

47. This Regulation comes into force on 1 August 2018, except paragraph 3 of section 18 of this Regulation, which comes into force on 1 January 2019.

103603

Gouvernement du Québec

O.C. 988-2018, 3 July 2018

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

Regulation
— **Amendment**

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

WHEREAS, under paragraphs 2, 6 and 8 of section 51 of the Act respecting the collection of certain debts (chapter R-2.2), the Government may make regulations in particular determining the duties a person applying for a permit or the renewal of a permit must pay, establishing rules governing the keeping of registers by a permit holder and determining the information that the permit holder must furnish to the president;

WHEREAS the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs (2017, chapter 24) was assented to on 15 November 2017;

WHEREAS section 80 of that Act introduces paragraph 2.1 of section 51 of the Act respecting the collection of certain debts;

WHEREAS, under paragraph 2.1 of section 51 of the Act, the Government may make regulations determining terms and conditions for the issue, renewal, suspension or cancellation of a collection agent representative certificate, cases where a certificate ceases to have effect, the qualifications required of a person applying for a certificate, the documents to be sent, the conditions to be met and the duties to be paid;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the collection of certain debts (chapter R-2.2, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts was published in

Part 2 of the *Gazette officielle du Québec* of 18 April 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

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; 2017, chapter 24, s. 80)

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 paragraphs *a* and *b* by the following:

“(a) “certificate” means a certificate required by section 44.1 of the Act;

(a.1) “application” means an application for a permit or certificate or renewal of a permit or certificate made by an applicant;

(b) “applicant” means a natural person, a partnership or a legal person that applies for a permit or the renewal of a permit or a natural person who applies for a certificate or the renewal of a certificate;”

2. Section 4 is amended in the French text by inserting “d’un” after “loyer” in the portion before paragraph *a*.

3. Section 11 is amended by inserting “collection agent’s” after “applicant for a”.

4. Section 12 is amended by inserting “for a collection agent’s permit” after “applicant” in the portion before paragraph *a*.

5. Section 13 is amended by inserting “for a collection agent’s permit” after “applicant”.

6. Section 14 is amended

(1) by inserting “for a collection agent’s permit” after “applicant” in the first paragraph;

(2) by striking out the second, third and fourth paragraphs.

7. The first paragraph of section 14.1 is replaced by the following:

“**14.1.** Where an application for the issue or renewal of a permit is refused by the president or is withdrawn or abandoned, the president reimburses 50% of the duties indicated in section 14.”

8. The following is inserted after section 33:

**“DIVISION III.1
COLLECTION AGENT REPRESENTATIVES**

33.1. The president issues a collection agent representative certificate if the applicant

- (a) acts for a collection agent;
- (b) has passed an examination approved by the president on knowledge of the laws and regulations applying to debt collection in the 2 years preceding receipt of the application for the issue of a certificate;
- (c) has not committed, during the 3 preceding years, an offence against the Act or this Regulation, unless the applicant has obtained a pardon with regard to the offence;
- (d) has not been found guilty, during the 3 preceding years, of a criminal offence having a connection with the activity of a collection agent, unless the applicant has obtained a pardon with regard to the offence;
- (e) has not made a false or misleading statement or concealed an important fact to obtain the certificate;
- (f) has paid the duties prescribed by this Regulation; and
- (g) has sent the information prescribed by section 33.6.

The president may refuse to issue a certificate if the president has reasonable grounds to believe that such refusal is necessary to ensure, in the public interest, the honest and competent practice of the activity of collection agent.

33.2. A certificate is valid for a 2-year period.

33.3. In order for a certificate to be valid, not more than 2 years may have elapsed since the last employment or service contract binding the holder of a collection agent representative certificate to a holder of a collection agent’s permit declared in accordance with section 33.6 or 33.9. Otherwise, the certificate ceases to have effect.

A collection agent representative certificate that has ceased to have effect under the first paragraph may not be renewed. A new certificate may however be issued if the conditions provided for in section 33.1 are met.

33.4. The president renews a collection agent representative certificate if the following conditions are met:

- (a) not more than 2 years have elapsed since the last employment or service contract binding the applicant to a collection agent declared in accordance with section 33.6 or 33.9;
- (b) the applicant has not committed, during the 3 preceding years, an offence against the Act or this Regulation, unless the applicant has obtained a pardon with regard to the offence;
- (c) the applicant has not been found guilty, during the 3 preceding years, of a criminal offence having a connection with the activity of a collection agent, unless the applicant has obtained a pardon with regard to the offence;
- (d) the applicant has not made a false or misleading statement or concealed an important fact to obtain the certificate;
- (e) the applicant has paid the duties prescribed by this Regulation;
- (f) the applicant has sent the information prescribed by section 33.6.

