

“26. A notary must cease to render professional services where he has serious cause, in particular, where

(1) there is a loss of confidence between the notary and the client;

(2) his professional independence could be called into question;

(3) he is induced to perform illegal or fraudulent acts;

(4) he has reasonable grounds to suspect that he is assisting or may assist in the commission of an illegal or fraudulent act.”.

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

1902

Gouvernement du Québec

### O.C. 59-2012, 1 February 2012

Professional Code  
(R.S.Q., c. C-26)

#### Notaires

#### — Compensation fund of the Chambre

Regulation respecting the compensation fund of the Chambre des notaires du Québec

WHEREAS, under section 89.1 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order authorizing the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the Regulation respecting trust accounting by notaries made by the board of directors of the Chambre des notaires du Québec pursuant to section 89 of the Professional Code authorizes its members to hold funds or property;

WHEREAS the board of directors made the Regulation respecting the compensation fund of the Chambre des notaires du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the compensation fund of the Chambre des notaires du Québec was published in Part 2 of the *Gazette officielle du Québec* of 27 July 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the compensation fund of the Chambre des notaires du Québec, attached to this Order in Council, be approved.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

### Regulation respecting the compensation fund of the Chambre des notaires du Québec

Professional Code  
(R.S.Q., c. C-26, s. 89.1)

#### DIVISION I GENERAL

##### §1. Compensation Fund

**1.** The Board of Directors of the Chambre des notaires du Québec shall establish a compensation fund to compensate a claimant, subject to section 18, for the use of moneys or property by a notary for purposes other than those for which they were entrusted to him in the practice of his profession pursuant to a contract for services.

**2.** The compensation fund must be maintained at not less than \$500,000 and shall consist of:

(1) moneys allocated to the fund by the Board of Directors;

(2) assessments levied for that purpose;

(3) moneys or property recovered from notaries by subrogation or pursuant to section 159 of the Professional Code (R.S.Q., c. C-26);

(4) income earned on the moneys and property making up the fund;

(5) moneys paid by an insurer under an insurance policy held by the Executive Committee.

**§2. Rules for the administration and investment of the fund**

**3.** The Executive Committee administers the fund and withdraws administration fees. In particular, the Executive Committee is authorized to conclude any contract of insurance or reinsurance for the purposes of the fund and to pay the premiums out of the fund.

**4.** The Executive Committee shall keep an accounting of the fund, separate from that of the Order.

**5.** The moneys making up the fund shall be invested by the Executive Committee as follows:

(1) the moneys the Executive Committee expects to use in the short term shall be deposited in a financial institution governed by the Act respecting trust companies and savings companies (R.S.Q. c. S-29.01), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (R.S.Q., c. C-67.3), or the Trust and Loan Companies Act (S.C. 1991, c. 45);

(2) the other moneys shall be entrusted to an investment manager for investment in short term securities, fixed interest securities, Canadian or foreign shares, in accordance with the investment policy adopted by the Board of Directors.

**DIVISION II  
COMPENSATION FUND COMMITTEE**

**6.** A compensation fund committee, hereinafter called the “Committee,” shall be established by the Board of Directors to examine the claims against the fund. It shall comprise no fewer than five members appointed by the

Board of Directors from among notaries entered on the roll of the Order for at least 10 years and the directors appointed to the Board of Directors by the Office des professions du Québec pursuant to section 78 of the Professional Code. At least one of the members must be a director.

The chairman of the Committee is designated by the members.

The quorum of the Committee is a majority of its members.

**7.** Where the number of Committee members so permits, the Committee may sit in divisions comprising five members, one of whom shall be the chairman or another Committee member designated by division members as chairman of the division, and another member chosen from among the directors appointed by the Office.

The quorum of a division is three members.

**8.** Committee members remain in office at the end of their mandates until they are reappointed or replaced by the Board of Directors.

**9.** The Board of Directors shall appoint the secretary of the Committee and, as needed, one or more assistant secretaries who perform the same duties as the secretary.

**DIVISION III  
COMPENSATION PROCEDURE**

**10.** Claims against the fund must:

(1) be in writing;

(2) state all supporting facts and be accompanied by all relevant documents;

(3) indicate the amount claimed; and

(4) be sworn and filed with the secretary of the Committee.

**11.** The secretary of the Committee shall inform members of any claim against the fund at the first meeting after the claim is filed.

If the Committee has not completed its inquiry into the claim within 90 days after the claim is filed, the secretary of the Committee shall, upon expiry of that period, notify the claimant in writing and report to him on the Committee’s progress. Until the Committee has

completed its inquiry, the secretary of the Committee shall, every 60 days following expiry of the 90 day period, notify the claimant in writing that the inquiry is continuing and report on the Committee's progress.

The obligation to notify the claimant as set out in the second paragraph does not apply to the situation contemplated in section 20.

**12.** To be admissible, a claim against the fund must be filed within one year of the claimant's knowledge that moneys or property have been used for purposes other than those for which they were entrusted to the notary in the practice of his profession.

Subject to section 13, a claim that is not filed within the prescribed period is inadmissible.

