

Gouvernement du Québec

O.C. 1028-2009, 23 September 2009

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

**Norboung and Evolution Funds
— Remission in Favour of the Investors**

CONCERNING the Remission Regulation in Favour of the Investors in the Norboung and Evolution Funds

WHEREAS, on 31 May 2006, the Minister of Revenue announced the Government's intention to remit to the investors the amounts that would be collected further to the notices of assessment sent to Vincent Lacroix;

WHEREAS, on 31 December 2008, the liquidator of the Norboung and Evolution Funds proceeded with the redemption, to the investors, of 99.9% of the shares in the Funds and the validity of that redemption was confirmed by the Superior Court on 9 February 2009;

WHEREAS the Minister of Revenue has collected or may collect the income tax, and the related interest and penalties, determined under Part I or I.1 of the Taxation Act (R.S.Q., c. I-3), with respect to which Vincent Lacroix was sent notices of assessment for the taxation years from 1995 to 2004 and which are attributable to his additional income established for those years;

WHEREAS, under section 94 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government, whenever it considers it in the public interest, and to save the public from serious inconvenience or individuals from hardship or injustice, may remit any amount payable or refund any amount paid to the State relating to any matter within the powers of the Parliament;

WHEREAS under the circumstances, in order to save the investors concerned from hardship or injustice, it is desirable that the income tax, and the related interest and penalties, collected by the Minister of Revenue, and the interest calculated on such amounts, be remitted to the shareholders who, on 25 August 2005, held shares in the Norboung and Evolution Funds;

WHEREAS it is expedient to make a regulation for this purpose;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without the prior publication thereof, as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed by the regulation warrants it;

WHEREAS, under section 18 of said Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed by the regulation warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by this Regulation warrants the absence of prior publication and such a coming into force;

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

THAT the Remission Regulation in Favour of the Investors in the Norboung and Evolution Funds, annexed to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Remission regulation in Favour of the Investors in the Norboung and Evolution Funds

Act respecting the Ministère du Revenu
(R.S.Q., c. M-31, s. 94)

1. To the extent that the Minister of Revenue collects the income tax, interest and penalties determined under Part I or I.1 of the Taxation Act (R.S.Q., c. I-3), with respect to which Vincent Lacroix was sent notices of assessment for the taxation years from 1995 to 2004 and which are attributable to his additional income established for those years, such amounts shall be remitted and distributed pursuant to this Regulation.

2. Every shareholder who, on 25 August 2005, held shares in one or more of the Norboung or Evolution Funds whose names appear on the annexed list, is granted the remission of an amount equal to the product obtained by multiplying the total amount referred to in section 1 by the ratio, at the time of distribution, of the unpaid balance of the shareholder's claim to the aggregate of the unpaid balances of all shareholders' claims. For this purpose, the unpaid balance of the shareholder's claim is equal to the amount by which the adjusted cost base of the shareholder's shares on 25 August 2005, established under the Taxation Act, exceeds the aggregate of the amounts each of which is an amount the shareholder received from the liquidator of the property of the Norboung and Evolution Funds or an amount paid to the shareholder by the Autorité des marchés financiers as an indemnity from the Fonds d'indemnisation des services financiers, reduced by any portion of such amount repaid to the Autorité des marchés financiers.

3. Every shareholder is also granted the remission of an amount equal to the interest on the amount remitted by the Minister of Revenue pursuant to section 2, and such interest is calculated at the rate referred to in the second paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) and accrues from 31 May 2006 or the day 10 days after the day the Minister of Revenue collects an amount, whichever is later, until the transfer of such amount to the person referred to in section 4.

4. The distribution of the amounts remitted by the Minister of Revenue is made by the person given the mandate to do so under an agreement entered into with the Minister.

5. A distribution is made every time amounts are transferred by the Minister of Revenue to the person referred to in section 4. That person shall proceed diligently with the distribution of these amounts to the shareholders.

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

SCHEDULE

(s. 2)

EVOLUTION FUNDS

Evolution Money Market Fund
 Evolution Balanced Fund
 Evolution Canadian Asset Allocation Fund
 Evolution Canadian Equity – Large Cap Fund
 Evolution Canadian Equity – Value Fund
 Evolution Quebec Expansion Fund
 Evolution World Leaders Fund
 Evolution American Fund
 Evolution Bond Fund
 Evolution Finance and Technology Fund
 Evolution Canadian Demographic Fund
 Evolution Demographic Trends Fund
 Evolution Selection ETF Fund

Evolution QSSP Fund
 Evolution World Leaders RSP Fund
 Evolution American RSP Fund
 Evolution Perfolio Diversified Revenue Fund
 Evolution Perfolio Global Fund
 Evolution Perfolio Balanced Fund
 Evolution Perfolio Growth Fund
 Evolution Asset Management Global Industries of the Future Fund
 NORBOURG FUNDS
 Norbourg Balanced Fund
 Norbourg International Balanced Fund
 Norbourg Equity – Special Situations Fund
 Norbourg Convertible Debentures Fund
 Norbourg Fixed Income Fund
 Norbourg Money Market Fund
 Norbourg Emerging Growth Companies Fund
 Norbourg Canadian Tactical Asset Allocation Fund

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