The president may refuse to renew a certificate if the president has reasonable grounds to believe that such refusal is necessary to ensure, in the public interest, the honest and competent practice of the activity of collection agent.

33.5. A collection agent representative must send, on the form provided by the president, an application for the issue or renewal of a certificate accompanied by the duties payable.

33.6. A collection agent representative must, upon applying for the issue or renewal of a certificate, send the following to the president, on the form provided by the latter:

(a) the representative's name, domicile address and professional address, date of birth, personal and professional telephone numbers and, if applicable, the representative's personal and professional electronic addresses and fax number;

(b) the name, address and permit number of each collection agent to whom the representative is bound by an employment contract or a service contract; and

(c) a statement whereby the applicant, at the time of the application, certifies that

i. he has not committed, during the 3 preceding years, an offence against the Act or this Regulation;

ii. he has not been found guilty, during the 3 preceding years, of an offence against a statute or regulation under the administration of the Office de la protection du consommateur, or of a criminal offence, unless a pardon has been granted; and

iii. the information provided in the application is true.

33.7. The duties for the issue and renewal of the certificate are set at \$180 and \$160, respectively.

33.8. A collection agent representative must inform the president of any change in any of the information referred to in section 33.6 within 15 days of the event.

33.9. The president may suspend or cancel a collection agent representative certificate where its holder

(a) has committed, during the 3 preceding years, an offence against the Act or this Regulation, unless the holder has obtained a pardon with regard to the offence;

(b) has been found guilty, during the 3 preceding years, of a criminal offence having a connection with the activity of a collection agent, unless the holder has obtained a pardon with regard to the offence;

(c) has made a false or misleading statement or concealed an important fact to obtain or renew the certificate;

(d) has failed to comply with any of the conditions or obligations prescribed by the Act and this Regulation; or

(e) is unable to ensure, in the public interest, the honest and competent practice of debt collection activities.

33.10. The president must, before refusing to issue or renew a certificate or before suspending or cancelling it, give the advance notice provided for in section 5 of the Act respecting administrative justice (chapter J-3) in writing to the certificate applicant or holder and grant that person at least 10 days to present observations. The president must also notify that person of the substantiated decision in writing.”

9. The following is inserted after section 50:

“**50.1.** A permit holder must keep up to date a register of the representatives employed by the permit holder or with whom the permit holder is bound by a service contract. Upon request, the permit holder must send a copy of the register to the president.

When the employment relationship with one of the representatives is broken or if the service contract binding them has ended, the permit holder must inform the president thereof within 15 days of the event.”

10. Section 54 is revoked.

11. Section 55 is revoked.

12. Section 56 is revoked.

13. Section 57 is revoked.

14. Section 58 is amended by replacing “attach to the financial statements” in the portion before paragraph *a* by “provide the president with”.

15. Section 59 is replaced by the following:

“**59.** The information required under section 58 must be provided within 6 months of the end of the permit holder's fiscal year and be accompanied by a review engagement report.”

16. The following is inserted after section 59:

“DIVISION VII.1 INDEXATION OF DUTIES AND FEES

59.1. The duties and fees payable under this Regulation are indexed on 1 July of each year in accordance with the rate of variation in the general Consumer Price Index in the preceding year for Canada, as established by Statistics Canada; the duties and fees thus indexed take effect on that date.

The duties and fees indexed in the prescribed manner are reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

Each year, the president publishes the result of the annual indexation in Part 1 of the *Gazette officielle du Québec*.”

TRANSITIONAL AND FINAL

17. Any person acting as the representative of a collection agent before 1 January 2020 must obtain a temporary certificate on the conditions provided for in subparagraphs *a, c, d, e* and *g* of the first paragraph of section 33.1, introduced by section 8 of this Regulation. The certificate ceases to have effect on the earlier of

(a) 31 December 2020; or

(b) the date on which a certificate is issued to the holder of a temporary certificate, in accordance with section 33.1.

18. This Regulation comes into force on 1 August 2019, except sections 6 and 16, which come into force on 1 August 2018.

103605

Gouvernement du Québec

O.C. 990-2018, 3 July 2018

Building Act
(chapter B-1.1)

Construction Code — Amendment

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec adopts, by regulation, a building code containing building standards in particular for buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Code, the Board may, by regulation, exempt from the application of the Act or certain of its provisions in particular categories of persons, contractors or owner-builders, and categories of buildings, facilities, installations or construction work;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt any other related or supplementary provision it considered necessary to give effect to the provisions of that section and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the contents of the Code may vary in particular according to the classes of persons, contractors or owner-builders and classes of buildings, facilities or installations to which the code applies;

WHEREAS the Board adopted the Regulation to amend the Construction Code on 7 June 2018;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 21 February 2018 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Construction Code, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif