

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

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

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

**Criteria for the fixing of rent**

— **Regulation**

— **Amendment**

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

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

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

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

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

WHEREAS it is expedient to amend that Regulation;

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

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

WHEREAS it is expedient to make the Regulation without amendments;

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

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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

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

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

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

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

Percentage applicable to the cost of electricity subject to the:

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

Percentage applicable to the cost of fuel:

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

Percentage applicable to the cost of maintenance: 2.0 %

Percentage applicable to the cost of providing services: 3.1 %

Percentage applicable to management costs: 3.1 %

Percentage applicable to capital expenditure: 6.8 %

Percentage applicable to net revenue: 0.5 %

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

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

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Gouvernement du Québec

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

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

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

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

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

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

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

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

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

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

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

WHEREAS the 45-day period has expired;

WHEREAS no comments were received;

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

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

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

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

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