

Gazette
officielle
DU Québec

Part

2

No. 5

3 February 2021

Laws and Regulations

Volume 153

Summary

Table of Contents

Acts 2020

Regulations and other Acts

Draft Regulations

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Part 2 – LAWS AND REGULATIONS

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Contents

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

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Email: gazette.officielle@servicesquebec.gouv.qc.ca
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Table of Contents

Page

Acts 2020

	76 Appropriation Act No. 4, 2020–2021 (2020, c. 25)	415
	List of Bills sanctioned (4 December 2020)	413

Regulations and other Acts

40-2021	Terms and conditions for the sale of medications (Amend.)	429
41-2021	Professional Code — Activity that may be engaged in by certain probation officers and certain correctional counsellors.	429
42-2021	Professional Code — Professional activities that may be engaged in by persons other than dietitians.	432
56-2021	Health and safety in forest development work (Amend.)	433
57-2021	Automotive services industry – Montréal (Amend.)	435
76-2021	Family mediation pilot project for couples who have no common dependent children	438

Draft Regulations

	Collective agreement decrees, An Act respecting... — Installation of petroleum equipment	441
	Collective agreement decrees, An Act respecting... — Installation of petroleum equipment	442
	Municipal taxation, An Act respecting... — Maximum taxable value of the land of any agricultural operation referred to in section 231.3.1 of the Act respecting municipal taxation	443
	Transport Act — Brokerage of bulk trucking services	445

PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

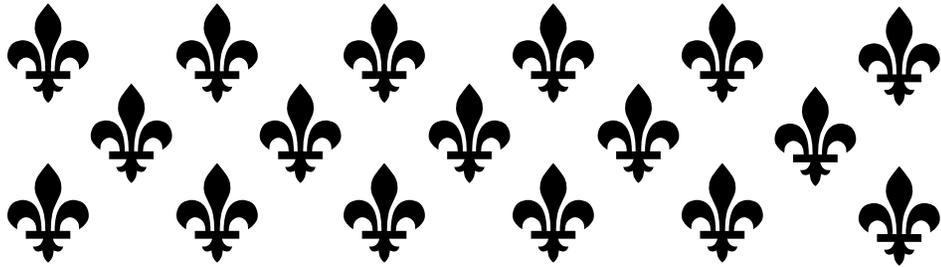
QUÉBEC, 4 DECEMBER 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 4 December 2020*

This day, at five to two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

76 Appropriation Act No. 4, 2020–2021

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 76
(2020, chapter 25)

Appropriation Act No. 4, 2020–2021

Introduced 4 December 2020
Passed in principle 4 December 2020
Passed 4 December 2020
Assented to 4 December 2020

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act authorizes the Government to pay out of the general fund of the Consolidated Revenue Fund a sum of \$5,151,300,000.00, representing the 2020–2021 Supplementary Estimates No. 1 to be voted for each of the portfolio programs listed in Schedule 1.

Moreover, the Act carries over the rules applicable to appropriations already voted in the 2020–2021 fiscal year, which establish the measure under which the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.

Lastly, the Act approves the forecast additional expenditures of the special funds listed in Schedule 2.

Bill 76

APPROPRIATION ACT NO. 4, 2020–2021

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may draw out of the general fund of the Consolidated Revenue Fund a sum not exceeding \$5,151,300,000.00 for the payment of the supplementary estimates of Québec tabled in the National Assembly for the 2020–2021 fiscal year, for which provision has not otherwise been made, being the amount of the appropriations to be voted for each of the programs listed in Schedule 1.

2. The Conseil du trésor may authorize the transfer between programs or portfolios of the portion of an appropriation for which provision has been made to this end, for the purposes of and, where applicable, according to the conditions described in the supplementary estimates tabled in the National Assembly.

Furthermore, it may, in cases other than the transfer of a portion of an appropriation referred to in the first paragraph, authorize the transfer of a portion of an appropriation between programs in the same portfolio, provided such a transfer does not increase or decrease the amount of the appropriation authorized by law by more than 10%, excluding, where applicable, the portion of the appropriation for which provision has been made.

3. The forecast additional expenditures for the special funds listed in Schedule 2 are approved for the 2020–2021 fiscal year.

4. This Act comes into force on 4 December 2020.

SCHEDULE 1

AFFAIRES MUNICIPALES ET HABITATION

PROGRAM 3

Compensation in Lieu of Taxes and Support to Municipalities	800,000,000.00
	<hr/> 800,000,000.00

CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

PROGRAM 5

Contingency Fund

2,346,300,000.00

2,346,300,000.00

CULTURE ET COMMUNICATIONS**PROGRAM 2**

Support and Development of Culture, Communications and Heritage	<u>90,000,000.00</u>
	90,000,000.00

ÉCONOMIE ET INNOVATION

PROGRAM 4

Economic Development Fund
Interventions

625,000,000.00

625,000,000.00

ÉDUCATION ET ENSEIGNEMENT SUPÉRIEUR

PROGRAM 1

Administration	4,150,000.00
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PROGRAM 4

Preschool, Primary and Secondary Education	75,000,000.00
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PROGRAM 6

Development of Recreation and Sports	<u>5,850,000.00</u>
	85,000,000.00

JUSTICE

PROGRAM 1

Administration of Justice	5,000,000.00
	<hr/>
	5,000,000.00

TRANSPORTS

PROGRAM 1

Infrastructures and Transportation Systems	<u>1,200,000,000.00</u>	
	1,200,000,000.00	
		<u>5,151,300,000.00</u>

