

Draft Regulation

Public Curator Act
(R.S.Q., c. C-81)

Register of unclaimed property Tariff of fees of the Public Curator — Amendments

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 to amend the Regulation respecting the application of the Public Curator Act may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the principles and tariff structure for the Public Curator's activities in a perspective of equity, simplification and incentive for families to assume the representation of their incapacitated family members or their obligations as heirs. The activities have been reorganized to introduce fixed rates, percentage rates or hourly rates for the services listed which are easily identifiable by the persons concerned.

The fees for the supervision of a person represented by a private tutor or curator are eliminated.

The draft Regulation also seeks to limit entries in the register of unclaimed property where the expenses and fees of the Public Curator exceed the value of the property or where the interested party has indicated his or her refusal to recover the property.

The proposed amendments have no impact on businesses.

Further information may be obtained by contacting Natalie Lejeune, Director, Services juridiques du curateur public, 600, boulevard René-Lévesque Ouest, 10^e étage, Montréal (Québec) H3B 4W9; telephone: (514) 864-8639; fax: (514) 873-5167.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Nicole Malo, Public Curator, 600, boulevard René-Lévesque Ouest, 10^e étage, Montréal (Québec) H3B 4W9. All comments received will be forwarded by the Public Curator to the Minister responsible.

MICHELLE COURCHESNE,
*Minister of Relations with the Citizens
and Immigration*

Regulation to amend the Regulation respecting the application of the Public Curator Act*

Public Curator Act
(R.S.Q., c. C-81, s. 68, pars. 6 and 7)

1. Section 7 of the Regulation respecting the application of the Public Curator Act is amended by adding the following at the end of paragraph 3:

“(f) the amount of the expenses, fees and taxes payable under the tariff of fees set out in Schedule II.

No information shall be entered in the register if the amount of the applicable expenses, fees and taxes is equal to or greater than the value of the property, or if the owner or interested party has expressed a refusal to recover the property.”.

2. Section 7.1 is amended by adding the following paragraph:

“The entry of the property in the register may be removed if the amount of the applicable expenses, fees and taxes is equal to or greater than the value of the property, or if the owner or interested party has expressed a refusal to recover the property.”.

3. Section 8 is amended by replacing “the administration of property entrusted to him and the supervision of tutorships and curatorships” by “the protection and representation of a person, the administration of a person's property and the administration of property entrusted to the Public Curator”.

4. Section 9 is amended in the first paragraph

(1) by replacing “0.75” by “1.5”;

(2) by adding the following sentence: “The fees may not, however, exceed the rate of return of the funds.”.

5. Schedule II is replaced by the following:

* The Regulation respecting the application of the Public Curator Act, made by Order in Council 361-90 dated 21 March 1990 (1990, G.O. 2, 633), was last amended by the regulation made by Order in Council 488-2002 dated 24 April 2002 (2002, G.O. 2, 2287). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

“SCHEDULE II

(s. 8)

FEES OF THE PUBLIC CURATOR

CHAPTER I

PERSONS REPRESENTED

1. The fees that the Public Curator may, as applicant, charge for activities relating to the institution of protective supervision are \$1,000. The sum is payable at the end of the supervision if public protective supervision is instituted or on the rendering of the judgment if private protective supervision is instituted.

2. The fees that the Public Curator may charge for activities relating to the protection of a person are \$800 per year. The sum is payable on the death of the person represented.

3. The fees that the Public Curator may charge in relation to the administration of property belonging to persons represented are as follows:

(1) for the collection of information for the purposes of an inventory of the property of the person represented: a lump sum of \$75 to which a tariff of \$75 per hour is added;

(2) for an inquiry: \$75 per hour;

(3) for the planning of the initial administration of the patrimony: \$1,100;

(4) for the planning and administration of the annual budget and the management of movables: \$30 per month;

(5) for the disposal of a share: 2% of the transaction value;

(6) for the alienation of a movable other than a security: 25% of the transaction value;

(7) for the administration of an immovable: \$75 per month;

(8) for the alienation of an immovable: the lesser of \$3,000 and 5% of the transaction amount;

(9) for the administration of insurance: \$40 per policy, per year;

(10) for the filing of a fiscal return: \$100 per fiscal year;

(11) for the rendering of an account and transfer after the death of the person represented: \$1,700;

(12) for the rendering of an account and transfer during the lifetime of the person represented: \$300;

(13) for an intervention of a legal nature: \$100 per hour; and

(14) for the settlement of a succession in favour of the person represented: \$75 per hour.

