998.

96. Income derived from an immovable shall be calculated in accordance with Title III of Book III of Part I of the Taxation Act before any deduction is made for depreciation as provided for in sections 130 and 130.1 of that Act.

97. The period referred to in subparagraph *c* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance

and social solidarity begins on the date on which work ceased and ends at one of the following:

(1) in the case of an initial claim for benefits, at the end of the fourth week following the date on which the benefit period began;

(2) in the case of a subsequent claim for those benefits, at the end of the third week following the date on which a subsequent claim for those benefits took effect;

(3) in the case of a decision not rendered by the Canada and Employment and Immigration Commission, at the end of the fourth week following the date on which the claim for those benefits was filed;

(4) in the case of a predated claim for those benefits, at the end of the second week following the date on which a request to predate an initial claim was accepted; or

(5) in the case of interruption in the regular payment of those benefits, at the end of the week in which payment of those benefits was due.

98. Weekly income, earnings and fringe benefits that apply to the entire month shall be converted to a monthly basis by multiplying them by 4.333.

99. Where the income earned for at least 3 months or, in the case of a self-employed worker, the income attributed to such a period ceases, the benefits shall be recalculated for that month on the basis of the income for the current month, where that income is lower than in the preceding month.

100. Where a recipient earns an income that affects his benefits and informs the Minister thereof too late for the benefits of the following month to be adjusted, the income shall affect the benefits of the next month.

101. Paragraph 10 of section 84 and section 99 apply to insofar as the income had been diligently declared to the Minister.

§6. Liquid assets

102. Liquid assets shall comprise everything that an independent adult or a family possesses in cash or in an equivalent form and the value of assets that they can convert into cash in the short term, such as

(1) amounts, whether demand deposits or term deposits, that a financial institution holds on deposit for an independent adult or a family, or funds that it holds in their favour if they have ready access to those funds;

(2) securities that they own, if those securities are regularly quoted on the market on which they are traded;

(3) debts of which they can obtain immediate payment; and

(4) any assets negotiable at sight.

They shall comprise the total amount of a term deposit made in favour of an independent adult or a member of a family, even if they do not have ready access to that amount, where that deposit is made when that adult or family is receiving benefits under a last resort financial assistance program or in such a manner as to render them eligible for such a program.

103. Liquid assets shall be excluded for benefit calculation purposes, up to a maximum of

(1) in the case of an independent adult, an adult referred to in section 7, or a family referred to in section 20: \$2 500 if his capacity for employment is severely limited and \$1 500 in other cases;

(2) in the case of a family: \$5 000 if the capacity for employment of at least one adult member is severely limited and \$2 500 in other cases.

104. The amount provided for in paragraph 2 shall be increased by the following amounts for any minor dependent child, unless it concerns a family referred to in section 20:

| Adult(s) | Dependent child(ren) | Amount |
|----------|----------------------|--------|
| 1 | 1 | \$325 |
| 1 | 2 | \$525 |
| 2 | 1 | \$217 |
| 2 | 2 | \$417 |

That amount shall be increased by \$200 for the third minor dependent child and each subsequent child.

Notwithstanding the foregoing, in the case of a dependent child of an adult referred to in section 7, the amount provided for in paragraph 1 of section 103 shall be increased by \$217 for the first minor dependent child and \$200 for each subsequent child.

The amount provided for in section 103 shall also be increased by \$119 for every minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

105. The amount provided for in section 103 shall be increased by \$147 for any child of full age who attends a secondary-level educational institution in general education.

106. The amounts provided for in section 103 shall be increased by an amount equal to the total value of the amounts paid by the governments of Canada or Québec:

(1) under the Japanese-Canadian Redress Agreement concluded between the Government of Canada and the National Association of Japanese Canadians;

(2) under a statement made to the House of Commons on 14 December 1989 by the Minister of Health and Welfare Canada regarding persons infected with the human immunodeficiency virus following a blood transfusion or by absorbing blood-derived products;

(3) under a humanitarian fund created by the Gouvernement du Québec for hemophiliacs and other persons HIV-infected as a result of a blood transfusion;

(4) under the extraordinary assistance plan created by the Government of Canada for persons who are victims of thalidomide; or

(5) under a Government of Canada program respecting *ex gratia* payments to persons depatterned at the Allan Memorial Institute between the years 1950 and 1965.

107. The amounts provided for in section 103 shall also be increased by an amount equal to the total value of the amounts paid

(1) to a person entitled thereto under the judgment of the Supreme Court of Canada: *Public Curator of Québec vs. Syndicat national des employés de l'hôpital St-Ferdinand*, rendered on 3 October 1996; or

(2) to a person entitled thereto under an agreement resulting from class actions pertaining to breast implants.

108. The increases provided for in sections 106 and 107 shall be applied as of the date of the payment of those amounts and solely with regard to the recipient personally.

109. The amount provided for in section 103 shall be increased for a period of 12 consecutive months by an amount equal to a retroactive adjustment of benefits paid by reason of an administrative error, a review decision, a decision handed down by the Administrative Tribunal of Québec or pursuant to section 143.

That increase shall be applied as of the date of the payment and solely with regard to the recipient concerned.

110. The following liquid assets shall be excluded for benefit calculation purposes:

(1) those accumulated by a dependent child through his own work;

(2) those owned by a dependent child, where they are administered by a tutor, a liquidator of successions or a trustee, before an accounting is rendered, and where they have been placed in a term deposit which does not allow them to be freely disposed of;

(3) the amount of loans and scholarships that an adult or a dependent child receives as a student where, within 6 months of its receipt, it is used for the purposes for which it was obtained;

(4) the cash surrender value of a life insurance policy; and

(5) the amounts received to pay for additional expenses related to a recipient's participation in an employment-assistance measure or program, provided those amounts are used for the purposes for which they were obtained; and

(6) the amount from a succession up to the amounts of debts and charges for which the recipient is responsible.

111. The amount of advance family allowance payments received under the Act respecting family benefits shall be excluded for benefit calculation purposes for the month following those payments.

112. The amount of a loan taken out in order to consolidate debts or to purchase property referred to in paragraphs 1 to 3 and 8 of section 116 shall be excluded for benefit calculation purposes where

(1) it is deposited without delay into a separate account with a financial institution; and

(2) it is used within 30 days of its receipt for the purposes for which it was obtained.

113. Liquid assets shall be excluded for benefit calculation purposes up to a maximum value of \$60 000 for all the following amounts that are part thereof:

(1) the value of the amounts or pension credits referred to in paragraph 4 of section 116, which, under the

retirement instrument or plan in question or by law, can be returned to the participant;

(2) a sum received in the form of an amount or a pension credit referred to in paragraph 1, where it is used within 30 days of its receipt as a contribution to another retirement plan or retirement savings instrument;

(3) the amount of a grant or a loan to be used to repair a residence, where it is used within 6 months of its receipt for the purposes for which it was obtained;

(4) the amount of a grant or a loan to be used to start a business or to create one's own employment, where it used within 6 months of its receipt for the purposes for which it was obtained.

The exclusions provided for in subparagraphs 2 to 4 of the first paragraph apply only where the amounts referred to are deposited without delay into a separate account with a financial institution.

114. Any part of an amount referred to in paragraph 3 of section 110, section 112 and subparagraphs 2 to 4 of the first paragraph of section 113 shall constitute liquid assets for the entire month in which it is used contrary to those provisions or not deposited in accordance with those provisions, and the exclusion provided for in section 103 is not applicable thereto.

§7. Property

115. The value of property shall be its market value.

The net value of property shall be its value less the value of the real rights with which it is encumbered.

The value of a residence shall correspond to that of the house and of the land on which it is built.

The value of a farm shall correspond to that of the land, the buildings, the livestock and the implements.

Notwithstanding the first paragraph, the value of any immovable listed on the assessment roll of a municipality shall be equal to the value indicated thereon, multiplied by the comparative factor of the roll, in accordance with the provisions of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

116. The following shall be excluded for benefit calculation purposes:

(1) the total value of movables and household articles;

(2) the value of a motor vehicle up to a maximum of \$5 000;

(3) books, instruments and tools needed for employment or for a trade or craft;

(4) the value of pension credits that have accumulated in a retirement plan other than the plan instituted by the Act respecting the Québec Pension Plan or an equivalent plan within the meaning of that Act, as well as the amounts that have accrued with interest as a result of the beneficiary's participation in another retirement savings instrument which, under the plan, the savings instrument or the Act, cannot be returned to the beneficiary before the age of retirement;

(5) property owned by a dependent child, where the property is administered by a tutor, a liquidator of successions or a trustee, before an accounting is rendered;

(6) property acquired by a dependent child through his own work;

(7) equipment adapted to the needs of a recipient who has functional limitations, including a vehicle adapted for transportation and not used for commercial purposes; and

(8) the value of a contract for the advance arrangement of funeral services or for the advance purchase of a sepulchre, where those contracts are in force.

