

“14.1 A contributor who is not the beneficiary of a retirement pension under the Québec Pension Plan and who is entitled to an additional pension in accordance with section 120.3 of the Act is deemed to have made an application for a retirement pension the last day of the first year for which unadjusted pensionable earnings are related to months subsequent to the end of his contributory period, under the terms of subparagraph *a* or *b* of the first paragraph of section 101 of the Act.”.

**6.** Section 15 of the Regulation is amended:

(1) by inserting, in the first paragraph, after the words “married spouses”, the words “or civil union spouses”;

(2) by replacing, in paragraph 2 of the first paragraph, the words, “marriage certificate”, with the words “certificate of marriage or civil union”;

(3) by inserting, at the beginning of paragraph 3 of the first paragraph, the words “in the case of married spouses,”;

(4) by inserting, in paragraph 4 of the first paragraph, after the words “prior to the spouses’ marriage”, the words “or civil union”;

(5) by replacing, in paragraph 2 of the second paragraph, the words “married to another person” with the words “joined by marriage or civil union to another person”.

**7.** Section 20 of the Regulation is amended by inserting, after the words “separation from bed and board”, the words “or a judgment of dissolution or annulment of civil union or a notarized transaction fixing the consequences of a dissolution of civil union”.

**8.** Section 21 of the Regulation is amended by inserting, in paragraph 5, after the words “prior to marriage”, the words “or civil union”.

**9.** Section 22.3 of the Regulation is amended by inserting, in the first paragraph, after the words “prior to marriage”, the words “or civil union”.

**10.** Section 24 of the Regulation is amended by inserting, in paragraph 2 of the first paragraph, following the number “120,” the number “120.3,”.

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

9342

Gouvernement du Québec

**O.C. 858-2009**, 23 June 2009

An Act respecting the Ministère des Ressources naturelles et de la Faune  
(R.S.Q., c. M-25.2)

Approval of a program relating to a delegation of land management of the lands in the domain of the State to regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM

WHEREAS the Fédération québécoise des municipalités and the Union des municipalités du Québec signed, on 24 September 2008, with the Minister of Municipal Affairs and Regions and the Minister of Natural Resources and Wildlife, an agreement in principle on the decentralization of land management and the management of the mining of sand and gravel on the lands in the domain of the State;

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2), the Minister may, with the approval of the Government, prepare programs for the development of lands in the domain of the State that are under the Minister’s authority in order to encourage regional development or implement any other governmental policy;

WHEREAS, under the third paragraph of section 17.14 of the Act, the Minister may, for the purposes of such programs, entrust the management of any land in the domain of the State that is under the Minister’s authority and the property situated thereon to a legal person, and such legal person may in that case exercise the powers and responsibilities entrusted to it by the Minister that are defined in the program;

WHEREAS, under the third paragraph of section 17.14 of the Act, the program must identify, among the provisions of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), the provisions whose application may be delegated to the legal person, as well as the powers and responsibilities vested in the Minister that may be exercised by the legal person;

WHEREAS, under the fourth paragraph of section 17.14 of the Act, where the management of land in the domain of the State is entrusted to a municipality by the Minister, the Minister may, to the extent necessary to implement a program and according to the terms and conditions specified in the program, determine, among the powers provided for in section 71 of the Act respecting the lands in the domain of the State, those that may be exercised by the municipality by means of regulations;

WHEREAS, under the first paragraph of section 17.16 of the Act respecting the Ministère des Ressources naturelles et de la Faune, the Government may, on the conditions it determines, entrust the direction and implementation of a program to the minister it designates;

WHEREAS it is expedient to have the Government approve a program relating to a delegation of land management of the lands in the domain of the State to regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM;

WHEREAS it is expedient to entrust the administration of the program to the Minister of Natural Resources and Wildlife;

WHEREAS, under section 14.11 of the Municipal Code of Québec (R.S.Q., c. C-27.1), every municipality may participate in a program prepared in accordance with Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife:

THAT the Program relating to a delegation of land management of the lands in the domain of the State to regional county municipalities (RCMs) and municipalities whose territory is not included in the territory of an RCM, attached to this Order in Council, be approved;

THAT the administration of the Program be entrusted to the Minister of Natural Resources and Wildlife.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**PROGRAM RELATING TO A DELEGATION OF LAND MANAGEMENT OF THE LANDS IN THE DOMAIN OF THE STATE TO REGIONAL COUNTY MUNICIPALITIES (RCMs) AND MUNICIPALITIES WHOSE TERRITORY IS NOT INCLUDED IN THE TERRITORY OF AN RCM**

**1. DEFINITIONS**

The words and expressions listed below have, for the purposes of this program, the following meaning, unless the context indicates otherwise:

“delegation agreement” means an act of delegation by which the Minister entrusts, under certain conditions, the powers and responsibilities with regard to land management under the program to a regional county municipality;

“Minister” means the Minister of Natural Resources and Wildlife;

“program” means this program prepared pursuant to section 17.13 and following of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2);

“regional county municipality” or “RCM” means a legal person established in the public interest adhering to the program and signatory of a delegation agreement under this program. In order to simplify the text and despite this definition, municipalities whose territory is not included in the territory of an RCM will also be designated herein by RCM.