SCHEDULE 2

SPECIAL FUNDS

ÉCONOMIE ET INNOVATION

ECONOMIC DEVELOPMENT FUND

Forecast Additional Expenditures	625,000,000.00
	<hr/> 625,000,000.00

JUSTICE

CRIME VICTIMS ASSISTANCE FUND

Forecast Additional Expenditures	5,000,000.00
	<hr/> 5,000,000.00

TRANSPORTS

LAND TRANSPORTATION NETWORK FUND

Forecast Additional Expenditures	<u>1,200,000,000.00</u>	
	1,200,000,000.00	<u>1,830,000,000.00</u>

Regulations and other Acts

Gouvernement du Québec

O.C. 40-2021, 20 January 2021

Pharmacy Act
(chapter P-10)

Terms and conditions for the sale of medications —Amendment

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

WHEREAS, under section 37.1 of the Pharmacy Act (chapter P-10), the Office des professions du Québec, after consultation with the Institut national d'excellence en santé et en services sociaux, the Collège des médecins du Québec, the Ordre des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold;

WHEREAS the Office made the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications on 24 April 2020 after conducting the required consultations;

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 terms and conditions for the sale of medications was published in Part 2 of the *Gazette officielle du Québec* of 13 May 2020 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 13 of the Professional Code (chapter C-26), every regulation adopted by the Office under the Code or under an Act constituting a professional order must be submitted to the Government, which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

Pharmacy Act
(chapter P-10, s. 37.1)

1. The Regulation respecting the terms and conditions for the sale of medications (chapter P-10, r. 12) is amended in section 7 by striking out “from a physician or dentist”.

2. Section 8 is revoked.

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

104850

Gouvernement du Québec

O.C. 41-2021, 20 January 2021

Professional Code
(chapter C-26)

Probation officers and correctional counsellors —Professional activity that may be engaged in by certain probation officers and certain correctional counsellors

Regulation respecting a professional activity that may be engaged in by certain probation officers and certain correctional counsellors

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Professional Code, the board of directors of the Ordre professionnel des criminologues du Québec consulted the Collège des médecins du Québec, the Ordre des conseillers et conseillères d'orientation du Québec, the Ordre des ergothérapeutes du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des orthophonistes et audiologistes du Québec, the Ordre des psychoéducateurs et psychoéducatrices du Québec, the Ordre des psychologues du Québec, the Ordre professionnel des sexologues du Québec and the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec before making the Regulation respecting a professional activity that may be engaged in by a probation officer or correctional counsellor of the Ministère de la Sécurité publique on 18 December 2019 and 9 April 2020;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting a professional activity that may be engaged in by a probation officer or correctional counsellor of the Ministère de la Sécurité publique was published in Part 2 of the *Gazette officielle du Québec* of 29 April 2020 with a notice that it could be examined by the Office and then submitted to the Government for approval, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 21 August 2020 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting a professional activity that may be engaged in by certain probation officers and certain correctional counsellors, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting a professional activity that may be engaged in by certain probation officers and certain correctional counsellors

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

DIVISION I EXERCISE OF A RESERVED PROFESSIONAL ACTIVITY

1. Probation officers or correctional counsellors within the meaning of the Act respecting the Québec correctional system (chapter S-40.1) employed on 30 April 2018 may, in the exercise of their functions, assess the criminogenic factors and offending behaviour of a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional.

The first paragraph does not apply to a person who meets the conditions for the issue of a permit by one of the professional orders whose members may assess a person suffering from a mental or neuropsychological disorder attested by the diagnosis or evaluation of an authorized professional.

2. When the employment of a person referred to in the first paragraph of section 1 ends and the person is no longer registered on a valid qualifications list or in a bank of qualified persons for employment as a probation officer or correctional counsellor, the person must inform the Ordre professionnel des criminologues du Québec not later than 15 days after the person's employment or registration ends.

DIVISION II TRAINING REQUIREMENT

3. A person authorized in accordance with the first paragraph of section 1 must complete at least 6 hours of eligible training activities in each 2-year reference period.

The following activities may, when in connection with the activity referred to in the first paragraph of section 1, in particular, constitute eligible training activities:

(1) participation in courses, seminars, workshops, symposiums, conferences or congresses offered in particular by a professional order, university level educational institution or specialized institution;

(2) participation in structured training activities offered in the workplace;

(3) supervision of the professional activity referred to in the first paragraph of section 1 by a criminologist who engages in that professional activity.

4. An authorized person must send to the Order, not later than 45 days after the end of each reference period, the documents showing the hours of training completed, along with the fee prescribed by the board of directors.

5. An authorized person who is unable to comply with the training requirement may, for a given reference period, be exempted from training by the Order. The person must request exemption from the Order and give reasons in support of the request. At the request of the Order, the person also provides the required documents.

Before refusing a request for exemption, the Order must notify the person in writing and inform the person of the person's right to present written observations within 15 days of receiving the notification. The Order must send its decision to the person not later than 60 days after the request for exemption is received and inform the person of the person's right to apply for a review of the decision, in accordance with section 7.

6. The Order must send a written notice to an authorized person who fails to comply with the requirements of section 3 or section 4, setting out the requirements that the person has failed to meet and informing the person that the person has no more than 30 days from receipt of the notice to correct the failure.

A person who has not corrected the failure stated in the notice within 45 days from the date of the notice is no longer authorized to engage in the professional activity referred to in first paragraph of section 1.

The Order must inform the person of the person's right to apply for a review of the suspension of authorization, in accordance with section 7.

The suspension of authorization to engage in the professional activity referred to in the first paragraph of section 1 remains in effect until the person provides the Order with evidence that the person has met the requirements of section 3 and until the Order confirms to the person that the person is once again authorized to engage in the professional activity.

7. A person subject to a negative decision under section 5 or a suspension of authorization under section 6 may apply for a review to the board of directors not later than 15 days from the date on which the person is notified of the decision.

