

84 Pontiac

84005 Bristol, CT
 84010 Shawville, VL
 84015 Clarendon, CT
 84020 Portage-du-Fort, VL
 84025 Bryson, VL
 84030 Campbell's Bay, VL
 84035 Grand-Calumet, CT
 84040 Litchfield, CT
 84045 Thorne, CT".

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

1869

Draft Regulation

An Act respecting the Régie du logement
 (R.S.Q., c. R-8.1; 1997, c. 43)

Régie du logement

— Recruitment and selection of persons apt for appointment as commissioners and renewal of their term of office

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 the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office, 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 establish, pursuant to sections 7.1, 7.3, 7.7 and 7.8 of the Act respecting the Régie du logement, enacted by section 603 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43), a procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and a procedure for the renewal of their term of office.

The draft Regulation proposes rules concerning the publication of a notice of vacant positions and its content, the documents and information to be forwarded by a candidate, the formation, composition and functioning of selection committees and the consultations that the committees may hold. The Regulation also proposes criteria to be taken into account by the selection committees to determine a candidate's aptitude.

The draft Regulation proposes rules concerning the content and forwarding of committee reports, the register of persons declared apt and the manner in which the recommendation of a person who has been declared apt for appointment to the Régie du logement is to be made to the Government.

Moreover, the draft Regulation proposes that the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif form a committee in the months before the expiry of the term of office of a member to determine whether the term of office should be renewed. The rules for the composition of selection committees will also apply to renewal committees.

To date, study of the matter has revealed no significant impact on businesses and the public.

Further information may be obtained by contacting Ms. Carole McMurray, 5199, rue Sherbrooke Est, bureau 2360, Pyramide Ouest (D), Montréal (Québec), H1T 3X1; tel.: (514) 873-6575, fax: (514) 873-6805.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, rue Pierre-Olivier-Chauveau, Secteur B, 3^e étage, Québec (Québec), G1R 4J3.

RÉMY TRUDEL,
 Minister of Municipal Affairs

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office

An Act respecting the Régie du logement
 (R.S.Q., c. R-8.1, ss. 7.1, 7.3, 7.7, 7.8; 1997, c. 43, s. 603)

DIVISION I

NOTICE OF VACANT POSITIONS

1. Where one or more positions are vacant and cannot be filled by resorting to the list of persons already declared apt for appointment as commissioners to the Régie du logement, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publicly announce the vacant positions by a notice in a publication circulating throughout Québec, and shall invite interested persons to submit their candidacies for the position of commissioner of the Régie du logement.

2. The notice shall give

(1) a brief description of the duties of a commissioner;

(2) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and the qualifications, training and professional experience required for the Régie du logement;

(3) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the candidacies; and

(4) the deadline and address for submitting a candidacy.

3. A copy of the notice shall be sent to the Minister of Municipal Affairs.

**DIVISION II
CANDIDACIES**

4. A person who wishes to submit his candidacy shall forward his résumé and the following information:

(1) his name, address, home telephone number and, if applicable, office telephone number;

(2) his date of birth;

(3) the nature of the activities that he has carried out and through which he has acquired the relevant experience;

(4) where applicable, proof that he has the qualifications mentioned in the notice of vacant positions, when they were acquired and for how many years they were required;

(5) any penalty imposed under a statute or regulation, as well as the object of and the reasons for that penalty;

(6) where applicable, the names of his employers or partners over the past 10 years;

(7) where applicable, whether he has filed his candidacy for any such competition in the past 5 years;

(8) a summary of the reasons for his interest in the position of commissioner of the Régie du logement.

The person shall also provide a written statement in which he agrees to a verification with a disciplinary

body, any professional order of which he is or was a member, his employers in the last 10 years, police authorities and, where applicable, in which he agrees that the organizations mentioned in section 14 may be consulted.

**DIVISION III
FORMATION OF A SELECTION COMMITTEE**

5. Following publication of the notice of vacant positions, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chairman and appoint to it

(1) the chairman of the Régie du logement or, after consulting him, another member of the Board;

(2) a member of the staff of the Ministère du Conseil exécutif or the Ministère des Affaires municipales; and

(3) a representative of the public who is neither an advocate nor a notary or a representative of the legal community, or both.

6. Where his impartiality could be questioned, a member of the committee shall withdraw in regard to a candidate, particularly in the following situations:

(1) the member is or was the candidate's spouse;

(2) the member is related to the applicant by birth or marriage, to the degree of first cousin inclusively;

(3) the member is or was a partner, employer, employee of the candidate in the last 10 years; notwithstanding the foregoing, a member who is in the public service must withdraw in regard to a candidate only if he is or was the employee or immediate superior of the candidate.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

7. The members of the committee are required to take the oath of discretion provided for in Schedule A.

8. A person may be appointed to more than one committee at the same time.

9. Travel and accommodation expenses of the committee members shall be reimbursed in accordance with Décret 2500-83 dated 30 November 1983 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, as amended.

