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Part 2

Laws and
Regulations

Volume 126

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No. 49



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Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 126
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No. 49

Summary

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

2° proclamations of Acts;

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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.

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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.

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Regulations and other acts

Notice

Public Service Act
(R.S.Q., c. F-3.1.1)

Appeals to the Commission de la fonction publique — Amendments

The Commission de la fonction publique gives notice, in accordance with section 116 of the Public Service Act (R.S.Q., chapter F-3.1.1), that it has adopted the Regulation attached hereto.

Québec, le 17 novembre 1994

MICHEL PAQUET
President

Regulation to amend the Regulation respecting Appeals to the Commission de la fonction publique

Public Service Act
(R.S.Q., c. F-3.1.1, s. 116, 1^{re} par., subpar. 2)

1. The Regulation respecting Appeals to the Commission de la fonction publique, made by the Commission de la fonction publique on 23 September 1985 and published in Part 2 of the *Gazette officielle du Québec* of 9 October 1985, is amended by substituting the following for section 5:

"5. The Commission shall send to the parties to the appeal a notice giving the date, time and place of the hearing.

The notice shall be sent not less than 15 clear days before the date fixed for the hearing."

2. The French version of the Regulation is amended by substituting the word "audience" for the word "audition" wherever it is found in sections 6 to 8.

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

8755

Gouvernement du Québec

O.C. 1620-94, 16 November 1994

An Act respecting the Société de développement industriel du Québec
(R.S.Q., c. S-11.01)

Business Start-up Investment Program

Regulation respecting the Business Start-up Investment Program

WHEREAS under section 5 of the Act respecting the Société de développement industriel du Québec (R.S.Q., c. S-11.01), the Government may, by regulation, establish financial assistance programs designed to promote economic development in Québec;

WHEREAS section 47 of the Act empowers the Government to make regulations, in particular, to establish criteria to determine which businesses may receive financial assistance, the form that financial assistance may take and the conditions a business must fulfil to obtain it;

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 pursuant to section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS in accordance with section 13 of that Act, the reason justifying the absence of prior publication shall be published with the regulation;

WHEREAS in accordance with 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 the Government is of the opinion that the urgency owing to the following circumstances warrants the absence of prior publication of the Regulation and its coming into force on the date of its publication:

(1) businesses cannot take advantage of the financial assistance provided for under the proposed program until the program is made by regulation; and

(2) it is important that businesses be able to take advantage of the proposed measures as soon as possible, to enable them to contribute to the economic recovery;

IT IS ORDERED, therefore, on the recommendation of the Minister of Industry, Trade, Science and Technology:

THAT the Regulation respecting the Business Start-up Investment Program, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting the Business Start-up Investment Program

An Act respecting the Société de développement industriel du Québec (R.S.Q., c. S-11.01, ss. 5 and 47)

DIVISION I PROGRAM OBJECTIVE

1. The financial assistance granted by the Société de développement industriel du Québec under the Business Start-up Investment Program is aimed at promoting job creation in Québec by guaranteeing loans whose purpose is to support the start-up of businesses.

DIVISION II ELIGIBILITY

2. The financial assistance provided for under the Program may be granted to a fledgling business that

(1) is a commercial, profit-seeking sole proprietorship, constituted as a legal person or formed as a partnership;

(2) is not yet operating or has been operating for less than 3 months prior to the date of the application for a loan; and

(3) demonstrates that its project can reasonably be expected to be profitable and to create at least 3 permanent jobs or the equivalent of 3 person-years during the first 3 years of operation.

DIVISION III FINANCIAL ASSISTANCE

3. The financial assistance granted under the Program shall take the form of

(1) a guarantee of repayment of 90 % of the net loss that may result from a loan of not more than \$50 000; and

(2) an assumption by the Corporation of the interest on such loan, up to a maximum amount of 10 %, to the extent determined in the Program.

The net loss is calculated by adding the outstanding principal at the date of the loan's recall and the arrears in interest at that date, without exceeding 3 months, and by subtracting the net proceeds of the securities.

4. The Corporation shall assume the interest on a loan guaranteed during the first year following the full disbursement of the loan, according to the terms agreed on with the lender.

Notwithstanding the foregoing, a fledgling business that operates a retail business or a restaurant may not obtain financial assistance in the form of an assumption of interest.

5. The maximum term for a loan repayment guarantee is 8 years, from the date of the first disbursement of the loan.

6. To be guaranteed, a loan must be granted for the purchase of assets or to finance working capital during the first year of operation.

Notwithstanding the foregoing, a loan shall not be used in pursuing the activities of a business that has been operating for more than 3 months or to refinance a loan.

7. For the purposes of the Program, a lender is a bank within the meaning of the Act respecting banks and banking (1991, c. 46), a savings and credit union governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1) or any other legal person legally empowered to grant loans, with whom the Corporation has concluded an agreement in respect of the administration of the Program.

DIVISION IV PROCEDURE

8. The lender shall examine the application filed with it by a business and shall determine its eligibility for the Program.

Where the lender decides to grant a loan, it shall determine the amount of the loan it is prepared to grant, as well as the conditions imposed.

9. The lender shall send to the Corporation, as soon as possible after the loan is accepted, a summary of the file on the business, including an outline of its business plan, in the form and with the content agreed on with the Corporation.

10. The Corporation shall register the loan and the assumption of interest, if such is the case, where the Program criteria are met.

11. At the time a loan is granted, the lender shall require that the business submit to it a promissory note and sign a loan contract for the amount of the loan, stipulating the interest rate charged and the terms of repayment.

Notwithstanding the foregoing, the lender shall not require a personal surety or a security on the property of a natural person, except in the case of property intended for use in the operation of the business for which the loan is granted.

12. Interest on the loan shall be payable to the lender from the first disbursement of the loan.

Repayment of the principal on the loan shall begin from the first month following the third anniversary of the disbursement of the loan and shall be effected in equal annual amounts, regardless of the amount and the number of the instalments.

13. The maximum interest rate payable to the lender is a variable rate equivalent to the lender's prime rate plus $1\frac{1}{4}\%$ or a fixed rate equivalent to the rate applied to 5-year hypothecary loans, plus $1\frac{1}{4}\%$.

DIVISION V CLAIM

14. The lender shall promptly send to the Corporation a copy of any recall of a loan.

15. After its usual recourses have been exhausted, the lender shall make a claim for the net loss.

16. The lender's claim shall be paid or refused by the Corporation within 30 days following its receipt.

17. Upon reimbursement, the lender shall discharge the Corporation for the amount paid.

The Corporation shall be subrogated to the lender in accordance with the law.

DIVISION VI GENERAL

18. The Regulation respecting the programs of the Société de développement industriel du Québec, made by Order in Council 681-92 dated 6 May 1992, does not apply to the Program.

