

C) GEOMETRIC REDEVELOPMENT

The roads identified in the “Geometric Redevelopment” section of the schedule to this Order have been described with the assistance of the five elements of Section A above and the plan number, the name of the land surveyor and the number of the land surveyor’s minutes.

NOTE: The designation of the sites appearing in the schedule does not necessarily conform to the standards of the Commission de toponymie du Québec.

LAC MÉGANTIC, V (3003000)

Road Class	Section Identification	Name of Road	Location of Beginning	Length in km
National	00161-01-050-0-00-7	Route 161	Intersection Route 204	3.58

- Corrections to the description (numbering):
- Deletion (between new route of route 161 and rue Villeneuve) :

National	84815-01-015-000-C	Rue Laval	Intersection rue Villeneuve	2.84
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3038

Gouvernement du Québec

O.C. 1087-2013, 23 October 2013

Building Act
(chapter B-1.1)

**Guarantee plan for new residential buildings
— Amendment**

Regulation to amend the Regulation respecting the guarantee plan for new residential buildings

WHEREAS, under paragraphs 19.5, 19.5.1, 19.6 and 38 of section 185 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec may make a regulation in respect of financial guarantees for new residential buildings;

WHEREAS, under section 192 of the Act, the contents of the regulation may vary according to the classes of persons or contractors and buildings to which they apply;

WHEREAS the Board made the Regulation to amend the Regulation respecting the guarantee plan for new residential buildings on 19 March 2012;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the guarantee plan

for new residential buildings was published in Part 2 of the *Gazette officielle du Québec* of 30 May 2012 with a notice that it could be approved by the Government with or without amendment on the expiry of 45 days following that publication;

WHEREAS the comments received have been examined;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the guarantee plan for new residential buildings, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the guarantee plan for new residential buildings

Building Act

(chapter B-1.1, s. 185, pars. 19.5, 19.5.1, 19.6 and 38, and s. 192)

1. The Regulation respecting the guarantee plan for new residential buildings (chapter B-1.1, r. 8) is amended in section 50 by adding the following paragraph:

“The manager must also collect for each guarantee certificate an amount of \$300 that is then paid directly into the guarantee fund administered by the Board. The amount of \$300 is not included in the calculation of the amount to be paid into the reserve account of this section or in the calculation of the excess required in section 48.”

2. Section 56 is amended by adding the following paragraphs:

“The manager’s actuary may take into account the insurance, reinsurance or other guarantees held by the manager in the estimate of the good and sufficient provision of this section but must not take into account the guarantee fund in Chapter III.I of this Regulation. The actuary’s analyses and conclusions in that regard and the copies of the insurance, reinsurance or other guarantees held by the manager must be submitted in the report mentioned in section 64.

The actuarial reserve thus calculated may not cover uses other than those identified in the first paragraph.”

3. The following is inserted after Chapter III:

“CHAPTER III.I GUARANTEE FUND

74.1. The guarantee fund established under section 81.0.1 of the Building Act, introduced by section 12 of chapter 35 of the Statutes of 2011, is managed by the Board and serves to insure that the guarantee beneficiaries may be compensated by the manager when

(1) it is shown that exceptional or unforeseen major claims are the source of a claim to a manager by the beneficiaries of the guarantee plan, that the guarantee manager has acted with diligence and judgment in activities related to the management of the guarantee plan and that the exceptional and major claims could result in non-compliance of the financial criteria of the Regulation; or

(2) the manager is no longer able to take on the obligations of the guarantee plan, owing to the manager’s financial position and a provisional manager has been appointed.

The fund also guarantees the payment of administration costs or provisional manager’s fees in case of insolvency of a manager of the guarantee plan.

74.2. The guarantee fund comprises

(1) the amount of \$300 referred to in section 50 and collected by the manager in consideration of a guarantee certificate;

(2) the investment income accrued in the guarantee fund;

(3) the amounts recovered under subrogation; and

(4) any other sum paid into the guarantee fund.