The application for review must be in writing and sent to the secretary of the Order. It must briefly state the reasons on which it is based.

8. The secretary must inform the applicant in writing of the place and time of the meeting of the board of directors during which the person's application for review will be examined, at least 5 days before the date of the meeting.

An applicant who wishes to be heard at the meeting must inform the secretary at least 2 days before the scheduled date of the meeting; an applicant who wishes to present written observations must forward them to the secretary at any time prior to the scheduled date of the meeting.

9. The board of directors must render a written and substantiated decision not later than 60 days after receiving the application for review.

The decision by the board of directors is final. It is forwarded in writing to the applicant not later than 30 days after the date on which it is rendered.

DIVISION III TRANSITIONAL AND FINAL

10. Persons authorized in accordance with the first paragraph of section 1 must, not later than 60 days after the coming into force of this Regulation, inform the Order, in the manner determined by the board of directors, that they engage in the reserved professional activity referred to in that section.

11. Despite section 3, the first reference period begins on the date of coming into force of this Regulation and ends on 31 March 2022.

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

Gouvernement du Québec

O.C. 42-2021, 20 January 2021

Professional Code
(chapter C-26)

Dietitians

— Professional activities that may be engaged in by persons other than dietitians

Regulation respecting the professional activities that may be engaged in by persons other than dietitians

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Professional Code, the board of directors of the Ordre professionnel des diététistes-nutritionnistes du Québec consulted the Collège des médecins du Québec before making the Regulation respecting the professional activities that may be engaged in by persons other than dietitians on 12 February 2020;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors under the Code or an Act constituting such an order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the professional activities that may be engaged in by persons other than dietitians was published in Part 2 of the *Gazette officielle du Québec* of 18 March 2020 with a notice that it could be examined by the Office and submitted to the Government for approval, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 21 August 2020 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting the professional activities that may be engaged in by persons other than dietitians, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by persons other than dietitians

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by dietitians, those that may be engaged in, according to the determined terms and conditions, by the following persons:

(1) a person registered in a study program leading to a diploma giving access to a licence issued by the Ordre professionnel des diététistes-nutritionnistes du Québec;

(2) a person who must complete training or an internship for the purposes of the recognition of an equivalence in accordance with the Règlement sur les normes d'équivalence de diplôme et de la formation aux fins de la délivrance d'un permis de l'Ordre professionnel des diététistes-nutritionnistes du Québec (chapter C-26, r. 101.1);

(3) a person registered in a study program leading to a diploma giving access to a legal authorization issued in another Canadian province to practice the profession of dietitian.

2. The person referred to in section 1 may, among the professional activities that may be engaged in by dietitians, engage in the activities required to complete a study program, training or an internship, when that person meets the following conditions:

(1) the person is registered in the register kept for that purpose by the Ordre professionnel des diététistes-nutritionnistes du Québec;

(2) the person engages in such activities under the supervision of a dietitian;

(3) the person engages in such activities in conformity with the regulatory standards applicable to dietitians relating to ethics and the keeping of records.

3. A dietitian acting as a supervisor in accordance with paragraph 2 of section 2 must meet the following conditions:

(1) the dietitian engages in professional activities relevant to the area of practice covered by the study program, training or internship;

(2) the dietitian is available to intervene on short notice;

(3) in the 5 years preceding the supervision, the dietitian has not been the subject of:

(a) a decision by the disciplinary board of the Ordre professionnel des diététistes-nutritionnistes du Québec or of the Professions Tribunal that imposed a sanction;

(b) a decision by the board of directors that imposed advanced training, a restriction or suspension of the dietitian's right to practice, the removal of the dietitian's name from the roll of the Ordre professionnel des diététistes-nutritionnistes du Québec or the revocation of the dietitian's licence.

4. This Regulation replaces the Regulation respecting the professional activities that may be engaged in by persons other than dietitians (chapter C-26, r. 91).

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

104852

Gouvernement du Québec

O.C. 56-2021, 20 January 2021

An Act respecting occupational health and safety (chapter S-2.1)

An Act respecting industrial accidents and occupational diseases (chapter A-3.001)

Health and safety in forest development work — Amendment

Regulation to amend the Regulation respecting health and safety in forest development work

WHEREAS, under subparagraph 4 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de

la sécurité du travail may make regulations determining, according to the classes of establishments and of construction sites it designates, the cases in which the employer or on a construction site, the principal contractor within the meaning of the Act respecting occupational health and safety (chapter S-2.1) must maintain a first-aid service and an emergency medical service at the employer's or contractor's expense, the cases in which the employer or contractor must furnish premises for such purpose, the staff and equipment such service must include and the content of the first aid or emergency medical register;

WHEREAS, under subparagraph 7 of the first paragraph of section 223 of the Act respecting occupational health and safety, the Commission may make regulations prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers;

WHEREAS, under subparagraph 9 of the first paragraph of section 223 of the Act, the Commission may make regulations determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

WHEREAS, under subparagraph 11 of the first paragraph of section 223 of the Act, the Commission may make regulations fixing the minimum age at which a worker may carry out particular work it specifies;

WHEREAS, under subparagraph 19 of the first paragraph of section 223 of the Act, the Commission may make regulations prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

WHEREAS, under subparagraph 42 of the first paragraph of section 223 of the Act, the Commission may make regulations generally prescribing any other measure to facilitate the application of that Act;

WHEREAS, under the second paragraph of section 223 of that Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, under the third paragraph of section 223 of that Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting health and safety in forest development work was published in Part 2 of the *Gazette officielle du Québec* of 10 January 2018 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 28 July 2020;

WHEREAS the draft Regulation to amend the Regulation respecting health and safety in forest development work was again published in Part 2 of the *Gazette officielle du Québec* of 30 September 2020 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission received no comments following that second publication;

WHEREAS, under the first paragraph of section 455 of the Act respecting industrial accidents and occupational diseases, every draft regulation made by the Commission under particularly subparagraph 4 of the first paragraph of section 454 of the Act is to be submitted to the Government for approval;

WHEREAS, under the first paragraph of section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of that Act is to be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting health and safety in forest development work, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting health and safety in forest development work

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 11, 19 and 42, and 2nd and 3rd pars.)

An Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 454, 1st par., subpar. 4)

1. The Regulation respecting health and safety in the forest development work (chapter S-2.1, r. 12.1) is amended in section 8

(1) by inserting “one head immobilizer,” after “straps,” in paragraph 2;

(2) by inserting “, head immobilizers” after “backboards” in paragraph 3;

(3) by inserting the following paragraph at the end:

“Despite subparagraphs 1 and 2, the employer may provide equipment that combines the characteristics and functions of the stretcher and backboard on work sites at one or more places determined by the health and safety committee or, in the absence of such a committee, by the employer.”

2. Section 27 is replaced by the following:

“**27.** Every worker who fells a tree manually using a hand-held chain saw must

(1) be at least 16 years of age;

(2) have received theoretical and hands-on occupational health and safety training according to the content of the course entitled Santé et sécurité en abattage manuel (234-361) of the Ministère de l'Éducation, du Loisir et du Sport; and

(3) hold a certificate issued by a body designated by the Commission attesting that the worker received such training.

This section does not apply to students undergoing supervised training as part of a study program.”

3. The following is inserted at the beginning of Division VI:

“**43.1.** For the purposes of this Division, individual protective equipment meets the prescribed obligations if it

(1) complies with the most recent version or the previous version of the indicated standard; and

(2) it has not reached the expiry date provided by the manufacturer, if any.”.

4. Section 44 is amended

(1) in the first paragraph, by replacing “CAN/CSA Z94.1-05” by “CAN/CSA Z94.1” and by inserting “or NF EN standard 397+A1, Industrial Safety Helmets,” after “Use,”;

(2) by striking out the second paragraph.

5. Section 45 is amended by replacing “CSA standard CAN/CSA Z94.3-07, Eye and Face Protectors,” in the portion before subparagraph 1 of the first paragraph by “CSA standard Z94.3, American National Standard For Occupational And Educational Personal Eye And Face Protection Devices ANSI/ISEA Z87.1, or NF EN standard 166, Personal Eye Protection — Specifications,”.

6. Section 46 is amended

(1) by replacing “CSA standard CAN/CSA Z195-02, Protective Footwear,” in the portion before subparagraph 1 of the first paragraph by “CAN/CSA standard Z195, Personal Protective Equipment — Protective Footwear ISO 20345, or NF EN ISO 17249, Safety Footwear with Resistance to Chain Saw Cutting,”;

(2) by adding “Despite the first paragraph,” at the beginning of the last paragraph.

7. Section 48 is amended by replacing “meeting Class A standards of CAN/BNQ 1923-450-M91, Leg Protective Device for Chain Saw Users,” by “complying with NF EN ISO 11393-2, Protective clothing for users of hand-held chainsaws - Part 2: Performance requirements and test methods for leg protectors, or Class A, C or D standards of ASTM F3325, Standard Specification for Leg-Protective Devices for Chainsaw Users,”.

TRANSITIONAL AND FINAL

8. Despite section 48, until 18 February 2023, a worker may wear pants complying with Class A standards of CAN/BNQ 1923-450-M91, Leg Protective Device for Chain Saw Users, when using a chain saw.

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

104854

Gouvernement du Québec

O.C. 57-2021, 20 January 2021

An Act respecting collective agreement decrees (chapter D-2)

Automotive services industry – Montréal — Amendment

Decree to amend the Decree respecting the automotive services industry in the Montréal region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the automotive services industry in the Montréal region (chapter D-2, r. 10);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft decree to amend the Decree respecting the automotive services industry in the Montréal region was published in Part 2 of the *Gazette officielle du Québec* of 23 September 2020 and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the automotive services industry in the Montréal region, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Montréal region

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the automotive services industry in the Montréal region (chapter D-2, r. 10) is amended in section 1.01 by inserting the following after paragraph 13:

“(13.1) “relative”: the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse, as well as those persons’ spouses, their children and their children’s spouses. The following are also considered to be an employee’s relative for the purposes of this Decree:

(a) a person having acted, or acting, as a foster family for the employee or the employee’s spouse;

(b) a child for whom the employee or the employee’s spouse has acted, or is acting, as a foster family;

(c) a tutor or curator of the employee or the employee’s spouse or a person under the tutorship or curatorship of the employee or the employee’s spouse;

(d) an incapable person having designated the employee or the employee’s spouse as mandatary;

(e) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person’s state of health;”.

2. Section 3.06 is amended

(1) by replacing “4 hours” in paragraph 1 by “2 hours”;

(2) by adding the following at the end:

“(4) if the employee was not informed at least 5 days in advance that the employee would be required to work, unless the nature of the duties requires the employee to remain available or that the employee’s services are required within the limits set out in paragraphs 1 and 2.”.

3. Section 4.01 is amended by inserting the following paragraph after the first paragraph:

“Hours worked in addition to the standard workweek referred to in section 3.01 entail a premium of 50% of the hourly wage currently paid to the employee.”.

4. Section 7.04 is amended by replacing “5 years” in the first paragraph by “3 years”.

5. Section 8.05 is amended by striking out “if the employee is credited with 60 days of uninterrupted service” at the end of the first paragraph.

