

## Draft Regulations

### Draft Regulation

Civil Code of Québec

An Act respecting registry offices  
(chapter B-9)

#### Land registration — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting land registration, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting land registration (chapter CCQ, r. 6) to provide for certain rules concerning the presentation of the applications for registration in the land register, in particular following the transfer of a notarial act *en brevet* or a private writing to an information technology-based medium.

The draft Regulation also amends the hours of presentation of the applications for registration in registry offices and revokes or updates certain provisions deemed to be obsolete to take into account the recent technology changes and to promote their use.

The draft Regulation has no impact on small and medium-sized businesses.

Further information may be obtained by contacting Stéphanie Cashman-Pelletier, Land Registrar, Ministère de l'Énergie et des Ressources naturelles, 5700, 4<sup>e</sup> Avenue Ouest, bureau E 311.2, Québec (Québec) G1H 6R1; telephone: 418 627-6350, extension 2279; fax: 418 646-9687; email: stephanie.cashman-pelletier@foncier.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mario Gosselin, Associate Deputy Minister for Territory, Ministère de l'Énergie et des Ressources naturelles, 5700, 4<sup>e</sup> Avenue Ouest, bureau E 330, Québec (Québec) G1H 6R1.

STÉPHANIE VALLÉE,  
*Minister of Justice*

### Regulation to amend the Regulation respecting land registration

Civil Code of Québec  
(art. 3024)

An Act respecting registry offices  
(chapter B-9, s. 5)

**1.** The Regulation respecting land registration (chapter CCQ, r. 6) is amended in section 1 by replacing “a computer system” in the third paragraph by “an information technology-based medium”.

**2.** Section 2 is amended by replacing “In each registry” in the first paragraph by “For each registry”.

**3.** Section 23 is amended

(1) by replacing “kept in” in the second dash of subparagraph 3 of the first paragraph by “kept for”;

(2) by replacing “For applications for registration kept in the registry office for” in the second paragraph by “For” and “kept at” by “kept for”.

**4.** Section 28 is amended by replacing “kept in” in the first paragraph by “kept for”.

**5.** Section 31 is replaced by the following:

“**31.** Applications for registration must be of the same size, measuring 215 mm by 280 mm or 215 mm by 355 mm.

The documents accompanying the applications must be in a size that does not exceed 215 mm by 355 mm and the pages of a document must all be of the same size.

The applications and the documents presented in paper form must be on paper weighing at least 75 g/m<sup>2</sup> per ream.”

**6.** Section 32 is amended by replacing “in paper form” by “and documents accompanying them”.

**7.** Section 35 is amended by replacing “electronic form” in the second paragraph by “an information technology-based medium”.

**8.** Section 36 is amended by striking out “, if presented in paper form,” in the second paragraph.

**9.** Section 37 is amended by replacing “one original of that act or writing” in the second paragraph by “one original of that act or writing or of the document resulting from the transfer of the act to an information technology-based medium.”

**10.** The following is inserted after section 37:

“**37.1.** The transfer of the information contained in a notarial act *en brevet* or a private writing to an information technology-based medium is made in accordance with the digitization guide made available by the Land Registrar.

Documentation attesting that the notary or advocate made the transfer in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) is recorded on a form made available by the Land Registrar.”

**11.** Section 38 is replaced by the following:

“**38.** Pursuant to article 3075.1 of the Civil Code, the purposes for which the application is presented to a land registrar is indicated by the applicant stating those purposes on the form referred to in article 2982 of the Civil Code.”

**12.** The following is inserted after section 38:

“**38.1.** The form and the registration slip referred to in article 2982 of the Civil Code may only be used once. However, the application for registration presented in paper form in more than one registry office must be accompanied by a copy of the registration slip for each registration division.

The application accompanied by a registration slip must be presented before the due date indicated on the slip.”

**13.** The following is inserted after section 53:

“**53.1.** Applications for registration and accompanying documents may not include a reference to external content such as a hyperlink in a text form, a bar code or an image, a related multimedia document or a data connection.”

**14.** Section 54 is amended by inserting “to applications presented in paper form” in the second paragraph after “Where such certificates are appended”.

**15.** Sections 59, 62, 64, 67 and 69 are amended by replacing “electronic form” and “a computer system” by “an information technology-based medium”.

**16.** Section 76 is amended by replacing “9:00 a.m. and 3:00 p.m.” by “9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:00 p.m.”.

**17.** Section 77 is amended by replacing “electronic form” in the second paragraph by “an information technology-based medium”.

**18.** Section 82 is amended by striking out the second paragraph.

**19.** Section 83 is amended by striking out “and encryption” in the first paragraph.

**20.** Section 85 is amended by striking out “and decrypt them” in the first paragraph and by striking out the second paragraph.

**21.** Section 86 is amended by adding the following after the first paragraph:

“Where those conditions are met, the Land Registrar so notifies the applicant.”

**22.** Section 87 is replaced by the following:

“**87.** Applications for registration and documents presented to the Land Registry Office in an information technology-based medium must be kept as such.

In respect of applications for registration and documents presented to a registry office in paper form, only those resulting from the transfer to an information technology-based medium, conducted in accordance with article 3006.1 of the Civil Code, are kept.

A version of the applications and documents is converted without data loss and made available to the public.”

**23.** Section 88 is amended by replacing “a computer system” in the first paragraph by “an information technology-based medium”.

**24.** The Schedule is amended

(1) by striking out the words “and encryption”, “and encryption key”, “and encryption certificate” and “and encryption certificates” wherever they appear;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) the asymmetric cryptographic system used must provide for the issue of a signing key pair by means of which the applications for registration and documents presented are signed and their source identified;”;

(3) by replacing “a computer system” in the portion preceding the first dash of subparagraph 5 of the first paragraph by “an information technology-based medium”;

(4) by striking out “or the encryption public key, as the case may be,” in the third dash of subparagraph 5 of the first paragraph;

(5) by replacing in subparagraph 6 of the first paragraph

(a) “the encryption certificates” by “the signature verification certificates”;

(b) “electronic” by “information technology-based”;

(6) by striking out subparagraph 7 of the first paragraph.

**25.** This Regulation comes into force on (*enter the date of coming into force of sections 29 and 30 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27)*).