

## Regulations and other Acts

Gouvernement du Québec

### O.C. 1122-2011, 9 November 2011

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8)

#### **Delegation of powers and signing of certain documents of the Société d'habitation du Québec — Amendment**

By-law to amend the By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec

WHEREAS, under subparagraph *l* of the first paragraph of section 86 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the Société d'habitation du Québec may, by by-law, delegate certain powers conferred upon it by the Act to the president and chief executive officer, the secretary or another member of its personnel;

WHEREAS, under the first paragraph of section 15.1 of the Act, subject to section 15.2, no deed, document or writing binds the Société d'habitation du Québec or may be attributed to it unless it is signed by the chair of the board of directors, by the president and chief executive officer, by the secretary or by a member of the personnel of the Société and, in the case of such a member, only to the extent determined by by-law of the Société adopted under subparagraph *l* of the first paragraph of section 86;

WHEREAS, under section 87 of the Act, the by-laws of the Société are subject to approval by the Government and come into force on the date of their publication in the *Gazette officielle du Québec* or on such later date as is determined therein;

WHEREAS the board of directors of the Société d'habitation du Québec made the By-law to amend the By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec by its resolution 2011-062 dated 22 September 2011;

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

THAT the By-law to amend the By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec, attached to this Order in Council, be approved.

GILLES PAQUIN,  
*Clerck of the Conseil exécutif*

#### **By-law to amend the By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec**

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 15.1, 1st par. and s. 86, 1st par., subparagraph *l*)

**1.** The By-law respecting the delegation of powers and signing of certain documents of the Société d'habitation du Québec (R.R.Q., c. S-8, r. 6) is amended in the first paragraph of section 6

- (1) by inserting “, within the scope of their responsibilities,” after “authorized”;
- (2) by inserting “, and deeds of lease” after “\$3,000,000” in subparagraph 3;
- (3) by inserting “loans,” after “relating to” in subparagraph 4;
- (4) by striking out “, lease” in subparagraph 13 and by inserting “, and any lease provided for in that section” after “\$5,000,000”;
- (5) by replacing “hypothecary priority” in subparagraph 14 by “hypothecary rank”;
- (6) by adding the following after subparagraph 16:
  - “(17) any constitution of real rights in an immovable;
  - (18) any agreement on services offered by a housing bureau to a housing agency;
  - (19) deeds or documents relating to objections to municipal assessment;

(20) deeds of renunciation of stenographic recording and of the right of review, negotiations by mutual agreement, and any document relating to the withdrawal of complaints in matters of municipal assessment.”.

**2.** The heading preceding section 7 is amended by replacing “service heads” by “certain members of the personnel”.

**3.** Section 8 is amended by replacing “\$10,000” by “\$5,000”.

**4.** The following is inserted after section 8:

“**8.1.** Employees are authorized, for their sector of activities, to approve supply contracts and services contracts for less than \$300.”.

**5.** The heading preceding section 9 is amended by striking out “Director in charge of”.

**6.** The following is inserted before section 9:

“**8.2.** The director general in charge of financial and material management, within the scope of the director general’s responsibilities, may exercise the powers provided for in section 6.”.

**7.** Section 9 is amended

(1) by striking out “Despite section 7,” and “and material”;

(2) by replacing “for all the activities of the Société” by “within the scope of the director’s responsibilities”;

(3) by striking out paragraph 1.

**8.** Sections 9.1 and 9.2 are revoked.

**9.** The following is inserted before section 10:

“**9.3.** Service heads under the authority of that director are authorized, within the scope of their responsibilities, to approve documents relating to short-term investments for less than \$30,000,000, hypothecary or bond loans and loans by notes, bonds or other securities, instruments and contracts of a financial nature.

**9.4.** The professional in charge of financing is authorized, within the scope of the professional’s responsibilities, to approve documents relating to hypothecary or bond loans and loans by notes, bonds or other securities, instruments and contracts of a financial nature.

**9.5.** The director in charge of material management is authorized, within the scope of the director’s responsibilities, to approve supply contracts, construction contracts and services contracts for less than \$100,000.”.

**10.** The heading preceding section 11 is replaced by “Legal affairs”.

**11.** Section 11 is amended by adding the following after paragraph 2:

“(3) notices of the transfer of authority relating to immovables of the Société.”.

