

Draft Regulations

Draft Regulation

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

Procedure of the Régie du logement

Pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) notice is hereby given that the Regulation amending the Rules of procedure of the Régie du logement, to which the commissioners agreed in principle at the meeting held on December 12, 1997, and the text of which appears below, may be adopted upon the expiry of 45 days following the present publication.

This draft regulation sets forth:

— make the rules relating to service by bailiff correspond to those in the Code of civil procedure (R.S.Q. c. C-25) which now permit a bailiff who has unsuccessfully attempted to serve a proceeding according to ordinary rules to serve it, for example, in the letter box of the addressee without authorization of the Tribunal.

— have the Information Necessary for fixing the Rent Form, sent by the Régie to lessors who have asked for judicial fixing of the rent, become an administrative form rather than a form established by regulation.

The draft will have the following impact:

— reduction of delays, reduction of service costs and simplification of service undertaken by a bailiff who will no longer be obliged to ask permission of the Tribunal nor to return to the premises a second time.

— deregulation of the Information Necessary for Fixing the Rent Form will have a neutral effect on both lessees and lessors. Lessors will continue to receive the information form and will be obliged to submit the required information to the Régie in order to permit the Tribunal to fix the rent pursuant to the current rent determination regulation. The Régie will have greater administrative flexibility since it can modify the form, where circumstances require, without having to have the regulation amended.

Additional information may be obtained by writing to M^e Pierre H. Cadieux at the Régie du logement, Village olympique – Pyramide Ouest (D), 5199, rue Sherbrooke Est, Montréal, (Québec) H1T 3X1, by telephone at (514) 873-6575 or by fax at (514) 873-6805.

Anyone with comments on this subject is asked to write to the Chairperson of the Régie du logement, Village Olympique – Pyramide Ouest (D), 5199, rue Sherbrooke Est, Montréal (Québec) H1T 3X1.

FRANCE DESJARDINS,
*Chairperson of the
Régie du logement,*

Regulation amending the Rules of procedure of the Régie du logement*

An Act respecting the Régie du logement (R.S.Q., c. R-8.1, a. 85)

1. The third paragraph of section 7 of the Rules of procedure is replaced by the following:

“Where the attempt to effect service was made by a bailiff and was recorded in his certificate, the bailiff may, without authorization, serve the proceeding by leaving on the premises a copy of the written proceeding intended for the addressee”.

2. Section 8 of the Rules of procedure is amended:

1° by the replacement in the first paragraph prior to subparagraph 1 of the words “Information necessary for the fixing the rent form appearing in “by the words “Information necessary for the determination of rent form”

2° by the removal of subparagraphs 1 to 6 of the first paragraph.

3. Schedules I to VI of the regulation are abrogated.

4. The present regulation comes into effect on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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* The last amendments to the Rules of procedure of the Régie du logement, approved by the minister responsible for the application of the Loi sur la Régie du logement of November 23, 1992 (1992, G.O. 2, 6935) were made by the rules of procedure adopted by the commissioners of the Régie on October 19, 1995 (1995, G.O. 2, 4652). For prior amendments, see the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, updated on September 1, 1997.