

18. Section 6.06 is amended:

1. by substituting the following for paragraph 1:

“1. Where a holiday coincides with a working day for an employee, the employer shall pay the employee an indemnity equal to the average of his daily wage for days worked during the complete pay period preceding such holiday, without considering overtime hours.”;

2. by substituting the following for paragraph 3:

“3. For 1 January and 25 December, the employee shall receive the indemnity provided for in paragraph 1, on the following conditions:

(a) he has been in the service of his employer for the 30 days preceding the holiday;

(b) he has worked 10 days during those 30 days;

(c) he has been available for the standard workday preceding and following the holiday, unless a fortuitous event occurred for which proof lies with the employee and must be submitted to the employer within the five days following the holiday, unless that day is included in his annual vacation.”.

19. The following is substituted for section 6.07:

“6.07. Hours worked on a holiday are paid at double time with a minimum of four consecutive hours paid at double time.”.

20. Section 6.08 is revoked.

21. Section 7.05 is amended by substituting the number “12” for the number “10”.

22. Section 7.06 is revoked.

23. Sections 8.02 to 8.03 are revoked.

24. The following is substituted for section 12.01:

“12.01. The Decree remains in force until 30 September 2000.”.

25. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

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

### Dwellings in low-rental housing — Conditions for the leasing

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 conditions for the leasing of dwellings in low-rental housing, made by the board of directors of the Société d’habitation du Québec and the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to introduce in the regulations respecting the conditions for the leasing of dwellings in low-rental housing work incentive measures, a new method of calculation of the minimum basic rent applicable to that type of dwelling and various administrative adjustments intended to simplify, render more flexible or clarify certain provisions of the current regulation.

The Regulation will replace the By-law respecting the conditions for the leasing of dwellings in low-rental housing, approved by Order in Council 251-92 dated 26 February 1992 and amended by Orders in Council 1008-97 dated 13 August 1997 and 1303-97 dated 8 October 1997. Lastly, it will revoke the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 159-90 dated 14 February 1990.

Further information on the draft Regulation may be obtained by contacting Jean-Luc Lesage, Secretary and Director of the Bureau du président, 1054, rue Louis-Alexandre-Taschereau, aile Saint-Amable, 3<sup>e</sup> étage, Québec (Québec) G1R 5E7; tel. (418) 644-1380; fax: (418) 646-5560.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Secretary and Director of the Bureau du président of the Société d’habitation du Québec at the aforementioned address.

ANDRÉ MARCIL,  
*President and Chief Executive Officer*

## By-law respecting the conditions for the leasing of dwellings in low-rental housing

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 86, 1st par., subpar. g and 2nd par.)

1. In this By-law, unless the context indicates otherwise:

“dwelling” means low-rental housing within the meaning of the Civil Code; (*logement*)

“household” means one or several persons occupying a dwelling; (*ménage*)

“independent person” means a person of full age or an emancipated minor living with the head of the household; (*personne indépendante*)

“occupant 1” means the head of the household, that is a person who is the regular provider for the needs of the household or, in the case of an existing lease, the person who signed the lease; (*occupant 1*)

“occupant 2” means the independent person with the highest annual income, established in accordance with sections 3 and 4. (*occupant 2*)

2. For the purposes of this By-law, the following are not considered income:

(1) amounts received in the form of a real estate tax refund or a sales tax credit;

(2) amounts received by a foster family or foster home within the meaning of section 312 of the Act respecting health services and social services (R.S.Q., c. S-4.2) to take charge of a child or an adult, and amounts received by such foster family under the Regulation respecting financial assistance to facilitate the adoption of a child, made under the Youth Protection Act (R.S.Q., c. P-34.1);

(3) a child tax credit paid under the Income Tax Act (R.S.C. (1985), c. 1 (5th Suppl.));

(4) family assistance allowances paid under the Family Allowances Act (R.S.Q., c. A-17) in accordance with sections 61 and 62 of the Act respecting family benefits (1997, c. 57);

(5) benefits paid under the Act respecting family benefits;

(6) an orphan's pension and a pension for a disabled contributor's child paid under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

(7) amounts received under sections 38 to 40, 42 and 44 of the Regulation respecting income support made by Order in Council 1011-99 dated 1 September 1999 under the Act respecting income support, employment assistance and social solidarity (1998, c. 36) for every dependent child of full age attending an educational institution;

