

Draft Regulations

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Mediation of small claims — 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 mediation of small claims, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The objective of the draft Regulation is to foster recourse to mediation of small claims. It transfers the assignment of mandates to mediators from the clerk to the mediation service in order, in particular, to improve access to justice. It also amends the tariff of fees payable to a mediator in order to increase fees and improve practices. Lastly, it specifies that certain provisions of the draft Regulation will cease to have effect on 30 November 2022.

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

Further information on the draft Regulation may be obtained by contacting Christine Lavoie, Direction du soutien juridique aux services de justice, Ministère de la Justice, 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; email: christine.lavoie@justice.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.

SIMON JOLIN-BARRETTE,
Minister of Justice

Regulation to amend the Regulation respecting the mediation of small claims

Code of Civil Procedure
(chapter C-25.01, arts. 556 and 570)

1. The Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6) is amended in section 3

(1) by inserting “or judicial districts” after “judicial district” in paragraph 3;

(2) by adding the following paragraph:

“(8) the mediator’s interest in distance mediation using a technological means.”

2. Section 4 is amended

(1) by replacing “to a mediator” in the first paragraph by “to only one mediator per dispute”;

(2) in the French text by replacing “En” in the second paragraph by “Toutefois, en”;

(3) by replacing “clerk” in the second paragraph by “mediation service”.

3. Section 5 is amended

(1) by inserting “or mediation sessions” after “mediation session” in the first paragraph;

(2) by replacing “30” in the first paragraph by “45”;

(3) by replacing “clerk” in the first paragraph by “mediation service”;

(4) in the French text by replacing “communiqué” in the second paragraph by “doit communiquer”;

(5) by inserting “within 15 days after the date on which the mandate was received” after “session” in the second paragraph;

(6) by adding “or at a distance using a technological means” at the end of the third paragraph.

4. Section 6 is amended by replacing “clerk” by “mediation service”.

5. Section 7 is amended by replacing “wait a minimum of 30 minutes after the scheduled time for the mediation session to begin before cancelling” in the first paragraph by “cancel”.

6. Section 9 is amended

(1) by replacing “clerk” in the first paragraph by “office of the Court of Québec”;

(2) by replacing “session was held” in the first paragraph by “session or sessions were held”;

(3) by inserting “and the bill indicating the fees under section 13,” before “and inform the parties” in the first paragraph;

(4) by adding “and the bill indicating the fees under section 13” at the end of the second paragraph;

(5) by adding the following paragraph at the end:

“The documents referred to in the first and second paragraphs must be filed within 30 days after the mediation.”.

7. Section 10 is amended by replacing “and designate” in the second paragraph by “and the mediation service must designate”.

8. Section 13 is replaced by the following:

“**13.** The fees payable to a mediator for the carrying out of a mediation mandate are \$110 per hour for a maximum of 3 hours, including any work performed outside the sessions in connection with the mediation.”.

9. The following is inserted after section 13:

“**13.1.** The mediator may work additional hours to carry out a mediation mandate, including any work performed outside the sessions in connection with the mediation, at the parties’ expense. In such a case, the fees payable to a mediator are \$110 per hour.”.

10. Section 14 is revoked.

11. Paragraph 1 of section 2, paragraph 1 of section 3, section 5, paragraph 2 of section 6 and sections 8 to 10 of this Regulation cease to have effect on 30 November 2022, except with respect to situations where a mediation mandate has already been given to a mediator on that date.

12. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104842

Draft Regulation

Cullers Act
(chapter M-12.1)

Culler’s licences — 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 culler’s licences, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends certain terms of the Regulation respecting culler’s licences (chapter M-12.1, r. 1) so that they are more representative of those currently used in the field. It also allows a greater number of individuals, in particular holders of a licence or other form of occupational certification issued in Canada to cullers or scalers, to obtain a culler’s licence in Québec, while ensuring that they have the necessary qualifications, thus meeting the requirements concerning labour mobility provided for in the Canadian Free Trade Agreement, that came into force on 1 July 2017. It also provides that the duties payable for the issue of the first identity card are included in the duties payable for the issue of the licence, subjects maintenance of the licence to a new condition and amends certain terms and conditions concerning the issue of a new identity card and the term of such a card.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses, or on persons wishing to obtain a culler’s licence or a renewal of the identity card.

Further information on the draft Regulation may be obtained by contacting Yves Lafontaine, Direction de la planification et de la gestion forestière, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau B-406, Québec (Québec) G1H 6R1; telephone: 418 627-8656, extension 4579; fax: 418 646-9267; email: yves.lafontaine@mffp.gouv.qc.ca.