117. The value of all the following property shall be excluded for benefit calculation purposes, up to a maximum of a total net value of \$80 000:

(1) the value of a residence or of a farm operation;

(2) the value of a residence or a farm belonging to an independent adult who no longer lives in that residence or operates that farm since having been placed in a foster home or sheltered in a facility maintained by an institution operating a rehabilitation centre, a residential and long-term care centre or a hospital centre, during the first year spent there;

(3) the value of a residence belonging to an independent adult or to a family who no longer lives therein for health reasons, for a period of one year from the time of moving;

(4) the value of a residence belonging to an adult who no longer lives in that residence because of a separation, for a period of not more than 18 consecutive months, extending from the date on which he undertakes a family mediation process or legal proceedings to the

date on which the court decides on the right of property or, as the case may be, to the date on which the court ratifies or homologates the agreement between the parties;

(5) the net value of property used in self-employment or in the operation of a farm;

(6) the amount of an indemnity paid as compensation for immovable property following an expropriation or a disaster, where that amount is used within two years of its receipt to replace property with a view to permanent relocation or to operate a business;

(7) the amount of an indemnity paid as compensation for movable property following a fire or another disaster, where it is used within 45 days of its receipt to repair or replace that property; and

(8) the amount from the sale of a residence, where that amount is used to purchase or build another residence within six months of the sale.

In the case of an independent adult or a family in which at least one adult member has a seriously limited capacity for employment, the amount provided for in the first paragraph is increased by \$1 000 for each complete year of occupation as the owner of the residence.

118. The exclusions provided for in subparagraphs 6 to 8 of the first paragraph of section 117 apply only where the amounts referred to are deposited without delay into a separate account with a financial institution or, in the case provided for in subparagraph 6 of the first paragraph of that section, if those amounts are the subject of an investment that a trustee is permitted to make under the Civil Code.

Any part of an amount referred to in those subparagraphs shall constitute liquid assets for the entire month in which it is used contrary to those provisions or for the entire month in which it is not deposited or invested in accordance with the first paragraph, and the exclusion provided for in section 103 is not applicable thereto.

119. Property acquired using an amount referred to in sections 106 and 107 is excluded for benefit calculation purposes.

That exclusion applies from the date of payment of the amount and solely in respect of the recipient personally.

120. The aggregate value of property shall comprise the value of all property, except that of the liquid assets and of the property excluded for benefit calculation purposes.

If only part of the value of property is excluded for the purpose of that calculation, the remainder of the value shall be included in the aggregate value.

121. The percentage applicable to the aggregate value of property for benefit calculation purposes shall be 2 % of their aggregate value. Except for the property referred to in section 117, that percentage shall apply to the aggregate value of assets in excess of \$1 500 in the case of an independent adult or a family referred to in section 20, or \$2 500 in all other cases.

§8. Sharing of dwellings

122. The benefits of an independent adult or a family sharing a dwelling shall be reduced by an amount equal to the difference between \$100 and the amount subtracted under section 81.

A housing unit shall be considered a dwelling where it has a separate exit leading outdoors or to a common corridor, self-contained sanitary facilities and a separate area for the preparation of meals.

123. An independent adult or a family shares a dwelling where, in any of the following cases, the dwelling is shared with

- (1) a co-tenant or co-owner;
- (2) an independent adult or a family where fewer than three rooms are rented out or offered for rent to different tenants.

When three rooms in a dwelling are rented or offered for rent to different tenants, an independent adult or a family shares that dwelling where they occupy it with a recipient with whom he does not form a family and who is an immediate relative, brother or sister.

In cases not otherwise covered by the first paragraph, an independent adult or a family shares a dwelling where the former occupies a room with an independent adult or a family.

A dwelling shall be considered to be shared even where the housing expenses are not actually shared.

124. However, despite section 123, a dwelling is not considered to be shared in the following cases:

- (1) between a recipient who acts as a residence or foster family and the persons entrusted to him;
- (2) in a shelter for victims of violence, with respect to persons who have taken refuge therein;

(3) in a foster home bound by a services contract concluded with the Minister of Public Security to facilitate the social reintegration of persons who are placed therein, with respect to the recipient in charge of the foster home, except if he shares it with a person other than those placed with him; and

(4) with respect to an independent adult who shares a room with another person in a community residence, which is not covered in paragraph 3, offering room and board, assistance and rehabilitation services for a given amount.

125. The sharing of a dwelling unit due to the necessity of providing constant care to a person within the meaning of subparagraph 5 of the first paragraph of section 24 of the Act shall not entail the reduction provided for in section 122 for those persons. The same applies to a recipient to whom a temporarily limited capacity for employment allowance applies due to the presence of such person.

126. The reduction in benefits provided for in section 122 does not apply to a family that includes only one adult member.

§9. Parental contribution

127. The gross income of the father and mother for the purposes of calculating the parental contribution that an adult is deemed to receive under subparagraph *h* of subparagraph 3 of the first paragraph of section 27 of the Act shall be determined on 1 October of each year by taking into account the following types of income for the last taxation year or for the current year where the income for that year is less by 10 % or more than that of the preceding year:

(1) net income within the meaning of section 28 of the Taxation Act; and

(2) the following amounts, where not already covered by paragraph 1:

(a) amounts received as compensation under a statute respecting occupational accidents of Canada, another province or a territory of Canada;

(b) amounts received as social assistance payments based on an investigation of resources and needs under a statute of another province or territory of Canada;

(c) amounts received as monthly Guaranteed Income Supplement or spouse's allowance under the Old Age Security Act (R.S.C., 1985, c. O-9) and amounts received as such under a statute of another province or a territory of Canada;

(d) amounts received as tax benefits for children under Part 9 of the Income Tax Act;

(e) family allowances received under the Act respecting family benefits up to an amount of \$131 for the first child, \$174 for the second, \$218 for the third, and \$261 for each subsequent child;

(f) amounts received under the Act respecting real estate tax refund (R.S.Q., c. R-20.1); and

(g) allowances paid under section 3.1 of the Act respecting the Société d'habitation du Québec.

128. The incomes of the father and mother calculated in accordance with section 127 shall be reduced by the following amounts:

(1) where the incomes of both the father and the mother are considered, the aggregate of the following amounts:

(a) for both parents: \$11 800;

(b) for each dependent child who resides with the father and mother and is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university: \$1 200;

(c) for dependent children:

i. for the first: \$2 600;

ii. for each subsequent child: \$2 400;

(2) where the income of a single parent is considered, the aggregate of the following amounts:

(a) for the parent: \$9 862;

(b) for each dependent child who resides with the parent and is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university: \$1 200;

(c) for dependent children:

i. for the first: \$2 600

ii. for each subsequent child: \$2 400.

129. The incomes of the father and mother taken into account for the purposes of calculating the parental contribution shall be 40 % of the income calculated in accordance with sections 127 and 128.

130. The parental contribution shall be determined by dividing by 12 the amount of the income obtained for section 129. That amount, where applicable, is divided by the number of adults deemed to have received a parental contribution from the same parent or parents.

DIVISION IV PAYMENT OF BENEFITS

131. An application for eligibility under the program is made on the day the prescribed form, duly completed and signed, is received by the Minister.

However, where the Minister has already received from the applicant a writing announcing his intention to make an application, the date of the application is the date the Minister receives the writing, if the prescribed form provided by the Minister is completed and signed within a reasonable time.

132. An application for eligibility under the program or for a benefit provided therefor may also be submitted by a responsible person on behalf of the independent adult or the family.

133. No application shall be refused for a formal defect or irregular procedure that does not affect the entitlement to benefits or the amount thereof.

134. The statement made by a sheltered adult so as to be exempted from paying the price of his shelter shall stand in lieu of a validly formulated application for eligibility if that statement contains the information relevant to such application.

135. Any notice delivered to the person to whom it is addressed or to a person representing him, or mailed to the last known address is validly given.

136. Benefits granted under the program, including the special benefits provided for in section 71, shall be paid on the first day of the month, unless under exceptional circumstances. The special continuing benefits provided for in sections 55 and 56 shall be paid at the same time. However, the other special benefits shall be paid in the normal course of the applications.

137. For the purposes of applying section 32 of the Act respecting income support, employment assistance and social solidarity, the Minister shall pay the lessor an amount corresponding to the lesser of the following amounts:

(1) 48.7 % of the basic benefit, in the case of an independent adult or a family comprised of only one adult, or 40.2 % of such benefit in the case of a family comprising two adults;

(2) 48.7 % of the benefit that would be paid to the recipient, in the case of an independent adult or a family comprised of only one adult, or 40.2 % of such benefit in the case of a family comprising two adults;

(3) the rent.

138. The amount provided for in section 137 is reduced by \$35 if the cost of heating is not included in the rent and by \$25 if the cost of electricity or any other form of energy is not included therein.

However, no amount less than \$10 shall be paid to the lessor.

139. A recipient shall submit to the Minister a complete statement of his situation and a short statement.

A complete statement shall be submitted every 12 months.

A short statement shall be submitted every month, except for an independent adult or a family including an adult member whose capacity for employment is severely limited, in which case the short statement shall be submitted only if a change of situation occurs.

The Minister shall cease paying benefits to a recipient who does not submit the duly completed and signed short statement, unless he demonstrates that he was unable to return it.

140. An independent adult or family referred to in section 12 must also submit the statements provided for in section 139. However, the complete statement must be submitted, as the case may be, 12 months after the start of the period referred to in such section, and the short statement when a change of situation occurs.

