

THAT, for the purpose of financing the Secrétariat du bingo, the annual contribution payable by bingo lottery scheme licence holders, except the holders of a bingo hall manager's licence, for the period from 1 April 2023 to 31 March 2024, be based on a percentage of 15% applied to the annual duties payable under the Regulation respecting bingo (chapter L-6, r. 4) for the issue or maintenance of a bingo lottery scheme licence;

THAT, for the purpose of financing the Secrétariat du bingo, the annual contribution payable by the holders of a bingo hall manager's licence, for the period from 1 April 2023 to 31 March 2024, be based on a percentage of 15% applied to the total duties payable under the Regulation respecting bingo for the issue or maintenance of a bingo hall manager's licence for the period from 1 April 2022 to 31 March 2023;

THAT the collection procedure for the annual contribution for the period from 1 April 2023 to 31 March 2024 be as follows:

—the annual contribution must be paid concurrently with the annual duties payable for the issue or maintenance of a bingo lottery scheme licence, except a bingo hall manager's licence;

—the annual contribution of the holders of a bingo hall manager's licence must be paid within 60 days following the publication of this Order in Council in the *Gazette officielle du Québec*;

—the annual contribution is payable to the Régie des alcools, des courses et des jeux;

—the Régie sends the Secrétariat du bingo, not later than the 30th day following the date of publication of this Order in Council in the *Gazette officielle du Québec* and thereafter every other month, a status report including a list of bingo lottery scheme licence holders whose licences were issued during the period concerned and the amount of each licence holder's annual contribution, with an indication whether that amount has been paid;

—the Régie makes bank transfers to the Secrétariat and sends it the status report at the same frequency;

—where a bingo lottery scheme licence holder fails to pay the annual contribution, the Secrétariat may send the licence holder, by registered mail, a notice informing the licence holder of the failure and of the fact that, on the expiry of 30 days following the sending of the notice, proceedings for recovery may be instituted without further notice or delay;

—licence holders may not claim reimbursement for part or all of their annual contribution, except if an error was made in calculating the annual contribution.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## O.C. 1598-2023, 1 November 2023

Code of Civil Procedure  
(chapter C-25.01)

### Mediation and arbitration of small claims

Regulation respecting the mediation and arbitration of small claims

WHEREAS, under subparagraph 1.1 of the first paragraph of article 570 of the Code of Civil Procedure (chapter C-25.01), as enacted by section 16 of the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec (2023, chapter 3), the Government, by regulation, may establish rules specifying any matters and districts in which mediation is, notwithstanding the principles of Title I of Book I and of Book VII of the Code, mandatory and in which arbitration is offered to the parties as well as the other terms and conditions applicable to mediation or arbitration including, in the latter case, those relating to the parties' consent to resort to it;

WHEREAS, under subparagraph 1.2 of the first paragraph of article 570 of the Code of Civil Procedure, as enacted by section 16 of the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec, the Government, by regulation, may establish which bodies, persons or associations may certify mediators or arbitrators, the conditions with which they must comply in order to do so, as well as the conditions mediators or arbitrators must satisfy to be certified;

WHEREAS, under subparagraph 3 of the first paragraph of article 570 of the Code of Civil Procedure, as amended by section 16 of the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec, the Government, by regulation, may

establish special rules and obligations with which certified mediators or arbitrators must comply in the exercise of their functions, as well as the sanctions applicable for non-compliance;

WHEREAS, under subparagraph 3 of the first paragraph of article 570 of the Code, the Government may, by regulation, establish special rules and obligations with which certified mediators or arbitrators must comply in the exercise of their functions, as well as the sanctions applicable for non-compliance;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the mediation and arbitration of small claims was published in Part 2 of the *Gazette officielle du Québec* of 5 July 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 respecting the mediation and arbitration of small claims, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

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## Regulation respecting the mediation and arbitration of small claims