In addition to the reimbursement of their expenses, the committee members who are neither commissioners nor employees of a government department or agency are entitled to fees of \$100 per half-day of sitting which they attend.

DIVISION IV

FUNCTIONING OF THE SELECTION COMMITTEE

10. The list of candidates and their records shall be sent to the chairman of the selection committee.

11. The committee shall analyze the candidates' records and shall retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

12. The chairman of the committee shall inform the short-listed candidates of the date and place of their meeting with the committee and shall inform the other candidates that they were turned down and, as a result, will not be called to a meeting.

13. The committee's report shall list the candidates that were turned down, giving the reasons therefor.

DIVISION V

CONSULTATIONS AND SELECTION CRITERIA

14. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

(1) any person who has been, in the last 10 years, an employer, partner, immediate superior or first-line supervisor of the candidate;

(2) any legal person, partnership or professional association of which the candidate is or was a member.

15. The selection criteria that the committee shall take into account in determining a candidate's aptitude are

(1) the candidate's personal and intellectual qualities;

(2) the candidate's experience and the relevancy of that experience in relation to the duties of the Régie du logement;

(3) the extent of the candidate's knowledge or skills in view of the required qualifications, training and professional experience stated in the notice of vacant positions;

(4) the candidate's ability to carry out adjudicative functions;

(5) the applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

(6) the candidate's conception of the duties of a commissioner of the Régie du logement.

DIVISION VI

REPORT OF THE SELECTION COMMITTEE

16. Committee decisions shall be made by a majority of its members. In the case of a tie-vote, the chairman of the committee has a casting vote.

17. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall promptly submit a report including

(1) the names of the candidates with whom the committee met and whom it declared apt to be appointed as commissioners, their profession and the particulars concerning their work place;

(2) any comments that the committee considers expedient, especially with respect to the particular characteristics or qualifications of the candidates considered apt.

That report shall be submitted to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Municipal Affairs.

18. Wherever possible, the committee shall declare apt a number of candidates corresponding to at least twice the number of vacant positions.

19. A member may register his dissent with respect to all or part of the report.

DIVISION VII

REGISTER OF DECLARATIONS OF APTITUDE

20. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall write to the candidates to inform them that they have been declared apt or inapt to be appointed as commissioners.

21. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall keep the register of declarations of aptitude up-to-date and shall enter therein the list of the candidates declared apt to be appointed as commissioners.

He shall strike out an entry upon the expiry of the validity period of the declaration of aptitude, or where the person is appointed, dies or asks to be withdrawn from the register.

22. As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list to the Minister of Municipal Affairs.

DIVISION VIII RECOMMENDATION

23. The Minister of Municipal Affairs shall recommend to the Government the name of a person who has been declared apt to be appointed to the Régie du logement.

Where the vacant position is that of chairman or vice-chairman of the Régie du logement, the Minister of Municipal Affairs shall recommend to the Government the name of a commissioner or the name of a person declared apt to be appointed to the Régie du logement as a commissioner.

24. If, after receiving the selection committee's report and considering the list of persons apt to be appointed as commissioners, the Minister of Municipal Affairs is of the opinion that he cannot, in the interests of, and to best carry out the duties of the Régie du logement, recommend an appointment, he shall then ask the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to have a new notice of vacant positions published, in accordance with Division I.

The committee that submitted a report following the first notice is competent to evaluate the candidates who submitted their candidacy after the second notice and to report to the Minister.

DIVISION IX RENEWAL OF TERMS OF OFFICE

25. In the 12 months before the expiry of a commissioner's term of office, the Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a committee to examine the renewal thereof. Sections 5 to 9 apply.

The committee shall then determine whether the candidate still fulfils the criteria set out in section 15, taking into account the needs of the Régie du logement and may hold the consultations provided for in section 14 on any matter in a candidate's record.

Committee decisions shall be made by a majority of its members. In the case of a tie-vote, the chairman of the committee has a casting vote. A member may register his dissent.

The committee shall forward its recommendation to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Municipal Affairs.

DIVISION X CONFIDENTIALITY

26. The names of candidates, the reports of selection or renewal committees, the list of candidates declared apt to be appointed, as well as any information or document related to a consultation or decision by a committee, are confidential.

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

SCHEDULE A

(s. 7)

OATH OF DISCRETION

I, _____ (name) _____, declare under oath and solemnly affirm that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office.

(signature)

Sworn before me at _____
on this _____

Commissioner for oaths

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