

A member may have his name appear in the partnership name even if that name includes the name of a deceased or retired partner.

**77.** A member who withdraws from a partnership must ensure that his name no longer appears in the partnership name or in any advertising of the partnership one year after his withdrawal, unless there is a written agreement to the contrary with the members whose names appear in the partnership name.

#### **DIVISION XV** REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER

**78.** A member who, for any purpose whatsoever, reproduces the graphic symbol of the Order shall ensure that it is identical to the original held by the secretary of the Order.

#### **CHAPTER III** FINAL

**79.** This Regulation replaces the Code of ethics of industrial relations counsellors (R.R.Q., 1981, c. C-26, r. 52) and, in accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), the Regulation respecting advertising by industrial relations counsellors (R.R.Q., 1981, c. C-26, r. 59) ceases to have effect on the date of coming into force of this Regulation.

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

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Gouvernement du Québec

#### **O.C. 387-98, 25 March 1998**

Program for the delegation of the management of intramunicipal lands in the public domain to regional county municipalities in the administrative region of Québec

WHEREAS under section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2, amended by Chapter 14 of the Statutes of 1996 and Chapter 93 of the Statutes of 1997), the Minister may, with the approval of the Government, prepare programs for the development of lands in the public domain that are under his authority in order to encourage regional development;

WHEREAS under section 17.14 of that Act, the Minister of Natural Resources may, for the purposes of such programs, entrust the management of lands in the public domain to a legal person designated by the Minister which may then carry out the Minister's powers and responsibilities under the Act respecting the lands in the public domain (R.S.Q., c. T-8.1, amended by Chapter 2 of the Statutes of 1996), to the extent and according to the terms and conditions set out in the program;

WHEREAS that section allows the Minister to determine which powers provided for in section 71 of the Act respecting the lands in the public domain may be exercised by the legal person by means of by-laws, to the extent and according to the terms and conditions set out in the program;

WHEREAS under sections 14.11 to 14.12.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1, amended by Chapter 27 of the Statutes of 1996 and Chapter 93 of the Statutes of 1997), every municipality may participate in the programs prepared by the Minister of Natural Resources and has the necessary powers to meet the commitments and assume the responsibilities arising from the programs with respect to any designated land in the public domain;

WHEREAS it is expedient to approve the program which authorizes the Minister of State for Natural Resources, the Minister for Mines and Lands and the Minister for Electoral and Parliamentary Reform, Regional Development and Forests to delegate to the regional county municipalities in the Québec administrative region the management of intramunicipal lands in the public domain identified in the territorial management agreements to be signed under the program;

WHEREAS it is expedient to entrust the management of the program to the Minister of State for Natural Resources, to the Minister for Mines and Lands and to the Minister for Electoral and Parliamentary Reform, Regional Development and Forests;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Natural Resources, the Minister for Mines and Lands and the Minister for Electoral and Parliamentary Reform, Regional Development and Forests:

THAT the Program for the delegation of the management of intramunicipal lands in the public domain to regional county municipalities in the administrative region of Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

PROGRAM FOR THE DELEGATION OF THE  
MANAGEMENT OF INTRAMUNICIPAL LANDS  
IN THE PUBLIC DOMAIN TO REGIONAL  
COUNTY MUNICIPALITIES IN THE  
ADMINISTRATIVE REGION OF QUÉBEC

### 1. OBJECTIVE OF THE PROGRAM

To promote regional development by developing intramunicipal lands in the public domain in the Québec administrative region and by entrusting their management to the regional county municipalities in that region.

### 2. DEFINITIONS

For the purposes of this Program, unless the context indicates otherwise,

2.1 “territorial management agreement” means a multisectoral act of delegation whereby the Government entrusts management powers and responsibilities to a regional county municipality (RCM), on certain conditions;

2.2 “Minister” means the Minister of State for Natural Resources, the Minister for Mines and Lands and the Minister for Electoral and Parliamentary Reform, Regional Development and Forests;

2.3 “program” means this Program, prepared under Division II.2 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2, amended by Chapter 14 of the Statutes of 1996 and Chapter 93 of the Statutes of 1997);

2.4 “intramunicipal lands in the public domain” means all lots, parts of lots and any other part of the public domain located in the Québec administrative region within the limits of the municipalized territory of that region and appearing on the map entitled “Québec (région 03) Droits et utilisations sur les terres publiques intramunicipales” dated November 1994 and under the authority of the Minister, including the buildings, improvements and movable property.