**2. OBJECTIVES OF THE PROGRAM**

The main purpose of the program is to encourage the delegation of powers and responsibilities relating to land management of the lands in the domain of the State to RCMs.

The objectives of the implementation of the program are

(1) to allow, by the signing of a delegation agreement, an RCM to exercise powers and responsibilities for the management of certain land rights on the lands in the domain of the State;

(2) to provide certain economic development levers associated to land development to RCMs;

(3) to bring public service delivery concerning the management of certain land rights on the lands in the domain of the State closer to the public;

(4) to apply in the management of the delegated powers and responsibilities the principles of management listed in the program, including equity, transparency, the maintenance of the integrity and public nature of the lands in the domain of the State, and sustainable development.

**3. ELIGIBILITY UNDER THE PROGRAM**

To be granted the delegation of the powers and responsibilities relating to the land management of the lands in the domain of the State, an RCM must have passed a resolution authorizing its representative to sign a delegation agreement compliant with the program and by which it accepts all the terms, commitments, obligations, terms and conditions described in the program.

#### 4. CREATION OF A DEVELOPMENT FUND

An RCM must create a fund for the financial support of the territory management and development activities, where such a fund does not already exist. Where the RCM chooses to use a fund created under another program relating to a delegation, it will have to submit a separate accounting of revenues and expenditures for each program.

#### 5. TERRITORY COVERED

The program applies to the lands in the domain of the State under the authority of the Minister.

The following are excluded from the territory covered:

(1) the water domain corresponding to the beds of lakes and watercourses up to the natural high-water mark, including hydraulic power;

(2) the lands in the domain of the State submerged following the construction and maintenance of a dam or any works associated to the dam and required for its operation;

(3) every right of way of roads and autoroutes under the management of the Minister of Transport, including their infrastructures and all works useful for their planning and management;

(4) any land, including buildings, improvements, equipment and movables on it, necessary for the activities of the Ministère des Ressources naturelles et de la Faune (MRNF) or other departments or mandatory public bodies;

(5) the lands on which exclusive public utility projects are planned in the short term by the Gouvernement du Québec;

(6) the lands on which the Minister or the Gouvernement du Québec has granted rights to the Government of Canada, or to one of its departments or bodies;

(7) the lands having been the subject of a delegation of management to RCMs or municipalities under another program relating to such a delegation;

(8) any other land determined by the Minister in the Schedule to the delegation agreement.

The Minister may, following a prior notice of thirty (30) days sent to the RCM, withdraw portions of the delegated territory where required.

#### 6. DELEGATED POWERS AND RESPONSIBILITIES

To the extent of the terms and conditions for the exercise of the delegation provided for in clause 9 of the program, the powers and responsibilities concerned are the following:

(1) the management of leases for vacation purposes and leases for a rough shelter in the forest. To that effect, grant new leases and ensure land management of the leases in addition to the leases already granted (transfer, amendment, renewal, withdrawal from or revocation of the lease if the lessee fails to fulfill his or her obligations);

(2) the management relating to stays (camping), except lands leased by the Minister for the operation of a campsite and lands situated in an outfitting operation, a controlled zone or a wildlife sanctuary established under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

(3) the sale of lands for vacation purposes subject to the prior authorization of the Minister;

(4) the collection and management of revenues from land management relating to vacation sites, rough shelters and stay (camping);

(5) the control of the occupancy of the lands in the domain of the State, by the inspection of the rights granted, the monitoring of the territory and the finding of unlawful occupancies;

(6) the availability of vacation sites;

(7) client service;

(8) the registration of rights;

(9) the exercise of regulatory powers in respect of staying on the land (camping) set out in subparagraphs 3 and 7 of the first paragraph of section 71 of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1).