141. For the purposes of section 140 of the Act, the Minister is bound to pay interest on the amount of benefit that should have been granted effective on the date of the initial decision or the date on which the decision took effect, if later. The rate shall be that set under the second paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) and such interest shall form part of the benefit.

In the event that the decision concerns a special benefit other than those provided for in sections 55, 56 and 69, interest is payable where the recipient certifies in writing that he received, prior to the date of the review

or appeal decision, the goods or services covered by the special benefit claimed and such interest shall be computed as of the date on which the recipient received them.

142. The Minister is not bound to pay interest in cases where

(1) the amount owed is less than \$1;

(2) the decision concerns the special benefit referred to in section 50;

(3) the independent adult or family received benefits under sections 16 and 134 of the Act respecting income support, employment assistance and social solidarity; or

(4) the independent adult or family received benefits further to a decision rendered under the second paragraph of section 107 of the Act respecting administrative justice (1996, c. 54).

143. Where an application for benefits was rejected or where the benefits granted to an independent adult or a family have been reduced or cancelled because of amounts paid under another statute, and where the Minister or body that paid those amounts reclaims them in whole or in part, the amount of the benefits granted or that could have been granted for the months covered by that claim shall be re-calculated accordingly

(1) if the amounts claimed were paid by reason of an administrative error of the Minister or agency; or

(2) if the amounts claimed were paid as family allowances under the Act respecting family benefits, or a national supplement for children; however, the re-calculation shall be made only for the 6 months preceding the date of the claim.

For the purposes of this section and where applicable, any new statements required in relation to the months covered by the claim must be submitted within one month of the claim's receipt.

144. For the purposes of section 43 of the Act, the creditor of support shall inform the Minister of any agreement or judicial proceeding by sending a copy thereof to the following address, within the time allowed:

Ministère de la Solidarité sociale
Centre du recouvrement
Services des pensions alimentaires
800, place D'Youville, 15^e étage
Québec (Québec)
G1R 5Z6

DIVISION V BENEFITS ADMINISTERED BY A THIRD PARTY

145. The Minister shall pay the benefits to a person or an organization designated by him under section 33 of the Act where the beneficiary or his representative agrees thereto.

146. A person or organization designated by the Minister shall use the amount of the benefits in a reasonable manner, solely for the advantage of the independent adult or the family in respect of whom they are paid, and may not derive any direct or indirect advantage for himself or itself therefrom.

Where the benefits accumulate, they must be invested in a reasonable manner, considering the amount in question, interest being added to the principal.

147. The staff of an institution that operates a rehabilitation centre, a residential and long-term care centre or a hospital and that shelters an adult, or persons practising their profession there, may not act as designated persons, except in the case of a person required to provide to that adult support payments within the meaning of the Civil Code. However, the institution may be designated by the Minister.

148. A designated person or organization may not use funds constituted by benefits to pay expenses connected with the services that an institution or a reception centre must provide as part of its mission or to pay expenses incurred by a person in the service of such institution or reception centre.

149. A designated person or organization may pay the reasonable cost of personal services that the institution or the reception centre provides to the recipient, without being required to do so, provided that it does not exceed the cost normally required for an equivalent service.

150. A designated person or organization shall keep separate accounts for each recipient of the funds constituted by benefits so that these funds may be identified and their existence verified, and he or it shall identify the deposits, withdrawals and accrued interest.

151. A designated person or organization shall submit annually to the Minister a report on the use of the administered benefits. Where the designated person or organization is an institution, it shall keep a register of accounts in the manner provided for in section 150 and shall make it available to the Minister.

DIVISION VI ADMINISTRATIVE MEASURES

152. The Minister shall, where there is an infringement of section 44 of the Act, reduce or refuse or cease to pay benefits, including in the calculation thereof, the value of rights, property or liquid assets, at the date of relinquishment, disposition or squandering, after having subtracted fair consideration received and, for each month that has elapsed since that date, for a period of not more than two years, an amount as follows:

(1) for each month of ineligibility for the benefit:

| Adult(s) | Dependent child(ren) | Amount |
|----------|----------------------|---------|
| 1 | 0 | \$726 |
| 1 | 1 | \$1 051 |
| 1 | 2 | \$1 251 |
| 2 | 0 | \$1 079 |
| 2 | 1 | \$1 296 |
| 2 | 2 | \$1 496 |

(2) for each month of eligibility for the benefit:

(a) determine the basic benefit applicable to the adult or adult members of the family;

(b) add the amounts provided for in this Regulation as allowances and adjustments that replace the advance Québec sales tax credit; and

(c) add, for each dependent child, an amount determined as follows:

| Adult(s) | Dependent child(ren) | Amount |
|----------|----------------------|--------|
| 1 | 1 | \$325 |
| 1 | 2 | \$525 |
| 2 | 1 | \$217 |
| 2 | 2 | \$417 |

The amount provided for in the first paragraph shall be increased by \$200 for the third dependent child and for each subsequent child. It shall also be increased by \$119 for any dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

153. For the purposes of paragraph 8 of section 50 of the Act respecting income support, employment assistance and social solidarity, an adult is deemed to have a serious reason to turn down or quit a suitable job if he is temporarily or severely limited for employment.

154. The benefits of an independent adult or of a family shall be reduced by \$150 per month for 12 months for each infringement of any provision in sections 45, 47 and 49 of the Act. However, that reduction shall be \$100 in the case of an adult referred to in section 7 or 8.

Where there is a subsequent infringement, the reduction shall apply as soon as the infringement is brought to the attention of the Minister and shall be applied concurrently. The application may not operate to reduce the benefits by an amount exceeding \$100 in the case of an independent adult referred to in section 7 or 8, \$150 in the case of a family that has only one adult member, or \$300 in other cases.

155. The measure provided for in section 154 ceases to apply:

(1) in the event of an infringement of section 45 or 47 of the Act, where the adult no longer fails to comply with the instructions given by the Minister or receives an employment-assistance allowance; or

(2) in the event of an infringement of section 49 of the Act, where the adult accepts a job that he had refused, returns to a job that he had quit or lost through his own fault, or accepts a job that has characteristics similar at least in salary and in duration.

156. The reduction provided for in section 154 does not apply:

(1) in the event of an infringement of section 45, 47 or 49 of the Act for each month during which the adult is temporarily or severely limited for employment or whose spouse is temporarily or severely limited for employment;

(2) in the event of an infringement of section 49, for each month during which the adult receives and employment-assistance allowance, as of one month after the first month for which the allowance is granted; or

(3) for each month during which the adult is sheltered or placed in a reception centre.

CHAPTER IV PARENTAL WAGE ASSISTANCE PROGRAM

DIVISION I ELIGIBILITY

157. An adult not residing in Québec is eligible for the Parental Wage Assistance Program where he is in one of the situations described in the first and third paragraphs of section 4, for the duration provided therefor.

For a period not exceeding six months, an adult who must accompany a person described in subparagraph 1 of the first paragraph of this section to whom he provides constant care as required by such person's physical or mental condition is also eligible.

158. The value of property and liquid assets in the possession of the adult, his spouse and his dependent children must not exceed, for each month of eligibility, one of the following amounts:

(1) \$45 000; or

(2) \$90 000, provided the owner of the family residence is one of the members of that family.

In the case provided for in subparagraph 2 above, the value of property and liquid assets other than the residence must not exceed \$45 000.

159. For the purposes of section 158, the value of the following property shall not be included:

(1) any motor vehicle primarily intended for personal use;

(2) the furniture and domestic effects of the main residence;

(3) any life insurance policy; and

(4) any right arising from a retirement plan or fund.

160. If the spouse of the adult for a given year was not his spouse for the entire year, the value of the property and liquid assets in the latter's possession shall be considered for the months during which that person was his spouse.

161. The value of a property shall be equal to its market value.

However, the value of any immovable listed on the assessment roll of a municipality shall be equal to the value indicated thereon, multiplied by the comparative factor of the roll, in accordance with the provisions of the Act respecting municipal taxation. Where the value of a residence which is part of an immovable is not specifically listed on the assessment roll, its value shall be equal to the portion of the value of the immovable it occupies that can reasonably be attributed to it.

162. When ascertaining the value of a residence, the real rights of which it is encumbered shall be deducted.

Where an immovable, including the residence or a set of immovables comprising the residence, is encumbered with real rights, the value of such rights is deducted from the value of the residence by applying, as the case may be, one of the percentages obtained by dividing the value of the residence by that of the immovable of which it is a part or by that of the set of immovables encumbered by those rights.

163. When ascertaining the value of the property used in the context of self-employment, the real rights encumbering such property are deducted therefrom.

164. For the purposes of subparagraph 5 of the second paragraph of section 68 of the Act respecting income support, employment assistance and social solidarity, the minimum amount that the adult and, where applicable, his spouse, must earn during one month is \$100.

165. The business income earned by a person for a given month is equal to the portion of his business income for the year, referred to in subparagraph 2 of the first paragraph of section 79 of such Act, attributable to that month after it has been divided as follows, where the fiscal year

(1) begins and ends in the year, the business income of the year is divided into equal amounts for each month in which that person operated his business during the fiscal year; or

(2) ending in the year began in the previous year, the business income of the year is divided into equal amounts, as of January, over a number of months corresponding to the number of months during which that person operated his business in the fiscal year.