Code of Civil Procedure  
(chapter C-25.01, art. 570, 1st par.; 2023, chapter 3, s. 16)

### CHAPTER I MEDIATION OF SMALL CLAIMS

#### DIVISION I CERTIFICATION AS MEDIATOR

**1.** Lawyers, retired lawyers, notaries and chartered professional accountants who have completed a minimum of 16 hours of mediation training provided under the responsibility of their professional order and that pertains to the following subjects may be certified as mediators for small claims:

- (1) private modes of dispute resolution;
- (2) principled negotiation;

- (3) the mediation process;
- (4) helping parties to reach an agreement;
- (5) the drafting of draft agreements.

Chartered professional accountants act within the framework provided for in the Tax Administration Act (chapter A-6.002).

**2.** The following bodies may certify as mediators in actions involving small claims:

- (1) the Barreau du Québec, in the case of lawyers and retired lawyers;
- (2) the Chambre des notaires du Québec, in the case of notaries;
- (3) the Ordre des comptables professionnels agréés du Québec, in the case of chartered professional accountants.

**3.** The body, person or association that certified a mediator must forward the following information on the mediator to the Minister of Justice without delay:

- (1) the mediator's name;
- (2) the address of the mediator's professional domicile and, where applicable, the identification of the borough in which the professional domicile is located;
- (3) the name of the judicial district or judicial districts in which the mediator practises;
- (4) the mediator's telephone numbers and, where applicable, fax number;
- (5) the mediator's email address;
- (6) the mediator's membership number;
- (7) the date of the mediator's certification;
- (8) the mediator's interest in distance mediation using a technological means.

The Minister enters the mediator's name on the register of mediators and arbitrators certified to recover small claims, which is held by the Minister.

Any change to the information must be forwarded to the Minister by the body, person or association without delay.

## DIVISION II DUTIES AND OBLIGATIONS OF MEDIATORS

**4.** A mediation mandate is given to only one mediator in an individual capacity per dispute and the mediator may under no circumstances transfer the mandate to another mediator.

In the case of an impediment, the mediator must as soon as possible inform the mediation and arbitration service that must designate another mediator.

**5.** A mediator must hold a mediation session or mediation sessions within 45 days after the date on which the mandate was received.

The mediator must communicate with the parties so they may agree on a date and time for the mediation session within 15 days after the date on which the mandate was received.

The mediation session is held at the place determined by the mediator or, with the parties' consent, at a distance using a technological means.

**6.** In the absence of a party, the mediator must cancel the session.

In such case, the mediator informs the mediation and arbitration service that the mediation session could not take place owing to the absence of a party and the parties may not request a new mediation session.

**7.** During the mediation session, the mediator examines the claim and supporting documents. The mediator inquires about each party's allegations and arguments, provides them with any relevant information, generates alternative solutions to their situation and proposes solutions where required. The mediator must create an atmosphere conducive to the amicable settlement of the conflict.

The mediator may ask the parties to provide documents supporting the claim.

**8.** Within 30 days after the mediation session, the mediator sends to the mediation and arbitration service the report provided for in the second paragraph of article 556 of the Code of Civil Procedure (chapter C-25.01), the bill indicating the professional fees under section 14 and informs the parties of their obligation, provided for in the third paragraph of article 556 of the Code, to file with the court office a notice that the case has been settled or the signed settlement agreement.

**9.** If the mediator does not comply with this Regulation, the court clerk may terminate the mediator's mandate. Before doing so, the court clerk notifies the mediator in

writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the mediator at least 10 days to present observations.

If the mandate is terminated, the court clerk must inform the parties and the mediator and the mediation and arbitration service must designate another mediator.

**10.** On being notified by the certifying body, person or association that the mediator has had the certification cancelled or has, pursuant to the Professional Code (chapter C-26), been temporarily or permanently struck off the roll of a professional order, had his or her permit revoked or the right to carry on the duties of mediator restricted or the right to carry on professional activities suspended, the court clerk removes the mediator's name from the register of mediators and arbitrators certified to recover small claims, notifies the certifier, and, if a mandate had been awarded to that mediator, the court clerk informs the parties and the mediation and arbitration service must designate another mediator.

