

Gazette officielle du Québec

(English Edition)

Part 2

Laws and
Regulations

Volume 121

10 May

1989

No. 20

Québec 

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NOTICE TO READERS

The *Gazette officielle du Québec* (Laws and Regulations) is published under the authority of the Act respecting the Ministère des Communications (R.S.Q., c. M-24) and the Regulation respecting the *Gazette officielle du Québec* (O.C. 3333-81 dated 2 December 1981 amended by O.C. 2856-82 dated 8 December 1982 and O.C. 1774-87 dated 24 November 1987).

Part 2 of the *Gazette officielle du Québec* is published at least every Wednesday under the title "LOIS ET RÈGLEMENTS". If a Wednesday is a legal holiday, the Official Publisher is authorized to publish on the preceding day or on the Thursday following such holiday.

1. Part 2 contains:

1° Acts assented to, before their publication in the annual collection of statutes;

2° proclamations of Acts;

3° regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

4° Orders in Council of the Government, decisions of the Conseil du trésor and ministers' orders whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

5° regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by laws;

6° rules of practice made by judicial courts and quasi-judicial tribunals;

7° drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

2. The English edition

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The English version contains the English text of the documents described in paragraphs 1, 2, 3, 5, 6 and 7 of section 1.

3. Rates

1. Subscription rates

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PROVINCE OF QUÉBEC

2nd SESSION

33rd LEGISLATURE

QUÉBEC, 12 APRIL 1989

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 12 April 1989*

This day, at thirty minutes past four o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bills:

100 An Act to amend the Act to preserve agricultural land

220 An Act respecting the town of Roberval

239 An Act respecting the municipality of Lac-Nominingue

241 An Act respecting the town of Saint-Georges

244 An Act respecting the Georg Stellari estate

246 An Act respecting Rageot Ltée

247 An Act respecting the city of Côte Saint-Luc

249 An Act respecting an immovable of the cadastre of the city of Montréal (Saint-Antoine ward)

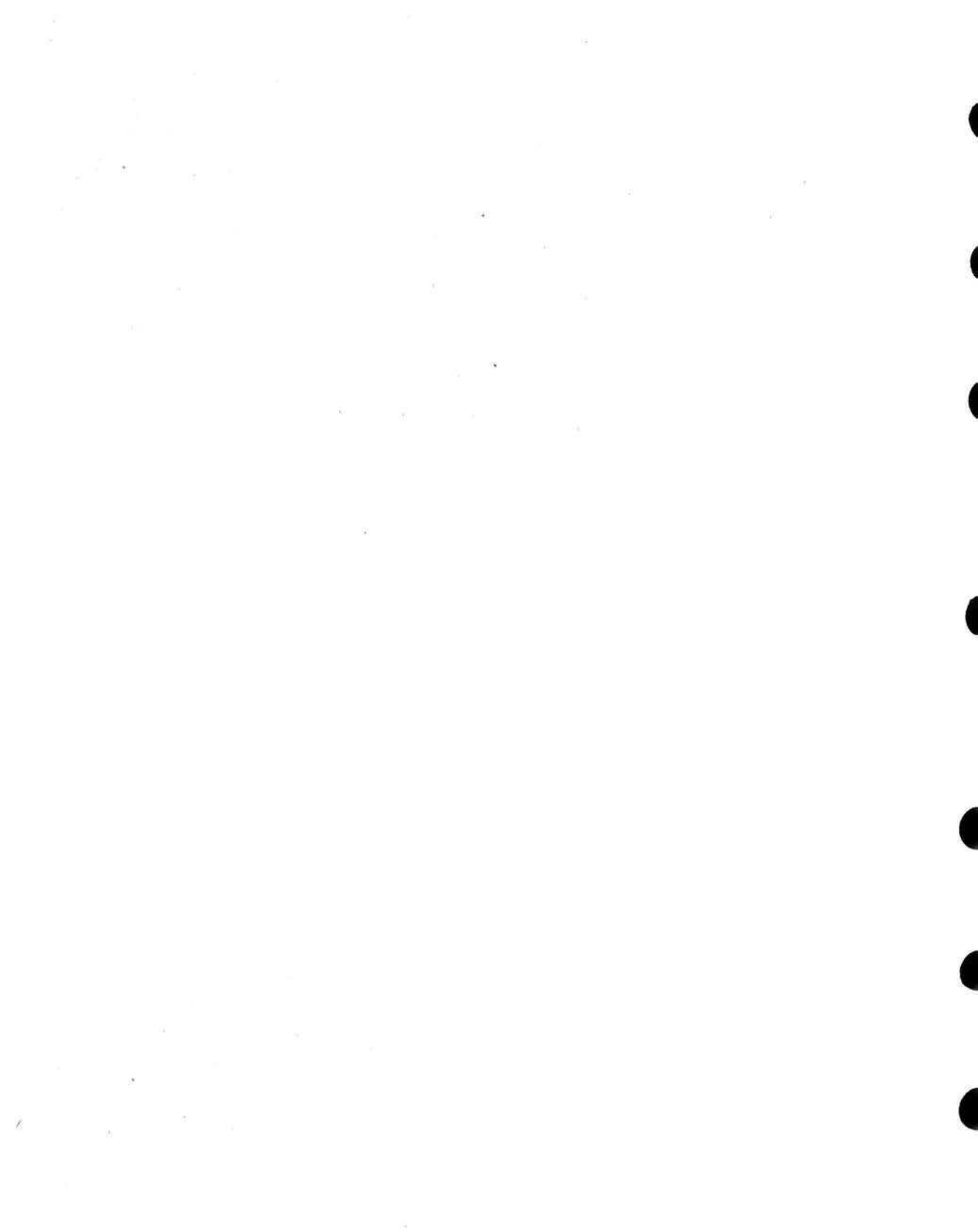
250 An Act respecting certain immovables of the cadastre of the city of Montréal (Sainte-Anne ward)

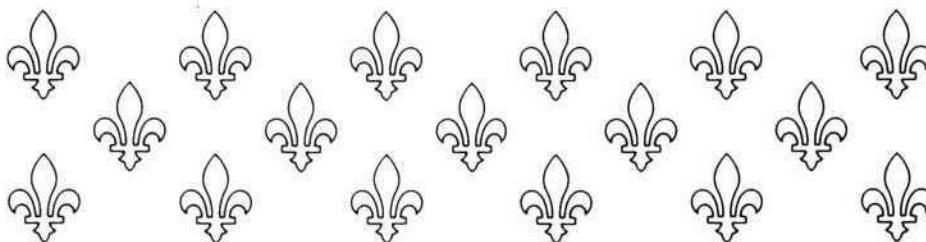
251 An Act respecting the St. Bernard Fish and Game Club

259 An Act respecting the Collège de Saint-Césaire

260 An Act respecting AY Unergie Inc.

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 100
(1989, chapter 7)

An Act to amend the Act to preserve agricultural land

**Introduced 15 November 1988
Passage in principle 7 December 1988
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**

EXPLANATORY NOTES

This bill amends the Act to preserve agricultural land, in particular, by conferring upon an independent tribunal the function of hearing appeals from decisions of the Commission de protection du territoire agricole.

The bill also provides that, in the future, land owners will not be required to obtain the authorization of the commission before alienating or subdividing a lot situated in an agricultural zone or erecting more than one residence on such a lot provided certain conditions concerning the size of contiguous areas are met.

Moreover, the Commission de protection du territoire agricole will identify an exclusive sector within the limits of an agricultural zone and determine the uses that will be permitted on the lots comprised in such a sector. In addition, a commissioner will be appointed to hear the complaints of agricultural producers who believe they have been wronged by the application of a municipal by-law affecting their farming activities.

The bill also provides that, without restricting the application of the Environment Quality Act, a person will incur no liability in respect of third persons by reason of dust, odors or noise resulting from farming activities if he carries on his farming activities according to law and in compliance with the regulations and orders which apply to his farming activities.

In addition the bill establishes a special fund that will serve to ensure the defence of persons who are being sued by reason of dust, odors or noise resulting from their farming activities.

Finally, the bill contains transitional measures necessary for the carrying out of the Act.

ACTS AMENDED BY THIS BILL:

- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1);
- Act to preserve agricultural land (R.S.Q., chapter P-41.1).

Bill 100

An Act to amend the Act to preserve agricultural land

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act to preserve agricultural land (R.S.Q., chapter P-41.1) is amended by inserting, after paragraph 13, the following paragraph:

“(13.1) “producer” means a person within the meaning of paragraph *j* of section 1 of the Farm Producers Act (R.S.Q., chapter P-28);”.

2. Section 4 of the said Act is amended by replacing the figure “16” in the first line of the first paragraph by the figure “10” and the figure “5” in the second line of the same paragraph by the figure “2”.

3. Section 7 of the said Act is replaced by the following section:

“**7.** One member may hear and decide any matter within the competence of the commission, except in a case where the commission must give its advice.”

4. Section 12 of the said Act is replaced by the following section:

“**12.** In exercising its jurisdiction, the commission shall take into account that it is in the general interest to preserve agricultural land and farming activities. It shall also examine all the facts that have been submitted to its consideration.”

5. Section 15 of the said Act is amended by striking out the words “application for review,” in the first and second lines of the second paragraph.

6. Sections 18 to 18.4 of the said Act are repealed.

7. Division II.1 of the said Act is amended by inserting, after the heading, the following:

“§ 1.—Appeal to the appeal tribunal

“21.01 A tribunal consisting of not more than nine members, including the president and vice-president, appointed for not more than five years by the Government is hereby established under the name of “Tribunal d'appel en matière de protection du territoire agricole”. Once established, the term of office of the members cannot be reduced.

The Government shall fix the salary and, as the case may be, the additionnal salary, allowances or fees of each member of the appeal tribunal.

Every member shall remain in office at the expiry of his term to conclude the cases pending before him.

The president and vice-president of the appeal tribunal shall hold office on a full-time basis.

“21.02 The sittings of the appeal tribunal shall be presided over by the president or by a member designated by him for that purpose. Three members shall be a quorum.

If the president is absent or unable to act, he shall be replaced by the vice-president.

“21.03 Sections 5, 8 to 13, and 15 to 21, adapted as required, apply to the appeal tribunal.

“21.04 Any interested party may appeal from a decision or order of the commission before the appeal tribunal.

“21.05 Appeals shall be filed at the record office of the appeal tribunal within sixty days of the date of the decision or order forming the object of the appeal.

The appeal tribunal may, for cause, extend that period provided that not more than six months have elapsed from the date of the decision or order.

“21.06 On the request of the appeal tribunal, the commission shall transmit to the record office of the appeal tribunal the contested decision or order together with any other relevant document.

"21.07 The appeal suspends the execution of the decision except in the case where the appeal tribunal allows provisional execution.

The appeal does not suspend the execution of an order except as regards the conclusions of an order requiring restoration of a site.

Any appeal from an order shall be heard by preference by the appeal tribunal.

"21.08 Before ruling on an appeal, the appeal tribunal shall give interested parties and the commission the opportunity to be heard.

"21.09 The appeal shall bear, in whole or in part, on the object of the initial application but cannot claim more than what had been applied for.

In appeal, proof may bear only on a fact having occurred prior to the decision or order appealed from, whether or not such fact has already been submitted as evidence.

The appeal from a decision suspends, by operation of law, any new application to obtain the same conclusions, until a decision is rendered on the appeal.

Subject to section 21.1, the decision of the appeal tribunal is final.

"21.010 The appeal tribunal may confirm a decision or order appealed from; it may also quash the decision or order in whole or in part and render the decision which, in its opinion, should have been rendered in first instance according to the provisions of sections 62 to 62.2, 69.07 and 69.08.

"21.011 Every decision of the appeal tribunal must give reasons and be transmitted in writing to the applicant and any interested person, to the commission and to the municipal corporation and regional county municipality in which the lot affected by the appeal is situated.

"§ 2.—Appeal to the Court of Québec".

8. Section 21.1 of the said Act is amended by replacing the word "commission" in the second line of the first paragraph by the words "appeal tribunal".

9. Section 21.3 of the said Act is amended by inserting the words ", to the appeal tribunal" after the word "parties" in the third line of the first paragraph.

10. Section 21.4 of the said Act is replaced by the following section:

"21.4 The appeal is brought by filing with the appeal tribunal a notice of appeal served on the parties and on the commission, within ten days after the date of the decision authorizing it.

The filing of the notice constitutes service on the appeal tribunal."

11. Section 21.5 of the said Act is amended

(1) by replacing the words "The commission" in the first line of the first paragraph by the words "The appeal tribunal";

(2) by replacing the words "The commission" in the first line of the second paragraph by the words "The appeal tribunal".

12. Section 21.7 of the said Act is amended by adding, after the first paragraph, the following paragraph:

"In the case of an appeal from a decision of the appeal tribunal relating to an order of the commission, the Court of Québec may confirm or quash the order."

13. Section 29.1 of the said Act is repealed.

14. The said Act is amended by inserting, after section 29.1, the following section:

"29.2 Notwithstanding sections 28 and 29, a person may, without the authorization of the commission, alienate an area of not less than one hundred hectares if the contiguous residual area, or the residual area that would be contiguous according to sections 28 and 29, comprising one or several lots or parts of lots forms an area of not less than one hundred hectares."

15. Section 31 of the said Act is amended by adding, after the fifth paragraph, the following paragraph:

"From (*insert here the date of coming into force of this Act*), the right of residential use conferred by this section, and which was legally exercised before 1 July 1988, shall be extinguished by leaving uncropped for more than one year the area to which the right applies."

16. The said Act is amended by inserting, after section 31, the following section:

"31.1 Notwithstanding section 26, a person may, without the authorization of the commission, erect one residence on one lot or on

several contiguous lots, or on lots that would be contiguous according to sections 28 and 29, if the lots are vacant, not subject to rights recognized under Division IX and owned by the person, provided the area of the lot or contiguous lots is or forms an area of not less than one hundred hectares. The person may use for that purpose an area not exceeding one-half hectare.

In order to do so, the person shall, beforehand, file at the record office of the commission a statement accompanied with the land title and a plan describing the area on which the residence will be erected.

The erection of a residence under this section does not entail that the lot or part of lot on which the residence is erected is exempt from the application of sections 28 to 30."

17. Section 40 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

"An agricultural operations corporation or partnership may also erect, on such a lot, a residence for an employee assigned to the agricultural operations of the corporation or partnership."

18. Section 44 of the said Act is amended by striking out the fifth paragraph.

19. Section 59 of the said Act is amended

(1) by inserting, after the first sentence of the second paragraph, the following sentence: "The municipal corporation shall indicate whether the application is consistent with its by-laws.";

(2) by inserting, after the second sentence of the third paragraph, the following sentence: "The regional county municipality or the community shall indicate whether the application is consistent with the interim control by-law, the development plan or the complementary document in force.";

(3) by replacing the words and figures "sections 12 and 62" in the third line of the fourth paragraph by the word and figure "section 62".

20. Section 62 of the said Act is replaced by the following section:

"62. Subject to sections 69.07 and 69.08, the commission may authorize, on such conditions as it may determine, the use, for purposes other than agriculture, the subdivision, the alienation, the inclusion or the exclusion of a lot or the cutting of maple trees.

In rendering a decision, giving its advice or issuing a permit on a matter referred to it, the commission shall take into consideration

- (1) the soil capability of the lot and of the neighbouring lots;
- (2) the possible uses of the lot for agricultural purposes;
- (3) the consequences of an authorization on the use and the possibilities of agricultural use of neighbouring lots;
- (4) the restrictions and effects resulting from the application of the Acts and the regulations, in particular those relating to the environment and, more particularly, with respect to livestock operations;
- (5) the availability of other sites where farming restrictions would be eliminated or reduced;
- (6) the homogeneity of the farming community and farming operations;
- (7) the impact on the preservation of water and soil resources in the municipality and in the region;
- (8) the establishment of land holdings having an area sufficient for farming activities;
- (9) the impact on the economic development of the region upon proof submitted by a regional county municipality, municipal corporation, community, public body or agency providing public utility services.

The commission may take into consideration

- (1) the socioeconomic conditions necessary for the viability of a rural community where the low density of occupancy of the territory and the isolation of the community within a region justify it;
- (2) the consequences of a refusal for the applicant."

21. The said Act is amended by inserting, after section 62, the following sections:

"62.1 When making a decision, the commission shall not take into consideration

- (1) the fact that the object of the application has been wholly or partly achieved;
- (2) the possible consequences of the decision on an offence already committed;
- (3) any fact or evidence not related to a provision of section 62.

"62.2 The commission may refuse an application on the sole ground that it is not accompanied with an indication to the effect that the application is consistent with the by-laws of the municipal corporation, the interim control by-law, the development plan or the complementary document in force."

22. Section 63 of the said Act is repealed.

23. Section 64 of the said Act is amended by striking out the second paragraph.

24. Section 65 of the said Act is amended by replacing the third paragraph by the following paragraph:

"Section 62 applies to the application."

25. The said Act is amended by inserting, after Division IV, the following division:

"DIVISION IV.01

"EXCLUSIVE SECTOR

"69.01 The commission shall identify as an exclusive sector, on the agricultural zone plan, any part of that zone which it determines on the basis of the identification of soils having a soil capability of class 1, 2 or 3 and organic soils, as inventoried on the maps of soil capability for agriculture prepared within the scope of the Canada Land Inventory.

The organic soils referred to in the first paragraph are soils which enjoy a climate of 2 500 corn-heat units or more.

"69.02 The plan of the agricultural zone which comprises the exclusive sector shall delimit that zone and sector and be accompanied with a technical description of their boundaries established in accordance with the second paragraph of section 34.

"69.03 The commission shall submit the plan and technical description to the municipal corporation and regional county municipality concerned and to the Confédération de l'Union des producteurs agricoles which may, within sixty days, transmit their recommendations to the commission with a view to reaching an agreement with the commission as to the content of the plan and description within that time.

Concurrently, the commission shall publish in the *Gazette officielle du Québec* a notice stating that the plan is available for examination at the record office of the commission and that it will be submitted to the Government for approval on the expiry of a period of sixty days after that publication.

At the expiry of the sixty-day period, the commission shall submit the plan and technical description to the Government for approval, taking into consideration the terms of any agreement reached or representation made to it.

The Government may approve the plan and technical description with or without amendment and, if they are approved, the decree approving them shall come into force on the date fixed therein.

“69.04 The decree, together with the agricultural zone plan and the technical description of its boundaries, shall be filed in the record office of the commission.

“69.05 The secretary of the commission shall send two certified copies of the decree, plan and technical description to the clerk or secretary-treasurer of the municipal corporation and regional county municipality concerned, to the Confédération de l'Union des producteurs agricoles and to the registrar of the registration division in which the municipality is situated, for registration purposes.

“69.06 The commission shall publish in the *Gazette officielle du Québec* and in a newspaper circulated in the municipality where the agricultural zone is established a notice of the coming into force of the agricultural zone decree of the municipality comprising the exclusive sector.

“69.07 The commission shall not authorize the exclusion of a lot comprised in an exclusive sector.

“69.08 From the coming into force of a decree approving an agricultural zone plan comprising an exclusive sector, the commission shall not authorize, in that sector, the use, for purposes other than agriculture, the subdivision or alienation of a lot, the cutting of maple trees, or issue a permit for the removal of topsoil unless it is proven to it that there is no appropriate area available elsewhere in the territory of the municipal corporation for the purposes contemplated by the application and that the application is compatible with agriculture or will have no effect on the preservation of agricultural land, as regards the provisions of subparagraphs 1 to 8 of the second paragraph of section 62.

From the same date, the commission shall not grant, in that sector, any authorization for public utility purposes such as a waterworks or sewer system, a water treatment or purification plant, a sanitary landfill site, a snow dumping site or a municipal road to a regional county municipality, municipal corporation, community, department, public body or agency providing public utility services except upon proof that there is no appropriate area available elsewhere in the territory of the municipal corporation or that the implementation of such services will not affect the homogeneity of the farming operations or involve significant changes in farming activities."

26. The said Act is amended by inserting, after section 79, the following:

"DIVISION V.1

"FARMING ACTIVITIES

"§ 1.—*Application*

"79.1 For the purposes of this division only, "farming activities" means agriculture including letting the land lay fallow, the utilization of chemical, organic or mineral products and the use of farming machinery and implements.

The storing, processing, transformation and sale of farm products on the farm by a producer whose principal occupation is agriculture shall also constitute farming activities.

"§ 2.—*Complaints*

"79.2 The Government shall appoint, for a period not exceeding five years and on the conditions it determines, a commissioner to hear complaints filed under this subdivision. The Government shall fix the salary, allowances or fees, as the case may be, of the commissioner.

"79.3 Every producer who believes that he has been wronged or that he is likely to be wronged by the application of a municipal planning by-law or a municipal by-law respecting nuisance affecting his farming activities in an agricultural zone may file a complaint, in writing, with the commissioner.

"79.4 The commissioner shall, if he has reasonable cause to believe that the complaint justifies his intervention, notify forthwith the municipality concerned and transmit a copy of the complaint to it.

In addition, he shall, within thirty days from the receipt of the complaint, cause to be published in a newspaper circulated in the

territory of the municipality having adopted the by-law forming the subject of the complaint,

- (1) a summary of the content of the complaint;
- (2) the text of the provision of the municipal by-law in question;
- (3) the indication that any interested person wishing to intervene and express his views in respect of the complaint must, within thirty days from the date of publication, notify the commissioner;
- (4) the indication that, during the said period, any interested person may, on request, obtain a copy of the complaint from the commissioner.

"79.5 The commissioner may convene the parties and other interested persons to obtain their views.

"79.6 If the commissioner deems it advisable to hold a public hearing, he shall notify the parties and other interested persons. He shall, in such case, cause to be published in a newspaper circulated in the territory of the municipality concerned, a summary of the content of the complaint and he shall indicate the date, time and place of the hearing.

"79.7 In examining a complaint, the commissioner shall be assisted by two persons designated by the Minister of Agriculture, Fisheries and Food and two persons designated by the Minister of Municipal Affairs.

The Government shall fix their salary, additional salary, allowances or fees, as the case may be.

"79.8 In examining a complaint, the commissioner shall take into consideration, in particular, the standards applicable to farming activities, the observance of legislative provisions, of the regulations and of orders other than those issued pursuant to this Act which govern such activities and the impact of the municipal by-law on the farming activities of the complainant and on the farming activities of the other producers of the agricultural zone.

"79.9 The commissioner shall, with dispatch, transmit to the parties a report giving the reasons for his conclusions and recommendations.

He shall cause the report to be published in a newspaper circulated in the territory of the municipality concerned.

"79.10 The commissioner may, within two years after the date of a report, refuse to consider any new complaint in respect of the

provisions of a municipal by-law which formed the subject of the report.

"79.11 The Government may, by regulation, establish rules of procedure and management applicable to the complaints received by the commissioner.

"79.12 The Minister of Justice shall be responsible for the carrying out of sections 79.1 to 79.11.

"§ 3.—Measures relating to farming activities

"79.13 Without restricting the application of the Environment Quality Act (R.S.Q., chapter Q-2) and the recourses available to a person under the said Act, no person shall incur any liability in respect of a third person by reason of dust, odor or noise resulting from farming activities in an agricultural zone or be prevented by the third person from carrying on farming activities if he does so according to law and in compliance with the regulations and orders made under the Environment Quality Act with respect to dust, odors or noise resulting from farming activities in agricultural zones.

"79.14 Where a plaintiff or applicant in an action or proceedings against a person who carries on farming activities in an agricultural zone claims

(1) damages by reason of dust, odors or noise resulting from farming activities, or

(2) an injunction with a view to preventing the carrying on of farming activities,

the plaintiff or applicant has, in particular, the burden to prove, for the purpose of establishing responsibility, that the person who carries on farming activities has acted illegally or has contravened the regulations or orders made under the Environment Quality Act with respect to dust, odors or noise resulting from farming activities.

"79.15 In agricultural zones, every person who wishes to erect a building other than a farm building on his lot shall, in respect of neighbouring farming operations, comply with any standard as to distance, imposed on such farming operations pursuant to any Act, regulation or by-law in force at the time of the erection.

The municipal corporation shall not issue a building permit where the said standard is not complied with by the owner of the lot contemplated by the application, unless the latter has deposited, for registration purposes, in the office of the registration division

concerned, a declaration whereby he waives, in respect of each neighbouring farming operation that is subject to the said standard, the recourses that would have been available to him if he had complied with the standards imposed.

The declaration has the same effect as a real servitude and shall be registered against the lot contemplated by the application and in respect of the lot on which the buildings or infrastructures used for the farming activity subject to the distance standards are situated.

“§ 4.—Special fund

“79.16 A special fund called the farming activities fund shall be established at the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation. The fund will serve to ensure the defence of producers against whom an action for damages or injunction proceedings has or have been instituted by reason of dust, odors or noise resulting from farming activities in agricultural zones provided they carry on their farming activities according to law and in compliance with the regulations and orders made under the Environment Quality Act with respect to dust, odors or noise resulting from farming activities in agricultural zones.

“79.17 The Government shall determine the date of the beginning of the activities of the fund and its assets and liabilities. It shall also determine the nature of the goods and services which may be financed by the fund as well as the nature of the expenses which may be charged to it.

“79.18 The fund shall be made up of the following sums, except interest:

- (1) the sums collected for goods and services financed by the fund;
- (2) the sums advanced by the Minister of Finance under the first paragraph of section 79.20;
- (3) the sums paid by the Minister of Agriculture, Fisheries and Food out of the appropriations allocated for that purpose by Parliament.

“79.19 The management of the sums which constitute the fund shall be entrusted to the Minister of Finance. Such sums shall be allocated to him and deposited with financial institutions designated by him.

The accounting operations and the recording of financial commitments imputable to the fund shall, notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), be made by

the Minister of Agriculture, Fisheries and Food. The said Minister shall, in addition, certify that such commitments and the outlays resulting therefrom do not exceed available balances and that they comply therewith.

"79.20 The Minister of Finance may advance to the fund, with the authorization of the Government and on the conditions it determines, sums taken out of the consolidated revenue fund.

The Minister may, conversely, advance to the consolidated revenue fund, on a short-term basis and on the conditions he determines, any part of the sums constituting the fund not required for its operation.

Any advance made to the fund shall be repayable out of such fund.

"79.21 The remuneration and expenses pertaining to the social benefits and other conditions of employment of persons assigned to the activities of the fund in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) shall be paid out of the fund.

"79.22 Any surplus accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

"79.23 Sections 22 to 27, 33, 35, 45, 47 to 49, 51, 57 and 70 to 72 of the Financial Administration Act shall apply to the fund, adapted as required.

