

Draft Regulations

Draft Regulation

Animal Health Protection Act
(chapter P-42)

Identification and traceability of certain animals — 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 identification and traceability of certain animals, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces a reference made to the Regulation respecting animals in captivity (chapter C-61.1, r. 5) by a reference to the Regulation respecting licences to keep animals in captivity. It also strikes out a reference to a wildlife observation centre to ensure concordance with that Regulation. The amendments are required since that Regulation and the Regulation respecting animals in captivity, which come into force at the same time, will replace the Regulation respecting animals in captivity and the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 20.1) currently in force. Lastly, the draft Regulation strikes out the third paragraph of section 11, which provides that a person referred to in the first paragraph must provide the tattoo number of a white-tailed deer to the Minister. The Ministère de l'Agriculture, des Pêcheries et de l'Alimentation was consulted and agrees with the amendments.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Lysanne Rivard, project manager for regulations, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7378; fax: 418 646-5179; email: lysanne.rivard@mffp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Grignon, Associate Deputy Minister for Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, bureau RC-120, Québec (Québec) G1S 4X4.

LAURENT LESSARD,
Minister of Agriculture, Fisheries and Food

LUC BLANCHETTE,
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting the identification and traceability of certain animals

Animal Health Protection Act
(chapter P-42, s. 22.1, 1st par.)

1. The Regulation respecting the identification and traceability of certain animals (chapter P-42, r. 7) is amended in section 10 by replacing “a cervid kept in a zoological garden or wildlife observation centre, for which a licence was issued under Division IV or V of the Regulation respecting animals in captivity (chapter C-61.1, r. 5)” in paragraph 5 by “a cervid kept in a zoological garden, for which a licence was issued under the Regulation respecting licences to keep animals in captivity made by Minister’s Order M.O. XXXX-XXX dated (*insert the date of the Minister’s Order*)”.

2. Section 11 is amended by striking out the third paragraph.

3. This Regulation comes into force on 1 April 2018.

103250

Draft Regulation

Building Act
(chapter B-1.1)

Professional qualification of contractors and owner-builders — 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 professional qualification of contractors and owner-builders, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends certain provisions regarding the security required from a contractor under the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) to ensure the efficient treatment of a client’s claim when the contractor also holds the itinerant merchant’s security required by the Consumer Protection Act (chapter P-40.1).

In pursuit of that goal, the draft Regulation makes clarifications and amendments to improve the procedure for processing a claim against the security, and provides for certain exchanges of information between the Régie du bâtiment du Québec and the Office de la protection du consommateur. It also makes certain amendments to make the regulations applied by the Board and by the Office more consistent, particularly as regards the time limit applicable to claims.

Lastly, the draft Regulation provides that fees must be paid to the Board for any application for review from a decision on the licence security.

Further information may be obtained by contacting Nada Dib, Director, Direction des relations avec la clientèle, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 4^e étage, Montréal (Québec) H2M 2V2; telephone: 514 873-2160; email: nada.dib@rbq.gouv.qc.ca

Any interested person wishing to comment on the matter is requested to submit written comments within the 45-day period to Stéphane Labrie, President and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

LISE THÉRIAULT,
*Minister responsible for Consumer Protection
and Housing*

Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders

Building Act
(chapter B-1.1, ss. 84 and 185, pars. 19.7, 20 and 38)

1. The Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended in section 33 by replacing “and the contractor, or the syndic, and the surety” by “and the contractor or the surety”.

2. Section 34 is amended by replacing “between the client and the contractor or syndic” by “between the client and the contractor”.

3. Section 37 is amended by replacing “2 years” in paragraph 2 by “3 years”.

4. Section 40 is amended

(1) by replacing “and the contractor or the syndic and the surety” in subparagraph 1 of the first paragraph by “and the contractor or the surety”;

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

“Despite the foregoing, clients may be compensated from the security provided for in this Division for any part of their claim for which they may not obtain compensation in execution of the security related to an itinerant merchant’s permit required by the Consumer Protection Act (chapter P-40.1), or of other security issued by a person authorized to act as surety under section 29.”.

