

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions :

THAT the Schedule to the Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., c. M-30.01), amended by Order in Council 732-2005 dated 9 August 2005 and by section 76 of chapter 50 of the Statutes of 2005, be further amended by inserting “Municipalité d’Ormstown” after “Ville de New Richmond”.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7505

Gouvernement du Québec

O.C. 194-2006, 22 March 2006

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

Fiscal administration — Amendment

Regulation to amend the Regulation respecting fiscal administration

WHEREAS the Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r.1) was made under the Act respecting the Ministère du Revenu (R.S.Q., c. M-31);

WHEREAS, under the first paragraph of section 96 of the Act respecting the Ministère du Revenu, the Government may make regulations, in particular to prescribe the measures required to carry out that Act;

WHEREAS, under the first paragraph of section 7 of that Act, no deed, document or writing binds the Ministère du Revenu or is attributed to the Minister unless it is signed by the Minister, by the Deputy Minister or by a public servant authorized by regulation;

WHEREAS, under the second paragraph of section 7 of that Act, the regulation may allow that a facsimile of the signature of the Minister, Deputy Minister or that public servant be affixed on the documents determined therein; such a facsimile is to have the same force as the signature itself;

WHEREAS, under the third paragraph of section 12 of the Public Curator Act (R.S.Q., c. C-81), amended by section 36 of chapter 44 of the Statutes of 2005, certain powers set out in that Act will be exercised, as of 1 April 2006, by the Minister of Revenue, in particular with regard to the provisional administration of property under Division V of Chapter II of that Act;

WHEREAS, as of 1 April 2006, the Direction générale des biens non réclamés is created at the Ministère du Revenu;

WHEREAS it is expedient to provide for delegations of the Minister of Revenue’s signature as a consequence of the new powers and administrative structure of the Ministère du Revenu;

WHEREAS, under section 97 of the Act respecting the Ministère du Revenu, every regulation made under that Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein; such a regulation may also, if it so provides, apply to a period prior to its publication;

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

THAT the Regulation to amend the Regulation respecting fiscal administration, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fiscal administration *

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 7, 1st par. and 2nd par., s. 96, 1st par. and s. 97)

1. (1) The Regulation respecting fiscal administration is amended by inserting the following before the heading preceding section 7R80:

* The Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r.1) was last amended by the regulations made by Orders in Council 1223-2005 dated 7 December 2005 (2005, *G.O.* 2, 5410) and 1249-2005 dated 14 December 2005 (2005, *G.O.* 2, 5533). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

“§1.1. Documents relating to the administration of unclaimed property

§§1.1.1. Direction générale des biens non réclamés

§§§1.1.1.1. Direction principale des biens non réclamés

7R79.1. A public servant who holds the position of Senior Director, Unclaimed Property, within the Direction générale des biens non réclamés is authorized to sign, in place of the Minister of Revenue but within the limits of the public servant’s duties, all documents that the Minister is authorized to sign, up to a value not in excess of \$500,000.

7R79.2. A public servant holding one of the positions mentioned in sections 7R79.3 to 7R79.14 is authorized to sign, in place of the Minister of Revenue but within the limits of the public servant’s respective duties, the documents mentioned in this subdivision.

7R79.3. A public servant governed by the collective labour agreement for professionals who holds a position of socio-economic research and planning officer or a position of computer and administrative processes analyst at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is, to the extent that the public servant is under the immediate authority of the Senior Director, Unclaimed Property, authorized to sign any document in connection with

- (1) the obtaining of documents in order to take jurisdiction;
- (2) general disbursements, up to \$5,000;
- (3) the redirection of mail or the termination of service by the postmaster; and
- (4) the rendering of accounts and the handing over of property of a value not in excess of \$5,000 to persons entitled to it on termination of the administration of the Minister of Revenue.

7R79.4. A public servant governed by the collective labour agreement for public servants who holds a position of administration technician at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is, to the extent that the public servant is under the immediate authority of the Senior Director, Unclaimed Property, authorized to sign any document in connection with

- (1) the obtaining of documents in order to take jurisdiction;

(2) the redirection of mail or the termination of service by the postmaster; and

(3) the rendering of accounts and the handing over of property of a value not in excess of \$2,000 to persons entitled to it on termination of the administration of the Minister of Revenue.