(8) amounts that a dependent child within the meaning of the Act respecting income support, employment assistance and social solidarity earns incidentally while a student, and loans and scholarships received as a student;

(9) amounts received under a program of the Ministère de la Santé et des Services sociaux for home care and assistance services;

(10) special benefits paid pursuant to sections 45 to 76 of the Regulation respecting income support;

(11) supplementary child care and transportation expenses, expenses for registration for courses or purchase of material paid by Emploi-Québec within the scope of terms and conditions for the application of the active measures by Emploi-Québec, financed by the Labour market development fund;

(12) benefits paid under the parental wage assistance program under the Act respecting income support, employment assistance and solidarity;

(13) employment-assistance allowances received by persons participating in active measures of Emploi-Québec up to a maximum amount of \$130 per month, per adult.

3. The income considered for the purposes of this By-law are the sums earned during the year preceding the date of the beginning of the lease by every person making up the household.

4. The following sums shall be deducted from the income taken into account for the purposes of section 3 for each person making up the household:

(1) the amount paid by that person as support under an order or judgment of a competent court;

(2) the cost of hospitalization or shelter in a child and youth protection centre, a residential and long-term care centre and rehabilitation centre referred to in section 79 of the Act respecting health services and social services paid by that person, except the fees related to the occupancy of a private or semi-private room.

5. The rent for a dwelling is determined according to the number of persons making up a household, their respective incomes and the services and equipment provided.

That rent shall be equal to the amount of the basic rent determined in accordance with section 6 or 8, as the case may be, and, where applicable, to the contributions established in section 10 and the indexation provided for in sections 11 and 12.

The rent to be paid shall be rounded off to the nearest dollar.

6. Basic rent shall correspond to 25 % of the total monthly income of both occupants 1 and 2.

For each of the occupants with work income, employment-assistance allowances or both, the monthly income considered to determine the basic rent applicable to the lease may not be greater, for each of the occupants, than the total income considered for each of them for the preceding lease and the amount of \$200. That monthly income limit may be applied, in respect of each of the occupants, only for two lease periods or two consecutive leases.

In addition, if occupant 2 is a child of the head of the household or of his spouse, the monthly income considered for that occupant may not exceed \$277, if that child is aged 18 to 20 years, or \$554, if aged 21 to 24 years.

The amounts referred to in the preceding paragraph shall be indexed on 1 March of each year in accordance with the Consumer Price Index for rental dwellings as determined for the preceding month of December by Statistics Canada for Montréal. The indexed amounts shall be rounded off to the nearest dollar. The Société d'habitation du Québec shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

7. The monthly income of occupants 1 and 2 shall be determined by dividing by 12 the result of the following calculations:

(1) establish, in accordance with sections 3 and 4, the annual income of occupant 1 and of occupant 2;

(2) where applicable, subtract from the annual work income of occupant 1 and of occupant 2 an amount equal to 10 % of that income.

8. Notwithstanding section 6, basic rent may not be less than the minimum basic rent appearing in Schedule

1, which is established according to the household situation. That minimum rent is determined, at the time the lease is entered into or renewed, according to the composition of the household, whether the persons making up that household are entitled to receive benefits under the Act respecting income support employment assistance and social solidarity and, in the case of occupant 1 or, as the case may be, where both occupants 1 and 2 receive such benefits, whether they have work limitations within the meaning of the Act.

For the purposes of Schedule I, a child of full age who is a student and is a dependent child within the meaning of the Act respecting income support, employment assistance and social solidarity is considered a child for the purposes of the composition of the household.

The minimum basic rents provided for in Schedule 1 shall be indexed on 1 January of each year by an amount corresponding to 25 % of the total increase, for the preceding calendar year, in the benefits paid under the Act respecting income support, employment assistance and social solidarity according to the household's situation. The same applies to minimum rents applicable where at least one occupant does not receive benefits under that Act; in such a case, the indexation shall correspond to 25 % of the total increase in benefits provided for in the lowest scale prescribed by the Act respecting income support, employment assistance and social solidarity. The indexed rents shall be rounded off to the nearest quarter of a dollar. The Société d'habitation du Québec shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

9. Basic rent determined in accordance with section 6 or 8, as the case may be, shall include the costs for heating and hot water as well as municipal and school taxes.

It shall also include the supply of a stove or refrigerator in the case of a lease in force on 31 December 1984, or in the case of a lease in force after that date if the space in the dwelling is too small to install a 765-millimetre stove and refrigerator.