"79.24 The fiscal year of the fund shall end on 31 March.

"79.25 Notwithstanding any contrary provision, the Minister of Finance shall, in the event of an insufficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the Crown which has become a *res judicata*."

27. Section 80 of the said Act is amended

(1) by replacing paragraph 6 by the following paragraph:

"(6) define the rules of internal management of the commission and of the appeal tribunal;";

(2) by inserting, after paragraph 7, the following paragraph:

"(7.1) identify the public utility services to which section 69.08 applies;";

(3) by inserting the words "or to the appeal tribunal" after the word "commission" in the second line of paragraph 8.

28. Section 85 of the said Act is amended by replacing the words "The commission" in the first line of the second paragraph by the words "Any interested person, including the Attorney General, the commission or the municipal corporation in which the lot is situated,".

29. Section 96 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "The Government may, in addition, authorize the exclusion of a lot situated in an exclusive sector."

30. Section 100.1 of the said Act is amended

(1) by inserting the word and figure "section 31.1," after the words "provided for in" in the third line of the first paragraph;

(2) by adding, after the fifth paragraph, the following paragraphs:

"A notice of non-compliance under the fifth paragraph is an administrative measure and may be issued on the sole basis of information obtained, without prior notice, by a member or employee of the commission.

A notice of non-compliance issued as in the preceding paragraph may, however, be contested before the commission at a hearing held pursuant to section 14.1. Any interested person may also request the commission to hold a hearing to decide the merits of the notice by making an application therefor filed at the record office within sixty days of the date of the notice."

31. Section 115 of the said Act is replaced by the following section:

"115. Subject to section 79.12, the Minister shall be responsible for the carrying out of this Act."

32. Section 34 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is amended by replacing the word and figures "18 and 19" in the second line by the words and figures "19 and 21.01 to 21.011".

33. The provisions of this Act apply to applications filed at the record office of the commission before (*insert here the date of coming into force of this section*) that have not, on or before that date, been the subject of a hearing.

The provisions of sections 21.01 to 21.011 of the Act to preserve agricultural land apply to orders and decisions made before (*insert*

here the date of coming into force of this section) for the unexpired portion of the period for filing an application for review.

An application for review filed at the record office after *(insert here the date of coming into force of this section)* becomes, by operation of law, an application for appeal within the meaning of this Act.

34. The sums required for the administration of section 7 of this Act and sections 79.1 to 79.12 of the Act to preserve agricultural land, enacted by section 26 of this Act are taken, for the year 1989-90, out of the consolidated revenue fund to the extent determined by the Government.

35. No agricultural zone plan comprising an exclusive sector may be approved by the Government under sections 69.01 to 69.06 of the Act to preserve agricultural land, before the agricultural zone has been the object of a review under Division IV.1.

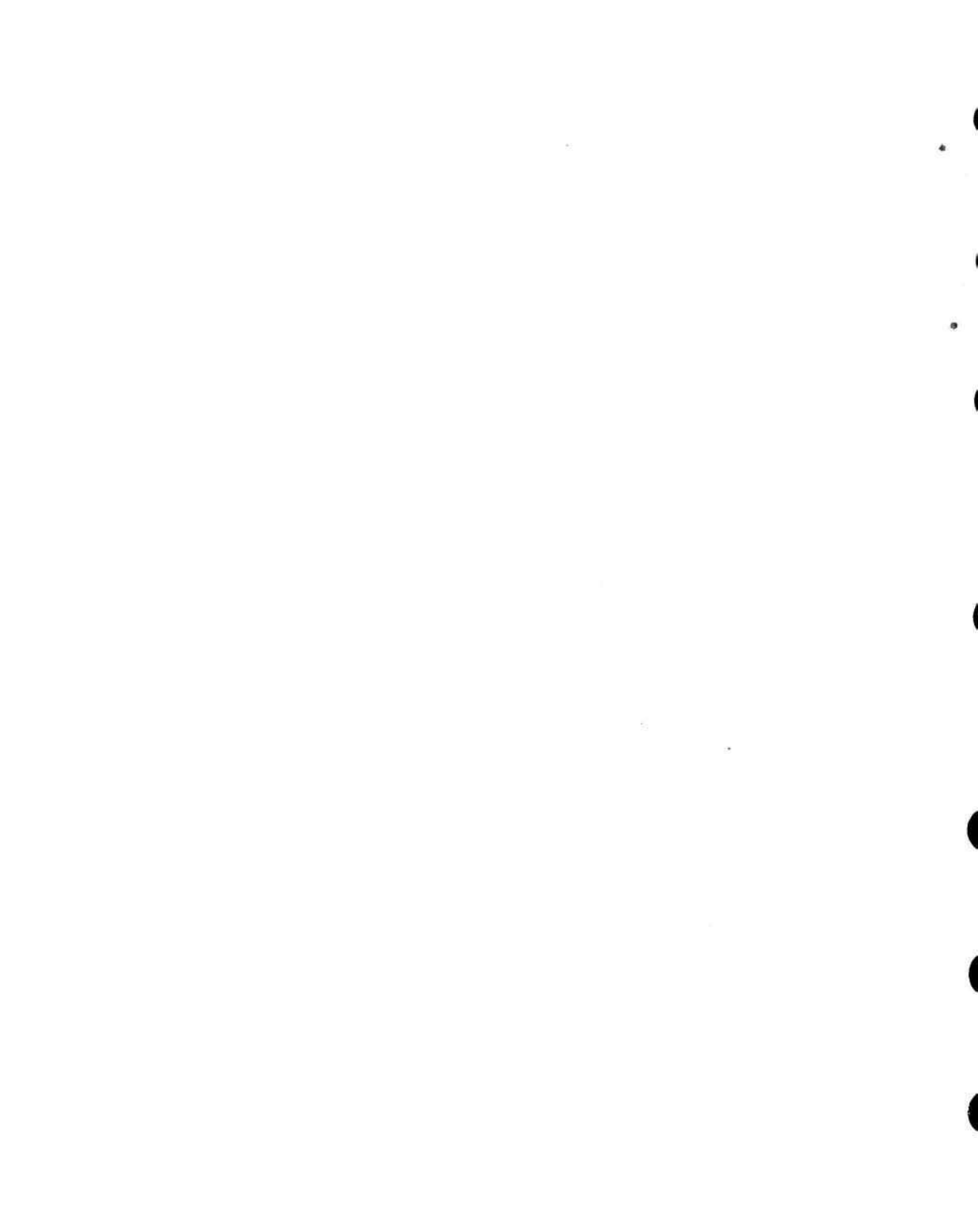
Until such a plan is approved under sections 69.01 to 69.06 of the Act to preserve agricultural land, the commission shall not authorize the exclusion of a lot the area of which is mainly constituted of soils having a soil capability of class 1, 2 or 3 and of organic soils, as inventoried on the maps of soil capability for agriculture prepared within the scope of the Canada Land Inventory.

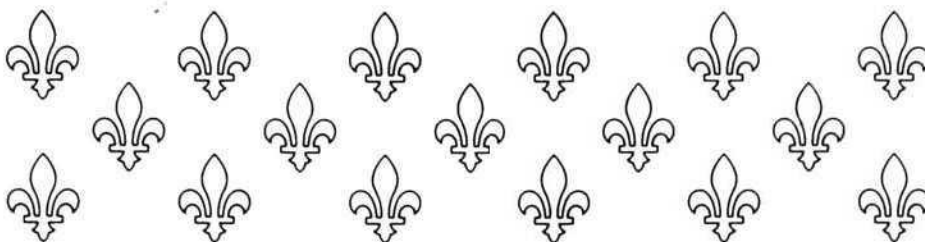
Until the plan is approved, the commission may grant authorizations under section 62 of the Act to preserve agricultural land unless the area of the lot is mainly constituted of soils having a soil capability of class 1, 2 or 3 and of organic soils, as inventoried on the maps of soil capability for agriculture prepared within the scope of the Canada Land Inventory; the commission shall, in that case, apply forthwith section 69.08 of the said Act to the application.

The organic soils referred to in this section are soils which enjoy a climate of 2 500 corn-heat units or more.

The second, third and fourth paragraphs do not apply to the territory of municipalities situated in agricultural zones designated by order of the Government.

36. The provisions of this Act will come into force on the date or dates fixed by the Government.





NATIONAL ASSEMBLY

SECOND SESSION

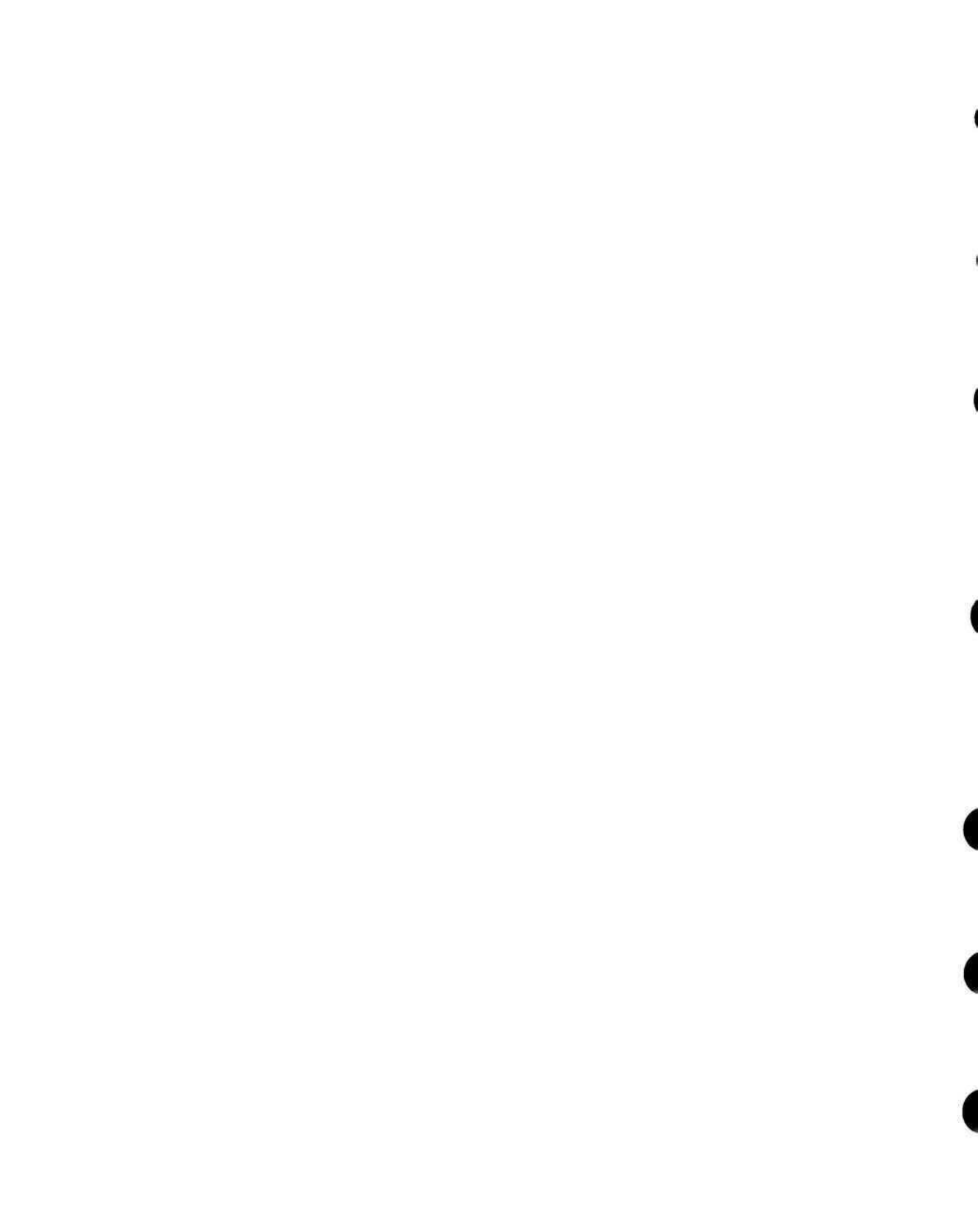
THIRTY-THIRD LEGISLATURE

Bill 220
(Private)

An Act respecting the town of Roberval

**Introduced 5 December 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**



Bill 220

(Private)

An Act respecting the town of Roberval

WHEREAS it is in the interest of the town of Roberval that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The town of Roberval is authorized to establish and operate a convention centre on the immovable described in the schedule.

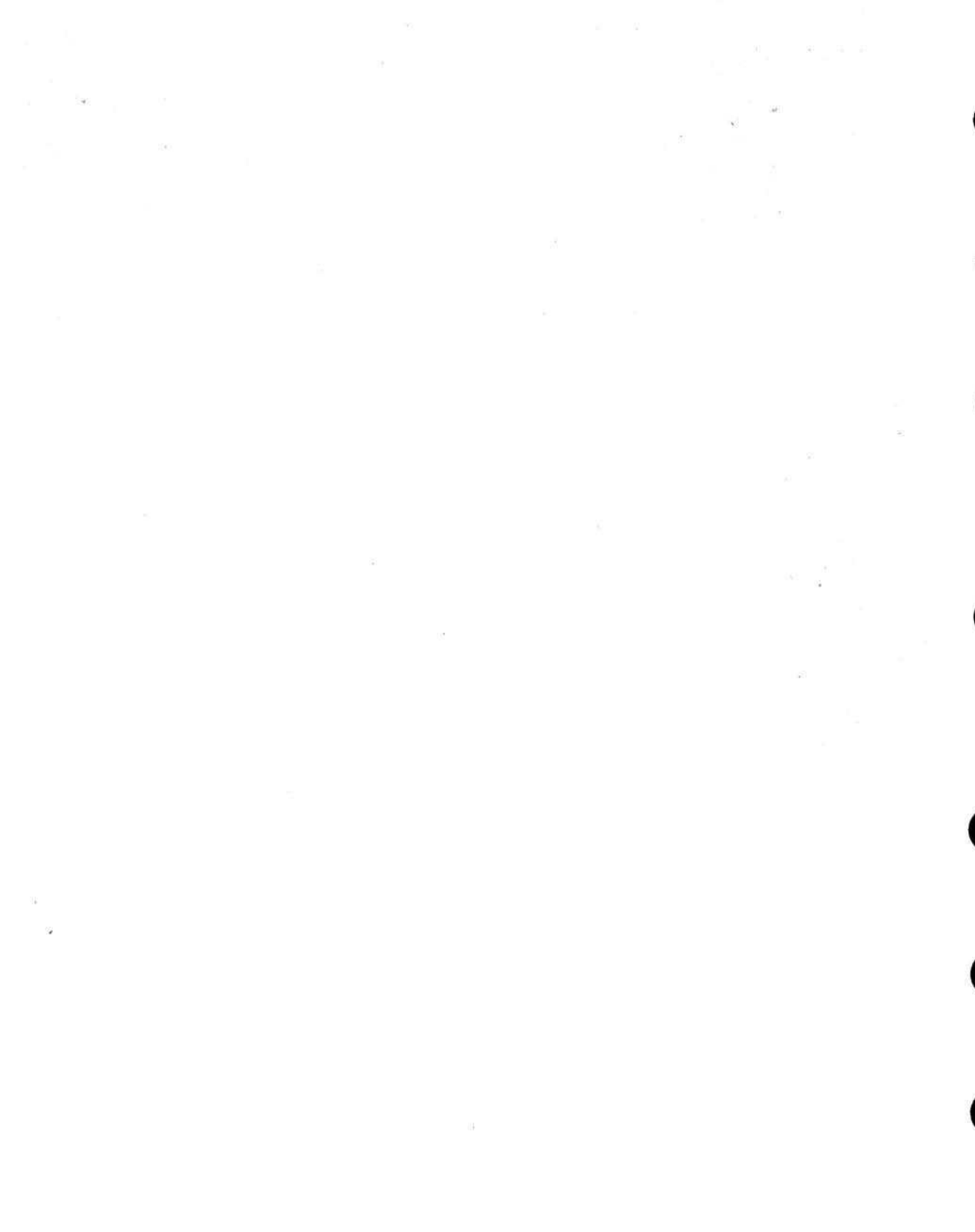
The town may assume the management of the convention centre or entrust such management to any person, business firm or corporation and sign any agreement for that purpose.

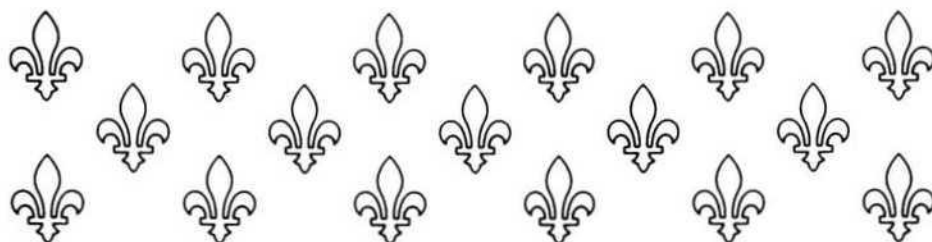
2. The agreement dated 27 September 1988 between the town and La Société en commandite Hôtel Carrefour Jeannois is hereby declared valid.

3. This Act comes into force on 12 April 1989.

SCHEDULE

A parcel of land known and designated as subdivision number two of subdivision number seventy-two of original lot number seventy-three (73-72-2) of range B of the cadastre of the township of Roberval, registration division of Lac Saint-Jean Ouest.





NATIONAL ASSEMBLY

SECOND SESSION

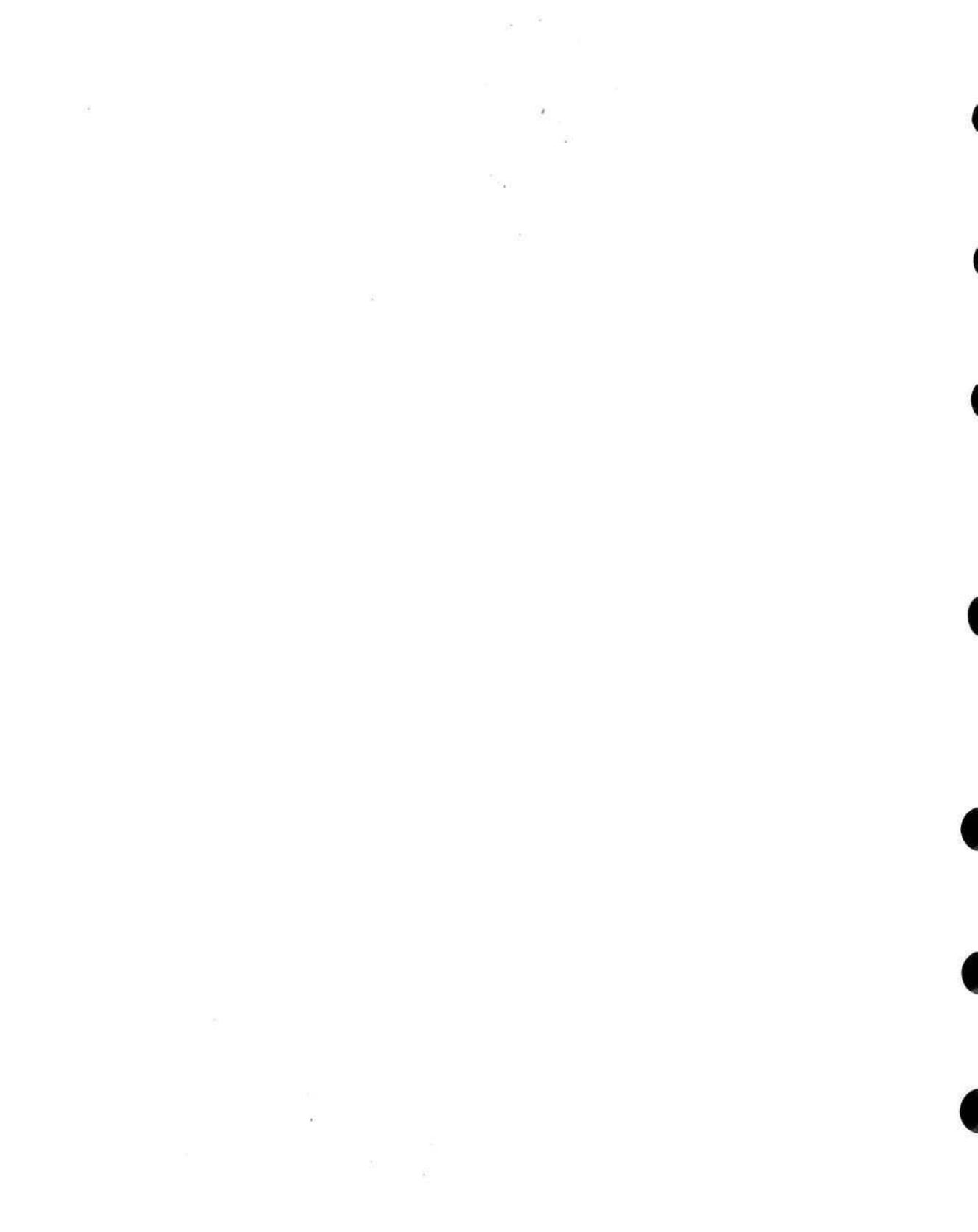
THIRTY-THIRD LEGISLATURE

Bill 239
(Private)

An Act respecting the municipality of Lac-Nominingue

**Introduced 30 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**



Bill 239

(Private)

An Act respecting the municipality of Lac-Nominingue

WHEREAS it is expedient to validate the imposition and levy by the municipality of Lac-Nominingue of a compensation used, in particular, to repay a loan contracted under by-law 64;

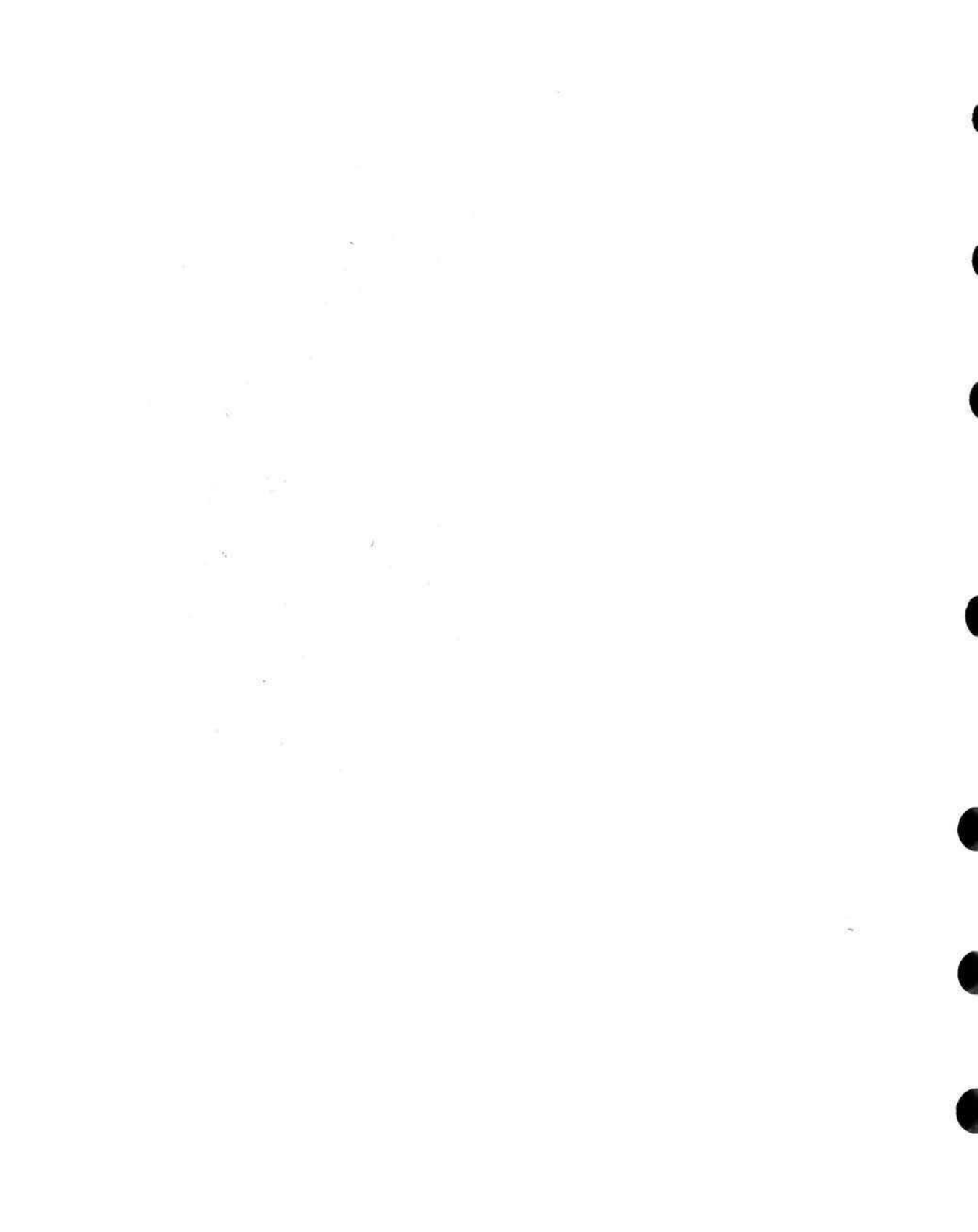
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

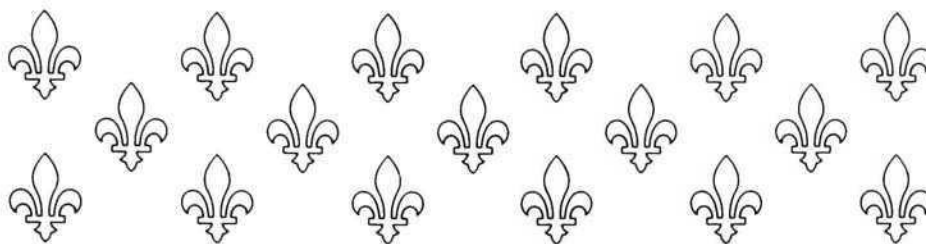
1. The compensation imposed and levied by the municipality of Lac-Nominingue for the fiscal years 1981 to 1987 to provide for the maintenance and management of the waterworks system and the payment of interest on and repayment of the principal of the loan contracted under by-law 64 is hereby declared valid.

2. The secretary-treasurer shall enter a reference to this Act in the book of the by-laws of the municipality, below by-law 64.

3. This Act does not affect a case pending on 11 January 1988.

4. This Act comes into force on 12 April 1989.





NATIONAL ASSEMBLY

SECOND SESSION

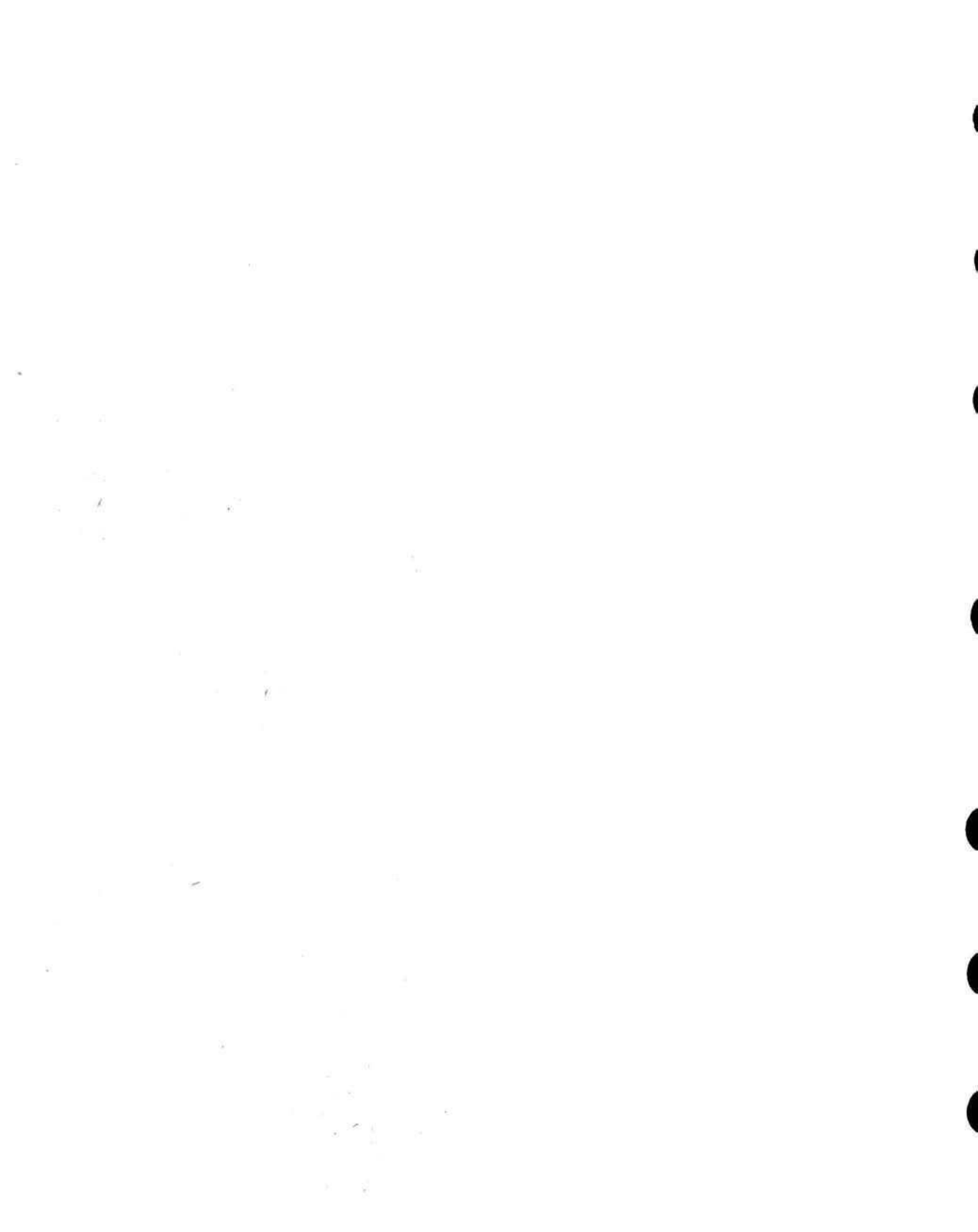
THIRTY-THIRD LEGISLATURE

Bill 241
(Private)

An Act respecting the town of Saint-Georges

**Introduced 15 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**



Bill 241

(Private)

**An Act respecting the town
of Saint-Georges**

WHEREAS it is in the interest of the town of Saint-Georges that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The town of Saint-Georges is authorized to establish and operate a convention centre on the immovable described in the schedule.

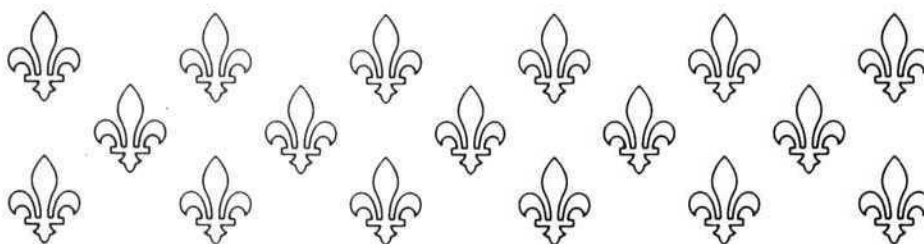
The town may assume the administration of the convention centre or entrust any person, commercial partnership or corporation with such administration, and sign any agreement for such purpose.

2. The agreement entered into between the town and Entreprises H.L.P. Inc. on 2 March 1988 is hereby declared valid.

3. This Act comes into force on 12 April 1989.

SCHEDULE

A parcel of land known and designated as subdivision number two of subdivision number twenty-nine of original lot number five hundred and ninety-five (595-29-2), subdivision number one of subdivision number twenty-five of original lot number five hundred and ninety-six (596-25-1), subdivision number three of subdivision number twenty-one of original lot number five hundred and ninety-six (596-21-3) and subdivision number two of subdivision number twenty-four of original lot number five hundred and ninety-six (596-24-2), subdivision number one of subdivision number twenty-one of original lot number five hundred and ninety-six (596-21-1), all in the official cadastre of the parish of Saint-Georges, in the registration division of Beauce.



NATIONAL ASSEMBLY

SECOND SESSION

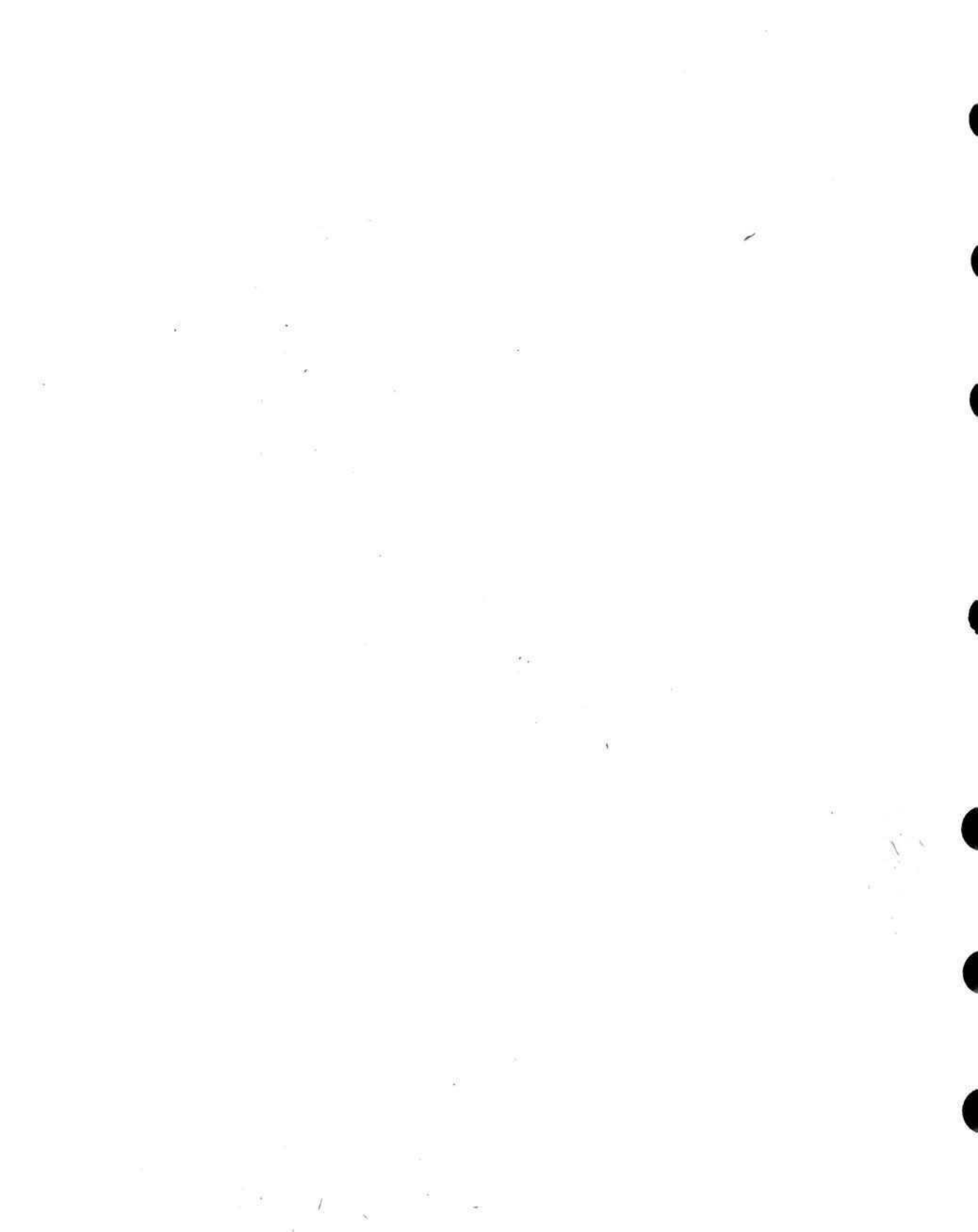
THIRTY-THIRD LEGISLATURE

Bill 244
(Private)

An Act respecting the Georg Stellari estate

**Introduced 31 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**



Bill 244

(Private)

An Act respecting the Georg Stellari estate

WHEREAS Georg Stellari, a citizen of Canada and a resident of Montréal, died at Vienna, Austria on 30 November 1963, leaving a holograph will dated 9 January 1961 and probated on 12 March 1965 (number 320 of the records of the Superior Court of the judicial district of Montréal);

Whereas in his will Georg Stellari indicated his intention that, besides certain specific legacies, the residue of his estate serve to create prizes and scholarships in the fields of literature and international law;

Whereas the testator appointed the Roman Catholic Archbishop of Montréal testamentary executor, without granting him sufficient powers to carry out his wishes, without naming him legatee and without indicating the nature of his property;

Whereas, in point of fact, it has taken years to establish the nature of the estate, which is made up of small amounts held in financial institutions in Canada and in the United States;

Whereas the Roman Catholic Archbishop of Montréal cannot act as testamentary executor and would prefer entrusting the property to the Université de Montréal, which agrees thereto provided it be named legatee;

Whereas the execution of this will of an extraordinary nature presents a number of serious difficulties, particularly as concerns the residuary legacy, and whereas adherence to the spirit of the will without naming a legatee is difficult;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The property of the succession of Georg Stellari, who died on 30 November 1963, devolves to the Université de Montréal as legatee and the university shall have the seizin thereof until the will of the deceased has been fully executed.

2. The legatee shall have complete discretion to use the product of the estate, capital and interest, provided that it be applied to the study, advancement and promotion of Canadian literature in the French language and international law, in the manner it considers most suitable, without otherwise being obliged to comply in this respect with the will of Georg Stellari, probated on 12 March 1965 (number 320 of the records of the Superior Court of the judicial district of Montréal).

3. The legatee is charged with the same obligations as those conferred by the will on the testamentary executor in respect of individual legacies or rights conferred on third parties designated by name.

This section shall not be construed as conferring more rights on individual legatees or on third parties designated by name than are conferred by the will.

4. The legatee may, in respect of the property of the succession, carry on dealings with others, make any investments it considers appropriate and complete the settlement of the succession at the time and in the manner it considers expedient.

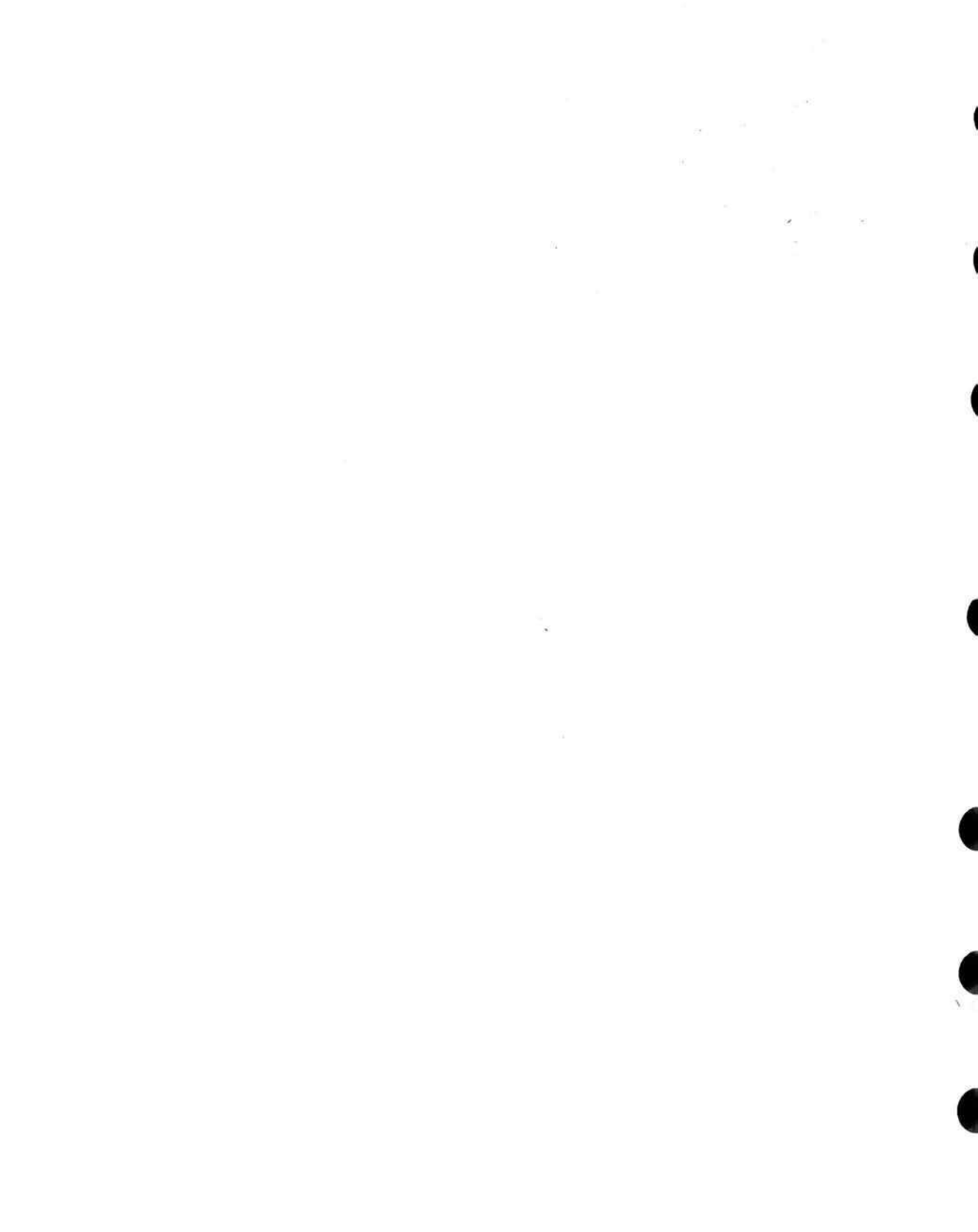
5. The legatee is deemed to have accepted the succession of Georg Stellari under benefit of inventory and is not under obligation for the liabilities of the succession which exceed the assets received.

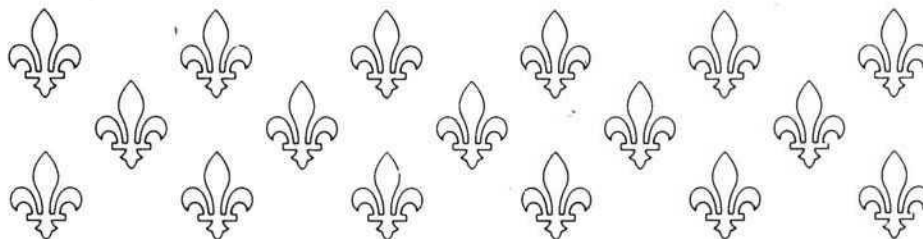
6. The legatee may delegate all or part of its powers to one or more persons, groups of persons, faculties or agencies, as it considers appropriate.

7. The Roman Catholic Archbishop of Montréal and his predecessors in office shall no longer have testamentary executorship of the succession of Georg Stellari. They are released from any obligation relating to the succession upon delivery to the legatee of any property of the succession in their possession once costs, fees and expenses have been paid.

8. This Act comes into force on 12 April 1989.

This Act shall have effect from the date of the death of Georg Stellari, to wit, 30 November 1963.





NATIONAL ASSEMBLY

SECOND SESSION

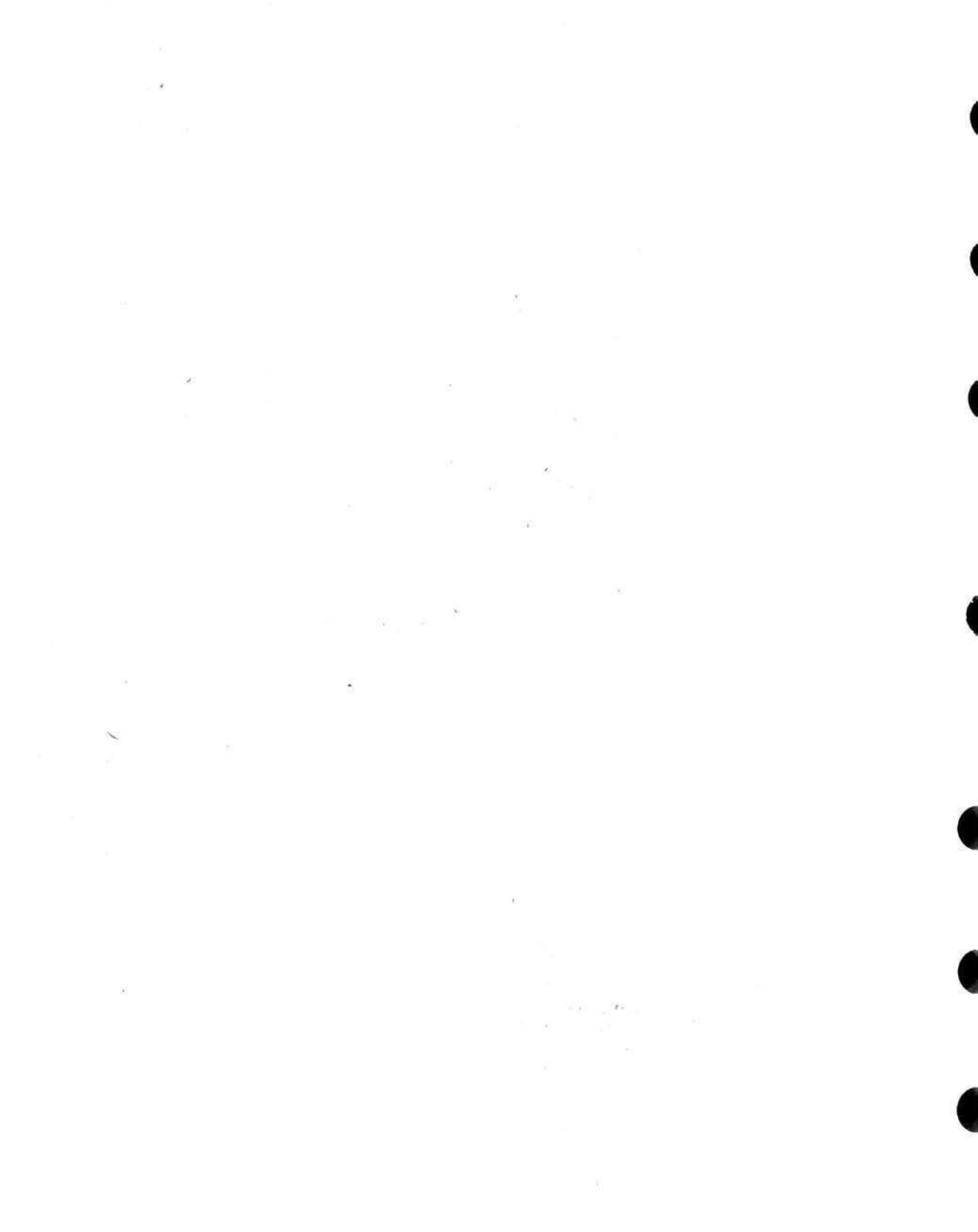
THIRTY-THIRD LEGISLATURE

Bill 246
(Private)

An Act respecting Rageot Ltée

Introduced 8 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989

Québec Official Publisher
1989



Bill 246

(Private)

An Act respecting Rageot Ltée

WHEREAS Rageot Ltée, a corporation incorporated by letters patent on 22 April 1966 under Part I of the Companies Act (R.S.Q., 1964, chapter 271), was dissolved on 29 March 1975 under the Companies Information Act (R.S.Q., 1964, chapter 273);

Whereas the corporation is not entitled to resumption under the Companies Information Act (R.S.Q., chapter R-22);

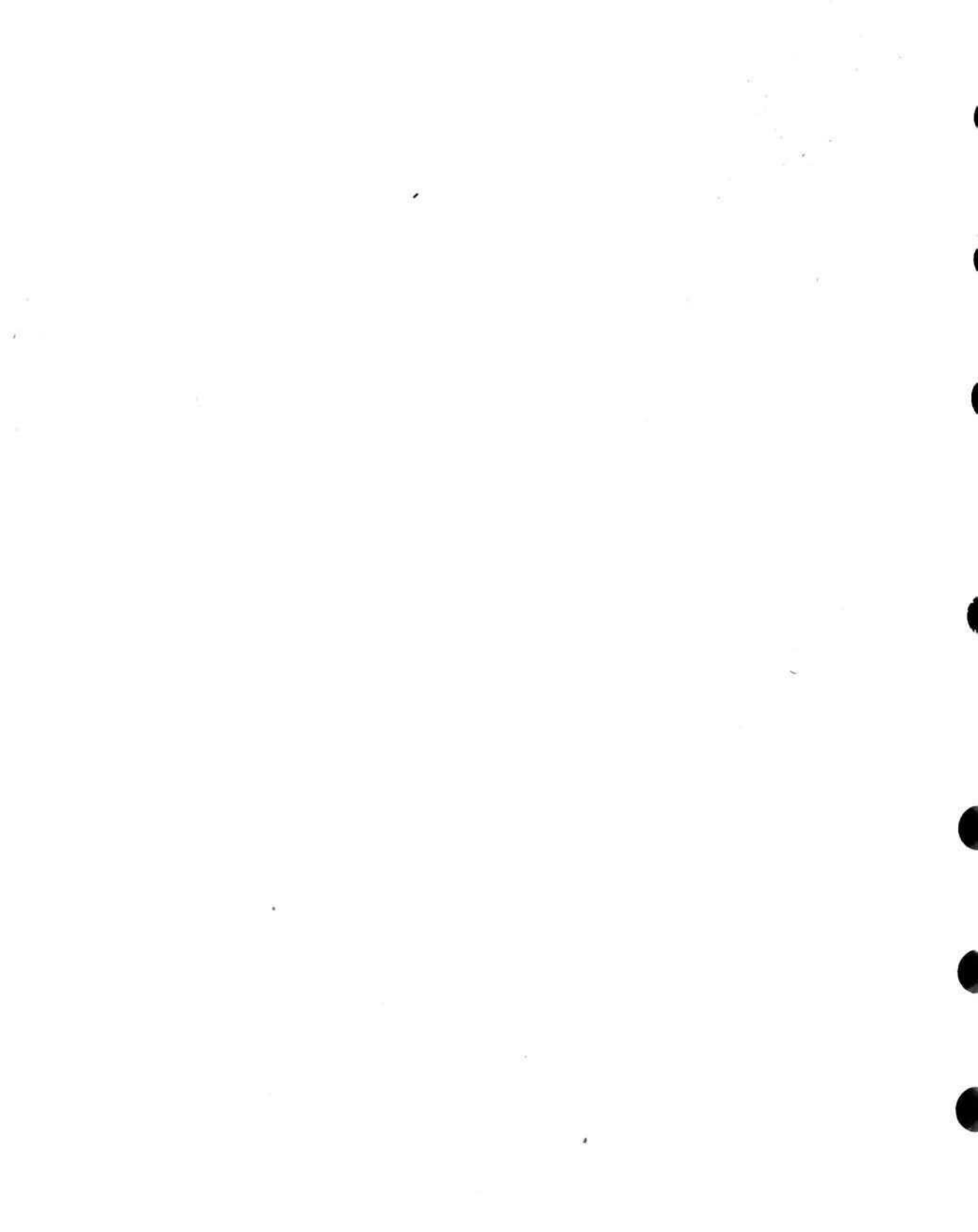
Whereas it is expedient to authorize the presentation of a request for the resumption of Rageot Ltée under section 11 of the Companies Information Act;

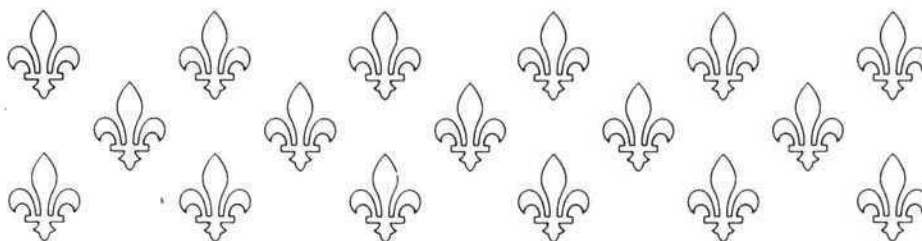
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Any interested person may, pursuant to section 11 of the Companies Information Act (R.S.Q., chapter R-22), make a request in writing to the Minister responsible for the administration of the Companies Information Act for the resumption of Rageot Ltée.

2. The Minister responsible for the administration of the Companies Information Act may, in accordance with the Companies Information Act, grant a request received pursuant to section 1.

3. This Act comes into force on 12 April 1989.





NATIONAL ASSEMBLY

SECOND SESSION

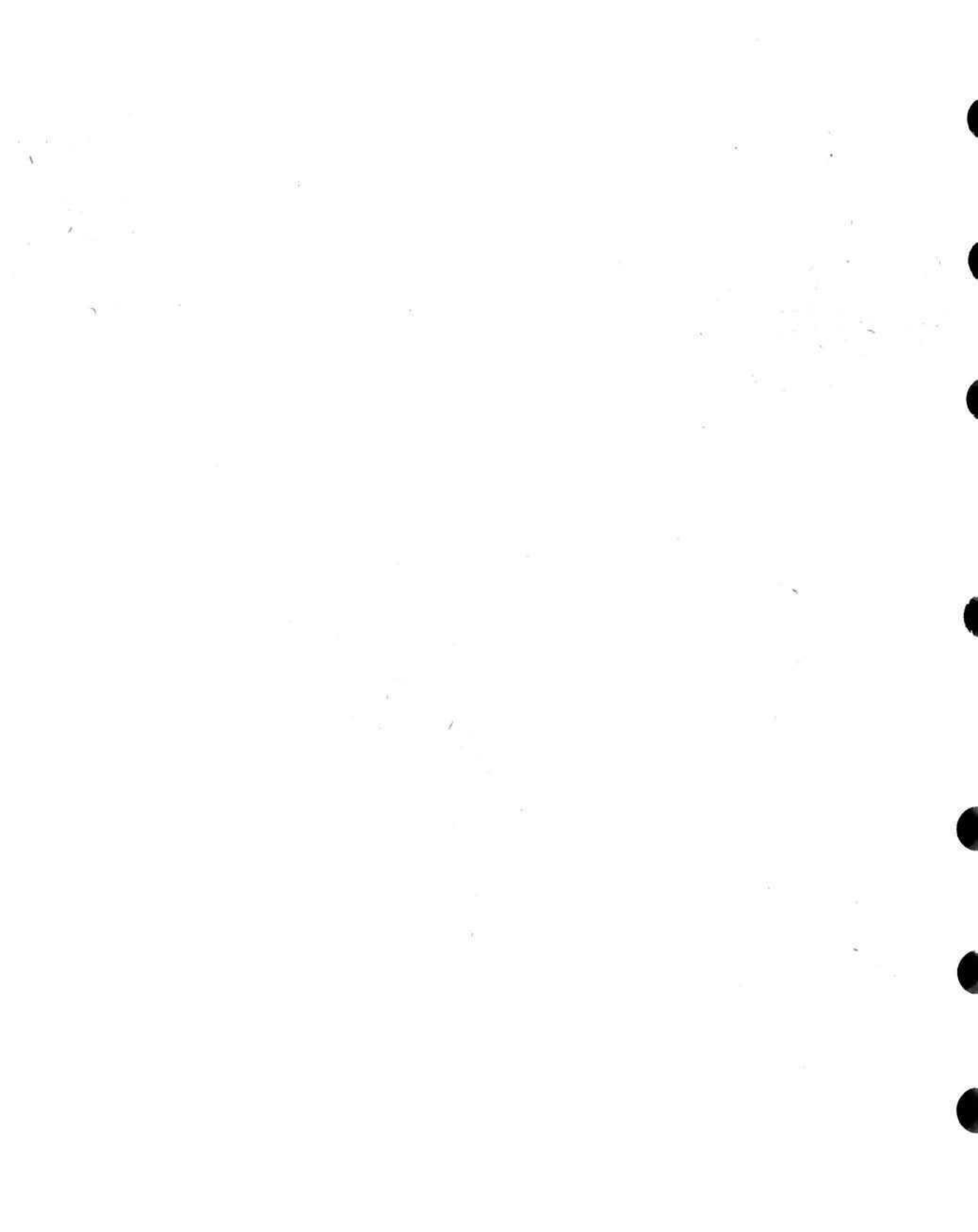
THIRTY-THIRD LEGISLATURE

Bill 247
(Private)

An Act respecting the city of Côte Saint-Luc

**Introduced 30 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**



Bill 247

(Private)

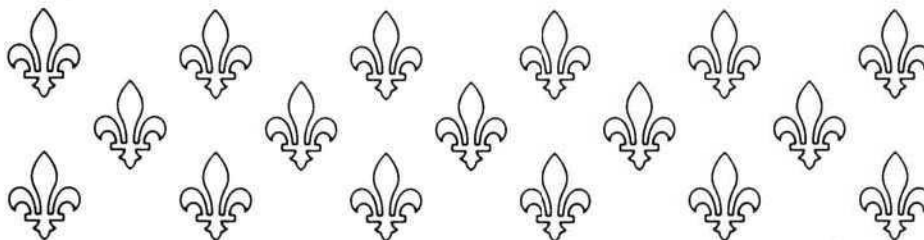
**An Act respecting the city of
Côte Saint-Luc**

WHEREAS it is in the interest of the city of Côte Saint-Luc to regularize a situation resulting from the existence of certain servitudes in its territory;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Every right of way which may have resulted from the qualification of certain immovables as lanes by the subdivision plan of a part of lots 109 and 111 of the cadastre of the municipality of the parish of Montréal, deposited at the Department of Colonization, Mines and Fisheries on 27 May 1912, and by the subdivision plan of a part of lot 113 of the said cadastre, deposited at the same department on 23 October 1912, and by the books of reference deposited with such plans, is hereby cancelled.

2. This Act comes into force on 12 April 1989.



NATIONAL ASSEMBLY

SECOND SESSION

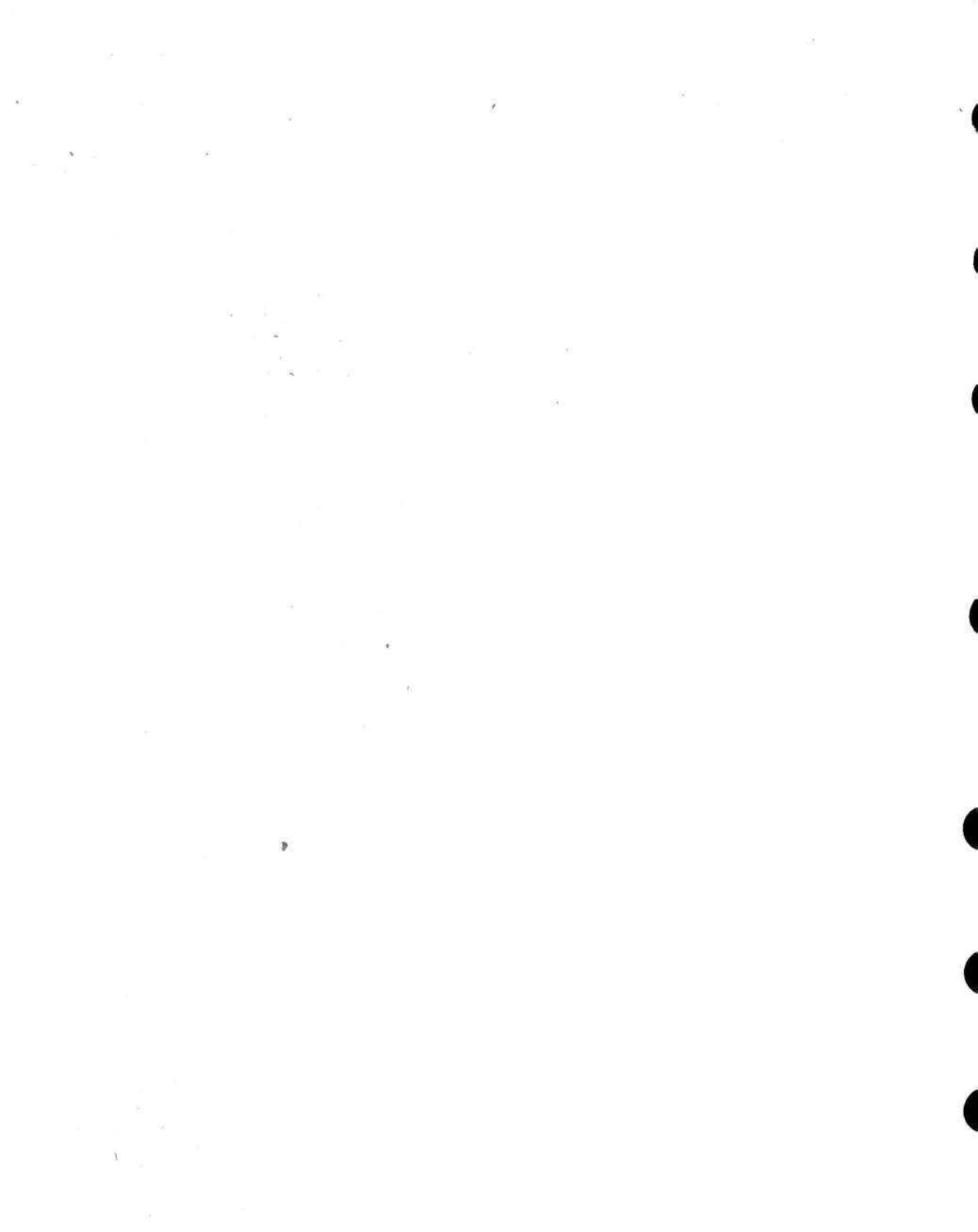
THIRTY-THIRD LEGISLATURE

Bill 249
(Private)

**An Act respecting an immovable of
the cadastre of the city of Montréal
(Saint-Antoine ward)**

**Introduced 31 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**



Bill 249

(Private)

**An Act respecting an immovable of the cadastre of the city of
Montréal (Saint-Antoine ward)**

WHEREAS Charles Séraphin Rodier died at Montréal on 26 January 1890, leaving a will executed on 23 January 1890 before Eustache Prud'homme, notary, a copy of which was registered at the registry office of the registration division of Montréal-Est under number 118520;

Whereas Charles Séraphin Rodier created a fiduciary substitution, giving the management and seizing of his property, until the opening of the substitution, to his testamentary executors as trustees;

Whereas Charles Séraphin Rodier granted to his testamentary executors the power to sell, by agreement or otherwise, all the immovables of the estate, save, among others, those situated within the boundaries of the city of Montréal;

Whereas the estate of Charles Séraphin Rodier included an immovable known as part of original lot number six hundred and ten F (610F) of the cadastre of the city of Montréal (Saint-Antoine ward), as described in the schedule, thence forming part of the property subject to the restriction respecting the testamentary executors' power to sell;

Whereas, under the terms of a judgment of the Superior Court of the district of Montréal dated 1 June 1945, in the case bearing number 971 in the records of the court, judge Edouard Fabre Surveyer authorized the sale of the immovable by the then testamentary executors to Canadian Pacific Railway Company, the whole in accordance with the provisions of section 206 of the Railway Act (S.C., 1919, chapter 68);

Whereas, by deed of sale executed on 23 July 1945 before Hector Décary, notary and registered at the registry office of the registration division of Montréal under number 622378, Marie Joseph Louis Léonce Léopold Rodier and Marie Joseph Félix Edmond Rodier, acting as sole testamentary executors of the late Charles Séraphin Rodier, sold the immovable to The Scottish Trust Company instead of selling it to Canadian Pacific Railway Company;

Whereas it was only in 1949 that the testamentary executors were given, under the Act respecting the will of Charles Séraphin Rodier (1949, chapter 133), the power to sell all the immovables of the estate wherever they be situated;

Whereas the testamentary executors of the estate retained their office until the final settlement of the estate, the whole in accordance with the provisions of section 2 of the Act respecting the Charles Séraphin Rodier estate (1975, chapter 122);

Whereas, on 9 August 1977, the final settlement of the estate was achieved under the terms of a deed of final partition executed before Hubert Leroux, notary, under number 2054 of his minutes and whereas the testamentary executors consequently are no longer in office;

Whereas doubts remain as to the validity of the sale;

Whereas there would be practical difficulties in obtaining confirmation of the sale from the substitutes or their assigns;

Whereas La Société Immobilière Marathon Limitée is the registered owner of the immovable, having acquired it under the terms of a deed of sale by Canadian Pacific Limited executed before André Groulx, notary, on 13 October 1988, and registered at the registry office of the registration division of Montréal under number 4081844, and whereas it is therefore in the interest of the registered owner that its title of ownership be confirmed and that the sale registered at the registry office under number 622378 be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The sale by the testamentary executors of Charles Séraphin Rodier to The Scottish Trust Company, executed before Hector Décary, notary, on 23 July 1945, registered at the registry office of the registration division of Montréal under number 622378 and

affecting the immovable described in the schedule is hereby confirmed to the extent that it could be contested on the grounds that the testamentary executors sold the immovable to The Scottish Trust Company instead of to the Canadian Pacific Railway Company as they were authorized to do by virtue of a judgment rendered on 1 June 1945 by judge Edouard Fabre Surveyer (no. 971 in the records of the Superior Court of the district of Montréal for the year 1945).

2. Real rights cancelled by this Act are replaced by personal rights exercisable against La Société Immobilière Marathon Limitée. The personal rights have a value equal to the value of the real rights they replace as it stood immediately before 12 April 1989, and they are prescribed on the date on which, but for this Act, the real rights would have been prescribed.

3. Registration of a certified copy of this Act shall be made by deposit.

At the time of registration, the registrar shall write in the margin of the deed registered under number 622378 the words "Confirmed by the Act registered under number... as regards any defect corrected by the said Act".

4. This Act comes into force on 12 April 1989.

SCHEDULE

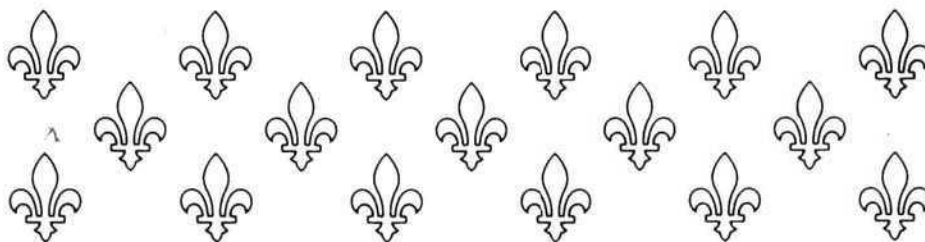
(Section 1)

DESIGNATION

Part of original lot number six hundred and ten F (610 F) of the official cadastre of the city of Montréal (Saint-Antoine ward), registration division of Montréal, as shown on the plan prepared by Pierre Alarie, land surveyor, dated 11 April 1969, bearing number F.S. 30739, reference 6904-003, bounded in front towards the southeast by de la Gauchetière street (no cadastral designation), towards the southwest by lot 610E, towards the northwest by another part of lot 610 F and by part of lot 610 F-1, and towards the northeast by another part of lot 610 F and by lot 610 F-5, measuring twenty-one feet and eight tenths (21.8') along its southeast line, sixty-six feet and twenty-eight hundredths (66.28') along its southwest line, twenty-one feet and thirty hundredths (21.30') along its northwest line and sixty-eight feet and fifty-four hundredths (68.54') along its northeast line, and containing an area of one thousand four hundred and forty-nine square feet and seventy-one hundredths (1 449.71 ft²).

The whole, English measure, more or less.

That part of lot is now known as being part of lot number two thousand four hundred and twenty-seven (2427 part) of the official cadastre of the city of Montréal (Saint-Antoine ward), registration division of Montréal, identified by the letters A-B-C-D-A on the plan prepared by Jacques Goudreault, land surveyor, dated 2 March 1989, and bearing number D 5754, minute 4238, reference 8903-004; starting from point "1" on the said plan, being the south corner of lot 2427; thence, northeasterly ($40^{\circ}05'00''$) along the southeast limit of lot 2427, one hundred and fifty-two feet and two hundredths (152.02 ft) or (46.33 m) to point "A" on the said plan, being the starting point; thence, northwesterly ($305^{\circ}15'40''$), sixty-six feet and twenty-eight hundredths (66.28 ft) or (20.20 m) to point "B" on the said plan; thence, northeasterly ($34^{\circ}08'30''$), twenty-one feet and thirty hundredths (21.30 ft) or (6.49 m) to point "C" on the said plan; thence, southeasterly ($124^{\circ}54'20''$), sixty-eight feet and fifty-four hundredths (68.54 ft) or (20.89 m) to point "D" on the said plan; thence, southwesterly ($220^{\circ}05'00''$) along the southeast limit of lot 2427, twenty-one feet and eight tenths (21.8 ft) or (6.64 m) to point "A", the starting point; bounded towards the northwest, northeast and southwest by part of lot 2427, towards the southeast by de la Gauchetière street (shown on the original plan); containing an area of one thousand four hundred and forty-nine square feet and seventy-one hundredths (1 449.71 ft), English measure (or 134.68 m²); the directions mentioned in the technical survey are bearings established with reference to the SCOPQ system (zone 8, central meridian $73^{\circ}30'$).



NATIONAL ASSEMBLY

SECOND SESSION

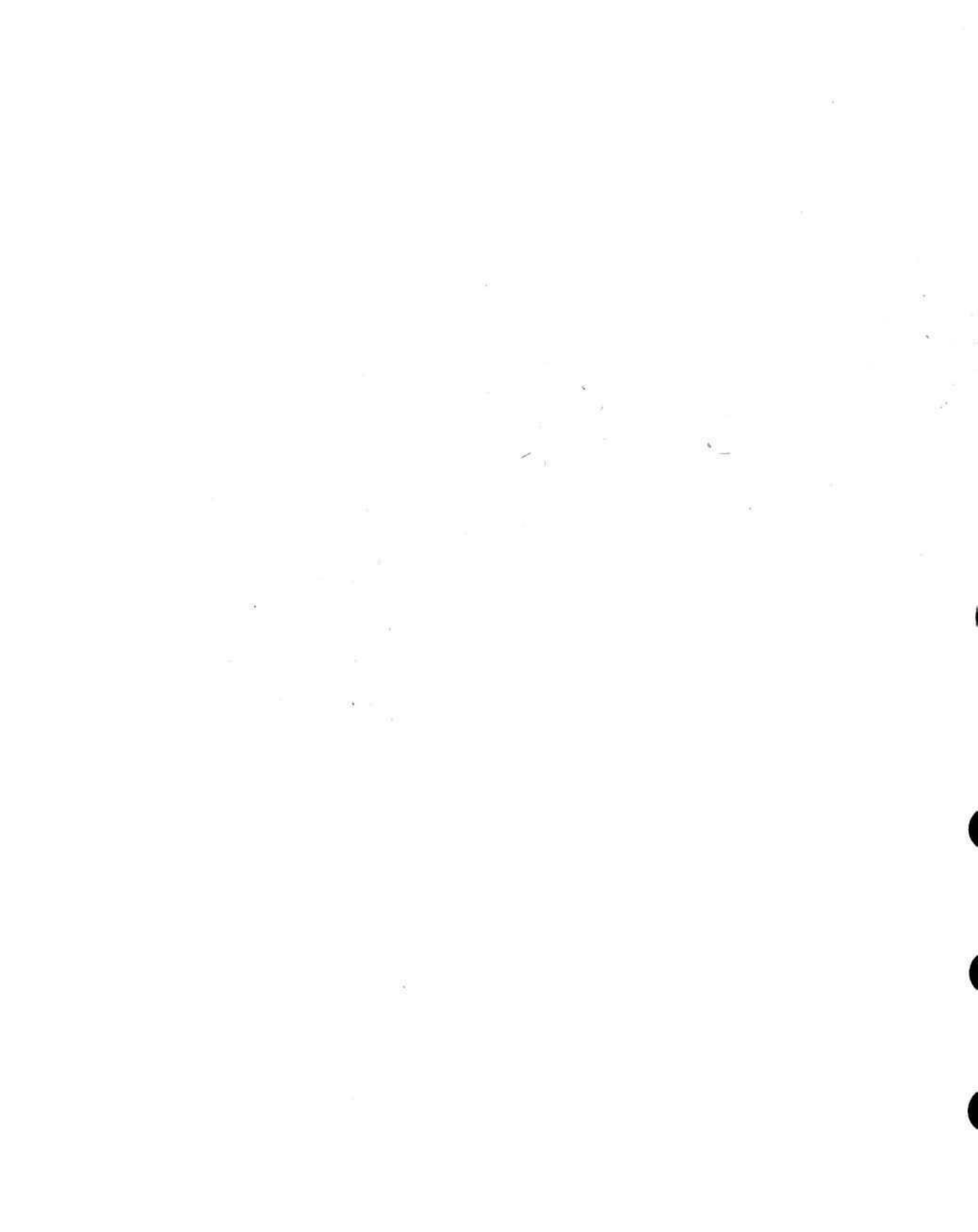
THIRTY-THIRD LEGISLATURE

Bill 250
(Private)

**An Act respecting certain
immovables of the cadastre of the
city of Montréal (Sainte-Anne ward)**

**Introduced 31 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**



Bill 250

(Private)

An Act respecting certain immovables of the cadastre of the city of Montréal (Sainte-Anne ward)

WHEREAS on 22 August 1987, by a deed of sale registered in the registry office of the registration division of Montréal under number 3921578, Société en commandite Tristan acquired from 138013 Canada Inc. and from Stella Venditi *et al* an immovable comprising lots 1915 and 1916 of the cadastre of the city of Montréal (Sainte-Anne ward), the parts of lots 1057 and 1058 of the same cadastre described in the said deed, and an immovable with no cadastral designation bounded by some of the above-mentioned lots or parts of lots;

Whereas upon the coming into force of the cadastre of the city of Montréal (Sainte-Anne ward) on 3 January 1870, the said immovables and a contiguous immovable were designated as lots 1056, 1057, 1058 and 1059, a tailrace with no cadastral designation separating lots 1057 and 1058 from lots 1056 and 1059, and a lane, with no cadastral designation, perpendicular to the tailrace and situated on both sides of it, separating lot 1057 from lot 1058 on the one hand, and lot 1056 from lot 1059, on the other hand;

Whereas the immovable known as lot 1057 upon the coming into force of the cadastre was the subject of a lease registered on 13 December 1853 in the registry office of the registration division of Montréal-Ouest under number 12 624, whereas the lease was, after the expiry of its 21-year term, to be renewed for every subsequent period of 21 years thereafter in consideration for a rent negotiated between the parties and, whereas under the lease, the lessee was required to see to the maintenance of the tailrace and of its banks;

Whereas lots 1056 and 1059, part of lot 1058 and certain immovables not contemplated by this Act were the subject of deeds

of sale registered on 31 December 1921 and 20 January 1922 in the registry office of the registration division of Montréal-Ouest under numbers 168 874 and 168 964 and, whereas the purchaser is required, under the deeds, to see to the maintenance of the tailrace and of its banks;

Whereas it appears that the tailrace was never used for navigation and was built mainly for the purpose of conveying to the factories situated in the vicinity the water which was used to operate various machines;

Whereas the tailrace and the part of the lane situated southeast of the tailrace were the subject of a judgment recognizing the right of ownership acquired by virtue of prescription by thirty years, rendered on 15 December 1961 (number 7727 *ex parte* in the records of the Superior Court of the district of Montréal) and registered on 20 December in the same year in the registry office of the registration division of Montréal under number 1 574 714;

Whereas the part of the lane situated northwest of the tailrace was the subject of a judgment recognizing the right of ownership acquired by virtue of prescription by thirty years, rendered on 21 December 1962 (number 8450 *ex parte* in the records of the Superior Court of the district of Montréal) and registered on 24 May 1963 under number 1 673 376;

Whereas after the aforementioned judgments were rendered, a cadastral designation was assigned to immovables which, until then, had been shown on the subdivision plan as the tailrace and the lane, and whereas those immovables became part of lot 1915 in the case of the tailrace, part of lot 1915 and of lot 1913 in the case of the southeast part of the lane and part of lot 1915, and lot 1916 in the case of the northwest part of the lane, and whereas the new lots are not in the nature of a tailrace or lane;

Whereas, however, lot 1915 includes two parts of the lane, described in Schedules A and B, situated on both sides of the tailrace, which were not contemplated in the two judgments recognizing the right of ownership acquired by virtue of prescription, but which were possessed for over 30 years by the persons who owned or occupied the contiguous immovables, as the owners thereof;

Whereas, however, the judgment registered under number 1 673 376 does not apply to a part, described in Schedule C, of the northwest part of the lane which is not included in lot 1916, which is bound by some of the lots and parts of lots acquired by Société en

commandite Tristan and which, at the time the judgment was rendered, had been possessed for several years by any one of the persons who owned the tailrace, the remainder of the northwest part of the lane or the contiguous part of lot 1057;

Whereas on 19 May 1967, part of lot 1057 was the subject of an order (number 8626 in the records of the Public Service Board) based on the Constitut or Tenure System Act (R.S.Q., 1964, chapter 322), issued by the Public Service Board which, at that time, had jurisdiction over the matter and whereas the order was registered to be equivalent to a valid title to the immovable on 21 June 1967 under number 1 995 207;

Whereas the immovable acquired by Société en commandite Tristan includes part of lot 1057 described in Schedule D, to which the order registered under number 1 995 207 does not apply but which has been possessed for over 30 years by the successive owners of the part of lot 1057 which is contemplated by the order;

Whereas, in the petition for judicial recognition of the right of ownership acquired by virtue of prescription by thirty years in respect of the tailrace and the southeast part of the lane, the petitioner did not apply for the cancellation of the obligation to maintain the tailrace and its banks as stipulated in the deeds registered under numbers 168 874 and 168 964, and whereas the Superior Court did not express its opinion on the matter;

Whereas, in the case of the part of lot 1057 which was the subject of an order of the Public Service Board issued under the Constitut or Tenure System Act, it is doubtful that the Public Service Board was empowered under the said Act to cancel the obligation to maintain the tailrace and its banks as stipulated in the deed registered under number 12 624, whereas the petitioner did not apply for such cancellation, and whereas the Public Service Board did not express its opinion on the matter;

Whereas in the two judgments recognizing the right of ownership acquired by virtue of prescription, no one was impleaded as the owner of the immovables concerned or as the holder of other real rights in respect thereof, whereas the two judgments included an exemption from serving the petition, and no measure appears to have been taken to inform the persons who might have had arguments against the petition, of such petition or judgment, and whereas, consequently, those persons did not have an opportunity to present arguments;

Whereas the only measures taken by the petitioners to inform the lessors or their assigns, of the petition filed with the Public Service

under number 3 921 578, including the immovables described in Schedules A, B, C and D and lot 1913 of the cadastre of the city of Montréal (Sainte-Anne ward).

7. Registration of a certified copy of this Act shall be effected by deposit.

At the time of registration, the registrar shall write in the margin of the deeds registered under numbers 1 574 714, 1 673 376 and 1 995 207 the words "Confirmed by the Act registered under number... as regards any defect rectified by that Act".

8. This Act comes into force on 12 April 1989.

SCHEDULE A

(Sections 3, 4 and 6)

Part of lot 1915 of the cadastre of the city of Montréal (Sainte-Anne ward), irregular in shape, bounded on the northwest, for a distance of 2.3 feet, measured from the point of intersection of the dividing lines of lots 1058, 1915 and 1916 of the same cadastre by part of lot 1916, on the northeast, for a distance of 9 feet, by the immovable described in Schedule C, on the northwest, again, for a distance of 2.3 feet, by part of the immovable described in Schedule C, on the northeast, again for a distance of 11.5 feet, on the southeast for a distance of 4.8 feet, and on the southwest, for a distance of 20.5 feet, by another part of lot 1915. Approximate English measure.

SCHEDULE B

(Sections 3, 4 and 6)

Part of lot 1915 of the cadastre of the city of Montréal (Sainte-Anne ward), approximately square in shape, bounded on the southwest, on the northwest and on the northeast by another part of lot 1915, and on the southeast by part of lot 1913, the line forming the southwest boundary being situated in the extension of the line forming the northeast boundary of that part of the immovable described in Schedule A which is bounded by the immovable described in Schedule C, measuring 6.1 feet along each line. Approximate English measure.

SCHEDULE C

(Sections 3, 4 and 6)

An immovable with no cadastral designation, forming part of the cadastre of the city of Montréal (Sainte-Anne ward), approximately rectangular in shape, bounded on the northwest by part of lot 1916 of the same cadastre; on the northeast, by part of lot 1057 of the same cadastre, described in Schedule D, on the southeast, by part of lot 1915 of the same cadastre and by another part of that lot described in Schedule A, and on the southwest, by part of that lot, described in Schedule A, measuring 17.7 feet along its northwest and southeast lines, 8.6 feet along its northeast line and 9 feet along its southwest line. Approximate English measure.

SCHEDULE D

(Sections 3, 4 and 6)

Part of lot 1057 of the cadastre of the city of Montréal (Sainte-Anne ward), approximately rectangular in shape, bounded on the northwest and the northeast by another part of lot 1057, on the southeast by lot 1915 of the same cadastre and on the southwest by the immovable described in Schedule C, measuring 4.8 feet along its northwest and southeast lines and 8.6 feet along its northeast and southwest lines. Approximate English measure.

Board and of the order issued by the Board appears to have been the publication of notices in newspapers;

Whereas upon the coming into force of this Act, Société en commandite Tristan intends to acquire lot 1913 of the cadastre of the city of Montréal (Sainte-Anne ward), and the current owner of the immovable, the city of Montréal, has been specially notified of the introduction of this Act and has not raised any objections to the passage thereof;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of Société en commandite Tristan to that part of lot 1915 of the cadastre of the city of Montréal (Sainte-Anne ward) which corresponds to the former tailrace and to part of the part of a former lane situated southeast of the tailrace which are contemplated by the judgment recognizing the right of ownership acquired by virtue of prescription by thirty years, rendered on 15 December 1961 (number 7727 *ex parte* in the records of the Superior Court of the district of Montréal) and registered on 20 December in the same year in the registry office of the registration division of Montréal under number 1 574 714, is confirmed to the extent that it could have been contested on the grounds that no owner of the immovables concerned or holder of other real rights in respect of them was impleaded in the petition for judicial recognition of the right of ownership acquired by virtue of prescription, that an exemption from serving the petition was granted, that no measure appears to have been taken to inform the persons who might have had arguments against the petition, of such petition or judgment, and that, consequently, those persons did not have an opportunity to present arguments, or on the grounds that the judgment might be construed as having allowed the petitioner to prescribe against its own title without proving interversion of title.

The same applies to the title of the city of Montréal to that part of lot 1913 of the cadastre of the city of Montréal (Sainte-Anne ward) which corresponds to another part of that part of the former lane which is situated southeast of the tailrace, that other part of the southeast part of the former lane also being contemplated by the judgment registered under number 1 574 714.

The same also applies to the title of Société en commandite Tristan to that part of part of the former lane situated northwest of the tailrace, which is contemplated by a judgment recognizing the right of ownership acquired by virtue of prescription by thirty years,

rendered on 21 December 1962 (number 8450 *ex parte* in the records of the Superior Court of the district of Montréal) and registered on 24 May 1963 in the registry office of the registration division of the district of Montréal under number 1 673 376 and now known as lot 1916 of the cadastre of the city of Montréal (Sainte-Anne ward).

2. The title of Société en commandite Tristan to the part of lot 1057 of the cadastre of the city of Montréal (Sainte-Anne ward) which is contemplated by an order of the Public Service Board, based on the Constitut or Tenure System Act (R.S.Q., 1964, chapter 322), issued on 19 May 1967 (number 8626 in the records of the Public Service Board) and registered in the registry office of the registration division of Montréal under number 1 995 207, is confirmed to the extent that it could have been contested on the grounds that the only measure taken by the petitioner to inform the lessors of the petition and the order appears to have been the publication of a notice in newspapers and that, consequently, the persons who might have had arguments against the petition or the order did not have an opportunity to present them.

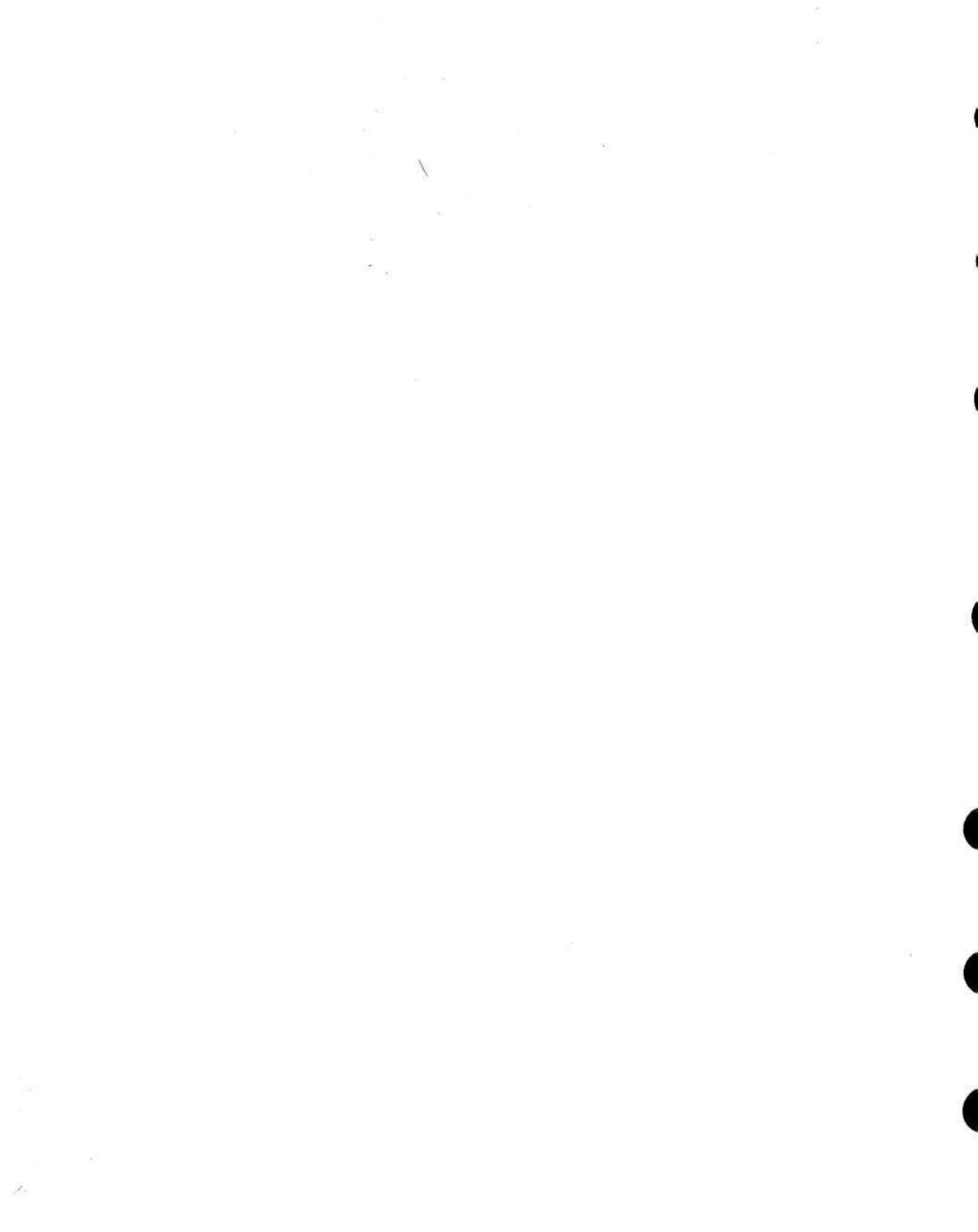
3. Any obligation to see to the maintenance of a tailrace or of the banks of a tailrace on all or part of the immovables designated in the deed registered in the registry office of the registration division of Montréal under number 3 921 578, including the immovables designated in Schedules A to D, which might derive from the lease registered in the registry office of the registration division of Montréal-Ouest under number 12 624 or from the deeds of sale registered in the registry office of the same registration division under numbers 168 874 and 168 964, is cancelled.

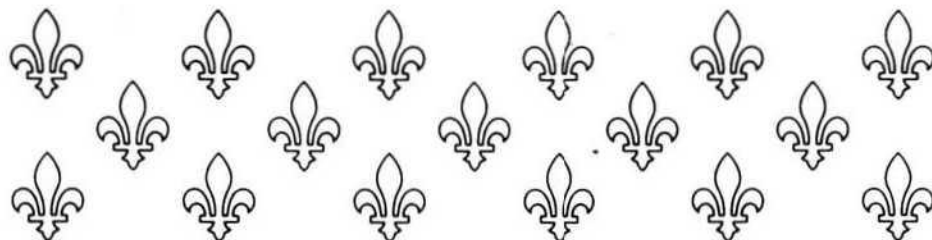
Any such obligation is also cancelled in relation to lot 1913 of the cadastre of the city of Montréal (Sainte-Anne ward).

4. Société en commandite Tristan is hereby declared the owner of the immovables described in Schedules A to D.

5. The real rights cancelled by this Act shall be replaced by personal rights exercisable against Société en commandite Tristan. The value of such personal rights is equal to the value that the real rights they are replacing had immediately before 12 April 1989 and they are prescribed on the date on which the real rights would have been prescribed were it not for this Act, where such is the case.

6. This Act affects the immovable designated in the deed of sale registered in the registry office of the registration division of Montréal





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 251
(Private)

An Act respecting the St. Bernard Fish and Game Club

**Introduced 30 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**

Bill 251

(Private)

An Act respecting the St. Bernard Fish and Game Club

WHEREAS the St. Bernard Fish and Game Club, a corporation incorporated by way of a certificate of incorporation issued on 11 November 1899 pursuant to section 5493 of the Revised Statutes of Québec of 1888, was dissolved on 24 November 1973 under the Companies Information Act (R.S.Q., 1964, chapter 273);

Whereas the corporation is not entitled to resumption under the Companies Information Act (R.S.Q., chapter R-22);

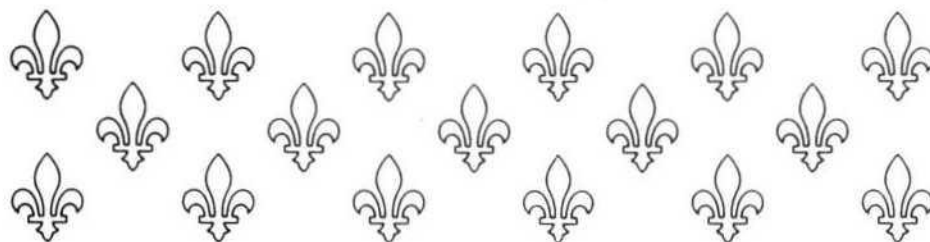
Whereas it is expedient to authorize the presentation of a request for the resumption of the St. Bernard Fish and Game Club under section 11 of the Companies Information Act;

THE PARLIAMENT OF QUEBEC ENACTS AS FOLLOWS:

1. Any interested person may, pursuant to section 11 of the Companies Information Act (R.S.Q., chapter R-22), make a request to the Minister responsible for the Companies Information Act for the resumption of the St. Bernard Fish and Game Club.

2. The Minister responsible for the Companies Information Act may grant, in accordance with the Companies Information Act, a request made to him pursuant to section 1.

3. This Act comes into force on 12 April 1989.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 259
(Private)

An Act respecting the Collège de Saint-Césaire

**Introduced 31 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989**

**Québec Official Publisher
1989**

Bill 259

(Private)

An Act respecting the Collège de Saint-Césaire

WHEREAS by a deed of gift dated 11 September 1873 and registered at the registry office of the registration division of Rouville, at Marieville, under number 9176, the Rev. André Provençal, pastor of the parish of Saint-Césaire, gave a parcel of land with the buildings erected thereon to the civil society of the provincial house of the Collège Notre-Dame du Sacré-Coeur, Côte-des-Neiges;

Whereas a corporation called the "Académie de Saint-Césaire" and the school commissioners for the municipality of Saint-Césaire in the county of Rouville claimed to have rights in such immovables and assigned them to the same donee;

Whereas under the terms of his holograph will dated 25 March 1889, probated on 24 June 1889 and registered at the registry office of the registration division of Rouville under number 20 024, the Rev. André Provençal bequeathed an immovable to the "corporation of my college of Saint-Césaire" [translation];

Whereas by a cadastral notice registered on 14 January 1929 at the registry office of the registration division of Rouville under number 50 930, the immovable given in 1873 was designated as lot 41 of the cadastre of the village of Saint-Césaire and whereas by a declaration of transmission registered on the same date and at the same registry office under number 50 929, the immovable bequeathed in 1889 was designated as the unsubdivided portion of lot 39 of the said cadastre, which unsubdivided portion is now known as lots 17 to 90 of the subdivision of lot 39 of the said cadastre and the lots resulting from the subdivision of certain of the said subdivided lots;

Whereas the immovable given in 1873 and that bequeathed in 1889 were contiguous but there is no certainty as to the exact location of the dividing line;

Whereas it is possible, taking into account the fact that the cadastre of the village of Saint-Césaire was put into force in 1879, that the immovable given in 1873 or the bequeathed immovable comprised lots 1 to 16 of the subdivision of lot 39 of the said cadastre;

Whereas, in the deed of gift, the Rev. André Provençal included the clauses reproduced in Schedule A and the Académie de Saint-Césaire included the clauses reproduced in Schedule B;

Whereas the school commissioners for the municipality of Saint-Césaire in the county of Rouville also included certain clauses in the deed of gift, but the obtaining of a release from the Commission scolaire Provençal, which succeeded to the school commissioners, should not present any difficulty;

Whereas the will contains the clause reproduced in Schedule C;

Whereas by a deed registered on 30 October 1929 at the registry office of the registration division of Rouville, at Marieville, under number 51 469, the civil society of the provincial house of the Collège Notre-Dame du Sacré-Coeur, Côte-des-Neiges, assigned to the Corporation of the Commercial College of St. Césaire, now known as "Collège de Saint-Césaire", an immovable described in the same terms as in the deed of gift of 1873, specifying that the property was known and designated as lot 41 of the cadastre of the village of Saint-Césaire;

Whereas the deed of assignment contains the clauses reproduced in Schedule D;

Whereas the Corporation of the Collège de Saint-Césaire is the present owner of lots 17 and 18 of the subdivision of lot 39 and of lot 41, of contiguous immovables and of buildings erected on such immovables and whereas it wishes to dispose of them eventually;

Whereas neither the Roman Catholic Bishop of Saint-Hyacinthe nor the Fabrique of the parish of Saint-Césaire intend to exercise the right of preemption conferred on them by one of the clauses reproduced in Schedule A and repeated in the deed of assignment registered under number 51 469 and whereas both wish to be spared the obligation imposed by that clause in the event of a refusal to exercise the right of preemption, whereby they would be required to "provide the village and the parish of Saint-Césaire with an educational establishment worth three thousand dollars where young people may be provided the above-mentioned benefits" [translation];

Whereas the clauses reproduced in Schedules A, B, C and D are an obstacle to the alienation of lot 41 and of lots 17 and 18 of the subdivision of lot 39 and may make the title of the assigns of the Corporation of the Collège de Saint-Césaire contestable in respect of lots 19 to 90 of the subdivision of lot 39 and the lots resulting from the subdivision of certain of the said subdivided lots;

Whereas the Roman Catholic Bishop of Saint-Hyacinthe and the Fabrique of the parish of Saint-Césaire agree to the passage of this Act;

Whereas the Académie de Saint-Césaire does not seem to have carried on regular activities after the conclusion of the deed of gift of 1873, and was probably dissolved since then and whereas it is difficult to trace its assigns;

Whereas the Commission scolaire Provençal was specially informed of the introduction of this Act and did not oppose its passage;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The clauses reproduced in Schedules A and B that are contained in the deed of gift registered at the registry office of the registration division of Rouville, at Mariville, under number 9176 are hereby cancelled.

2. The clause reproduced in Schedule C that is contained in the will registered at the registry office of the registration division of Rouville, at Mariville, under number 20 024 is hereby cancelled.

3. The clauses reproduced in Schedule D that are contained in the deed of assignment registered at the registry office of the registration division of Rouville, at Mariville, under number 51 469 are hereby cancelled.

4. This Act affects lots 17 to 90 of the subdivision of lot 39 of the cadastre of the village of Saint-Césaire, the lots resulting from the subdivision of certain of the said subdivided lots, and lot 41 of the said cadastre.

It also affects lots 1 to 16 of the subdivision of lot 39 of the said cadastre to the extent that they could be affected by the clauses cancelled by sections 1 and 2.

5. Registration of a true copy of this Act shall be made by deposit.

The registrar shall, at the time of the deposit, cancel the registration of the clauses reproduced in Schedules A, B, C and D.

6. This Act comes into force on 12 April 1989.

SCHEDULE A

(Sections 1 and 4)

(1) The said Religieux, who have been providing education to young people for the past four years, shall be bound to continue their teaching according to their rules and customs, maintain the said establishment in good repair, enlarge it if necessary in their judgment, and pay the constituted rent representing the seigniorial dues in respect of the said parcel of land. [Translation]

(2) The said Religieux shall each year, if the opportunity arises, provide free education to two orphans or poor children, in the opinion of the pastor of St-Césaire or of the Superior of the establishment. The children shall be admitted as boarders but shall pay for their board and for their textbooks. Such charge is imposed so as to bring divine blessings and prosperity upon the establishment. [Translation]

(5) The said gift is made to allow the said Religieux de Ste-Croix to occupy the said establishment for educational purposes, to make them the actual owners of the establishment and to prevent them from being bothered or troubled by any person in any manner whatever. Should the said Religieux de Ste-Croix wish to sell the parcel of land and dependencies hereby given, they shall be required to give a right of preemption to the Roman Catholic Episcopal Corporation of the diocese of St-Hyacinthe or, in the event of its refusal, to the Oeuvre and Fabrique of the parish of St-Césaire for an amount and on the conditions agreed by them, and the Episcopal Corporation, or the Oeuvre and Fabrique of the parish of St-Césaire, on purchasing the establishment, shall be required to see that young people continue to be provided a commercial education; should neither the Episcopal Corporation nor the Oeuvre and Fabrique of St-Césaire wish to avail themselves of their right of preemption and should the said Religieux de Ste-Croix dispose of the property hereby given in favour of persons other than the Episcopal Corporation or the Oeuvre and Fabrique of St-Césaire, the Religieux de Ste-Croix shall pay a sum of three thousand dollars to be used by the Episcopal Corporation or, in the event of its refusal, by the Oeuvre and Fabrique of St-Césaire to provide the village and the parish of St-Césaire with an educational establishment worth three thousand dollars where young people may be provided the above-mentioned benefits. [Translation]

SCHEDULE B

(Sections 1 and 4)

The said corporation giving such property to them for educational purposes, with consideration given to the rights and obligations subject to which the said Rev. J.A. Provençal gave such property to the said donees. [Translation]

SCHEDULE C

(Sections 2 and 4)

It is understood that I am leaving such legacies to the said Corporation with a view to helping it favour poor children who are talented and provide them with an education, and on condition that the community of the Religieux de Ste-Croix continue to provide a good commercial education at the Collège de St-Césaire, including business courses. [Translation]

SCHEDULE D

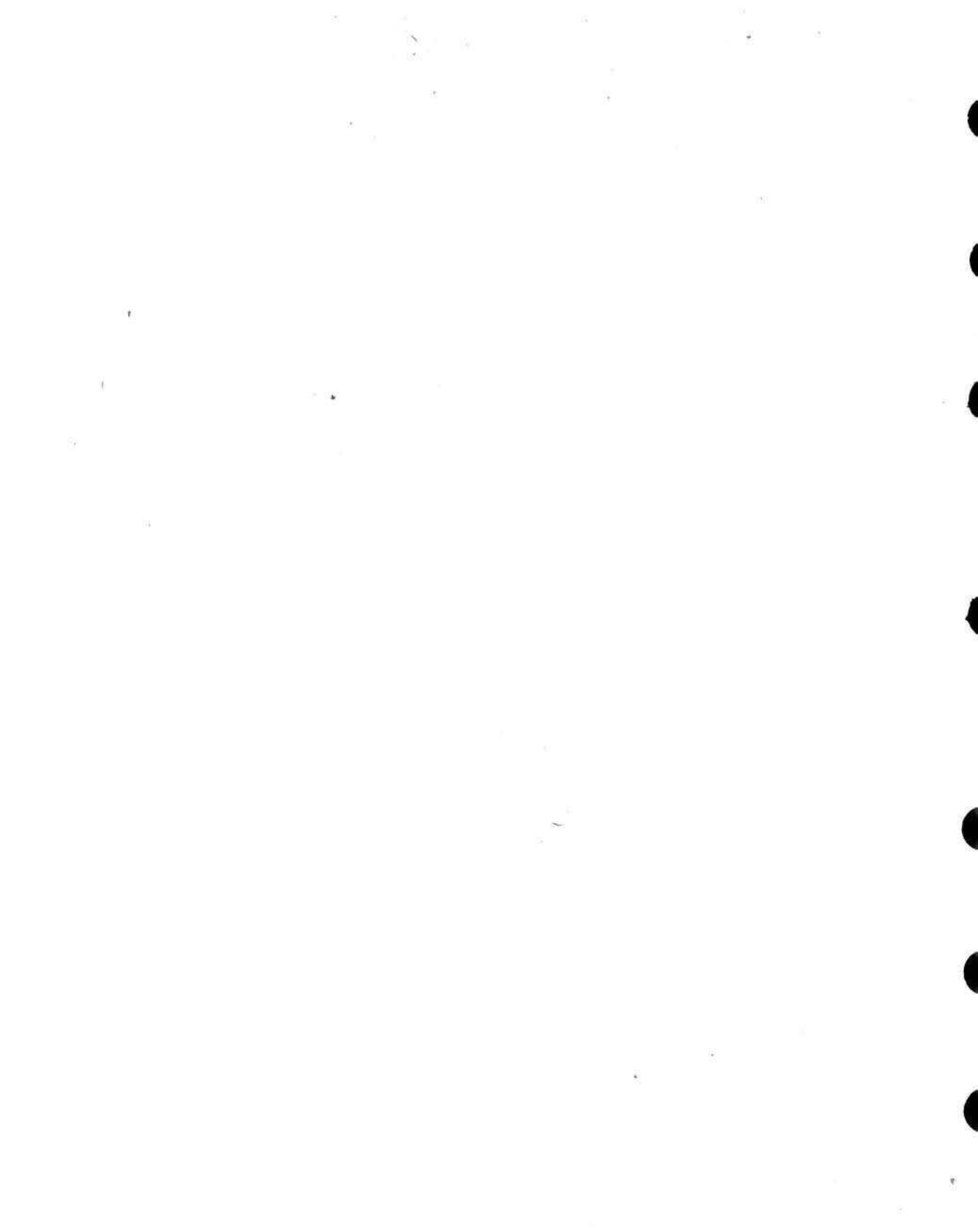
(Sections 3 and 4)

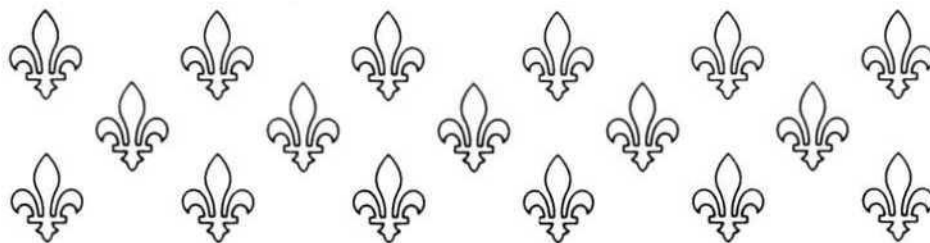
CHARGES AND CONDITIONS

On the condition that the party of the second part, who hereby undertakes to do so, perform and fulfill, on behalf of the party of the first part, all obligations, charges and conditions incumbent upon the party of the first part by virtue of the deed of assignment by Mr. J. André Provençal to the latter party dated September 11th, 1873 and registered at Rouville B. No: 9176, except, however, for the clause in favour of the Commission Scolaire de la paroisse de St-Césaire which has waived, by way of a special resolution to that effect in favour of the said parties, all rights and claims it may have possessed by virtue of the above-mentioned instrument.

PREEMPTION CLAUSE

It is agreed between the parties that the party of the second part shall be bound to fulfill the preemption clause at its expense and on behalf of the party of the second [*sic*] part, in the event of the sale of the immovable designated above, either in favour of the Corporation épiscopale de l'Évêché de St-Hyacinthe or the Oeuvre and Fabrique of the parish of St-Césaire, or, should they refuse to avail themselves thereof, it shall be bound to fulfill the obligation to pay the sum of three thousand dollars to whoever may be entitled thereto by virtue of the above-mentioned instrument.





NATIONAL ASSEMBLY

SECOND SESSION

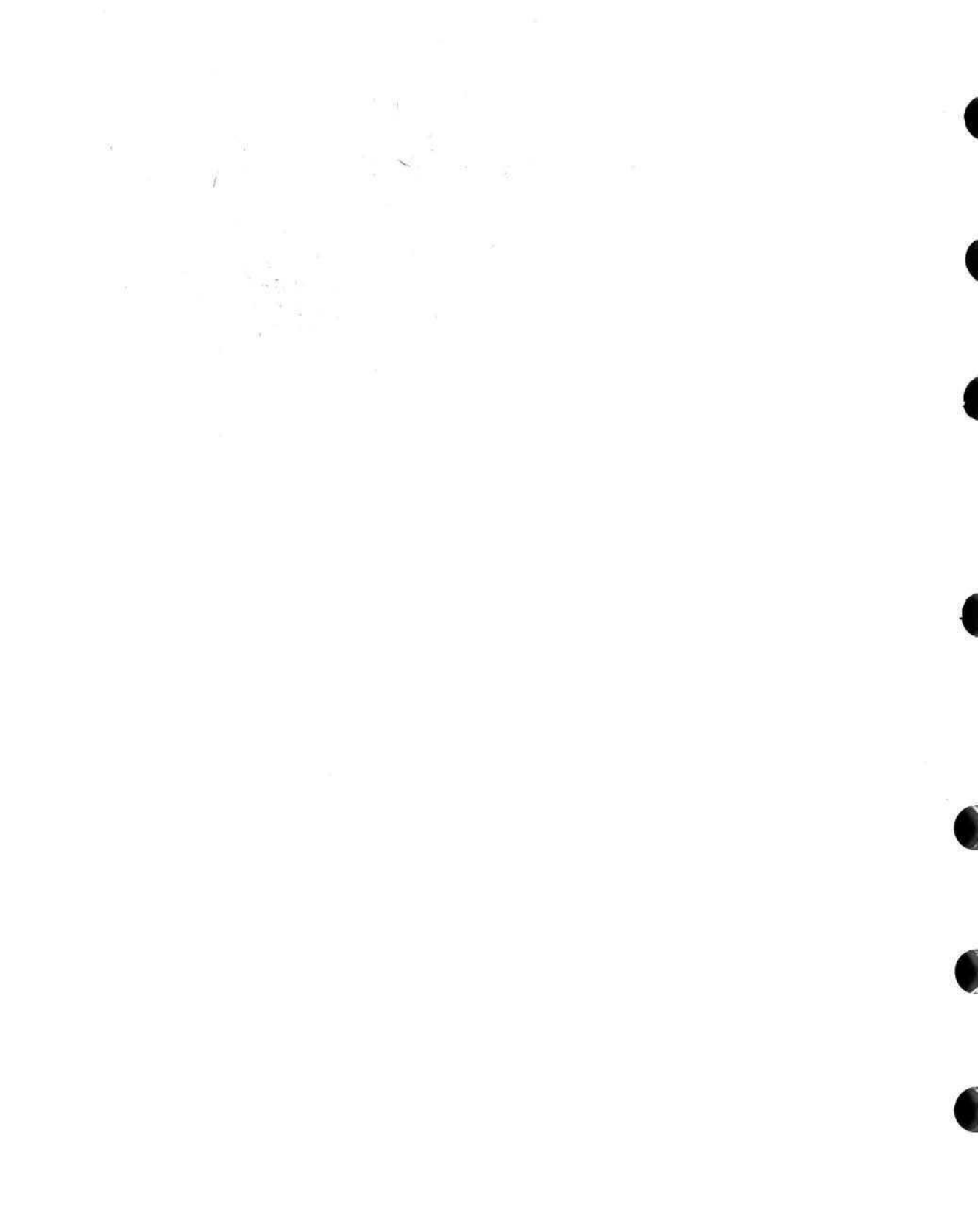
THIRTY-THIRD LEGISLATURE

Bill 260
(Private)

An Act respecting AY Unergie Inc.

Introduced 30 November 1988
Passage in principle 6 April 1989
Passage 6 April 1989
Assented to 12 April 1989

Québec Official Publisher
1989



Bill 260

(Private)

An Act respecting AY Unergie Inc.

WHEREAS AY Unergie Inc., having its head office at Montréal, is a company resulting from the amalgamation, under Part IA of the Companies Act (R.S.Q., chapter C-38), of Unergie Inc. and AY Unergie Inc., as attested by the certificate of amalgamation dated 31 December 1985, AY Unergie Inc. having been incorporated under Part IA of the Companies Act, as attested by the certificate of incorporation dated 26 November 1985, Unergie Inc. having been continued under Part IA of the Companies Act, as attested by the certificate of continuance dated 2 November 1982, and having been incorporated under the Mining Companies Act (R.S.Q., chapter C-47) by letters patent dated 15 January 1954, amended by supplementary letters patent dated 23 June 1971 and 2 November 1982;

Whereas it is in the interest of AY Unergie Inc. that its corporate status be confirmed;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The existence of Unergie Inc. is validly continued under Part IA of the Companies Act (R.S.Q., chapter C-38) from 2 November 1982, namely the date shown on its certificate of continuance, the validity of which is hereby confirmed.

2. Unergie Inc. and AY Unergie Inc. have validly amalgamated under Part IA of the Companies Act and are continued as one single company under the name of AY Unergie Inc. from 31 December 1985, namely the date shown on its certificate of amalgamation, the validity of which is hereby confirmed.

- 3.** This Act comes into force on 12 April 1989.

Coming into force of Acts

Gouvernement du Québec

O.C. 626-89, 26 April 1989

**An Act respecting police organization and amending
the Police Act and various legislation**

(1988, c. 75)

— Coming into force of certain provisions

Coming into force of certain provisions of the Act respecting police organization and amending the Police Act and various legislation

WHEREAS the Act respecting police organization and amending the Police Act and various legislation (1988, c. 75) was assented to on 23 December 1988;

WHEREAS under section 273, the provisions of the Act come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix the date for the coming into force of certain provisions of the Act to allow for the gradual implementation of the structures set up under it;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT 26 April 1989 be fixed as the date for the coming into force of sections 1 to 13, 20, 27 to 34, 37 to 46, 91 to 100, 104, 135 to 141, 143, 144, 203, 204 and 272 of the Act respecting police organization and amending the Police Act and various legislation (1988, c. 75).

BENOÎT MORIN,
Clerk of the Conseil exécutif

3985



Proclamations

[L. S.]

ANDRÉ DUBÉ LL.D.

Gouvernement
du Québec

Proclamation

Coming into force of certain provisions of the Act to amend various legislation respecting the administration of justice (1985, c. 29)

THE GOUVERNEMENT DU QUÉBEC PROCLAIMS THAT:

Sections 7 to 11 of the Act to amend various legislation respecting the administration of justice come into force on 1 May 1989.

BACKGROUND:

This proclamation is in pursuance of a recommendation of the Minister of Justice and of the Minister of International Affairs, adopted on 19 April 1989, by Order in Council 582-89 of the Gouvernement du Québec.

The Act to amend various legislation respecting the administration of justice was assented to on 20 June 1985.

Under section 50 of that Act, the Act came into force on the day it was assented to, except:

(1) sections 2 to 6, 12 to 15, 30, 31 paragraphs 3 and 4 of section 32 and sections 33, 34 and 37, which will come into force on 1 September 1985;

(2) sections 7 to 11, 16 to 21 and 38 to 47, which will come into force on the date fixed by proclamation of the Government, except the provisions excluded by the proclamation, which will come into force on any later dates fixed by proclamation of the Government.

In accordance with Order in Council 2474-85 dated 27 November 1985 of the Gouvernement du Québec:

(1) sections 17 to 19 and 44 to 47 of the Act and section 103.1 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., c. R-0.2), made by section 42 of the Act to amend various legislation respecting the administration of justice, came into force by proclamation on 27 November 1985;

(2) sections 16, 20, 21 and 38 to 43 of that Act, except for section 103.1 of the Act respecting the determination of the causes and circumstances of death, enacted by section 42 of the Act to amend various legislation respecting the administration of justice, came into force by proclamation on 3 March 1986.

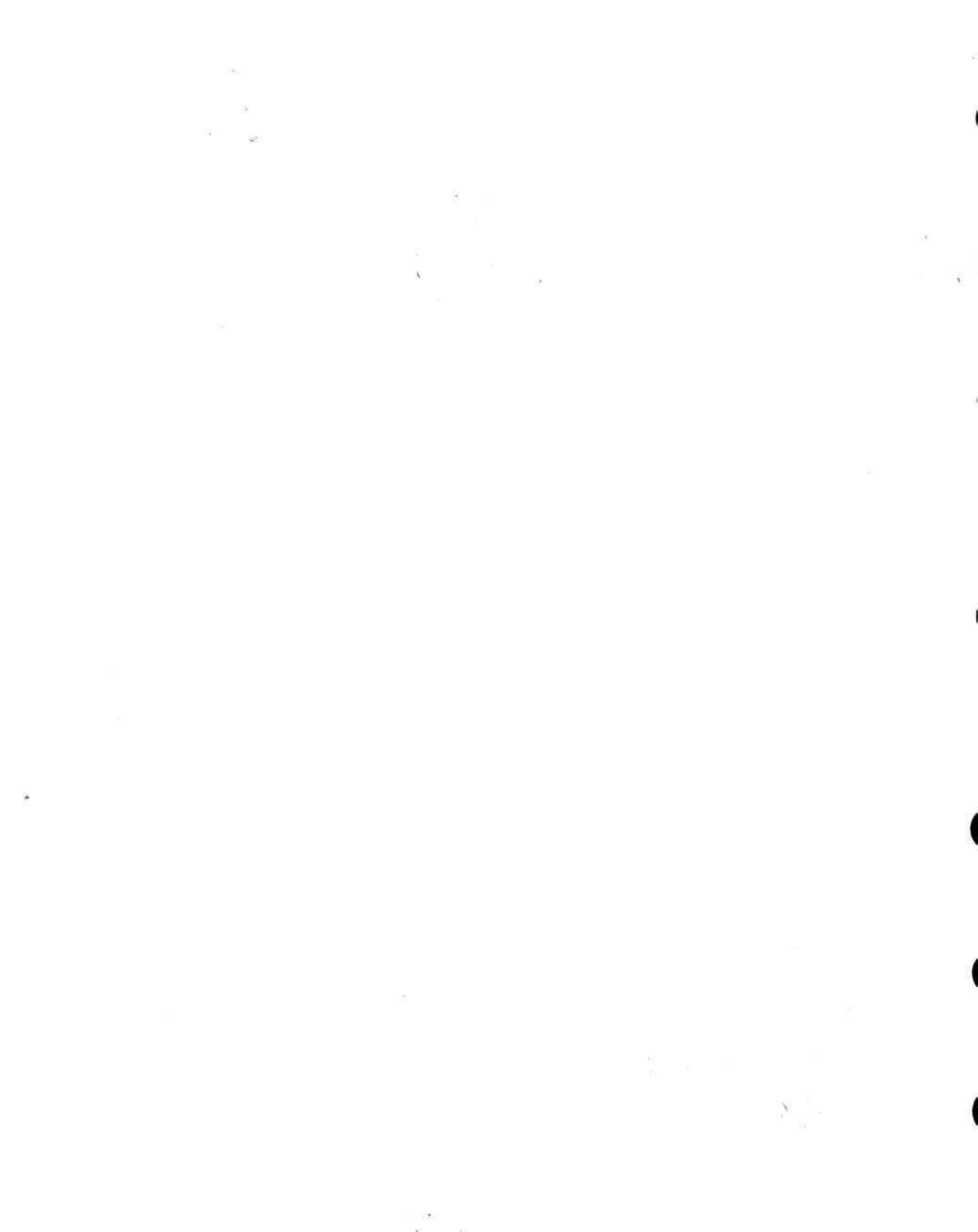
Québec, 19 April 1989

JACQUES CHAMBERLAND,
Deputy Attorney general

Libro: 509

Folio: 13

3985



Regulations

Gouvernement du Québec

O.C. 604-89, 26 April 1989

Restauration Merit Act
(R.S.Q., c. M-10.1)

Regulation

— Amendments

Restaurant Merit Regulation (Amendment)

WHEREAS under section 4 of the Restauration Merit Act (R.S.Q., c. M-10.1), the Government may, by regulation, determine the conditions for admission to a restauration merit competition, determine the criteria on the basis of which the competitors are to be judged and establish classes of competitors;

WHEREAS the Government adopted the Restaurant Merit Regulation by Order in Council 650-87 dated 29 April 1987;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of such publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of such publication:

— this Regulation must come into force before the date set for the launching of the Restaurant Merit Competition at the beginning of May 1989;

— that launching date is based on the fact that many restaurants are open and may be judged only during the relatively brief tourist season;

— the representatives of the associations in the restaurant and hotel sector were consulted before publication of the Regulation;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation attached to this Order in Council be made.

BENOÎT MORIN,

Clerk of the Conseil exécutif

Restaurant Merit Regulation (Amendment)

Restauration Merit Act
(R.S.Q., c. M-10.1, s. 4)

1. The Restaurant Merit Regulation, made by Order in Council 650-87 dated 29 April 1987, is amended in section 1:

(1) by substituting the following for paragraph 2:

"(2) he must manage a restaurant that has been in operation for not less than three years on the date of his registration;"

(2) by substituting the following for paragraph 3:

"(3) he must operate the restaurant entered in the competition for not less than four consecutive months per year;"

2. The following is substituted for section 5:

"5. The Minister shall organize a competition each year for each class of restaurant."

3. The following is substituted for section 6:

"6. The Minister shall appoint at least one jury of not less than two persons for each of the regions described in section 4 and for each competition."

4. The following is substituted for section 8:

"8. Each regional jury shall select the competitor whose restaurant has obtained the highest score, but not less than 150 points."

5. The following is substituted for section 9:

"9. Where there is more than one jury in a region for the same competition, the Minister shall appoint a second-level jury of not less than two persons to evaluate the restaurants of competitors selected by the first-level juries.

The second-level jury shall visit those restaurants and evaluate them in accordance with the scale for evaluation prescribed in Schedule II.

It shall select the competitor whose restaurant has obtained the highest score, but not less than 150 points."

6. Paragraph 2 of Schedule I is amended by substituting the following:

"For how long has the restaurant entered in the competition been in operation?

(minimum of three years) _____"

for the following:

"For how long has the competitor been managing the restaurant?

(minimum of three years) _____"

Attach document certifying that fact."

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

3981

Gouvernement du Québec

O.C. 618-89, 26 April 1989

Regulations Act
(R.S.Q., c. R-18.1)

Application of the Regulations Act

— Exclusion of certain regulations

Exclusion of certain regulations made under the Act respecting the conservation and development of wildlife from the application of the Regulations Act

WHEREAS under subparagraph 6 of section 110 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) as amended by section 13 of the Act to amend the Act respecting the conservation and development of wildlife and the Parks Act (1988, c. 39), the Government may, by regulation, in respect of controlled zones, permit any agency that is a party to a memorandum of agreement to exercise certain regulatory powers provided that it comply with the terms and conditions prescribed by regulation of the Government;

WHEREAS the regulatory powers that may be delegated to an agency under clauses *a*, *b*, *c*, *d* and *e* of subparagraph 6 of section 110 of the Act may also be exercised by the Government under subparagraphs 1 to 5.4 of section 110;

WHEREAS under section 110.2 of the Act, the Minister of Recreation, Fish and Game may amend or replace a by-law made by an agency if it does not comply with the conditions prescribed by regulation of the Government;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) prescribes in section 2 that it applies in particular to every proposed regulation or proposed by-law and to every regulation or by-law that may be made or approved by the Government or by a minister;

WHEREAS the procedure provided for in section 110.1 of the Act respecting the conservation and development of wildlife prescribes that an agency may exercise the regulatory power delegated to it only between 1 December and 1 May;

WHEREAS section 110.1 prescribes that any by-law of an agency must be sent to each of its members at least thirty days before the date of the general meeting and that a by-law, once approved by a vote of the members, may not come into force before the expiry of thirty days from the date on which it is sent to the Minister;

WHEREAS section 11 of the Regulations Act prescribes that a proposed regulation may not be made or approved before the expiry of forty-five days from its publication in the *Gazette officielle du Québec*;

WHEREAS under section 17 of that Act, a regulation comes into force fifteen days after the date of its publication in the *Gazette officielle du Québec*;

WHEREAS if the time periods prescribed in sections 11 and 17 of that Act are added to the time periods prescribed in the Act respecting the conservation and development of wildlife, it will be impossible for an agency to exercise its regulatory powers within the period of the year prescribed by the Act;

WHEREAS under the Act, the Minister of Recreation, Fish and Game has only thirty days during which to amend or replace a by-law made by an agency before it comes into force;

WHEREAS the Regulation respecting controlled zones made by Order in Council 122-89 dated 8 February 1989, which fixes the terms and conditions with which an agency must comply in exercising its regulatory powers, was prepublished in the *Gazette officielle du Québec* of 23 November 1988;

WHEREAS that Regulation requires that any agency exercising the regulatory powers provided for in clause *e* of subparagraph 6 of section 110 of the Act to publish the conditions for participating in the draw or for reservations in two newspapers published in Québec, one of which is circulated throughout the province, the other in the region in which the controlled zone is located;

WHEREAS under section 110.3 of the Act respecting the conservation and development of wildlife, any by-law of an agency that is a party to a memorandum of agreement respecting the matters provided for in subparagraph 6 of the first paragraph of section 110 must be posted up near the place where users register and a copy thereof must be given on request to any user carrying on an activity in the controlled zone;

WHEREAS under section 3 of the Regulations Act, the Government may exempt certain proposed regulations or proposed by-laws or regulations or by-laws from the application of that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Recreation, Fish and Game and the Minister of Justice:

THAT the Regulations Act not apply to draft regulations, draft by-laws, regulations or by-laws:

(1) made by an agency under subparagraph 6 of section 110 of the Act respecting the conservation and development of wildlife;

(2) made by the Minister of Recreation, Fish and Game under the second paragraph of section 110.2 of the Act respecting the conservation and development of wildlife.

3982

Gouvernement du Québec

O.C. 623-89, 26 April 1989

An Act respecting lotteries, racing, publicity contests and amusement machines
(R.S.Q., c. L-6)

Amusement machines

— Amendments

Regulation respecting amusement machines (Amendment)

WHEREAS under section 34 of the Act respecting lotteries, racing, publicity contests and amusement machines (R.S.Q., c. L-6), no person may, in the matter of amusement machines, carry on an activity for which a licence is prescribed, unless such a licence has been issued to him by the Régie des loteries et courses du Québec upon payment of the prescribed duties to the Board, in the manner and at the time prescribed;

WHEREAS under section 119 of the Act, the Government may, by regulation, prescribe whatever is required to be prescribed by regulation, establish categories of licences according to the activities to be carried on, prescribe the amount of the duties that a person applying for a licence is required to pay and fix the duties for the issue of a licence in respect of amusement machines where the person applying therefor is a non-profit organization pursuing strictly charitable, religious or educational purposes or purposes beneficial to the community;

WHEREAS a regulation entitled "Regulation respecting amusement machines" (R.R.Q., c. 1981, c. L-6, r. 1) was made under the Act;

WHEREAS it is expedient to amend the Regulation in order to facilitate the practise of the commercial activity of the operator of amusement machines by allowing him to transfer a registration marker from one machine to another without having to deal with the Board each time and to increase the annual duties payable for the registration of amusement machines;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 February 1989 with a Notice that it could be made by the Government at the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED upon the recommendation of the Minister of Revenue:

THAT the Regulation respecting amusement machines (Amendment), attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting amusement machines (Amendment)

An Act respecting lotteries, racing, publicity contests and amusement machines
(R.S.Q., c. L-6, ss. 34, 36, 53 to 55 and 119)

1. The Regulation respecting amusement machines (R.R.Q., c. 1981, c. L-6, r. 1), amended by the Regulation made by Order in Council 1591-86 dated 22 October 1986, is further amended by substituting the following for the part preceding paragraph 1 of section 2.3:

"2.3 When applying for his licence, an operator wishing to place at the disposal of the public an amusement machine belonging to one of the following classes must obtain a registration marker from the Board:"

2. Section 2.4 is amended:

(1) by substituting the amount "750 \$" for the amount "650 \$" in paragraph a;

(2) by substituting the amount "300 \$" for the amount "250 \$" in paragraph b.

3. The following sections are substituted for sections 3 to 5:

"3. Notwithstanding section 2.2, where an operator applies for a licence for the first time or makes a new application for an operator's licence not expiring on the last day of a month, the Board may issue such licence and registration markers for a period of less than one year but not less than 11 months.

In such a case, the duties prescribed in sections 2.1 and 2.4 are paid, in proportion to 12 months, for the number of months and days for which the licence and markers are issued.

4. The holder of an operator's licence who applies to the Board for additional registration markers must forward to the Board the prescribed form duly completed and the amount of the duties prescribed in section 2.4, for the number of months and days, in proportion to 12 months, that remain before the expiry date of his licence.

5. A licence or a registration marker for an amusement machine is issued in the name of the holder of the operator's licence. It shall remain the property of the Board.

5.1 The holder of an operator's licence wishing to be reimbursed for the duties he paid for a registration marker must return it to the Board or submit proof that it is irretrievable together with the prescribed form duly completed.

The duties are reimbursable for the number of months and days that remain before the expiry of his operator's licence up to a maximum of six months."

4. The following section is substituted for section 7:

"7. Where a licence is lost, destroyed, damaged or made unusable, the holder must apply for a duplicate, which the Board shall issue upon proof of loss or destruction or upon return of the damaged or unusable marker.

Where a registration marker is damaged or irretrievable, the holder of the operator's licence must apply for a duplicate, which the Board shall issue upon return of the damaged marker or upon proof that the marker is irretrievable."

5. The following section is substituted for section 9:

"9. The payment of duties provided for in this Regulation shall be made in cash, by certified cheque or money order payable to the Régie des loteries et courses du Québec, when applying for a licence or registration markers.

Where in the case of an application for an operator's licence and for registration markers for machines, the duties to be paid exceed 2 000 \$, the payment of those duties may be made in two equal instalments: the first payment, when applying for the licence; the second payment, within four months of the date on which that licence is issued."

6. Section 9.1 of the Regulation is revoked.

7. This Regulation comes into force on 1 June 1989.
3983

Gouvernement du Québec

O.C. 635-89, 26 April 1989

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Paper box

— Amendments

CONCERNING the Decree amending the Decree respecting the paper box industry

WHEREAS, in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the government may amend a decree upon the recommendation of the Minister of Labour;

WHEREAS the contracting parties to the collective labour agreement rendered obligatory by the Decree respecting the paper box industry (R.R.Q., 1981, c. D-2, r. 4), amended by Orders in Council 801-82 of 31 March 1982 (Suppl. p. 390), 1107-82 of 5 May 1982 (Suppl. p. 391), 1690-82 of 7 July 1982 (Suppl. p. 392), corrected by Order in Council 2000-82 of 2 September 1982 and amended by Orders in Council 865-84 of 4 April and 2236-84 of 3 October 1984, have petitioned the Minister of Labour to submit to the government for consideration and decision the following amendments to the Decree:

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the amending decree attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 17 August 1988, with a notice stating that it might be adopted by the government at the expiry of a 45-day time limit from this publication;

WHEREAS no objection has been brought forward against the proposed amendments of the decree attached hereto;

WHEREAS it is expedient to approve this petition with amendments and to adopt for this purpose the attached Decree;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Decree amending the Decree respecting the paper box industry, attached hereto, be adopted.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Decree amending the Decree respecting the paper box industry

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree respecting the paper box industry (R.R.Q. 1981, c. D-2, r. 4), amended by Orders in Council 801-82 of 31 March 1982 (Suppl. p. 390), 1107-82 of 5 May 1982 (Suppl. p. 391) and 1690-82 of 7 July 1982 (Suppl. p. 392), corrected by Order in Council 2000-82 of 2 September 1982 and amended by Orders in Council 865-84 of 4 April 1984 and 2236-84 of 3 October 1984, is further amended by replacing the names of the contracting parties by the following:

"on the first part:

SPB Canada Inc.;

Emballages Somerville, Division des Industries Paperboard Inc. (Saint-Laurent);

Les Cartonniers St. Francis Ltée;

Produits forestiers Canadien Pacifique Ltée;

Les Emballages Cité Ltée;

Emballages Paperboard, Boxcraft Inc.;

Major Box Inc.;

Emballages Somerville, Division des Industries Paperboard Inc. (Montréal);

Bourguignon + DH Inc.;

and, on the other part:

Syndicat canadien des travailleurs du papier, section local 217 (CWA, FTQ, CTC);

Graphic Communications International Union, local 555, Montréal (QFL, CLC, MLC);

Syndicat national des employés de "Les Cartonniers St. Francis Ltée" Inc.;

Syndicat Québécois de l'imprimerie et des communications, local 145 (CWA, FTQ);

Major Paper Box & Wire Works Ltd. Employees Association."

2. The English version of section 1.02 of this Decree is corrected by replacing, in the second paragraph, the words "the manufacture of die cut banks, trays or strips of paper board, inserts of all kinds, division dummies and shirt cards." by the following:

"the manufacture of die cut blanks, trays or strips of paper board, inserts of all kinds, divisions, dummies and shirt cards."

3. The English version of section 3.05 of the Decree is corrected by replacing, in subsection 14, the words "chief engine-man" by the following:

"stationary enginemen".

4. Section 3.07 of the Decree is revoked.

5. The Decree is amended by adding, after section 3.10, the following:

"3.11 Minimum hourly rates of all classifications mentioned in sections 3.02 to 3.05 are increased by 12.48 % as of 25 May 1989 and by 4 % as of the sixth month following this date."

6. Section 4.02 of the Decree is replaced by the following:

"4.02 Overtime:

1° All work performed over the standard working hours of each day, before or after the standard hours of each shift, is considered as overtime work and is paid at the rate of time and a half for the first 3 hours and at double time rate for subsequent hours.

2° All work performed over the standard working hours of each day on an additional shift, in less than 24 hours, is considered as overtime work and is paid at the rate of time and a half.

3° All work performed on Saturday morning up to 4 hours is paid at the rate of time and a half except for the months of June, July and August of each year.

4° All work performed on Saturday during the months of June, July and August or in excess of 4 hours on Saturday morning during the other months, and all work performed on Sunday is paid at double time.

5° However, hours worked on Saturday by the shift which begins work before 23 h 59 on Friday, as well as hours worked on Sunday by the shift which begins work before 23 h on Sunday, are not paid at increased rates, except for those hours which exceed the number of hours of a standard workday."

7. Section 4.05 of the Decree is replaced by the following:

"4.05 Night work premium:

1° Employees working on a night shift are paid on the basis of the hourly rate of the day shift, increased by 0.45 \$ an hour for the second shift and by 0.60 \$ an hour for the third shift.

This hourly premium is not considered when computing overtime hours.