7R79.5. A public servant governed by the collective labour agreement for public servants who holds a position of office clerk at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is, to the extent that the public servant is under the immediate authority of the Senior Director, Unclaimed Property, authorized to sign any document in connection with

- (1) the obtaining of documents in order to take jurisdiction; and
- (2) the redirection of mail or the termination of service by the postmaster.

§§§§1.1.1.1.1. Direction des produits financiers non réclamés

7R79.6. A public servant who holds the position of Director, Unclaimed Financial Products at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with

- (1) the obtaining of documents in order to take jurisdiction;
- (2) general disbursements, up to \$100,000;
- (3) the notice of quality referred to in article 699 of the Civil Code or in section 32 of the Public Curator Act (R.S.Q., c. C-81);
- (4) the discharge of any sum relating to a debt, release of security or approval of any claim against unclaimed property and their payment if the patrimony so allows;
- (5) the discharge of any sum relating to a succession;
- (6) a settlement and partition or a transaction referred to in section 36 of the Public Curator Act, up to a value not in excess of \$100,000;
- (7) the approval of a claim against unclaimed property, up to \$100,000;
- (8) the sale, expropriation, creation of a servitude or hypothec or any other alienation concerning an immovable;

- (9) the renewal of a debt secured by a hypothec;
- (10) the correction or ratification of the title to an immovable;
- (11) the sale of any movable property at auction, by agreement or through a third person, the disposition of such property by other means in accordance with the procedures in force and the moving and storage of such property;
- (12) the receipt, audit, recovery or liquidation of financial products;
- (13) the receipt, management or liquidation of the content of a safety deposit box;
- (14) the valuation and safekeeping of unclaimed financial products;
- (15) authorization to transfer a retirement savings plan to a registered retirement savings fund;
- (16) authorization to convert an annuity contract or a pension plan into a locked-in retirement account or to convert that account into a life income fund;
- (17) the opening, transfer or closing of an account with a broker or another third person;
- (18) the management, conversion or transfer of a personal or joint portfolio from one broker to another;
- (19) the security deed in relation to securities, for the purpose of obtaining a duplicate of a lost or destroyed certificate;
- (20) transactions relating to the management or liquidation of securities in registered form;
- (21) the inspection conducted or ordered for unclaimed property, in accordance with section 27.1 of the Public Curator Act;
- (22) the imposition or cancellation of the penal sanctions under section 69 of the Public Curator Act, related to a time period, non-compliance or non-transfer of financial products;
- (23) the sitting on a board of directors of a legal person and the administration or dissolution of a legal person, including the signing of legal notices and any document relating to the rights attached to securities administered by the Minister of Revenue;
- (24) fiscal laws;
- (25) the redirection of mail or the termination of service by the postmaster; and
- (26) the rendering of accounts and the handing over of property to persons entitled to it on termination of the administration of the Minister of Revenue.
- 7R79.7.** A public servant governed by the collective labour agreement for advocates and notaries or a public servant governed by the collective labour agreement for professionals who holds a position of financial management officer, socio-economic research and planning officer or a position of computer and administrative processes analyst in the Direction des produits financiers non réclamés at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with
- (1) the obtaining of documents in order to take jurisdiction;
- (2) general disbursements, up to \$5,000;
- (3) the notice of quality referred to in section 32 of the Public Curator Act (R.S.Q., c. C-81);
- (4) the recovery of financial products;
- (5) the valuation and safekeeping of unclaimed financial products;
- (6) the sale of any security in registered form, up to a value not in excess of \$5,000, and the opening, transfer or closing of an account with a broker;
- (7) the sale of any movable property at auction, their abandonment or destruction in accordance with the procedures in force;
- (8) the redirection of mail or the termination of service by the postmaster; and
- (9) the rendering of accounts and the handing over of property of a value not in excess of \$5,000 to persons entitled to it on termination of the administration of the Minister of Revenue.
- 7R79.8.** A public servant governed by the collective labour agreement for public servants who holds a position of administration technician in the Direction des produits financiers non réclamés at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with

