

1981, chapter 10

AN ACT RESPECTING THE MINISTÈRE DE L'HABITATION ET DE LA PROTECTION DU CONSOMMATEUR

Bill No. 7

Introduced by Mr Guy Tardif

First reading: 27 May 1981

Second reading: 5 June 1981

Third reading: 18 June 1981

Assented to: 18 June 1981

**Coming into force: 18 June 1981, except ss. 26 to 29 which will come into
force by proclamation of the Government**

22 July 1981: s. 28 (2nd par.)
G.O., 1981, Part 2, p. 2791

Acts amended:

Travel Agents Act (R.S.Q., chapter A-10)

Executive Power Act (R.S.Q., chapter E-18)

Government Departments Act (R.S.Q., chapter M-34)

Consumer Protection Act (R.S.Q., chapter P-40.1)

Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1)

Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8)

Act respecting the collection of certain debts (1979, chapter 70)



CHAPTER 10

An Act respecting the Ministère de l'Habitation
et de la Protection du consommateur

[Assented to 18 June 1981]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

DIVISION I

ORGANIZATION OF THE DEPARTMENT

Minister. **1.** The Minister of Housing and Consumer Protection shall have charge of the direction of the Ministère de l'Habitation et de la Protection du consommateur.

Deputy Minister. **2.** The Government, in accordance with the Civil Service Act (R.S.Q., chapter F-3.1), shall appoint a Deputy Minister of Housing and Consumer Protection.

Duties. **3.** Under the authority of the Minister, the Deputy Minister shall have charge of the general direction of the affairs of the department.

Duties. He shall supervise the personnel of the department.

Duties. Moreover, he shall perform the duties assigned to him by the Government or the Minister.

Authority. **4.** The orders of the Deputy Minister must be carried out in the same manner as those of the Minister; his authority shall be that of the Minister.

Personnel. **5.** The personnel necessary for the administration of the department shall be appointed and remunerated in accordance with the Civil Service Act.

Duties. **6.** The Minister shall determine the duties of the personnel of the department that are not expressly defined by law or by the Government.

DIVISION II

FUNCTIONS AND POWERS OF THE MINISTER

Government policies. **7.** The Minister shall devise and propose to the Government policies connected with housing and consumer protection; he shall supervise and co-ordinate the carrying out of such policies.

Duties. He shall also be responsible for the carrying out of the Acts respecting housing and consumer protection.

Functions and powers of the Minister. **8.** The functions and powers of the Minister shall particularly consist in

(1) carrying out or causing to be carried out research, studies, inquiries or inventories on the housing needs and conditions of the population;

(2) establishing, in co-operation with the departments, governmental or municipal bodies, groups or individuals concerned, the needs, priorities and goals for all housing sectors in Québec;

(3) promoting the improvement of housing conditions and citizens' access to home ownership by any means he may deem proper, including the establishment of financial assistance programs for housing;

(4) furthering the development and implementation of programs for the construction, acquisition, fitting up, restoration and administration of housing;

(5) stimulating the development of and collaboration between public and private enterprise in the field of housing;

(6) obtaining from the departments and governmental and municipal bodies the information necessary for the development and implementation of the policies and programs of the department.

Agreements. **9.** The Minister may, with the authorization of the Government, make any agreement with any government or body in order to perform his duties.

Annual
report.

10. The Minister shall table in the National Assembly a report of the activities of the department for each fiscal period within six months after the end of the fiscal period if the Assembly is in session or, if it is not sitting, within thirty days after the opening of the next session or after resumption.

DIVISION III

DOCUMENTS OF THE DEPARTMENT

Signature.

11. The signature of the Deputy Minister gives authority to any document within the competence of the department.

Documents.

12. Any document signed by the Minister, the Deputy Minister or, in cases determined by regulation of the Government, published in the *Gazette officielle du Québec*, by a member of the personnel of the department, binds the department.

Signature
and fac-
simile.

13. The Government may, by regulation published in the *Gazette officielle du Québec*, on such conditions and in respect of such documents as it may determine, permit

(1) a signature to be affixed by means of an automatic device;

(2) a facsimile of a signature to be engraved, lithographed or printed; in such a case, the facsimile has the same force as the signature if the document is countersigned by a person authorized by the Minister.

Authentic-
ity.

14. A copy of a document forming part of the records of the department and certified true by a person referred to in section 12 is authentic.

Destruc-
tion of
documents.

15. Notwithstanding the time limit fixed by section 2 of the Photographic Proof of Documents Act (R.S.Q., chapter P-22), documents in the department's possession may be destroyed as soon as they have been reproduced.

DIVISION IV

TRANSITIONAL AND FINAL PROVISIONS

R.S.Q.,
c. A-10,
s. 1, am.