6. Section 8.06 is amended

(1) in the first paragraph

(a) by striking out “, without pay;”;

(b) by replacing “the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” by “a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)”;

(2) by inserting the following paragraph after the second paragraph:

“If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.”;

(3) by adding the following paragraph at the end:

“The first 2 days taken annually are remunerated according to the calculation formula described in section 62 of the Act respecting labour standards (chapter N-1.1), with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously.”.

7. Section 8.07 is amended by replacing the first paragraph by the following:

“An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee’s regular position. In that case, the period of absence does not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and does not end later than 104 weeks after the commission of the criminal offence.”

8. The following is inserted after section 8.07:

“**8.07.1.** The second paragraph of section 8.07 applies if it may be inferred from the circumstances of the event that the employee’s serious bodily injury is probably the result of a criminal offence.

However, an employee may not take advantage of such a period of absence if it may be inferred from the circumstances that the employee was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

8.07.2. The second paragraph of section 8.07 applies if the employee suffered the injury

(1) while lawfully arresting or attempting to arrest an offender or suspected offender or assisting a peace officer making an arrest; or

(2) while lawfully preventing or attempting to prevent the commission of an offence or suspected offence, or assisting a peace officer who is preventing or attempting to prevent the commission of an offence or suspected offence.”

9. Section 8.08 is amended

(1) by replacing “In the case” by “In the cases”;

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

“If it is warranted, by the duration of the absence or its repetitive nature for instance, the employer may request that the employee furnish a document attesting to those reasons.

During a period of absence under the second paragraph of section 8.07, the employee may return to work intermittently or on a part-time basis if the employer consents to it.”

10. Section 8.10 is amended by replacing “of the sickness, accident or criminal offence or the repetitive nature of the absences constitute good and sufficient cause” in the second paragraph by “of an absence for a reason referred to in section 8.07 or the repetitive nature of the absences constitute, according to in the circumstances, good and sufficient cause.”

11. Section 8.13 is amended by replacing the first paragraph by the following:

“An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where the employee must stay with a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.

An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where the employee must stay with a relative, other than his minor child, or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate.”

12. Section 8.15 is amended

(1) by striking out paragraph 1;

(2) by inserting “or by reason of the death of the employee’s minor child” after “disappeared” in paragraph 2;

(3) by replacing “or child” in paragraph 3 by “, father, mother or child of full age”;

(4) by inserting “of full age” after “child” in paragraph 4.

13. The following is inserted after section 8.15:

“**8.15.1.** Except with respect to the death of the employee’s minor child, sections 8.14 and 8.15 apply if it may be inferred from the circumstances of the event

that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.

However, an employee may not take advantage of the provisions if it may be inferred from the circumstances that the employee or, in the case of paragraph 4 of section 8.15, the deceased person was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

Section 8.14 and paragraph 4 of section 8.15 apply if the injury or death occurs in one of the situations described in section 8.07.2.

A period of absence under sections 8.14 and 8.15 must not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and must not end later than 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the employer consents to it.

If, during the same 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, the maximum period of absence for those two events may not exceed 104 weeks from the date of the first event.

8.15.2. Sections 8.08 to 8.12 apply to the periods of absence provided for in sections 8.13, 8.14 and 8.15, with the necessary modifications.

The entitlement provided for in the fifth paragraph of section 8.06 applies in the same manner to absences authorized under section 8.07. However, the employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in those sections.”

14. Section 9.02 is amended by replacing the first paragraph by the following:

“Wages must be paid in cash in a sealed envelope, by cheque or by bank transfer by Thursday at the latest.”

15. Section 9.13 is amended by replacing “to other” by “to his other” and “for the sole reason that the employee” by “solely because of the employee’s employment status, and in particular because the employee”.

16. Section 14.01 is amended by replacing “23 May 2016” by “17 April 2023”.

17. This Decree comes into force on the day of its publication in the Gazette officielle du Québec.

104855

Gouvernement du Québec

O.C. 76-2021, 27 January 2021

Code of Civil Procedure
(chapter C-25.01)

Family mediation pilot project for couples who have no common dependent children

Regulation respecting a family mediation pilot project for couples who have no common dependent children

WHEREAS, under the third paragraph of article 619 of the Code of Civil Procedure (chapter C-25.01), the Government, by regulation, may determine what services are payable by the Family Mediation Service, set the tariff of professional fees the Service may pay certified family mediators and determine the time limit and procedure for claiming such professional fees and the applicable terms of payment, and, in addition, it may determine the tariff of professional fees the parties may be charged for services not covered by the Family Mediation Service or for services provided by a mediator designated by the Service or by more than one mediator;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting a family mediation pilot project for couples who have no common dependent children was published in Part 2 of the *Gazette officielle du Québec* of 22 October 2020 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting a family mediation pilot project for couples who have no common dependent children, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting a Family Mediation pilot project for couples who have no common dependent children

Code of Civil Procedure
(chapter C-25.01, art. 619)

1. The Family Mediation Service (the Service) is available to couples who have no common dependent children for the partition of patrimonial rights arising from their community of life, on the conditions set forth in this Regulation.

2. The fees payable by the Service for the family mediation services so provided are set on the basis of an hourly rate of \$110 for a mediation session and for any work performed outside the sessions in connection with the mediation, such as the drawing up outside the sessions of the summary of the agreements.

3. The Service pays the fees provided for in section 2 up to a total of 3 hours of mediation, including any time spent on work performed outside the sessions in connection with the mediation.

The Service does not pay the fees for the modification of an agreement or for having a judgment rendered on the principal application reviewed.

4. The fees payable by the parties resorting to the mediation are set on the basis of

(1) \$110 per hour for a mediation session and for any work performed outside the sessions in connection with the mediation for which the fees are not paid by the Service pursuant to section 3; and

(2) \$110 per hour for each session during which the services of an additional mediator are required by the parties and for any work performed by the mediator outside the sessions in connection with the mediation.