**12.** Section 12 is amended in the French text by replacing “du” after “relèvent” by “de ce”.

**13.** Section 13 is amended

(1) in the French text by replacing “du” by “de ce”;

(2) by replacing “consents to cadastral amendments involving a renumbering of lots” by “documents relating to cadastral amendments and boundary determination”.

**14.** The heading preceding section 13.1 is amended by striking out “Director in charge of”.

**15.** Section 13.1 is amended by inserting “, 18.1” after “18”.

**16.** Section 13.3 is amended by replacing “in sections 16 and 20” by “in section 16”.

**17.** The heading preceding section 14 is replaced by “Housing improvement”.

**18.** Section 14 is amended in the first paragraph

(1) by striking out “, the whole despite section 7 of this By-law” in subparagraph 3;

(2) by replacing “hypothecary priority” in subparagraph 4 by “hypothecary rank”.

**19.** Section 15 is amended

(1) by replacing “Service heads under the authority of that director are authorized, for their” by “The director in charge of renovation and residential adaptation is authorized, for the director’s”;

(2) by striking out “despite section 7,” in paragraph 1.

**20.** Section 16 is amended by striking out “Management” and “, despite section 7,”.

**21.** The heading preceding section 18 is replaced by “Social housing”.

**22.** Section 18 is amended in the first paragraph

(1) by replacing “Directors in charge of social housing, each for their territory, are authorized, within the scope of their” by “The director general in charge of social housing is authorized, within the scope of the director general’s”;

(2) by striking out subparagraphs 1, 4, 7, 8 and 9;

(3) by striking out “any acquisition, lease or alienation of immovables and” in subparagraph 3.

**23.** The following is inserted after section 18:

“**18.1.** Directors under the authority of that director general are authorized, within the scope of their responsibilities, to approve

(1) the annual budget, supplementary estimates, budget allocations and audited financial statements of bodies that manage 1,000 dwellings or less;

(2) any loan referred to in section 57 of the Act, for less than \$300,000;

(3) the use by cooperatives, non-profit organizations or housing bureaus of their reserves, for any amount equal to or greater than \$35,000;

(4) operating agreements and any decision to give effect to the agreements and any deed incidental thereto;

(5) deeds of servitude;

(6) documents relating to deeds of hypothecary security, deeds of cession of hypothecary rank, deeds of authorization to alienate, deeds of correction or amendment and other similar deeds for any housing project carried out within social and community housing programs for less than \$5,000,000;

(7) deeds of discharge or release, as well as any document relating to those deeds for projects carried out within social and community housing programs;

(8) loans made pursuant to section 3.4.1 of the Act, to bodies that manage 1,000 dwellings or less;

(9) budgetary amendments relating to the payment of the consideration to be paid by housing bureaus and other non-profit organizations determined by regulation pursuant to the Act.”.

**24.** Section 19 is amended

(1) by replacing “Service heads” by “Service or division heads”;

(2) by replacing “that director” by “one of those directors”;

(3) by striking out “supplementary estimates,” in paragraph 1;

(4) by striking out paragraphs 2 and 3;

(5) by striking out “any acquisition, lease or alienation of immovables and” in paragraph 4 and by replacing “\$25,000” by “\$35,000”.

**25.** Section 20 is revoked.

**26.** The heading preceding section 21 is replaced by “Community housing”.

**27.** Section 21 is amended in the first paragraph

(1) by replacing “for the programs the director manages” by “within the scope of the director’s responsibilities”;

(2) by replacing “hypothecary priority” in subparagraph 5 by “hypothecary rank”.

**28.** Section 22 is amended

(1) by replacing “Service heads under the authority of that director are authorized, for their” by “The director in charge of project development is authorized, for the director’s”;

(2) by replacing “\$1,500,000” by “\$2,500,000”.

**29.** The following is inserted after section 22:

“**22.1.** Division heads under the authority of that director are authorized, for their sector of activities, to approve conditional undertakings and documents relating to start-up loans for any housing project for less than \$1,250,000 and any deed incidental thereto.”.

**30.** Sections 6, 14 and 21 of the English text are amended by replacing the words “transfer of” wherever they appear by “cession of”.

**31.** This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.