2° Despite the provisions provided for in the Decree, this premium for night work does not apply to watchmen, boiler firemen (stokers) and stationary enginemen; such employees are paid on the basis of the hourly rate of the day shift plus 0.10 \$ per hour, provided they are employed exclusively according to their classification and are not performing production work operations."

8. The English version of section 4.06 of the Decree is corrected by replacing the words "operating working centers on 3 shifts will pay..." by the following:

"operating work centres on the basis of 3 shifts of 8 hours each will pay..."

9. Section 5.04 of the Decree is replaced by the following:

"5.04 The holiday pay for general holidays with pay as provided for in section 5.01 is payable to the employee who has 30 working days of service. The said holiday pay is equal to the

number of hours in the employee's standard workday, multiplied by his hourly rate and increased by the shift premium for any employee who works in the night shift during the week the paid holiday is observed."

10. Section 6.03 of the Decree is amended by replacing subsection 2 by the following:

"(2) Despite subsection 1, when an employee quits his employer, is laid off or is absent from work for reasons other than sickness or accident for a period not exceeding 12 months, he receives a vacation pay equal to 4 %, 6 %, 8 % or 10 %, as the case may be, of his gross earnings earned during the qualifying period provided in section 6.01."

11. Sections 8.01 and 8.02 of the Decree are replaced by the following:

"**8.01 1°** An employee may be absent from work for one day, without a loss in wages, on the occasion of the death, funeral or cremation of a child, the person to whom he is married or with whom he lives maritally within the meaning of subparagraph *b* of paragraph 3 of section 1 of the Act respecting labour standards, his father, mother, brother or sister. He may also be absent for 3 other days on such occasion, but without wages.

2° The employee who has 3 months of continuous service with the same employer shall be entitled to 2 additional working days' leave with pay to attend the funeral or cremation of his father, mother, child, brother or sister and to 4 additional working days' leave with pay to attend the funeral or cremation of his spouse, within the meaning of subparagraph *b* of paragraph 3 of section 1 of the Act respecting labour standards.

8.02 The employee who has been in his employer's service for 30 calendar days is entitled to one working day's leave with pay to attend the funeral or cremation of his brother-in-law, sister-in-law, mother-in-law or father-in-law. This section applies only when the claimed leave occurs on a day on which the employee would work."

12. Section 9.01 of the Decree is replaced by the following:

"**9.01** The employee who reports to his place of work in the normal course of his employment and who works less than 4 hours, is entitled, except for a fortuitous event, to an indemnity equal to 4 hours of his regular hourly wage, unless he is entitled to a higher amount under section 4.02."

13. Section 10.01 of the Decree is replaced by the following:

"**10.01** Wages are paid to the employee weekly by cheque or in cash, at the option of the employer."

14. Section 12.01 of the Decree is amended by replacing the first paragraph by the following:

"**12.01** The parity committee issues, upon request, a service card to any employee performing an operation classified in this Decree."

15. Section 14.02 of the Decree is corrected, in the English version, by replacing subsection *c* by the following:

"(c) "feeder" or "feeder operator": any employee who manually feeds stock to letter presses or who tends the paper feeding mechanism of such presses;"

16. Section 14.06 of the Decree is corrected, in the English version, by replacing in subsection 3, the words "an apprentice actually employed" by the following:

"an apprentice regularly employed".

17. The Decree is amended by adding, after section 14.08, the following:

"**14.09** The minimum hourly wage rates for all classifications mentioned in section 14.08 are increased by 12.48 % as of 25 May 1989 and by 4 % as of the sixth month following this date."

18. Section 15.01 of the Decree is replaced by the following:

"**15.01** This Decree remains in force until 31 July 1989. It is then automatically renewed from year to year thereafter, unless the employer group or the employee group is opposed and gives a written notice to this effect to the Minister of Labour and to the other group, during May of 1989 or during May of any subsequent year."

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

3984

Gouvernement du Québec

Notice

An Act respecting lotteries, racing, publicity contests and amusement machines
(R.S.Q., c. L-6)

Amusement machines

— Amendments

Notice is hereby given that the Régie des loteries et courses du Québec made, at its sitting of 25 April 1989, the "Rules respecting amusement machines (Amendment)" which text appears below.

MARCEL R. SAVARD, F.C.A.,
Président de la Régie des
loteries et courses du Québec

Rules respecting amusement machines (Amendment)

An Act respecting lotteries, racing, publicity contests and amusement machines
(R.S.Q., c. L-6, s. 20)

1. The Rules respecting amusement machines (R.R.Q., 1981, c. L-6, r. 2), amended by the Rules made by the Régie des loteries et courses du Québec at its meetings of 22 May 1985 and 27 October 1986 and published in the *Gazette officielle du Québec*, Part 2, on 5 June 1985 and 12 November 1986, are further amended by substituting the following paragraph for paragraph *c* of section 2:

"(c) for a person other than a natural person, have his head office or main place of business in Canada and an office in Québec."

2. Section 4 is amended by substituting the following for paragraphs *c* and *d*:

"(c) a list of the directors, shareholders or partners, indicating their surnames, given names, addresses and occupations;

"(d) in the case of an amusement machine described in subparagraphs *d* and *e* of paragraph 2 and subparagraph *e* of paragraph 3 of section 2.3 of the Regulation respecting amusement machines, a detailed technical description including a description of the equipment for the games and the installation standards;

"(e) the number of registration markers he wishes to obtain, by class of amusement machine;

"(f) for each class of amusement machine, a notice indicating the number of machines he owns when applying and, in the case of a subsequent application, the number of machines he purchased, sold or withdrew from the market since that notice and a copy of the register mentioned in section 24;

"(g) a copy of his most recent financial statements."

3. In section 5, in the part preceding paragraph 1, the figure "9" is substituted for the figure "9.1".

4. Section 8 is revoked.

5. In section 13, the following paragraph is added at the end:

"In the case of an operator's licence, the operator shall return to the Board all the registration markers issued to him by the Board, at the same time as the licence."

6. The following sections are substituted for sections 14 and 15:

"14. The holder of an operator's licence must affix, where it can be seen by the public, to any amusement machine he puts at the disposal of the public a registration marker issued by the Board corresponding to the class of amusement machine to which it belongs in accordance with section 2.3 of the Regulation respecting amusement machines.

15. Before putting an amusement machine covered by subparagraph *d* or *e* of paragraph 2 or subparagraph *e* of paragraph 3 of section 2.3 of the Regulation respecting amusement machines at the disposal of the public, the holder of an operator's licence shall send to the Board a technical description of the machine and the rules to be followed by the public using it.

The rules must be approved by the Board, which shall send a certified copy of them to the holder."

7. The following sections are substituted for sections 17 and 18:

"17. No person may make any alteration to an amusement machine covered by section 15 without prior authorization in writing from the Board.

18. Where an amusement machine fails to function properly, the holder of the operator's licence for the machine shall refund to the person who used it the amount he spent."

8. The following sections are inserted after section 22:

"23. The holder of an operator's licence may not use or permit the use of an amusement machine whose registration is prescribed unless a registration marker is affixed to the machine.

24. The holder of an operator's licence shall keep a register at the address indicated in his licence indicating, for each amusement machine he possesses for which fees are prescribed, whether it is at the disposal of the public or not, the date of its acquisition by purchase or otherwise, the place at which and the date on which it was put at the disposal of the public, the name and address of its depositary, the number of the registration marker he affixed thereto, the manufacturer's serial number, the number assigned to it by the operator, if any, and any other information describing it.

The holder shall also keep in the same place, for each machine, the invoice and other documents referring to the acquisition, sale or disposal of that property, and he may not dispose of them without authorization in writing from the Board.

25. The holder of a merchant's or operator's licence may not sell or otherwise transfer an amusement machine for which fees are prescribed, whether in operating condition or not, without furnishing the purchaser with a dated and sequentially numbered invoice indicating the purchaser's name and address, a description and the serial number of the machine, and the date on which he takes possession thereof.

The holder shall keep at least one copy of the invoice, and he may not dispose of it without authorization in writing from the Board."

9. These Rules come into force on 1 June 1989.

3980

Draft Regulations

Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Apportionment between municipal corporations of revenue arising under section 221 of the Act — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the apportionment between municipal corporations of revenue arising under section 221 of the Act respecting municipal taxation (Amendment), the text of which appears below, may be made by the Government upon the expiry of a 45-day period from the date of this publication.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, avenue Chauveau, aile Chauveau, 3^e étage, Québec, G1R 4J3.

PIERRE PARADIS,
Minister of Municipal Affairs

Regulation respecting the apportionment between municipal corporations of revenue arising under section 221 of the Act respecting municipal taxation (Amendment)

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, pars. 4 and 9, and 1988, c. 76)

1. The Regulation respecting the apportionment between municipal corporations of revenue arising under section 221 of the Act respecting municipal taxation, made by Order in Council 1716-83 dated 24 August 1983 and amended by the Regulations made by Orders in Council 2613-84 dated 28 November 1984 and 1245-88 dated 24 August 1988, is further amended by substituting the following for the part of subparagraph *a* of paragraph 5 of section 2 that precedes clause *i*:

"(a) the total amount of revenue from the taxes levied by the municipal corporation for the preceding fiscal year and collected during that year and the total amount of revenue that is derived from the compensation and modes of tariffing imposed by that corporation for the preceding fiscal year on any person because he is the owner, lessee or occupant of an immovable and that is collected during that preceding fiscal year, except revenue from:"

2. Section 2.1 is amended by substituting the following for paragraph 2:

"(2) the standardized taxable assessment mentioned in subparagraph *b* is the assessment established in accordance with the roll as it existed at its deposit."

3. Section 3 is amended by substituting the words "the amount of a tax, compensation and mode of tariffing" for the words "a tax or compensation".

4. Section 4 is revoked.

5. Section 15 is amended:

(1) by inserting the words "or part of the territory of an existing municipal corporation" after the words "municipal territory";

(2) by deleting paragraph 1.

6. Section 16 is amended:

(1) by inserting the words "or part of the territory of an existing municipal corporation" after the words "municipal territory";

(2) by deleting paragraph 1.

7. Section 17 is amended by deleting paragraph 1.

8. Section 18 is amended by deleting subparagraph 1 of the first paragraph.

9. Section 20 is amended by deleting the words "or relevant population order".

10. This Regulation applies for the purposes of calculating and paying an amount payable for any fiscal year beginning with the 1989 fiscal year or, in the case of section 2, beginning with the 1990 fiscal year.

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

3986

Draft Regulation

An Act respecting the municipal taxation
(R.S.Q., c. F-2.1)

Classes of complaints relating to a real estate assessment roll or a roll of rental values

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting classes of complaints relating to a real estate assessment roll or a roll of rental values, the text of which appears below, may be made by the Government upon the expiry of a 45-day period from the date of this publication.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, avenue Chauveau, aile Chauveau, 3^e étage, Québec, G1R 4J3.

PIERRE PARADIS,
Minister of Municipal Affairs

Regulation respecting classes of complaints relating to a real estate assessment roll or a roll of rental values

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 8.3)

1. The real estate value used to determine whether a rule provided for in section 100, 108, 110, 114, 118 or 120 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) applies shall be 500 000 \$.

2. The rental value used to determine whether a rule mentioned in section 1 applies shall be 50 000 \$.

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

3986

Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Conditions or restrictions applicable to the exercise of the tariffing powers of municipal corporations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the conditions or restrictions applicable to the exercise of the tariffing powers of municipal corporations, the text of which appears below, may be made by the Government upon the expiry of a 45-day period from the date of publication of this notice.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, avenue Chauveau, aile Chauveau, 3^e étage, Québec, G1R 4J3.

PIERRE PARADIS,
Minister of Municipal Affairs

Regulation respecting the conditions or restrictions applicable to the exercise of the tariffing powers of municipal corporations

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 8.2)

An Act to amend various legislation respecting the finances of municipalities and intermunicipal bodies
(1988, c. 76)

1. A mode of tariffing that consists in charging a price each time that a property or service is used or each time that benefits are derived from an activity may be imposed by a municipal corporation to finance all or part of its properties, services or activities in the area of public security, or to finance all or part of the aliquot share or of any other contribution owed by it in respect of property, services or activities in that area, of another municipal corporation, a regional county municipality, a community, an intermunicipal body or another intermunicipal public body only if the property or service is actually used by the debtor or if the debtor derives benefit from the activity, as a result of his request.

2. A mode of tariffing referred to in section 1 may not be imposed for the purposes mentioned therein if the request is made when there is a present or imminent danger to the lives or health of persons or animals or to the integrity or legitimate enjoyment of property or if the request is made at the first opportunity once the danger no longer exists or once the event has ended, so that the appropriate inspection may be carried out and the appropriate action may be taken.

Even if the request is made under the circumstances mentioned in the first paragraph, a mode of tariffing referred to in section 1 may be imposed on any person as a result of an action designed to prevent his vehicle from burning if that person does not live in the territory of and is not a ratepayer of the municipal corporation.

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

3986

Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Government participation in the financing of municipal corporations

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting government participation in the financing of municipal corporations (Amendment), the text of which appears below, may be made by the Government upon the expiry of a 45-day period from the date of publication of this notice.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, avenue Chauveau, aile Chauveau, 3^e étage, Québec, G1R 4J3.

PIERRE PARADIS,
Minister of Municipal Affairs

Regulation respecting government participation in the financing of municipal corporations (Amendment)

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, pars. 2, 5, 5.1 and 7)

1. The Regulation respecting government participation in the financing of municipal corporations, made by Order in Council 1769-83 dated 1 September 1983 and amended by the Regulations made by Orders in Council 2614-84 dated 28 November 1984 and 1244-88 dated 24 August 1988, is further amended by substituting the following for the part of paragraph 1 of section 5 that precedes subparagraph *a*:

(1) the total amount of revenue from the taxes that are levied by the municipal corporation for the fiscal year for which the amount provided for in section 254 of the Act is payable and that are collected during that fiscal year and the total amount of revenue that is derived from the compensation and modes of tariffing imposed by the corporation for that fiscal year on any person because he is the owner, lessee or occupant of an immovable and that is collected during that fiscal year, except revenue from."

2. The following is inserted after section 5:

"**5.1** Where a municipal corporation has a three-year roll and avails itself of sections 253.27 to 253.34 of the Act, the adjusted taxable real estate assessment is used to establish the overall taxation rate for each of the first and second fiscal years to which the roll applies.

That adjusted assessment is determined by using, instead of the taxable values entered on the roll, the adjusted values applied to certain taxable units of assessment, for the purpose of levying real estate taxes for the first or second fiscal year under sections 253.27 to 253.34, in view of the alterations to the roll that take effect at the beginning of the fiscal year or before and that are made before the end of the fiscal year."

3. Section 6 is amended by substituting the words "amount of taxes, compensation and modes of tariffing" for the words "taxes or compensation".

4. Section 8 is amended by inserting the following after the first paragraph:

"In computing the supplement or the refund, the application of sections 253.5, 253.6, 253.30 or 253.31 of the Act must be taken into account."

5. The heading of Part B of Subdivision 5 of Division 1 is amended by substituting the words "other agencies" for the words "Société de la Place des Arts de Montréal".

6. Section 21 is amended by inserting "and, where applicable, 22.1 or 22.2" after "22" in the first paragraph.

7. Section 22 is amended by substituting the following for subparagraph 2 of the second paragraph:

"(2) the taxable real estate assessment is that established according to the roll as it stood when it was deposited."

8. The following sections are inserted after section 22:

22.1 Where a municipal corporation has a three-year roll and does not avail itself of sections 253.27 to 253.34 of the Act, the taxable real estate assessment used to establish the interim overall taxation rate for each of the second and third fiscal years to which the roll applies is that established according to the roll as it stood on the first or second anniversary of its deposit.

22.2 Where a municipal corporation has a three-year roll and does not avail itself of sections 253.27 to 253.34 of the Act, the adjusted taxable real estate assessment is used to establish the interim overall taxation rate for each of the first and second fiscal years to which the roll applies.

That adjusted assessment is determined using, instead of the taxable values entered on the roll, the adjusted values that would apply to certain taxable units of assessment for the purposes of levying real estate taxes for that first or second fiscal year, if sections 253.28 to 253.30, 253.33 and 253.34 of the Act were applied with the following adaptations:

(1) any mention in those sections of the coming into force of the roll in question signifies the date of its deposit;

(2) the fourth paragraph of section 253.28 does not apply.

For the purpose of computing the adjusted assessment applicable to the second fiscal year, the net increase or decrease in the taxable values due to alterations made to the roll within 12 months of its deposit are added to or subtracted from the amount of the adjusted values for that fiscal year established in accordance with the first paragraph.

For the purpose of establishing the corporation's interim overall taxation rate for the third fiscal year, the taxable real estate assessment used is that established according to the roll as it stood on the second anniversary of its deposit."

9. Section 24 is amended by inserting "and, where applicable, 22.1 or 22.2" after "22" in the first paragraph.

10. Section 25 is amended by substituting "5 to 6" for "5 and 6" in the second paragraph.

11. Section 26 is amended by substituting "5 to 6" for "5 and 6" in the first paragraph.

12. Section 27 is amended by substituting "sections 5 to 6" for "section 5" in the second paragraph.

13. Section 28 is amended by substituting "sections 5 to 6" for "section 5" in the third paragraph.

14. Section 29 is amended by inserting the words "and applicable to the fiscal year during which the roll is in force" after the word "Act" in subparagraph 3 of the second paragraph.

15. Section 36 is amended by substituting the following for the part of paragraph 2 that precedes subparagraph a:

"(2) R: the total amount of revenue from the taxes that are levied by the municipal corporation for the fiscal year for which the amount must be paid and that are collected during that fiscal year and the total amount of revenue that is derived from the compensation and modes of tariffing imposed by the corporation for that fiscal year on any person because he is the owner, lessee or occupant of an immovable and that is collected during that fiscal year, except revenue from:"

16. Section 37 is amended by substituting the words "amount of taxes, compensation and modes of tariffing" for the words "taxes or compensation".

17. Section 39 is revoked.

18. Section 50 is amended:

(1) by inserting the words "or part of the territory of an existing municipal corporation" in the first paragraph after the words "unorganized territory";

(2) by deleting paragraph 2.

19. Section 51 is amended by deleting paragraph 2.

20. Section 52 is amended by deleting paragraph 2.

21. Section 54 is amended by deleting the words "or the relevant population decree" and by inserting the word "relevant" before the word "financial";

22. This Regulation applies for the purposes of computing and paying an amount payable for any fiscal year beginning with the 1989 fiscal year or, in the case of section 7, beginning with the 1990 fiscal year.

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

3986

Draft Regulation

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Industrial and commercial establishments

Quality of the work environment

Salubrity and safety of workmen in mines and quarries

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) that the Regulation respecting industrial and commercial establishments, Regulation respecting the quality of the work environment and Regulation respecting the salubrity and safety of workmen in mines and quarries, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval at the expiry of 60 days from this publication.

Any person having comments to make is asked to send them in writing before the expiry of the 60-day period to Mrs. Lise Langlis, Vice-Chairman of the planification et programmation,

Commission de la santé et de la sécurité du travail, 524, rue Bourdages, 2^e étage, Québec (Qué.) G1K 7E2.

MONIQUE JÉRÔME-FORGET,
Chairman-Director General of
the Commission de la santé et
de la sécurité du travail

Regulation respecting industrial and commercial establishments, Regulation respecting the quality of the work environment and Regulation respecting the salubrity and safety of workmen in mines and quarries

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, first par., subpars. 3, 7, 9, 14, 19, 42, and s. 223, second par.)

1. The Regulation respecting industrial and commercial establishments (R.R.Q., 1981, c. S-2.1, r. 9), amended by the Regulations approved by Orders in Council 1960-86 and 1961-86 dated 16 December 1986, is further amended by revoking section 5.1.5, paragraph 3 of section 10.2.1, and section 12.6.1.

2. The Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15), amended by the Regulation approved by Order in Council 576-82 dated 10 March 1982 and by the Regulation approved by Order in Council 1960-86 dated 16 December 1986, is further amended in section 1:

(1) by inserting the following paragraph before paragraph *a*:

"(O.a) "asbestos": the fibrous form of mineral silicates belonging to rockforming minerals of the serpentine group, that is, chrysotile, and the amphibole group, that is, actinolite, amosite, anthophyllite, crocidolite, tremolite or any mixture containing one or more of those minerals;"

(2) by inserting the following paragraph after paragraph *d*:

"(d.1) "containing asbestos": having an asbestos concentration of at least 0.1 %;"

(3) by inserting the following paragraphs after paragraph *j*:

"(j.1) "respirable asbestos fibre": asbestos fibre having a diameter of less than 3 µm and a ratio of length to diameter of more than 3:1. Only fibres longer than 5 µm are taken into account for measurement purposes;"

"(j.2) "high-efficiency filter": a filter capable of filtering particles 0.3 µm in size at an efficiency rate of at least 99.97 %;"

(4) by inserting the following after paragraph *k*:

"(k.1) "friable material": material that can be crumbled, pulverized or powdered by hand pressure when dry or that is already crumbled, pulverized or powdered;"

(5) by inserting the following paragraph after paragraph *m*:

"(m.1) "asbestos dust": airborne asbestos particles or deposited asbestos particles liable to become airborne in the work area;"

3. Section 5 is amended by inserting the following paragraph after the first paragraph:

"Unless the Commission de la santé et de la sécurité du travail uses its power to issue an order in accordance with section 66 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the use of crocidolite or amosite or of a product containing either of those materials is prohibited, except where their replacement is not reasonable or practicable."

4. The following section is inserted after section 5:

"5.1. Modifications to facilities or equipment: An employer who makes modifications to the facilities or equipment of an establishment that are liable to produce asbestos dust emissions has, in that respect, the same obligations as those of an employer under the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6), as though the work was carried out on a construction site.

The establishment is then classified, according to the nature of the work carried out therein, in one of the categories of work areas established in section 3.23.2 of the Code."

5. The following paragraph is inserted after the first paragraph of section 11:

"In any establishment where workers are exposed to asbestos, the employer must at least once a year measure the concentration of airborne asbestos dust and the concentration of respirable asbestos fibres in the workers' breathing area. A sampling strategy may provide for more frequent measuring, depending on the extent of the risk for the health, safety and physical integrity of the workers."

6. The following is substituted for section 13:

"13. Methods: Dusts, gases, vapours and mists present in the work environment must be sampled, measured and analyzed so as to obtain a degree of accuracy equal to that obtained in accordance with the methods described in the Guide d'échantillonnage des contaminants de l'air en milieu de travail, published in 1989 by the Institut de recherche en santé et en sécurité du travail du Québec.

Where no methods are provided for, the samplings, measurements and analyses shall be established so as to obtain a degree of accuracy equal to that obtained in accordance with the methods described in Méthodes d'évaluation de la qualité du milieu de travail, published in 1978 by the Services de protection de l'environnement of the Gouvernement du Québec.

7. Section 21 is amended:

(1) by substituting "average permissible concentration in the work environment and the permissible recirculation concentration provided for in Schedule A" for "average concentration permitted in the work environment in accordance with Schedule A" in the second, third and fourth lines of paragraph *a*;

(2) by substituting "which are identified in Part V of the said Schedule" for "that are considered carcinogenic in accordance with Part V of the said Schedule" in the third and fourth lines of paragraph *d*.

8. The following is inserted after section 77:

"77.1. Dust or waste: Any asbestos dust or waste consisting of friable material containing asbestos must be stored and transported in airtight containers.

A legible label must be permanently affixed to any container referred to in the first paragraph and must bear the following instructions and warnings:

Material containing asbestos
Toxic by inhalation
Keep container tightly closed
Do not breathe the dust."

9. The following is substituted for section 78:

"78. Work clothes: The employer must ensure that workers wear protective clothing used exclusively for work when carrying out any of the following activities:

- (1) the recovery or smelting of lead or lead products;
- (2) the manufacture of lead batteries;
- (3) the manufacture of lead powders or salts, chlorine or caustic soda, where workers must handle lead or mercury;
- (4) any work involving exposure to asbestos.

Before any re-use, the employer must ensure that those clothes are cleaned with a vacuum equipped with a high-efficiency filter, unless they are washed."

10. The following is substituted for the table entitled "Asbestos", which appears in Part II of Schedule A, entitled "TABLE OF CERTAIN DUSTS":

"ASBESTOS"

— Permissible concentrations of asbestos in terms of respirable fibres/cm³

Type of asbestos	Average permissible concentration	Maximum permissible concentration
Chrysotile	1	5
Crocidolite*	0,2	1
Amosite*	0,2	1
Tremolite	1	5
Anthophyllite	1	5
Actinolite	1	5

— Permissible recirculation concentration of respirable dusts 0,1 mg/m³

* Where the use of these products is permitted.

11. Schedule A is amended by substituting "SUBSTANCES OF WHICH THE RECIRCULATION IS PROHIBITED" for the title of Part V.

12. The Regulation respecting the salubrity and safety of workmen in mines and quarries (R.R.Q., 1981, c. S-2.1, r. 19), amended by the Regulation approved by Order in Council 1960-86 of 16 December 1986, is further amended by revoking section 69.

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

3979

Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Payment required at the time of the filing of a complaint with the Bureau de révision de l'évaluation foncière du Québec

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the payment required at the time of the filing of a

complaint with the Bureau de révision de l'évaluation foncière du Québec (Amendment), the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, avenue Chauveau, aile Chauveau, 3^e étage, Québec, G1R 4J3.

PIERRE PARADIS,
Minister of Municipal Affairs

Regulation respecting the payment required at the time of the filing of a complaint with the Bureau de révision de l'évaluation foncière du Québec (Amendment)

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 8)

1. The Regulation respecting the payment required at the time of the filing of a complaint with the Bureau de révision de l'évaluation foncière du Québec, made by Order in Council 1975-83 dated 28 September 1983, is amended by substituting the following for paragraphs 1 to 5 of section 2:

"(1) 25 \$, where the complaint relates to a unit of assessment whose real estate value entered on the roll is less than 500 000 \$;

(2) 100 \$, where the complaint relates to a unit of assessment whose real estate value entered on the roll is 500 000 \$ or more but less than 1 000 000 \$;

(3) 200 \$, where the complaint relates to a unit of assessment whose real estate value entered on the roll is 1 000 000 \$ or more but less than 5 000 000 \$;

(4) 500 \$, where the complaint relates to a unit of assessment whose real estate value entered on the roll is 5 000 000 \$ or more;

(5) 25 \$, where the complaint relates to a place of business or to premises whose rental value entered on the roll is less than 50 000 \$;

(6) 50 \$, where the complaint relates to a place of business or to premises whose rental value entered on the roll is 50 000 \$ or more but less than 100 000 \$;

(7) 100 \$, where the complaint relates to a place of business or to premises whose rental value entered on the roll is 100 000 \$ or more."