#### 7. EXCLUSIONS

The Minister continues to exercise the powers and responsibilities of land management that are not delegated, including the powers and responsibilities listed below, and undertakes to inform the RCM prior to the granting of rights:

(1) the granting and management of all other land rights;

(2) the land placed at the disposal of Hydro-Québec;

(3) transfers of authority and administration to a minister or a public body of the Gouvernement du Québec;

(4) transfers of administration and any other right to the Government of Canada or one of its departments or bodies.

In addition, the Minister continues to exercise, against unlawful occupancy and use of the lands in the domain of the State, the recourses provided for in sections 60 to 62.1 of the Act respecting the lands in the domain of the State.

## 8. MANAGEMENT PRINCIPLES

In its management of delegated powers and responsibilities, the RCM will have to respect the following principles:

(1) the versatility and multi-resource use of the public territory, including the integrated management of the natural resources therein;

(2) the maintenance of the public nature of the lands in the domain of the State with regard to general accessibility (including the water domain) and the status of collective heritage;

(3) the maintenance of accessibility to wildlife activities;

(4) the maintenance of the integrity of the public territory;

(5) the conservation of the natural environment and biological diversity;

(6) the sustainability of the lands, natural resources and waters;

(7) the equity and transparency of the rules governing the management and the granting of rights in the lands in the domain of the State;

(8) the refusal to grant a privilege to a person who unlawfully occupies or uses land in the domain of the State;

(9) the quality of client service;

(10) sustainable development, in particular,

— by maintaining the socioeconomic value of the public territory or by creating added value on a permanent basis in favour of the maintenance and development of current and future generations;

— by preserving the biological diversity, maintaining and improving the productivity of forest ecosystems, preserving soils and water, and maintaining the contribution of forest ecosystems to the main ecological cycles.

## 9. TERMS AND CONDITIONS FOR THE EXERCISE OF THE DELEGATION

An RCM to which the Minister entrusts the land management of the lands in the domain of the State by this program must comply with the terms and conditions of the program for each of the following elements:

(1) access to the domain of the State: maintain access to the domain of the State and public accessibility to the waters in the domain of the State;

(2) alienation of land: obtain the Minister's agreement to alienate land in accordance with section 2 of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, made by Order in Council 231-89 dated 22 February 1989, as amended. For such an alienation, the market value is assessed by the RCM. The alienation of land whose offer for sale was sent to the purchaser before the signing of the delegation agreement will be completed by the Minister who will collect all the revenues;

(3) land surveying: ensure compliance with section 17 and following of the Act respecting the lands in the domain of the State and with the instructions of the Surveyor-General of Québec of any land surveying on the lands in the domain of the State or affecting their boundaries, including boundary marking, in particular for an alienation;

(4) Native persons: prior to making a decision or granting new rights, consult where required and, if applicable, accommodate Native communities whose claimed rights could be affected, in order to fulfill the obligations of the Gouvernement du Québec regarding consultation with Native persons. For the purposes of the consultation, the RCM will have to send the Minister all the information relating to the granting of land rights and to applications for opening new sites for the extraction of sand and gravel as well as applications for the expansion of an existing site, before the granting of such rights and according to the schedule agreed upon. In addition, the RCM will have to send the Minister any new element relating to the use of the territory requiring or not the granting of a right. The Minister will indicate

to the RCM, according to the schedule agreed upon, the results of the consultation with the Native communities so that the RCM may apply the decisions resulting from the consultation;

(5) communication: provide free of charge to the Minister, in the form prescribed, all information or documents held by the RCM that the Minister could ask from the RCM for the follow-up of the implementation of the delegation agreement, for the Minister's evaluation or, if applicable, that are necessary to provide information to the government systems on knowledge of the territory;

(6) costs and fees relating to land management: all costs and fees relating to land management are borne, as the case may be, by the RCM, the purchaser, the applicant or the beneficiary of the right. The costs and fees required for land surveying on lands in the domain of the State, cadastral registration and boundary marking as well as those for the publication of rights for any transaction by the RCM are included in the costs and fees;

(7) file: keep and maintain all books or files necessary to ensure sound management of the powers and responsibilities delegated to the RCM. Those documents must set out all transactions made, including all rights granted, and must enable the Minister to make the verifications the Minister deems appropriate. The RCM is responsible for safekeeping those documents and the quality of the information in the documents, including the files entrusted to the RCM by the Minister;

(8) land rights granted by the State: respect the rights granted by the State in accordance with the titles issued until their expiry date, renew the rights unless the beneficiary of the right is in default, carry out renewals, transfers, discontinuances and amendments to leases and make sure, in the exercise of the powers and responsibilities delegated by the program, not to limit in any way the exercise of a right granted or that will be granted by the State;