19. Any lender who has granted a loan under the Program shall submit to the Corporation such reports or information as the Corporation may require from time to time.

20. The lender and the business may agree to alter the terms and conditions of the loan, but shall not contravene the provisions of the Program. The lender shall promptly inform the Corporation of any such alteration.

21. The loan contract and the guarantee granted under the Program are governed by the Civil Code of Québec.

22. The Government shall reimburse the Corporation for costs assumed in respect of the administration of the Program.

23. The total amount of the guarantees registered under the Program shall not exceed \$300 million.

DIVISION VII FINAL

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

Notwithstanding the foregoing, no financial assistance shall be granted once the total amount of the guarantees provided for in section 23 has been committed, nor after 31 December 1996, whichever comes first.

This Regulation will continue to have effect in respect of all financial assistance granted before that date.

8758

Gouvernement du Québec

O.C. 1627-94, 16 November 1994

An Act respecting the Régie du gaz naturel
(R.S.Q., c. R-8.02)

Duties payable by gas distributors

Regulation respecting the duties payable by gas distributors

WHEREAS under paragraph 1 of section 67 of the Act respecting the Régie du gaz naturel (R.S.Q., c. R-8.02), the Government may determine, by regulation, the rates and the terms and conditions of payment of the annual duties payable to the Régie by distributors;

WHEREAS by Order in Council 2072-84 dated 19 September 1984, the Government made the Gas Distributors (Duties payable under the Act respecting the Régie de l'électricité et du gaz) Regulation;

WHEREAS it is expedient to replace that Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 27 July 1994, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make that Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources:

THAT the Regulation respecting the duties payable by gas distributors, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting the duties payable by gas distributors

An Act respecting the Régie du gaz naturel
(R.S.Q., c. R-8.02, s. 67, par. 1)

1. Every distributor of natural gas shall pay to the Régie du gaz naturel duties in the amount of \$0.62 per thousand cubic metres of gas transported and delivered.

2. Such duties shall be paid monthly and shall be calculated on the basis of the monthly volume of gas transported and delivered. As of the date of filing of the distributor's annual report, an adjustment shall be made, where necessary, to reflect the actual volume of gas transported and delivered.

3. This Regulation replaces the Gas Distributors (Duties payable under the Act respecting the Régie de l'électricité et du gaz) Regulation, made by Order in Council 2072-84 dated 19 September 1984.

4. This Regulation comes into force on (indicate here the date of the first day of the month after the fifteenth day following the publication of this Regulation in the *Gazette officielle du Québec*).

8752

Draft Regulations

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Ozone-depleting substances — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Draft Regulation to amend the Regulation respecting ozone-depleting substances, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 60 days following this publication.

The depletion of the ozone layer is an environmental problem that concerns all the countries of the world. It is a global phenomenon that may affect the health of living beings and the quality of the world environment. The scientific certainties about that phenomenon have led in 1987 to the drawing up of an international environmental treaty named the Montréal Protocol. The principal substances addressed are chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC) and bromofluorocarbons (halons).

Under the Canada Ozone Layer Protection Program, the provinces have taken certain measures to control and to reduce the emission of those substances in the atmosphere. In June 1993, the Gouvernement du Québec made the Regulation respecting ozone-depleting substances so as to create a framework for those control and reduction objectives.

A small part of the dry-cleaning industry was affected by the Regulation, because it used CFCs as a cleaning agent. When the Regulation was made in June 1993, that part of the industry had already made attempts to replace CFCs by another substance with promising cleaning properties. Those attempts have proven to be unsuccessful and, therefore, a certain number of persons in that industry are technically unable to comply with section 27 of the Regulation which prohibits the use of CFCs in dry-cleaning operations.

The purpose of the Draft Regulation to amend the Regulation respecting ozone-depleting substances is to regularize the situation of the persons in that industry who are unable to comply with the Regulation. It will

thus prevent those persons from being penalized for an unforeseen situation beyond their control. The Draft Regulation to amend the Regulation respecting ozone-depleting substances will result in the putting off of the prohibition to use CFCs in dry-cleaning operations from 1 July 1994 until 1 January 1996. Therefore, that extension will give sufficient time to develop and introduce a new cleaning substance.

For further information on the Draft Regulation to amend the Regulation respecting ozone-depleting substances, please contact Mr. Daniel Champagne, Service de la qualité de l'atmosphère, ministère de l'Environnement et de la Faune, 2360, chemin Sainte-Foy, 1^{er} étage, Sainte-Foy (Québec), G1V 4H2.

Any interested person having comments to make on the Draft Regulation to amend the Regulation respecting ozone-depleting substances is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment and Wildlife, 3900, rue Marly, 6^e étage, Sainte-Foy (Québec), G1X 4E4.

JACQUES BRASSARD,
*Minister of the Environment
and Wildlife*

Regulation to amend the Regulation respecting ozone-depleting substances

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. a to c and l)

1. The Regulation respecting ozone-depleting substances, made by Order in Council 812-93 dated 9 June 1993, is amended in section 27 by substituting "1 January 1996" for "1 January 1994".

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

8753

Draft Regulation

Health Insurance Act
(R.S.Q., c. A-29)

Regulation

— Amendment

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 to amend the Regulation respecting the application of the Health Insurance Act, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to ensure control in the development of magnetic resonance imaging in Québec. For that purpose, the Draft Regulation proposes that magnetic resonance imaging be an insured service only where it is rendered by an institution that operates a hospital centre.

To date, study of the matter shows that the development and consolidation of magnetic resonance imaging in the public network will ensure adequate and equitable access for the entire population of Québec.

Additional information may be obtained by contacting Diane Bois, advocate, Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7, at the following telephone number: (418) 682-5172.

Any interested person having comments to make concerning the matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec), G1S 2M1.

JEAN ROCHON

Minister of Health and Social Services

Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1^o par., subpar. b.1)