DIVISION II INTERPRETATION

166. A child who is the dependant of a brother, a sister, an uncle, an aunt, a grandparent or an adult, where that adult has custody of the child under a court

order, except in the case of a foster family, is deemed to be the dependant of an adult other than his father or mother.

167. A child who is not legally authorized to live in Canada is deemed not to be a dependant, except in the case of a refugee within the meaning of the Geneva Convention recognized in Canada by the competent Canadian authority.

168. A child who does not reside in Québec is deemed not to be a dependant, unless he must be absent for one of the reasons and for the duration provided for in subparagraphs 1 and 2 of the first paragraph and the third paragraph of section 4 or to pursue his studies on a full-time basis for their duration.

169. A child who is sheltered in an institution operating a rehabilitation centre or placed in a foster home is deemed to no longer be a part of his family from the third month following that of his placement, unless his return to or gradual reintegration into that family begins within such period under an intervention plan set up by an institution operating a child and youth protection centre.

170. A child whose total income exceeds \$5 900 is deemed not to be a dependant, except where all the dependent children have an income. In such case, the child with the lowest total income is deemed to be a dependant.

171. Where the custody of a dependent child is shared between two adults by virtue of a judgment or, failing that, a written agreement, the child is deemed to be a dependant of the adult who is eligible for the program if the percentage of the monthly custody time is 30 % or more.

DIVISION III ESTABLISHMENT AND PAYMENT OF BENEFITS

172. For the purposes of section 73 of the Act, the percentage shall be 35 %.

For the purposes of subparagraphs 1 and 2 of the first paragraph of section 75 of the Act, as it will read after the adoption of section 330 of Bill 3, An Act to amend the Taxation Act and other legislative provisions, the percentages are set at 43 % and 23 %, respectively.

173. The amount of the family's needs determined in respect of the adult for one year is equal to:

(1) \$11 370 where the adult has a spouse for that year; or

(2) \$7 790 where the adult has no spouse.

174. The excluded amounts in respect of an adult or the adult's spouse, for the purposes of subparagraph *a* of subparagraph 2 of the first paragraph of section 75 of the Act, are the aggregate of the amounts received under the Employment Insurance Act as work sharing-benefits received under a regulation made under section 24 of the Act;

175. The amount of work income excluded for the purposes of ascertaining the net work income of the adult's family in accordance with the second paragraph of section 79 of the Act respecting income support, employment assistance and social solidarity is equal to \$100 per month of work.

176. The maximum amount of income of a dependent child referred to in subparagraph 1 of the third paragraph of section 79 of the Act, as it will read after the adoption of section 331 of Bill 3, An Act to amend the Taxation Act and other legislative provisions, is \$5 900.

177. For the purposes of subparagraph *b* of subparagraph 3 of the third paragraph of section 79 of the Act, as it will read after the adoption of section 331 of Bill 3, An Act to amend the Taxation Act and other legislative provisions, the amount of last-resort financial assistance benefits determined for a family corresponds to the sum obtained by adding, for each month of the year, the amounts established based on the following formula: $A - (B - C)$.

In this formula:

(1) "A" represents the surplus amount of all last-resort financial assistance benefits received during the month by the adult and his spouse which must be included, for the year, in the computation of their income under section 311.1 of the Taxation Act on all such benefits reimbursed by the adult and his spouse during the month which are deductible, for that year, under either paragraph *d* or *d.2* of section 336 of the Act;

(2) "B" represents the amount of the scale of family needs applicable to the adult, divided by 12; and

(3) "C" represents the family's total estimated income for the month, calculated without consideration for the portion attributable to the month for the amount stipulated in subparagraph 3 of the third paragraph of section 79 of the Act, as it will read after the adoption of section 331 of Bill 3, An Act to amend the Taxation Act and other legislative provisions, and the amount determined in subparagraph 1;

The operations $(B - C)$ and $A - (B - C)$ cannot produce a result lower than 0.

178. The amount of last-resort financial assistance benefits deemed to have been received for the purposes of the third paragraph of section 75 and the sixth paragraph of section 79, as it will read after the adoption of Bill 3, An Act to amend the Taxation Act and other legislative provisions, is calculated by adding, for each month of the year, the amount obtained by the surplus amount of family needs as provided for in 173, divided by 12, above and beyond the total family income estimated for the month, including the amount determined under subparagraph 1 of the first paragraph of section 177.

179. An adult may receive an advance payment when the estimated amount of benefits exceeds \$500, without considering the increase provided for in section 77 of the Act.

The amount of an advance payment for a given month is equal to the lesser of the two following quotients:

(1) $\frac{\text{M.A.} - \text{A.P.}}{\text{the potential number of months of eligibility remaining in the year; or}}$

(2) $\frac{\text{M.A.}}{\text{the potential number of months of eligibility for the entire year.}}$

In these quotients, "M.A." represents the maximum amount of advance payments for the year established under this section and "A.P." represents the advance payments already made in the year.

The maximum amount of advance payments for a year is equal to the estimated benefit less the greater amount between \$500 and 25 % of this estimated benefit.

180. Insofar as an adult is entitled, for a given month, to an advance payment, the amount of increase provided for in section 77 of the Act is paid for that month. The amount is equal to \$3, multiplied by the number of days in daycare, during that month, for which a \$5 contribution per day of daycare is required under the Act respecting child day care (R.S.Q., c. S-4.1).

DIVISION IV ADMINISTRATIVE RULES

181. An application is deemed to have been made on the day the prescribed form, duly completed and signed, is received by the Minister.

However, where the Minister has already received from the applicant a writing showing his intent to file an application, the date of the application is that on which he received such writing, if the form provided to the Minister is completed and signed within a reasonable time period.

182. A beneficiary shall submit to the Minister a complete statement of his situation and a short statement in accordance with subparagraph 2 of the first paragraph of section 88 of the Act respecting income support, employment assistance and social solidarity.

A complete statement must be submitted every twelve months.

A short statement must be submitted every year, in May and September, if there has been no change in the recipient's situation or, if there has been a change, on the date of the change in situation and, thereafter, every four months from that date until the end of the year, except in December.

The recipient who does not submit a short statement is deemed to have declared there has been no change in his situation.

183. For the purposes of the second paragraph of section 96 of the Act, any overpayment due to an unforeseen or involuntary change in situation is deemed to be an amount paid further to an administrative error that the adult could not have reasonably noticed, if the Minister is notified forthwith of that change as stipulated by section 182.

184. The application may not be refused on the grounds of faulty drafting or an irregular procedure that has no bearing on entitlement to benefits or their value.

185. Any notice delivered to the person to whom it is addressed or to a person representing him, or mailed to the last known address is deemed to be validly given.

CHAPTER V RECOVERY

186. The recoverable amounts further to the possession of liquid assets that exceed those excluded for the purposes of calculating the amount of benefits is established up to the highest amount according to which such liquid assets are in surplus for a month included in the period.

A period comprises the consecutive months during which the liquid assets are in surplus and each period is deemed to be separate for ascertaining the recoverable amount.

187. The recoverable amount under section 107 of the Act is determined by considering the amount of last-resort financial assistance benefits granted to the persons covered by such undertaking during its duration.

The amount shall be calculated under the following conditions and rules:

(1) In the case of an independent adult or a family of which all members are covered by the undertaking of only one person or persons held severally liable, the recoverable amount shall be that of the benefits granted during the term of the undertaking, from which, however, it must be subtracted the amount of adjustments for dependent children provided for in sections 34, 202 and 203, and that of the special benefits other than those provided for in Schedules I through IV;

(2) In the case of an independent adult or a family of which all members are covered by the undertakings concluded by several persons who are not held severally liable, the recoverable amount for each person shall be that of the benefits granted during the term of each undertaking, calculated in accordance with subparagraph 1, which is then apportioned by considering the amount of benefits, adjustments, allowances, special benefits, resources and reimbursements attributable to the persons covered by each undertaking;

(3) In the case of a family of which certain members are covered by the undertaking of only one person or persons held severally liable, the recoverable amount shall be that of the benefits granted during the term of the undertaking, calculated in accordance with subparagraph 1, from which it must be subtracted the amount of benefits, adjustments, allowances and special benefits, attributable to the persons who are not covered by the undertaking and the amount of resources and reimbursements attributable to the persons who are covered by the undertaking;

(4) In the case of a family of which certain members are covered by undertakings between several persons who are not held severally liable, the recoverable amount shall be that of the benefits granted during the term of the undertaking, calculated in accordance with subparagraph 1, from which it must be subtracted the amount of benefits, adjustments, allowances and special benefits, attributable to the persons who are not covered by the undertakings; the amount thus obtained is then apportioned by considering the amount of benefits, adjustments, allowances, special benefits, resources and reimbursements attributable to the persons covered by each undertaking.

For the purposes of calculating the amount of the first paragraph, the amount of special benefits granted to a person covered by an undertaking is considered only if that undertaking was signed after 31 October 1994.

For the purposes of subparagraphs 2 to 4 of the first paragraph, where an amount cannot be attributed to a specific member of the family, it shall be attributed to the only adult member of the family, apportioned in equal shares between the two adult members or between each dependent child.