16. Section 1 of the Travel Agents Act (R.S.Q., chapter A-10) is amended by replacing paragraph *d* by the following paragraph:

“Minister”;

“(d) “Minister”: the Minister of Housing and Consumer Protection;”.

R.S.Q.,
c. E-18,
s. 4, am.

17. Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 12 of chapter 49, by section 18 of chapter 77 and by section 18 of chapter 81 of the statutes of 1979, is again amended by adding the following subparagraph at the end of the first paragraph:

“(25) A Minister of Housing and Consumer Protection.”

R.S.Q.,
c. M-34,
s. 1, am.

18. Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 14 of chapter 49, by section 19 of chapter 77 and by section 19 of chapter 81 of the statutes of 1979, is again amended by adding, at the end, the following paragraph:

“(23) The Ministère de l’Habitation et de la Protection du consommateur.”

R.S.Q.,
c. P-40.1,
s. 1, am.

19. Section 1 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing paragraph *i* by the following paragraph:

“Minister”;

“(i) “Minister” means the Minister of Housing and Consumer Protection;”.

R.S.Q.,
c. Q-1,
s. 1, am.

20. Section 1 of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1) is amended by replacing paragraph *e* by the following paragraph:

“Minister”;

“(e) “Minister” means the Minister of Housing and Consumer Protection;”.

R.S.Q.,
c. Q-1,
s. 83,
replaced.

21. Section 83 of the said Act is replaced by the following section:

Minister.

“**83.** The Minister of Housing and Consumer Protection shall have charge of the carrying out of this Act.”

R.S.Q.,
c. S-8,
s. 1, am.

22. Section 1 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by replacing paragraph *e* by the following paragraph:

“Minister”.

“(e) “Minister”: the Minister of Housing and Consumer Protection.”

R.S.Q.,
c. S-8,
s. 95,
replaced.

23. Section 95 of the said Act is replaced by the following section:

Minister.

“**95.** The Minister of Housing and Consumer Protection shall have charge of the carrying out of this Act.”

1979, c. 70,
s. 67,
replaced.

24. Section 67 of the Act respecting the collection of certain debts (1979, chapter 70) is replaced by the following section:

Minister. "67. The Minister of Housing and Consumer Protection has charge of the carrying out of this Act."

Functions and powers. 25. The Minister shall exercise the functions and powers assigned to the Minister of Consumer Affairs, Cooperatives and Financial Institutions for any Act, regulation, order, directive, contract or document concerning consumer protection.

Transfer of personnel. 26. The personnel of the Ministère du Travail et de la Main-d'oeuvre assigned to the service of the Régie des entreprises de construction du Québec, in office on the date of the coming into force of this section, becomes, without other formality, the personnel of the Ministère de l'Habitation et de la Protection du consommateur, as the Government may determine.

Transfer of personnel. 27. The personnel of the Ministère de l'Industrie, du Commerce et du Tourisme assigned to the carrying out of the Travel Agents Act (R.S.Q., chapter A-10), in office on the date of the coming into force of this section, becomes, without other formality, the personnel of the Ministère de l'Habitation et de la Protection du consommateur, as the Government may determine.

Transfer of appropriations. 28. The appropriations granted to the Ministère du Travail et de la Main-d'oeuvre for the carrying out of the Act respecting building contractors vocational qualifications, those granted to the Ministère des Consommateurs, Coopératives et Institutions financières for the carrying out of the Consumer Protection Act, and those granted to the Ministère de l'Industrie, du Commerce et du Tourisme for the carrying out of the Travel Agents Act, are transferred to the Ministère de l'Habitation et de la Protection du consommateur, as the Government may determine.

Required sums. The other sums required for the carrying out of this Act during the fiscal period 1981-1982 are taken, as the Government may determine, out of the consolidated revenue fund.

Transfer of records. 29. The records of the Ministère du Travail et de la Main-d'oeuvre concerning the carrying out of the Act respecting building contractors vocational qualifications, and the records of the Ministère de l'Industrie, du Commerce et du Tourisme regarding the carrying out of the Travel Agents Act devolve to the Ministère de l'Habitation et de la Protection du consommateur.

Pending cases. 30. The Minister of Housing and Consumer Protection becomes a party to any proceedings connected with the carrying out of the Act respecting the Société d'habitation du Québec, the

Act respecting building contractors vocational qualifications or connected with consumer protection, and to which the Minister of Municipal Affairs, the Minister of Labour and Manpower or the Minister of Consumer Affairs, Cooperatives and Financial Institutions was a party, without continuance of suit, from 18 June 1981.

Coming
into force.

31. This Act comes into force on the day of its sanction, except sections 26 to 29, which come into force, in whole or in part, by Government proclamation, on any later date fixed by the Government.