

- 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

hold a permit to contracts involving a total obligation of \$100 or less, instead of the current \$25. It also provides that the security required from an itinerant merchant is \$100,000, unless the contracts entered into by a merchant are always lower than \$500, in which case the security required is \$25,000.

It also provides that the holder of a physical fitness studio operator's permit must furnish security in the amount of \$30,000 per establishment and that the exemption for membership contracts with a physical fitness studio under \$100 also applies to accessory contracts of service or for the lease of goods. It is also proposed to prohibit stipulations in a subscription contract to a physical fitness studio that could have the effect of renewing the contract otherwise than in the manner prescribed by the Regulation.

To reduce the costs entailed by the administrative formalities imposed on enterprises, it is also proposed

— to replace, for holders of a merchant's permit to offer additional warranties for cars or motorcycles, the obligation to produce an audit report, with the financial statements, by the obligation to produce a review engagement report;

— to eliminate the obligation to provide a copy of the enterprise's constituting act and of the resolution from the board of directors in the case of a first application for a permit;

— to eliminate the obligation to furnish additional security per establishment for applicants for exemptions from the use of a trust account.

The draft Regulation also proposes

— to charge costs for opening a file to permit holders who furnish security in bonds;

— to specify that applicants for a permit must provide their name and the names under which they do business;

— to require that natural persons who sign an application for a permit on behalf of a legal person also provide their date of birth.

It also exempts from the application of the rules governing itinerant merchants all contracts for the sale or lease of new road vehicles entered into in a temporary branch, and it specifies the amount of security to be furnished by merchants trading certain off-highway vehicles.

Lastly, the draft Regulation specifies that work covered by the exception provided for in section 7 of the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is limited to the installation and repair of the goods mentioned therein.

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 Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350)

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by replacing section 7 by the following:

“7. Despite section 57 of the Act, a contract entered into by a merchant the object of which is the sale, installation or repair of a door, window, thermal insulation, roofing or exterior wall covering, constitutes a contract entered into by an itinerant merchant even if it was entered into at the address of the consumer upon the latter's express request.”

2. Section 8 is amended

(1) by replacing “new automobile” in paragraphs *b* and *b.1* by “new road vehicle”;

(2) by replacing “\$25” in paragraph *m* by “\$100”.

3. Section 15.1 is amended by adding the following paragraph at the end:

“The first paragraph also applies, with the necessary modifications, to a contract of service or for the lease of goods referred to in section 207 of the Act.”

4. The following is inserted after section 25.9:

“**25.10.** A stipulation having the effect of renewing, otherwise than in the manner provided for in section 15.2, a service contract involving sequential performance entered into by a merchant who operates a physical fitness studio is prohibited.”.

5. Section 94 is amended

(1) by replacing subparagraph *b* of the first paragraph by the following:

“(b) the merchant’s name and the names under which the merchant does business which must appear on the permit;”;

(2) by striking out “, if the application is for that person,” in subparagraph *d* of the first paragraph;

(3) by striking out subparagraphs *f*, *h* and *j* of the first paragraph.

6. Section 94.01 is amended by replacing paragraph *b* by the following:

“(b) if applicable, a statement that the consideration for the applicant’s contracts will always be below \$500 for the term of the permit requested;”.

7. Section 94.03 is amended

(1) by replacing subparagraph *b* of the second paragraph by the following:

“(b) vehicles with a net weight of less than 5,500 kg other than the vehicles listed in subparagraph *c* of the second paragraph and other than trailers and semi-trailers with a net weight of less than 1,300 kg;”;

(2) by replacing subparagraph *c* of the second paragraph by the following:

“(c) motorcycles, mopeds, half-tracks, snowmobiles, other off-highway vehicles within the meaning of the Act respecting off-highway vehicles (chapter V-1.2) and farm machines.”.

8. Section 94.1 is amended by replacing “and audited according to generally accepted auditing standards” in paragraph *a* by “and including an auditor’s report or a review engagement report”.

9. Section 104 is replaced by the following:

“**104.** The security that an applicant for an itinerant merchant’s permit must furnish is \$100,000, unless the contracts entered into by the applicant are always lower than \$500, in which case the security required is \$25,000.

The duties that must be paid by the applicant are fixed according to the following classes:

(a) if the applicant has less than 50 representatives (Class 1), the duties are fixed as follows:

Periods	Duties
Until 30 April 2018	\$631
From 1 May 2018 to 30 April 2019	\$778
From 1 May 2019 to 30 April 2020	\$924
From 1 May 2020	\$1,072

(b) if the applicant has 50 representatives or more (Class 2), the duties are fixed as follows:

Periods	Duties
Until 30 April 2018	\$4,300
From 1 May 2018 to 30 April 2019	\$4,730
From 1 May 2019 to 30 April 2020	\$5,203
From 1 May 2020	\$5,715

”.

10. Sections 105 is replaced by the following:

“**105.** If, during the term of the permit, the consideration for the permit holder’s contract increases to \$500 or more, the permit holder must, without delay, make up the difference in the security required by the first paragraph of section 104.

If, during the term of the permit, the number of representatives of a permit holder increases to 50 or more, the permit holder must, without delay, make up the difference in the duties payable for Class 2 under the second paragraph of section 104.”.

