

Draft Regulations

Draft Regulation

Individual and Family Assistance Act
(chapter A-13.1.1)

Individual and family assistance — 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 Individual and Family Assistance Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes various enhancements to the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) regarding exclusions regarding the value of a residence and exclusions of certain sums and indemnities a person receives.

In particular, the proposed amendments tighten up the conditions to be met to be considered a resident in Québec and the rules concerning the consideration of income from room and board.

Lastly, the draft Regulation also amends the assistance granted to persons who stay in a centre that offers addiction services and to their family.

There are no impacts on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Anne Paradis, Direction des politiques de prestations, Ministère de l'Emploi et de la Solidarité sociale, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1; telephone: 418 646-0425, extension 63289; fax: 418 6441299; email: anne.paradis@mess.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

FRANÇOIS BLAIS,
*Minister of Employment
and Social Solidarity*

Regulation to amend the Individual and Family Assistance Regulation

Individual and Family Assistance Act
(chapter A-13.1.1, s. 131, pars. 9 and 10, s. 132, pars. 1, 7, 8, 10, 11, 13, 14 and 16, and s. 136)

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended in section 15 by replacing “of section 20” by “of the first paragraph of section 20, or is absent from Québec for a calendar month.”.

2. Section 19 is amended by inserting the following after subparagraph 3 of the second paragraph:

“(3.1) an adult who stays in a centre that offers addiction services with accommodations, operated by a community or private organization holding a certificate of compliance issued for that purpose by a health and social services agency pursuant to the Act respecting health services and social services (chapter S-4.2) ceases to be a member of a family from the third month following the beginning of the stay;”.

3. Section 20 is amended by replacing “a full calendar month, which is a period extending from the first day to the last day of the month” in the second paragraph by “more than 15 days in a calendar month”.

4. Section 41 is amended

(1) by replacing “3” in subparagraphs 2 and 3 of the first paragraph by “2”; and

(2) by adding the following after subparagraph 3:

“(3.1) when 2 or more rooms are rented or offered for rent if the cohabitation is necessary for, where applicable:

(a) the lessor or a member of the family who occupies the unit to provide constant care to a person who occupies the unit and whose autonomy is significantly reduced because of a physical or mental condition;

(b) a person who occupies the unit to provide constant care to the lessor or a member of the family who occupies the unit and whose autonomy is significantly reduced because of a physical or mental condition;”.

5. Section 60 is amended by adding the following paragraph at the end:

“The same applies to an independent adult who stays in a centre that offers addiction services with accommodations, operated by a community or private organization holding a certificate of compliance issued for that purpose by a health and social services agency pursuant to the Act respecting health services and social services (chapter S-4.2).”

6. Section 61 is amended

(1) by inserting “, after deducting, where applicable, the special benefit provided for in section 82 granted to pay the dwelling expenses for the month of the adjustment” at the end; and

(2) by adding the following paragraph at the end:

“The same applies to an independent adult who stays in a centre that offers addiction services with accommodations, operated by a community or private organization holding a certificate of compliance issued for that purpose by a health and social services agency pursuant to the Act respecting health services and social services (chapter S-4.2).”

7. Section 65 is amended by inserting “, an independent adult referred to in the second paragraph of section 60” after the first occurrence of “sheltered”.

8. Section 82 is amended

(1) by inserting “, an independent adult referred to in the second paragraph of section 60” after the first occurrence of “sheltered” in the first paragraph;

(2) by replacing “\$325” in the first paragraph by “\$416”.

9. Section 114 is amended by adding the following after the first paragraph:

“However, the exclusions provided for in this section do not apply in the case of a claim made following a false declaration concerning the income in question.”

10. Section 120 is amended

(1) by replacing “calculated to the extent of 40%, with a minimum of \$85 for 1 person and” by “set at \$125 for 1 person and at”;

(2) by adding the following paragraph at the end:

“The income from room or board for the room whose leasing brings in the lowest income is not taken into account in the calculation of the benefit when 2 or more rooms are rented or offered for rent, except for a lessor referred to in subparagraph 3 or 3.1 of the first paragraph of section 41.”

