

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than a capacity referred to in subparagraph 1:

(a) any increase of 50% or more of that capacity;

(b) any increase of that capacity that results in an expansion of 25% or more of the plant operation area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on 20 July 2023. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed a capacity referred to in subparagraph 1 of the first paragraph, is subject to the procedure.”

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

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Gouvernement du Québec

O.C. 1036-2023, 21 June 2023

Unclaimed Property Act
(chapter B-5.1)

Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Unclaimed Property Act

WHEREAS, under the second paragraph of section 2 of the Unclaimed Property Act (chapter B-5.1), the Government may, by regulation, prescribe what information the Minister may require for the purpose of determining whether the Minister is to be provisional administrator under the law;

WHEREAS, under the third paragraph of section 3 of the Act, the Government may, by regulation, determine the amounts due under a pension or retirement contract or plan referred to in subparagraph 10 of the first paragraph of section 3 of the Act;

WHEREAS, under the second paragraph of section 18 of the Act, only the information prescribed by government regulation is entered in the register of property under provisional administration;

WHEREAS, under the first paragraph of section 56 of the Act, in addition to the reimbursement of expenses incurred, the Minister may require fees for administering property under the law and that fees are determined by government regulation;

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 Unclaimed Property Act was published in Part 2 of the *Gazette officielle du Québec* of 8 March 2023 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 of Finance:

THAT the Regulation to amend the Regulation respecting the application of the Unclaimed Property Act, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Unclaimed Property Act

Unclaimed Property Act
(chapter B-5.1, s. 2, 2nd par., s. 3, 3rd par., s. 18, 2nd par. and s. 56, 1st par.)

1. The Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1) is amended in section 1

(1) by replacing “the death certificate, if applicable” in paragraph 7 by “, if applicable, the death certificate or a copy of an act of death, issued by the registrar of civil status”;

(2) by replacing “it was impossible to identify or to find the owner or other right-holder” in paragraph 11 by “the owner or other right-holder could not be identified or found by reasonable means”.

2. Section 2 is amended by replacing “the death certificate of the deceased” in paragraph 4 by “a copy of an act of death or the death certificate of the deceased, issued by the registrar of civil status”.

3. Section 3 is amended

(1) in the first paragraph

(a) by inserting “other than a retirement plan administered by Retraite Québec and referred to in section 4 of the Act respecting Retraite Québec (chapter R-26.3),” after “established by an Act in force in Québec,” in the portion before subparagraph *a* of subparagraph 1;

(b) by inserting the following after subparagraph 1:

“(1.1) in the case of a retirement plan administered by Retraite Québec and referred to in section 4 of the Act respecting Retraite Québec,

(a) where the benefit is a pension, to the total of the following sums:

i. the value, on the date of the delivery, of the arrears and interest accrued, calculated in accordance with section 151 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

ii. the residual value of the pension, established on the date of the delivery and in accordance with the actuarial assumptions and methods referred to in section 79 of the Act respecting the Government and Public Employees Retirement Plan, taking into account the demographic assumptions applicable to the plan or, failing that, the demographic assumptions used in the most recent actuarial valuation of the plan that is available on the 31 December preceding the date of the delivery, except, in both cases, for the assumptions relating to mortality rates and the age of retirement;

(b) in other cases, to the value of the benefits accrued under the plan on the date of the delivery;”;

(2) by striking out the second paragraph;

(3) by replacing the fourth paragraph by the following:

“In case of a claim made to the Minister for sums referred to in the first paragraph that were delivered and initially came from a pension plan governed by the Supplemental Pension Plans Act (chapter R-15.1) or a retirement plan administered by Retraite Québec and referred to in section 4 of the Act respecting Retraite Québec, the rules applicable to a locked-in pension account under section 29 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) apply to the payment of the balance of the sum still locked-in at the time of the claim and delivered, with the necessary modifications.”.

4. Section 6 is amended

(1) in the first paragraph

(a) by striking out subparagraph 5;

(b) by inserting “at the end of the administration” after “or succession” in subparagraph 7;

(2) by replacing the second paragraph by the following:

“Despite the first paragraph, no information concerning property or a succession is entered in the register if

(1) the information provided with regard to the property or succession is insufficient to allow for delivery to its owner or right-holder;

(2) the owner or right-holder has indicated a refusal to recover the property or succession or its value;

(3) the amount of the fees, including taxes applicable, is equal to or greater than the net value of the property or succession.”.

5. Schedule I is amended by replacing “15%” and “\$5,624” in paragraph 2 of section 2 by “10%” and “\$1,124”, respectively.

6. Schedule I is amended by inserting the following after section 4:

“**4.1.** The fees prescribed in sections 1 to 4 are adjusted on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the period ending on 31 December of the preceding year, as determined by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19).

Once adjusted, the fees are reduced to the nearest dollar where they include a dollar fraction under \$0.50; they are increased to the nearest dollar where they include a dollar fraction equal to or over \$0.50.

The fee adjustment has effect from 1 April.

The Minister informs the public of the annual adjustment by way of a notice published in the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.”.

7. Paragraphs 1 and 2 of section 3 apply to a delivery made after 31 December 2023.

8. This Regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

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