2. Section 3 is amended by substituting the amount "25 \$" for the amount "20 \$".

3. The following is substituted for section 4:

"4. Complaints having the same subject and respecting changes concerning the same unit of assessment, the same place of business or the same premises are deemed to be a single complaint where they are filed simultaneously and where they relate to the roll in force and to the preceding roll, to the roll deposited for the following fiscal year or to the three rolls."

4. This Regulation comes into force on 1 January 1990.

3986

Draft Regulation

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Safety Code for the construction industry — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) that the Safety Code for the construction industry (Amendment), the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval at the expiry of 60 days from this publication.

Any person having comments to make is asked to send them in writing before the expiry of the 60-day period to Mrs. Lise Langlois, Vice-Chairman of the planification et programmation, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, 2^e étage, Québec (Québec) G1K 7E2.

MONIQUE JÉRÔME-FORGET,
Chairman-Director General of
the Commission de la santé et
de la sécurité du travail

Safety Code for the construction industry (Amendment)

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 223, first par., subpars. 3, 7, 9, 14, 19, 21, 30, 42, and second par.)

1. The Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r. 6), amended by the Regulation approved by Order in Council 749-83 dated 13 April 1983, replaced on 17 and 18 November 1983 by a Notice published in the *Gazette officielle du Québec* of 8 February 1984 and amended by the Regulations approved by Orders in Council 21-85 dated 9 January 1985 and 1959-86 and 1960-86 dated 16 December 1986, is further amended in section 1.1:

(1) by inserting the following paragraph after paragraph 1.1:

"(1.2) "asbestos": the fibrous form of mineral silicates belonging to rock-forming minerals of the serpentine group, that is, chrysotile, and the amphibole group, that is, actinolite, amosite, anthophyllite, crocidolite, tremolite or any mixture containing one or more of those minerals;"

(2) by adding the following subparagraph after subparagraph *n* of paragraph 8:

"(o) where high-risk work is carried out within the meaning of paragraph 3 of section 3.23.2 of this Code;"

(3) by inserting the following paragraph after paragraph 11:

"(12) "containing asbestos": having an asbestos concentration of at least 0.1%;"

(4) by inserting the following paragraphs after paragraph 21:

"(21.1) "respirable asbestos fibre": asbestos fibre having a diameter of less than 3 µm and a ratio of length to diameter of more than 3:1. Only fibres longer than 5 µm are taken into account for measurement purposes;

"(21.2) "high-efficiency filter": a filter capable of filtering particles of 0.3 µm in size at an efficiency rate of at least 99.97%;"

(5) by inserting the following paragraph after paragraph 24.1:

"(24.2) "friable material": material that can be crumbled, pulverized or powdered by hand pressure when dry or that is already crumbled, pulverized or powdered;"

(6) by inserting the following paragraph after paragraph 29:

"(29.1) "asbestos dust": airborne asbestos particles or deposited asbestos particles liable to become airborne in the work area;"

2. Section 2.4.1 is amended by adding the following paragraph after paragraph *j* of subsection 1.1:

"(k) in the case of asbestos removal work or demolition work involving asbestos, the methods and procedures used as well as an attestation to the existence of a training and information program that complies with section 3.23.7 of this Code;"

3. The following subdivision is added after section 3.22.1:

"Subdivision 3.23. Work liable to produce asbestos dust emissions

3.23.1. This subdivision applies to any construction site where work liable to produce asbestos dust emissions is carried out.

3.23.2. For the purposes of this subdivision, the following categories of work sites are established:

(1) Work sites where low-risk work is carried out:

(a) The installation or removal of manufactured goods containing asbestos, including the following:

- i. vinyl tiles;
- ii. acoustic tiles;
- iii. gaskets;
- iv. seals;
- v. asbestos cement products;

(b) the sawing, cutting, shaping or drilling of a product mentioned in subparagraph *a* of paragraph 1 with a hand tool or a power tool fitted with a dust-collection device equipped with a high-efficiency filter;

(c) the removal of drywall installed with asbestos joint-filling compounds;

(2) Work sites where moderate-risk work is carried out:

(a) the total or partial removal of false ceilings on which friable material containing asbestos may be found;

(b) the enclosure of friable material containing asbestos, subject to subparagraph *c* of paragraph 3;

(c) the removal of friable material containing asbestos where, in the removal process, the work area is sealed off from the worker's breathing area;

(d) any work that is liable to produce asbestos dust emissions and that is not classified as low or high-risk;

(3) Work sites where high-risk work is carried out:

(a) subject to subparagraph *c* of paragraph 2 of section 3.23.2, the removal of friable material containing asbestos;

(b) the cleaning or removal of a ventilation system, including rigid ducts, in buildings where the insulation contains asbestos applied by spraying;

(c) the enclosure of friable material containing asbestos by the spray application of a sealant;

(d) the repair, alteration or demolition of kilns, boilers or similar devices made entirely or partly of refractory materials containing asbestos;

(e) the use of a power tool not fitted with a dust-collection device equipped with a high-efficiency filter to grind, cut, drill or abrade a product mentioned in subparagraph *a* of paragraph 1;

(f) the handling of friable material containing crocidolite or amosite.

3.23.3 Unless the Commission de la santé et de la sécurité du Travail uses its power to issue an order in accordance with section 66 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the use of crocidolite or amosite or of a product containing either of those materials is prohibited, except where their replacement is not reasonable or practicable.

3.23.4 The spray application of a mixture of friable materials containing asbestos is prohibited.

3.23.5 The use of compressed air is prohibited in a work area covered by this subdivision, except compressed air necessary to operate a respirator.

3.23.6 Smoking or eating in a work area covered by this subdivision is prohibited.

3.23.7 Before a worker undertakes work liable to produce asbestos dust emissions, the employer must train the worker and inform him of hazards, prevention methods and safe working methods. The training and information program must contain at least:

- (1) the contractor's general obligations;
- (2) the effects of asbestos on health;
- (3) the applicable standards and the sampling to be carried out;
- (4) the workers' rights and obligations;
- (5) individual and collective protection methods and equipment;
- (6) the tasks to be carried out and the equipment and tools to be used;
- (7) safe working methods and procedures;
- (8) prevention and verification methods;

The information and training provided for in the first paragraph must have previously been established in writing.

3.23.8 Friable material that contains asbestos and that is likely to be spread must be kept thoroughly wetted throughout the work.

3.23.9 Before undertaking indoor work covered by this subdivision:

- (1) all friable material that contains asbestos and that is spread in the work area must be removed with a vacuum cleaner equipped with a high-efficiency filter or must be wetted thoroughly before it is removed;
- (2) all furniture must be removed from the work area or protected by airtight sheets;

3.23.10 During the work, residue from materials containing asbestos must be removed quickly from the work area with a vacuum cleaner equipped with a high-efficiency filter or by wetting the residue thoroughly before it is removed.

That residue must then be placed in an airtight container.

3.23.11 Upon completion of work where airtight sheets were used to protect the work area, sheets intended for re-use must be cleaned with a vacuum cleaner equipped with a high-efficiency filter. Sheets intended for disposal must first be wetted, then folded so that they hold all the dust that they have collected and, finally, placed in an airtight container.

3.23.12 Upon completion of work covered by this subdivision, the work area and the area around it must be cleaned with a vacuum cleaner equipped with a high-efficiency filter or by damp wiping the surfaces and then cleaning them.

3.23.13 A label must be affixed to any receptacle containing asbestos materials, whether new or used, unless the receptacle has already been labelled by a supplier in accordance with the Controlled Products Regulations (SOR 88-64, Canada Gazette, Part II, 20 January 1988). The label must be permanently affixed and legible and must bear the following indications and warnings:

Material containing asbestos

Toxic by inhalation

Keep container tightly closed

Do not breathe the dust

3.23.14 Any worker working in a work area covered by this subdivision must wear safety shoes that meet the requirements of section 2.10.6 and that are fitted with soles that do not slip on wet surfaces.

3.23.15 An employer carrying out moderate-risk work must fulfill the following obligations:

- (1) any worker present in the work area must wear a disposable or re-usable respirator fitted with a high-efficiency filter;
- (2) any worker present in the work area must wear protective clothing used exclusively for that purpose;
- (3) the employer must ensure that his protective clothing is clean and dry at the beginning of each day on which it is to be used;
- (4) the employer must ensure that re-usable clothing is cleaned before re-use, unless it is washed. The vacuum must be equipped with a high-efficiency filter;
- (5) where disposable clothing is used, that clothing must, at the end of the workday, be placed in a plastic bag supplied by the employer and must immediately be hermetically sealed;
- (6) workers may not wear or carry their soiled work clothes outside the work areas covered by this subdivision or outside the work clothes locker room;
- (7) during work to remove friable material containing asbestos, the work area must be sealed off with airtight sheets;

(8) during work to remove false ceilings inside a building, the work area must be sealed off with airtight sheets and the building's ventilation system must be protected from contamination;

(9) a sign must be posted at the entrance to each work area. That sign must be yellow, measure 500 millimetres high by 350 millimetres wide and indicate in black characters of the size specified below the following information in the following order:

Information	Size of characters
ASBESTOS	25 mm
DANGER	20 mm
Do not breathe the dust	7.5 mm
Protective equipment compulsory	7.5 mm
No admittance without authorization	7.5 mm
Inhaling asbestos dust may be harmful to your health	5 mm

3.23.16 An employer carrying out high-risk work must fulfill the following obligations in addition to the obligations that an

employer carrying out moderate-risk must fulfill in accordance with section 3.23.15:

(1) notwithstanding paragraph 1 of section 3.23.15, a powered air-purifying continuous-flow positive-pressure half-facepiece or full-facepiece respirator or a supplied-air continuous-flow positive-pressure half-facepiece or full-facepiece respirator must be worn by any worker working with power tools not fitted with a vacuum cleaner equipped with a high-efficiency filter or by any worker working with thoroughly wetted friable materials containing asbestos other than chrysotile;

(2) notwithstanding paragraph 1 of this section, a supplied-air continuous-flow positive-pressure respirator fitted with a hood must be worn by any worker working with friable materials that cannot be wetted and that contain asbestos;

(3) before work begins, the principal contractor must, together with the employer concerned, identify in writing:

(a) the equipment and tools necessary to carry out the work and the measures to be taken in order to install, use, maintain, protect and move them;

(b) the hazards and the health and safety measures to be taken in accordance with the work to be carried out;

(c) the types of asbestos and other contaminants that may be encountered during the work;

(d) the individual and collective protective measures and equipment to be used;

(e) the measures to be taken in case of an emergency, which must, in particular, include locating emergency exits in the work area and the exits through which the building can be evacuated;

That information must be available in the work area.

(4) the employer must take a reading of the concentration of airborne breathable asbestos fibres in the work area, in accordance with section 13 of the Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15), at least once a day during the work.

(5) notwithstanding paragraph 4 of section 3.23.15, the employer must ensure that re-usable clothing is washed before it is re-used.

(6) workers must place their re-usable protective clothing in a receptacle filled with water immediately after removing them;

(7) where clothes are washed in the work clothes locker room, workers may, immediately after removing their clothes, put them directly into the tank of a washer filled with water;

(8) the employer must make available to each worker required to be present in the work area a street clothes locker and a work clothes locker.

The lockers must be located in separate rooms used exclusively for their respective purposes and a shower room must be located between the two locker rooms so that workers may shower before putting on their street clothes. There must be at least 0.14 m of shelf space in each locker and at least 600 mm of space in front of each row of lockers.

Those facilities must be located in the work area and only the street clothes locker room may connect directly with the exterior of the work area;

(9) the employer must ensure that any worker leaving the work area follows the decontamination procedure described below;

(a) workers must remove their work clothes in the work clothes locker room;

(b) disposable clothing must be treated as waste and re-usable clothing must be placed in a receptacle filled with water;

(c) workers must remove their safety helmets and respirators in the shower room;

(d) safety helmets and re-usable respirators must be washed under a shower by the user. Disposable cartridges must be thrown into a garbage can and the other parts of the respirator must be washed under a shower and then hung to dry in a clean area free of dust;

(e) workers must shower immediately before entering the street clothes locker room;

(10) Except where work is carried out entirely outdoors, the work area and the work clothes locker room must be sealed off from the rest of the building by an airtight enclosure, which must have an exhaust ventilation system equipped with a high-efficiency filter. The ventilation system must provide at least four changes of air per hour and must put the area under negative pressure of between .001 and .004 KPa;

(11) At the beginning and end of each shift, the employer must ensure that the airtight enclosure is in good condition. If the enclosure is punctured or becomes defective, the work must cease until the enclosure is repaired.

(12) Materials containing asbestos must be wetted before and during removal work, except where that process may be dangerous;

(13) the air vents of the building's ventilation system must be sealed off from the work area before the work begins and must be kept sealed during the work;

(14) upon completion of the work, it is prohibited to dismantle the airtight enclosure or to remove the airtight sheets before the concentration of airborne respirable asbestos fibres drops to less than 0.01 fibres per cubic centimetre of air. That reading must be taken in accordance with section 13 of the Regulation respecting the quality of the work environment (R.R.Q., 1981, c. S-2.1, r. 15)."

4. 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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Draft Regulation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Withholding of sums payable by the Government in the case of contravention of certain provisions of the Act respecting municipal taxation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the withholding of sums payable by the Government in the case of contravention of certain provisions of the Act respecting municipal taxation, the text of which appears below, may be made by the Government upon the expiry of a 45-day period from the date of publication of this notice.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Municipal Affairs, 20, avenue Chauveau, aile Chauveau, 3^e étage, Québec, G1R 4J3.

PIERRE PARADIS,
Minister of Municipal Affairs

Regulation respecting the withholding of sums payable by the Government in the case of contravention of certain provisions of the Act respecting municipal taxation

An Act respecting municipal taxation
(R.S.Q., c. F-2.1, s. 262, par. 8.4)

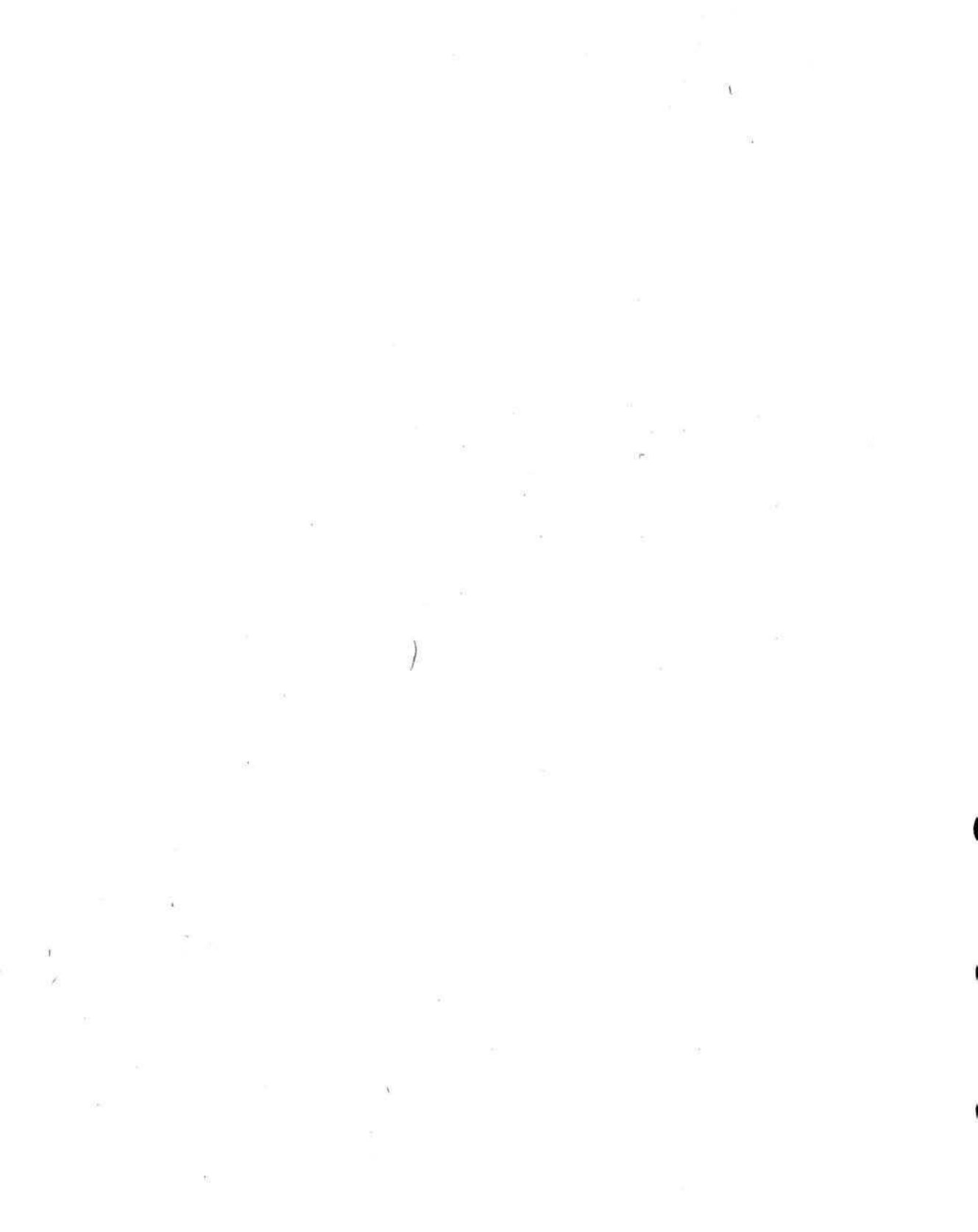
An Act to amend various legislation respecting the finances of municipalities and intermunicipal bodies
(1988, c. 76)

1. Where, in contravention of section 46.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the assessor does not equilibrate the values entered on the roll, a municipal corporation whose roll should have resulted from the equilibration shall lose the right to receive, for each fiscal year to which the roll applies, 10 % of any sum that the Government must pay to it under sections 230, 254, 257 and 261 of the Act.

2. Where, in contravention of section 72.1 of the Act, the assessor does not, within the prescribed time period, deposit a new roll applicable to two fiscal years, a municipal corporation whose roll should have been deposited shall lose the right to receive, for each of those fiscal years, 10 % of any sum that the Government is required to pay to it under sections 230, 254, 257 and 261 of the Act.

3. Where, in contravention of section 36.1 of the Act, the assessor, upon the expiry of the time period prescribed by that section or by section 36 of the Regulation made under paragraph 1 of section 263 of the Act, has not verified the accuracy of the data in his possession concerning each unit of assessment entered or required to be entered on the roll of a municipal corporation, that corporation shall lose the right to receive 10 % of any sum that the Government must pay to it under sections 230, 254, 257 and 261 of the Act for every fiscal year commencing on or after the expiry of the time period and preceding the fiscal year that begins after the fault is corrected.

4. 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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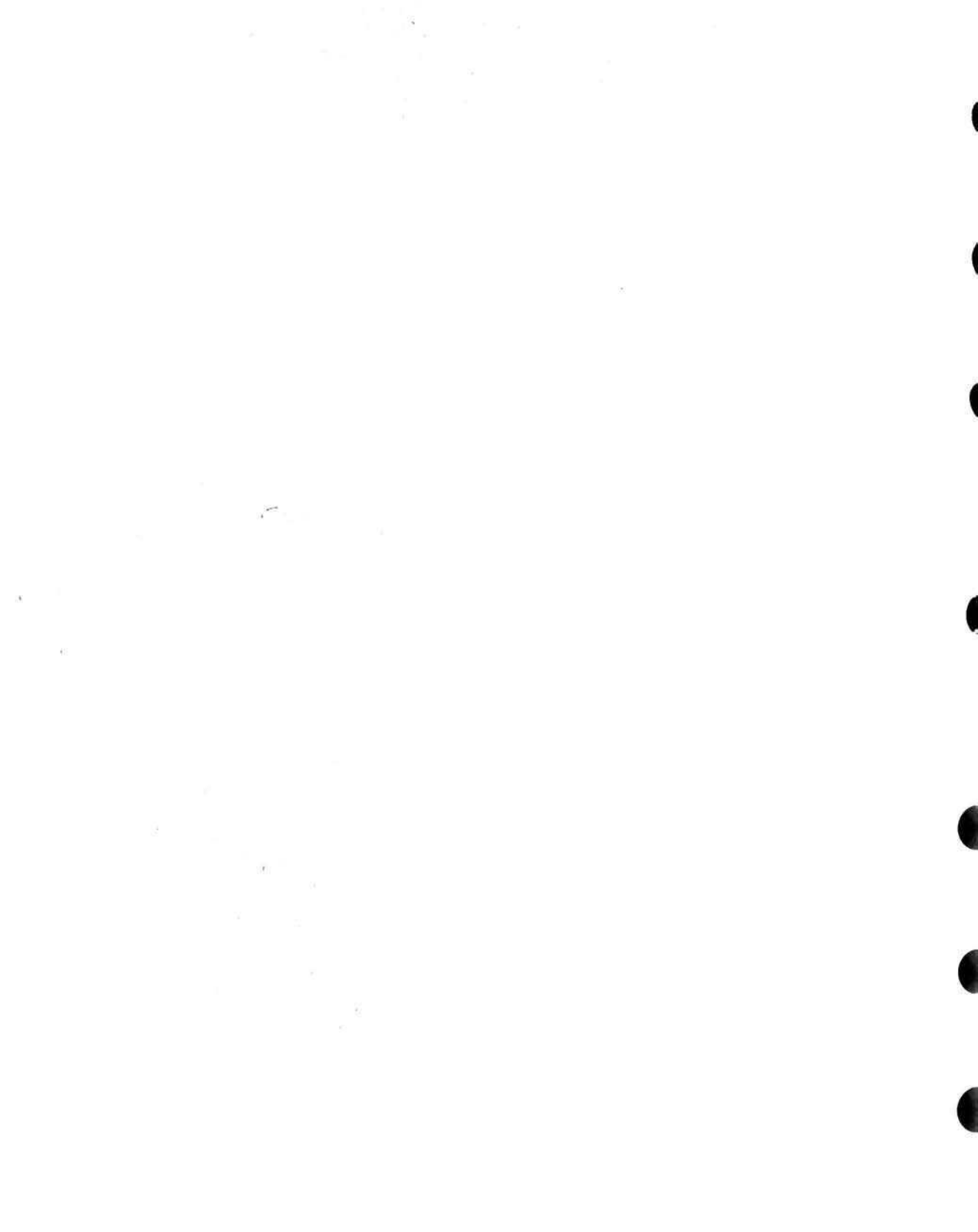
Abbreviations: A: Abrogated, N: New, M: Modified

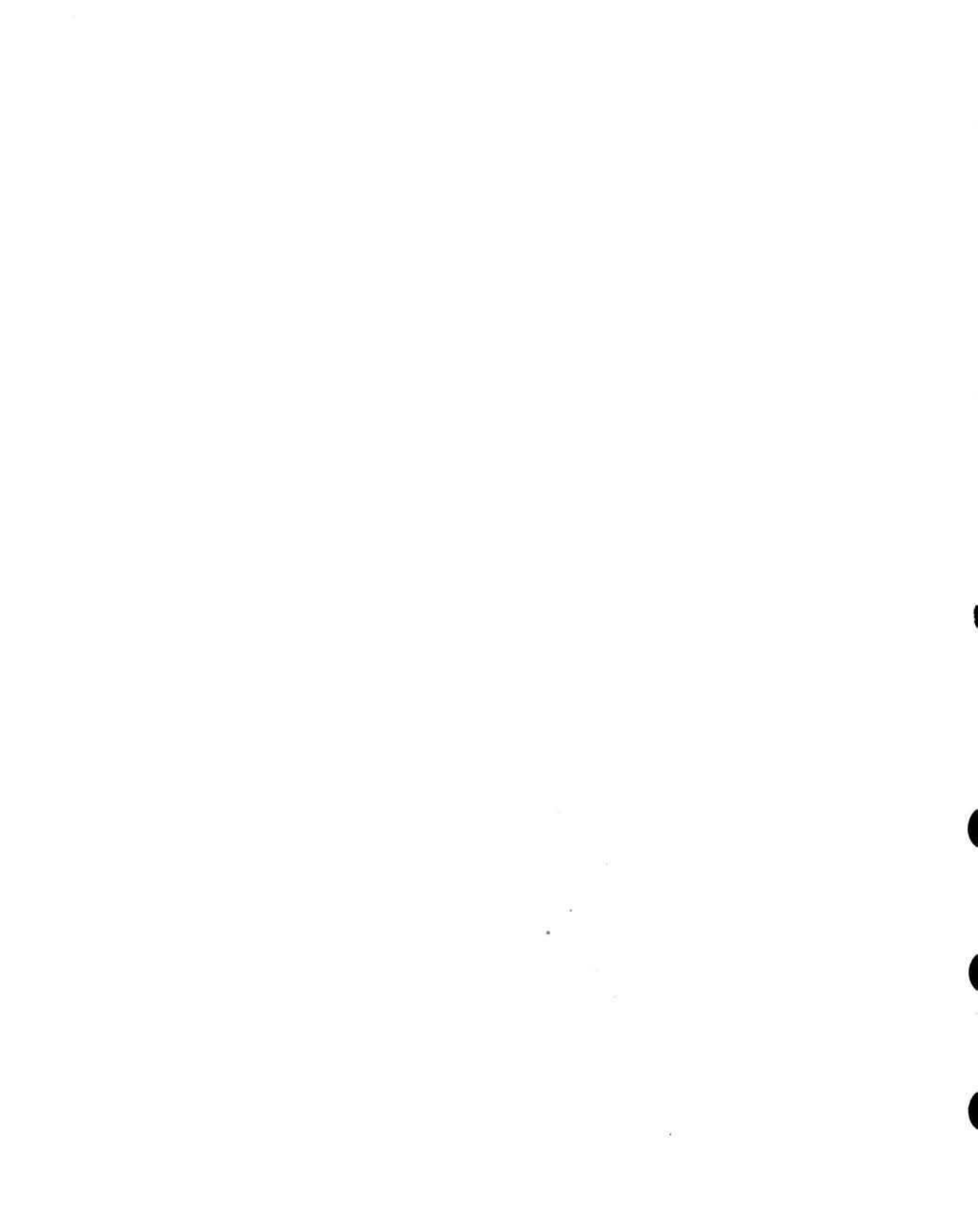
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