

M.O., 2020**Order number 2020-09 of the Minister of Transport dated 23 April 2020**

Highway Safety Code
(chapter C-24.2)

Amendment of the date of the end of the annual thaw period for zones 2 and 3 for 2020

THE MINISTER OF TRANSPORT,

CONSIDERING section 419 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport may, by an order published in the *Gazette officielle du Québec*, determine the locations where the movement of all or some road vehicles designated by the Minister is restricted or prohibited by reason of thawing, rain, erosion or flooding and the periods during which such measures apply;

CONSIDERING the Vehicle Load and Size Limits Regulation (chapter C-24.2, r. 31), which determines the maximum load limits applicable during thaw periods for various classes of road vehicles and combinations of road vehicles;

CONSIDERING Order 2020-01 of the Minister of Transport dated 5 March 2020 concerning the delineation of the thaw zones and determination of the annual thaw period for zone 1 for 2020, which presents the thaw zones previously determined by the Minister without amending them;

CONSIDERING Order 2020-05 of the Minister of Transport dated 1 April 2020 concerning the determination of the annual thaw period for zones 2 and 3 for 2020;

CONSIDERING that it is expedient to advance the date of the end of the annual thaw period for zones 2 and 3 for 2020;

ORDERS AS FOLLOWS:

1. Amendment of the end of the annual thaw period for zones 2 and 3 for 2020

Despite section 1 of Order 2020-05 of the Minister of Transport dated 1 April 2020 concerning the determination of the annual thaw period for zones 2 and 3 for 2020, the thaw period for zones 2 and 3 for 2020 ends on 15 May 2020.

2. Effective date of this Order

This Order takes effect from the date of its publication in the *Gazette officielle du Québec*. It does not prevent the making of other orders to determine the periods of an early or a late thaw that may occur during those periods.

Québec, 23 April 2020

FRANÇOIS BONNARDEL,
Minister of Transport

104396

M.O., 2020-10**Order number V-1.1-2020-10 of the Minister of Finance dated 20 April 2020**

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices

WHEREAS paragraphs 16 and 34 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendments, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 81-105 respecting Mutual Fund Sales Practices was made by the decision no. 2001-C-0212 dated 22 May 2001 (Supplément au Bulletin de la Commission des valeurs mobilières du Québec, vol. 32, no. 22 of 1 June 2001);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 15, no. 36 of 13 September 2018;

WHEREAS the revised text of the draft Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices was published in the *Bulletin de l'Autorité des marchés financiers*, vol. 17, no. 7 of 20 February 2020;

WHEREAS the *Autorité des marchés financiers* made, on 27 March 2020, by the decision no. 2020-PDG-0027, Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices appended hereto.

20 April 2020

ERIC GIRARD,
Minister of Finance

Regulation to amend Regulation 81-105 respecting Mutual Fund Sales Practices

Securities Act
(chapter V-1.1, s. 331.1, par. (16) and (34))

1. Section 1.1 of Regulation 81-105 respecting Mutual Fund Sales Practices (chapter V-1.1, r. 41) is amended:

(1) by replacing, the definition of the expression “member of the organization” with the following:

““member of the organization” means, for a mutual fund

- (a) the manager of the mutual fund,
- (b) the principal distributor of the mutual fund,
- (c) the portfolio adviser of the mutual fund,

(d) an associate or affiliate of any of the persons referred to in paragraph (a), (b) or (c), or

(e) a person that is organized by a member of the organization of the mutual fund as a vehicle to fund payment of commissions to participating dealers and that has a right to arrange for the distribution of the securities of the mutual fund;”;

(2) by replacing, in the French text of the definition of the expression “mutual fund family”, “O.P.C.”, wherever it appears, and the words “le même gérant ou des gérants” with “OPC” and the words “le même gestionnaire ou des gestionnaires”, respectively.

