

Gouvernement du Québec

O.C. 1506-97, 26 November 1997

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

Civil Code of Québec
(1991, c. 64)

Criteria for the fixing of rent

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 and the rules of implementation of these criteria;

WHEREAS under subparagraph 6 of the first paragraph of section 108 of the Act, amended by paragraph 4 of section 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 this Act and articles 1892 to 2000 of the Civil Code of Québec;

WHEREAS article 1953 of the Civil Code of Québec specifies that 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 which, by Order in Council 454-94 dated 30 March 1994, following a change of title, became the Regulation respecting the criteria for the fixing of rent;

WHEREAS it is expedient to amend that Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the 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 13 August 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 with amendments;

IT IS ORDERED, therefore, upon 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, a. 108, par. 1, subpars. 3 and 6;
1995, c. 61, s. 1)

Code civil of Québec
(1991, c. 64, s. 1953)

1. The Regulation respecting the criteria for the fixing of rent is amended in section 1:

1° by substituting the following definition for the definition of “operating expenses”:

““**operating expenses**” means expenses incurred with respect to a building including the value of work done by the lessor if such be the case, comprised of the following:

- 1° property and services taxes;
- 2° fire and liability insurance;
- 3° energy;
- 4° maintenance;
- 5° services; and
- 6° management;”;

2° by substituting the following for the definition of “period considered”:

* The Regulation respecting the criteria for the fixing of rent, made by order in council 738-85 dated 1 April 1985 (1985, *G.O.* 2, 1511) was last amended by the Regulation made by Order in council 337-97 dated 19 March 1997 (1997, *G.O.* 2, 1274). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

“reference period”

1° for leases expiring between 1 April and 31 December the calendar year preceding the end of the lease;

2° for leases expiring between 1 January and 31 March: the second to last calendar year preceding the end of the lease;”;

3° by substituting the word “reference period” for the word “period considered” in the definition of “preceding period”;

4° by substituting the word “reference period” for the word “period considered” in the definition on “net income”;

5° by substituting the word “reference period” for the word “period considered” in the definition of “income”; and

6° by substituting the following for the definition of “end of a lease”:

“end of a lease” means the date preceding the beginning of the period for which the rent is to be determined.”.

2. Section 3 of the Regulation is amended by substituting the following for the first paragraph:

“**3.** The tribunal hearing an application to determine or adjust rent modifies the rent at the end of the lease by applying the following factors in the proportion attributable to the dwelling:

1° the variation in municipal property taxes and services due in the reference period and those due in the following year as well as the variation in school taxes due in the year preceding the reference period and those due in the reference period;

2° the variation in insurance premiums included in operating expenses, for a maximum period of 12 months, due in the year preceding the reference period and those due during the reference period;

3° the percentage applicable for the reference period with respect to electricity and fuel; notwithstanding the foregoing, if that percentage is not representative for the immovable in question, the tribunal, if it has the required information at its disposal, shall take into account the variation, on a percentage basis, of the unit cost in the reference period and that in the preceding period;

4° the percentage applicable to maintenance costs for the reference period;

5° the percentage applicable to service costs for the reference period;

6° the percentage applicable to management costs for the reference period which are established at 5 % of income without supporting documents and up to 10 % with supporting documents;

7° operating expenses relating to a new service or accessory or dependancy during the reference period, estimated for the entire year;

8° the percentage applicable to net revenue for the reference period;

9° the percentage applicable to capital expenditures for the reference period; notwithstanding the foregoing, if a capital expenditure is subsidized by way of a loan at reduced interest, the annual increase of rent corresponding to the portion of the expenditure financed by that loan may not exceed the amount of annual reimbursement of capital and interest.”.

3. This Regulation is amended by inserting the following after section 3:

“**3.1** The percentages applicable to the criteria are established annually pursuant to this section.

For operating expenses, the indicator used is that which is most representative of each category of expense among those established by Statistics Canada for Quebec. The difference between the indicator for the reference period and that of the preceding year is divided by the indicator of the reference period; notwithstanding the foregoing, the percentage applicable to maintenance costs shall not be less than that applicable to net revenue.

For net revenue, the percentage of variation between the cost index of rent for the year preceding the reference period and that for the reference period established by Statistics Canada for Quebec, is applied; that percentage is reduced by 2 % when it is 4 % or more and reduced by one-half when it is less than 4 %.

For capital expenditures, the average interest rates administered by Canadian trust companies during the reference period on 5-year guaranteed investment certificates is increased by 1 %. These interest rates are published in the Bank of Canada Review.

The minister responsible for the application of title I of the Act respecting the Régie du logement (R.S.Q., c. R-8.1) notifies the public of the calculations in the *Gazette officielle du Québec* and any other means deemed appropriate.”.

4. Sections 4 et 4.1 are revoked.

5. Section 5 is amended by substituting the following for the first and second paragraphs:

“The portion attributable to the dwelling equals the proportion of rent at the end of the lease with respect to revenues.

If capital expenditures, operating expenditures, arising from a new service, accessory or dependency, fuel costs or taxes for services apply only to certain dwellings, proportions are determined in relation to the rents and estimated rents of the dwellings benefiting from that service, accessory or dependency.”.

6. Section 8 is amended by substituting “the 12-month period preceding the period for which the rent is to be determined” for “period considered”.

7. Section 9 is amended by substituting “the 12-month period preceding the period for which the rent is to be determined” for “period considered” in paragraph 1.

8. This Regulation is amended by inserting of the following after section 12:

“**12.1** Where the rent to be determined or adjusted is that of land intended for installation of a mobile home, the tribunal takes into account the variation in the cost of snow removal during the year preceding the reference period and that during the reference period.”.

9. Section 14 is revoked.

10. This Regulation is amended by adding of the following after section 18:

“**19.** In spite of section 1, the reference period for insurance, capital expenditures and operating expenditures, arising from a new service, accessory or dependency, for leases whose rents are to be determined or adjusted for the period beginning between 2 April 1998 and 1 April 1999, is from 1 April 1997 until 31 December 1997.

20. Applications to determine or adjust rent for a period beginning before 2 April 1998 are subject to the rules in effect prior to 1 January 1998.”.

11. This Regulation comes into force on 1 January 1998.

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Gouvernement du Québec

O.C. 1514-97, 26 November 1997

Environment Quality Act
(R.S.Q., c. Q-2)

**Environmental impact assessment and review
— Amendments**

Regulation to amend the Regulation respecting environmental impact assessment and review

WHEREAS under paragraph *a* of the first paragraph of section 31.9 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft Regulation to amend the Regulation respecting environmental impact assessment and review was published in Part 2 of the *Gazette officielle du Québec* of 28 May 1997 with a notice that it could be made by the Government upon the expiry of 60 days following its publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting environmental impact assessment and review with a technical amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation to amend the Regulation respecting environmental impact assessment and review, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting environmental impact
assessment and review**

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.9, 1st par., subpar. *a*)

1. The Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r. 9), amended by the Regulations made by Orders in Council 1002-85 dated 29 May 1985, 879-88 dated 8 June 1988, 586-92 dated 15 April 1992, 1529-93 dated 3 November 1993, 101-96 dated 24 January 1996 and 1310-97 dated 8 October 1997, is further amended by