11. Section 106 is revoked.

12. Section 107 is replaced by the following:

“**107.** The duties that must be paid by an applicant for a money lender’s permit are fixed as follows:

Periods	Duties
Until 30 April 2018	\$889
From 1 May 2018 to 30 April 2019	\$1,429
From 1 May 2019 to 30 April 2020	\$1,969
From 1 May 2020	\$2,509

13. Section 108 is replaced by the following:

“**108.** The security that an applicant for a physical fitness studio operator’s permit must furnish is \$30,000 per establishment used as a physical fitness studio. The duties that must be paid by the applicant per establishment used as a physical fitness studio are fixed as follows:

Periods	Duties
Until 30 April 2018	\$449
From 1 May 2018 to 30 April 2019	\$798
From 1 May 2019 to 30 April 2020	\$1,146
From 1 May 2020	\$1,495

14. Section 108.1 is amended by replacing the part preceding subparagraph *a* of the first paragraph by the following:

“**108.1.1.** The duties that must be paid by an applicant for a merchant’s permit to offer or make a contract of additional warranty are fixed as follows:

Periods	Duties
Until 30 April 2018	\$889
From 1 May 2018 to 30 April 2019	\$1,429
From 1 May 2019 to 30 April 2020	\$1,969
From 1 May 2020	\$2,509

The security to be furnished by the applicant is:”

15. Section 108.1 is amended

(1) by replacing subparagraph *b* of the second paragraph by the following:

“(b) an amount of \$100,000 for the trade of vehicles with a net weight of less than 5,500 kg other than the vehicles listed in subparagraph *c* of the second paragraph and other than trailers and semi-trailers with a net weight of less than 1,300 kg;”;

(2) by replacing subparagraph *c* of the second paragraph by the following:

“(c) an amount of \$25,000 for the trade of motorcycles, mopeds, half-tracks, snowmobiles, other off-highway vehicles within the meaning of the Act respecting off-highway vehicles (chapter V-1.2) and farm machines.”.

16. Section 112 is amended by adding the following paragraph at the end:

“An applicant who furnishes security in the manner provided for in subparagraph *d* of the first paragraph of section 110 must pay duties of \$278 to cover the costs for opening a file.”.

17. Section 127 is amended by replacing “sections 104, 107 or 108” by “section 104 or sections 107 to 108.1.3”.**18.** Section 146 is amended

(1) by inserting “The exemption is valid for 2 years and is renewable upon payment of the duties.” at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

“The duties that must be paid by an applicant for an exemption are fixed as follows:

Periods	Duties
Until 30 April 2018	\$889
From 1 May 2018 to 30 April 2019	\$1,429
From 1 May 2019 to 30 April 2020	\$1,969
From 1 May 2020	\$2,509

19. Section 149 is replaced by the following:

“**149.** An itinerant merchant who meets the requirements of sections 104 and 105 is not required to deposit in a trust account the amounts referred to in sections 255 and 256 of the Act and is not required to furnish additional security.”.

20. Section 150 is amended

(1) by striking out “and on the number of establishments in operation” in the first paragraph;

(2) by striking out “on the basis of sales,” in the second paragraph;

(3) by striking out the third paragraph.

21. Section 154 is revoked.

22. Section 163 is amended by replacing “is 2 years” by “remains in force”.

23. Section 170 is amended by replacing “and audited according to generally accepted auditing standards” in the first paragraph by “and include an auditor’s report or a review engagement report”.

TRANSITIONAL AND FINAL

24. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation, holders of itinerant merchant’s permits who have 10 representatives or more but less than 50 must, until 30 April 2019, pay duties in the amount of \$823.

25. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation, holders of itinerant merchant’s permits who have 500 representatives or more but less than 1,000 must, until 30 April 2020, pay duties in the amount of \$5,795.

26. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation, holders of itinerant merchant’s permits who have 1,000 representatives or more must, until 30 April 2020, pay duties in the amount of \$11,170.

27. Itinerant merchant’s permits in classes 9 to 16, issued before the date of coming into force of this section and in force on that date, are deemed to be permits issued under section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 9 of this Regulation.

28. If, during the term of the itinerant merchant’s permit, the amount of security payable under section 104 of the Regulation respecting the application of the Consumer Protection Act decreases by reason of the coming into force of this Regulation, the permit holder may replace it, subject to the second paragraph of

section 119 of the Regulation respecting the application of the Consumer Protection Act, by the security payable under section 104 of the Regulation as replaced by section 9 of this Regulation.

29. The increase in the amount of security payable under sections 104 and 108 of the Regulation respecting the application of the Consumer Protection Act, by reason of the replacement of those sections by this Regulation, applies at the time of an application for the renewal of a permit made by the permit holder.

30. This Regulation comes into force on (*insert the fifteenth day following the date of its publication in the Gazette officielle du Québec*), except sections 9 to 14, the second paragraph of section 18, sections 20, 22 and 24 to 27, which come into force 3 months after that date.

102954

Draft Regulation

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve de biodiversité de la Moraine-d’Harricana

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Government intends to constitute the Réserve de biodiversité de la Moraine-d’Harricana and to approve the conservation plan applicable to the territory designated in the plan accompanying it and that it intends to make for that purpose the draft Regulation respecting the Réserve de biodiversité de la Moraine-d’Harricana, appearing below, on the expiry of 45 days following this publication.

The constitution of the Réserve de biodiversité de la Moraine-d’Harricana, a name approved by the Commission de toponymie, resulting from the amalgamation of the proposed Réserve de biodiversité du réservoir Decelles and the proposed Réserve de biodiversité de la forêt Piché-Lemoine, will give to those territories, set aside in July 2004, permanent protection status and will make the activities framework provided for in the Natural Heritage Conservation Act (chapter C-61.01) and in the draft Regulation prepared for that biodiversity reserve applicable to the territory designated in the plan accompanying it.

The activities contains the general guidelines of the activities framework currently in force in the territories of the proposed Réserve de biodiversité du réservoir Decelles and the proposed Réserve de biodiversité de la forêt Piché-Lemoine. It provides for prohibitions in addition to those