11. Section 138 is amended by adding the following at the end:

“(15) financial assistance received as extra temporary housing, food and clothing costs under a general financial assistance program or a compensation or specific financial assistance program established under the Civil Protection Act (chapter S-2.30).”

12. Section 146 is amended by adding the following at the end:

“(10) sums received as compensation for essential movable property under a general financial assistance program or a compensation or specific financial assistance program established under the Civil Protection Act (chapter S-2.30), if the sums are used within 90 days of their receipt;

(11) sums received otherwise than as extra temporary housing, food and clothing costs or as compensation for essential movable property under a program referred to in paragraph 10, if the sums are used within 2 years of their receipt for the purposes for which they were received.”

13. Section 147 is amended by replacing “\$90,000” by “\$142,100”.

14. Section 148 is amended by inserting “in paragraphs 10 and 11 of section 146 and” after “exclusions” in the first paragraph.

15. Section 157 is amended by inserting “, an independent adult referred to in the second paragraph of section 60” after the first occurrence of “sheltered”.

16. Section 164 is amended by replacing “\$130,000, increased by \$1,000 for each full year of occupation if the independent adult or family owns the residence” in the first paragraph by “\$203,000”.

17. The following Division is added after section 177.5:

**“DIVISION IV
VARIOUS INCREASES**

177.6 The amounts provided for in sections 147 and 164 are increased on 1 July of each year based on the percentage variation, between the previous year and the current year, of the standardized medium taxable value of single-family dwellings for the whole of Québec, as published by the Institut de la statistique du Québec.

Where the percentage variation provided for in the first paragraph has more than 2 decimals, only the first 2 are retained and the second is increased by one unit if the third is greater than 4.

Where the amount resulting from the increase provided for in the first paragraph is not a multiple of \$1, it must be rounded to the nearest multiple of \$1 or, if it is equidistant from two such multiples, to the higher thereof.

177.7 The Minister is to inform the public of the increase under this Division through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate.”.

18. Section 185 is amended by inserting “, an independent adult referred to in the second paragraph of section 60” in the second paragraph after the first occurrence of “sheltered”.

19. Section 187 is amended by inserting “, an independent adult referred to in the second paragraph of section 60” in the second paragraph after the first occurrence of “sheltered”.

20. This Regulation comes into force on 1 May 2015, except sections 4, 10, 13, 16 and 17 which come into force on 1 July 2015.

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Draft Regulation

An Act to establish the new Code of Civil Procedure (2014, chapter 1)

Regulation to establish a pilot project on mandatory mediation for the recovery of small claims arising out of consumer contracts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to establish a pilot project on mandatory mediation for the recovery of small claims arising out of consumer contracts, appearing below, may be made by the Minister of Justice on the expiry of 45 days following this publication.

The draft Regulation is within the framework of the amendments made regarding civil procedures by the Act to establish the new Code of Civil Procedure (2014, chapter 1), assented to on 21 February 2014. The draft Regulation provides for the establishment of a pilot project on mandatory mediation in the judicial districts of Gatineau and Terrebonne for a period of three years. Under the pilot project, parties to a case for the recovery of small claims arising out of consumer contracts introduced in those districts during that period must mandatorily participate in a mediation session before the case may be heard by the court.

To date, study of the matter has revealed that the amendments will have no financial impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Michel Paquette, Bureau de la sous-ministre, Ministère de la Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; email: michel.paquette@justice.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to establish a pilot project on mandatory mediation for the recovery of small claims arising out of consumer contracts

An Act to establish the new Code of Civil Procedure (2014, chapter 1, ss. 28 and 836)

CHAPTER 1 GENERAL

1. A pilot project on mandatory mediation for the recovery of small claims arising out of consumer contracts is established for a period of 3 years in the judicial districts of Gatineau and Terrebonne.

Under the pilot project, parties to a case for the recovery of small claims arising out of consumer contracts introduced in those districts during that period must participate in a mediation session before the case may be heard by the court. However, cases concerning fees arising from a contract concluded with a member of a professional order governed by the Professional Code (chapter C-26) are not subject to the pilot project.