

WHEREAS, under section 3 of the Act, the Government may amend a schedule to the Act following the establishment or abolition of a body or enterprise or the amendment of the Act constituting a body or enterprise, or where a body or enterprise no longer possesses the characteristics of the category in which it is classified according to the Government's accounting policies;

WHEREAS, under that section, the Government may also amend a schedule to the Act to add a body or enterprise that has acquired the characteristics of a government body or enterprise according to the Government's accounting policies;

WHEREAS, following the amendments made to the Courts of Justice Act (R.S.Q., c. T-16), the committee on the remuneration of the judges of the Court of Québec and the judges of the municipal courts, established under section 246.29 of that Act, is called "Comité de la rémunération des juges";

WHEREAS Immobilière SHQ no longer possesses the characteristics of the category in which it is classified according to the Government's accounting policies and it has acquired the characteristics of a body other than a budget-funded body according to those policies;

WHEREAS it is expedient to amend Schedules 1, 2 and 3 to the Act;

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

THAT Schedule 1 to the Financial Administration Act be amended by striking out "de la Cour du Québec et des cours municipales";

THAT Schedule 2 to the Financial Administration Act be amended by inserting "Immobilière SHQ" in alphabetical order;

THAT Schedule 3 to the Financial Administration Act be amended by striking out "Immobilière SHQ".

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 15-2010, 13 January 2010**

Court Bailiffs Act  
(R.S.Q., c. H-4.1)

**Tariff of fees and transportation expenses of bailiffs  
— Amendments**

Regulation to amend the Tariff of fees and transportation expenses of bailiffs

WHEREAS, under section 13 of the Court Bailiffs Act (R.S.Q., c. H-4.1), a bailiff shall not charge, for acts described in section 8 of that Act, fees or costs other than those fixed in the tariff established by regulation of the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 May 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Tariff of fees and transportation expenses of bailiffs, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Tariff of fees  
and transportation expenses of bailiffs\***

Court Bailiffs Act  
(R.S.Q., c. H-4.1, s. 13)

1. The Tariff of fees and transportation expenses of bailiffs is amended in section 12 by replacing subsection 1 by the following:

\* The Tariff of fees and transportation expenses of bailiffs (R.S.Q., 1981, c. H-4, r.3) was last amended by the regulation made by Order in Council 937-2004 dated 6 October 2004 (2004, *G.O.* 2, 2951). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

“(1) For each notice of sale subsequent to the notice forming part of the minutes of seizure in execution or the notice of sale referred to in article 588 or 592.3 of the Code of Civil Procedure, the bailiff is entitled to the fees prescribed for

- (a) drawing up;
- (b) service on the debtor;
- (c) service on the guardian if other than the debtor;

(d) service on the holders of rights published in the register of personal and movable real rights of the certified copy of the bailiff’s minutes of seizure and of the notice of sale if the bailiff ascertains that rights have been granted by the debtor in the seized property;

- (e) transportation.”.

**2.** The following is added after section 21:

“**22.** To certify the authenticity of the copy of the facsimile of a document sent by fax for the purposes of article 82.1 of the Code of Civil Procedure, the bailiff is entitled to the fees in section 24 of Schedule 1.”.

**3.** Schedule 1 is amended

(1) in section 1 by replacing “\$7” in Class 1 by “\$8” and “\$18” in Class 2 by “\$21”;

(2) in section 2 by replacing “\$7” in Class 1 and Class 2 by “\$8”;

(3) in section 3 by replacing “\$7” in Class 2 by “\$8”;

(4) in section 5 by replacing “\$7” in Class 1 and Class 2 by “\$8”;

(5) in section 6 by replacing “\$7” in Class 1 and Class 2 by “\$8”;

(6) in section 7 by replacing “\$7” in Class 1 and Class 2 by “\$8”;

(7) in section 8 by replacing

(a) “\$5” in paragraphs *a* and *c* of Class 1 and Class 2 by “\$6”;

(b) “\$10” in paragraph *b* of Class 1 and Class 2 by “\$12”;

(8) in section 9 by replacing “\$5” in paragraphs *a* and *b* of Class 1 and Class 2 by “\$6”;

(9) in section 10 by replacing “\$40” in Class 1 by “\$46” and “\$63” in Class 2 by “\$72”;