1. The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1), amended by the Regulations made by Orders in Council 3397-81 dated 9 December 1981 (Suppl., p. 84), 1125-82 dated 12 May 1982 (Suppl., p. 105), 1181-82

dated 19 May 1982 (Suppl., p. 106), 1712-82 dated 13 July 1982 (Suppl., p. 107), 1789-82 dated 12 August 1982, 2448-82 dated 27 October 1982, 2546-82 dated 10 November 1982, 2630-82 dated 17 November 1982, 2678-82 dated 24 November 1982, 3018-82 and 3019-82 dated 21 December 1982, 13-83 and 14-83 dated 12 January 1983, 165-83 dated 2 February 1983, 539-83 dated 23 March 1983, 692-83 and 693-83 dated 13 April 1983, 763-83 dated 20 April 1983, 1771-83 dated 1 September 1983, 1828-83 dated 7 September 1983, 937-84 dated 11 April 1984, 1374-84 and 1375-84 dated 13 June 1984, 1513-84 dated 27 June 1984, 1769-84 and 1770-84 dated 8 August 1984, 1813-84 dated 16 August 1984, 1893-84 dated 22 August 1984, 2051-84 dated 19 September 1984, 2298-84 dated 17 October 1984, 2751-84 dated 12 December 1984, 321-85 dated 21 February 1985, 661-85 dated 3 April 1985, 944-85 dated 22 May 1985, 1119-85 dated 12 June 1985, 1516-85 dated 17 July 1985, 2276-85 and 2277-85 dated 31 October 1985, 2494-85 dated 27 November 1985, 445-86 dated 9 April 1986, 654-86 dated 14 May 1986, 1179-86 dated 30 July 1986, 1538-86 dated 8 October 1986, 1730-86 dated 19 November 1986, 1936-86 dated 16 December 1986, 1026-87 dated 23 June 1987, 1258-87 and 1259-87 dated 12 August 1987, 1556-87 dated 7 October 1987, 1656-87 dated 28 October 1987, 1834-87 dated 2 December 1987, 1937-87 dated 16 December 1987, 424-88 dated 23 March 1988, 618-88 and 619-88 dated 27 April 1988, 841-88 dated 1 June 1988, 950-88 dated 15 June 1988, 1550-88 dated 12 October 1988, 1634-88 dated 26 October 1988, 1823-88 dated 7 December 1988, 1887-88 and 1888-88 dated 14 December 1988, 1980-88 dated 21 December 1988, 922-89 and 924-89 dated 14 June 1989, 967-89 dated 21 June 1989, 1214-89 dated 26 July 1989, 1600-89 dated 10 October 1989, 224-90 dated 21 February 1990, 512-90 dated 11 April 1990, 858-90, 860-90, 861-90 and 862-90 dated 20 June 1990, 1027-90 dated 11 July 1990, 1473-90 dated 10 October 1990, 1735-90 dated 12 December 1990, 384-91 dated 20 March 1991, 862-91, 863-91 and 864-91 dated 19 June 1991, 940-91 dated 3 July 1991, 1064-91 dated 24 July 1991, 1134-91 dated 14 August 1991, 1500-91, 1501-91 and 1502-91 dated 30 October 1991, 1834-91 dated 18 December 1991, 499-92 and 500-92 dated 1 April 1992, 903-92 and 904-92 dated 17 June 1992, 948-92 dated 23 June 1992, 1002-92 dated 30 June 1992, 1192-92 dated 19 August 1992, 1244-92 dated 26 August 1992, 1402-92 dated 23 September 1992, 1469-92 and 1470-92 dated 30 September 1992, 1509-92 dated 7 October 1992, 1755-92 dated 2 December 1992, 1890-92 dated 16 December 1992, 124-93 dated 3 February 1993, 209-93 dated 17 February 1993, 423-93 dated 24 March 1993, 729-93 dated 20 May 1993, 744-93 and 745-93 dated 26 May 1993, 869-93 dated 16 June 1993, 950-93

and 951-93 dated 30 June 1993, 1472-93 dated 20 October 1993, 1899-93 dated 15 December 1993, 69-94 dated 10 January 1994, 612-94 dated 27 April 1994 and 896-94 dated 15 June 1994, is further amended by adding the following after paragraph *q.1* of section 22:

"(q.2) magnetic resonance imaging, unless the service is rendered in a facility maintained by an institution that operates a hospital centre;"

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

8754

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Land surveyors

— Conciliation and arbitration procedure for the accounts

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 conciliation and arbitration procedure for the accounts of members of the Ordre des arpenteurs-géomètres du Québec", made by the Bureau of the Ordre des arpenteurs-géomètres du Québec, the text of which appears below, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional order that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des arpenteurs-géomètres du Québec

Professional Code
(R.S.Q., c. C-26, s. 88)

DIVISION I CONCILIATION

1. A client who has a dispute with a member of the Ordre des arpenteurs-géomètres du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, within a 45-day period from the date of receipt of the account.

2. A client who has a dispute with a member concerning the amount of an account that he has already paid in whole or in part for professional services may also file a written application for conciliation with the syndic within a 45-day period from the date of receipt of the account.

3. A member may not institute proceedings to recover an account for professional services before the expiry of a 45-day period from the date of receipt of the account by the client.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

4. Within 5 days of receiving an application for conciliation, the syndic shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm. He shall also send the client a copy of this Regulation.

Once the member has been notified that the syndic has received the application for conciliation, he may not institute proceedings to recover his account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

5. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

6. Any agreement reached during conciliation shall be put in writing in accordance with the form provided in Schedule I, shall be signed by the client and the member and shall be filed with the secretary of the Order.

7. Where conciliation does not lead to an agreement within 30 days from the date of receipt of the application for conciliation, the syndic shall send the form provided in Schedule II to the client, indicating to him the procedure and time limit for submitting the dispute to arbitration.

Where the account has a value of \$1 000 or more, the syndic shall also send a conciliation report to the client and to the member by registered mail.

The conciliation report shall contain the following information:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute.

DIVISION II ARBITRATION

§1. Application for arbitration

8. Within 15 days of receiving the form provided in Schedule II and the conciliation report, if such exists, the client may apply for arbitration of the account by sending the form in Schedule II to the secretary of the Order.

A copy of the conciliation report, if such exists, shall accompany the client's application for arbitration.

9. Within 5 days of receiving an application for arbitration, the secretary of the Order shall notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm.

10. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

11. A member who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

12. A client who acknowledges owing an amount to a member shall deposit that amount with the secretary of the Order, who shall then remit it to the member.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

13. Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing in accordance with the form provided in Schedule I, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has heard the case, the agreement shall be recorded in the arbitration decision.

§2. Council of arbitration

14. Each year, within one month following its election, the Bureau of the Ordre des arpenteurs-géomètres du Québec shall form a council of arbitration, of which it appoints the chairman and the vice-chairman or the vice-chairmen.

15. The council of arbitration shall be composed of 3 members where the amount in dispute is \$2 000 or more, and may be composed of a single member where the amount is less than \$2 000.

16. The members of the council shall have exercised their profession for not less than 10 years; they shall remain in office until reappointed or replaced.

17. The Bureau shall designate the secretary of the council and assistants to the secretary.

18. Should the chairman be unable to act by reason of absence or illness, he shall be replaced by the vice-chairman or one of the vice-chairmen.

19. A member of the council may not sit during the hearing of a case where he finds himself to be in any of the situations described in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25).

20. Before acting, the members of the council, the secretary of the council and assistants to the secretary shall take the oath provided in Schedule III.

§3. Hearing

21. The chairman of the council shall determine the date, hour and place of the hearing and shall designate the members called to sit; the secretary of the council or any member designated by the chairman shall give written notice to the members and the parties no less than 15 days before the date.

