

SCHEDULE I TO THE AGREEMENT

List of programs subject to the Agreement

- Youth Employment and Learning Strategy:
 - (a) program “Student Summer Job Action”:
 - option “Summer Career Placements”;
 - option “Summer Youth Service Canada”;
 - (b) “Youth” component:
 - program “Youth Service Canada”;
 - program “Youth Internship Canada”;
- Employability Improvement:
 - (a) “Project-Based Training” component;
 - (b) “Employment Assistance” component;
- Community Futures:
 - (a) “Local Projects” component:
 - “Job Development Projects” measure (regulars and social assistance recipients);
 - “Job Creation Projects” measure;
- Atlantic Groundfish Strategy:
 - (a) “Labour Market Adjustment” component:
 - “Environmental Projects” measure;
 - “Community Opportunities” measure.

9818

Draft Regulation

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

Notaries

— Procedure for conciliation and arbitration of accounts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation respecting the procedure for conciliation and arbitration of accounts of notaries”, adopted by the Bureau of the Chambre des notaires du Québec, the text of which appears below, may be submitted to the government for approval upon the expiry of forty-five days following the present publication. The government may approve it with or without amendment.

The Chambre des notaires du Québec believes that this regulation has for purpose to improve and bring up to date the procedure for conciliation and arbitration of accounts of notaries. Among other ameliorations, there is the nomination of a conciliator of accounts, the creation of an arbitration committee and the nomination of a secretary of that committee within the order. Also, the delays provided in the regulation for the application of the procedure for conciliation and arbitration of accounts of notaries have been entirely revised to better organize the procedure for conciliation and arbitration of accounts of notaries.

The Chambre des notaires du Québec believes that this regulation will have positive impacts towards citizens and enterprises, particularly for small and medium size companies, by favouring a higher efficiency of the procedure for conciliation and arbitration of accounts of notaries. It will also permit more flexibility in its application by a better organization of the procedure for conciliation and arbitration of accounts of notaries facilitating by then its use.

Additional information may be obtained by contacting M^e Michel Poulin, secretary of the Chambre des notaires du Québec, 630, boulevard René-Lévesque Ouest, local 1700, Montréal (Quebec), H3B 1T6, telephone no: (514) 879-2908; fax no: (514) 879-1923.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the order professional that made the Regulation as well as to the persons, departments and agencies concerned.

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

Regulation respecting the procedure for conciliation and arbitration of accounts of notaries

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

DIVISION I GENERAL PROVISIONS

I. The conciliator of accounts of notaries or the secretary of the committee for the arbitration of accounts of

notaries shall send a copy of this regulation to any person requesting it.

2. Where a written agreement between a notary and a client or his representative determines the amount of fees, or specific terms and conditions allowing the fees to be determined, the procedure for conciliation and arbitration provided in the present regulation shall be used only for the purpose of ensuring that the services rendered are in conformity with the agreement.

3. All time limits established by this regulation are preemptory and are calculated in accordance with the Code of Civil Procedure (R.S.Q., c. C-25).

DIVISION II CONCILIATION

4. A conciliator of accounts of notaries shall be named by the Bureau for the purpose of dealing with applications for conciliation.

The conciliator must take the oath or make the affirmation of discretion prescribed by the Bureau.

5. A client or his representative who has a dispute with a notary over the amount of a wholly or partially unpaid account for professional services must, before seeking arbitration, apply for conciliation in writing to the conciliator within 45 days after receiving the notary's invoice, so long as he has not been notified of legal proceedings instituted by the notary for recovery of the account, in accordance with section 8.

Where the notary has withdrawn or withheld sums from funds held or received for or on behalf of the client, the time shall begin to run from the date of receipt of the notary's invoice, or from the time the client becomes aware that payment has been made using sums withdrawn or withheld from such funds, whichever is later.

6. A client or his representative who has a dispute with a notary over the amount of a fully paid account for professional services must, in writing and before seeking arbitration, apply for conciliation to the conciliator within 45 days after receiving the notary's invoice.