188. Subject to an agreement concluded or an amount withheld for the purposes of sections 113 or 117 of the Act, the debtor of a recoverable amount must reimburse to the Minister every month, beginning on the date of issue of the certificate referred to in section 116 of the Act, a sufficient amount to allow for repayment of the debt within a maximum of 36 months.

The amount of the reimbursement may not be less than \$56 per month, except in the case of an independent adult admitted to shelter or placed in a reception centre or foster family referred to in section 20, in which case the amount cannot be less than \$22 per month.

Nevertheless, if the recoverable amount is due to the filing of a false statement, the reimbursed amount cannot be less than \$112 per month or, if it is due to the filing of more than one false statement, \$224.

189. The recoverable amount must be reimbursed in full, forthwith, and with no other formality or notice, as soon as the debtor fails to comply with section 188 or the agreement made with the Minister pursuant to section 113 of the Act.

190. For the purposes of section 117 of the Act, the Minister retains a portion of the amount granted to the debtor under a last-resort financial assistance program up to a maximum of \$56 per month, except for the following cases:

(1) \$112 per month, where the recoverable amount is due to the filing of a false statement; or

(2) \$224 per month, where the recoverable amount is due to the filing of more than one false statements; nevertheless, the amount withheld, or the amount withheld and the amount of the reduction set out in section 154, cannot reduce by more than 50 % the amount that would otherwise have been received by the adult or his family, in which case the amount withheld is decreased to, but is not less than, \$112 per month.

Notwithstanding the first paragraph, if the debtor is an independent adult admitted to shelter or placed in a reception centre, an adult described in section 7 or 8 or a family described in section 20, the amount withheld cannot exceed \$22 per month.

191. For the purposes of section 117 of the Act, the Minister withholds a portion of the amount granted to a debtor as an employment-assistance allowance, up to \$13 per week, except for the following cases:

(1) \$26 per week, where the recoverable amount is due to the filing of a false statement; or

(2) \$52 per week, where the recoverable amount is due to the filing of more than one false statement.

192. For the purposes of section 117 of the Act, the Minister retains the amount of the advance payment provided for in the second paragraph of section 82 of the Act, except for the portion of the payment attributable to the amount of increase determined under section 74 of the Act, up to 33 1/3 % of the payment or, if the recoverable amount is due to a false statement, the entire amount.

193. Only one of the amounts withheld as set out in sections 190, 191 and 192 may apply to the same month. In such a case, the amount shall be withheld in the following order:

(1) the amount set out in section 190;

(2) the amount set out in section 191;

(3) the amount set out in section 192.

194. The amount withheld referred to in section 192 is suspended for each month during which the debtor makes a reimbursement following an agreement made with the Minister pursuant to section 113 of the Act.

195. The debtor of a recoverable amount is responsible for the payment of interest at the rate set under the first paragraph of section 28 of the Act respecting the Ministère du Revenu, subject to section 136 of the Act respecting income support, employment assistance and social solidarity, beginning on the 98th day from the date on which the Minister sent a formal notice to the debtor under section 112 of that Act.

196. Except if the recoverable amount is due to the filing of a false statement, the debtor is not responsible for the payment of interest where he is in one of the following situations:

(1) he respects the agreement reached with the Minister under section 113 of the Act;

(2) he makes the reimbursement as set out in section 188;

(3) the amount granted to him is subject to being withheld, as provided for in section 190, 191 or 192; or

(4) he attends, on a full-time basis, an educational institution at the secondary level in vocational education, or at the college or university level.

197. The debtor of a recoverable amount is responsible for paying the costs of recovery as follows:

(1) \$100 for any formal notice sent under section 112 of the Act, if the recoverable amount is at least \$100 and is owed as a result of a false statement;

(2) \$50 for the certificate filed under section 118 of the Act; and

(3) \$175 for each measure aimed at guaranteeing a debt under Title III of Book VI of the Civil Code and for each measure of execution taken under Title II of Book IV of the Code of Civil Procedure (R.S.Q., c. C-25).

These costs are part of the recoverable amount.

CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

198. An adult who, on 30 September 1999, takes part in a measure provided for in section 23 of the Act respecting income security (R.S.Q., c. S-3.1.1), which includes attendance at an educational institution and who collected, for that month, the benefit set out in section 23 of the Regulation respecting income security, enacted by Order in Council number 922-89 dated 14 June 1989, continues, beginning on 1 October 1999, to receive such benefit when he or his family recovers the financial resources sufficient to meet his needs until the deadline indicated for that measure in the action plan referred to in section 22 of that Act, for as long as he takes part in it.

Nevertheless, such benefit is reduced by any amount paid by the Minister under Title I of the Act respecting income support, employment assistance and social solidarity to cover the need targeted by such benefit.

199. An independent adult or family who, on 30 September 1999, is referred to in subparagraphs 1 and 1.1 of section 24 of the Regulation respecting income security continues to receive, beginning on 1 Oc-

tober 1999 and until the expiry of the period stipulated therein, the dental and pharmaceutical services referred to in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29).

200. Until 1 January 2000, in the case where the custody of a dependent child belonging to a family comprising more than one child is shared between two adults, the adult eligible for the Parental Wage Assistance Program is deemed to have only one dependent child if the sum of the percentages representing the length of custody of each child for the year is equal to or less than 100 % or having two dependent children if that sum is greater than 100 %.

201. Until 1 January 2000, section 160 applies only if the adult's spouse for 1999 is no longer his spouse on 31 December 1999.

202. A family comprising only one adult and no more than two dependent children who, in September 1999, takes advantage of the increase provided for in section 132.2 of the Regulation respecting income security continues to receive, beginning on 1 October 1999, the adjustment of the basic benefit as provided for in section 23, in the amount of \$8.33 for the first dependent child and \$22.83 for the second.

In such case, the family retains the right to such adjustment for as long as it is entitled to receive, on an ongoing basis, last-resort financial assistance benefits and for as long as it comprises only one adult and no more than two dependent children.

For the purposes of this section, the youngest dependent child is deemed to be the first.

203. A family who, in September 1999, receives the increase provided for in section 132.4 of the Regulation respecting income security continues to receive, beginning on 1 October 1999, and for each dependent child under age six born prior to 1 September 1997, the adjustment of the basic benefit as provided for in section 23, in the amount of \$9.77 for the first child, \$19.53 for the second, and \$48.83 for each additional child.

In such case, each adult comprising the family retains the right to the adjustment for as long as he is entitled to receive, on an ongoing basis, last-resort financial assistance benefits and for as long as he has a dependent child under age six and born prior to 1 September 1997.

For the purposes of this section, the eldest minor dependent child is deemed to be the first.

204. The rules regarding the shared custody of a dependent child and those regarding the calculation of the benefit for the month of the application apply, in accordance with sections 44 and 77, to the adjustments provided for in sections 202 and 203.

205. The excluded work income referred to in section 88 includes the amounts paid by Emploi-Québec if the person was receiving, prior to 1 August 1998, an employment-assistance allowance for his participation in an employment-assistance measure or program established by the Minister. Such exclusion applies for as long as the person continues to participate in such measure or program on an ongoing basis.

206. The basic benefit as provided in section 23 is, for October 1999, increased through an adjustment for a dependent child equal to the amount of increase for a dependent child granted to the family in September 1999 by applying section 132.16 of the Regulation respecting income security.

207. Where the mother and father of the adult deemed to receive a parental contribution are divorced or separated, sections 127 and 128 may not, until the date of coming into force of the third paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity, be applied to establish an amount of parental contribution greater than that which would have been established if the only income of the parent who had custody of such adult at the time he was no longer deemed to be a dependent child had been taken into consideration.

208. For the purposes of this Regulation, any benefit granted under the last-resort financial assistance program referred to in the Act respecting income security is a benefit granted under a last-resort financial assistance program implemented by the Act respecting income support, employment assistance and social solidarity.

209. For the purposes of section 187, the recoverable amount is ascertained by taking into account the rules applicable to the calculation of last-resort assistance benefits under the Act respecting income security for the period covered by the claim and any necessary modifications.

210. This Regulation replaces the Regulation respecting income security made by Order in Council number 922-89 dated 14 June 1989.

211. This Regulation comes into force on 1 October 1999 with the exception of sections 171 and 183, which will come into force on 1 January 2000, and section 191, which will come into force on 1 December 2000.

SCHEDULE I

(s. 50)

ACRYLIC DENTAL PROSTHESES

The special benefits cover the cost of a dental prosthesis supplied by a dentist or denturologist in accordance with the rules set out in this Schedule.

DIVISION 1

RULES OF APPLICATION

1.1 The special benefits cover the cost of one complete dental prosthesis per maxilla provided that

1.1.1 The rates are those provided for in Division 2;

1.1.2 Only one prosthesis is supplied for each eight-year period; and

1.1.3 in the case of the first prosthesis, it is supplied three or more months after extraction of the teeth.

1.2 The special benefits cover the cost of one partial prosthesis per maxilla with or without hooks or supports provided that

1.2.1 the rates are those provided for in Division 2,

1.2.2 only one dental prosthesis is supplied for each eight-year period, and

1.2.3 in the case of the first prosthesis, it is supplied three or more months after extraction of the teeth.

