

Regulation to amend the Regulation respecting pits and quarries

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

1. The Regulation respecting pits and quarries (R.R.Q., 1981, c. Q-2, r. 2), amended by the Regulation made by Order in Council 476-91 dated 10 April 1991, is further amended by substituting the following for paragraph *m* of section 3:

“(*m*) in the case of a pit, a guarantee of \$5 000 where the stripping is less than or equal to 1 hectare and \$4 000 per hectare or fraction thereof where the stripping is greater than 1 hectare, that guarantee being in one of the following forms:

- i. cash or a certified cheque made out to the Minister of Finance;
- ii. bearer bonds, cashable at all times, issued or guaranteed by the Gouvernement du Québec, the Government of Canada or a municipality and whose market value is at least equal to the amount of the guarantee required;
- iii. a joint and several deed in the form of security or of an insurance policy, with a waiver of the benefits of discussion and division, issued by a banking institution, a savings and credit union or an insurer holding a permit issued under Chapter I of Title IV of the Act respecting insurance (R.S.Q., c. A-32);
- iv. an irrevocable letter of credit issued by a banking institution or a savings and credit union;”.

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

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Gouvernement du Québec

O.C. 661-96, 5 June 1996

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons
(R.S.Q., c. P-45)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons

WHEREAS section 4 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), which was enacted and assented to on 4 November 1993 and came into force on 1 January 1994, required every registrant which was not domiciled or did not have an establishment in Québec to designate an attorney residing in Québec, without any exception;

WHEREAS, on 24 December 1993, the Gouvernement du Québec and the Government of Ontario reached an agreement, the Ontario-Québec Agreement on Public Procurement and Construction Labour Mobility;

WHEREAS, under that agreement, the Gouvernement du Québec made a commitment in particular that, as of 31 March 1994, the participation of Ontario contractors as contractors or subcontractors in the Québec construction industry would not be subject to the obligation of a domicile or having a local presence in Québec;

WHEREAS the Government of Ontario asserted that the obligation to designate an attorney residing in Québec was incompatible with the commitment of the Gouvernement du Québec;

WHEREAS the Gouvernement du Québec, responsive to the assertion of the Government of Ontario and committed to maintaining good relations with the latter, has deemed it appropriate to amend section 4 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons in order to exempt, by regulation, certain registrants from the requirement to designate an attorney;

WHEREAS since the coming into force on 7 December 1995 of section 1 of Chapter 56 of the Statutes of 1995 amending section 4 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, every registrant which is not domiciled or does not

have an establishment in Québec must designate an attorney residing in Québec, unless exempted from that requirement by regulation;

WHEREAS, since its amendment by section 2 of Chapter 56 of the Statutes of 1995, which came into force on 7 December 1995, section 97 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons enables the Government, by regulation and in particular circumstances, notably following an intergovernmental agreement, to grant, in respect of another province of Canada and subject to reciprocity, an exemption to certain registrants as regards the requirement to designate an attorney set out in section 4;

WHEREAS the Statutes of Ontario do not require that Québec businesses, with the exception of limited partnerships that want to participate as contractors or sub-contractors in the Ontario construction industry, designate an attorney residing in Ontario;

WHEREAS it is expedient to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons to exempt, in a context of reciprocity, the registrants based in Ontario and domiciled in Canada, with the exception of limited partnerships, that are building contractors subject to the Agreement entered into on 24 December 1993 or any other subsequent agreement entered into by the Gouvernement du Québec and the Government of Ontario as regards mobility in the construction industry, from the requirement to designate an attorney residing in Québec;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement in section 8 of that Act, where the authority making it is of the opinion that the urgency of the situation requires it;

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

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

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication of the Regulation attached hereto and its coming into force on the day of its publication in the *Gazette officielle du Québec*;

— the obligation to designate an attorney under section 4 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons causes strains in the relations between the Gouvernement du Québec and the Government of Ontario; the Government of Ontario and the Ontario contractors consider that requirement to be a breach of the Ontario-Québec Agreement on Public Procurement and Construction Labour Mobility;

— that situation is a serious hindrance to the present negotiations between the Gouvernement du Québec and the Government of Ontario to promote construction labour mobility;

— it is also expedient to remove as soon as possible the requirement for Ontario contractors registered with the register of sole proprietorships, partnerships and legal persons to designate an attorney under section 4 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons;

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

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons

An Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45, s. 97; 1995, c. 56, s. 2)

1. The Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, made by Order in Council 1856-93 dated 15 December 1993 and amended by the Regulations made by Orders in Council 939-94 dated 22 June 1994, 950-95 dated 5 July 1995, 1000-95 dated 19 July 1995 and 1039-95 dated 2 August 1995, is further amended by inserting the following after Division V:

**“DIVISION V.1
REGISTRANTS EXEMPTED FROM
DESIGNATING AN ATTORNEY**

25.1 Registrants based in Ontario and domiciled in Canada, with the exception of limited partnerships, that are building contractors subject to the Ontario-Québec Agreement on Public Procurement and Construction Labour Mobility of 24 December 1993 or to any other subsequent agreement entered into by the Gouvernement du Québec and the Government of Ontario as regards mobility in the construction industry are exempted from the requirement to designate an attorney in accordance with section 4 of the Act.”.

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

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Gouvernement du Québec

O.C. 669-96, 5 June 1996

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

**Chartered administrators
— Conciliation and arbitration procedure
for accounts**

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des administrateurs agréés du Québec

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40), the Bureau of the Ordre des administrateurs agréés du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the Order which may be used by persons having recourse to the services of the members;

WHEREAS under section 88 of the Code, the Bureau adopted a Regulation respecting the procedure for conciliation and arbitration of accounts of chartered administrators (R.R.Q., 1981, c. C-26, r. 15);

WHEREAS it is expedient to replace that Regulation;

WHEREAS under that section of the Code, the Bureau adopted a Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des administrateurs agréés du Québec;

WHEREAS in accordance with section 95.3 of the Code, a draft of the Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 November 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des administrateurs agréés du Québec, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Regulation respecting the conciliation
and arbitration procedure for the
accounts of members of the Ordre des
administrateurs agréés de Québec**

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

**DIVISION I
CONCILIATION**

1. A client who has a dispute with a member of the Ordre des administrateurs agréés du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided that the member has not instituted proceedings to recover the account.

2. A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the syndic within a 45-day period following the date of receipt of the account.