

Regulation to amend the Regulation respecting the criteria for the fixing of rent

Act respecting the Administrative Housing Tribunal (chapter T-15.01, s. 108, 1st par., subpars. 3 and 6)

1. The Regulation respecting the criteria for the fixing of rent (chapter T-15.01, r. 2) is amended in section 3 by replacing “the percentage applicable” in subparagraph 5 of the first paragraph by “the percentages applicable”.
2. Section 3.1 is amended by inserting “In the case of the costs of services of a personal nature provided to the lessee of a dwelling situated in a private seniors’ residence, the indicator is the Consumer Price Index for health care services established by Statistics Canada.” after the first sentence of the second paragraph.
3. Schedule 1 is revoked.
4. Section 3.1 applies, as it reads on 31 July 2023, to an application for the fixing of rent whose notice referred to in article 1942 of the Civil Code has been given before 1 August 2023 or to an application for the adjustment of rent to take effect before 1 August 2023.
5. This Regulation comes into force on 1 August 2023.

106360

Gouvernement du Québec

O.C. 1099-2023, 28 June 2023

Courts of Justice Act
(chapter T-16)

Act respecting municipal courts
(chapter C-72.01)

Selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace —Amendment

Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace

WHEREAS, under the first paragraph of section 88 of the Courts of Justice Act (chapter T-16), no person shall be appointed a judge of the Court of Québec unless he

has been previously selected according to the procedure established by Government regulation for the selection of persons apt for appointment as judges;

WHEREAS, under the second paragraph of section 88 of the Act, members of the selection committee are not entitled to remuneration, except in such cases, under such conditions and to such extent as may be determined by the Government;

WHEREAS, under section 163 of the Act, presiding justices of the peace are chosen for appointment according to the selection procedure for persons apt for appointment as presiding justices of the peace established by government regulation;

WHEREAS, under the first paragraph of section 164 of the Act, members of a selection committee are not entitled to remuneration, except in such cases, under such conditions and to such extent as may be determined by the Government;

WHEREAS, under section 34 of the Act respecting municipal courts (chapter C-72.01), no person shall be appointed a municipal judge unless he has been previously selected according to the procedure established by government regulation for the selection of persons apt for appointment as judges;

WHEREAS, under section 35 of the Act, members of the selection committee are not entitled to remuneration, except in such cases, subject to such conditions and to such extent as may be determined by the Government;

WHEREAS, under paragraph 1 of section 118 of the Act, the Government may, by regulation, determine the manner in which a person may apply for the office of judge;

WHEREAS, under paragraph 2 of section 118 of the Act, the Government may, by regulation, authorize the Minister of Justice to form a selection committee to evaluate the aptitude of candidates for the office of judge and to provide him with an opinion concerning the candidates;

WHEREAS, under paragraph 3 of section 118 of the Act, the Government may, by regulation, fix the composition and mode of appointment of committee members;

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 selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace was published in Part 2 of the *Gazette officielle*

du Québec of 3 May 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 Justice:

THAT the Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace

Courts of Justice Act
(chapter T-16, ss. 88, 163 and 164)

Act respecting municipal courts
(chapter C-72.01, ss. 34, 35 and 118)

1. The Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1) is amended in section 5

(1) by adding the sentence “The training is given by any means by the secretary or, where applicable, by the person designated by the secretary, in which case the secretary must approve the form and content of the training.” at the end of the first paragraph;

(2) by inserting “by section 25” before “for the office” in the second paragraph.

2. Section 7 is amended by replacing “the website of the Ministère de la Justice and on that of the Barreau du Québec” in the first paragraph by “the websites of the Ministère de la Justice, the Barreau du Québec and the Chambre des notaires du Québec”.

3. Section 10 is amended by inserting “to the president of the Chambre des notaires du Québec,” after “concerned,”.

4. Section 11 is amended by inserting “or the Roll of the Ordre des notaires” before “, if applicable.” in the first paragraph.

5. Section 15 is amended

(1) by replacing paragraphs 2 and 3 by the following:

“(2) an advocate or a professor in a law faculty in Québec designated by the Bâtonnier du Québec;

(3) a notary or a professor in a law faculty in Québec designated by the president of the Chambre des notaires du Québec;

(4) a person who is neither a judge nor a member of the Barreau du Québec or the Chambre des notaires du Québec, designated by the chair of the Office des professions du Québec;

(5) for the office of judge assigned to the Criminal and Penal Division, a person designated by the Minister and working in an organization assisting persons who are victims of criminal offences, after consulting such organizations; and

(6) for the office of judge not assigned to the Criminal and Penal Division, an additional person designated under subparagraph 4.”;

(2) by adding the following paragraphs at the end:

“Where a committee is established to fill a number of positions of judges, at least one of which is assigned to the Criminal and Penal Division, subparagraph 6 of the first paragraph does not apply.

The chief judge favours the designation of various judges to act as chair of a committee.

A judge may not act more than once a year as chair of a committee for the positions to be filled in a same coordinating region or the notices of which include a same place where a judge to be appointed may be called to sit. Any other person designated under the first paragraph to sit on a committee may be designated only once a year.

A retired judge authorized by the Government to exercise judicial functions under section 93 of the Courts of Justice Act (chapter T-16) may be designated by the chief judge under subparagraph 1 of the first paragraph to sit on a committee and act as chair.”.

6. Section 16 is amended

(1) by replacing paragraphs 1, 2 and 3 by the following:

“(1) the associate chief judge of the Court of Québec who is responsible for municipal courts or a judge designated by the associate chief judge from among municipal court judges or, after consulting the chief judge of the Court of Québec, from among the judges of the Court of Québec, who will act as chair of the committee;

(2) an advocate or a professor in a law faculty in Québec designated by the Bâtonnier du Québec;

(3) a notary or a professor in a law faculty in Québec designated by the president of the Chambre des notaires du Québec;

(4) a person who is neither a judge nor a member of the Barreau du Québec or the Chambre des notaires du Québec, designated by the chair of the Office des professions du Québec;

(5) for the office of judge assigned to a municipal court that tries proceedings commenced under Part XXVII of the Criminal Code (R.S.C. 1985, c. C-46), a person designated by the Minister and working in an organization assisting persons who are victims of criminal offences, after consulting such organizations; and

(6) for the office of judge assigned to a municipal court that does not try proceedings commenced under Part XXVII of the Criminal Code, an additional person designated under subparagraph 4.”;

(2) by adding the following paragraphs at the end:

“Where a committee is established to fill a number of positions of judges, at least one of which is assigned to a municipal court that tries proceedings commenced under Part XXVII of the Criminal Code, subparagraph 6 of the first paragraph does not apply.

The associate chief judge of the Court of Québec who is responsible for municipal courts favours the designation of various judges to act as chair of a committee.

A judge may not act more than once a year as chair of a committee for the positions to be filled in a same coordinating region or the notices of which include a same place where a judge to be appointed may be called to sit. Any other person designated under the first paragraph to sit on a committee may be designated only once a year.”.

7. Section 17 is amended by replacing “paragraphs 2 and 3 of sections 15 and 16, the Barreau du Québec and the Office des professions du Québec” by “subparagraphs 2 to 6 of the first paragraph of sections 15 and 16, the persons who designate the members of the committee”.

8. The following is inserted after section 19:

“**19.1.** A person who agrees to sit on a committee must have the required availability.”.

9. Section 21 is amended by replacing “last 5 years” at the end of subparagraph 3 of the first paragraph by “last 10 years”.

10. Section 22 is revoked.

11. The following is inserted after section 22:

“**22.1.** A person who holds a position within a municipal, provincial or federal political party, such as an officer, its official representative and its official agent or a person holding an elective position, may not be designated to sit on a committee.”.

12. Section 24 is amended by adding the sentence “The candidates must promptly be met by the committee.” at the end of the first paragraph.

13. Section 26 is amended

(1) in the first paragraph

(a) by replacing “indique” in the French text by “doit indiquer”;

(b) by replacing “of 3 candidates qualified” by “of the 3 best candidates the committee proposes, namely, those whose application best meets the criteria set out in section 25.”;

(c) by striking out “that it proposes”;

(d) by replacing “is 3” by “proposed must be 3”;

(e) by inserting “and a candidate may only be proposed for one office. The decision on the proposed candidates is made by the majority of the members” after “each additional office”;

(2) by replacing the second and third paragraphs by the following:

“Where 3 candidates or less submit their application for an office, the committee so indicates in the report and proposes each candidate. If the Minister cannot choose one of the candidates to be recommended to the Cabinet, the competition is cancelled for that office.”.

