

Draft Regulations

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Surplus immovable property

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft of the Regulation respecting the disposal of surplus immovable property of departments and public bodies, 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 replace the Règlement sur les conditions de disposition des immeubles excédentaires. While keeping the existing objectives, that is to grant priority of acquisition to public entities and to promote consolidation of farm land, the purpose of the revision of the Regulation is to facilitate the operations of the Ministère des Transports during the disposal of surplus immovable property and to make certain of the disposals profitable.

Thus, procedures relating to the announcement that immovable property may be transferable, which are nowadays long, expensive and often useless, will be lightened; the \$2 000-limit under which it is possible to call for tenders by invitation will be raised to \$5 000; immovable property transferred to a public entity, other than a department or body whose budget is voted by the National Assembly, will be transferred in keeping with the prices and conditions of the real estate market; finally, the Minister of Transport will be able to raise the tendered price of the highest conforming tender if it turns out to be too low in comparison with the estimated value of the immovable property.

In addition, the draft Regulation institutes certain provisions to ensure its coherence with the government regulations respecting contracts and to allow the use of an electronic tendering system when publishing a public call for tenders.

The draft Regulation has little impact on the citizens considering that surplus immovable property will be offered publicly almost in the same manner as the case presently.

Further information may be obtained by contacting Mr. Michel Brown, Secrétariat du Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8, telephone: (418) 644-6276, fax: (418) 643-2987.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister for Administration and the Public Service, Chairman of the Conseil du trésor, 875, Grande-Allée Est, Québec (Québec), G1R 5R8.

JACQUES LÉONARD,
*Minister for Administration
and the Public Service,
Chairman of the Conseil du trésor*

Regulation respecting the disposal of surplus immovable property of departments and public bodies

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

DIVISION I SCOPE

1. This Regulation enacts the conditions governing the disposal of any surplus immovable property for which no specific power of alienation was granted by an act to a minister or public body.

A surplus immovable property is an immovable property that was declared as such to the Minister of Transport by a department or a public body whose operating budget is voted in whole or in part by the National Assembly.

DIVISION II RESPONSIBILITIES OF THE MINISTER OF TRANSPORT

2. The department or public body referred to in the second paragraph of section 1, which has authority over an immovable property for which no use is contemplated shall declare it as surplus immovable property to the Minister of Transport. Such declaration results in the transfer of the authority over the immovable property to the Minister of Transport, without the administration of the immovable property and the financial charges related to it being transferred to him.

3. The Minister of Transport shall draw up an inventory of all surplus immovable property and shall make it available for consultation.

4. The Minister of Transport shall dispose of surplus immovable property according to Divisions III to V.

DIVISION III DISPOSAL IN FAVOUR OF A PUBLIC ENTITY

5. The Minister of Transport shall dispose of a surplus immovable property, according to Divisions IV and V, only if no department or public body referred to in the second paragraph of section 1, or none of the following entities, has shown an interest in the immovable property:

(1) a public body not referred to in the second paragraph of section 1;

(2) a school board, a general and vocational college, the Université du Québec or one of its constituent universities, one of its research institutes or one of its schools of higher learning;

(3) a public institution referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2), a regional board established under that Act or the Corporation d'hébergement du Québec; and

(4) a municipality, an urban community or the Kativik Regional Government.

6. Where a department or a public body referred to in the second paragraph of section 1 has shown an interest in a surplus immovable property, the Minister of Transport shall transfer the authority he has over that immovable property to that department or body free of charge or, as the case may be, shall dispose of it in its favour.

Where one of the entities referred to in paragraphs 1 to 4 of section 5 has shown an interest in a surplus immovable property, the Minister of Transport shall dispose of the immovable property in favour of the interested entity in keeping with the prices and conditions of the real estate market.