Where the notary has withdrawn or withheld sums from funds held or received for or on behalf of the client, the time shall begin to run from the date of receipt of the notary's invoice, or from the time the client becomes aware that payment has been made using sums withdrawn or withheld from such funds, whichever is later.

7. An application by any person to the syndic for an inquiry, comprising an application for conciliation, may constitute an application for conciliation within the meaning of sections 5 or 6, as the case may be, if it is submitted within the time limit stipulated herein.

8. A notary shall not institute legal proceedings for the recovery of an account for professional services during 45 days following receipt of the invoice by the client.

The conciliator may nevertheless authorize the institution of such proceedings if there is reason to believe that recovery of the claim may be jeopardized if such action is not taken.

9. The conciliator shall, as soon as possible after receiving an application for conciliation, send to the client the form prescribed by the Bureau and notify by writing the notary.

10. A notary shall not, as of and from receipt of the conciliator's notice, institute legal proceedings for the recovery of his account until the dispute has been settled by conciliation or arbitration.

The notary may nevertheless apply for provisional measures in accordance with section 940.4 of the Code of Civil Procedure.

11. The conciliator conducts the conciliation using the procedure he deems most appropriate.

12. If conciliation does not result in agreement, the conciliator shall, as soon as possible, send to the parties a report recording the failure of conciliation.

The conciliator shall furthermore send to the client the arbitration form prescribed by the Bureau and shall indicate the procedure to be followed and the time limits involved for submitting the dispute to arbitration.

DIVISION III ARBITRATION

§1. Arbitration committee

13. An arbitration committee shall be formed by the Bureau to deal with applications for arbitration, and shall comprise at least 4 members appointed from among notaries who have been entered on the roll of the Order for at least 10 years.

The Bureau designates the committee chairman, vice-president, and secretary.

14. Each committee member must take an oath or make a solemn affirmation to faithfully and impartially fulfil his role as arbitrator.

The committee secretary must take the oath or make the affirmation of discretion prescribed by the Bureau.

§2. Application for arbitration

15. The client may, within 30 days of receiving the conciliator's report provided at section 12, apply for arbitration of the account by sending to the committee secretary the form, duly completed, prescribed by the Bureau.

16. The committee secretary shall, as soon as possible after receiving an application for arbitration, notify by writing the notary.

17. The client may, in writing, withdraw an application for arbitration but only with the consent of the notary.

18. Where agreement is reached between the parties after the application for arbitration has been filed but before the formation for the council of arbitration provided in the following sub-division, such agreement shall be put into writing, signed, and filed with the committee secretary.

§3. Council of arbitration

19. Where the disputed amount is less than \$5,000.00, the application for arbitration is examined by a council of arbitration comprising a single arbitrator designated by the arbitration committee secretary from among committee members.

Where the disputed amount is of \$5,000.00 or more, the application for arbitration is examined by a council of arbitration comprising three arbitrators designated by the committee secretary from among committee members. The arbitrators designate a chairman and a secretary from among themselves. Such dispute may also be heard by a single arbitrator at the written request of the parties.

20. The committee secretary shall notify by writing the council arbitrator or arbitrators and the parties of the formation of the council.

21. In the event of the death, incapacity, or inability to act of one of the arbitrators, the remaining arbitrators may validly proceed and render a decision.

If the council comprises a single arbitrator or if two arbitrators of a council are found in one of the situations provided in the first paragraph, the committee secretary shall see to a replacement in accordance with section 19, and, if necessary, the case shall be reheard.

22. A motion for the recusation of an arbitrator may only be made for one of the causes set forth in article 234 of the Code of Civil Procedure. The motion must be forwarded in writing to the committee secretary, the council, and the parties, within 10 days from receipt of the notice provided for in section 20 or from the time the party invoking a cause of recusation becomes aware of such cause, whichever is later.

