

Regulations and other acts

Gouvernement du Québec

O.C. 1505-97, 26 November 1997

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8)

Delegation of powers and signing of certain documents

By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec

WHEREAS under subparagraph *l* of the first paragraph of section 86 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the Société d'habitation du Québec may adopt by-laws for its internal management and the conduct of its affairs and, if necessary, delegate certain powers conferred upon it by the Act to the president and chief executive officer, the secretary or another member of its personnel;

WHEREAS under section 15.1 of that Act, no deed, document or writing binds the Société d'habitation du Québec or may be attributed to it unless it is signed by the president and chief executive officer, by the secretary or by a member of the personnel of the Corporation and, in the case of such a member, only to the extent determined by by-law of the Corporation adopted under subparagraph *l* of the first paragraph of section 86;

WHEREAS under section 87 of the Act, the by-laws of the Corporation shall be subject to approval by the Government and shall come into force on the date of their publication in the *Gazette officielle du Québec* or on such later date as is determined therein;

WHEREAS the Société d'habitation du Québec adopted the By-law respecting the delegation of powers and the signing of certain documents of the Société d'habitation du Québec to replace the By-law respecting the delegation of powers and of the signing of certain documents of the Société d'habitation du Québec, approved by Order in Council 1207-93 dated 1 September 1993;

WHEREAS it is expedient to approve the By-law;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, responsible for Housing:

THAT the By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, ss. 15.1 and 86, subpar. *l*)

DIVISION 1 GENERAL

1. The president and chief executive officer, the secretary, a vice-president or a public servant of the Société d'habitation du Québec who, on a permanent or temporary basis, holds the positions mentioned in this By-law is authorized to exercise the powers or to sign the deeds, documents or writings listed after his position.

DIVISION 2 STAFF OF THE OFFICE OF THE PRESIDENT AND CHIEF EXECUTIVE OFFICER

2. The president and chief executive officer, the vice presidents and the secretary of the Corporation are authorized to sign

(1) all the documents listed in sections 3 to 22;

(2) deeds of discharge and of release, for consideration or not;

(3) authorizations for out-of-court settlements, for consideration or not;

(4) notices and authorizations required under sections 68.1 to 68.8 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8);

(5) notices that the Corporation avails itself of or waives its right of pre-emption provided for in section 94.2 of the Act;

(6) deeds of alienation of immovables; and

(7) approval of the old neighbourhood revitalization programs adopted by municipalities within the framework of the Programme de revitalisation des vieux quartiers.

Those persons are also authorized to exercise the powers that would otherwise be exercised by the Corporation as regards the authorizations required for the purposes of subparagraphs 2, 3, 4, 5, 6 and 7 of the first paragraph.

3. The vice-president Relations avec la clientèle is authorized to sign construction contracts and contracts for professional services, as well as change orders related to such contracts.

DIVISION 3

STAFF OF THE VICE-PRESIDENCY SOUTIEN À L'ORGANISATION

Direction des ressources financières et matérielles

4. A public servant holding the position of director of the Direction des ressources financières et matérielles is authorized to sign

(1) all the deeds, documents and writings listed in section 5;

(2) service contracts, lease contracts and purchase contracts;

(3) documents relating to temporary loans, long-term loans, hypothecary payments and obligatory repayments; and

(4) deeds of discharge and of release, for consideration.

He is also authorized to exercise the powers that would otherwise be exercised by the Corporation as regards the deeds provided for in subparagraph 4 of the first paragraph.

5. A public servant who holds a professional position governed by the collective agreement respecting professional employees is, within the scope of the duties assigned to him, authorized to sign

(1) service contracts and purchase contracts for less than \$1 000; and

(2) local orders of less than \$1 000 or less than \$25 000 when there was a call for tenders to at least three suppliers and the lowest bidder conforming was chosen, and delivery requests.

Direction des communications

6. A public servant holding the position of director of that branch is authorized to sign service contracts related to the promotion and advertising of the Corporation's programs.

Direction de la planification, de l'évaluation et de la recherche

7. A public servant holding the position of director of that branch is authorized to sign contracts related to research, survey and evaluation activities as well as data purchase contracts.

Direction des affaires juridiques

8. A public servant holding the position of director of that branch is authorized to sign

(1) the deeds, documents and writings listed in section 9; and

(2) mandates entrusted to notaries or advocates.

9. A public servant holding the position of notary within that branch is authorized to sign subdivision plans and notices sent to owners when lots are replaced.

