

Regulations and other Acts

Gouvernement du Québec

O.C. 1093-2021, 11 August 2021

Education Act
(chapter I-13.3)

Other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Act

Regulation respecting the other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Education Act

WHEREAS, under the first paragraph of section 452.1 of the Education Act (chapter I-13.3), the Government may, by regulation, determine any conditions or procedures other than those provided for in sections 272.3 to 272.15, for the purposes of section 272.2;

WHEREAS, under subparagraph 5 of the second paragraph of section 452.1 of the Act, the regulation may prescribe or provide for the characteristics that an immovable acquired by a school service centre for the purpose of building or enlarging a school or centre must have;

WHEREAS, under section 327 of the Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1), the first regulation made under section 452.1 is not subject to sections 8 and 17 of the Regulations Act (chapter R-18.1);

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education:

THAT the Regulation respecting the other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Education Act, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Education Act

Education Act
(chapter I-13.3, section 452.1)

1. Land acquired by a school service centre under the scheme provided for by sections 272.2 to 272.13 of the Education Act (chapter I-13.3) must have the following characteristics:

(1) be situated inside an urbanization perimeter entered on the land use and development plan applicable to the territory of the municipality in which the land is situated and, subject to the fourth paragraph of section 272.12, in a zone usable for its intended purpose;

(2) not be situated inside a zone specified in a land use or development plan or in an interim control by-law where land occupation is subject to special restrictions for reasons of public safety such as flood zones, erosion zones or landslide zones;

(3) be served, or be served in a timely fashion, by a public road and by municipal waterworks and sewer systems of sufficient capacity to meet the needs of the school or centre whose construction or enlargement is proposed;

(4) have a sufficient area and a configuration allowing for the construction of the proposed school or centre, including the development of its outdoor facilities;

(5) have stable soil allowing for an immovable to be built in normal conditions, in particular by being free of physical characteristics that would require the implementation of exceptional measures to perform the work;

(6) be free of wetland or a body of water within the meaning of the Environment Quality Act (chapter Q-2), unless the wetland or body of water is not included in the area calculation and does not alter the configuration requirements provided for in paragraph 3, does not hinder the construction or enlargement of the proposed school or centre or the development of its outdoor facilities, and does not make those activities subject to obtaining

an authorization under subparagraph 4 of the first paragraph of section 22 of that Act or make them eligible for a declaration of compliance under section 31.0.6 of that Act;

(7) not constitute, in whole or in part, the habitat of a wildlife species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) as demarcated on a chart provided for in section 11 of the Act respecting threatened or vulnerable species (chapter E-12.01) or the habitat of a plant species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

(8) not be a territory appearing in a register provided for in sections 5, 6.1 and 24.1 of the Natural Heritage Conservation Act (chapter C-61.01);

(9) not have been the subject of a notice of contamination in the land register, unless a notice of decontamination attesting that the quantity or concentration of contaminants does not exceed the limit values prescribed by Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) has been registered in the land register;

(10) not have been used in whole or in part as a residual materials elimination site, unless a residual materials removal notice has been registered in the land register under section 65.4 of the Environment Quality Act;

(11) not be a site where an industrial or commercial activity identified in Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) has been carried on, unless a characterization study establishes that the quantity or concentration of contaminants found there does not exceed the limit values in Schedule I to the Regulation.

2. The characterization study referred to in paragraph 11 of section 1 is at the expense of the local municipality in whose territory the land is situated.

3. This Regulation comes into force on 25 August 2021.

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Gouvernement du Québec

O.C. 1101-2021, 11 August 2021

Setting aside of the Mashkiki land, situated in the Outaouais region

WHEREAS, under the first paragraph of section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01), the Government may, by order, set aside any land that is part of the domain of the State in order to establish a new protected area;

WHEREAS, under the second paragraph of section 12.3 of the Act, while the land is set aside, no new right, lease, permit, licence or authorization may be granted or issued for the carrying on of any of the following activities:

- (1) commercial forest development activities;
- (2) exploration for and the mining and transportation of mineral substances;
- (3) petroleum, brine or underground reservoir exploration, production and storage;
- (4) oil or gas pipeline construction;
- (5) the commercial production, processing, distribution or transmission of electricity;
- (6) wildlife harvesting activities or agricultural activities;
- (7) the construction of any infrastructure subject to an authorization of the Minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1);

WHEREAS, under the first paragraph of section 12.4 of the Natural Heritage Conservation Act, the Government's decision must specify the reasons that justify setting aside the land concerned as well as the activities listed in the second paragraph of section 12.3 that are covered by the decision;

WHEREAS, under the second paragraph of section 12.4 of the Act, the Government's decision must be accompanied by a map of the land that has been set aside;

WHEREAS the Mashkiki land is part of the domain of the State;