**13.** The period prescribed in section 12 may be extended if the claimant demonstrates that he was unable to file the claim within the prescribed period for reasons beyond his control.

**14.** An application by any person to the Order in respect of facts likely to give rise to a claim against the fund is deemed to be a claim within the meaning of section 10 if the application is sent within the period prescribed in section 12.

**15.** The committee shall decide, in respect of any claim not exceeding \$30,000 against the fund, whether the claim should be allowed, in whole or in part, and if so, shall determine the amount of compensation. The decision of the Committee is final.

**16.** The Executive Committee, upon the recommendation of the Committee, shall decide, in respect of any claim exceeding \$30,000 against the fund, whether the claim should be allowed, in whole or in part, and if so, shall determine the amount of compensation. The Executive Committee may, if it deems necessary, consult with the syndic. The decision of the Executive Committee is final.

**17.** A decision may be rendered in respect of a claim regardless of any action filed by the claimant in a civil court, any judgment rendered by such court, or any decision of the disciplinary council or the Professions Tribunal in respect of the notary in question.

**18.** The maximum indemnity payable out of the fund is \$100,000 per claim arising from a notary's use, in connection with a contract for services, of moneys or property for purposes other than those for which they were entrusted to him in the practice of his profession.

The maximum indemnity payable out of the fund is \$100,000 for the aggregate of claims addressed to the fund arising from a notary's use, in connection with one or more contracts for services concluded with several persons for the same service, of moneys or property for purposes other than those for which they were entrusted to him in the practice of his profession. Where the total of the claims allowed in a case contemplated in this paragraph exceeds the maximum indemnity, the indemnity is distributed in proportion to the amount of each claim.

For the purposes of this section, service includes the performance of professional services by a notary pursuant to a contract for services for the benefit of two or more persons, in particular but without limiting the foregoing, the acquisition or sale of a family residence or an undivided co-ownership, the settlement of a succession, the creation of a patrimony by appropriation or of the constitution of a legal person, and any investment of a movable or immovable nature.

**19.** The maximum compensation payable shall be reviewed every five years after this regulation comes into force.

**20.** The balance of a notary's general trust account shall, subject to section 42 of the Regulation respecting trust accounting by notaries (c. N-3, r. 5), be distributed by the secretary of the Committee among the claimants in respect of the notary, in proportion and up to the amount of each claim allowed, less the sum paid pursuant to section 18, at the expiry of 60 days following publication of a notice to that effect in a newspaper circulating in the place where the notary has or had his professional domicile.

The secretary of the Committee shall cause the notice to be published after one year has elapsed without any new claim exceeding \$100,000 against the fund in respect of that notary.

**21.** The claimant shall sign an acquittance in favour of the Order upon payment of the compensation.

#### DIVISION IV TRANSITIONAL AND FINAL

**22.** This regulation replaces the Regulation respecting trust accounting by notaries (c. N-3, r. 5).

However the Regulation respecting trust accounting by notaries shall continue to govern claims filed against the fund before 1 March 2012.

**23.** The compensation fund contemplated in section 2 shall consist of the moneys and property already allocated for this purpose as at 1 March 2012.

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

1903

Gouvernement du Québec

## O.C. 64-2012, 1 February 2012

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### Hunting and fishing controlled zones — Amendment

WHEREAS, under subparagraphs 1 to 4 and 9 of the first paragraph of section 110 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and paragraph 14 of section 162 of the Act, the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting hunting and fishing controlled zones (R.R.Q., c. C-61.1, r. 78);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting hunting and fishing controlled zones was published in Part 2 of the *Gazette officielle du Québec* of 16 March 2011 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 Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting hunting and fishing controlled zones, attached to this Order in Council, be made.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting hunting and fishing controlled zones

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 110, pars. 1 to 4 and 9, and s. 162, par. 14)

**1.** The Regulation respecting hunting and fishing controlled zones (R.R.Q., c. C-61.1, r. 78) is amended by inserting the following definitions in alphabetical order in section 1:

““developed campground” means an area developed for a minimum of 10 campsites for leasing to the public and offering electricity or running water service for each campsite or group of not more than 20 campsites, and its service areas; (*camping aménagé*)”

“wilderness campground” means a site developed for camping not for leasing with no electricity or running water service; (*camping rustique*)”.

**2.** Section 3 is amended by replacing the second and third paragraphs by the following:

“Such person must comply with the following registration procedure:

(1) identify himself or herself with the person’s name and address, an identification number and, where applicable, the number of the person’s hunting or fishing licence;

(2) specify a single location or, as the case may be, a single sector in which the person will be hunting or fishing and the date of the activity, for each day of hunting or fishing;

(3) specify a location or, as the case may be, a sector where the person will carry on a recreational activity that is part of a development plan approved by the Minister in accordance with section 106.0.1 of the Act and the date of each day on which the activity will be carried on;

(4) obtain proof of registration and place it on the dashboard of the person’s vehicle so that it may be read from the outside or carry and produce it upon request from a wildlife protection officer, a wildlife protection assistant or an area warden; the duly completed registration is to be deposited at the reception centre on leaving the controlled zone; and

(5) pay the fees payable.