1.3 The special benefits cover the cost of replacement of a dental prosthesis in accordance with the rates provided for in Division 2 where replacement is due to oral surgery and upon recommendation in writing by a dentist or an oral surgeon.

The special benefits cover the cost of replacement due to loss or irreparable damage to a maximum of half the rate provided for.

1.4 The special benefits cover the cost of a repair or relining in accordance with the rates provided for in Division 2.

The special benefits cover the cost of relining only once for each five-year period, after one year has elapsed since obtaining the prosthesis.

DIVISION 2
RATES

2.1 The rate structure shall be that stipulated in the agreement concluded on 9 April 1979 between the Minister of Health and Social Services and the Association des chirurgiens dentistes du Québec, as it reads at the time it applies. The Minister shall inform the person concerned of it by any means he deems appropriate.

SCHEDULE II
(s. 51)**GLASSES AND LENSES****DIVISION 1**
RULES OF APPLICATION**§1.1 Lenses and supplements**

1.1.1 The special benefits cover the cost of the lenses and supplements listed in Subdivision 2.3 of Division 2 in accordance with the rates provided for therein.

1.1.2 The cost of both lenses shall be reimbursed where the weaker eye requires a correction of at least 0.50 dioptres or use of a prism prescribed as a supplement. The prism must provide a correction of at least 1 dioptre in the weaker eye.

1.1.3 The cost of a lens shall not be reimbursed unless it was prescribed by an optometrist or a physician, except to replace a broken lens.

1.1.4 The cost of replacement of lenses shall be paid where the recipient's vision requires a correction of at least 0.50 dioptres and, in the case of a dependent child, where his growth so requires.

In the case of accidental breakage, damage or loss, the special benefit may not exceed 75 % of the amounts provided for in Subdivision 2.2 of Division 2.

1.1.5 A beneficiary who needs bifocal lenses but whose inability to wear them is certified by an optometrist or a physician shall be entitled to two pairs of glasses.

The special benefit may cover, for the purchase of those glasses, only the cost of the pair of bifocal lenses which the recipient is unable to wear, and the cost of one pair of frames in accordance with the rates provided for in Division 2.

§1.2 Contact lenses

1.2.1 The special benefits cover the cost of hard unifocal contact lenses, hard bifocal contact lenses, hard toric contact lenses, soft contact lenses furnished on prescription in accordance with the rates prescribed by Subdivision 2.4 of Division 2, provided that they are provided

(a) upon medical or optometrical prescription, where the correction otherwise obtained is not adequate and in any case of

- i. myopia of at least 5 dioptres,
- ii. hypermetropia of at least 5 dioptres,
- iii. astigmatism of at least 3 dioptres,
- iv. anisometropia of at least 2 dioptres,
- v. keratoconus, or
- vi. aphakia, or

(b) upon medical prescription, for treatment of any acute or chronic pathology of the eyeball, such as ocular perforation, ulceration of the cornea or dry keratitis.

1.2.2 The special benefits cover the cost of replacement of contact lenses in accordance with the rates provided for in Subdivision 2.4 of Division 2

(a) where the recipient's vision requires a correction if at least 0.50 dioptres, and

(b) in the case of accidental breakage, damage or loss.

§1.3 Frames

1.3.1 The special benefits cover the cost of purchasing one pair of frames in accordance with the rates provided for in Subdivision 2.5 of Division 2, once per 24-month period for an adult and whenever necessary for a dependent child.

1.3.2 Where an adult's frames have been accidentally broken or lost, the special benefits cover the cost of replacement of the frames in accordance with the rates provided for in Subdivision 2.5 of Division 2; in such case, the cost of another pair of frames may be paid only 24 months after the date of replacement.

DIVISION 2 RATES

§2.1 General

2.1.1 The rates provided for in this Division apply for one lens, except in the case of contact lenses.

2.1.2 The rates provided for in this Division for one bifocal lens apply to a round bifocal lens.

2.1.3 The cylinder must always be calculated in minus terms (-) to determine in which category a spherical or spherico-cylindrical lens belongs.

§2.2 Lenses

| Spherical power | Cylindrical Power | Mineral lenses | | Organic lenses | |
|-----------------|-------------------|----------------|---------|----------------|---------|
| | | Unifocal | Bifocal | Unifocal | Bifocal |
| Plano to 4.00 | | \$14.50 | \$23.00 | | |
| Plano to 4.00 | -0.25 to -3.00 | \$16.50 | \$28.50 | | |
| Plano to 4.00 | -3.25 to -6.00 | \$26.00 | \$38.50 | | |
| 4.25 to 10.00 | | \$19.50 | \$28.00 | | |
| 4.25 to 10.00 | -0.25 to -3.00 | \$24.50 | \$37.00 | | |
| 4.25 to 10.00 | -3.25 to -6.00 | \$31.00 | \$41.00 | | |
| 10.25 to 20.00 | | \$26.00 | \$44.00 | \$52.50 | \$71.50 |
| 10.25 to 20.00 | -0.25 to -3.00 | \$30.00 | \$48.00 | \$59.50 | \$77.50 |
| 10.25 to 20.00 | -3.25 to -6.00 | \$36.50 | \$52.50 | \$62.00 | \$83.50 |

§2.3 Supplements

| | |
|-------------------------------------|---------|
| Prism 1.00 to 7.00 dioptres | \$6.00 |
| Prism 7.25 to 10.00 dioptres | \$9.00 |
| Compensatory prism | \$25.00 |
| Spherical exceeding 12.00 dioptres | \$11.00 |
| Cylindrical exceeding 6.00 dioptres | \$11.00 |
| Addition exceeding 4.00 dioptres | \$6.00 |
| Fresnel lens | \$14.00 |

Safety mineral lens (dependent child only) \$2.50

High index mineral lens (1.7 or more) if there is a correction of at least 8.00 dioptres \$12.00

§2.4 Contact lenses

| | 1 lens | 2 lenses |
|--|----------|----------|
| Purchase | \$115.00 | \$200.00 |
| Replacement for breakage, damage or loss | \$50.00 | \$95.00 |

§2.5 Frames

| | |
|---|----------|
| Purchase | \$20.00 |
| Replacement for breakage or loss (adults) | \$15.00. |

SCHEDULE III

(s. 52)

ORTHOPEDIC SHOES AND PLANTAR ORTHESES

DIVISION 1

RULES OF APPLICATION

1.1 The special benefits cover the cost of orthopedic shoes and plantar orthoses up to the maximum amount indicated in the rates provided for in Division 2; however, in the case of an orthopedic shoe referred to in paragraph 1.2, special benefits shall cover the cost of only one pair of shoes per adult not more than once a year, and only for the cost in excess of \$50.

In the case of a plantar orthosis, benefits cover the cost of two orthoses at the most during the first year of the initial fitting.

1.2 The rate provided for a manufactured shoe covers the shoe manufactured from a plaster, wood or plastic cast, individual or universal.

1.3 The rate provided for a corrective shoe covers a commercial corrective shoe, open, closed or straight.

1.4 The rate provided for a wedge or elevation applies to each shoe and the rate provided for a Thomas heel applies to the pair of shoes.

1.5 Special benefits shall cover the cost to replace a plantar orthosis only once per two-year period, unless a replacement is needed for a dependent child due to his growth.

DIVISION 2 RATES

| | |
|--|-----------------|
| 2.1 Shoe manufactured from a plastic or wood cast, individual or universal | \$500.00 a pair |
| 2.2 Commercial corrective shoe, open, closed or straight | |
| • child | \$30.00 a pair |
| 2.3 Plantar orthosis (foot orthosis or podiatric orthosis) | \$180.00 a pair |
| 2.4 Wedge (inside or outside) | |
| • sole | \$15.00 |
| • heel | \$20.00 |
| 2.5 Thomas heel | |
| • child | \$15.00 a pair |
| • adult | \$20.00 a pair |
| 2.6 Elevation of sole and heel | |
| • less than 15 mm in height | \$25.00 |
| • between 15 and 30 mm in height | \$50.00 |
| • over 30 mm in height | \$75.00 |

SCHEDULE IV (s. 53)

PROSTHESES, ORTHESES AND ACCESSORIES

DIVISION 1 RULES OF APPLICATION

1.1 The special benefits cover the cost of prostheses, orthoses and accessories up to the maximum amount indicated in the rates provided for in Division 2, provided that the cost is not assumed by the Régie de l'assurance-maladie du Québec.

1.2 The special benefits cover the rental cost up to the maximum amount indicated in the rates provided for in Division 2, provided that the cost, considering the duration of the need, does not exceed that of the purchase.

1.3 The cost of the articles listed under the heading "urinary system" or "digestive system" is not paid if the beneficiary already receives the special benefits for temporary urostomy, ileostomy or temporary colostomy or the special benefits for paraplegia.

Nor are they paid if the recipient receives benefits under a program providing devices free of charge for people who have undergone an ostomy.

