

sole basis that the interested persons agree thereto. The Board may then postpone the hearing to another date fixed immediately by it or left undetermined. The postponement may be subject to certain conditions.

#### **DIVISION X** RECORDING OF THE HEARING

**26.** The Board shall record representations made during a hearing.

Subject to the first paragraph, the use of cameras and recording machines is prohibited during a hearing, except in exceptional circumstances.

**27.** Minutes shall be drawn up for any hearing; the minutes of the hearing shall contain the names and addresses of all interested persons, advocates and witnesses, as well as a list in alphanumeric order of each exhibit produced and any decision made during the hearing.

#### **DIVISION XI** TAKING UNDER ADVISEMENT AND DECISION

**28.** The Board may, on its own or upon request by an interested person, order the reopening of the inquiry of a case under advisement. The request shall be submitted to the Board by means of a written statement of the facts in support of the request and shall be sent to any interested person.

**29.** The Board's decision shall be rendered within three months of the taking under advisement.

#### **DIVISION XII** TRANSITIONAL AND FINAL

**30.** Any case submitted to the Board on the date of coming into force of these Rules shall be pursued in compliance with these Rules.

**31.** These Rules replace

(1) the Regulation respecting the procedure applicable before the Régie des alcools, des courses et de jeux (R.R.Q., 1981, c. P-9.1, r.7); and

(2) the Rules respecting practice and procedure made by the Régie des loteries et courses du Québec on 20 September 1984.

**32.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

#### **O.C. 944-2002, 21 August 2002**

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

#### **Supplemental pension plans** — **Arbitration relating to the surplus assets** — **Amendments**

Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans

WHEREAS, under the second paragraph of section 243.18 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government shall determine the arbitration costs that are subject to a tariff, and shall fix the rate applicable to those costs;

WHEREAS, under the third paragraph of section 243.7 of the Act, the Government may prescribe the manner in which the arbitration body shall inform the parties of the appointment of the arbitrators;

WHEREAS, under the first paragraph of section 243.8 of the Act, the Government shall prescribe by regulation the information and documents that shall accompany the application for arbitration forwarded by the pension committee to the arbitration body;

WHEREAS, under section 243.6 of the Act, as it read before 1 January 2001, the application of which is maintained for certain plans by section 311.5 of that Act, the Government shall fix by regulation the manner of convening the meetings to select the representatives, the quorum and the terms and conditions applicable to the appointment of representatives;

WHEREAS, under section 243.7 of the Act, as it read before 1 January 2001, the application of which is maintained for certain plans by section 311.5 of that Act, the Government may prescribe the manner in which the arbitration body shall inform the parties of the appointment of arbitrators;

WHEREAS, under section 243.19 of the Act, the Government may make other regulations required for the purposes of the chapter of the Act concerning arbitration, in particular in respect of the transmission of any document and the time limits applicable to the execution of any obligation, procedure or formality under that chapter;

WHEREAS it is expedient to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, made by Order in Council 1894-93 dated 15 December 1993;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans was published in Part 2 of the *Gazette officielle du Québec* of 14 November 2001 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient to make the Regulation with amendments in particular to take into account the comments made by interested persons;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Social Solidarity and Child and Family Welfare and Minister of Social Solidarity:

THAT the Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans\***

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, ss. 243.7, 243.8, 243.18, 243.19 and 311.5)

**1.** The Regulation respecting arbitration relating to the surplus assets of supplemental pension plans is amended by inserting the following after section 1:

“**1.1.** Unless it concerns a plan referred to in section 1.3, the pension committee shall, within 30 days following the selection of the arbitration body in accordance with section 243.7 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), send it a notice giving

- (1) the object of the application for arbitration;

\* The Regulation respecting arbitration relating to the surplus assets of supplemental pension plans was made by Order in Council 1894-93 dated 15 December 1993 (1993, *G.O.* 2, 7147) and has not been amended since.

- (2) the names and addresses of the designated arbitrator or arbitrators or, where applicable, the absence of agreement on the selection of the arbitrator or arbitrators;

- (3) the surplus assets determined on termination of the plan as well as, in the case of a plan referred to in section 230.0.1 of the Act, the surplus assets determined in respect of each employer; and

- (4) the amount in dispute.

The pension committee shall attach to that notice

- (1) a true copy of the pension plan;

- (2) a true copy of any document ancillary to the plan;

- (3) a true copy of the report on the latest valuation of the plan and, if any, more recent reports made under section 130 of the Act;

- (4) a true copy of the termination report referred to in section 207.2 of the Act;

- (5) if the application is asking for a ruling on a problem arising from the interpretation or application of an agreement or declaration referred to in section 230.1 of the Act, a copy of the agreement or declaration involved; and

- (6) a provision for costs, established in accordance with Schedule 1.

As soon as it has been informed of the selection of the arbitrator or arbitrators or as soon as it has designated them, the arbitration body shall publish in a daily newspaper circulated in the region of Québec in which the greatest number of members who were active on the date of termination of the pension plan reside, a notice containing the names of the arbitrator or arbitrators selected to rule on the arbitration application for the allocation of the surplus assets of the terminated plan.