22. The parties are entitled to be represented or assisted by an advocate.

23. Unless otherwise necessary due to extraordinary circumstances, the hearing shall be held within 60 days following the date on which the case is forwarded to the council.

24. A party requesting that the testimony be recorded shall assume the cost thereof.

25. The member or members of the council who begin the hearing shall see the matter through.

Should a member of the council die or be unable to act, the other members shall see the matter through.

If the council of arbitration consists of a single member, he shall be replaced by a new member and the dispute shall be reheard.

§4. Arbitration decision

26. The council of arbitration shall issue its decision within 60 days of the end of the hearing.

27. The decision shall be a majority decision of the members of the council.

The decision shall be substantiated and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the decision shall have the same effect as though it were signed by all the members.

28. The costs incurred by a party for the arbitration shall be borne by that party.

29. In its decision, the council of arbitration may uphold or reduce the amount of the account in dispute, determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client acknowledges owing and that he sent with his application for arbitration.

30. In its decision, the council of arbitration may decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 10 % of the amount of the invoice.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

31. The arbitration decision is binding on the parties, is without appeal but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

32. The arbitration decision shall be filed with the secretary of the Order and shall be sent to each party or to their advocates within 10 days after being filed.

33. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of land surveyors, approved by Order in Council 630-83 dated 30 March 1983, but the latter Regulation continues to govern the procedure for conciliation and arbitration of accounts for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

SCHEDULE I

(ss. 6 and 13)

AGREEMENT

CONCLUDED between
(client's name)

.....
(domicile)

AND

.....
(member's name)

who declare that:

(1)
(member's name)

is claiming (or refuses to reimburse) a sum of money for professional services rendered to
(client's name)

(2)
(client's name)

has applied to the syndic for conciliation with respect to the dispute.

(3) An agreement has been concluded between:

..... and
(client's name) (member's name)

during conciliation (during arbitration).

(4) The terms of the agreement are as follows:

.....

(5) and
 (client's name) (member's name)
 declare that they are bound by the terms of the agree-
 ment.

DATE:

..... and
 Client's signature Member's signature

SCHEDULE II
 (s. 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
 (client's name)

.....
 (domicile)

declare that:

(1)
 (member's name)
 is claiming from me (or refuses to reimburse to me) a
 sum of money for professional services.

(2) I have enclosed a copy of the conciliation report,
 if such exists.

(3) I am applying for arbitration of the account under
 the Regulation respecting the conciliation and arbitra-
 tion procedure for the accounts of members of the Ordre
 des arpenteurs-géomètres du Québec.

(4) I have enclosed a certified cheque for the amount
 I acknowledge owing to
 (member's name)

(5) I have received a copy of the Regulation men-
 tioned above and have taken cognizance thereof.

(6) I agree to submit to the procedure provided for in
 the Regulation and, where required, to pay to

.....
 (member's name)
 the amount of the arbitration decision, which is without
 appeal and is binding on the parties.

DATE:

.....
 Signature

AFFIRMED BEFORE ME AT

.....
 ON 19

.....
 Administering officer

SCHEDULE III
 (s. 20)

OATH

I solemnly affirm that I will perform all my duties and
 exercise all my powers as a member of the council (or as
 secretary of the council or as an assistant to the secretary
 of the council) faithfully, impartially and honestly, to
 the best of my ability and knowledge.

I also solemnly affirm that I will not, without being so
 authorized by law, disclose or make known anything
 whatsoever of which I may take cognizance in the per-
 formance of my duties.

Sworn before
 (name and office, profession or capacity)

at on
 (municipality) (date)

.....
 (signature of the person receiving the oath)

8759

Municipal affairs

Gouvernement du Québec

O.C. 1583-94, 9 November 1994

Rectification of the territorial boundaries of the Municipalité de Saint-Elzéar-de-Beauce and the Paroisse de Saint-Séverin and validation of the acts of the Paroisse de Saint-Séverin

WHEREAS the territorial boundaries of the Municipalité de Saint-Elzéar-de-Beauce and of the Paroisse de Saint-Séverin are imprecise;

WHEREAS the Paroisse de Saint-Séverin has always acted in respect of that territory as if it were under its jurisdiction;

WHEREAS the Minister of Municipal Affairs has sent to the two municipalities, in accordance with section 179 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), a notice containing the proposed rectification and validation that he intends to submit to the Government;

WHEREAS the two municipalities have notified the Minister of Municipal Affairs of their agreement on the proposal;

WHEREAS under sections 178 and 192 of the Act respecting municipal territorial organization, the Government may rectify the territorial boundaries of those municipalities and validate any act performed without right by a municipality in respect of a territory not subject to its jurisdiction;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the territorial boundaries of the Municipalité de Saint-Elzéar-de-Beauce and of the Paroisse de Saint-Séverin be rectified and that the acts performed by the Paroisse de Saint-Séverin be validated, as follows:

(1) The territorial boundaries of the Paroisse de Saint-Séverin are amended by adding the territory whose description made by the Minister of Natural Resources on 12 July 1994 appears in Schedule "A" to this Order in Council. The description of the territorial boundaries of that municipality is amended accordingly.

(2) The territorial boundaries of the Municipalité de Saint-Elzéar-de-Beauce does not include the territory described in Schedule "A" to this Order in Council.

(3) The rectification has effect from 24 December 1875.

(4) The acts performed by the Paroisse de Saint-Séverin in respect of the territory described in Schedule "A" are validated.

(5) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

LOUIS BERNARD,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION PREPARED FOR THE PURPOSE OF RECTIFYING A PART OF THE TERRITORIAL BOUNDARIES OF THE MUNICIPALITÉ DE SAINT-ELZÉAR-DE-BEAUCE, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA NOUVELLE-BEAUCE, AND OF THE PAROISSE DE SAINT-SÉVERIN, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE ROBERT-CLICHE

The following territory, namely, lots 1 to 47 of the cadastre of the Paroisse de Saint-Séverin and their present and future subdivisions as well as the roads, routes, watercourses or parts thereof enclosed within the boundaries described below form part of the Paroisse de Saint-Séverin, in the Municipalité régionale de comté de Robert-Cliche. The boundaries of that territory are described as follows: starting from the point of intersection of the extension of the centre line of route Turmel, located between the cadastres of the parishes of Saint-Elzéar and Saint-Séverin, and on the northeast side of the right of way of chemin Rang du Haut-Saint-Thomas, located southwest of lots 225 and 231 of the cadastre of the Paroisse de Sainte-Marie; southeasterly, the northeast side of the right of way of the said road and the southwest line of lots 234, 235, 235A, 241, 246, 247, 250, 253, 254, and 257 of the cadastre of the Paroisse de Sainte-Marie to the line dividing the cadastres of the parishes of Saint-Séverin and Saint-Frédéric; part of the said line dividing the cadastres to the northeast side of the right of way of chemin Rang du Haut-Saint-Olivier;

northwesterly, the northeast side of the right of way of the said road to the line dividing lot 137 from the cadastre of the Paroisse de Saint-Elzéar and lot 28 of the cadastre of the Paroisse de Saint-Séverin; northeasterly, the said line dividing the lots and the centre line of route Saint-Jacques; the latter extended to the centre line of chemin Rang du Haut-Saint-Jacques; southeasterly, that centre line to the extension of the centre line of route Turmel; finally, the said extension, the centre line of the said route and its extension to the starting point.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 12 July 1994