CHAPTER II

PROVISIONAL ADMINISTRATION AND LIQUIDATION OF A SUCCESSION OR OTHER UNCLAIMED PROPERTY

4. The fees that the Public Curator may charge in relation to the provisional administration of property referred to in paragraphs 1 to 6 and 8 to 10 of section 24 of the Act or other property, or in relation to the liquidation of a succession or other property are as follows:

(1) for the opening of a file: \$455;

(2) for the collection of information for the purposes of an inventory of the property: a lump sum of \$75 to which a tariff of \$75 per hour is added;

(3) for an inquiry: \$75 per hour;

(4) for the liquidation of an abandoned vehicle: \$280;

(5) for the administration and liquidation of seized or abandoned property entrusted to the administration of the Public Curator by another statute: \$75 per hour;

(6) for the liquidation of a movable other than a security or an abandoned vehicle: 25% of the transaction value;

(7) for the collection and analysis of the information relating to an immovable: \$260;

(8) for the sale of an immovable: 5% of the sale price, but not less than \$760 nor more than \$3,000;

(9) for any other transfer of an immovable or for the settlement of an unmarketable immovable: \$220;

(10) for the obtaining of judicial authorization to alienate or encumber property: \$175;

(11) for the administration and liquidation of an enterprise: \$2,000;

(12) for the filing of a fiscal return: \$100 per taxpayer, per fiscal year;

(13) for an intervention of a legal nature: \$100 per hour;

(14) for the rendering of an account for management and transfer to the interested party: \$700;

(15) for the tracing of an owner or interested party: \$75 per hour; and

(16) for the provisional administration and liquidation of property other than property referred to in this section: \$1,300.

5. The fees that the Public Curator may charge in relation to the provisional administration of property referred to in paragraph 7 of section 24 or in section 24.1 of the Act are as follows:

(1) for an inquiry: \$75 per hour;

(2) for the liquidation of a security: \$50 per security;

(3) for the administration and liquidation of property other than a security: 25% of the proceeds;

(4) for the receipt, administration and transfer of property from a safety deposit box: \$155;

(5) for the receipt, administration and transfer of property: 10% of the property value, but not less than \$2 nor more than \$1,000;

(6) for the tracing of an owner or interested party: \$75 per hour; and

(7) for an intervention of a legal nature: \$100 per hour.

CHAPTER III GENERAL

6. The hourly rate or lump-sum fees shall be indexed on 1 April each year according to the change in the All-Item Consumer Price Index for Canada for the preceding year. The change is calculated as the ratio that the index for the preceding year bears to the index for the second preceding year. The index for a year is the average of the monthly indexes published by Statistics Canada.

The fees, adjusted in the prescribed manner, shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50. The indexed fees shall be published by the Public Curator in Part 1 of the *Gazette officielle du Québec*.

7. The Public Curator may charge, for each copy requested under section 52 of the Act, the tariff provided for in the Regulation respecting fees for the transcription, reproduction or transmission of documents or nominative information made by Order in Council 1856-87 dated 9 December 1987.”

6. 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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Draft Regulation

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)

Moose — Upper limit of kill

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 2004 upper limit of kill for moose, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to renew for one year the upper limit of kill for moose allocated to Natives and non-Natives in Area 17.

To that end, the Regulation proposes to set the limit of kill for moose in Area 17 at 140 moose, the same number as for 2003.

To date, study of the matter has shown no impact on businesses, including small and medium-sized businesses.