

For the purposes of this paragraph, the multiple of 4 is deemed to be reached as soon as the number of employees reaches a number lower than 1 below the multiple of 4.”.

13. Section 10.04 of the French text is amended by inserting, after the word “travail”, the words “ou sur le chantier”.

14. The following is substituted for sections 11.02 to 11.04:

“**11.02.** The employer contributes to the fringe benefits plan managed by the Comité paritaire de l’installation d’équipement pétrolier du Québec, the sum of \$14 per week for each of his employees, except for the student.

11.03. The employer deducts from the pay of each of his employees, except for the student, the sum of \$14 per week, for the fringe benefits fund.

11.04. In order for an amount of money to be paid by the employer under section 11.02 or for an amount of money to be deducted from the wages of an employee under section 11.03, an employee must have worked 24 hours or more during the week, including overtime hours.

Where an employee works less than 24 hours during the week, the amount paid by the employer or that deducted from the wages of the employee are respectively \$0.35 for each hour worked.”.

15. Section 11.06 is revoked.

16. Section 11.08 is amended by substituting the following for paragraph 1:

“(1) The employer pays into the pension plan of employees, except for students, the amount of \$0.32 for each hour worked by the employees. The employer deducts from the pay of his employees the amount that each of them elects to pay each year as contribution. However, that amount may not be lower than \$0.32 for each hour worked.”.

17. The following is substituted for section 12.01:

“**12.01.** This Decree remains in force until 31 December 2001. It is then renewed automatically from year to year thereafter, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of August of the year 2001 or during the month of August of any subsequent year.”.

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

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Draft Regulation

Land Surveyors Act
(R.S.Q., c. A-23)

Land surveyors — Standards of practice relating to the delimitation of the water domain

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des arpenteurs-géomètres du Québec, at its meetings held on 24 and 25 February 2000, adopted the Regulation respecting the standards of practice relating to the delimitation of the water domain.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. Then, it shall be submitted, with the recommendation of the Office, to the Government which, pursuant to the same section, may approve it with or without amendment upon the expiry of 45 days following this publication.

The purpose of the Regulation is to standardize and clarify the basic standards of practice for the carrying out of survey work requiring official or private delimitation in the water domain, that is, establishing the limit of a piece of land, a zone or an administrative entity bounded by a watercourse or a body of water. It re-establishes the cohesion necessary for the proper interpretation of practical clauses pursuant to various regulations in force. It consists in a formalization of good practice in that field.

The Regulation specifies and clarifies the terminology used for the delimitation of the water domain by making a distinction between the main hydrologic contexts to which different types of limits recognized by the law and practice apply. The elements of the method are organized so as to remedy every problem that may arise within the delimitation of the water domain according to the same survey logic.

According to the Ordre des arpenteurs-géomètres du Québec,

1. with respect to the protection of the public, the Regulation allows the right of ownership to be better exercised along watercourses and bodies of water because

it provides approved and recognized methods of delimitation according to the main current regulations originating from provincial or municipal authorities and clarifies the reference terms. The use of those methods will allow owners to be better informed on the limits of their piece of land. Furthermore, the Gouvernement du Québec, municipalities and other interested public bodies will be able to make enlightened decisions as regards land use and development;

2. the only impact of the Regulation on the public and businesses, in particular small and medium-size businesses, is that it provides owners of land or their assigns with more precise information.

Further information on the proposed Regulation may be obtained by contacting Yvon Chabot, Executive Director and Secretary, Ordre des arpenteurs-géomètres du Québec, 2954, boulevard Laurier, bureau 350, Sainte-Foy (Québec) G1V 4T2, by telephone at (418) 656-0730 or by fax at (418) 656-6352.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that adopted the Regulation and to interested persons, departments and agencies.

JEAN-K. SAMSON,
*Chairman of the Office
des professions du Québec*

Regulation respecting standards of practice relating to the delimitation of the water domain

Land Surveyors Act
(R.S.Q., c. A-23, s. 49)

DIVISION I GENERAL

1.1. In this Regulation, unless the context indicates otherwise,

(a) “Order” means the Ordre des arpenteurs-géomètres du Québec;

(b) “land surveyor” means every person who is entered on the roll of the Order as a land surveyor;

(c) “piece of land” means immovable property such as a parcel of land, with or without buildings, an immovable held in divided co-ownership or a private portion of an immovable held in divided co-ownership.