5. Section 41 is amended

(1) by replacing the first paragraph by the following:

“Where the Board receives a claim calling into question the security, the Board verifies whether the requirements of this Division are complied with, whether the claim includes any document or information necessary to determine compliance and, in the case where the claim is not accompanied by a final judgment referred to in subparagraph 1 of the first paragraph of section 40, whether the surety agrees to enter into the agreement or transaction referred to in that subparagraph. If so, the claim is considered to comply with this Division and the Board immediately opens, subject to the third paragraph of this section, a claim file on the contractor concerned, so notifies the surety and, in the case of an agreement or transaction, the syndic, if applicable. Every copy of a judgment, agreement or transaction received or entered into thereafter must be entered in the file provided that the Board considers that the claim complies with this Division.”;

(2) by inserting “issued in favour of the Board” in the second paragraph after “one surety”;

(3) by adding the following paragraph after the second paragraph:

“If the contractor concerned by the claim was the holder of an itinerant merchant’s permit required by the Consumer Protection Act (chapter P-40.1) at the time the contract was entered into or the construction work was carried out, the Board sends to the Office de la protection du consommateur, in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a copy of the documents referred to in the first paragraph, upon receipt. If the Board considers that the claim complies with this Division and the Office informs the Board that it is opening a claim file provided for in section 121 of the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3), the Board opens the claim file provided for in the first paragraph at the same time as the Office.”.

6. Section 43 is amended

(1) by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“At the end of each 6-month period following the opening of a claim file, the Board must verify with the Office de la protection du consommateur whether a client has been compensated from the security related to an itinerant merchant’s permit required by the Consumer Protection Act (chapter P-40.1) or whether a claim file is open at the Office in respect of the client’s claim. The Board must also require from any client who has filed a claim a statement attesting that the client may not be compensated, in whole or in part, from security other than the security related to the itinerant merchant’s permit.

If the Board realizes that a client has been fully compensated for the loss sustained, it must deny the claim. In the other cases, the Board must.”;

(2) by adding the following paragraph after the last paragraph:

“Having received the amount necessary for paying the claims and subject to section 44, the Board pays, in principal, interest and costs, the claims received during the 6-month period following the opening of the claim file. In the case of a client who is partly compensated from a security referred to in the second paragraph of section 40, the amount paid by the Board is reduced so that it cannot exceed the balance of the client’s claim.”.

7. Section 44 is replaced by the following:

“44. If, on the date of the notice or request made under the second paragraph of section 43, the total amount of the claims exceeds the sums available to pay them, the Board pays as a priority the claims for which no claim file is open at the Office de la protection du consommateur.

In such case, the Board is to pay in full all the claims from natural persons, if the sums available are sufficient; otherwise, the Board is to pay their claims on a pro rata basis. Then, if sums are still available, the Board pays the claims from the other clients for which no claim file is open at the Office, on a pro rata basis.

If, after the payments provided for in the preceding paragraphs, sums are still available, the Board pays the claims from clients for which a claim file is open at the Office, by giving priority to the full compensation of claims from natural persons, in accordance with the second paragraph of this section, and the Board so informs the Office.”.

8. Section 53 is amended by replacing “under section 58.1 of the Act” in paragraph 8 by “under the security required by section 84 of the Act”.

9. The provisions of this Regulation apply to claims received by the Board before the date of their coming into force.

Despite the foregoing, the provisions of Division V of Chapter II of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9), as they read before (*insert the date of coming into force of this Regulation*) continue to apply in the following cases:

(1) where the Board has received a claim that is not accompanied by a final judgment and has verified, before the coming into force of this Regulation and in accordance with the first paragraph of section 41 of the Regulation respecting the professional qualification of contractors and owner-builders, whether the surety agrees to enter into an agreement or a transaction;

(2) where a claim file has been opened by the Board, in accordance with section 41 of the Regulation respecting the professional qualification of contractors and owner-builders, before (*insert the date of coming into force of this Regulation*).

10. This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.

103251

Draft Regulation

An Act respecting the conservation and development of wildlife
(chapter C-61.1)

Animals in captivity

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

The draft Regulation determines the animals for which no licence is required to keep them in captivity, to capture them in order to keep them in captivity and to dispose of them. It also sets out the standards, conditions and quantities of animals with respect to the capture to keep in captivity, to the keeping in captivity, the slaughtering and the disposal of animals. Lastly, it determines the conditions required to import an animal into Québec.