5. For the purposes of this Regulation, where the Code of Civil Procedure (chapter C-25.01) provides that the mediator is to file a report with or send a report to the Service, the report must be accompanied by a bill signed by the parties attesting to the number of hours and mediation services they received, as applicable.

The mediator must file the report referred to in article 617 of the Code of Civil Procedure with the Service not later than 12 months after the last mediation session, whether that session suspends or ends the mediation.

The Service will pay the fees to the mediator only if the documents are filed or sent within the prescribed time.

6. Divisions I and II of the Regulation respecting family mediation (chapter C-25.01, r. 0.7) apply to this Regulation, with the necessary modifications.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on 30 June 2022.

104857

Draft Regulations

Notice

An Act respecting collective agreement decrees (chapter D-2)

Petroleum equipment — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application from the contracting parties to amend the Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the installation of petroleum equipment, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree mainly increases the minimum hourly wages provided for in the Decree, provides for a weekly lump sum payable to employees available to receive service calls outside regular working hours and makes entitlement to annual leaves compliant with the Act respecting labour standards (chapter N-1.1).

The impact study shows that the amendments will have a low impact on enterprises governed by the Decree.

Further information may be obtained by contacting Catherine Doucet, policy development advisor, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1; telephone: 418 646-2555; fax: 418 643-9454; email: catherine.doucet@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,
*Minister of Labour, Employment
and Social Solidarity*

Decree to amend the Decree respecting the installation of petroleum equipment

An Act respecting collective agreement decrees (chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) is amended in section 6.02 by replacing the term “5 years” wherever it appears by “3 years”.

2. Section 6.03 is replaced by the following:

“**6.03.** At each pay period, the employer credits each employee with an indemnity for statutory general holidays equal to 4.4% of the wages earned during that period and with an annual leave indemnity equal to 7.16% of the wages.

Despite the foregoing, the annual leave indemnity of an employee who has 10 years of service, on 30 April, with the same employer, is 7.56% of the wages.”.

3. Section 9.01 is amended by replacing subsections 1 to 3 by the following:

“(1) The minimum hourly rate payable to a service mechanic, an installation mechanic, a shop mechanic and a tank-truck mechanic is established as follows for each class of employment:

Class of employment	As of [insert the date of coming into force of this Decree]	As of 1 January 2022	As of 31 December 2022
A	\$35.62	\$36.51	\$37.42
B	\$30.24	\$31.00	\$31.78
C	\$26.07	\$26.72	\$27.39;

(2) A labourer is paid according to the number of hours accumulated since the date of hiring. The minimum hourly rate payable is established as follows:

Labourer	As of [insert the date of coming into force of this Decree]	As of 1 January 2022	As of 31 December 2022
Starting	\$22.42	\$22.98	\$23.56
After 2,000 hours	\$22.96	\$23.53	\$24.12
After 4,000 hours	\$23.58	\$24.17	\$24.77
After 6,000 hours	\$24.36	\$24.97	\$25.59;

(3) The minimum hourly rate payable to a student is established as follows:

Student	As of [insert the date of coming into force of this Decree]	As of 1 January 2022	As of 31 December 2022
	\$17.27	\$17.70	\$18.14;

4. The following is inserted after section 9.03:

“**9.04.** Every employee who is available to receive service calls outside regular working hours receives a lump sum of \$100.00 per week, whether or not the employee receives calls, in addition to the wage applicable for the hours worked to respond to any call.”

5. Section 11.08 is amended by striking out “\$1.44, and” and “as of 1 January 2014” in subparagraph *b* of paragraph 1.

6. Section 12.01 is amended by replacing “2019” wherever it appears by “2022”.

7. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

104847

Notice

An Act respecting collective agreement decrees (chapter D-2)

Petroleum equipment — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application from the contracting parties to amend the Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the installation of petroleum equipment, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree mainly amends the required contributions to the fringe benefits plan provided for in the Decree.

Study of the regulatory impact shows that the amendments will have an acceptable impact on enterprises subject to the Decree.

Further information may be obtained by contacting Jonathan Vaillancourt, policy development advisor, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte Foy, 5^e étage, Québec (Québec) G1R 5S1; telephone: 418 643-3840; fax: 418 643-9454; email: jonathan.vaillancourt@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,
*Minister of Labour, Employment
and Social Solidarity*

Decree to amend the Decree respecting the installation of petroleum equipment

An Act respecting collective agreement decrees (chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) is amended in section 11.02 by replacing “, the sum of \$33.60 as of 1 April 2004,” by “, the sum of \$46.00”.

2. Section 11.03 is amended by replacing “, the sum of \$33.60 as of 1 April 2004,” by “, the sum of \$46.00”.

3. Section 11.04 is amended by replacing “\$0.84” in the second paragraph by “\$1.15”.

4. Section 11.07 is amended by replacing “a sum of \$26.80, including the provincial sales tax, for the work-week defined in Division 3.00” in paragraph 2 by “the sum provided for in section 11.03, reduced by any amounts not payable by the employee under the insurance contract applicable to the employee. Where the employer agrees to maintain the employer’s contribution with regard to the employee, the employer pays the parity committee the sum provided for in section 11.02.”.

5. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

104848

Draft Regulation

An Act respecting municipal taxation
(chapter F-2.1)

Maximum taxable value of the land of any agricultural operation referred to in section 231.3.1 of the Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the maximum taxable value of the land of any agricultural operation referred to in section 231.3.1 of the Act respecting municipal taxation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the terms for establishing the maximum taxable value of the land of any agricultural operation that is registered in accordance with a regulation made under section 36.01 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and that is included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

Thus far, the overall economic impact will result in an annual shortfall of \$5,000,000 distributed over approximately 500 municipalities and 1,000,000 households.

Further information on the draft Regulation may be obtained by contacting Jean-François Leclerc, tax and agricultural economics advisor, Direction for Regional Development and Sustainable Development, Ministère de l’Agriculture, des Pêcheries et de l’Alimentation, 200, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1R 4X6; telephone : 418 380-2100, extension 3071; email : jean-francois.leclerc@mapaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45 day period to Geneviève Masse, Associate Deputy Minister for Regional Development and Sustainable Development, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

ANDRÉ LAMONTAGNE,
Minister of Agriculture, Fisheries and Food

Regulation respecting the maximum taxable value of the land of any agricultural operation referred to in section 231.3.1 of the Act respecting municipal taxation

An Act respecting municipal taxation
(chapter F-2.1, s. 231.3.1)

DIVISION I GENERAL PROVISIONS

1. This Regulation sets out the rules for establishing the maximum taxable value of the land of any agricultural operation that is registered in accordance with a regulation made under section 36.01 of the Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (chapter M-14) and that is included in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) that is contemplated under section 231.3.1 of the Act respecting municipal taxation (chapter F-2.1), hereinafter called “contemplated land”, for the purpose of computing any municipal property tax imposed on the whole territory of a municipality.

The maximum taxable value of the land concerned is the value established by the Minister, for the duration of a property assessment roll, by performing the acts provided for in this Regulation.

2. Every three years, the maximum taxable value applicable to the assessment rolls is computed, which rolls undergo the equilibration referred to in section 46.1 of the Act respecting municipal taxation (chapter F-2.1) and come into force within three years following the year of computation.

These maximum taxable values are published in a notice in the *Gazette officielle du Québec*. The notice indicates, for each of the three-year assessment cycles concerned by the computation, the maximum taxable value applicable to that cycle. The notice must be published no later than 1 June of the year in which the computation is made.

3. If a new property assessment roll is drawn up without the equilibration referred to in section 46.1 of the Act respecting municipal taxation (chapter F-2.1), the maximum taxable value of the contemplated land applicable for that roll is the value established for the preceding roll.

DIVISION II RULES OF COMPUTATION OF THE MAXIMUM TAXABLE VALUE

§I. Establishment of the basic list of values per hectare likely to be used for the purpose of the establishment of the 90th percentile

4. A basic list of values per hectare likely to be used for the purpose of the establishment of the 90th percentile, hereinafter called the “basic list”, must be prepared for all of Québec.

This list is prepared using the values entered on the property assessment rolls that came into force in the year concerned by the three-year computation and that underwent the equilibration referred to in section 46.1 of the Act respecting municipal taxation (chapter F-2.1).

5. A value per hectare is established for each unit of assessment comprised in the contemplated land.

The value per hectare is the result of the division of the value of the contemplated land by its area, which must be converted into hectares. The result of the division is rounded down to the nearest unit, and if it contains decimals, they are dropped.

The value and the area of the land that are taken into consideration for the establishment of the value per hectare are those entered on the roll when it was deposited or those that should have been entered in accordance with the Manuel d'évaluation foncière du Québec published by the Publications du Québec.

§II. Statistical deletion of values per hectare

6. For the purposes of determining if certain values per hectare must, by statistical deletion, be removed from the basic list, the following operations are performed successively :

- (1) determine the median value of the basic list;
- (2) subtract the median value determined in accordance with subparagraph 1 from each value per hectare on the basic list;
- (3) square each difference that results from the subtraction provided for in subparagraph 2;
- (4) add all the squares obtained in accordance with subparagraph 3;
- (5) divide the sum resulting from the addition provided for in subparagraph 4 by the number, lowered by one, of values per hectare on the basic list;
- (6) establish the square root of the quotient that results from the division provided for in subparagraph 5;
- (7) subtract the double square root established in accordance with paragraph 6 from the median value determined in accordance with subparagraph 1;
- (8) add the median value determined in accordance with subparagraph 1 and the double square root established in accordance with subparagraph 6.

For the purposes of subparagraph 1 of the first paragraph, the values on the basic list are classified in ascending order. The median is established in the classified group using the following equation :

$$n / N < 0.5 \text{ and } (n+1) / N \geq 0.5 \text{ Where:}$$

n = Position of the value per hectare in the group;

N = Total number of values per hectare in the group.

For the purposes of the operations provided for in subparagraphs 5 and 6 of the first paragraph, when the result contains a decimal, it is rounded up to the nearest unit if it is equal to or greater than five or, if not, it is rounded down to the nearest unit.

7. Any value that is either lower than the difference that results from the subtraction provided for in subparagraph 7 of the first paragraph of section 6 or greater than the sum that results from the addition provided for in subparagraph 8 of the first paragraph of that section must be removed from the basic list.

8. Any value per hectare that is not removed from the basic list in accordance with this subdivision is used in the establishment of the 90th percentile.

§III. Establishment of the 90th percentile

9. The values on the basic list after the statistical deletion provided for in section 8 are classified in ascending order.

The 90th percentile, rounded down to the nearest hundred, is established in the classified group using the following equation :

$n / N < 0.9$ and $(n+1) / N \geq 0.9$ Where:

n = Position of the value per hectare in the group;

N = Total number of values per hectare in the group.

§IV. Establishment of the indexation factor

10. The 90th percentile established pursuant to section 9 must be indexed in order to reflect as closely as possible the property market conditions, which are used to establish, in accordance with section 46 of the Act respecting municipal taxation (chapter F-2.1), the actual value used as a basis for the value entered on the assessment roll for each roll concerned by the three-year computation.

11. The indexation rate corresponds to the annual percentage change of the value of farmland in Québec that is published by Farm Credit Canada in the year preceding the calendar year in which the computation provided for under this Regulation is performed.