**11.** The court clerk may, on serious grounds, in particular repeated failures to comply with this Regulation, remove the name of a mediator from the register of mediators and arbitrators certified to recover small claims. Before doing so, the court clerk notifies the mediator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the mediator at least 10 days to present observations.

The mediator may, at their request, have their name entered on the register again at the expiry of a period of six months following the removal.

**12.** Mediators who cease performing mediation functions or practising their profession must ask the certifying body, person or association to inform the Minister of Justice, without delay, of the cessation.

## DIVISION III AWARDING OF MEDIATION MANDATES

**13.** The mediation and arbitration service offers one or more mandates, in turn, to a mediator whose name appears in the register of mediators and arbitrators certified to recover small claims.

## DIVISION IV PROFESSIONAL FEES

**14.** The professional fees payable to a mediator for the carrying out of a mediation mandate are \$130 per hour for a maximum of 3 hours, including any work performed outside the sessions in connection with the mediation.

**15.** Where a mediation session may not be held owing to a failure by a party, the mediator is entitled to professional fees for the work performed outside the sessions in connection with the mediation.

**16.** The mediator may work hours in addition to the 3 hours offered under section 14 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 professional fees payable to a mediator are \$130 per hour.

**17.** A mediator who goes to a courthouse at the request of the court and to whom no mediation mandate has been given is entitled to professional fees equivalent to 1 hour of mediation.

**18.** Travel, research, communications and any other expenses, costs or charges are borne by the mediator. The mediator may not claim, directly or indirectly, payment or reimbursement of such expenses, costs or charges from the parties.

**19.** The fees provided for in sections 14 and 16 are adjusted on 1 April each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.

The fees, thus indexed, are reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50 or increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of Justice is to inform the public, through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate, of the adjustment calculated under this section.

## CHAPTER II COMPULSORY MEDIATION

### DIVISION I GENERAL

**20.** This Chapter applies only in the following judicial districts:

- (1) the judicial district of Laval;
- (2) the judicial district of Longueuil;
- (3) the judicial district of Québec;
- (4) the judicial district of Richelieu;
- (5) the judicial district of Saint-Hyacinthe.

**21.** An application for recovery of a small claim where the value in dispute is not more than \$5,000, excluding interest, must be referred to mediation before the case may be heard by the court.

An application is not referred to mandatory mediation in the following cases:

(1) one of the parties has filed with the court office, in accordance with the second paragraph of section 570 of the Code of Civil Procedure (chapter C-25.01), a certificate confirming that the party has gone to an assistance organization for persons who are victims that is recognized by the Minister of Justice for help as a person who is a victim of domestic or sexual violence on the part of the other party;

(2) the parties have requested that judgment be rendered on the face of the record;

(3) the application questions the operability, the constitutionality or the validity of a provision of an Act of the Parliament of Québec or the Parliament of Canada, of any regulation made under such an Act, of a government or ministerial order or of any other rule of law;

(4) the application concerns reparation for an infringement or denial of fundamental rights and freedoms under the Charter of human rights and freedoms (chapter C-12) or the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**22.** A party may be exempted, at the party's request, from participating in the mandatory mediation where serious grounds justify the exemption, including

(1) the existence of an order preventing one party from being in the presence of another party or from communicating with them;

(2) the fact that mediation may not be held at a distance and therefore travel expenses for the party's participation in the mediation session exceed the probable advantages; and

(3) the fact that the parties have already participated in a mediation session for the same dispute, attested in writing by the mediator or by a body offering mediation in civil matters.

In the case referred to subparagraph 1 of the first paragraph, the case is referred to the court. In other cases, the case is referred to the arbitration at no cost provided for in this Regulation. The court clerk informs the parties.

