

## Draft Regulations

### Draft Regulation

An Act respecting the collection of certain debts (chapter R-2.2)

#### Regulation — 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 the application of the Act respecting the collection of certain debts, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to adjust the duties to be paid by the applicant for a collection agent's permit issued by the Office de la protection du consommateur to the Policy for the funding of public services. That policy provides mechanisms to determine the cost of the services invoiced by the departments and bodies. The draft Regulation also increases the duties for the issue of a collection agent's permit, so that the duties better reflect the actual costs borne by the Office for the issue of permits. The increase will be spread over a 3-year period.

The draft Regulation also provides for

— costs for opening a file charged to a permit holder who provides security in bonds; and

— the requirement to attach a review engagement report to the financial statements that must be provided each year.

Lastly, the draft Regulation revokes the forms for the permit and the security.

Further information may be obtained by contacting Johanne Renaud, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: 514 253-6556, extension 3428; fax: 514 864-2400; email: johanne.renaud@opc.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 Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,  
*Minister of Justice*

### Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts

An Act respecting the collection of certain debts (chapter R-2.2, s. 51)

**1.** The Regulation respecting the application of the Act respecting the collection of certain debts (chapter R-2.2, r. 1) is amended in section 1 by replacing “in accordance with Form N-39 attached hereto” in paragraph *e* by “in accordance with section 24”.

**2.** Section 6 is replaced by the following:

“6. An applicant must forward to the president, using the form provided by the president, the following information and documents:

(a) the applicant's name and the names under which the applicant does business which must appear on the permit;

(b) the applicant's address, telephone number and, where applicable, technological address and fax number, and those of the establishment for which the permit is requested;

(c) the name, address, telephone number and, where applicable, technological address and fax number of the natural person who signed the application for a permit and the person's date of birth;

(d) in the case of a partnership or legal person, the name, date of birth, home address and telephone number of the partners or directors, along with their position and the percentage of their share in the partnership or legal person;

(e) the name, date of birth, home address, telephone number and, where applicable, technological address of all the applicant's representatives;

(f) when the applicant is required to be registered, the Québec business number (NEQ) assigned by the enterprise registrar;

(g) a statement that, at the time of the application, the partnership or legal person, if constituted under the laws of Québec, was in compliance with the provisions governing legal publicity;

(h) the name and address of the financial institution where the trust account is held, as well as the account number;

(i) the answers to the following questions concerning the applicant, concerning the person, in the case of a sole proprietorship, or concerning each partner or director, in the case of a partnership or legal person, that is:

- i. whether they are an undischarged bankrupt;
- ii. whether they have been found guilty, in the 3 years prior to the application, of an offence against an Act or regulation the application of which is under the supervision of the Office de la protection du consommateur, of an indictable criminal offence or of an offence punishable on summary conviction under Part IX or under section 423 or 426 of the Criminal Code (Revised Statutes of Canada (1985), chapter C-46), unless a pardon has been obtained;
- iii. if the answer to one of the questions in subparagraphs *i* and *ii* is affirmative, the nature of the offence, the date of the judgment and the court file number.

Every application for a permit must be submitted with the duties payable and the security required under sections 12 to 14, along with a statement that the information provided pursuant to the first paragraph is true.”

**3.** Section 9 is revoked.

**4.** The first paragraph of section 14 is replaced by the following:

“The duties to be paid by an applicant are set as follows:

Periods	Duties
Until 30 April 2017	\$356
From 1 May 2017 to 30 April 2018	\$737
From 1 May 2018 to 30 April 2019	\$1,119
From 1 May 2019 to 30 April 2020	\$1,500

”.

**5.** The following is inserted after section 14.1:

“**14.2.** The duties payable under section 14 are increased by 50% if priority processing is requested. The application must then be processed by the president within 3 working days.”.

**6.** Section 18 is amended by adding the following paragraph at the end:

“An applicant who furnishes security in the manner provided for in paragraph *d* of section 16 must pay duties of \$278 to cover the costs for opening a file.”.