2. Section 3.1 of the Regulation is replaced with the following:

“3.1. Commissions

(1) A member of the organization of a mutual fund may pay to a participating dealer a commission in money for the distribution of a security of the mutual fund made through the participating dealer, if

(a) the obligation to make the payment arises at the time of the trade;

(b) the prospectus or simplified prospectus of the mutual fund discloses the range of rates of commissions that may be paid and the method of calculation used in determining the amount of those commissions; and

(c) the rate of the commission does not increase

(i) based on increases in the amount or value of securities of the mutual fund sold, or of mutual funds in the same mutual fund family as the mutual fund sold, or of any or all of the foregoing,

(ii) based on increases in the amount or value of securities of the mutual fund, or of mutual funds in the same mutual fund family as the mutual fund, or of any or all of the foregoing, held in accounts of clients of the participating dealer, or

(iii) for a particular period of the year in which the commission is paid or earned.

(2) Subsection (1) does not apply to a distribution of a security of a mutual fund to a client resident in British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick, Nova Scotia, Newfoundland and Labrador, Prince Edward Island, Northwest Territories, Nunavut and Yukon.”.

3. Section 5.4 of the Regulation is amended by replacing, wherever they appear in the French text, “O.P.C.” with “OPC” and the words “liées à” with the words “ayant des liens avec”.

4. Section 7.2 of the Regulation is amended, in the French text:

(1) by replacing, in paragraph (1), “O.P.C.” with “OPC”, wherever it appears, and the words “liées à” with the words “ayant des liens avec”;

(2) by replacing, in paragraph (2), “O.P.C.” with “OPC”;

(3) in paragraph (3):

(a) by replacing, in subparagraph (a), “O.P.C.” with “OPC”;

(b) by replacing, in subparagraph (b), the words “sociétés du même groupe” with the words “personnes du même groupe”.

5. Section 7.3 of the Regulation is amended:

(1) by replacing, in the French text, “O.P.C.” with “OPC”;

(2) by replacing, in paragraph (1), the words “person or company that is an associate” with the words “person that is an associate”.

6. Section 8.2 of the Regulation is amended, in the French text, by replacing paragraphs (1) to (3) with the following:

“(1) L’OPC doit indiquer dans son prospectus ou dans son prospectus simplifié :

a) le pourcentage de participation d’un membre de l’organisation de l’OPC dans le capital d’un courtier participant;

b) le pourcentage global de participation d’un courtier participant et des personnes ayant des liens avec lui dans le capital d’un membre de l’organisation de l’OPC;

c) le pourcentage global de participation d’un représentant d’un courtier participant et des personnes ayant des liens avec le représentant dans le capital d’un membre de l’organisation de l’OPC.

“(2) Si un membre de l’organisation de l’OPC n’est pas un émetteur assujéti et que ses titres ne sont pas cotés à une bourse canadienne, l’OPC n’est pas tenu de fournir l’information visée au sous-paragraphe *c* du paragraphe 1 pourvu qu’il indique :

a) le total des participations de tous les représentants du courtier participant et des personnes ayant des liens avec chacun d’eux dans le capital du membre de l’organisation de l’OPC;

b) les participations d’un représentant du courtier participant et des personnes ayant des liens avec le représentant qui ont ensemble la propriété directe ou indirecte de titres représentant plus de 5% d’une catégorie de titres comportant droit de vote, de titres de capital ou de parts sociales du membre de l’organisation de l’OPC.

“(3) Lors de chaque opération sur un titre d’un OPC tenu de fournir l’information visée au présent article, le courtier participant doit remettre au souscripteur un document où sont indiqués :

a) le pourcentage de participation d’un membre de l’organisation de l’OPC dans le capital du courtier participant;

b) le pourcentage global de participation du courtier participant et des personnes ayant des liens avec lui dans le capital d’un membre de l’organisation de l’OPC;

c) le pourcentage global de participation des représentants du courtier participant et des personnes ayant des liens avec les représentants dans le capital d’un membre de l’organisation de l’OPC;

d) le pourcentage global de participation du représentant du courtier participant qui intervient dans l'opération ainsi que des personnes ayant des liens avec ce représentant dans le capital d'un membre de l'organisation de l'OPC.”.

7. The Regulation is amended by replacing, wherever it appears in the French text, “O.P.C.” with “OPC”.

8. The Regulation is amended by replacing, wherever they appear, the words “person or company” with the word “person”.

9. This Regulation comes into force on June 1, 2022.