Prepared by: GILLES CLOUTIER,
Land Surveyor

8749

Gouvernement du Québec

O.C. 1584-94, 9 November 1994

Rectification of the territorial boundaries of the Canton de Magog and validation of the acts of the Canton de Magog

WHEREAS the Canton de Magog was erected on 1 July 1855, by the Lower Canada Municipal and Road Act (18 Vict., c. 100);

WHEREAS the part of lac Magog and rivière Magog facing the Canton de Magog has always been considered as being within its boundaries;

WHEREAS the Canton de Magog has always, since its incorporation, acted in respect of that part of the lake and of rivière Magog as if it were under its jurisdiction;

WHEREAS the body of water over which the Canton de Magog has acted as if it were under its jurisdiction is part of no local municipality;

WHEREAS the Minister of Municipal Affairs has sent to the two municipalities, in accordance with section 179 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), a notice containing the proposed rectification and validation of acts that he intended to submit to the Government;

WHEREAS the Canton de Magog and the Municipalité régionale de comté de Memphrémagog have notified the Minister of their opinion on the proposed rectification and of their agreement thereto;

WHEREAS under sections 178 and 192 of the Act respecting municipal territorial organization, the Government may rectify the territorial boundaries of a municipality and validate any act performed without right by a municipality in respect of a territory not subject to its jurisdiction;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the territorial boundaries of the Canton de Magog be rectified and that the acts performed by the Canton de Magog be validated, as follows:

(1) The description of the territorial boundaries of the Canton de Magog includes the territory described by the Minister of Energy and Resources on 23 September 1992. The description appears in Schedule "A" to this Order in Council.

(2) The rectification has effect from 1 July 1855.

(3) The acts performed by the Canton de Magog in respect of the territory described in Schedule "A" to this Order in Council are validated.

(4) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

LOUIS BERNARD,
Clerk of the Conseil exécutif

SCHEDULE "A"

OFFICIAL DESCRIPTION PREPARED FOR THE PURPOSE OF RECTIFYING A PART OF THE TERRITORIAL BOUNDARIES OF THE MUNICIPALITÉ DU CANTON DE MAGOG, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE MEMPHRÉMAGOG

The following territory, namely, the part of lac Magog and of rivière Magog enclosed within the boundaries described below are part of the Municipalité du canton de Magog, in the Municipalité régionale de comté de Memphrémagog. The boundaries of that territory are described as follows: starting from the meeting point of the line dividing the townships of Orford and Magog and the west shore of lac Magog; thence, successively, the following lines and demarcations: in lac Magog, the extension of the said line dividing the townships to the centre line of the said lake; southerly, the said centre line to the extension of the centre line of the first section of rivière Magog; in a general westerly direction, the said extension and the centre line of the said river to the

extension of the line dividing ranges 20 and 21 of Bolton on the cadastre of the Canton de Magog; the said extension to the north bank of rivière Magog; finally, in general easterly and northerly directions, the north bank of rivière Magog and the west shore of lac Magog to the starting point.

Ministère de l'Énergie et des Ressources
Service de l'arpentage
Québec, 23 September 1992

Prepared by: GILLES CLOUTIER,
Land Surveyor

8750

Gouvernement du Québec

O.C. 1585-94, 9 November 1994

Amalgamation of the Village de Saint-Georges-de-Windsor and the Canton de Saint-Georges-de-Windsor

WHEREAS each of the municipal councils of the Village de Saint-Georges-de-Windsor and of the Canton de Saint-Georges-de-Windsor adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the 2 municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS no objections were sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality be constituted through the amalgamation of the Village de Saint-Georges-de-Windsor and of the Canton de Saint-Georges-de-Windsor, under the following conditions:

1. The name of the new municipality is "Municipalité de Saint-Georges-de-Windsor".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 5 August 1994; that description is attached as a Schedule to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality will be part of the Municipalité régionale de comté d'Asbestos.

5. A provisional council will remain in office until the first general election. It will be composed of all the members of the 2 councils existing at the time of the coming into force of this Order in Council. The quorum will be one-half of the members in office plus 1. The 2 mayors will alternate as mayor of the provisional council for 2 equal periods. A drawing of lots at the first meeting of the provisional council will determine which of the 2 mayors will serve as mayor first.

6. The first general election will be held on the first Sunday of the fourth month following the coming into force of this Order in Council. If that date corresponds to the first Sunday in August or in January, the first general election shall be postponed until the first Sunday in the following month. The second general election will be held on the first Sunday in November 1998.

7. The council of the new municipality will be composed of 7 members, that is, a mayor and 6 councillors. From the first general election, the councillors' seats will be numbered from 1 to 6. For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the Canton de Saint-Georges-de-Windsor, will be eligible for seats 1 and 2 and only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the Village de Saint-Georges-de-Windsor, will be eligible for seats 3 and 4.

8. The resolutions adopted by the former municipalities under section 45 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37) will continue to apply to the new municipality as if it had adopted them.

9. Mrs. Lise Roy, secretary-treasurer of the former Village de Saint-Georges-de-Windsor, will act as the assistant secretary-treasurer until the council elected in the first general election decides otherwise in accordance with the Act.

10. Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues will have to be accounted for separately as if those municipalities continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budgets of each of the former municipalities in proportion to their standardized real estate value within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), as appearing in the budgets of the former municipalities.

The terms and conditions for the distribution of the cost of joint services provided for in the intermunicipal agreements, in force before the amalgamation, will continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

11. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the new municipality will pay into its general fund all or part of the surplus accumulated on behalf of the former municipalities.

80 % of the amount thus paid will come from the surplus accumulated on behalf of the former Canton de Saint-Georges-de-Windsor, up to the total of that surplus accumulated, and 20 % will come from the surplus accumulated on behalf of the former Village de Saint-Georges-de-Windsor.

If the amount of the surplus accumulated on behalf of the former Village de Saint-Georges-de-Windsor is insufficient to carry out the operation provided for in the preceding paragraph, the amount of the surplus accumulated on behalf of the former Canton de Saint-Georges-de-Windsor will be decreased so that the surplus accumulated on its behalf be equal to 80 % of the total amount paid by the former municipalities into the general fund of the new municipality.