DIVISION II DELIMITATION

2.1. The delimitation of the water domain consists in a survey operation or in measurements intended to determine or indicate the limits of a piece of land, whether public or private, or to establish administrative limits or limits of controlled zones or reserved areas where they are bounded by a lake, a river or other bodies of water in Québec. This Regulation applies to all surveys of lands or scalings for boundary purposes, for laying out lots, establishing the site of servitudes, staking lots, preparing certificates of localization, carrying out cadastral operations or any operation defined or referred to in section 34 of the Land Surveyors Act (R.S.Q., c. A-23).

2.2. In any survey operation with respect to the water domain, a land surveyor must ensure that sufficient territory around the piece of land is covered to support his expert opinion, by paying special attention to vegetation.

2.3. For any delimitation of the water domain, a land surveyor must keep the observations and calculations that support the results. The survey operation must be recorded in clearly drawn up field notes that indicate the methodology used and precisely shows the state of the site.

2.4. For any delimitation of the water domain, a land surveyor may base whole or part of his expert opinion on a delimitation that was previously carried out by another land surveyor on the land or in the surroundings, even for other purposes. In such a case, he shall determine if the previous delimitation was carried out in accordance with this Regulation or equivalent rules, methods and procedures. He must indicate in the report and the plan the name of the land surveyor and the reference to the document used.

DIVISION III DELIMITATION OPERATIONS

3.1. For any delimitation operation requiring the localization of the high-water line or the natural high-water line within the meaning of article 919 of the Civil Code of Québec, a land surveyor must first determine if water is tidal or non-tidal.

3.1.1. For tidal water, the land surveyor shall

(a) locate the nearest tide-gauge station upstream and downstream from the site to survey or, where there is no current or in the case of a maritime body of water, the nearest tide-gauge stations on either side;

(b) calculate the average of the highest tides observed at each station for the month of March of each year for a period of at least 19 years, which corresponds to the duration of a metonic cycle;

(c) determine the average elevation calculated for the site to survey by interpolating it in proportion to the distance to each tide-gauge station;

(d) mark off on the ground or illustrate on a map or a plan the elevation determined at the site to survey and the high-water line that he shall plot accordingly. If need be, he shall determine the difference between the elevation and the bathymetric chart datum in force, the geodesic elevations or any other system of reference.

3.1.2. For non-tidal water, the land surveyor shall

(a) determine the high-water line at the elevation point which the watercourse in spate comes to when it has crested without overflowing its banks or shores;

(b) recognize that limit by analyzing or observing, depending on the circumstances, the edge of terrestrial vegetation in the direction of the body of water or the watercourse, or the line showing the change from terrestrial vegetation to aquatic vegetation, and the water levels previously determined;

(c) use, if necessary, the testimonies of riparian owners, aerial photographs or digital images taken at different specified times, and any study or document that might be useful.

3.2. During any operation to delimit the high-water line or a floodplain carried out to implement a municipal by-law adopted pursuant to the *Politique de protection des rives, du littoral et des plaines inondables*, made by Décret 1980-87 dated 22 December 1987 (1988, *G.O.* 2, 365) or the *Politique de protection des rives, du littoral et des plaines inondables*, made by Décret 103-96 dated 24 January 1996 (1996, *G.O.* 2, 1263), a land surveyor shall proceed as follows:

3.2.1. In the case of the protective strip of land along the shore:

a land surveyor shall examine the municipal by-law in question and first determine the lower limit of the

protective strip according to the directions of the by-law. Then, he shall determine the upper limit of the protective strip, that is the limit that is the farthest from the body of water or watercourse, at the distance prescribed by the municipal by-law from the lower limit on the bank or shore.

3.2.2. In the case of a floodplain whose limits were previously set by official cartography:

a land surveyor shall plot from the map the relative coordinates of the significant points of the floodplain limit as shown on the official map of the sector.

3.2.3. In other circumstances provided for in such a by-law:

a land surveyor shall determine the limit of the floodplain or of any other zone indicated that is affected by the water domain according to the directions of the by-law in question by interpreting the terms, measurements, methods and procedures referred to in light of this Regulation.

3.3. To delimit the spring high-water line within the meaning of the Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r. 9), a land surveyor shall calculate the average of the highest water level reached for each year between 21 March and 21 June, over a minimum period of five years.

3.4. In all other circumstances where a land surveyor carries out any delimitation or surveys according to limits established along a watercourse or a body of water, he shall follow the appropriate directions in the law, regulation or order in question, or the instructions in force of the authority, the jurisdiction or the public body which requires such delimitation, always by interpreting the terms, measurements, methods and procedures referred to in light of this Regulation and in a manner feasible on the site in order to achieve the goals expressed in the text in question.

DIVISION IV COMING INTO FORCE

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