DIVISION 4

STAFF OF THE VICE-PRESIDENCY RELATIONS AVEC LA CLIENTÈLE

Direction de l'amélioration de l'habitat

10. A public servant holding the position of director with that branch is, within the scope of the programs under the responsibility of that branch, authorized to sign

(1) the deeds, documents and writings listed in sections 11 to 15;

(2) professional service contracts

(a) awarded to a firm whose name was obtained from the Fichier des fournisseurs de services du gouvernement (FFS), including endorsements or any other amendment to such contracts; and

(b) for \$25 000 or less, in other cases, including endorsements and amendments to such contracts, up to 25 % of the contract's original amount;

(3) negative performance reports to the FFS;

(4) certificates of special financial assistance under the Residential Adaptation Assistance Program;

(5) certificates of financial assistance for special cases within the scope of programs of assistance for restoration, repair, adaptation and accessibility;

(6) letters granting subsidies or letters of guarantee within the scope of the Programme de logements en régions éloignées;

(7) letters of invitation to successful tenderers for contracts and construction contracts in Nunavik villages where the cost is less than \$5 000 000, as well as change orders related to those contracts;

(8) certificates of acceptance of work;

(9) personnel supply contracts;

(10) delivery requests and requisitions made to the Service d'approvisionnement gouvernemental (SAG), as well as local orders;

(11) contracts for the chartering of aircrafts;

(12) leases for dwellings and offices in Nunavik villages;

(13) any agreement or contract related to the management of dwellings in Nunavik villages;

(14) any contract with public utility suppliers and any rental contract for equipment, transportation or packaging in Nunavik villages;

(15) any document relating to the awarding of a training budget for the Inuit; and

(16) approval of the annual budget, supplementary budgets, budget transfers of an organization that manages less than 1 000 dwellings in Nunavik villages.

Service du développement et des relations avec l'industrie

11. A public servant holding the position of director of that service is, within the scope of the activities under the responsibility of that service, authorized to sign contracts related to research, survey and evaluation activities as well as data purchase contracts.

Service de la rénovation et de l'adaptation

12. A public servant holding the position of director of that service is authorized, within the scope of the programs under the responsibility of that service, to sign

(1) the deeds, documents and writings listed in sections 13 and 14;

(2) certificates of financial assistance or subsidy, including certificates of assistance for special cases related to income ceilings for determining the urgent needs (PRBI), loan authorizations, any documents related to the denial or cancellation of assistance and any other deeds resulting therefrom, such as an indemnity for a lessee or the remuneration of mandataries;

(3) memoranda of agreement with participating municipalities;

(4) any document related to deeds of hypothecary security, deeds of transfer of hypothecary priority, deeds of authorization to alienate, deeds of acceptance of a transfer of property, deeds of correction or amendment and other similar deeds; and

(5) deeds of discharge and of release, for consideration.

That person shall also exercise the powers that would otherwise be exercised by the Corporation in relation to the deeds provided for in subparagraph 5 of the first paragraph.

13. A public servant who holds a position of person responsible for a program under the responsibility of that service is, within the scope of the programs under the responsibility of that service, authorized to sign

(1) the deeds, documents and writings listed in section 14; and

(2) certificates of financial assistance or subsidy, loan authorizations, any documents related to the denial or cancellation of assistance and any other deeds resulting therefrom, such as an indemnity for a lessee or the remuneration of mandataries, where they are less than \$100 000.

14. A public servant who holds a position of project head with that service is, within the scope of the programs under the responsibility of that branch, authorized to sign certificates of financial assistance or subsidy, loan authorizations, any documents related to the denial or cancellation of assistance and any other deeds resulting therefrom, such as an indemnity for a lessee or the remuneration of mandataries, where they are less than \$25 000.

Habitation au Nunavik

15. A public servant holding the position of person responsible for the Habitation au Nunavik component of

the Programme de logement sans but lucratif public is, within the scope of that program's component, authorized to sign

(1) purchase contracts, equipment leasing contracts, work orders, local orders of less than \$1 000 or \$25 000 when there was a call for tenders to at least 3 suppliers and the lowest bidder conforming was chosen; and

(2) professional service contracts, change orders up to a cumulative maximum of 5 % of the contract's original amount, and unforeseen situations on the work site requiring immediate work.

Direction de l'habitation sociale

16. A public servant who holds the position of director with that branch is, within the scope of the programs under the responsibility of that branch, authorized to sign

(1) the deeds, documents or writings listed in sections 17 to 20;

(2) negative performance reports to the FFS;

(3) letters of invitation to successful tenderers for contracts and construction contracts in Nunavik villages where the cost is less than \$5 000 000, as well as change orders related to those contracts;

(4) authorizations granted under paragraph 3 of section 57 of the Act and related to the acquisition, lease or alienation of immovables by municipal housing bureaus or related to borrowings made by municipal housing bureaus other than those of Montréal and Québec City and other than those administering 1 000 dwellings or more, as well as authorizations to alienate and to hypothecate, required by a non-profit organization or a cooperative under a private, non-profit housing program;

(5) approval of amendments to the budget of the Office municipal d'habitation de Montréal, of the Office municipal d'habitation de Québec and of the other organizations that manage 1 000 dwellings or more, pertaining to the Taxes and Permits, Financing and Income items, and amendments to the Improvement and modernization item, up to a cumulative maximum of 10 % of the initial amount approved for such item;