12. If after having carried out the operation provided for in section 11, funds are still available in the surplus accumulated on behalf of a former municipality, those funds will be used for the benefit of the ratepayers of the territory of the former municipality that accumulated them. They may be used to reduce the special land taxes applicable to all the taxable immovables in that territory.

13. The deficit accumulated on behalf of a former municipality, where applicable, at the end of the first fiscal year for which the former municipality adopted a

separate budget, will remain charged to all the taxable immovables in the territory of that municipality.

14. In accordance with the Order in Council concerning the amendment to the agreement respecting the Asbestos Municipal Court, made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Asbestos Municipal Court will have jurisdiction over the territory of the new municipality.

15. Any debt or gain that may result from legal proceedings for any act performed by a former municipality shall continue to be charged or credited to all the taxable immovables in the territory of that municipality.

16. The new municipality shall have the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in place of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, evaluation rolls, collection rolls and other acts of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, insofar as they are compatible with this Order in Council.

17. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

18. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

LOUIS BERNARD,
Clerk of the Conseil exécutif

SCHEDULE

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINT-GEORGES-DE-WINDSOR, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ASBESTOS

The present territory of the Municipalité du Canton de Saint-Georges-de-Windsor and of the Village de Saint-Georges-de-Windsor, in the Municipalité régionale de comté d'Asbestos, comprising, in reference to the cadastre of the Canton de Windsor, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of

lot 1 of the cadastre of the Canton de Windsor; thence, successively, the following lines and demarcations: the line dividing the said cadastre of the Canton de Windsor from the cadastres of the townships of Wotton and Saint-Camille to the apex of the eastern angle of lot 120 of the cadastre of the Canton de Windsor; southwesterly, part of the line dividing the said cadastre of the Canton de Windsor from the cadastres of the townships of Saint-Camille and Stoke to the line dividing ranges 6 and 7 from the cadastre of the Canton de Windsor; in reference to the last cadastre, part of the said line dividing the ranges to the centre line of chemin du Petit-Septième, that line crossing the public road it meets; the centre line of chemin Petit-Septième to the apex of the southern angle of lot 467 of range 6 of the said cadastre; part of the said line dividing the ranges to the apex of the western angle of lot 464; the line dividing lots 464, 463, 462, 401 and 400 from lots 461, 399 and 398, that line extended across the public road it meets to the centre line of chemin du Cinquième-Rang-Ouest; the centre line of the said road, in a northwesterly direction, to its intersection with the line dividing the cadastres of the townships of Windsor and Shipton; finally, northeasterly, part of the line dividing the said cadastres to the starting point, that line being a part of the centre line of chemin Provencher and chemin Paradis facing a part of lot 122 and lot 121 of the cadastre of the Canton de Windsor, and being extended across Route 249 that it meets; the said limits define the territory of the Municipalité de Saint-Georges-de-Windsor.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 5 August 1994

Prepared by: GILLES CLOUTIER,
Land Surveyor

8751

Gouvernement du Québec

O.C. 1607-94, 16 November 1994

Amalgamation of the village de Saint-Elzéar and the municipalité de Saint-Elzéar-de-Beauce

WHEREAS each of the municipal councils of the village de Saint-Elzéar and the municipalité de Saint-Elzéar-de-Beauce adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the 2 municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9):

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS no objections were sent to the Minister of Municipal Affairs and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality be constituted through the amalgamation of the village de Saint-Elzéar and the municipalité de Saint-Elzéar-de-Beauce, under the following conditions:

1. The name of the new municipality is "Municipalité de Saint-Elzéar".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 13 July 1994; that description is attached as a Schedule to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality will be part of the municipalité régionale de comté de La Nouvelle-Beauce.

5. A provisional council will remain in office until the first general election. It will be composed of all the members of the 2 councils existing at the time of the coming into force of this Order in Council. The quorum will be one-half of the members in office, plus 1. The 2 mayors will alternate as mayor of the provisional council for equal periods. A drawing of lots at the first meeting of the provisional council will determine which of the 2 mayors will act as mayor first.

6. The first general election will be held on the first Sunday of the fourth month following the coming into force of this Order in Council. If that date corresponds to the first Sunday in July, September or January, the first general election shall be postponed until the first Sunday in the following month. The second general election will be held on the first Sunday in November 1998.

7. The council of the new municipality will be composed of 7 members, that is, a mayor and 6 councillors. From the first general election, the councillors' seats will be numbered from 1 to 6. For the

first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former village de Saint-Elzéar, will be eligible for seats 1, 2 and 3 and only those persons who would be eligible under the aforementioned Act, if such election were an election of the council members of the former municipalité de Saint-Elzéar-de-Beauce, will be eligible for seats 4, 5 and 6.

8. The resolutions that the former municipalities adopted under section 45 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37) continue to apply to the new municipality as if it had adopted them.

9. Mrs. Brigitte Jalbert, secretary-treasurer of the former municipalité de Saint-Elzéar-de-Beauce, will act as the assistant secretary-treasurer until the council elected in the first general election decides otherwise in accordance with the Act.

10. Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues will have to be accounted for separately as if those municipalities continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budgets of each of the former municipalities in proportion to their standardized real estate value within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), as it appears in their budget.

The terms and conditions for apportioning the cost of common services provided for in intermunicipal agreements in force before the amalgamation will continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

11. At the end of the last fiscal year for which the former municipalities adopted separate budgets, the new municipality will pay into its general fund a portion or all of the surplus accumulated in the name of the former municipalities in accordance with the following terms and conditions:

(a) An amount of \$25 000 will come from the surplus accumulated in the name of the former village de Saint-Elzéar;

(b) An amount of \$25 000 will come from the surplus accumulated in the name of the former municipalité de Saint-Elzéar-de-Beauce.

Where the amount of the surplus accumulated in the name of the former municipality is insufficient to pay the contribution of \$25 000, the new municipality will then pay from the surplus accumulated in the name of each of the former municipalities the amount corresponding to the smallest surplus accumulated in the name of one of those municipalities.

12. Any funds remaining from the surplus accumulated in the name of a former municipality after the operation provided for in section 11 has been conducted will be used for the benefit of the ratepayers of the territory of the former municipality that accumulated them. They may be allocated for the carrying out of public works in the territory of the former municipality or for tax reductions applicable to all the taxable immovables located on that territory.

13. Any deficit accumulated in the name of a former municipality at the end of the last fiscal year for which the former municipality adopted a separate budget will remain charged to all the taxable immovables of that municipality.

14. The balance in principal and interest of loan by-law 90-123 adopted by the former village de Saint-Elzéar and of loan by-law 141 adopted by the former municipalité de Saint-Elzéar-de-Beauce will become chargeable to all the taxable immovables located in the territory of the new municipality. To that end, a special tax will be imposed and levied on all the taxable immovables located in the territory of the new municipality on the basis of their value as it appears on the assessment roll in force each year.