14. Section 29 is amended by replacing “disciplinary bodies, professional orders, police authorities and credit agencies” by “the syndic of the professional orders and the persons designated, within each of them, by disciplinary bodies, police authorities and credit agencies. They must take the oath of discretion appearing in Schedule C and take the measures required to ensure the confidentiality of the information received concerning the candidates. They may discuss the information only with the secretary or, where authorized by the secretary, with another person within their organization who has also taken the oath of discretion appearing in Schedule C”.

15. Section 31 is amended

- (1) by replacing “\$100” by “\$250”;
- (2) by adding the following paragraphs at the end:

“Despite the first paragraph, a municipal court judge who does not exercise the functions on a full-time and exclusive basis is entitled, for each half day of attending committee meetings or training activities, to half the remuneration to which the judge is entitled when presiding a block meeting in accordance with Order in Council 31-2008 dated 31 January 2008 and subsequent amendments.

In addition, a retired judge authorized by the Government to exercise judicial functions under section 93 of the Courts of Justice Act (chapter T-16) is entitled, for each half day of attending committee meetings or training activities, to half the remuneration to which the judge is entitled under section 118 of the Act for a working day.”.

16. Section 33 is amended

(1) by replacing “the Minister may request the committee to propose the name of other candidates qualified to be appointed as judges for that position, in accordance with section 26” at the end of the first paragraph by “the competition is cancelled for that position”;

(2) by striking out the second and third paragraphs.

17. Section 34 is amended by adding the sentence “The members of the selection committee may not discuss the information with persons who are not members of the committee.” at the end of the first paragraph.

18. Schedule A is amended

(1) in the sixth box

(a) by inserting the following after the “Year of admission to the Barreau du Québec” box:

“

Year of admission to the Chambre des notaires du Québec	
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”;

(b) by inserting the following after the “Proof of entry on the Roll of the Barreau du Québec” box:

“

Proof of entry on the Roll of the Chambre des notaires du Québec	CNQ membership card or <input type="checkbox"/>
	CNQ attestation <input type="checkbox"/>
	Not registered <input type="checkbox"/>

”;

(2) by inserting “or the Chambre des notaires du Québec” after “Barreau du Québec” in the thirteenth, fourteenth, fifteenth and sixteenth boxes;

(3) by inserting the following after the sixteenth box:

“

Do you have issues or disputes with your former employers?
Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>(If yes, explain.)</i>

”;

(4) by inserting “or Chambre des notaires” after “Barreau” in the first paragraph of the text under the twenty-first box;

(5) by inserting “or Chambre des notaires du Québec” after “the Barreau du Québec” in the second paragraph of the text under the twenty-first box.

19. The following is added at the end:

“SCHEDULE C
(s. 29)

OATH OF DISCRETION

I declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge when making the verifications requested by the secretary of the secretariat for the selection of candidates for judicial office.

If another person within my organization must be consulted for the requested verifications, including a superior, I will obtain the authorization of the secretary and will make sure that that person takes the same oath of discretion before consulting the person.

Name of declarant

Sworn before me

at _____

this _____

Person authorized to administer the oath”.

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

106371

M.O., 2023

Order 2023-0004 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 20 June 2023

Act respecting the conservation and development of wildlife (chapter C-61.1)

Regulation to amend the Regulation respecting hunting

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING subparagraphs 1 and 3 of the third paragraph of section 56 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provide that the Minister may, by regulation, determine, on the basis of sex or age, what animal or animal of a

class of animals may be hunted, and determine the area, territory or place in which the animal may be hunted or trapped;

CONSIDERING subparagraph 2 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife, which provides that the Minister may make regulations limiting the number of licences or leases of each class for a zone, territory or place the Minister specifies, and determining the number of licences or leases of each class that a person is authorized to issue under section 54 for that zone, territory or place;

CONSIDERING the first paragraph of section 164 of the Act, which provides in particular that a regulation made under subparagraphs 2 and 6 of the first paragraph of section 163 is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING that the Regulation respecting hunting (chapter C-61.1, r. 12) was made;

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting hunting, attached to this Order, is hereby made.

Québec, 20 June 2023

BENOIT CHARETTE

Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting hunting

Act respecting the conservation and development of wildlife (chapter C-61.1, s. 56, 3rd par., subpars. 1 and 3)

1. The Regulation respecting hunting (chapter C-61.1, r. 12) is amended in section 17

(1) in the first paragraph

(a) in subparagraph 2

i. by striking out “2.”;

ii. by striking out “, 27 except the part shown on the plan in Schedule CCXII.”;

(b) by replacing “in 2022 and 2023” at the end of subparagraph 3 by “in 2022”;