DIVISION 2 RATES

1. HERNIA BELT:

1.1 Hernia belt, all sizes (including pads)

| | |
|----------------|---------|
| • single model | \$40.00 |
| • double model | \$68.00 |

2. ORTHOPEDIC CORSET:

2.1 Sacro-iliac corset, all sizes

2.2 Sacro-lumbar corset, all sizes (including two steel rods)

| | |
|---------|---------|
| • man | \$75.00 |
| • woman | \$85.00 |

Additional steel rod \$1.50

2.3 Dorso-lumbar corset (including garters, perineal belt and steel rods)

Less than 44 inches wide

| | |
|---------|----------|
| • man | \$123.00 |
| • woman | \$109.00 |

More than 44 inches wide

| | |
|---------|----------|
| • man | \$246.00 |
| • woman | \$218.00 |

3. COTTON STRAP

3.1 Strap (post-operative belt) all sizes

\$37.00

3.2 Thoracic strap, all sizes \$18.00

3.3 Abdominal strap, all sizes \$37.00

3.4 Arm strap (support), all sizes \$8.00

3.5 Shoulder strap (support), all sizes \$40.00

| | | | |
|--|----------|---|----------|
| 4. ELASTIC STOCKINGS | | 8.2 Strips, adaptors, glue and straps | |
| 4.1 20 mm compression | | • Uri-hesive strip (each) | \$1.30 |
| • knee | \$59.00 | • Self-adhesive elastic strip (each) | \$0.15 |
| • over knee | \$77.00 | • Adaptor (each) | \$1.50 |
| • tights | \$91.00 | • Catheter glue (each 118-mL container) | \$9.50 |
| • maternity | \$97.00 | • Leg bag strap (each) | \$6.50 |
| 4.2 30 to 70 mm compression | | 8.3 Tubes and syringes | |
| • knee | \$59.00 | • Latex tube | \$0.75 |
| • over knee | \$77.00 | • Extension tube | \$1.75 |
| • groin | \$89.00 | • Plastic tube clip (each) | \$1.50 |
| • half-tights | \$65.00 | • Plastic tube clamp (each) | \$1.00 |
| • tights | \$104.00 | • Single-use syringe (each) | \$0.05 |
| 5. CERVICAL ORTHESES | | 8.4 Drainage bags (by the case) | \$125.00 |
| 5.1 Cervical collar, flexible or rigid | \$20.00 | 8.5 Urinal | |
| 5.2 Cervical traction set, complete, with bag and chin support | \$40.00 | • Complete, reusable, bag not included (Davol type) | \$135.00 |
| 6. ORTHESES, UPPER LIMBS | | 8.6 Trays | |
| 6.1 Elbow support (elastic) | \$25.00 | • Irrigation tray (each) | \$4.20 |
| 6.2 Elbow orthosis (elastic) | \$35.00 | • Urinary catheterization tray (each) | \$5.25 |
| 7. ORTHESES, LOWER LIMBS | | 8.7 Sanitary pants for urinary incontinence (by the case) | \$60.00 |
| 7.1 Ankle support | \$25.00 | 8.8 Diapers for sanitary pants for urinary incontinence (by the case) | \$55.00 |
| 7.2 Ankle orthosis, all sizes | \$40.00 | 8.9 Quilted pads | |
| 7.3 Knee support | \$47.00 | • Disposable quilted pad (each) | \$0.30 |
| 7.4 Elastic knee-stocking | \$60.00 | • Washable quilted pad (package) | \$30.00 |
| 7.5 Knee-stocking with metal joints | \$92.00 | 9. DIGESTIVE SYSTEM | |
| 7.6 Knee-stocking (flexible) | \$64.00 | 9.1 Stomach tube, all sizes | \$8.00 |
| 8. URINARY SYSTEM | | 9.2 Sanitary pants for fecal incontinence (by the case) | \$60.00 |
| 8.1 Catheters | | 9.3 Diapers for fecal incontinence (by the case) | \$55.00 |
| • short duration (each) | \$3.50 | | |
| • long duration (each) | \$15.00 | | |

10. MISCELLANEOUS ACCESSORIES

10.1 Utility chair

- fixed \$150.00
- adjustable \$312.00

10.2 Adjustable toilet seat \$80.00

10.3 Adjustable toilet hand rail

- each \$36.00
- a pair \$63.00

10.4 Bath tub rail, all lengths

- straight \$21.00
- "L" shaped \$53.00

10.5 Bandages and dressings

- Bandage (each) \$2.50
- Sterile dressing (each) \$0.35
- Non-sterile dressing (each) \$0.15
- Antiseptic swab (each) \$0.05

10.6 Lubricant, solvent and solution

- Lubricant (packet) \$0.10
- Lubricant (tube) \$4.00
- Solvent (packet) \$0.10
- Antiseptic solution (100 mL) \$0.15

10.7 Gloves and towels

- Sterile glove (each) \$0.25
- Non-sterile glove (each) \$0.15
- Antiseptic towel (each) \$0.15

10.8 Scoop stretcher (each) \$30.00

10.9 Synthetic sheepskin (each) \$30.00

11. DEVICES TO AID MOBILITY

11.1 Canes

- wood \$16.00
- aluminium (adjustable) \$30.00

11.2 Crutches

- wood \$20.00
- aluminium \$46.00
- Canadian \$103.00

11.3 Adjustable walkers

- child \$89.00
- adult \$89.00

11.4 Wheelchair \$518.00

12. HOSPITAL BEDS

12.1 Hospital bed \$435.00

12.2 Mattress \$109.00

12.3 Bed sides (a pair) \$130.00

13. BREATHING APPARATUS

13.1 Model suitable for home use \$258.00

13.2 Aerosol compressor \$250.00

14. RENTAL

14.1 Wheelchairs \$35.00 a month

14.2 Devices to aid mobility \$6.00 a month

14.3 Hospital beds \$69.00 a month

14.4 Breathing apparatus

- all kinds including: mechanical ventilators, air enrichers, secretion suction devices \$500.00 a month

• oxy-concentrator \$250.00 a month

Draft Regulation

Court Bailiffs Act
(R.S.Q., c. H-4.1)

Bailiffs

— Tariff of fees and transportation expenses

— 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 Tariff of fees and transportation expenses of bailiffs, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation mainly provides for the increase in the amounts provided for in the tariff. With the abolition of the Bureau d'administration of the Bailiff's Act, whose expenses were borne by the Ministère de la Justice, all bailiffs shall from now on bear the supplementary expenses resulting from the financing of their new professional order.

All the amounts provided for in the tariff were increased by 15% and reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50 and increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50. The purpose of the increase is to compensate for the reduction of buying power, because of the increase in the cost of living index since November 1991, and the fees incurred for the creation of the Chambre des huissiers de justice du Québec. A fixing of the fee for obtaining a warrant for entry in a dwelling was also provided following the Feeney case of the Supreme Court of Canada. Lastly, amendments ensure agreement between the Tariff and the new provisions of the Civil Code and the Code of Civil Procedure, which came into force following the civil law reform.

Further information may be obtained by contacting Simon Marcotte or Anne Richard, Direction générale des services de justice, 1200, route de l'Église, 7^e étage, Sainte-Foy (Québec) G1V 4M1; tel. (418) 644-7700 or (418) 644-7704; fax: (418) 644-9968.

Any interested person having comments to make on the matter is asked to send them in writing to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

LINDA GOUPIL,
Minister of Justice

Regulation to amend the Tariff of fees and transportation expenses of bailiffs(*)

Court Bailiffs Act
(R.S.Q., c. H-4.1, s. 13)

1. Section 2 of the Tariff of fees and transportation expenses of bailiffs is amended by adding “in particular, fees claimed by a financial institution carrying on its activities in Québec, where the bailiff can accept a payment made by means of a certified cheque, a credit card or a transfer of funds” after “duties”.

2. The following is substituted for section 2.1:

“**2.1.** The fees and transportation expenses that a bailiff may claim must not exceed the amount calculated on the basis of the distance actually travelled, to a maximum of the one-way trip distance from the bailiff's closest office to the place where service or execution was made.

Where the one-way trip distance actually travelled by the bailiff exceeds 15 kilometres and where he has an office less than 15 kilometres from the place where service or execution was made, the fees and transportation expenses shall be claimed for an amount equivalent to a 15-kilometre trip.

Notwithstanding the first paragraph, where the one-way trip distance actually travelled by the bailiff does not exceed 15 kilometres, the fees and transportation expenses shall be claimed for the distance actually travelled.”.

3. The following is substituted for section 6:

“**6.** A bailiff is entitled to the fees plus half the fees where, in accordance with the law, he must execute a service on a non-judicial day, or after 22:00 or before 7:00 on a judicial day.

A bailiff is entitled to the fees plus half the fees where, in accordance with the law, he must serve an execution on a non-judicial day, or after 20:00 or before 7:00 on a judicial day.

Where an execution is begun before 20:00 and must continue after that time, the bailiff is entitled to the fees

* The Tariff of fees and transportation expenses of bailiffs (R.R.Q., 1981, c. H-4, r. 3) was last amended by the Regulation made by Order in Council 1414-91 dated 16 October 1991 (1991, G.O. 2, 4066). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

prescribed for the hourly rate, to time and a half fees for the period of time after 20:00.”.

4. The following is substituted for section 7:

“7. The fees for serving an advance notice for the exercise of a hypothecary right, an assignment of rent, a notarial deed, a 30-day notice for a voluntary deposit, a putting in default or for serving any notice, deed or document not specifically provided for in this Tariff are those set in section 7 of Schedule 1.”.