(9) granting of new land rights related to vacation sites or rough shelters: comply with the guidelines provided in the current regional plans for public land development (PRDTP), section recreotourism, or their equivalent, that will eventually be replaced by the regional plans for the integrated development of land and resources (PRDIRT) prepared by the regional commissions on land and natural resources, and that will have been the subject of a favourable opinion by the Minister. In the absence of a PRDTP or a PRDIRT, the RCM will have to send the Minister for approval any project for the availability of vacation sites or rough shelters and do the same for any project that does not appear in the PRDTP or the PRDIRT. Land rights granted

must meet the objectives in the « Guide de développement de la villégiature sur les terres du domaine public », April 1994, including its amendments;

(10) management relating to staying on the land (camping): apply the special conditions relating to camping in the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State and its amendments. The RCM may, however, make and apply its own by-laws regarding standards and conditions according to which staying on the lands in the domain of the State is allowed and the circumstances in which it may be prohibited, including the issue of a staying permit and the determination of its price. The by-laws made by the RCM, which will come into force in accordance with the rules prescribed by the municipal acts, must comply with subparagraphs 3 and 7 of the first paragraph of section 71 of the Act respecting the lands in the domain of the State and must be submitted for prior approval to the Minister so that the Minister may verify their compliance with the Act and government guidelines. The Minister must give his or her opinion on the proposed by-law within ninety (90) days after the by-law has been received. The RCM is responsible for judicial recourses resulting from the application of its by-laws on the staying on the land;

(11) Hydro-Québec: consult Hydro-Québec for any granting of land rights and mining rights relating to the mining of sand and gravel on public lands for which the State-owned enterprise has been granted rights;

(12) registration of rights: send the Minister, according to the Minister's instructions, the information necessary for registration in the departmental registers concerned of the rights managed by the RCM;

(13) inspection and control: inspect the lands in the domain of the State in order to verify compliance with the rights granted and detect unlawful occupancies. Following an offence concerning unlawful occupancies, post the required notices and send the Minister a report according to the terms and conditions to be agreed upon by the parties for the implementation of the delegation agreement. As regards unlawful occupancies and uses of lands in the domain of the State, the Minister is responsible for the recourses provided for in sections 60 to 62.1 of the Act respecting the lands in the domain of the State. Revocations of leases and penal proceedings for offences related to leases for vacation sites and rough shelters or activities while staying on the land (camping) are under the responsibility of the RCM;

(14) availability of vacation sites: carry out development studies, subdivision plans and the staking out of land. The drawing by lots of vacation sites must be open

to the entire population of legal age without restriction. The publication, registration and selection must be entrusted to the MRNF which will carry out those tasks in collaboration with the Société des établissements de plein air du Québec in order to use the electronic registration and drawing services offered by that body. Profits generated by the registrations for the drawings of lots will be shared equally between the RCMs concerned and the Minister. The final awarding of lands and the signing of leases will be done by the RCMs;

(15) prices, rents, fees and royalties: apply prices, rents and fees in accordance with the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State. The Minister will update the prices, rents and fees prescribed in the regulations. The Minister will consult the RCMs concerned before changing the method of determining rents;

(16) rules and procedures: in the management of the powers and responsibilities delegated by the Act respecting the lands in the domain of the State, comply with the regulations made under the Act, in particular the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State, the Regulation respecting the regularization of certain kinds of occupancy of lands in the domain of the State, made by Order in Council 233-89 dated 22 February 1989, as amended, and the Regulation respecting the disposition of certain surplus or confiscated properties, made by Order in Council 234-89 dated 22 February 1989, as amended, as well as comply with guides, standards, framework and procedures communicated to the RCM by the Minister to ensure the management of delegated activities and the granting of rights in compliance with government guidelines. The operating rules and administrative procedures made by the RCM must ensure that the rights granted will be granted with equity for all interested persons;

(17) client service: greet and inform the clientele and deal with complaints, in particular complaints about services rendered and denunciations of unlawful occupancy;

(18) miscellaneous: apply the special management modalities resulting from a government decision or a regulatory amendment.

## 10. REPORTS

The RCM must provide the Minister, at its own expense, with the reports described below:

(1) an activity report dated 31 December, sent no later than 31 March of each year, according to the framework provided by the Minister; the report must state at least the activities carried out;

(2) a financial report including an audited financial statement dated 31 December, sent no later than 31 March of each year, according to the framework provided by the Minister, that specifies the use of revenues from the management of the delegated activities. In addition, to take into account the MRNF's fiscal year ending on 31 March, the RCM will have to send the Minister a statement of progress from January to March, according to the terms and conditions to be determined in the implementation of the agreement;

(3) a five-year assessment report, six (6) months before the end of each five-year (5) term related to the end of a delegation agreement, according to the framework provided by the Minister. The report must focus on the results obtained with regard to the objectives pursued by the delegation, the taking on of the delegated powers and responsibilities in compliance with management principles, the rules and terms and conditions of exercise in the program. The RCM must disseminate the outline of the report to the population, according to the means it deems appropriate.