(6) approval of the supplementary budgets and budget transfers of the Société de gestion immobilière SHQ;

(7) final undertakings and operation agreements for projects carried out by cooperatives or non-profit organization and any deed resulting therefrom;

(8) memoranda of understanding with municipalities holding mandates or participating in the Programme AccèsLogis or in a non-profit or cooperative dwelling purchase-renovation program;

(9) any document related to deeds of hypothecary security, deeds of transfer of hypothecary priority, deeds of authorization to alienate, deeds of acceptance of a transfer of property, deeds of correction or amendment and other deeds of the same nature under the Programme AccèsLogis or a non-profit or cooperative dwelling purchase-renovation program;

(10) deeds of discharge and release, for consideration under a non-profit or cooperative dwelling purchase-renovation program;

(11) approval of the median rents for the purposes of the Programme AccèsLogis or a non-profit or cooperative dwelling purchase-renovation program; and

(12) letters renewing mandates and any document concerning the granting of subsidies to technical resource groups or other community organizations.

That person may also exercise the powers that would otherwise be exercised by the Corporation in relation to the deeds provided for in subparagraphs 4, 8, 9 and 10.

17. A public servant who holds a position of person responsible for the Programme AccèsLogis or a purchase-renovation program is authorized to sign conditional undertakings and documents related to start-up loans for projects carried out by cooperatives or non-profit organizations, as well as any deed resulting therefrom.

Service réseau

18. A public servant who holds a position of director in that service is authorized to sign

(1) the deeds, documents and writings listed in sections 19 and 20;

(2) professional service contracts

(a) awarded to a firm whose name was obtained from the Fichier des fournisseurs de services du gouvernement (FFS), including endorsements or any other amendment to such contracts; and

(b) for \$25 000 or less, in other cases, including endorsements and amendments to such contracts, up to 25 % of the contract's original amount;

(3) positive performance reports to the FFS;

(4) letters of invitation to successful tenderers for contracts and construction contracts for less than \$3 000 000, as well as change orders relating to those contracts;

(5) certificates of acceptance of work;

(6) acceptances of sales commitments;

(7) delivery requests and requisitions made to the Service d'approvisionnement gouvernemental (SAG), as well as local orders;

(8) any contract with public utility suppliers, including deeds of servitude, and any rental contract for equipment, transportation and packaging;

(9) management agreements relating to public and private non-profit housing;

(10) agreements with owners or mandataries and annual subsidies under the Rent Supplement Program;

(11) approval of the annual budget, supplementary budgets, budget transfers of an organization that manages less than 1 000 dwellings;

(12) approval of the audited financial statements of an organization that manages less than 1 000 dwellings;

(13) any other contract or commitment related to construction and not otherwise reserved for another authority;

(14) offers to purchase under the owner-occupant component of the Rural and Native Housing Program; and

(15) the awarding of a training budget under the Programme de logements pour les autochtones en milieu urbain (LUA) and the Programme de logements pour les ruraux et les autochtones (LRA).

19. A public servant who holds a position of executive assistant in the service Secteur Québec or Montréal is authorized to sign, for his sector,

(1) approval of the annual budget, supplementary budgets, budget transfers and audited financial statements of an organization that manages 20 dwellings or less; and

(2) approval of the by-laws made by a lessor of dwellings in low rental housing under the By-law respecting the allocation of dwellings in low rental housing.

20. A public servant who holds a position of project head or management adviser in the service Secteur Québec or Montréal is authorized to sign, for his sector,

(1) unforeseen situations on the work site requiring immediate work; and

(2) attestations of taking of possession.

Direction de l'expertise technique

21. A public servant holding the position of director with that branch is authorized to sign

(1) the deeds, documents and writings listed in section 22;

(2) staff supply contracts and any other contract for the hiring of professionals; and

(3) contracts related to research, survey and evaluation activities, pertaining to the technical aspects of apartment buildings and related mainly to the professional practice of architects and engineers and the required performance reports, where applicable.

22. A public servant who holds the position of deputy director with that branch is authorized to sign, for his sector,

(1) deeds, documents and writings related to the contesting of municipal evaluations; and

(2) deeds of renunciation of stenographic recording and of the right to appeal, negotiations by agreement, and any document related to the withdrawal of complaints in matters of municipal evaluation.

DIVISION 5

FINAL

23. The signature of the president and chief executive officer or of the vice-president designated by the Government to replace the president if he is absent or unable to act may be affixed by means of an automatic device. A facsimile of such a signature may be engraved, lithographed or printed on cheques, drafts, bills of exchange, bonds or other negotiable instruments.

24. This By-law replaces the By-law respecting the delegation of powers and of the signing of certain documents of the Société d'habitation du Québec, approved by Order in Council 1207-93 dated 1 September 1993.

25. This By-law comes into force on the date of its publication in the *Gazette officielle du Québec*.