15. The balance in principal and interest of loan by-law 87-96 adopted by the former village de Saint-Elzéar and of loan by-laws 128-87 and 139 of the former municipalité de Saint-Elzéar-de-Beauce will remain chargeable to all the taxable immovables located in the sector formed by the territory of the former municipality that adopted them, in accordance with the taxation clauses provided for in those by-laws.

16. A special tax will be imposed and levied, for each of the 8 years following the coming into force of this Order in Council, at a rate of \$0.24 per \$100 of assessment on all the taxable immovables in the sector consisting of the territory of the former municipalité de Saint-Elzéar-de-Beauce, on the basis of their value, as it appears on the assessment roll in force each year.

17. Any debt or gain that may result from legal proceedings for any act performed by a former municipality will continue to be charged or credited to all the taxable immovables in the territory of that municipality.

18. A municipal housing bureau is incorporated under the name "Office municipal d'habitation de la Municipalité de Saint-Elzéar".

That bureau shall succeed to the Office municipal d'habitation de Saint-Elzéar (Beauce). The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the municipal housing bureau of the new municipality as if it had been incorporated by letters patent under section 57 of that Act.

The members of the former bureau become the members of the municipal housing bureau of the municipalité de Saint-Elzéar.

19. The new municipality shall have the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in place of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, insofar as they are compatible with this Order in Council.

20. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

21. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

LOUIS BERNARD,
Clerk of the Conseil exécutif

SCHEDULE

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINT-ELZÉAR, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA NOUVELLE-BEAUCE

The current territory of the Village de Saint-Elzéar and of the Municipalité de Saint-Elzéar-de-Beauce, in the Municipalité régionale de comté de La Nouvelle-Beauce, comprising, in reference to the cadastre of the

Paroisse de Saint-Elzéar, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 1 of the cadastre of the Paroisse de Saint-Elzéar; thence, successively, the following lines and demarcations: in reference to the cadastre of the said parish, the northeast line of lots 1, 2, 3, 3c, 3a, 3b and 4 to the northeast side of the right of way of Chemin Rang du Bas-Saint-Thomas; in a general southeasterly direction, the northeast side of the right of way of the said road, part of the northeast line of lot 14 and the northeast line of lots 15 to 18, the northeast side of the right of way of chemin Rang du Bas-Saint-Thomas, the northeast line of lots 33, 35, 38, 39, 42 and 43, the east line of lots 57, 58, 66, 67 and 71, the northeast side of the right of way of chemin Rang du Haut-Saint-Thomas, the southwest line of lots 207, 1152, 212, 215A, 215, 221A and 221 of the cadastre of the Paroisse de Sainte-Marie and part of the southwest line of lot 225 of the cadastre of the said parish to the extension of the centre line of Route Turmel; the said extension and the centre line of the said route that limits lots 135 and 136A of the cadastre of the Paroisse de Saint-Elzéar to the southeast; the southwest extension of the centre line of the said route to its intersection with the centre line of chemin Rang du Haut-Saint-Jacques; northwesterly, the centre line of the said road limiting a part of lot 136A of the cadastre of the Paroisse de Saint-Elzéar to the southwest up to the northeast extension of the centre line of Route Saint-Jacques before the enlargement; the said extension and the centre line of the said route that limits lot 137 of the said cadastre to the southeast and part of the southeast line of the said lot; the northeast side of the right of way of chemin Rang du Haut-Saint-Olivier to its intersection with the northeast extension of the southeast line of lot 376 of the cadastre of the Paroisse de Saint-Elzéar; the said extension and the southeast line of the said lot; in reference to the cadastre of the Paroisse de Saint-Elzéar, the northeast side of the right of way of chemin Rang Sainte-Anne; part of the northwest line of lot 365 to the southwest line of lot 362; the southwest line of lot 362 and part of the southwest line of lot 361 to the southeast line of lot 378; the southeast line of said lot 378; the northeast extension of the centre line of Petite route Sainte-Anne and the centre line of the said route that limits lot 379 to the southeast; northwesterly, the northeast side of the right of way of chemin Rang Saint-André to the extension of the southeast line of lot 482; the said extension and the southeast line of the said lot; the southwest line of lots 482 to 466 in declining order; the southwest line of a part of lot 465 and the west line of lots 465, 464 and 463; the west and southwest lines of lot 462; the southwest line of lots 461, 460, 448, 447, 414A, 415, 416A, 416, 417 to 419, 420A and 420 to

434, that line extended across Route 216 and Rivière Beauvillage that it meets; the northwest line of lot 434 coinciding in part with the southeast side of the right of way of a public road that limits it to the apex of the northern angle of the said lot; across a public road, a straight line to the apex of the western angle of lot 271; finally, the northwest line of lots 271, 270, 269, 268, 267 and 1 to the starting point, that line extended across the public roads that it meets; the said limits define the territory of the Municipalité de Saint-Elzéar.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 13 July 1994

Prepared by: GILLES CLOUTIER,
Land Surveyor

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Gouvernement du Québec

O.C. 1608-94, 16 November 1994

Amalgamation of the paroisse de Saint-Norbert-d'Arthabaska and the municipalité de Chester-Nord

WHEREAS each of the municipal councils of the paroisse de Saint-Norbert-d'Arthabaska and the municipalité de Chester-Nord adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the 2 municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS no objections were sent to the Minister of Municipal Affairs and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality be constituted through the amalgamation of the paroisse de Saint-Norbert-d'Arthabaska and the municipalité de Chester-Nord, under the following conditions:

1. The name of the new municipality is "Municipalité de Saint-Norbert-d'Arthabaska".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 22 July 1994; that description is attached as a Schedule to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality will be part of the municipalité régionale de comté d'Arthabaska.

5. A provisional council will remain in office until the first general election. It will be composed of all the members of the 2 councils existing at the time of the coming into force of this Order in Council. The quorum will be one-half of the members in office, plus 1. The 2 mayors will alternate as mayor and acting mayor of the provisional council for 2 equal periods. The mayor of the former paroisse de Saint-Norbert-d'Arthabaska will act as mayor of the new municipality for the first period and the mayor of the former municipalité de Chester-Nord will act as mayor of the new municipality for the second period.

If an office is vacant at the time of the coming into force of this Order in Council or during the term of the provisional council, an additional vote will be allotted to the mayor of the municipality in which that office is vacant.

For the duration of the term of the provisional council, the elected municipal officers will continue to receive the same remuneration that they received before the coming into force of this Order in Council.

6. The first general election will be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. If that date corresponds to the first Sunday in January, the first general election will be postponed until the first Sunday in February. The second general election will be held on the first Sunday in November 1998. The council of the new municipality will be composed of 7 members, that is, 1 mayor and 6 councillors. The councillors' offices shall be numbered from 1 to 6 beginning with the first general election.