### 3. CONDITIONS OF ELIGIBILITY

To be eligible for this Program, a regional county municipality in the Québec administrative region shall

3.1 have obtained a resolution from the Conseil régional de concertation et de développement de la région de Québec (CRCDQ) which recognizes that delegating the management of the intramunicipal lands in the public domain within the limits of the RCM constitutes, in the collective interest, a new method of management

whereby the territory concerned may contribute to the regional and local development and that the delegation project complies with the regional strategic plan of the CRCDQ;

3.2 have adopted a resolution whereby the municipality agrees to all the terms and conditions, commitments and obligations under this Program;

3.3 have established, by by-law, a development fund under section 688.7 et seq. of the Municipal Code of Québec (R.S.Q., c. C-27.1, amended by Chapter 27 of the Statutes of 1996 and Chapter 93 of the Statutes of 1997);

3.4 have created, by by-law, a multiresource committee in charge of advising the RCM and representing all the interests related to the development, use and preservation of natural resources in the territory covered by the delegation. Furthermore, the voting powers of the various groups on the committee should be shared fairly to avoid that the committee’s decision be subject to particular interests. Finally, the local municipalities represented on the committee shall form a minority.

### 4. TERRITORY COVERED

4.1 The powers and responsibilities delegated to an RCM under this Program shall be exercised on intramunicipal lands in the public domain identified by the Minister on a list attached to the territorial management agreement and forming part of the public domain on the date the agreement is signed.

In addition to those lands, the Minister may, having received advice, include in the management delegation, intramunicipal land in the public domain that would have been omitted in the territorial management agreement or that would have been the subject, after the signing, of a transfer of authority in his favour.

4.2 The following are expressly excluded from the territory covered:

(1) the water domain, that is, the water powers and the beds of lakes and rivers up to the normal high water mark;

(2) lands in the public domain flooded following the construction and maintenance of a dam or any related work;

(3) any right-of-way of a route or highway under the management of the Minister of Transport of Québec, including in particular its infrastructures and all the works useful for its development or management;

(4) land within the limits of a territory covered by a timber supply and forest management agreement;

(5) any other land identified by the Minister.

4.3 Where land under the responsibility of an RCM is required for public utility or interest purposes or for any other purpose ordered by the Government, or where land was wrongly identified as included in intramunicipal lands in the public domain, the Minister may, having been advised, exclude that land from this Program.

Such exclusion by the Minister could eventually lead to a fair compensation for any improvement made on that land by the RCM since the signing of the territorial management agreement, as well as for any actual damage, without further compensation or indemnity for any loss of expected profits or revenues.

## 5. DELEGATED POWERS AND RESPONSIBILITIES

For the purposes of this Program, the Minister may delegate to an RCM the powers and responsibilities with respect to land planning and management mentioned in sections 5.1 and 5.2. That delegation is subject to the terms and conditions provided for in section 7.

### 5.1 Planning

With respect to planning, the Minister shall delegate to the RCM the responsibility to plan the development and use of the public territory (intramunicipal lands in the public domain and the related resources) covered by this Program and the territorial management agreement signed by the RCM for at least 5 years. To that end, the RCM shall comply with the deadline fixed by the Minister and take into account the concerns of the population and users of the territory and resources. The RCM shall forward its planning to the Government for advice before any other consultation. If required, the RCM shall review the planning and change it and shall ensure the follow-up.

The Minister may intervene to help find a concerted solution and thus help the adoption of the planning should the RCM be unable to reach a consensus about the carrying out of the planning. If need be, the Minister may impose an arbitration procedure.