- (1) the obtaining of documents in order to take jurisdiction;
- (2) general disbursements, up to \$2,000;
- (3) the valuation and safekeeping of unclaimed financial products;
- (4) the sale of any security in registered form, up to a value not in excess of \$2,000, and the opening, transfer or closing of an account with a broker;
- (5) the sale of any movable property at auction;
- (6) the redirection of mail or the termination of service by the postmaster; and
- (7) the rendering of accounts and the handing over of property of a value not in excess of \$2,000 to persons entitled to it on termination of the administration of the Minister of Revenue.

7R79.9. A public servant governed by the collective labour agreement for public servants who holds a position of office clerk in the Direction des produits financiers non réclamés at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with

- (1) the obtaining of documents in order to take jurisdiction;
- (2) general disbursements, up to \$500;
- (3) the valuation and safekeeping of unclaimed financial products;
- (4) the sale of any movable property at auction; and
- (5) the redirection of mail or the termination of service by the postmaster.

§§§§1.1.1.2. *Direction des successions non réclamées*

7R79.10. A public servant who holds the position of Director, Unclaimed Successions, at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with

- (1) the obtaining of documents in order to take jurisdiction;
- (2) general disbursements, up to \$100,000;

(3) the inventory for unclaimed property prescribed under section 29 of the Public Curator Act (R.S.Q., c. C-81);

(4) the notice setting out the Minister of Revenue's capacity as administrator of every immovable entrusted to the Minister of Revenue's administration in the manner provided for in section 31 of the Public Curator Act, and cancellation of the notice in the manner provided for in section 31 of that Act;

(5) the notice of quality referred to in article 699 of the Civil Code or in section 32 of the Public Curator Act;

(6) the notice of closure of inventory referred to in article 795 of the Civil Code, the notice of closure of account referred to in article 822 of the Code or the notice of end of liquidation referred to in article 700 of the Code;

(7) management of an advance of funds or a credit margin, up to \$10,000 per file;

(8) the discharge of any sum relating to a debt, release of security or approval of any claim against unclaimed property and their payment if the patrimony so allows;

(9) the discharge of any sum relating to a succession;

(10) a settlement and partition or a transaction referred to in section 36 of the Public Curator Act, up to a value not in excess of \$100,000;

(11) the approval of a claim against unclaimed property, up to \$100,000;

(12) the sale, expropriation of an immovable, creation of a servitude or hypothec or any other alienation concerning an immovable;

(13) the renewal of a debt secured by a hypothec;

(14) the correction or ratification of the title to an immovable;

(15) the sale of any movable property at auction, by agreement or through a third person, the disposition of such property by other means in accordance with the procedures in force, and the moving and storage of such property;

(16) a lease, as lessor;

(17) insurance;