DIVISION IV DISPOSAL BY AGREEMENT, BY INVITATION TO TENDER OR BY AUCTION

7. The Minister of Transport shall offer successively and by agreement any surplus immovable property to the following people:

(1) to the owner of any adjacent immovable property because the surplus immovable property constitutes or should constitute, in whole or in part, the basis of an easement of passage in favour of the adjacent immovable property;

(2) to the owner of any adjacent immovable property from which the immovable property or part of the surplus immovable property was acquired; to the spouse, children or grandchildren, in the case of a disposal of the adjacent immovable property in their favour;

(3) to the owner of any adjacent immovable property because the surplus immovable property is enclosed;

(4) to the tenant, farm producer within the meaning of the second paragraph of section 12, who has rented the surplus immovable property for at least one year, provided that the immovable property is located in an agricultural zone; and

(5) to the owner of any adjacent immovable property because the total or partial configuration of the surplus immovable property allows consolidation only in favour of the immovable property.

If, pursuant to the first paragraph, several owners or tenants are concerned, the surplus immovable property is the subject of an invitation to tender with those people.

For the purposes of this section, any adjacent immovable property is a piece of land one side of which touches a surplus immovable property or that would touch it if it were not separated therefrom by a public road, within the meaning of the second paragraph of section 12, a railway or a public utility right of way.

8. Disposal by agreement is carried out in keeping with the prices and conditions of the real estate market.

The disposal subsequent to an invitation to tender is carried out in favour of the tenderer who presented the highest conforming tender. The Minister of Transport may, following the invitation to tender, raise the price of the highest conforming tender.

Sections 14 and 15 apply to an invitation to tender *mutatis mutandis*.

9. Any surplus immovable property that was not the subject of a disposal according to section 7 and whose estimated value is less than \$5 000 may be the subject of a disposal by agreement, if there is only one prospective acquirer, or of an invitation to tender, if there are several prospective acquirers.

In such a case, the disposal of the surplus immovable property may be carried out at a price less than the estimated value if it allows not to pay the costs related to conservation of the immovable property and its subsequent disposal.

10. The Minister of Transport may, at an auction, dispose of a surplus building and its accessories, whose estimated value is \$25 000 or less.

DIVISION V **DISPOSAL BY PUBLIC CALL FOR TENDERS**

11. Any surplus immovable property that was not disposed of by the Minister of Transport in accordance with Divisions III and IV is the subject of a public call for tenders.

12. Notwithstanding section 11, any surplus immovable property, of 5 hectares or more, located in an agricultural zone and including an access to a public road, is, first, the subject of a public call for tenders with the farm producers.

For the purposes of this section,

“public road” means any road that has become the property of a municipality in accordance with section 422 of the Cities and Towns Act (R.S.Q., c. C-19), any street or road opened pursuant to a municipal by-law, resolution or *procès-verbal*, any road referred to in section 6 of the Act respecting roads (R.S.Q., c. V-9) and any road referred to in sections 51 and 52 of that Act, provided that bordering proprietors have a right of access to it;

“farm producer” means any person referred to in subparagraph *j* of the first paragraph of section 1 of the Farm Producers Act (R.S.Q., c. P-28), whose agricultural operation is the subject of a valid registration in accordance with the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 340-97 dated 19 March 1997.

13. The public call for tenders is published through an electronic tendering system or in a newspaper.

14. When making a public call for tenders, the tenderers must be informed of the conditions and rules applicable. To that end, the instructions to the tenderers must, notably,

(1) state non-compliance clauses of tenders, according to section 15;

(2) determine the period of validity of tenders;

(3) give the rules which will be followed during the opening and analysis of tenders; and

(4) mention that the Minister of Transport does not undertake to accept any of the tenders received.

15. Provisions relating to non-compliance clauses of tenders shall stipulate that a tender will be automatically rejected where:

(1) a required document is missing;

(2) a required signature by an authorized person or persons on a document is missing;

(3) an erasure of or correction to the tendered price is not initialed by the authorized person or persons;

(4) the tender is conditional or restrictive;

(5) the place and time limit fixed for receiving tenders has not been complied with; or

(6) any other condition specified as essential in the instructions to tenderers has not been abided by.