(10) in section 10.1 by replacing “\$10” in Class 1 and Class 2 by “\$12”;

(11) by replacing section 11 by the following:

	Class 1	Class 2
“11. (1) Demand for payment:		
(a) not followed by seizure or sale of moveable property:	\$36	\$53
(b) not followed by seizure or sale of immoveable property:	\$23	\$40
(2) Seizure or verification:	\$46	\$72
(3) <i>Nulla bona</i> report in respect of seizable property, including the demand for payment:	\$36	\$53
(4) Operations respecting the installation and removal of a device used to immobilize a motor vehicle:		
(a) for the execution of a first writ:	\$146	\$146
(b) for any additional writ:		
i. execution:	\$46	\$46
ii. service:	\$8	\$8
(5) Operations respecting the immobilization and, not less than 24 hours after that operation, the towing away of a motor vehicle:		
(a) for the execution of a first writ:	\$212	\$212
(b) for any additional writ:		
i. execution:	\$46	\$46
ii. service:	\$8	\$8
(6) Operations respecting the immediate towing away of a motor vehicle:		
(a) for the execution of a first writ:	\$173	\$173

(b) for any additional writ:

- |               |      |       |
|---------------|------|-------|
| i. execution: | \$46 | \$46  |
| ii. service:  | \$8  | \$8”; |

(12) in section 12

(a) by replacing “\$9” in subsections 1 to 3 of Class 1 by “\$10” and “\$17” in subsections 1 to 3 of Class 2 by “\$20”;

(b) by replacing “\$25” in subsection 4 of Class 1 and Class 2 by “\$29”;

(13) in section 13 by replacing “\$9” in subsections 1 and 2 of Class 1 by “\$10” and “\$17” in subsections 1 and 2 of Class 2 by “\$20”;

(14) in section 14

(a) by replacing paragraph *a* by the following:

	Class 1	Class 2
“(a) of each notice of sale subsequent to the notice forming part of the minutes of seizure in execution or the notice of sale referred to in article 588 or 592.3 of the Code of Civil Procedure:	\$7	\$9”;

(b) by replacing “\$6” in paragraphs *b* to *d* of Class 1 by “\$7” and “\$8” in paragraphs *b* to *d* of Class 2 by “\$9”;

(15) in section 15 by replacing “\$58” in subsections 1 and 2 of Class 1 and Class 2 by “\$67”;

(16) in section 15.1 by replacing “\$69” in Class 1 and Class 2 by “\$79”;

(17) in section 16 by replacing “\$9” in Class 1 and Class 2 by “\$10”;

(18) in section 17

(a) by replacing “\$40” in paragraph *a* of Class 1 by “\$46” and “\$69” in paragraph *a* of Class 2 by “\$79”;

(b) by replacing “\$75” in paragraph *b* of Class 1 and Class 2 by “\$86”;

(19) in section 17.1 by replacing “\$20” in Class 1 and Class 2 by “\$23”;

(20) in section 18 by replacing “\$16” in Class 1 and Class 2 by “\$18”;

(21) in section 19 by replacing “\$29” in Class 1 by “\$33” and “\$52” in Class 2 by “\$60”;

(22) by replacing sections 19.1 and 19.2 by the following:

	Class 1	Class 2
“19.1 Drawing up of a scheme of collocation:	\$46	\$46
Apportioning of the proceeds of the sale:	\$23	\$23
19.2 Certification of the authenticity of the copy of the minutes of seizure and of a notice of sale or a scheme of collocation:	\$3	\$3”;

(23) by replacing section 20 by the following:

	Class 1	Class 2
“20. (a) Transportation fees per kilometre travelled:	\$0.63/km	\$0.63/km
(b) Transportation expenses are equal to double the amount prescribed per kilometre travelled as compensation for the use of a personal automobile under the Politique de gestion contractuelle concernant les frais de déplacement des personnes engagées à honoraires par certains organismes publics (C.T. 208455 dated 9 December 2009).”.		

(24) in section 21 by replacing “\$12” in Class 1 and Class 2 by “\$14”;

(25) in section 23 by replacing “\$50” in subsections 1 and 2 of Class 1 and Class 2 by “\$58”.

**4.** Schedule 1 is amended by adding the following section:

	Class 1	Class 2
“24. Certification of the authenticity of the copy of the facsimile of a document sent by fax:	\$10	\$10”.

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