5.1.1 The planning shall, obligatorily and as a minimum,

(1) deal with the dominant vocations and with the general rules, terms and conditions for harmonizing and integrating the uses;

(2) include the special interest lands identified by the Government in the public land use plan;

(3) take into account the Government's territory development orientations and its special concerns communicated in the preparation process of the said planning;

(4) take into account the regional strategic plan of the CRCDQ.

### 5.2 Land management

For the purposes of this Program, the Minister shall entrust the management of intramunicipal lands in the public domain to an RCM that exercises the following powers and responsibilities arising from the Act respecting the lands in the public domain and the regulations thereunder:

(1) manage the land rights already issued other than leases for exploiting water powers. To that end, the RCM shall manage and respect the rights granted until their term, renew them and cancel them if the beneficiary fails to meet his obligations;

(2) grant and manage new land rights other than lands for using water powers, renew them, ensure the follow-up, amend them with the consent of the parties involved and cancel them if the beneficiary fails to meet his obligations;

(3) manage the buildings and improvements located on the lands covered by the delegation and, if need be, dispose of them according to the regulatory provisions;

(4) sell land, grant rights under emphyteutic contracts, transfer land gratuitously for public utility purposes in accordance with the regulations. However, the RCM shall first obtain the Minister's consent before granting rights;

(5) grant servitudes and any other right;

(6) grant occupation and visitor's licences;

(7) collect and keep all income, including expenses arising from the management of lands covered by the delegation;

(8) renounce the right of ownership of the Minister of Natural Resources in favour of the occupant of the land, in the course of a cadastral renovation, in accordance with sections 40.1 et seq. of the Act respecting the lands in the public domain (R.S.Q., c. T-8.1, amended by Chapter 2 of the Statutes of 1996) and according to the criteria defined by the Minister for such renouncement;

(9) rectify any deed of alienation granted by the RCM and waive or amend the restrictive clauses in a deed of alienation granted by the RCM, in accordance with sections 35.1 and 40 of the Act respecting the lands in the public domain, or change the purposes mentioned therein;

(10) acquire by mutual agreement (donation, purchase, trade), for the benefit of the public domain, private lands, buildings, improvements and movable property. However, the RCM shall first obtain the Minister consent prior to such a transaction;

(11) publish, where required, a declaration stating that the land forms part of the public domain, in accordance with sections 19 et seq. of the Act respecting the lands in the public domain;

(12) authorize the construction of roads other than forest and mining roads in accordance with sections 55 et seq. of the Act respecting the lands in the public domain;

(13) control the use and occupation of the territory

— by treating situations of illegal occupation and use, including in particular illegal dumping sites and gates within the meaning of the Act respecting the lands in the public domain, according to the formal rules, terms and conditions in keeping with the principle decided by the Government, that is, no privilege shall be granted to someone who illegally occupies or uses land in the public domain;

— by treating situations of precarious occupation according to the Regulation respecting the regularization of certain kinds of occupation of lands in the public domain, made under the Act respecting the lands in the public domain by Order in Council 233-89, as amended;

(14) institute penal proceedings in its own name for an offence committed on the territory covered by the management delegation, provided for in the Act respecting the lands in the public domain and the regulations thereunder, or in the by-laws that the RCM will have adopted in accordance with section 6;

(15) exercise all the recourses and powers conferred upon the Minister of Natural Resources by sections 60 to 66 of the Act respecting the lands in the public domain;

(16) cause to be determined the limit between the public domain and private property and affix the signature of the owner on documents pertaining to cadastral operations, boundary marking or any motion for the judicial recognition of the right over property concerning the lands in the public domain covered by the man-

agement delegation, following the land survey instructions issued by the Service de l'arpentage of the Ministère des Ressources Naturelles in accordance with section 17 et seq. of the Act respecting the lands in the public domain.

## 6. REGULATORY POWERS

For the purposes of this Program, the Minister shall determine that an RCM may exercise, by means of by-laws adopted under subparagraph 5 of the second paragraph of section 14.12 of the Municipal Code of Québec and according to the conditions mentioned in section 6.1 of this Program, the powers provided for in subparagraphs 3, 7, 8, 9, 10 and 11 of the first paragraph and the second paragraph of section 71 of the Act respecting the lands in the public domain.