In the case of a person living in a rooming house comprising at least four rooms rented or for rent, the basic rent shall also include the cost of electricity in addition to the services mentioned in the first paragraph.

10. The contribution provided for in section 5 shall correspond, for each independent person other than the person identified as occupant 2, to 25 % of the monthly income of each of those persons, up to a maximum amount of \$69.25 per person.

That amount shall be indexed on 1 March of each year in accordance with the Consumer Price Index for rental dwellings as determined for the preceding month of December by Statistics Canada for Montréal. The indexed amount shall be rounded off to the nearest quarter of a dollar. The Société d'habitation du Québec shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

The monthly income of each independent person referred to in the first paragraph shall be determined by dividing by 12 the annual income established in accordance with sections 3 and 4.

11. The indexation referred to in section 5 that is added to the basic rent is, as the case may be:

(1) for electricity, excluding heating and hot water, \$26.00 for a bachelor apartment, \$29.40 for a one-bedroom dwelling and \$3.40 for each additional bedroom;

(2) \$5.00 for each air conditioner installed in the dwelling;

(3) \$5.00 if the lessee has the use of an outdoor parking space without an electrical outlet;

(4) \$10.00 if the lessee has the use of an outdoor parking space with an electrical outlet;

(5) \$20.00 if the lessee has the use of a garage or an indoor parking space; and

(6) for any additional parking space provided to the lessee, \$20.00 for an outdoor parking space, \$30.00 for a parking space with an electrical outlet and \$50.00 for a garage or indoor parking space.

As of 1 January 2000, the amounts provided for in subparagraph 1 shall be indexed annually, according to Hydro-Québec indexation rates applied the year preceding the date of the beginning of the lease, for the supply of electricity to residences. The Société d'habitation du Québec shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

12. For each stove or refrigerator that the lessor fails to provide to a lessee in accordance with the second paragraph of section 9, an amount of \$1.50 per appliance shall be subtracted monthly from the basic rent.

13. The term of a lease shall be 12 months.

Notwithstanding the foregoing, a lease entered into during the year with a new lessee or with a lessee referred to in article 1990 of the Civil Code may be as applicable:

(1) for a term of less than 12 months, if the income considered to determine the rent applicable to that lease and the income considered for its renewal do not refer to the same calendar year;

(2) for a term of more than 12 months, without exceeding 23 months, if the income considered for that lease and the income considered for its renewal refer to the same calendar year.

14. The cost for the use of a washing machine or a clothes dryer by lessees is \$0.75, except in the case of a dwelling subsidized by the Société d'habitation du Québec under the Rent Supplement Program.

15. Where a dwelling subsidized under the Rent Supplement Program belongs to a cooperative, the lessee who is not a member of the cooperative shall be responsible for any resulting fees.

16. A lessee to whom low-rental housing is allocated and who is required to pay rent for a private or public dwelling shall be exempt from paying rent for the low-rental unit until the resiliation provided for in article 1974 or 1995 of the Civil Code, as the case may be, has taken effect. However, that exemption may not exceed three months.

17. Where a lease is entered into or renewed, the lessee shall provide the lessor with the names of the persons living with the lessee, and with the documents required for a declaration of income. The information shall be provided within one month of the lessor's request.

At all times, the lessee is bound to inform the lessor, within one month, of the arrival of a new occupant.

Should a new occupant arrive between the date on which the information referred to in the first paragraph was received and the date on which the lease was entered into or renewed, as the case may be, any new occupant shall be considered in determining the rent provided for in section 5.

18. Upon renewal of a lease, if there has been no change in the composition of the household which was considered to determine the rent applicable to the preceding lease, the lessor may, *ex officio*, so as to determine the rent applicable to the renewal, index the in-

come appearing in the preceding lease by an amount equal to the actual indexation of the preceding year by competent authority. Such automatic indexation may be used for a period not exceeding three consecutive years and for a lessee or occupant, as the case may be:

(1) who only receives the old age security pension and maximum guaranteed income supplement;

(2) who is a beneficiary under the Act respecting income support, employment assistance and social solidarity and who receives, as the case may be, a temporary limited capacity for employment allowance, where that allowance is paid to a person who is 55 years old or over, or a severely limited capacity for employment allowance.

In such cases, the provisions of the first paragraph of section 17 do not apply, unless expressly requested by the lessee. However, a lessee or an occupant referred to in paragraph 1 or 2 who, throughout the year, benefits from a new source of income or from a change in allowance received pursuant to the Act respecting income support, employment assistance and social solidarity is bound to inform the lessee within one month of such a change.

