

Draft Regulations

Draft By-law

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

Association des courtiers et agents immobiliers du Québec — 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 By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec, the text of which appears below, may be submitted on the expiry of 45 days following this publication to the Government which may approve it with or without amendment.

The purpose of the draft By-law is to amend the By-law of the Association des courtiers et agents immobiliers du Québec to introduce provisions that allow a natural person, a partnership or a legal person applying for the issue of a real estate broker's or agent's certificate to present observations before a committee established by the Association to determine whether the criminal offence for which the natural person, partnership or legal person has been found guilty by final judgment or has pleaded guilty is related to activities as a real estate broker or agent.

Further information may be obtained by contacting Claudie Tremblay, Director, Direction des affaires juridiques de l'Association des courtiers et agents immobiliers du Québec, 6300, rue Auteuil, bureau 300, Brossard (Québec) J4Z 3P2; telephone: (450) 676-4800 or 1-800-440-5510; fax: (450) 676-7801 or e-mail: ctremblay@acaiq.com

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 the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

YVES SÉGUIN,
Minister of Finance

By-law to amend the By-law of the Association des courtiers et agents immobiliers du Québec *

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 74, 1st par., subpar. 4)

1. The By-law of the Association des courtiers et agents immobiliers du Québec is amended in section 25 by adding the following paragraph:

“Before refusing to issue a real estate broker's or agent's certificate to a natural person on the grounds that the person does not meet the qualification requirement under paragraph 2 of section 21 of the Regulation respecting the application of the Real Estate Brokerage Act, or before refusing to issue a chartered real estate broker's certificate on the grounds that a partner of the partnership or the legal person does not fulfil the requirement or condition set out in paragraph 9 of section 10 or 12, the Association shall send the file for a decision to the committee established pursuant to section 25.2 and the natural person, legal person or partner may present observations to the committee in accordance with sections 25.3 to 25.6.”

2. The By-law is amended by inserting the following subdivision after section 25:

“§8.1 *Presentation of observations and decision*

25.1. Where the Association becomes aware that a natural person applying for the issue of a certificate has been found guilty of, by final judgment, or pleaded guilty to a criminal offence which may be related to activities as a real estate broker or agent, the Association shall, before refusing to issue the certificate on the grounds that the person does not meet the qualification requirement under paragraph 2 of section 21 of the Regulation respecting the application of the Real Estate Brokerage Act, send the file for a decision to the committee established pursuant to section 25.2 and the natural person may present observations to the committee in accordance with sections 25.3 to 25.6.

* The By-law of the Association des courtiers et agents immobiliers du Québec was approved by Order in Council 1865-93 dated 15 December 1993 (1993, G.O. 2, 7077) and has not been amended since.

The same applies before refusing to issue a certificate to a partnership or legal person on the grounds that the partnership or person does not fulfil the requirement or condition set out in paragraph 9 of section 10 or 12.

25.2. The board of directors of the Association shall establish a committee composed of three members of the Association, including a chair, for a one-year term. On the expiry of the term, the members shall be reappointed or replaced. A committee member whose term has expired may, however, continue to examine a matter referred to the member before the expiry of the member's term.

Committee members may not be members of the board of directors of the Association or members of the professional inspection committee or the discipline committee.

25.3. The committee is to determine whether the criminal offence for which the natural person, legal person or partner of the partnership has been found guilty by final judgment or to which the person or partner has pleaded guilty is related to activities as a real estate broker or agent.

The decisions of the committee are made by a majority of votes.

25.4. The committee shall notify the natural person, legal person or partnership applying for the issue of a certificate in writing at least 30 days before the date fixed for the decision to determine whether the criminal offence for which the natural person, legal person or partner of the partnership has been found guilty by final judgment or to which the person or partner has pleaded guilty is related to activities as a real estate broker or agent.

The notice must indicate the consequences of the decision and the possibility of presenting oral or written observations at a meeting within the 30-day period and, where applicable, the possibility of producing any documents necessary to complete the file.

25.5. The committee may render its decision in the absence of the natural person, legal person or partnership applying for the issue of a certificate if the person or partnership does not attend the scheduled meeting or has not presented written observations or produced the documents necessary to complete the file. The decision to refuse to issue the certificate must include reasons.

26.6. On receiving the committee's decision, the secretary of the Association shall immediately send the decision to the natural person, legal person or partnership applying for the issue of a certificate and the decision takes effect on its notification."

3. This By-law 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 labour standards
(R.S.Q., c. N-1.1)

Labour standards — Amendment

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 labour standards specific to certain sectors of the clothing industry, 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 fix at \$8.10 per hour, as of 1 May 2005, the minimum wage payable to employees in the clothing industry. The rate is \$0.50 higher than the general minimum wage rate fixed by the Regulation respecting labour standards.

Further information may be obtained on the draft Regulation by contacting Danièle Pion, Policy Development Adviser, Direction des politiques, de la construction et des décrets, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1 (telephone : (418) 643-4198; fax : (418) 644-6969).

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 Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MICHEL DESPRÉS,
Minister of Labour