5. Section 7.1 is amended by substituting the amount “\$58” for the amount “50 \$”.

6. The following is inserted after section 7.2:

“7.3. For the drawing-up of the copy of a certificate of service intended for the registrar, for registration in the land register, the bailiff is entitled to the fee provided for in subsection *c* of section 8 of Schedule 1.”.

7. Section 8 is amended by substituting the following for paragraph *c*:

“(c) the execution of an order or a judgment in matters concerning confinement in an establishment or psychiatric evaluation;”.

8. Section 9 is amended by adding “or the acquisition of a warrant for entry in a dwelling” after “doors” in paragraph *e*.

9. Subparagraph *b* of the first paragraph of section 10 is amended by adding the following after item *iv*:

“v. if applicable, the acquisition by the registrar of a certified statement of the rights granted by the debtor and registered in the register of personal and movable real rights;”.

10. Section 13 is amended by adding the following after clause *d* of subparagraph 1:

“(e) the certificate of sale, if the property sold was charged with a hypothec.”.

11. The following is added after section 15:

“15.1. Where, in accordance with the law, the bailiff must draw up a scheme of collocation and apportion the proceeds of the sale, he is entitled to the fees provided for in section 19.1 of Schedule 1.”.

12. The following is added after section 20:

“21. To certify the copy of minutes of seizure and of a notice of sale or a scheme of collocation, in matters of seizure of moveable property, where required by the law, the bailiff is entitled to the fee provided for in section 19.2 of Schedule 1.”.

13. Section 1 of Schedule 1 is amended in the column “Class 1” by substituting the amount “\$7” for the amount “\$6” and in the column “Class 2” by substituting the amount “\$18” for the amount “\$16”.

14. Section 2 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$7” for the amount “\$6”.

15. Section 3 of Schedule 1 is amended in the column “Class 2” by substituting the amount “\$7” for the amount “\$6”.

16. Section 5 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$7” for the amount “\$6”.

17. Section 6 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$7” for the amount “\$6”.

18. Section 7 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$7” for the amount “\$6”.

19. The following is substituted for section 8 of Schedule 1:

| | Class 1 | Class 2 |
|---|---------|---------|
| “ | | |
| 8. The drawing-up: | | |
| (a) in matters of service, of minutes for absence, for steps taken or for authorization to use a special mode of service; | \$5 | \$5 |
| (b) in matters of execution, of minutes for absence, for steps taken or for authorization to use a special mode of execution; | \$10 | \$10 |
| (c) the copy of a certificate of service intended for the registrar for registration in the land register. | \$5 | \$5”. |

20. The following is substituted for section 9 of Schedule 1:

| | Class 1 | Class 2 | | Class 1 | Class 2 |
|--|---------|---------|--|---------|---------|
| “ | | | (b) for any additional writ: | | |
| 9. The drawing-up: | | | i. execution | \$40 | \$40 |
| (a) of an affidavit required to support minutes; | \$5 | \$5 | ii. service | \$7 | \$7 |
| (b) of a report following receipt of an opposition or notice to stay pursuant to a statute or court order. | \$5 | \$5”. | (5) Operations respecting the immobilization and, not less than 24 hours after that operation, the towing away of a motor vehicle: | | |

21. Section 10 of Schedule 1 is amended in the column “Class 1” by substituting the amount “\$40” for the amount “\$35” and in the column “Class 2” by substituting the amount “\$63” for the amount “\$55”.

22. The following is inserted after section 10 of Schedule 1:

| | Class 1 | Class 2 | | Class 1 | Class 2 |
|--|---------|---------|---|---------|---------|
| “ | | | (a) for the execution of a first writ: | \$184 | \$184 |
| 10.1 The acquisition of a warrant for entry in a dwelling. | \$10 | \$10”. | (b) for any additional writ: | | |
| | | | i. execution | \$40 | \$40 |
| | | | ii. service | \$7 | \$7 |
| | | | (6) Operations respecting the immediate towing away of a motor vehicle: | | |
| | | | (a) for the execution of a first writ: | \$150 | \$150 |

23. The following is substituted for section 11 of Schedule 1:

| | Class 1 | Class 2 | | Class 1 | Class 2 |
|--|---------|---------|--|---------|---------|
| “ | | | (b) for any additional writ: | | |
| 11. (1) Demand for payment: | | | i. execution | \$40 | \$40 |
| (a) not followed by seizure or sale of moveable property | \$31 | \$46 | ii. service | \$7 | \$7”. |
| (b) not followed by seizure or sale of immovable property | \$20 | \$35 | 24. Section 12 of Schedule 1 is amended | | |
| (2) Seizure or verification | \$40 | \$63 | (1) in the column “Class 1” by substituting the amount “\$9” for the amount “\$8” and in the column “Class 2” by substituting the amount “\$17” for the amount “\$15” in subsections 1 to 3; | | |
| (3) <i>Nulla bona</i> report in respect of seizable property, including the demand for payment | \$31 | \$46 | (2) by adding the following after subsection 3: | | |
| (4) Operations respecting the installation and removal of a device used to immobilize a motor vehicle: | | | “ | Class 1 | Class 2 |
| (a) for the execution of a first writ: | \$127 | \$127 | (4) the acquisition by the registrar of a certified statement of the rights granted by the debtor and registered in the register of personal and movable real rights. | \$25 | \$25”. |

25. Subsections 1 and 2 of section 13 of Schedule 1 are amended in the column “Class 1” by substituting the amount “\$9” for the amount “\$8” and in the column “Class 2” by substituting the amount “\$17” for the amount “\$15”.

26. Paragraphs *a* to *d* of section 14 of Schedule 1 are amended in the column “Class 1” by substituting the amount “\$6” for the amount “\$5” and in the column “Class 2” by substituting the amount “\$8” for the amount “\$7”.

27. The title “Writ of possession and sequestration” is substituted for the title “Writ of possession, sequestration and seals” of subdivision 2 of Division II of Chapter III of Schedule 1.

28. Section 15 of Schedule 1 is amended

(1) in the columns “Class 1” and “Class 2” of subsections 1 and 2 by substituting the amount “\$58” for the amount “\$50”;

(2) by deleting subsection 3.

29. Section 15.1 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$69” for the amount “\$60”.

30. Section 16 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$9” for the amount “\$8”.

31. Section 17 of Schedule 1 is amended

(1) in the column “Class 1” of paragraph *a* by substituting the amount “\$40” for the amount “\$35” and in the column “Class 2” of that subparagraph by substituting the amount “\$69” for the amount “\$60”;

(2) in the columns “Class 1” and “Class 2” of paragraph *b* by substituting the amount “\$75” for the amount “\$65”.

32. The following is inserted after section 17 of Schedule 1:

| “ | Class 1 | Class 2 |
|---|---------|---------|
| 17.1. The certificate of sale, where the property sold was charged with a hypothec. | \$20 | \$20”. |

33. Section 18 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$16” for the amount “\$14”.

34. Section 19 of Schedule 1 is amended in the column “Class 1” by substituting the amount “\$29” for the amount “\$25” and in the column “Class 2” by substituting the amount “\$52” for the amount “\$45”.

35. The following is inserted after section 19 of Schedule 1:

| “ | Class 1 | Class 2 |
|---|---------|---------|
| 19.1. Draw up a scheme of collocation | \$40 | \$40 |
| Apportion the proceeds of the sale: | \$20 | \$20. |
| 19.2. Certify the copy of the minutes of seizure and of a notice of sale or of a scheme of collocation. | \$2 | \$2”. |

36. The following is substituted for section 20 of Schedule 1:

| “ | Class 1 | Class 2 |
|--|---------|----------|
| 20. (a) Transportation fees per kilometre travelled; | 55¢/km | 55¢/km |
| (b) Compensation for transportation expenses. | 58¢/km | 58¢/km”. |

37. Section 21 of Schedule 1 is amended in the columns “Class 1” and “Class 2” by substituting the amount “\$12” for the amount “\$10”.

38. Section 23 of Schedule 1 is amended

(1) in the columns “Class 1” and “Class 2” of subsection 1 by substituting the amount “\$50” for the amount “\$45”;

(2) in the columns “Class 1” and “Class 2” of subsection 2 by substituting the amount “\$50” for the amount “\$35”.

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

2957

Index Statutory Instruments

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

| Regulations — Statutes | Page | Comments |
|--|-------------|-----------------|
| Bailiffs — Tariff of fees and transportation expenses (Court Bailiffs Act, R.S.Q., c. H-4.1) | 1352 | Draft |
| Breast cancer detection centre (Health Insurance Act, R.S.Q., c. A-29) | 1317 | N |
| Court Bailiffs Act — Bailiffs — Tariff of fees and transportation expenses (R.S.Q., c. H-4.1) | 1352 | Draft |
| Health Insurance Act — Breast cancer detection centre (R.S.Q., c. A-29) | 1317 | N |
| Income support (An Act respecting income support, employment assistance and social solidarity, 1998, c. 36) | 1319 | Draft |
| Income support, employment assistance and social solidarity, An Act respecting... — Income support (1998, c. 36) | 1319 | Draft |
| Public Curator Act and other legislative provisions relating to property under the provisional administration of the Public Curator, An Act to amend the... — Coming into force of section 31 (1997, c. 80) | 1315 | |