## 11. FINANCIAL COMPENSATION

Land administration and management of the lands in the domain of the State that are subject to the delegation agreement will be performed by the RCM, for a financial compensation from the Government provided for in the agreement and corresponding to 50% of total revenues (sums collected) from delegated activities. Revenues from fines and judicial proceedings are kept in full by the party who assumes the proceedings.

## 12. COLLECTION OF REVENUES

The RCM begins to collect revenues related to the delegated powers and responsibilities as of the moment it exercises them on an operational basis and from a date agreed upon by the parties following the signing of the delegation agreement. The RCM keeps 50% of the revenues and returns 50% to the Government, in a minimum of two instalments, according to the terms and conditions to be determined in the implementation of the agreement. The RCM must pay all revenues in the development fund provided for that purpose. Any sum collected by the Gouvernement du Québec or owed to the Gouvernement du Québec on the day of the signing of the delegation agreement remains its property, without adjustment.

### 13. REGISTER OF THE DOMAIN OF THE STATE

The Minister enters in the Register of the domain of the State, or in any other register the Minister designates, the rights granted by the RCM on the lands concerned and issues written attestations of the information recorded in the register. The terms and conditions of transmission of the information will be subsequently indicated to the RCM. Where the Minister will have implemented a formal framework for registering land rights, the Minister will contact the RCM to adjust the terms and conditions provided for that purpose in the delegation agreement.

### 14. RESPONSIBILITIES

The RCM that exercises the powers and responsibilities in the program acts on its behalf.

### 15. TERM

The Minister may enter into a delegation agreement with an RCM for five (5) years. The agreement may be renewed for the same period and according to the conditions defined by the parties.

At any time and by mutual agreement, the parties may make changes to or terminate the delegation agreement.

The RCM may terminate the agreement following a written notice of one hundred and twenty (120) days sent to the Minister.

The Minister or the RCM may notify the other party of the intention not to renew the delegation agreement by sending a written notice no later than one hundred and twenty (120) days before its expiry.

The Minister may revoke a delegation agreement if the RCM does not comply with the exercise conditions and provisions of the program or the delegation.

### 16. SUBDELEGATION

As provided in section 14.18 of the Municipal Code of Québec (R.S.Q., c. C-27.1), the RCM that has concluded a delegation agreement under the program may, with the authorization of the Minister, subdelegate to a municipality the exercise of the powers and responsibilities of the delegation agreement. The parties will have to sign an intermunicipal agreement provided for in section 569 and following of the Municipal Code and send a copy to the Minister.

### 17. EXERCISE BY THE MINISTER

Where the Minister exercises again the powers and responsibilities relating to the land management of lands in the domain of the State delegated by the Minister, the RCM must send the Minister all information or documents the Minister may request, including updated books and files the RCM maintained for the management of lands. The RCM must also give the Minister all files the Minister has entrusted to the RCM and the files the RCM opened during the exercise of the delegation.

9343

Gouvernement du Québec

### **O.C. 859-2009, 23 June 2009**

An Act respecting the Ministère des Ressources naturelles et de la Faune  
(R.S.Q., c. M-25.2)

Agreement related to the transfer of responsibilities as regards the management of the mining of sand and gravel on the lands in the domain of the State

WHEREAS the Government has initiated discussions with the municipal sector to delegate activities related to land management and the management of the mining of sand and gravel;

WHEREAS the Fédération québécoise des municipalités and the Union des municipalités du Québec signed, on 24 September 2008, with the Minister of Municipal Affairs and Regions and the Minister of Natural Resources and Wildlife, an agreement in principle on the decentralization of land management and the management of the mining of sand and gravel on the lands in the domain of the State;

WHEREAS, under paragraph 1 of section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2), the Minister of Natural Resources and Wildlife is empowered to grant and manage rights of ownership and rights of use of mineral resources of the domain of the State;

WHEREAS, under the first paragraph of section 140 of the Mining Act (R.S.Q., c. M-13.1), no person may extract or mine surface mineral substances unless the person has obtained a lease to mine surface mineral substances from the Minister of Natural Resources and Wildlife;