**19.** The rent payable by a lessee who applies for a rent reduction because of a decrease in income or a change in the composition of the household shall be determined on the basis of the presumed income of all the occupants for the period for which the reduction is granted.

In all cases, basic rent may not be less than the minimum basic rent determined in accordance with the provisions of section 8, which is based on the presumed household situation for the period for which the reduction is granted.

The payment of a sum or fees referred to in section 4 is not considered sufficient reason to apply for a rent reduction based on a decrease in income.

An application for a rent reduction shall be accompanied with all the necessary supporting documents.

No application for a monthly rent reduction of less than \$10.00 may be granted.

The lessor shall inform the lessee of his decision within 30 days of the date on which the application and the supporting documents were filed.

**20.** The rent calculated in accordance with section 19 has effect from the month following the month in which the application was made and remains in force for a period of three months or until the lease is renewed, whichever period is shorter.

Upon the expiry of that period, the former rent shall be reestablished unless the lessee can justify an extension of the reduction for another period.

Where an occupant leaves or where the decrease in income is permanent, the rent reduction may be granted for the remainder of the lease.

**21.** Notwithstanding section 6, on the date on which the immovable in which the lessee lives is acquired by the lessor, the rent shall be increased by 1 % for the first renewal of the lease and by 2 % for each subsequent renewal, up to 25 % if the dwelling becomes low-rental housing.

**22.** This By-law does not apply to dwellings for the Inuit that belong to the Société d'habitation du Québec and are located north of the 55th parallel.

**23.** This By-law replaces the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992.

The By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 159-90 dated 14 February 1990 is revoked.

**24.** This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. It shall apply to any lease entered into or renewed from that date.

Notwithstanding the foregoing, for a lease in effect on the date of coming into force of this By-law, for which the basic rent was calculated by considering the income earned by a child of the head of the household or of his spouse who is aged 18 to 20 years, section 8 of this By-law does not apply upon renewal of the lease and, where applicable, at subsequent renewals until that child has reached the age of 21, if:

(1) there has been no change in the composition of the household which was considered for the purposes of the preceding lease;

(2) that child continues to be occupant 2 for the purposes of determining the basic rent applicable to the renewed lease;

(3) the enforcement of section 8 of this By-law entails for the household an increase in the minimum basic rent as determined under section 2 of the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992, as amended by the By-laws approved by Orders in Council 1008-97 dated 13 August 1997 and 1303-97 dated 8 October 1997.

In such case, the minimum basic rent applicable to the renewed lease is that determined pursuant to section 2 above.

### **SCHEDULE 1** (s. 8)

#### **MINIMUM BASIC RENT**

**According to the composition of the household and whether occupant 1 or occupants 1 and 2 receive benefits under the Act respecting income support, employment assistance and social solidarity**

<b>For occupant or occupants receiving income support</b>		
<b>Without children</b>		
<b>Number of occupants</b>	<b>Minimum rent</b>	
1 adult	\$119.25	
2 adults or more	\$184.50	
<b>With children</b>		
<b>Occupant 1 and occupant 2, where applicable, without work limitations</b>		
<b>Number of adults</b>	<b>1 child</b>	<b>2 children or more</b>
1 adult	\$180.50	\$210.75
2 adults or more	\$214.75	\$238.75
<b>Occupant 1 and occupant 2, where applicable, with temporary work limitations</b>		
<b>Number of adults</b>	<b>1 child</b>	<b>2 children or more</b>
1 adult	\$205.50	\$235.75
2 adults or more	\$258.50	\$282.50
<b>One occupant without limitations, one with temporary work limitations</b>		
<b>Number of adults</b>	<b>1 child</b>	<b>2 children or more</b>
2 adults or more	\$236.75	\$260.75

<b>One occupant with severe or permanent work limitations</b>			
<b>Number of adults</b>	<b>1 child</b>	<b>2 children or more</b>	
1 adult	\$233.75	\$265.00	
2 adults or more	\$292.75	\$317.50	
<b>At least one occupant does not receive income support benefits</b>			
<b>Number of children</b>			
<b>Number of adults</b>	<b>0</b>	<b>1</b>	<b>2 or more</b>
1 adult	\$119.25	\$180.50	\$210.75
2 adults or more	\$184.50	\$214.75	\$238.75

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