If the change is negative, the indexation rate is deemed to be equal to zero.

12. The indexation factor is the result of the addition of the number one and the indexation rate established pursuant to section 11.

§V. Establishment of maximum taxable values

13. The maximum taxable value per hectare of land concerned applicable in the first three- year assessment cycle that comes into force in the year following that of the three-year computation corresponds to the result of the multiplication of the 90th percentile established pursuant to section 9 by the indexation rate established pursuant to section 12.

For the second cycle, this value corresponds to the result of the computation obtained in the first paragraph multiplied by the indexation factor.

For the third cycle, it corresponds to the result of the computation obtained pursuant to the second paragraph multiplied by the indexation factor.

Any result obtained pursuant to this section must be rounded down to the nearest hundred.

Despite the foregoing, the maximum taxable value is deemed equal to that obtained for the deposit of the preceding roll if it is lower than that value.

DIVISION IV FINAL AND TRANSITIONAL PROVISIONS

14. The Minister of Agriculture, Fisheries and Food is responsible for the application of this Regulation.

15. The first notice indicating the maximum taxable values, established in accordance with this Regulation, must be published no later than 1 June, 2021.

However, the fifth paragraph of section 13 does not apply to the establishment of those values.

16. For the purposes of section 3 of this Regulation, the maximum taxable value that must be taken into account by the assessment rolls that come into force in the fiscal periods of 2022 and 2023 are those that are set respectively by subparagraphs 2 and 3 of the second paragraph of section 38 of the Act mainly to control the cost of the farm property tax and to simplify access to the farm property tax credit (2020, chapter 7).

17. The provisions of this Regulation are evaluated by the Minister three years after coming into force on the basis of changing property market conditions.

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

104858

Draft Regulation

Transport Act
(chapter T-12)

Brokerage of bulk trucking services — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the brokerage of bulk trucking services, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation allows the setting up, by a brokerage permit holder, of a pay advance system for subscribers who want to use it. The management of the amounts deposited in the trust account is adjusted to take into account the assignment of claim by a subscriber.

The draft Regulation also amends the obligations of brokerage permit holders regarding the frequency and nature of the auditing of the compliance of the management of trust accounts with the Regulation respecting the brokerage of bulk trucking services (chapter T-12, r. 4). Lastly, it amends the compulsory content of the permanent accounting register that brokerage permit holders must keep up-to-date in order to facilitate compliance auditing.

The amendments provided for in the draft Regulation to allow the implementation of a pay advance system do not impose any obligation on brokerage permit holders, but will improve the services offered to subscribers who want to use such a system. As for the amendments provided for in the draft Regulation concerning audits, they will contribute to the maintenance of sound management and administration of brokerage companies. Given their nature, it is not necessary to adjust them to the size of the enterprise because the extent of the audits is already related to the size of the brokerage company. The competitiveness of enterprises in Québec will not decrease because of the new requirements, and no impact on employment is expected.

Further information on the draft Regulation may be obtained by contacting Gilles Poirier, policy and legislation advisor, Direction des politiques économiques, Direction générale de la sécurité et du camionnage, Ministère des Transports; telephone: 418 646-0700, extension 23257; email: gilles.poirier@transports.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1; email: Projet.reglement@transports.gouv.qc.ca.

FRANÇOIS BONNARDEL,
Minister of Transport

Regulation to amend the Regulation respecting the brokerage of bulk trucking services

Transport Act
(chapter T-12, s. 5, pars. o and o.2)

1. The Regulation respecting the brokerage of bulk trucking services (chapter T-12, r. 4) is amended by replacing section 24.1 by the following:

“**24.1.** A brokerage permit holder must send to the Commission, before 31 May, audited financial statements for the fiscal year ending on the preceding 31 December.”

2. The following is inserted after section 24.1:

“**24.2.** At the Commission’s request, a brokerage permit holder must give to a member of the Ordre des comptables professionnels agréés du Québec holding the appropriate permit a mandate of reasonable assurance on the compliance of the management of the amounts with the requirements of sections 27 to 33 of this Regulation in the last completed fiscal year.

If a pay advance system has been set up by the permit holder in accordance with section 33.01, the mandate provided for in the first paragraph must also cover the compliance of the management of the system with the regulation authorizing its setting up.

The report produced at the end of the mandate referred to in the first paragraph must be sent to the Commission within the period indicated by the Commission, which may not be less than 30 days following the date of the request.”

3. The heading of subdivision 2 of Division IV is amended by replacing “permit holders” by “subscribers”.

4. Section 29 is amended by adding “or to a financial institution to whom the subscriber consented in writing to an assignment of that claim” at the end of paragraph 1.

5. Section 31 is amended by adding the following paragraph at the end:

“The same applies to a payment made to a financial institution in accordance with paragraph 1 of section 29.”

6. Section 33 is amended by replacing paragraph 2 by the following:

“(2) a permanent accounting register stating separately, for each subscriber for whom an amount has been collected under section 42.1 of the Transport Act (chapter T-12),

(a) the date on which and the place where the service was provided;

(b) the identification of the contract under which the service was provided;

(c) the registration of the truck with which the service was provided;

(d) the name of the person to whom the service was provided;

(e) the amount claimed in the name of the subscriber for that service;

(f) any amount received or disbursed;

(g) any outstanding balance;”.

7. The following is added after section 33:

“**33.01.** A brokerage permit holder may, by regulation, set up a pay advance system.

The regulation must allow subscribers to choose whether or not to use such a system, and preserve equity between all subscribers. It is submitted to the approval procedure provided for in section 8 of the Transport Act (chapter T-12).”.

33.02. Brokerage permit holders must keep in their establishment the information and documents referred to in section 33 for 3 years and make them available to the Commission, at the Commission’s request.”.

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

104853