16. Any disposal subsequent to a public call for tenders is carried out in favour of the tenderer who presents the highest conforming tender.

17. The Minister of Transport may, following a public call for tenders, raise the price of the highest conforming tender where that price is less than 85 % of the estimated value of the immovable property.

DIVISION VI **DISPOSAL OF CERTAIN IMMOVABLE** **PROPERTY IN AN AGRICULTURAL ZONE**

18. The disposal of surplus immovable property located in an agricultural zone, for which an authorization for non-agricultural use was issued by the Commission de protection du territoire agricole du Québec, under sections 26 to 29 of the Act to preserve agricultural land (R.S.Q., c. P-41.1), for which an operating permit was issued in accordance with section 70 of that Act or for which an acquired right is recognized under sections 101 to 105 of that Act, is carried out without taking the location of the immovable property into account.

DIVISION VII **TRANSITIONAL AND FINAL PROVISIONS**

19. Offers to buy or sell surplus immovable property made by any party before (*enter the date of coming into*

force of this Regulation) shall remain governed by the Règlement sur les conditions de disposition des immeubles excédentaires made by the Decision of the Conseil du trésor bearing number C.T. 154599 dated 29 January 1985 and amended by Decision C.T. 165331 dated 25 August 1987, if the offer is accepted within a period of no more than 120 days from that date.

20. 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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Draft Regulation

An Act respecting piping installations
(R.S.Q., c. I-12.1)

Plumbing Code

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Plumbing Code, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this Draft Regulation is:

— to adopt the 1995 edition, in French and in English, of the National Plumbing Code of Canada with certain amendments intended to make its application easier while keeping the administrative provisions of the Code presently in force;

— to give installers a revised work tool that is better adapted to their needs and easier to use thanks to the explanatory notes given in the appendix to the Code;

— to lessen the effect of provisions that are too restrictive, slow down the development of the industry and reduce the range of means that may be used by designers, manufacturers and installers;

— to take into account the objective of the Régie du bâtiment du Québec to adopt standards or national codes with as few amendments as possible;

— to satisfy the applications made to that effect by the members of the *Comité provincial sur le code de plomberie*, which represents the various groups concerned in the industry.

The Draft Regulation pursues general objectives of hygiene and safety in the field of plumbing systems. Although the Regulation often specifies how the objec-

tives are to be reached, it allows contractors some freedom in the choice of the measures or means they may use to attain those objectives.

It also enables the whole of the Québec plumbing industry to harmonize its technological development with that of the other provinces, thus lowering costs.

Further information may be obtained by contacting Mr. Benoît Lagueux, engineer, Régie du bâtiment du Québec, 800, place d'Youville, 14^e étage, Québec (Québec), G1R 5S3; tel. (418) 643-9896, fax: (418) 646-9280.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jean-Claude Riendeau, Chairman, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 6^e étage, Montréal (Québec), H2M 2V2.

MATTHIAS RIOUX,
Minister of Labour

Plumbing Code

An Act respecting piping installations
(R.S.Q., c. I-12.1, s. 24)

DIVISION I APPLICATION OF THE NATIONAL PLUMBING CODE

1. Subject to the amendments and exceptions provided for in this Regulation, the “Code national de la plomberie — Canada 1995” (CNRC 38728f) and the “National Plumbing Code of Canada 1995” (NRCC 38728), published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, hereinafter called “the Code”, apply in Québec to the design and carrying out of works related to a plumbing system covered by the Act respecting piping installations (R.S.Q., c. I-12.1) and carried out from the date of coming into force of this Regulation.

DIVISION II AMENDMENTS TO THE CODE

2. A reference in the Code to the NBC is a reference to the National Building Code of Canada adopted by reference under the Public Buildings Safety Act (R.S.Q., c. S-3) and to any later provisions amending it, in force when work is being carried out on a plumbing system.

3. The Code is amended