

## Regulations and other Acts

Gouvernement du Québec

### O.C. 152-2012, 29 February 2012

Money-Services Businesses Act  
(2010, c. 40, Schedule I)

#### Fees and tariffs payable under the Act

Regulation respecting fees and tariffs payable under the Money-Services Businesses Act

WHEREAS paragraph 1 of section 60 of the Money-Services Businesses Act (2010, c. 40, Schedule I) provides that the Autorité des marchés financiers may make regulations determining the fees and tariffs payable for any formality required by the Act and for the services provided by the Authority, and payment terms and time limits;

WHEREAS the second paragraph of section 61 of the Act provides that a regulation of the Autorité des marchés financiers under paragraph 1 of section 60 of the Act must be submitted for approval to the Government, which may approve it with or without amendment;

WHEREAS section 62 of the Act provides that regulatory provisions made under Chapter V of the Act may vary according to the class of licence to which they apply;

WHEREAS, on 21 October 2011, the Autorité des marchés financiers made the Regulation respecting fees and tariffs payable under the Money-Services Businesses Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 28 December 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 45-day period has expired and no comments were received before the expiry of that period;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting fees and tariffs payable under the Money-Services Businesses Act, attached to this Order in Council, be approved.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

#### Regulation respecting fees and tariffs payable under the Money-Services Businesses Act

Money-Services Businesses Act  
(S.Q., 2010, c. 40, Schedule I, s. 60, par. (1), and s. 62)

#### DIVISION I FEES PAYABLE

**1.** The fees payable by a money-services business for a licence application filed with the *Autorité des marchés financiers* (the “Authority”) for each class of licence are:

- (1) \$600 for currency exchange;
- (2) \$600 for funds transfer;
- (3) \$600 for the issue or redemption of traveller’s cheques, money orders or bank drafts;
- (4) \$600 for cheque cashing;
- (5) \$200 for the operation of each automated teller machine.

**2.** Fees are also payable for a licence application in the amount of \$112 for each person covered by the security clearance report issued under section 8 of the Money-Services Businesses Act (S.Q., 2010, c. 40, Schedule I).

**3.** The money-services business must, by March 31 of each year, pay to the Authority the fees prescribed under section 1 with respect to each class of licence, as applicable.

## DIVISION II TARIFFS PAYABLE

**4.** The charges payable with respect to the issue of a new security clearance report are \$112 for each person or entity referred to in section 27 of the Act.

**5.** The costs payable with respect to the preparation of an inspection, the inspection itself and the follow-up on the recommendations are \$86 per hour per inspector.

Such costs are payable only after the fourth completed hour and are payable within 30 days from the date of the statement of fees.

**6.** The costs incurred in connection with an investigation pursuant to section 56 of the Act are \$86 per hour per investigator.

**7.** The fees, charges and costs prescribed under this Regulation are not refundable.

**8.** The fees, charges and costs payable are adjusted annually on January 1 in accordance with the rate of increase of the general consumer price index for Canada for the period ending on September 30 of the preceding year, as determined by Statistics Canada. They are rounded down to the nearest dollar if they include a fraction of a dollar lower than \$0.50 and rounded up to the nearest dollar if they include a fraction of a dollar that is equal to or greater than \$0.50.

The result of the annual indexation is published annually in the *Gazette officielle du Québec* and in the Bulletin of the Authority.

**9.** This Regulation comes into force on April 1, 2012.

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Gouvernement du Québec

### O.C. 154-2012, 29 February 2012

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2)

#### **Records, books and registers, trust accounting and inspection of brokers and agencies** — Amendment

Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies

WHEREAS section 10 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that all money received by a broker in the course of the broker's functions that does not belong to the broker must be deposited in a trust account as specified in the *Organisme d'autoréglementation du courtage immobilier du Québec's* regulations and the interest earned on money held in trust that is not claimed by the person who is entitled to the interest must be paid into the financing fund established under section 47 of the Act, as specified in the Organization's regulations;

WHEREAS paragraphs 10 and 10.1 of section 46 of the Act provides that, in addition to its regulatory powers under the Act, the Organization may determine, by regulation, rules for opening and maintaining a trust account, as well as the terms and conditions governing deposits and withdrawals and what measures may be taken to safeguard money entrusted to a licence holder or held in trust, and who may take such measures;

WHEREAS section 47 of the Act provides that the Organization must, by regulation, establish a financing fund made up of the interest earned on the money held in trust, and determine rules for the administration of the fund and the terms of payment of interest into the fund;

WHEREAS section 49 of the Act provides that the Organization may, for the purposes of any regulation, establish special or supplementary rules for real estate brokers, mortgage brokers, real estate agencies or mortgage broker agencies;

WHEREAS section 76 of the Act provides that the inspection committee's operating rules are set out in the Organization's regulations;

WHEREAS, on 21 October 2011, the Organization made the Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies;

WHEREAS section 130 of the Real Estate Brokerage Act provides that all regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;