The arbitration body is relieved from that publication requirement if it personally notified each member, beneficiary and employer likely to claim rights under the plan or the Act after having obtained their names and addresses from the pension committee and the certification from the committee that the list is complete.

**1.2.** The amount in dispute is the part of surplus assets, determined on termination of the plan, which is the object of the application for arbitration. In the case of an application asking for a ruling on a problem arising from the interpretation or application of an agree-

ment or declaration referred to in section 230.1 of the Act, the amount in dispute is the part of that surplus dealt with in the agreement or declaration.

**1.3.** In the case of a plan to which, according to section 311.5 of the Act, the provisions of sections 243.3, 243.6 and 243.7 of the Supplemental Pension Plan Act as they read before 1 January 2001, continue to apply, sections 2 to 5 shall apply for the selection of representatives and of the arbitration body.”

**2.** Section 2 is amended

(1) by substituting the words “section 243.6 of the Act, as it read before 1 January 2001” for the words “section 243.6 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), enacted by section 37 of chapter 60 of the Statutes of 1992” in the first sentence of the first paragraph;

(2) by substituting the words “section 243.7 of the Act, as it read before 1 January 2001” for the words “section 243.7 of the Act, enacted by section 37 of chapter 60 of the Statutes of 1992” in the second sentence of the first paragraph;

(3) by substituting the words “de la loi” for the words “de cette loi” in the third sentence of the first paragraph in the French version; and

(4) by substituting the words “section 243.6 of the Act, as it read before 1 January 2001” for the words “section 243.6 of the Act,” in the second paragraph.

**3.** Section 3 is amended by inserting the words “referred to in section 2” after the word “meeting” in the first paragraph.

**4.** Section 5 is amended

(1) by substituting the words “section 243.6 of the Act, as it read before 1 January 2001” for the words “section 243.6 of the Act” in the first paragraph;

(2) by striking out the words “of Manpower, Income Security and Skills Development” in the first paragraph;

(3) by substituting the following for the second and third paragraphs:

“Upon the expiry of that period or, where the representatives failed to reach an agreement, within 10 days after being informed by the Minister of the identity of the arbitration body designated by the latter, the pension committee shall send the arbitration body a notice indi-

cating, in addition to the particulars required under subparagraphs 1, 3 and 4 of the first paragraph of section 1.1, the names and addresses of the representatives.

The pension committee shall attach to that notice the documents and a provision for costs referred to in second paragraph of section 1.1”; and

(4) by substituting the following for the fifth paragraph:

“As soon as it has been informed of the selection of the arbitrator or arbitrators or as soon as it has designated them, the arbitration body shall give the notice provided for in the third paragraph of section 1.1.”

**5.** Division I of Schedule I is amended

(1) by substituting the following for the first table:

<b>“Services</b>	<b>Rate</b>
(1) for opening a file	\$2 000
(2) for the pre-trial conference	0.3% of the amount in dispute, up to \$8 000
(3) for hearings	0.3% of the amount in dispute, up to \$10 000
(4) for services related to an application for correction or interpretation or an additional application referred to in section 243.15 of the Act	\$1 000”;

(2) by deleting the second table and the text preceding it; and

(3) by adding the following after the paragraph concerning the services related to hearings:

“The services related to an application for correction or interpretation or an additional application referred to in section 243.15 of the Act mean all related services, from the reopening of a file to the preparation of the fees account; the costs related to those services are owing upon receipt of the application by the arbitration body.”

**6.** Division III of Schedule I is amended

(1) by substituting the following for the text preceding the table:

“The provision for costs consists in

(1) a provision of \$1000 for the costs incurred by the arbitration body;

(2) a provision of \$2000 for the remuneration of services of the arbitration body related to the opening of the file;

(3) a provision equal to 55% of the amount of the remuneration of the arbitration body established in accordance with this rate for the services related to the pre-trial conference and hearings; and

(4) a provision for the arbitrators’ fees that is established as follows:”; and

(2) by substituting the words “Amount in Dispute” for the words “Surplus Assets” in the table.

**7.** The rate of arbitration costs established in Division I of Schedule I, as it read before the date of coming into force of this Regulation, shall continue to apply to arbitration applications forwarded to the arbitration body before that date. Notwithstanding the foregoing, the costs payable from that date may not, considering the costs whose due date is prior to the date of coming into force of this Regulation, exceed \$20 000.

**8.** 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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## **O.C. 961-2002, 21 August 2002**

Building Act  
(R.S.Q., c. B-1.1)

### **Construction Code — Amendments**

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code containing building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the Building Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the Building Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the Building Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Building Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under section 192 of the Act, the contents of the Building Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Regulation to amend the Construction Code;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001 with a notice that it could be approved by the Government, with or without amendment, upon the expiry of 90 days following that publication;

WHEREAS the comments received were studied;

WHEREAS under section 189 of the Building Act, a code of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour: