

Draft Regulations

Draft Regulation

Public Curator Act
(R.S.Q., c. C-81)

Tariff of fees of the Public Curator — 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 the application of the Public Curator Act may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the tariff of fees which the Public Curator may charge for the protection and representation of persons and the administration of their property in a perspective of equity, simplification and incentive for families to assume the representation of their family members. Lump-sum fees, which are preferred, the percentages or hourly rates refer to services that are listed and easily identifiable by the persons concerned and take into account the cost of rendered services and prices for comparable services on the market. The coming into force is set for 1 January 2012.

The proposed amendments have no impact on the income of persons or families living in poverty, or on enterprises.

Further information may be obtained by contacting Nicole Filion, Director General, Direction générale des affaires juridiques du Curateur public, 600, boulevard René-Lévesque Ouest, Montréal (Québec) H3B 4W9; telephone: 514 873-7433; fax: 514 873-5167.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Diane Lavallée, Public Curator, 600, boulevard René-Lévesque Ouest, Montréal (Québec) H3B 4W9.

YOLANDE JAMES,
Minister of Families

Regulation to amend the Regulation respecting the application of the Public Curator Act

Public Curator Act
(R.S.Q., c. C-81, s. 68, pars. 6 and 7)

1. The Regulation respecting the application of the Public Curator Act (c. C-81, r. 1) is amended in the second paragraph of section 9 by replacing “2%” by “1.5%”.
2. Section 14 is amended by striking out “Bureau 500,”.
3. Chapter I of Schedule II is replaced by the following:

“CHAPTER I PERSONS REPRESENTED

(1) The fees that the Public Curator may, as applicant, charge for activities relating to the institution of protective supervision are established as follows and payable at the latest at the end of the supervision if public protective supervision is instituted, or on the rendering of the judgment if private protective supervision is instituted:

- on 1 January 2012: \$1,400;
- on 1 April 2012: \$1,700;
- on 1 April 2013: \$2,000.

(2) The fees that the Public Curator may charge for activities relating to the protection of a person are established as follows:

- on 1 January 2012: \$900;
- on 1 April 2012: \$950;
- on 1 April 2013: \$1,000.

That sum is payable only after the death of the person represented if the death occurs while the person is under public protective supervision.

(3) The fees that the Public Curator may charge in relation to the administration of property entrusted to the Public Curator are as follows:

(1) for the collection of information for the purposes of an inventory of the property of the person represented

(a) within the scope of an internal investigation: \$1,050;

(b) within the scope of an external investigation requiring travel: \$1,050, to which a fee of \$85 per hour is added after the first 12 hours;

(c) for any other mandate carried out by an investigator: \$85 per hour;

(2) for the planning of the initial administration of the patrimony:

(a) by a technician: \$500 per file;

(b) by a professional: \$1,000 per file;

(3) for the planning and administration of the annual budget and the administration of movables:

— on 1 January 2012: \$375 per year;

— on 1 April 2012: \$400 per year;

— on 1 April 2013: \$425 per year;

(4) for the recovery of a hypothecary loan or other receivable:

— on 1 January 2012: \$400 per year;

— on 1 April 2012: \$450 per year;

— on 1 April 2013: \$485 per year;

(5) for the payment of a hypothecary loan or other debt: \$90 per year;

(6) for the alienation of a movable other than a security, for the purchase or sale of a motor vehicle: 25% of the transaction value, up to a maximum amount of \$1,000 per transaction;

(7) for the establishment of the Public Curator's authority on every immovable entrusted to the administration of the Public Curator: \$525;

(8) for the administration of

(a) land: \$75 per year;

(b) residential immovables: \$630 per year;

(c) rental residential immovables having less than 4 dwellings: \$2,222 per year;

(d) rental residential immovables having 4 dwellings or more or any other immovable and management of a commercial enterprise or other: \$3,072 per year;

(9) for the preparation and supervision of the sale of immovables: 25% of the transaction value, up to a maximum amount of \$2,500 per transaction;

(10) for the administration of insurance: \$60 per policy, per year;

(11) for the filing of a fiscal return: \$30 per return;

(12) for the administration of investments other than those referred to in section 9 of the Regulation

(a) for cash on hand with brokers and any deposit certificate: 0.25% per year;

(b) for shares and mutual funds: 1% per year;

(c) for bonds, RRSFs and other related tax schemes: 0.50% per year;

each percentage being calculated monthly based on the average assets;

(13) for the rendering of an account and transfer during the lifetime of the person represented:

— on 1 January 2012: \$400;

— on 1 April 2012: \$500;

— on 1 April 2013: \$550;

(14) for the rendering of an account and transfer after the death of the person represented:

— on 1 January 2012: \$2,000;

— on 1 April 2012: \$2,100;

— on 1 April 2013: \$2,200;

(15) for an intervention of a legal nature:

(a) examine and comment a legal document or any new judicial proceedings: \$250;

(b) initiate and follow judicial proceedings by a trustee: \$120 per hour;

(c) appoint independent jurists: \$350;

(d) negotiate an agreement, intervene or act before any administrative or judicial proceeding: \$150 per hour;

(e) prepare and write a formal notice: \$200;

(16) (a) for the settlement of a succession in favour of the person represented: \$1,200 per file;

(b) for the settlement of a succession involving a commercial enterprise, immovable property, financial abuse or partition of the family patrimony or matrimonial regime: \$1,700 per file;

(17) for the liquidation of a succession: \$120 per hour.”.

4. The first paragraph of section 6 of Schedule II is replaced by the following:

“(6) The hourly rate or lump-sum fees are indexed on 1 April of each year according to the rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 31 December of the preceding year.”.

5. This Regulation comes into force on 1 January 2012.