

## Draft regulation

Transport Act  
(chapter T-12)

### Internal by-law and regulation respecting the procedure of the Commission des transports du Québec

Notice is hereby given, pursuant to section 10 of the Regulations Act (chapter R-18.1) and section 304 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2), that within 20 days of this publication, the Commission des transports du Québec will be able to enact the draft Internal by-law and regulation respecting the procedure of the Commission des transports du Québec, which is included hereinafter.

This draft regulation, which replaces the Regulation respecting the procedure of the Commission des transports du Québec (chapter T-12, r.11), aims to, among other things:

— update the operating and procedural rules on the basis of legislative amendments introduced since the coming into force of the most recent version of the Regulation respecting the procedure in 2006;

— introduce proportionality rules for all phases of the processing of applications;

— specify the rules governing hearings, including the minimum timeframes for the filing of documents, as well as the use of technological means.

Additional information regarding this draft regulation can be obtained by contacting Communication des transports du Québec secretary M<sup>e</sup> Hélène Chouinard by e-mail, at [projet.reglement@ctq.gouv.qc.ca](mailto:projet.reglement@ctq.gouv.qc.ca).

We would ask that all interested parties wishing to submit comments with regard to this draft regulation do so within the 20-day deadline established for this purpose. Comments should be sent in writing, to M<sup>e</sup> Hélène Chouinard, Secretary, Commission des transports du Québec, 200, chemin Sainte-Foy, 7th floor, Québec (Québec) G1R 5V5 or to the e-mail address [projet.reglement@ctq.gouv.qc.ca](mailto:projet.reglement@ctq.gouv.qc.ca).

FRANCE BOUCHER

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## Draft Internal by-law and regulation respecting the procedure of the Commission des transports du Québec

Transport Act  
(chapter T-12, s. 48).

### DIVISION I GENERAL PROVISIONS

**1.** This regulation applies, unless the context points to a different meaning, to all applications submitted to the Commission des transports du Québec, including those it chooses to process, as well as to interventions or procedures by filing.

It also seeks to ensure that applications are processed with the cooperation of the persons involved and their representatives, when applicable, and through the use of available technological means.

The term “member” also refers to a group of such persons.

**2.** Documents submitted in support of an application, along with the evidence presented, must be proportional to the nature and complexity of the case in question, and this for the entire duration of the latter.

**3.** The Commission or one of its members, as the case may be and in the absence of provisions applicable to a specific case provided for in this regulation, may compensate by turning to a procedure compatible with the law or this regulation.

### DIVISION II BUSINESS HOURS, STATUTORY HOLIDAYS AND TIMEFRAMES/DEADLINES

**4.** The Commission’s days and hours of operation, i.e., those periods during which it is open to the public, are indicated on its Web site.

**5.** The following statutory holidays and days off are observed:

- (1) Saturdays and Sundays;
- (2) January 1st and 2nd;
- (3) Good Friday;
- (4) Easter Monday;
- (5) the Monday prior to May 25th;
- (6) June 24th;

- (7) July 1st or July 2nd when the 1st falls on a Sunday;
- (8) the first Monday in September;
- (9) the second Monday in October;
- (10) December 24th, 25th, 26th and 31st;
- (11) any other day designated by the Government.

**6.** Unless it is submitted by technological means, a document filed with the Commission outside of regular business hours or on a statutory holiday is considered to have been filed at the start of business on the next business day.

**7.** When the date set for performing an act turns out to be a statutory holiday, the act can be validly executed on the following business day.

**8.** In the computation of a time period, the starting day is not counted but the expiry day is.

**9.** On request, a member can extend any timeframe or deadline that is not strict, as well as waive the consequences generally imposed on a person who fails to comply with such a timeframe or deadline.

In all cases, such a request is only entertained if it is based on reasonable grounds and to the extent that no party suffers serious prejudice.

### DIVISION III TRANSMISSION OF APPLICATIONS, DOCUMENTS AND OTHER INFORMATION

**10.** An application is deemed to have been validly submitted to the Commission when it is:

- (1) presented in writing;
- (2) duly signed;
- (3) properly filled out and accompanied by all of the necessary documents and other information;
- (4) accompanied by the payment of the applicable fees and duties.