7. For the first general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if that election were an election of the council members of the former paroisse de Saint-Norbert-d'Arthabaska will be eligible for seats 1, 2 and 3, and only those persons who would be eligible under that Act if that election were an election of the council members of the former municipalité de Chester-Nord will be eligible for seats 4 and 5. Any eligible person of the new municipality will be eligible for seat 6.

8. Mr. René Savoie, secretary-treasurer of the former municipalité de Chester-Nord, will act as the assistant secretary-treasurer until the council elected in the first general election decides otherwise in accordance with the Act.

9. Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues will have to be accounted for separately as if those municipalities continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budgets of each of the former municipalities in proportion to their standardized real estate value within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), as it appears in their budget.

10. The working-fund of the new municipality will be made up of the working-fund of the former paroisse de Saint-Norbert-d'Arthabaska, at the end of the last fiscal year for which the former municipalities adopted separate budgets. That fund will be increased by an amount equal to one-half of the amount of moneys available in the working-fund of the former paroisse de Saint-Norbert-d'Arthabaska, at that date. The sums necessary to increase the working-fund of the former municipality will be taken from the surplus accumulated in the name of the former municipalité de Chester-Nord.

The moneys borrowed from the working-fund of the former paroisse de Saint-Norbert-d'Arthabaska, where applicable, will be reimbursed out of the general revenues of the new municipality.

11. After the operation provided for in the first paragraph of section 10 has been conducted, any surplus accumulated in the name of the former municipalité de Chester-Nord at the end of the last fiscal year for which the former municipalities adopted separate budgets will be paid into the general fund of the new municipality.

An amount equal to double the amount of the accumulated surplus of the former municipalité de Chester-Nord will be taken from the accumulated surplus of the former paroisse de Saint-Norbert-d'Arthabaska and will be paid into the general fund of the new municipality. Once that operation has been made, any remaining balance on the accumulated surplus of the former parish will be used to the benefit of the ratepayers of the former paroisse de Saint-Norbert-d'Arthabaska; it may be allocated for the carrying out of public works in that territory or for tax reductions applicable to all the taxable immovables situated therein.

Where the surplus accumulated in the name of the former paroisse de Saint-Norbert-d'Arthabaska is not equal to double the amount paid under the first paragraph, no amount of the accumulated surplus of the former municipalities will be paid into the general fund of the new municipality. Any amount of accumulated surplus remaining in the name of a former municipality, once the operation provided for in the first paragraph of section 10 has been conducted, will be used to the benefit of the ratepayers of the territory of that municipality; it may be allocated for the carrying out of public works in that territory or for tax reductions applicable to all the taxable immovables located on that territory.

Once the operation provided for in the first paragraph of section 10 has been conducted, any deficit accumulated by a former municipality, at the end of the last fiscal year during which the former municipalities adopted separate budgets, will remain chargeable to all the taxable immovables of that former municipality.

12. Any debt or gain that may result from legal proceedings for any act performed by a former municipality will continue to be charged or credited to all the taxable immovables in that former municipality.

13. The new municipality shall have the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in place of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, evaluation rolls, collection rolls and other acts of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, insofar as they are compatible with this Order in Council.

14. The resolution adopted by the former municipalité de Chester-Nord in accordance with section 45 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37) applies to the new municipality as if it had adopted it.

15. All the movable and immovable property belonging to each of the former municipalities will become the property of the new municipality.

16. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

LOUIS BERNARD,
Clerk of the Conseil exécutif

SCHEDULE

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINT-NORBERT-D'ARTHABASKA, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARTHABASKA

The current territory of the municipalité de Chester-Nord and of the paroisse de Saint-Norbert-d'Arthabaska, in the municipalité régionale de comté d'Arthabaska, comprising, in reference to the cadastres of the parishes of Sainte-Hélène and Saint-Norbert, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely:

Exterior perimeter

Starting from the meeting point of the line dividing the cadastres of the paroisse de Saint-Norbert and the canton d'Halifax and the line dividing the cadastres of the paroisse de Saint-Norbert and of the canton de Stanfold; thence, successively, the following lines and demarcations: the broken line dividing the cadastres of the paroisse de Saint-Norbert and of the canton d'Halifax, passing by the northeast side of the public road located on the said line dividing the cadastres in the canton d'Arthabaska; part of the broken line dividing the cadastres of the paroisse de Sainte-Hélène and of the canton d'Halifax to the apex of the southern angle of lot 399 of the first cadastre; in reference to the cadastre of the paroisse de Sainte-Hélène, the southwest line of lots 399, 400, 403, 402, 404 and 405 to the line dividing lots 65 and 66; the said line dividing the lots, that line extended across the public road and the watercourse that it meets; northwesterly, part of the line dividing ranges 1 and 2 of the canton de Chester to the apex of the northern angle of lot 171; southwesterly, part of the broken line dividing the cadastres of the parishes of Saint-Norbert and Sainte-Hélène to the apex of the southern angle of lot 72 of the first cadastre; the southwest line of the said lot to the extension of the southeast line of lot 104 of the cadastre of the paroisse de Saint-Norbert; the

said extension and the said southeast line; the northeast side of the right of way of the chemin du Cinquième Rang to the extension of the southeast line of lot 132 of the cadastre of the paroisse de Saint-Norbert; the said extension and the said southeast line; the broken line dividing the cadastre of the paroisse de Saint-Norbert from the cadastres of the parishes of Saint-Paul and Saint-Christophe and of the village d'Arthabaskaville to the apex of the western angle of lot 228 of the cadastre of the paroisse de Saint-Norbert, passing by the northeast side of the public road located on the said line dividing the cadastres in the canton de Chester; in reference to the cadastre of the said paroisse de Saint-Norbert, the line dividing lots 228 and 278 from lots 229 and 279; the line dividing lots 279 to 287 from lots 323 to 325; finally, northeasterly, part of the line dividing the cadastres of the paroisse de Saint-Norbert and of the canton de Stanfold to the starting point;

Interior perimeter

Starting from the northern corner of lot 439 of the cadastre of the paroisse de Saint-Norbert; thence, successively, the following lines and demarcations: in reference to the cadastre of the said parish, southeasterly, the line dividing ranges 11 and 12 of the canton d'Arthabaska to the line dividing lots 411 and 412; the said line dividing the lots; part of the southwest line of lot 411 to the extension of the line dividing lots 362 and 363; the said extension and the said line dividing the lots; northwesterly, part of the line dividing ranges 9 and 10 of the canton d'Arthabaska to the line dividing lots 388 and 389; the said line dividing the lots and its extension to the apex of the western angle of lot 439; finally, the line dividing lots 439 and 440 to the starting point;

The said perimeters define the territory of the municipalité de Saint-Norbert-d'Arthabaska.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 22 July 1994

Prepared by: GILLES CLOUTIER,
Land Surveyor

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