The committee chairman, or the vice-president should the chairman be unable to act, shall decide on the motion, and, as the case may be, shall see to a replacement.

23. If agreement is reached between the parties after a council is formed, but before the hearing, such agreement shall be put into writing, signed, and filed with the committee secretary. The parties shall then be solidary liable for the costs of arbitration, that is to say the expenses incurred by the Order from the time of the application, as determined by the committee secretary in accordance with section 33.

§4. Hearing

24. The committee secretary shall fix the date, hour, and place of the hearing. He shall notify the council and the parties in writing at least 10 days before such date.

25. The council may require each party to forward to the committee secretary within a specified time a statement of claim with documents in support thereof. The committee secretary shall forward a copy of the statements, as soon as possible after receiving them, to the council and to the parties.

The council may also require access to all the files, documents, or information which it considers necessary to reach a decision. The parties must comply with any such requisition.

26. The council shall proceed with dispatch to hear the parties, receive their evidence, or if they offer none, record the default thereof.

To this end, the council may adopt the procedure and method of proof it considers most appropriate.

The council shall judge in law and in equity.

27. If a party request recording of testimony, she assumes its organization and the cost thereof.

28. The council secretary or the sole arbitrator shall draw up the minutes of the hearing. The minutes must be signed by the arbitrator or arbitrators.

29. If, after the hearing, the parties reach an agreement, such agreement shall be mentioned in the award. The parties shall then be solidary liable for the costs of arbitration, that is to say the expenses incurred by the Order from the time of the application, as determined by the committee secretary in accordance with section 33.

§5. Arbitration award

30. The council shall make an award within 30 days after the end of the hearing.

31. Awards are made by a majority of the members of the council.

In making an award, the council of arbitration may uphold or reduce the account in dispute, and may determine the reimbursement or payment, if any, to which a party may be entitled.

The award must be substantiated and signed by the sole arbitrator or the subscribing arbitrators; where one of the arbitrators refuses or is unable to sign, the remaining arbitrators shall make mention thereof and the award shall have the same effect as if it had been signed by all the arbitrators.

32. Expenses incurred by the parties for arbitration shall be assumed by each of them respectively and shall not be claimed from the adverse party.

33. In making the award, the council has the total discretion to award costs, that is to say the expenses incurred by the Order from the time of the application, between the parties or in favour of one party. The total amount of the costs assumed by a party shall not exceed 15 % of the amount originally in dispute. In all cases, the minimum costs shall be \$50.

The council of arbitration may also, where the account in dispute is maintained in whole or in part, or where a reimbursement is awarded, add interest thereto and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code of Quebec (1991, c. 64) from the date of the application for conciliation.

34. The award binds the parties, and is final, without appeal, and executory in accordance with articles 946 to 946.6 of the Code of Civil Procedure.

The parties must abide by the decision.

35. The award is filed with the committee secretary who forwards it to the parties without delay.

36. When the award has been made, the council chairman or the sole arbitrator, as the case may be, shall send to the committee secretary the complete arbitration file, including the minutes of the hearing duly signed by the arbitrator or arbitrators. The committee secretary shall deliver true copies to interested persons only.

DIVISION IV FINAL PROVISIONS

37. The present regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of notaries (R.R.Q., 1981, c. N-2, r. 10), amended by regulation approved by Order in Council 381-92 dated March 18, 1992. The previous regulation shall nevertheless continue to govern the procedure for conciliation and arbitration for those disputes for which an application for conciliation if filed before the coming into force of the present regulation.

38. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

9817

Draft Regulation

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)

Rates of assessment, units of economic activity and sectors for 1997

Notice is hereby given, in accordance with section 455 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that upon the expiry of 60 days following the publication of this notice the Regulation respecting the rates of assessment and the units of economic activity and the sectors for 1997 will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendments.

The Regulation determines the units of economic activity, grouped in various sectors, under which the employers will be classified for 1997 and fixes the rates of assessment that will be used to determine their assessment for 1997.