74.3. The manager must send to the Board on a quarterly basis all the amounts collected under section 74.2. The manager also sends to the Board at each quarter the detail of the certificates issued and collected (name of the contractor, type and address of the building, sale price of the building or co-ownership unit, detail of the amounts paid to the manager under section 50).

74.4. The Board manages the guarantee fund.

The sums constituting the fund are held in trust by the Board and deposited with the Caisse de dépôt et placement du Québec according to the terms determined between the Board and the Fund.

Authorized investments are those provided for in the safe portfolios of the Caisse de dépôt et placement du Québec that the Board chooses according to an investment policy.

74.5. The management fees of the guarantee fund are payable by the fund.

74.6. A claim to the fund is forwarded to the Board by the authorized manager or the provisional manager appointed by the Board.

The application of a manager must include the information allowing to establish the exceptional or unforeseeable major nature of the claims, the real or apprehended impact on the solvency of the manager and the justification of the amount requested in relation with the claims of beneficiaries.

74.7. The Board may request any document or proof required for the analysis of the request and to determine compliance with the conditions of section 74.1.

After analysis of the claim, the Board renders a decision on the amount that the guarantee fund must pay to the manager.

The Board may, to that end, require all necessary information and make all the verifications required to render an informed decision. The Board gives the manager the opportunity to be heard.

Payment is made to the reserve account of the manager. It may be made in whole or progressively and be the subject of additional conditions, including a rendering of accounts from the guarantee manager or the provisional manager on the use of the sums received as compensation and the efforts made for recovery from contractors or suppliers responsible for the exceptional or unforeseeable major claims. The Board may require reimbursement of the amounts paid to the manager.

74.8. Guarantee managers who have obtained compensation from the guarantee fund must attempt to recover the amounts from the contractors, suppliers or any other person having responsibility in relation to the major and exceptional claims.

The Board is subrogated by operation of law in the rights of the managers and beneficiaries for the amounts paid by the fund.

74.9. The guarantee fund is financed by the sums mentioned in section 74.2 until the guarantee fund reaches 100 million dollars.

Where the guarantee fund reaches the amount referred to in the previous paragraph, the Board informs the guarantee managers and the managers suspend the collection of the amount of \$300 per certificate provided for in section 50.”

4. This Regulation comes into force on 1 January 2014.

3040

Gouvernement du Québec

O.C. 1103-2013, 30 October 2013

Public Contracts Act
(2012, chapter 25)

An Act respecting contracting by public bodies
(chapter C-65.1)

Public-private partnership contracts involving an expenditure equal to or greater than \$10,000,000

WHEREAS the Integrity in Public Contracts Act (2012, chapter 25) was assented to on 7 December 2012;

WHEREAS the Act amends the Act respecting contracting by public bodies (chapter C-65.1) to introduce Chapter V.2 concerning prior authorization for public contracts or public subcontracts;

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies, an enterprise that wishes to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government or that wishes to enter into a subcontract that involves an expenditure equal to or greater than that amount and that is directly or indirectly related to the contract must obtain an authorization from the Autorité des marchés financiers and the amount may vary according to the category of contract;

WHEREAS, under section 85 of the Integrity in Public Contracts Act, from 15 January 2013, for the purposes of section 21.17 of the Act respecting contracting by public bodies, the contracts and subcontracts to which that section applies are construction contracts and subcontracts and service contracts and subcontracts that involve an expenditure equal to or greater than \$40,000,000 and for which the award process is underway on or begins after that date;

WHEREAS, under section 89 of the Integrity in Public Contracts Act, Chapter V.2 of the Act respecting contracting by public bodies applies to a body referred to in sections 7 and 7.1 of that Act as they read before being repealed by section 4 of the Integrity in Public Contracts Act as of 7 December 2012;

WHEREAS, under subparagraph 1 of the second paragraph of section 3 of the Act respecting contracting by public bodies, public-private partnership contracts are subject to the Act respecting contracting by public bodies whether or not they involve public expenditure;