

Regulations and other acts

Gouvernement du Québec

O.C. 1087-99, 22 September 1999

General and Vocational Colleges
(R.S.Q., c. C-29)

Standards, conditions and procedure for the alienation of an immovable of a general and vocational college

Regulation respecting the standards, conditions and procedure for the alienation of an immovable of a general and vocational college

WHEREAS under section 18.0.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29; 1997, c. 87), the Government may, by regulation, establish standards, conditions and a procedure for the alienation of a college immovable and determine the cases or circumstances in which the alienation must be effected at a nominal price fixed by the Minister and provide that the Minister's authorization may be required at several stages and be subject to conditions;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation attached hereto was published as a draft in Part 2 of the *Gazette officielle du Québec* of 7 April 1999 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;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

THAT the Regulation respecting the standards, conditions and procedure for the alienation of an immovable of a general and vocational college, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the standards, conditions and procedure for the alienation of an immovable of a general and vocational college

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.0.1, 1st par., subpar. a and 2nd par.; 1997, c. 87)

1. For the purposes of this Regulation, the value of an immovable is established according to the following rules:

In the case of an immovable which is a unit of assessment entered on the real estate assessment roll of a municipality or is part of such a unit the value of which is entered separately on the roll, the value of the immovable is the product obtained by multiplying the value entered on the roll for the immovable by the factor calculated under section 264 of the Act respecting municipal taxation (R.S.Q., c. F-2.1);

In the case of an immovable which is not a unit of assessment entered on the real estate assessment roll of a municipality or not part of such a unit the value of which is entered separately on the roll, the value of the immovable is calculated by a chartered appraiser.

2. A general and vocational college must obtain authorization from the Minister of Education to alienate an immovable having a value exceeding \$500 000.

3. The alienation of an immovable of a college the value of which exceeds \$100 000 must be made through a public call for tenders. Notwithstanding the foregoing, if the immovable is enclosed, it may be alienated following a written invitation to tender to the owners of adjacent immovables or, if only one owner is concerned, by agreement.

4. A call for tenders shall be published in French:

(1) in a daily newspaper of Québec City or Montréal and in a regional weekly newspaper circulating in the region in which the immovable is located; or

(2) through an electronic tendering system.

The period for receiving tenders may not be less than 4 weeks.

The date, hour and place fixed for submitting and opening tenders shall be indicated in the public call for tenders. The opening of tenders shall be public.

The tender documents shall state that the college does not undertake to accept any tender.

5. A college may not alienate an immovable for less than its value. Notwithstanding the foregoing, where all the bids received are below the value of an immovable:

(1) the Minister may authorize the alienation of the immovable in favour of the highest bidder; or

(2) the college may, if it does not ask for the authorization referred to in subparagraph 1 of the first paragraph, entrust the sale of the immovable to a real estate broker.

Where all the bids received by the real estate broker are below the value of the immovable, the Minister may authorize the college to alienate the immovable in favour of the highest bidder.

6. Notwithstanding section 3, the Minister may authorize a college to alienate an immovable by mutual agreement, at a nominal price fixed by him, in favour of

(1) a school board or the Conseil scolaire de l'île de Montréal;

(2) a general and vocational college;

(3) a university;

(4) a private educational institution accredited for purposes of subsidies in accordance with the Act respecting private education (R.S.Q., c. E-9.1);

(5) a public institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Corporation d'hébergement du Québec;

(6) the Société d'habitation du Québec;

(7) the Société immobilière du Québec;

(8) a local municipality within the meaning of the Act respecting municipal territorial organization (R.S.Q., c. O-9), a regional county municipality or an urban community within whose territory the immovable is located;

(9) a housing cooperative;

(10) a body or an institution that is a registered charity for the purposes of the Taxation Act (R.S.Q., c. I-3) or a non-profit organization whose purposes are cultural, scientific, recreational, charitable or social, so that such purposes be achieved; or

(11) a childcare centre, a day care centre, a kindergarten or a stop over centre, within the meaning of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1), so that the centre or kindergarten be established there.

Notwithstanding the foregoing, such an authorization is conditional on the insertion in the sale contract of a first refusal clause in favour of the college under which the body shall, if it wishes to alienate the immovable, first offer it to the college at the price it initially paid.

7. Notwithstanding sections 3 and 6, the Minister may authorize the alienation by mutual agreement of an immovable in favour of a person offering a consideration other than monetary having a value not less than the value of the immovable.

8. This Regulation does not apply to a servitude granted by a college where the consideration does not exceed \$20 000.

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

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Gouvernement du Québec

O.C. 1091-99, 22 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Financial planners

— Compulsory professional development

Regulation respecting the compulsory professional development of financial planners

WHEREAS under section 58 of the Act respecting the distribution of financial products and services (1998, c. 37), the Institut québécois de planification financière shall determine the rules governing compulsory professional development in financial planning;