**23.** Where a case is subject to mandatory mediation, the court clerk notifies the parties and informs them of their right to be exempted from mediation for a reason referred to in section 22.

A party that wishes to be exempted from mandatory mediation must apply in writing to the court not later than 20 days after having been notified by the service that the case is subject thereto. This is a strict time limit. The court clerk informs the other parties of the application; they have 15 days to submit observations in writing. If the party invokes a ground referred to in the second paragraph of article 570 of the Code of Civil Procedure or if the party invokes as serious grounds being a victim of domestic or sexual violence by another party, the court clerk informs the other parties that the case is not subject to mandatory mediation without specifying the reason and without indicating that observations are expected.

The application is decided by the special clerk or by the judge in chambers. The decision must give reasons. The court clerk informs the parties of the decision rendered.

**24.** The initial decision of the mediation and arbitration service to subject a case to mandatory mediation, made under section 21, and the decision of the special clerk on the application for exemption of a party, referred to in section 22, may be reviewed by a judge in chambers.

## DIVISION II RIGHTS AND DUTIES OF PARTIES AND MEDIATOR

**25.** The parties must participate in the mediation session to which they are convened by the mediator.

They are required to participate in the process in good faith, to be transparent with each other, including as regards the information in their possession, and to cooperate actively in searching for a solution.

**26.** The mediator and mediation participants must preserve the confidentiality of anything said, written or done during the mandatory mediation process, subject to any agreement between them on the matter or to any special provisions of the law.

## DIVISION III FAILURE TO PARTICIPATE IN MEDIATION

**27.** The failure of a party to agree to a mediation session within the 45-day period provided for in section 5 constitutes a failure to participate in the mediation.

**28.** In the absence of a party in the mandatory mediation session, the mediator must wait at least 30 minutes after the time set for the beginning of the session before recording the party's failure and cancelling the session. The mediator is entitled to professional fees equal to 30 minutes in addition to the time spent outside the sessions as part of the mediation.

If the absence of a party is justified on serious grounds, the mediator may set a new session. Where the mediator holds another session, the mediator may also receive professional fees for that session in addition to those the mediator may receive for the cancelled session.

**29.** Where the mediator ascertains the absence of a party to a mandatory mediation session or the failure of a party to agree to the time of such a session, the mediator files with the court office, within 10 days, a report stating that it was impossible to proceed with the mandatory mediation and specifying which party is in default.

The case may then be referred to arbitration. The court clerk notifies the parties in accordance with section 31.

**30.** The court or the arbitrator may, at the request of a party, punish the failure of a party to participate in the mandatory mediation ascertained by the mediator.

The court or the arbitrator may in particular order the party to pay damages to the other parties, including for any loss and expense incurred owing to their participation in the mandatory mediation session. If the faulty party is the creditor, the court or the arbitrator may also reduce or cancel the interest owing. Only the court may order a party to pay legal costs.

## DIVISION IV END OF MEDIATION

**31.** If the mandatory mediation does not put an end to the dispute, the case is referred to the arbitration at no cost provided for in this Regulation. The court clerk then notifies to the parties a notice of arbitration using the form prescribed by the Minister of Justice.

The notice must indicate, in clear and concise terms, that

(1) failure to respond to the notice within 30 days of its notification constitutes a free and enlightened waiver to submit the dispute to a judge of the Court of Québec and an acceptance to submit it to another private mode of dispute resolution, namely arbitration;

(2) failure to appear before the arbitrator allows the arbitrator to make an award by default; and

(3) the arbitration award binds the parties and may only be annulled by a court on the following grounds:

- (a) a party lacked the capacity to consent to arbitration;
- (b) the arbitration agreement is invalid under the law chosen by the parties or, failing any indication in that regard, under Québec law;
- (c) the rules for designating the arbitrator or the applicable arbitration proceedings have not been complied with;
- (d) the party against which the award or measure is invoked was not given proper notice of the designation of an arbitrator or of the arbitration proceedings, or it was for another reason impossible for that party to present its case;
- (e) the award pertains to a dispute not covered by the arbitration.

Within 10 days of the last mediation session, the mediator notifies the mediation and arbitration service that the mediation has not put an end to the dispute.

### CHAPTER III ARBITRATION AT NO COST OF SMALL CLAIMS

#### DIVISION I GENERAL

**32.** This Chapter applies only in the following judicial districts:

- (1) the judicial district of Laval;
- (2) the judicial district of Longueuil;
- (3) the judicial district of Québec;
- (4) the judicial district of Richelieu;
- (5) the judicial district of Saint-Hyacinthe.

**33.** Lawyers and notaries who meet the following conditions may be certified as arbitrators for the arbitration of small claims:

- (1) have been a member of their professional order for at least 5 years;
- (2) take out a professional liability insurance with their professional order;

(3) have completed at least 35 hours of training in arbitration of small claims, provided under the responsibility of the certifying body, person or association, and including the following subjects:

- (a) conduct of arbitration;
- (b) the rules of evidence and procedure;
- (c) the duties and obligations of arbitrators, including ethics and professional conduct;
- (d) the main matters brought before the Small Claims Division;
- (e) the arbitration award, including the rules respecting drafting;
- (f) the special rules of arbitration in small claims;
- (g) information technologies;

(4) comply with the requirements on continuing education in arbitration of the certifying body, person or association.

**34.** The following bodies may certify as arbitrators for arbitration of small claims:

- (1) the Barreau du Québec, in the case of lawyers;
- (2) the Chambre des notaires du Québec, in the case of notaries.

**35.** The body, person or association that certified an arbitrator must forward the following information on the arbitrator to the Minister of Justice without delay:

- (1) the arbitrator's name;
- (2) the address of the arbitrator's professional domicile and, where applicable, the identification of the borough in which the professional domicile is located;
- (3) the name of the judicial district or judicial districts in which the arbitrator practises;
- (4) the arbitrator's telephone numbers and, where applicable, fax number;
- (5) the arbitrator's email address;
- (6) the arbitrator's membership number;

- (7) the date of the arbitrator's certification;
- (8) the arbitrator's interest in distance arbitration using a technological means;
- (9) the matters in which the arbitrator wishes to obtain arbitration mandates, if applicable.

The Minister enters the arbitrator's name on the register of mediators and arbitrators certified to recover small claims, which is held by the Minister.

Any change to the information must be forwarded to the Minister by the certifying body, person or association without delay.

## DIVISION II DUTIES AND OBLIGATIONS OF ARBITRATOR IN ARBITRATION AT NO COST

**36.** An arbitration mandate is given to only one arbitrator in an individual capacity per dispute and the arbitrator may under no circumstances transfer the mandate to another arbitrator.

In the case of an impediment, the arbitrator must inform the mediation and arbitration service that must designate another arbitrator.

**37.** The arbitrator must disclose without delay to the court office and the parties any ground for recusation.

**38.** A party may ask for an arbitrator's recusation by notifying a document stating its reasons to the other party and to the arbitrator within 10 days after becoming aware of the designation or of the cause for recusation.

The arbitrator is required to rule on the recusation request without delay, unless the arbitrator withdraws or, the other party supporting the request, is compelled to withdraw.

If the arbitrator does not recuse himself or herself, a party may, within 10 days after being advised of it, ask the court to rule on the recusation. The arbitrator may nonetheless continue the arbitration proceedings and make an award for so long as the court has not made its ruling.

**39.** Arbitrators who cease performing their functions or practising their profession must ask the certifying body, person or association to inform the Minister of Justice, without delay, of the cessation.

**40.** If an arbitrator does not comply with this Regulation, the court clerk may terminate the arbitrator's mandate. Before doing so, the court clerk notifies the arbitrator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the arbitrator at least 10 days to present observations.

If the mandate is terminated, the clerk must inform the parties and the arbitrator, and the mediation and arbitration service must designate another arbitrator.

## DIVISION III PROFESSIONAL FEES

**41.** The professional fees payable to an arbitrator for the carrying out of an arbitration mandate under this Chapter are \$500 per mandate, including any work performed outside the sessions in connection with the arbitration, the arbitration session and the drafting of the arbitration award.

The professional fees are \$200 if, for serious grounds, the arbitrator is unable to make the award.

**42.** Travel, research, communications and any other expenses, costs or charges are borne by the arbitrator. The arbitrator may not claim, directly or indirectly, payment or reimbursement of such expenses, costs or charges from the parties.

## DIVISION IV PROCEEDINGS RELATED TO ARBITRATION AT NO COST

### §1. *General*

**43.** A case for the recovery of a small claim that was the subject of mediation is admissible to arbitration at no cost.

A case whose parties are exempted from mandatory mediation is also admissible.

**44.** Arbitration of the following is not admissible:

(1) a dispute concerning a matter referred to in article 2639 of the Civil Code;

(2) a dispute to which the State is a party;

(3) an application that questions the operability, the constitutionality or the validity of a provision of an Act of the Parliament of Québec or the Parliament of Canada, of any regulation made under such an Act, of a government or ministerial order or of any other rule of law;

(4) an application concerning reparation for an infringement or denial of fundamental rights and freedoms under the Charter of human rights and freedoms (chapter C-12) or the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

**45.** A party that receives the notice of arbitration provided for in section 31 may refuse that the case be referred to an arbitrator.

To do so, the party must send to the court office, within 30 days of notification of the notice of arbitration, a notice of refusal of arbitration using the form prescribed by the Minister of Justice; the case is then submitted to the court. This is a strict time limit.

A party that does not send the notice of refusal is deemed to agree to arbitration.

Where the court clerk does not receive a notice of refusal within 30 days of the notification of the notice of arbitration, the mediation and arbitration service refers the case to an arbitrator.

**46.** A case that has already been the subject of a mediation but a party of which has refused that it be referred to an arbitrator may be referred to arbitration at anytime thereafter if all the parties agree thereto.

They notify the court clerk; the mediation and arbitration service must designate an arbitrator.

## §2. Arbitration mandates

**47.** The mediation and arbitration service offers one or more mandates, in turn, to an arbitrator whose name appears in the register of mediators and arbitrators certified to recover small claims.

**48.** On being notified by the certifying body, person or association that the arbitrator has had the certification cancelled or has, pursuant to the Professional Code (chapter C-26), been temporarily or permanently struck off the roll of a professional order, had his or her permit revoked or the right to carry on the duties of arbitrator restricted or the right to carry on professional activities suspended, the clerk removes the arbitrator's name from the register of mediators and arbitrators certified to recover small claims and, if a mandate had been given to that arbitrator, the clerk informs the parties and the mediation and arbitration service offers the mandate to another arbitrator.

**49.** The court clerk may, on serious grounds, in particular repeated failures to comply with this Regulation, remove the name of an arbitrator from the register of mediators and arbitrators certified to recover small claims. Before doing so, the clerk notifies the arbitrator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the arbitrator at least 10 days to present observations. The court clerk notifies the certifier of the removal.

The arbitrator may, at their request, have their name entered on the register again at the expiry of a period of six months following the removal.

## §3. Conduct of arbitration

**50.** An arbitrator must hold the arbitration session within 45 days after the date on which the mandate has been awarded to the arbitrator by the mediation and arbitration service.

The arbitrator communicates with the parties within 15 days after the date on which the mandate has been awarded by the mediation and arbitration service to agree on the date and time of the arbitration session.

Where the arbitration session has not been held within that period, the arbitrator must notify the service of the grounds for the delay and indicate the date scheduled for the session, which may not exceed 15 additional days. Failing that, the mandate is withdrawn and is offered to another arbitrator.

**51.** The arbitration session is held at the place determined by the arbitrator or, with the parties' consent, at a distance using a technological means.

**52.** The arbitrator must, within the time limit provided for in the second paragraph of section 50, make sure that the parties agree to the arbitration. The arbitrator must inform them of the process, including the fact that the award binds the parties and may only be annulled by the court on the grounds listed in section 31, and on the arbitrator's role and powers.

**53.** The arbitration session may be recorded by the arbitrator, at the parties' request or on the arbitrator's own initiative.

The recording may not be made public without the authorization of the court.



**54.** The arbitrator is required to explain to the parties, at the beginning of the arbitration process, the procedure the arbitrator determines.

**55.** The arbitrator may require each party to send the arbitrator, within a time specified by the arbitrator, a statement of its contentions and any exhibits mentioned, and to send them to the other party, if not already done.

**56.** Testimony is by written affidavit. The arbitrator may however allow oral testimony, at the request of a party.

**57.** The parties may ask the arbitrator to make the award on the face of the record.

**58.** Arbitration decides the dispute in accordance with the rules of law. The arbitrator may not act as *amiable compositeur*.

**59.** If an arbitrator rules on the arbitrator's own jurisdiction, a party, within 15 days after being advised of the decision, may ask the court to rule on the matter. A decision of the court recognizing the jurisdiction of the arbitrator cannot be appealed. For so long as the court has not made its ruling, the arbitrator may continue the arbitration proceedings and make an award.

#### *§4. Failure to participate in arbitration*

**60.** In the case of the absence of a party in the arbitration session, the arbitrator may make an award by default.

If the absence of a party is justified on serious grounds, the arbitrator may set a new session.

#### *§5. End of arbitration*

**61.** An arbitrator must make the award within 30 days after the last arbitration session.

**62.** The arbitration award must be made on the form prescribed by the Minister of Justice. No page or schedule may be added.

In addition to the rules provided for in articles 642 to 644 of the Code of Civil Procedure, the award is written in clear and concise terms. The arbitrator may order a party to pay the legal costs.

**63.** Within 30 days after the last arbitration session, the arbitrator sends to the court office the arbitration award and to the mediation and arbitration service the bill on which the professional fees under section 41 are indicated.

The arbitrator sends the arbitration award to the parties within the same period.

## CHAPTER IV TRANSITIONAL AND FINAL

**64.** Lawyers and notaries certified as mediator as of 16 October 2003 are deemed to have received the training provided for in section 1.

**65.** Lawyers and notaries certified as mediator on the date of coming into force of this Regulation are deemed to be certified under this Regulation.

**66.** Lawyers and notaries certified to act as arbitrator in civil cases by the Barreau du Québec or by the Institut de médiation et d'arbitrage du Québec on the date of coming into force of Chapters II and III of this Regulation are deemed to be certified to act as certified arbitrator by their professional order for the recovery of small claims for a period of 2 years from that date. To maintain that certification after that period, the lawyers and notaries must have completed refresher training of at least 10 hours on arbitration of small claims recognized by the certifying body, provided under the responsibility of their professional order, on special rules for arbitration in small claims.

**67.** Proceedings pending that have already been the subject of mediation that has not put an end to the dispute on the date of coming into force of Chapters II and III of this Regulation in a judicial district may be referred to an arbitrator if the parties agree and ask for it to the mediation and arbitration service.

**68.** Chapters II and III apply in a judicial district only to proceedings instituted after the date of coming into force of those Chapters with respect to the district.

**69.** This Regulation replaces the Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6).

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

(1) paragraph 2 of section 20 and paragraph 2 of section 32, which come into force 1 December 2023;

(2) paragraphs 4 and 5 of section 20 and paragraphs 4 and 5 of section 32, which come into force on 1 February 2024;

(3) paragraph 3 of section 20 and paragraph 3 of section 32, which come into force on 1 March 2024.

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