**7.** Section 19 is replaced by the following:

“**19.** The security must be drawn up using the form provided by the president, and include

- (a) the date on which the security is furnished;
- (b) the total amount of the obligation which the surety is required to meet for the duration of the permit and its renewal as determined in section 12 or 13, as the case may be;
- (c) a solidary undertaking by the surety with the applicant towards the president, in the case of an individual security, or with any member of the group towards the president, in the case of a group security policy, up to the amount of the security, to pay any amount payable pursuant to section 26;
- (d) when the security is furnished by the applicant on the applicant’s own behalf, an undertaking by the applicant, up to the amount of the security, to pay any amount payable pursuant to section 26;
- (e) a statement that the undertaking is binding on the administrators of the surety or the applicant in the case of security furnished by the applicant;
- (f) a waiver of the benefits of discussion and division, and the fact that the surety is subrogated in the rights of a consumer to whom an indemnity is paid up to the amount disbursed by the surety;
- (g) a statement that the surety or applicant may only terminate the security by sending at least 90 days’ written notice to the president along with proof that a copy of the notice was notified to the applicant, if applicable; and
- (h) a statement that, despite the expiry of the security, the obligations of the surety are maintained and the responsibility of the applicant continues to extend to the applicant’s clients, when, as the case may be,

”.

”.

”.

”.

- i. civil proceedings were instituted within the time prescribed by the Civil Code;
- ii. the agreement or transaction, which was intended to prevent judicial proceedings, was entered into within the same time;
- iii. penal proceedings were instituted within the time prescribed by section 63.1 of the Act;
- iv. the act or omission that is the subject of the civil judgment, the agreement or transaction or, as the case may be, the conviction is related to a contract concluded or fault committed while the security was in effect, or occurred while the security was in effect.

The form must be signed by the surety or by the applicant if furnished by the latter and, at the request of the surety, by the principal debtor.”

- 8.** Section 20 is revoked.
- 9.** Section 21 is revoked.
- 10.** Section 22 is revoked.
- 11.** Section 24 is replaced by the following:

“**24.** Each of the permit holders covered by a group security policy must be identified by a member’s certificate containing

- (a) the name of the surety;
- (b) the name of the group for which the surety furnishes security;
- (c) the member’s certificate number of the group;
- (d) the amount of security payable pursuant to section 12 or 13;
- (e) the number of the group security policy and its date of issue;
- (f) an attestation that the permit holder is a member of the group and is covered by the group security policy; and
- (g) the signature of a duly authorized representative of the surety or of the association authorized by the surety, and the date of issue.

The surety may cancel the member’s certificate only by sending at least 90 days’ written notice to the president along with proof that a copy of the notice was notified to the member.”

**12.** Section 43 is amended in the English version by replacing “remit a receipt” in the second paragraph by “remit an acquittance”.

**13.** Section 57 is amended by inserting “must contain an auditor’s certificate or a review engagement report” after “by an accountant who belongs to the professional order recognized by the Professional Code (chapter C-26),”.

**14.** Forms N-34 to N-39 attached to the Regulation are revoked.

**15.** This Regulation comes into force on (*insert the fifteenth day following the date of its publication in the Gazette officielle du Québec*), except section 4, which comes into force 3 months after that date.

102953

## Draft Regulation

Consumer Protection Act  
(chapter P-40.1)

### Regulation — 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 the application of the Consumer Protection Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to adjust the duties to be paid by the applicant for a permit issued by the Office de la protection du consommateur to the Policy for the funding of public services. That policy provides mechanisms to determine the cost of the services invoiced by the departments and bodies.

It is proposed to increase the duties for the issue of an itinerant merchant’s permit, a physical fitness studio operator’s permit, a money lender’s permit, and a merchant’s permit to offer or make a contract of additional warranty for an automobile or a motorcycle, as well as for exemptions from the use of trust accounts, so that the duties better reflect the actual costs borne by the Office for the issue of permits and exemptions. The increase will be spread over a 4-year period.

The draft Regulation provides for 2 classes of itinerant merchant’s permits, instead of the 16 current classes, and extends the exemption from the application of the provisions governing itinerant sales and the obligation to