- (18) the deed of assignment of property or any other document incidental to the application of bankruptcy rules;
- (19) the valuation and safekeeping of unclaimed financial products;
- (20) authorization to transfer a retirement savings plan to a registered retirement savings fund;
- (21) authorization to convert an annuity contract or a pension plan into a locked-in retirement account or to convert that account into a life income fund;
- (22) the opening, transfer or closing of an account with a broker or another third person;
- (23) the management, conversion or transfer of a personal or joint portfolio from one broker to another;
- (24) the security deed in relation to securities, for the purpose of obtaining a duplicate of a lost or destroyed certificate;
- (25) transactions relating to the management or liquidation of securities in registered form;
- (26) the sitting on a board of directors of a legal person and the administration or dissolution of a legal person, including the signing of legal notices and any document relating to the rights attached to securities administered by the Minister of Revenue;
- (27) fiscal laws;
- (28) the redirection of mail or the termination of service by the postmaster; and
- (29) the rendering of accounts and the handing over of property to persons entitled to it on termination of the administration of the Minister of Revenue.
- 7R79.11.** A public servant governed by the collective labour agreement for advocates and notaries or a public servant governed by the collective labour agreement for professionals who holds a position of socio-economic research and planning officer, a position of computer and administrative processes analyst or a position of administrative attaché in the Direction des successions non réclamées at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with
- (1) the obtaining of documents in order to take jurisdiction;
- (2) general disbursements and advances of funds, up to \$5,000;
- (3) the notice of quality referred to in article 699 of the Civil Code or in section 32 of the Public Curator Act (R.S.Q., c. C-81);
- (4) the notice of closure of inventory referred to in article 795 of the Civil Code, the notice of closure of account referred to in article 822 of the Code or the notice of end of liquidation referred to in article 700 of the Code;
- (5) the notice setting out the Minister of Revenue's capacity as administrator of every immovable entrusted to the Minister of Revenue's administration in the manner provided for in section 31 of the Public Curator Act, and cancellation of the notice in the manner provided for in section 31 of that Act;
- (6) the valuation and safekeeping of unclaimed property;
- (7) the sale of any movable property at auction or through a third person;
- (8) the abandonment or destruction of any movable property in accordance with the procedures in force;
- (9) a lease, as lessor;
- (10) an offer to purchase immovable property in accordance with the conditions of the sale determined by the Director, Unclaimed Successions;
- (11) renewal of a hypothec on an immovable, up to \$50,000;
- (12) a claim, acceptance of an indemnity or discharge in matters of insurance, up to \$50,000;
- (13) the discharge of any sum relating to a debt or the release of security, up to \$5,000;
- (14) the approval of a claim against unclaimed property, up to \$5,000;
- (15) the sale of any security in registered form and the opening, transfer or closing of an account with a broker, in case of unclaimed successions, up to a value not in excess of \$5,000;
- (16) the security deed in relation to securities, for the purpose of obtaining a duplicate of a lost or destroyed certificate;

(17) the filing of fiscal returns;

(18) the redirection of mail or the termination of service by the postmaster; and

(19) the rendering of accounts and the handing over of property of a value not in excess of \$5,000 to persons entitled to it on termination of the administration of the Minister of Revenue.

7R79.12. A public servant governed by the collective labour agreement for public servants who holds a position of audit officer or administration technician in the Direction des successions non réclamées at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with

(1) the obtaining of documents in order to take jurisdiction;

(2) general disbursements and advances of funds, up to \$2,000;

(3) the discharge of any sum relating to a debt or the release of security, up to \$2,000;

(4) the valuation and safekeeping of unclaimed property;

(5) the abandonment or destruction of any movable property in accordance with the procedures in force;

(6) the sale of any movable property at auction or through a third person;

(7) an insurance claim;

(8) the approval of a claim against unclaimed property, up to \$2,000;

(9) the redirection of mail or the termination of service by the postmaster; and

(10) the rendering of accounts and the handing over of property of a value not in excess of \$2,000 to persons entitled to it on termination of the administration of the Minister of Revenue.

7R79.13. A public servant governed by the collective labour agreement for public servants who holds a position of public curatorship investigator in the Direction des successions non réclamées at the Direction principale

des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with

(1) general disbursements, up to \$500 and advances of funds, up to \$2,000;

(2) the sale of any movable property at auction or by agreement; and

(3) the abandonment or destruction of any movable property in accordance with the procedures in force.

7R79.14. A public servant governed by the collective labour agreement for public servants who holds a position of office clerk in the Direction des successions non réclamées at the Direction principale des biens non réclamés within the Direction générale des biens non réclamés is authorized to sign any document in connection with

(1) the obtaining of documents in order to take jurisdiction;

(2) general disbursements, up to \$500 and advances of funds, up to \$2,000;

(3) the valuation and safekeeping of unclaimed property; and

(4) the redirection of mail or the termination of service by the postmaster.

§§1.1.2. *Signature of the Deputy Minister of Revenue*

7R79.15. A facsimile of the signature of the deputy minister may be affixed on the cheques drawn on an account held by the Minister of Revenue in a financial institution for the purposes of provisional administration of unclaimed property.”.

(2) Subsection 1 has effect from 1 April 2006.

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

7509