**11.** Applications submitted to the Commission must include the following information:

- (1) The applicant's name, address, telephone number and if applicable, e-mail address.
- (2) When the applicant is being represented by someone else, the representative's name, address, telephone number and if applicable, e-mail address.

(3) All additional details required by virtue of the legal provision on which the application is based or this regulation, or as asked for by the Commission.

**12.** The Commission can accept a submitted application even though it includes a clerical irregularity.

**13.** All other parties and when relevant, their respective representatives, must immediately provide the Commission with their address, telephone number and e-mail address if applicable.

**14.** An attorney representing a party must submit to the Commission and to the other parties, as the case may be, the following information in writing: his name, the name of his law firm, his address, telephone number and e-mail address, the start date of his mandate, and the name of the party he represents.

**15.** All of the Commission's communications to a party represented by an attorney, with the exception of summons with regard to hearings and the transmission of decisions, are sent solely to the party's attorney.

**16.** An attorney who ceases to represent a party must immediately provide the Commission and all other parties with a written notification in this regard, and also indicate the date of termination of his mandate.

**17.** The Commission and all other parties, if applicable, must be immediately notified in writing of any changes regarding the information provided by virtue of sections 10, 11, 13 and 14.

**18.** Any party must immediately transmit to the other parties any written communication to the Commission in conjunction with an application.

**19.** The Commission may, subject to the conditions it determines, authorize a person to submit any document to it by technological means.

**20.** Unless a specific provision in this regulation stipulates otherwise, a party concerned by an application or a related application may not reach out to the president concerning these until such time as a member has rendered an enforceable decision in this regard. The same applies to this party's representative or witness.

### DIVISION IV FILES OF THE COMMISSION

**21.** The Commission assigns a number to an application once it is received.

**22.** All subsequent written communications regarding an application must mention the number assigned to the application by the Commission.

**23.** Except for permit certificates, any document or copy of a document issued by the Commission or included in its archives is deemed authentic once it has been certified and signed by the president, secretary or a management employee.

#### **DIVISION V** **PUBLICATION OF APPLICATIONS**

**24.** When provided for by this regulation, the Commission publishes, at the applicant's expense and on any medium it deems appropriate, a notice indicating the purpose of the application and the supporting public information.

**25.** When applicable, the following information regarding an application is included in the public notice posted on the Commission's Web site with regard to:

- (1) Bus transport:
  - (a) the date the application was submitted;
  - (b) the permit category concerned;
  - (c) the duration of the permit and if applicable, the duration of the requested modification;
  - (d) the description of the vehicle categories used;
  - (e) the territories and locations involved;
  - (f) the route identified;
  - (g) the targeted clientele;
  - (h) the planned schedule and frequency;
  - (i) the proposed rates;
  - (j) the operating conditions and noted limitations;
  - (k) the name and contact information of the applicant's representative.
- (2) Brokerage services:
  - (a) the date the application was submitted;
  - (b) the brokerage region and zone under consideration;
  - (c) the name and contact information of the applicant's representative.
- (3) Recognition of a regional association of truckers:
  - (a) the date the application was submitted;
  - (b) the brokerage region and zone under consideration;

(c) the name and contact information of the applicant's representative.

(4) Rail transportation:

- (a) the date the application was submitted;
- (b) the description of the planned services;
- (c) the planned corridor and schedule;
- (d) the start date and if applicable, end date of the certificate of competence;
- (e) the name and contact information of the applicant's representative.

**26.** A notice according to the provisions of section 24 must be published for all applications:

- (1) for a bus transport permit, the modification, maintenance or transfer of such a permit, or the modification of the route concerned by said permit, unless the permit in question is for a duration of less than 90 days or if the application involves a modification to a territory subsequent to a decision by another administrative authority;
- (2) for the reinstatement of a bus transport permit made under section 15.2 of the Bus Transport Regulation (chapter T-12, r. 16);
- (3) requesting the partial or total suppression of urban or interurban bus transport services;
- (4) resulting from a refusal to file a modification to the schedule or frequency of services authorized by virtue of an urban, interurban or airport bus transport permit, as provided for in the first paragraph of section 28;
- (5) resulting from a refusal to file the rates and tariffs governed by section 4.3 of the Regulation respecting tariffs, rates and costs (chapter T-12, r. 14);
- (6) regarding the particular fixing of tariffs which is not governed by the filing procedure provided for in division II of this regulation, as well as requests for their modification or revocation;
- (7) for an application for a bulk trucking services brokerage permit or the modification or renewal of such a permit;
- (8) for recognition of a regional association of truckers;
- (9) for a certificate of aptitude relating to rail transportation;
- (10) provided for under the law.

**27.** An application for the partial or total suppression of urban or interurban bus transport services must, prior to its being received by the Commission, be posted in the applicant's buses and on its Web site for a period of 10 consecutive days or more.

The application must also be accompanied by a proof of the posting and publication, as well as copy of the notice.

**28.** A change in the schedule or frequency of an urban, interurban or airport bus transport permit which has been posted and published according to the provisions of the first paragraph of section 27 comes into force on the 15th day following the date of its filing with the Commission or at a later date as indicated by the permit holder.

The filing must also be accompanied by a proof of the posting and publication, as well as a copy of the notice.

A member can refuse any filing regarding a change in schedule or frequency, in which case the permit holder may submit, no later than 30 days following this refusal, an application for this same purpose.

**29.** The notice prescribed by sections 27 and 28 must state that all interested persons may submit their written observations to the Commission within 10 days of the last day of the posting, in which case this person does not have the status of an intervenor.

## DIVISION VI INTERVENTION

**30.** Any person able to justify a sufficient interest may, contingent on a member's authorization and according to any conditions the latter establishes, intervene in support of an application or oppose the same, and this prior to the related decision being rendered.

A member who grants an interested person the status of intervenor can also decide, if he deems it necessary, the extent of this person's participation and more specifically, his interest, the type and significance of the issues raised by the primary application, and the proportionality rules provided for in section 2.

The provisions of this regulation apply to a person whose intervention was authorized according to this section and with due consideration given to any necessary modifications.

**31.** An application for an intervention is deemed to have been validly submitted if it:

- (1) was duly submitted in writing and included the information noted in section 11 of this regulation;
- (2) was substantiated;
- (3) was previously notified to the Commission and the parties involved;
- (4) included payment of the applicable fees and duties;
- (5) was performed as per applicable legislative or regulatory provisions.

**32.** An application for the dismissal or rejection of an intervention is deemed to have been validly submitted if it:

- (1) was duly submitted in writing, and signed;
- (2) was substantiated;
- (3) was notified to the Commission and the parties involved within 10 days of the submission of the application for intervention;
- (4) included payment of the applicable fees and duties, as the case may be;
- (5) was performed as per applicable legislative or regulatory provisions.

**33.** Despite sections 30 to 32, the Minister of Transport and the Attorney General may, at any time and without notice or fees, intervene in any application or procedure submitted to the Commission.

## DIVISION VII NOTIFICATION

**34.** The notification can be performed in any appropriate manner that constitutes evidence of the handing over, sending, transmission or publication of the document in question. Means of delivery include a bailiff, the postal service, in person, or through technological means or a public notice.

Regardless of the notification method adopted, the person who acknowledges receipt of the document or avows to having received it is considered to have been legally notified.

**35.** Notification through technological means consists of transmitting a document to the address identified by the receiver as being the place where he agrees to receive documents destined to him, or to the address provided to the Commission for this purpose, to the extent that the address in question is valid at the time of transmission.

A party not represented by an attorney cannot, in the absence of reasonable grounds, refuse to receive a document by such means.

**36.** A notification by the Commission to a person concerned by a decision, a procedure, a prior notice or any other document, to the valid postal or e-mail address provided to the Commission or to the Société de l'assurance automobile du Québec, is deemed to have been validly executed.

#### DIVISION VIII SUMMONS

**37.** The Commission cannot issue a ruling on an application until such time as the parties have been convened and heard.

It is, however, exempted from the obligation of holding a hearing in conjunction with an application that is not being contested.

It is also exempted in this regard when all of the parties agree that it may proceed on the basis of the case alone.

**38.** A party or its representative who is aware that a member considering an application concerning it is proceeding based on the case, cannot speak to the party or representative with regard to this application or any related applications unless the other party, if applicable, is so advised.

**39.** If a convened party is not present at the date and time set for the hearing, and this with no valid reason for its absence, or, if once present, refuses to be heard or renounces to this right, the assigned member can proceed to render a decision.

**40.** On his own initiative or upon request, a member may, at any time after having allowed the parties to be heard, reject an application he deems abusive, notably due to its being groundless, frivolous or dilatory; he may also subject it to various conditions.

**41.** Subject to other delays provided for by law, the Commission notifies the parties of the date, time and location of the hearing at least 10 days ahead of time. When a hearing is held remotely, the Commission advises the parties, within the same timeframe, that the communication means provided for in section 82 will be used.

To the extent that is permitted by law, the Commission is exempted from these obligations in emergency situations, to prevent irreparable harm or if the parties agree.

**42.** A party who believes that the Commission should set aside more than one day for a hearing shall advise it, as soon as possible prior to the hearing, of the desired duration and the grounds justifying this belief.

**43.** The president or the member he designates may order that an application or a procedure be heard on an emergency or priority basis, according to the terms he determines.

#### DIVISION IX RELATED APPLICATION AND MODIFICATION

**44.** Any related application accessory to a primary application must be prepared in writing and be notified to all other parties, if applicable, at least 5 days before the hearing, failing which it shall be processed on the date and in the manner determined by the member responsible for the hearing.

**45.** When an application is processed based on the case, any related application must be notified to the other parties, as the case may be, and submitted to the Commission as quickly as possible, that is, before a decision on the primary application is rendered.

**46.** The president can designate any member to deal with a related application, or choose to hand it over to the member responsible for the primary application.

**47.** Before the hearing on a primary or related application, a party may bring modifications with the aim of replacing, rectifying or finalizing statements or conclusions, to put forth new facts or to present a right that has elapsed since the filing of the initial application or the intervention.

The party that modifies an application must provide a copy of such to the Commission and all of the other parties.

**48.** When a primary or related application is processed based on the case, any modification made must be notified to the other parties, as the case may be, and submitted to the Commission as quickly as possible, that is, before a decision on the primary application is rendered.

**49.** A copy of the initial application must be notified to any party added following a modification. In the latter's regard, the application is deemed to have been prepared at the date of this notification.

**50.** A member may, during the hearing and in the presence of the parties, authorize a modification on the basis of a verbal request noted in the minutes.

**51.** A member must refuse a modification if it is useless or contrary to the interests of justice, or if it leads to an entirely new application unrelated to the initial application.

#### **DIVISION X** **POSTPONEMENT AND ADJOURNMENT**

**52.** All requests for the postponement of a hearing must be submitted to the president in writing, as soon as possible prior to the hearing.

Such a request, which is accompanied by supporting documents and is notified to the other parties, as the case may be, includes the following information;

- (1) the grounds invoked in support of the request;
- (2) the earliest dates at which each of the parties, their representatives and their witnesses, including any experts, are available;
- (3) any other information considered relevant given the matter at hand.

**53.** No postponement request may be granted solely based on the consent of the parties.

**54.** The president, or the member he designates to handle a postponement request, shall render a decision by giving due consideration, as applicable, to the nature of the matter, the grounds invoked in support of the request, the impossibility of rescheduling the hearing at a reasonably nearby date, the need to respect a timeframe provided for by law, the behaviour of the party having submitted the request and the opportunity presented to the latter for the purposes of justice.

**55.** A member may, if required by the circumstances and according to the conditions he determines, adjourn a hearing that is underway.

In such a case, he will immediately set another date for the hearing to be continued or ask that it be rescheduled on the roster.

#### **DIVISION XI** **PRESENCE OF A WITNESS AT THE HEARING**

**56.** A party that wishes to have a witness appear at a hearing, either to testify or to present a document, must fill in the form created for this purpose by the Commission.

**57.** The subpoena or notice to appear is delivered by the Commission or one of its members or, if a party is represented by an attorney, by the latter.

The notification is sent at least 5 days prior to the appearance of the witness. In the interest of justice, a member may benefit from a shorter timeframe, as long as it is not under 24 hours. The appearance notice must include the details of this authorization.

**58.** A member can also require that a party provide a list of the witnesses it plans to have heard, as well as a brief summary of their testimony.

**59.** A member can also, at his own initiative or upon request, convene any given person to appear in front of him.

Any person present at the hearing may be asked to testify. Such a person will then be required to answer as if he had received an official appearance notice.

**60.** A member can also order that a witness be excluded.

**61.** Evidence submitted by witness is only admitted if the testimony is provided after a witness has sworn to tell the truth.

**62.** A person called upon to testify must state his name, address and profession, unless the member determines otherwise.

**63.** A report from an expert and the latter's curriculum vitae are submitted to the Commission at least 5 days prior to the scheduled date of the hearing.

A member has the power, however, to authorize its filing within any other timeframe and according to the conditions he determines.

**64.** The expert witness gives an opinion on a question within the scope of his professional qualifications. He may be declared an expert when his qualifications or experience in the area in question have been established or recognized by all of the parties.

**65.** The expert witness must swear that his testimony will be guided by his primary duty, namely to enlighten the member, and that the opinion he will provide will be objective, impartial, rigorous and based on the most recent information and knowledge in the area in question.

**DIVISION XII****PRODUCTION OF EVIDENCE AT THE HEARING**

**66.** A party that plans to produce a material element or document as evidence during a hearing must, no later than 5 days before the latter, transmit a copy of it, at its own expense, to the other parties and to the court office of the Commission.

A party that wants to file a document or material element as evidence with the Commission's court office within a shorter timeframe must obtain a member's authorization. Should this authorization be granted, the party must then, at its own expense, bring this evidence to the attention of the other parties, as the case may be.

**67.** Section 66 notwithstanding, an update of the file prepared by the Société de l'assurance automobile du Québec pursuant to section 22 of the Act respecting owners, operators and drivers of heavy vehicles (P-30.3) and other related documents can be produced as evidence during the hearing.

**68.** A party that wants to present a technological document (rather than material) must ensure, prior to filing it with the court office, that the Commission will be able to share its contents during the hearing.

If the Commission is not equipped to share the content, the party in question must proceed, at its own expense, to transfer the document onto an adapted medium or provide the equipment needed for it be shared during the hearing.

**69.** A member can require a party to reveal or specify its intentions in writing, or ask that it file any document or evidence within a deadline it establishes.

**70.** Should a party fail to comply with one of the requirements noted in sections 63, 66, 68 or 69 within the set timeframe, the member can, depending on the circumstances:

- (1) refuse the filing of a document or item of evidence;
- (2) refuse to allow any evidence related to an information, document or item of evidence;
- (3) impose, if applicable, various conditions on the filing or presentation of a document or item of evidence;
- (4) render any resulting decisions with no further notice or delay.

**71.** A document or material item presented as evidence cannot be withdrawn from the case prior to its being closed, except if a member so allows it and contingent on the conditions this member determines.

**72.** Only the party that has produced a document or material item as evidence can withdraw it from the case, and this by signing the related receipt.

**DIVISION XIII****PRE-HEARING CONFERENCE AND PROCEDURAL MEASURES**

**73.** A member can, at his own initiative or upon request from a member, hold a pre-hearing conference in order to identify ways of simplifying, curtailing or facilitating a hearing or of producing certain items of evidence.

**74.** The pre-hearing conference seeks to:

- (1) examine the possibility of clarifying and specifying the intentions of the parties and the desired outcomes;
- (2) define the questions to be addressed during the hearing;
- (3) ensure that the parties share all items of evidence among themselves;
- (4) plan the steps and presentation of the evidence during the hearing, and discuss the possibility of having the parties admit to certain facts and enter them as evidence under oath;
- (5) consider any other means of simplifying, curtailing or facilitating the hearing.

**75.** As a procedural measure, the member can also, at any time and at his own initiative or upon request, decide to:

- (1) implement one of the measures referred to in section 74;
- (2) prepare a calendar of the deadlines to be complied with;
- (3) rule on special requests submitted by the parties.

**76.** Any procedural decisions taken by a member are noted in the minutes. These decisions will guide the holding of the hearing, unless the member responsible for considering the case determines otherwise.

**77.** A member can, at all times, ratify a written agreement between the parties as long as it complies with the law.

The decision that enables this ratification also results in the application being closed. Should this not be the case, a hearing will be held as quickly as possible.

#### DIVISION XIV HEARING

**78.** Several applications that raise similar questions or touch on related issues, whether or not they are brought forth by the same parties, may be combined through an order from the Commission's president or a member he designates, and this contingent on the conditions he sets.

During the hearing, a member can, on his own initiative or at a party's request, revoke an order if he considers that this would be allow for ensuring that justice is best served.

**79.** The president can also order that a given application be heard and a decision rendered on a priority basis. In such a case, pending applications are temporarily suspended until the decision on the priority matter is rendered.

**80.** Commission hearings are public.

However, a member can prohibit or restrict the dissemination, publication or disclosure of specific information or documents when he is of the opinion that such a measure is necessary to preserve public order, and more specifically, the favour the dignity of those persons touched by an application or procedure, and to protect significant legitimate interests.

Such a member can also, at his own initiative or at a party's request, order that the hearing be closed (in camera).

**81.** The member oversees the debates and sees to the hearing's smooth operation.

**82.** When required or permitted by circumstances, a member can hold a hearing by any appropriate means of communication. The hearing is then deemed to have been held at the Commission's offices in Québec or Montréal.

A means of communication is considered appropriate when it allows the member responsible for the case and the various participants to communicate directly during the hearing.

**83.** The Commission selects the means by which exchanges during the hearing will be recorded. The recording shall be part of the file.

**84.** Any other type of audio or visual recording is prohibited, unless it is authorized by the member presiding over the hearing, and this at the conditions he determines.

The dissemination of any recordings of hearings in a public manner or for public viewing is prohibited.

**85.** All persons who are convened to and attend a hearing, as well as their representatives, must be suitably dressed and conduct themselves in a dignified and respectful manner. They must also refrain from hindering the hearing's smooth operation.

Any member of the public who attends a hearing must be dressed appropriately and adopt a respectful behaviour, remain silent and refrain from manifesting his agreement or disagreement; failure to act as requested could result in a person's expulsion.

**86.** A certified interpreter may assist any person, at the latter's own expense. The need for a certified professional could be done away with, if the member presiding the hearing so agrees.

The interpreter must swear that he will faithfully interpret what is being said.

**87.** The evidence associated with a specific application can also be transferred to another one, contingent on the member authorizing this measure, at the conditions he determines.

**88.** A member can also order a visit of the premises, in which case he will determine the associated conditions.

**89.** A member, by virtue of his office, will be apprised of the facts generally acknowledged as well as the opinions and other information associated with the Commission's area of expertise.

**90.** The minutes of the hearing are drafted based on the model created by the Commission. This model includes the following elements:

- (1) the location, date and start and end times of the hearing;
- (2) the application number and type;
- (3) the name of the member overseeing the hearing;
- (4) the use, if applicable, of the most appropriate means of communication;
- (5) the name of each party and if applicable, the respective names of their representatives and witnesses;
- (6) the presence or absence of a party and its representative;
- (7) the name of the certified interpreter;



- (8) the various phases of the hearing, along with the recording stamps;
- (9) the items of evidence produced and the numbers assigned to them;
- (10) the start date of the deliberations.

The minutes, moreover and as applicable, also include the following elements:

- (1) incidents and objections;
- (2) formal admissions with a determining influence on the hearing or the decision to be rendered;
- (3) decisions rendered during the course of the hearing;
- (4) the commitments agreed to by a party along with their end dates;
- (5) all other useful information.

Minutes that include one or more of the elements mentioned in the second paragraph must be signed by the member.

**91.** Once a member learns the specifics of an application during the course of a hearing, neither a party nor its representative or a witness may speak to him when the other party is not present, with regard to the application in question or a related application.

**92.** Representations are held once the evidence of all parties has been produced.

**93.** No item of evidence may be filed once the application deliberation process is underway unless the hearing is reopened.

**94.** A member who deliberates a case may, at his own initiative or at the request of a party, allow further debates for the purposes and subject to the conditions he determines.

#### **DIVISION XV** ABANDONMENT

**95.** The abandonment of an application or of any other legal process consists of submitting to the Commission a written notice signed by the party who is abandoning the procedure or his duly authorized representative. A copy must be notified to the other party forthwith, as the case may be.

An abandonment can also be expressed verbally during the hearing.

#### **DIVISION XVI** DISQUALIFICATION

**96.** When a member to whom an application was referred to has a valid reason for believing he should be disqualified, he is required to immediately declare it to the president. The president will then designate another member to review the application or continue with its processing.

**97.** As long as it acts diligently, a party may, until such time as a decision is rendered with regard to an application, request the disqualification of the member responsible if it has valid grounds for doing so.

The member thus targeted entertains, at conditions he determines, the parties in question with regard to this request and seeks to render a decision in the timeliest possible fashion.

A request for disqualification does not automatically suspend the processing the application per se.

**98.** Should a member be disqualified, the hearing is suspended until such time as the president designates another member as a replacement.

However, once an application has been heard by several members and one of them recuses himself, the other members will continue with the hearing.

#### **DIVISION XVII** ABANDONED APPLICATION

**99.** The Commission can declare an application as having been abandoned if more than one year has elapsed since the applicant took any procedural measures in this regard.

The Commission must first send a notice to the applicant and to any other party when relevant.

#### **DIVISION XVIII** DECISION

**100.** Commission decisions are transmitted to all of the parties involved as well as their respective attorneys, as the case may be.

**101.** A decision must be rendered within 3 months of being taken under advisement. However, the president or his designated vice-president can extend this timeframe in the presence of significant grounds

When a member responsible for an application fails to render his decision in the timeframe indicated above, the president may, by virtue of his office or at the request of a party, step down and ask that the task be entrusted to another member.

Before rendering a decision as per this section, the president or designated vice-president must take into consideration the circumstances and the interest of the parties.

**102.** The president can replace a member entrusted with or having already heard an application should said member be ill, unable to act, leave his position, retire or pass away before a decision is rendered.

**103.** Any application heard by a group where one of its members has stepped down or been replaced by virtue of section 101 or 102 will either be put to a decision by the other members, if they are sufficient in number to constitute a quorum, or be heard anew.

**104.** A member responsible for an application under section 101 or 102 can, if the parties so agree, limit his examination to the items of evidence produced along with the recording and minutes of the hearing. He can also, should the previously mentioned elements be inadequate, ask to hear a witness anew or request additional evidence from the parties.

When this member is part of a group, he must ensure that the other members will be able to obtain the details, at the same time as he does, of all new testimony or new items of evidence required under the first paragraph.

#### **DIVISION XIX** REVIEW AND CORRECTION OF A DECISION

**105.** An application for review must comprise the name and address of the applicant, specific details of the decision in question, and the grounds being invoked in support of the application.

**106.** A decision containing an error in writing or in calculation or any other clerical error may be corrected by the Commission.

#### **DIVISION XX** MISCELLANEOUS PROVISIONS

**107.** When the Commission notes that a permit or any other similar authorization has become obsolete, it may cancel it without any other formality, and this after having ensured that no right is affected and that no one suffers any prejudice.

**108.** Unless the Commission decides otherwise, the recognition granted a regional association of truckers is automatically renewed each year.

**109.** A person may not, prior to the expiry of the 6-month period following the date of a decision concerning it rendered by the Commission, submit a request:

- (1) regarding the same matter as the one that was denied;
- (2) asking for a modification of the safety rating assigned to them;
- (3) seeking that a prohibition order with regard to the driving of a heavy vehicle be lifted;
- (4) asking for the registration of a dispatcher who was removed for cause.

A member may, however, benefit from a shorter time period in the case of serious grounds and to the extent that no other party suffers serious prejudice.

#### **DIVISION XXI** TRANSITIONAL AND FINAL PROVISIONS

**110.** This regulation replaces the Regulation respecting the procedure of the Commission des transports du Québec (chapter T-12, r. 11).

**111.** This regulation comes into force on the 15th day following the date of its publication in the *Gazette officielle du Québec*.

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