

## CHAPTER V ADJUSTMENT OF FEES

**15.** The fees payable under this Regulation are adjusted on 1 July of each year on the basis of the rate of variation in the general Consumer Price Index for Canada for the preceding calendar year, as determined by Statistics Canada; the fees thus adjusted take effect on that date.

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

Each year, the president of the Office de la protection du consommateur publishes the result of the annual adjustment in Part 1 of the *Gazette officielle du Québec*.

## CHAPTER VI OFFENCES

**16.** Every person who contravenes sections 4 and 6 and the first paragraph of section 7 is guilty of an offence and is liable to a fine of \$1,500 to \$10,000.

**17.** Every person who contravenes sections 10 to 13 and 18 is guilty of an offence and is liable to a fine of \$500 to \$10,000.

## CHAPTER VII TRANSITIONAL AND FINAL

**18.** The seller must, not later than 6 June 2021, enter in the register any information referred to in section 10 the seller has with regard to all contracts in force entered into before 6 June 2020.

Despite the foregoing, in the case of a contract in force referred to in paragraph 3 of section 2 entered into before 6 June 2020, a seller who operates a religious cemetery and who does not hold a permit issued under the Funeral Operations Act (chapter A-5.02) on that date must, not later than 6 June 2022, enter in the register any information referred to in section 10 the seller has with regard to the contract.

Despite section 11, any entry in the register made in accordance with this section is free of charge.

**19.** This Regulation comes into force on 6 June 2020.

104109

## Draft Regulation

Professional Code  
(chapter C-26)

### Notaries

— **Compensation fund of the Chambre des notaires du Québec**  
— **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 compensation fund of the Chambre des notaires du Québec, made by the board of directors of the Chambre des notaires du Québec and appearing below, may be examined by the Office des professions du Québec then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends the procedure for the compensation of claimants where funds or property given to a notary were used for purposes other than those agreed upon and increases the amounts of the maximum indemnity that may be paid.

The draft Regulation has no impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Nathalie Provost, Consulting Notary, Services juridiques et relations institutionnelles, Direction Secrétariat et services juridiques, Chambre des notaires du Québec, 101-2045, rue Stanley, Montréal (Québec) H3A 2V4; telephone: 1 800 263-1793 or 514 879-1793, extension 5921; email: servicesjuridiques@cnq.org.

Any person wishing to comment is requested to submit written comments within the 45-day period to Guylaine Couture, Secretary, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation as well as to interested persons, departments and bodies.

GUYLAINE COUTURE,  
*Secretary of the Office des professions du Québec*

## Regulation amending the Regulation respecting the compensation fund of the Chambre des notaires du Québec

Professional Code  
(chapter C-26, s. 89.1)

**1.** Section 2 of the Regulation respecting the compensation fund of the Chambre des notaires du Québec (chapter N-3, r. 8.1) is amended:

1° by replacing, in the first paragraph, “\$500,000” with “\$1,000,000”;

2° by replacing, in subparagraph (5) of the second paragraph, “the Executive Committee” with “the Order”;

3° by inserting, after subparagraph (5) of the second paragraph, the following subparagraph:

“(6) moneys recovered from a notary or from his trust account following application of section 20, as the case may be.”

**2.** Section 3 of this regulation is amended by replacing “The Executive Committee” with “The Order”.

**3.** Section 4 of this regulation is replaced with the following:

“4. The keeping of the accounting of the fund is separate from that of the Order.”

**4.** Section 5 of this regulation is amended:

1° by replacing the text preceding subparagraph (1) with the following:

“The Order invests the moneys making up the fund as follows”;

2° by replacing, in subparagraph (1), “the Executive Committee” with “the Order”.

**5.** Section 6 of this regulation is replaced with the following:

“6. The compensation fund committee, established by the Board of Directors pursuant to subparagraph (2) of section 86.0.1 of the Professional Code (chapter C-26), is responsible for examining the claims filed against the fund.

The Committee is comprised of no less than 5 members, at least one of whom is a member of the public, that is a person whose name appears on the list from which the Office des professions appoints directors, in accordance with the Professional Code.

The Board of Directors designates the Committee’s chairman, secretary, and, if necessary, one or more assistant secretaries who perform the same duties as the secretary. The secretary and the assistant secretaries are not members of the Committee.

The quorum of the Committee is a majority of its members.”

**6.** Section 7 of this regulation is amended:

1° by striking out, in the first paragraph, “by division members”;

2° by inserting “by the Committee’s chairman”, in the first paragraph, after “chairman of the division”.

**7.** Section 9 of this regulation is repealed.

**8.** Section 15 of this regulation is amended:

1° by striking out “not exceeding \$30,000”;

2° by replacing “final” with “definitive”.

**9.** Section 16 of this regulation is repealed.

**10.** Section 18 of this regulation is amended:

1° by replacing, wherever it occurs, “\$100,000” with “\$200,000”;

2° by striking out, in the third paragraph, “in particular but without limiting the foregoing, the acquisition or sale of a family residence or an undivided co-ownership, the settlement of a succession, the creation of a patrimony by appropriation or of the constitution of a legal person, and any investment of a movable or immovable nature.”

**11.** Section 19 of this regulation is repealed.

**12.** Section 20 of this regulation is amended by replacing, in the second paragraph, “\$100,000” with “the maximum compensation payable under section 18”.

**13.** This regulation is amended by inserting the following after section 22:

“**22.1** The maximum compensation of \$100,000 provided under section 18, such as in force on 31 March 2020, continues to apply to any claim arising from a notary’s use, before 1 April 2020, of moneys or property for purposes other than those for which they were entrusted to him by the claimant in the practice of his profession.”.

**14.** Claims filed up to 31 March 2020 are within the exclusive purview of the compensation fund committee.

In the event where the compensation fund committee has made no recommendation to the Executive Committee in respect of a claim exceeding \$30,000 filed against the fund before 1 April 2020, the new provisions under section 15 of the Regulation respecting the compensation fund of the Chambre des notaires du Québec (chapter N-3, r. 8.1) shall apply to such a claim.

**15.** This regulation comes into force on 1 April 2020.

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