

Draft Regulation

Civil Code of Québec
(CCQ)

Recognition of an owner of a residential building whose dwellings are intended for persons pursuing studies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the recognition of an owner of a residential building whose dwellings are intended for persons pursuing studies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the terms and criteria for obtaining the recognition of an owner of a residential building with dwellings intended for persons pursuing studies provided for in the second paragraph of article 1979 of the Civil Code of Québec and identifies the authority in charge of granting such recognition.

Further information on the draft Regulation may be obtained by contacting Krystel Doucet, director, Direction de l'expertise et du développement des infrastructures, Ministère de l'Enseignement supérieur, 1060, rue Louis-Alexandre-Taschereau, aile Jacques-Parizeau, 3^e étage, Québec (Québec) G1R 5E6; email: krystel.doucet@mes.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Isabelle Taschereau, Secretary General, Ministère de l'Enseignement supérieur, 675, boulevard René-Lévesque Est, aile René-Lévesque, bloc 4, 3^e étage, Québec (Québec) G1R 6C8; email: isabelle.taschereau@mes.gouv.qc.ca.

PASCALE DÉRY
Minister of Higher Education

Regulation respecting the recognition of an owner of a residential building whose dwellings are intended for persons pursuing studies

Civil Code of Québec
(CCQ, a. 1979, 2nd par.).

DIVISION I OBTAINING RECOGNITION

1. The Minister of Higher Education grants the recognition provided for in the second paragraph of article 1979 of the Civil Code of Québec, for a period of 5 years, to the owner of a residential building that meets the following criteria:

- (1) the owner provides the information and documents determined in section 2;
- (2) the owner is a non-profit legal person, a housing bureau constituted under the Act respecting the Société d'habitation du Québec (chapter S-8) or a housing cooperative governed by the Cooperatives Act (chapter C-67.2);
- (3) the owner, where applicable, complied within the time fixed with any remedial notice or order concerning that immovable for failure to comply with the Safety Code (chapter B-1.1, r. 3), in accordance with sections 122 and 123 of the Building Act (chapter B-1.1);
- (4) the immovable concerned is not the subject of an order made in accordance with section 124 of the Building Act (chapter B-1.1);
- (5) the owner leases or intends to lease more than half of the dwellings in the immovable to persons pursuing studies who are registered full-time in an educational institution;
- (6) the owner did not cease to be recognized for that immovable, in accordance with section 9, in the 2 years preceding the application;
- (7) the owner undertakes to inform the lessees of that immovable of the end of its recognition.

2. An application for recognition must be filed with the Minister in writing and contain the following information and documents:

- (1) the name of the owner, the address of its head office and, where not located in Québec, the address of the owner's principal establishment in Québec;

(2) the name, address, telephone number and email address of the person authorized to represent the owner;

(3) the Québec business number assigned to the owner under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(4) the address or, failing that, the lot number of the immovable for which the recognition is requested and the number of dwellings in the immovable;

(5) a copy of the title of ownership of the immovable;

(6) any document showing that more than half of the dwellings in the immovable are leased to persons pursuing studies who are registered full-time in an educational institution or a declaration by the owner that it intends to lease more than half of the dwellings in the immovable to such persons;

(7) a written undertaking by the owner to inform the lessees of the immovable of the end of its recognition.

At the request of the Minister, the owner must provide any other information or document deemed necessary by the Minister to demonstrate that the criteria provided for in paragraphs 2 to 5 of section 1 are met.

3. Before refusing to grant recognition to an owner, the Minister must notify the owner as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the owner a period of at least 10 days to present observations.

DIVISION II

RENEWAL OF THE RECOGNITION

4. The Minister renews the recognition of an owner of a residential building who meets the criteria provided for in paragraphs 2 to 4 of section 1 and demonstrates that more than half of the leases of the dwellings in the immovable concerned by the recognition are entered into with persons pursuing studies who are entitled to maintain occupancy in accordance with the second paragraph of article 1979 of the Civil Code of Québec.

Every application for renewal of the recognition must be filed with the Minister in writing not later than 90 days before the end of the validity period of the recognition and contain the information and documents provided for in subparagraphs 1 to 5 of the first paragraph of section 2. The owner must also provide any other information or document deemed necessary by the Minister to demonstrate that the criteria provided for in the first paragraph of this section are met.

DIVISION III

ATTESTATION OF RECOGNITION AND OBLIGATIONS OF THE RECOGNIZED OWNER

5. The Minister issues a document attesting to the recognition of the owner that contains in particular

(1) the name of the owner, the address of its head office and, where not located in Québec, the address of the owner's principal establishment in Québec;

(2) the address of the immovable concerned by the recognition; and

(3) the validity period of the recognition.

The document must be posted at the entrance of the immovable concerned by the recognition.

6. The recognition is inalienable.

7. The recognized owner must inform the Minister without delay of any change which renders inaccurate or incomplete the information and documents provided in an application for recognition or for the renewal of a recognition.

After having been informed in accordance with the first paragraph or otherwise informed of such a change, the Minister may require that the recognized owner provide any other necessary information or document to demonstrate that the criteria provided for in paragraphs 2 to 5 of section 1 or the first paragraph of section 4, as the case may be, remain met.

8. The recognized owner must inform the Minister in writing, not later than 1 June each year, of the number of leases entered into with persons pursuing studies who are entitled to maintain occupancy in accordance with the second paragraph of article 1979 of the Civil Code of Québec and in progress on 1 December of the preceding year as well as on 1 April of the current year.

DIVISION IV

END OF RECOGNITION

9. The owner ceases to be recognized for an immovable where one of the following situations occurs:

(1) 5 years have elapsed since the owner obtained the recognition and it is not renewed;

(2) the owner no longer meets one of the terms or criterion provided for in this Regulation;

(3) the owner informs the Minister that it no longer wishes to be recognized.

In the situations provided for in subparagraphs 1 and 2 of the first paragraph, before informing the owner of the cessation of its recognition, the Minister must notify the owner as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the owner a period of at least 10 days to present observations.

DIVISION V

FINAL

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

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