### 6.1 Conditions applicable to regulatory powers

The by-laws of the RCM, whose coming into force is subject to the rules prescribed by the Municipal Code of Québec, shall be first submitted to the Minister who may approve it, having ascertained that they are in keeping with the Government principles and objectives and their regional consistency. More specifically, the RCM shall comply with the following principles:

(1) it shall keep the delegated intramunicipal lands in the public domain open to the public, in particular by allowing the free movement of persons;

(2) it shall preserve public access to the public water domain;

(3) it shall impose a tariff based on the market value;

(4) it shall grant no privilege to a person who illegally occupies or uses land in the public domain, except to regularize a precarious situation eligible for a title under the Regulation respecting the regularization of certain kinds of occupation of lands in the public domain, made under the Act respecting the lands in the public domain by Order in Council 233-89, as amended.

The by-laws of the RCM respecting administration expenses shall pertain only to the cases already provided for in the regulations made under the Act respecting the lands in the public domain.

## 7. GENERAL TERMS AND CONDITIONS

7.1 An RCM entrusted with the management of intramunicipal lands in the public domain by the Minister under this Program, shall, in respect of all the following items, comply with the corresponding terms and conditions:

Access to the public domain: the RCM shall maintain public access to the public domain and the water public domain;

Alienation of land: the Minister's agreement to a land alienation may be transmitted either in the course of the development and use planning provided for in section 5.1, or by a specific notice for projects not mentioned in that planning;

Land surveying: any land surveying on lands in the public domain or affecting their limits, including boundary marking, particularly the one required for an alienation, shall be carried out in accordance with sections 17 et seq. of the Act respecting the lands in the public domain and with the instructions of the Service de l'arpentage of the Ministère des Ressources naturelles;

Natives: the land rights granted by the RCM shall comply with the governmental orientations concerning Native people;

Multiresource committee: the RCM shall see that the representation provided for in section 3.4 is preserved. It shall request the committee advice in writing on the following matters, that is, the development and use planning for the territory covered by the delegation, the compliance of the development plans with the said planning and the use of the development fund referred to in section 3.3;

Costs and expenses related to land management: all the costs and expenses related to the land management shall be charged, as the case may be, to the RCM, the acquirer, the applicant or the beneficiary of the right. In particular, those required for land surveying on land in the public domain, cadastral registration, boundary marking and the publication of rights for any transaction carried out by the RCM are included in those costs and expenses;

Land rights granted by the State: the RCM shall respect the rights granted by the State in accordance with the titles issued until they expire, renew them unless the beneficiary of the right is at fault and make sure that, in exercising the powers and responsibilities delegated under the program, not to limit in any way the exercise of a right granted or to be granted by the State;

Land rights related to vacation: land rights related to vacation shall respect the vacation development objectives set out in the Guide de développement de la villégiature sur les terres du domaine public, prepared in April 1994 and in the Plan régional de développement de villégiature de la région de Québec prepared in September 1993 or any other document replacing them;

State and area of intramunicipal lands in the public domain: in exercising delegated powers and responsibilities, the RCM shall accept that lands as they are delimited, designated or surveyed at the time the territorial management agreement is signed, no guarantee being given by the Minister as to their state or area;

Rules and procedures: the operation rules and administrative procedures adopted by the RCM shall make sure that the rights to be granted and that the land to be alienated on the territory covered will be granted and alienated fairly for all those concerned and so as to respect the special principles and rights defined in the territorial management agreement.

7.2 The RCM shall file the following reports with the Minister:

(1) an annual report on its activities and how the income from the management of intramunicipal lands in the public domain have been used;

(2) a five-year activity report in which the management of the lands delegated to the RCM is assessed. In addition, the RCM shall make known to the public the main elements of the report.

The Minister and the RCM shall agree within 12 months of the signing of the territorial management agreement on the objectives to be attained and on evaluation criteria.

7.3 The intramunicipal lands in the public domain covered by the delegation shall be administered and managed by the RCM without compensation from the Government.

7.4 The RCM shall collect and withhold the income from the management of the intramunicipal lands in the public domain covered by the delegation, including administration expenses, from the date the territorial management agreement is signed. However, any amount collected by the Gouvernement du Québec or owed to it on the date of the signing remains its property without adjustment, except the rent for the ski centre of Massif de Petite-Rivière-Saint-François for the 1997-98 year, owing since 1 December 1997, which will be collected by the Municipalité régionale de comté de Charveloix and paid into its development fund.

7.5 The Minister shall register in the Terrier or in any other register designated by him all alienations and rights granted by the RCM on the lands in question and shall issue attestations in writing of the information entered therein; the RCM shall collect all exigible expenses, including interest income, and shall remit them entirely

to the Minister, according to the terms and conditions defined in the territorial management agreement. When the Minister will have implemented a formal procedure to make it possible for the RCM to directly enter rights in the official land register, he will contact the RCM to adapt the terms and conditions to that effect in the territorial management agreement.

7.6 An RCM that exercises the powers and responsibilities provided for in this Program acts in its own name and any action it takes is in no way binding on the Government.

Subject to the special provisions of section 6, the RCM shall comply with the Act respecting the lands in the public domain and the regulations thereunder, as amended.

## 8. FINAL PROVISIONS

8.1 The territorial management agreement respecting land planning and management has a renewable 5-year term. When the delegation expires, the Minister is again fully responsible for the delegated management of the intramunicipal lands in the public domain. The Minister may also terminate the delegation if the RCM fails to comply with the terms and conditions applicable to the delegation.

8.2 Where the Minister is again responsible for the management of intramunicipal lands in the public domain he delegated, the RCM shall send the Minister all the information that the latter could ask it, including, in particular, the up-to-date books and records kept by the RCM for managing the lands. The RCM shall also give the Minister all the records that the Minister entrusted to it.

8.3 Any contestation from a beneficiary of a right that was granted by the RCM and that results from differences in the methods of management applied by the RCM and the Minister shall be submitted to the Minister.

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### **O.C. 388-98, 25 March 1998**

Agreement respecting the transfer to the Municipalité régionale de comté de Charlevoix, on an experimental basis, of responsibilities in the field of public forest management

WHEREAS the Conseil régional de concertation et de développement de la région de Québec (CRCDQ)

adopted a resolution recognizing that the delegation of the management of the intramunicipal public territory located within the limits of the municipality of Petite-Rivière-Saint-François in favour of the Municipalité régionale de comté de Charlevoix constitutes, in the collective interest, a new management method that can help that territory participate in the regional and local development and that the draft delegation complies with the strategic plan of the CRCDQ;

WHEREAS the territory that is subject to this Order in Council shall be included in an inhabited forest demonstration presented by the Municipalité régionale de comté de Charlevoix and recognized by the Ministère;

WHEREAS the delegation of powers and responsibilities in the field of land and natural resources management designated in favour of the Municipalité régionale de comté de Charlevoix contributes to the carrying out of the inhabited forest demonstration;

WHEREAS the Minister of State for Natural Resources granted a financial assistance of \$50 000 to the Municipalité régionale de comté de Charlevoix to support the implementation of the organization necessary for the carrying out of the demonstration as well as the preparation of a development plan and the parties agreed to pursue and carry the demonstration through;

WHEREAS under the Forest Act (R.S.Q., c. F-4.1), the Minister of Natural Resources holds the powers and responsibilities in the field of forest management;

WHEREAS under section 10.5 of the Municipal Code of Québec (1996, c. 27), a regional county municipality may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis;

WHEREAS under section 10.6 of the Municipal Code of Québec, such agreement must set out, in particular, the conditions governing the exercise of the responsibility, the duration and the rules relating to its implementation;

WHEREAS under section 10.8 of the Municipal Code of Québec, such agreement shall prevail over any inconsistent provision of any general law or special Act or any regulation thereunder;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs, the Minister of State for Natural Resources and Minister of Natural Resources and the Minister for Electoral and Parliamentary Reform, Regional Development and Forests: