

Revised Regulations of Québec 1981

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to
V-8, r. 1

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REVISED REGULATIONS OF QUÉBEC

VOLUME 10

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c. S-5, r.1

Regulation respecting the application of the Act respecting health services and social services

An Act respecting health services and social services (R.S.Q., c. S-5, s. 173)

INTRODUCTORY

1. Interpretation :

(a) “Act” : in this Regulation, the word “Act” means the Act respecting health services and social services (R.S.Q., c. S-5) ;

(b) “definitions” : the definitions contained in the Act apply to this Regulation ;

(c) “board of directors” : in this Regulation where the expression “board of directors” is used relative to a private establishment, it means “proprietor”.

Where the word “personnel” is used, it does not include physicians and dentists ;

(d) “professional” : the following are professionals within the meaning of the Act : every person who holds a college or university diploma and who, in an establishment, is occupied full-time in functions within the range of activities covered by the said diploma, and also every person who performs therein the duties of podiatrist ; also members in good standing of :

- i. the Ordre des audioprothésistes du Québec ;
- ii. the Corporation professionnelle des conseillers d'orientation du Québec ;
- iii. the Corporation des conseillers sociaux du Québec ;
- iv. the Association professionnelle des criminologues du Québec ;
- v. the Corporation professionnelle des hygiénistes dentaires du Québec ;
- vi. the Corporation professionnelle des ergothérapeutes du Québec ;
- vii. the Corporation professionnelle des physiothérapeutes du Québec ;
- viii. the Association des psycho-éducateurs du Québec ;

ix. the Corporation professionnelle des techniciens dentaires du Québec ;

x. the Corporation des techniciens inhalothérapeutes du Québec ;

xi. the Corporation professionnelle des technologistes médicaux du Québec ;

xii. the Association des archivistes médicales de la province de Québec ;

xiii. the Association des prothésistes et orthésistes du Québec ;

xiv. the Association des médecins d'hôpitaux du Québec ;

or of any professional corporation that replaces the corporations or associations mentioned above.

PART I REGIONAL COUNCILS

DIVISION I REGIONAL BOUNDARIES

2. Regions : For the purposes of this Regulation, the territory of Québec is divided into 12 regions :

(1) **The Lower St. Lawrence and Gaspé region :** the territory of the Lower St. Lawrence and Gaspé region as described in the *Décret sur la division administrative du Québec* (c. D-11, r.1).

(2) **The Saguenay Lac-Saint-Jean region :** the territory of the Saguenay Lac-Saint-Jean region as described in the *Décret sur la division administrative du Québec*.

(3) **The Québec region :** the territory of the Québec region as described in the *Décret sur la division administrative du Québec*.

(4) **The Trois-Rivières region :** the territory of the Trois-Rivières region as described in the *Décret sur la division administrative du Québec*.

(5) **The Eastern Townships region :** the territory of the Eastern Townships region as described in the *Décret sur la division administrative du Québec*.

(6A) **The Montréal Metropolitan region :** that part of the territory of the Montréal region as described in the *Dé-*

cret sur la division administrative du Québec, comprising Montréal island, Île Jésus and Île Bizard ;

(6B) **The Laurentian – Lanaudière region** : that part of the territory of the Montréal region as described in the *Décret sur la division administrative du Québec*, comprising the municipalities to the north of the River Outaouais, the Mille-Îles and the St. Lawrence River ;

(6C) **The South Montréal region** : that part of the territory of the Montréal region as described in the *Décret sur la division administrative du Québec*, comprising the municipalities to the south of the River Outaouais and the St. Lawrence River and including Île Perrot ;

(7) **The Outaouais region** : The territory of the Outaouais region as described in the *Décret sur la division administrative du Québec* ;

(8) **The North-West region** : the territory of the North-West region as described in the *Décret sur la division administrative du Québec* ;

(9) **The North Shore region** : the territory of the North Shore region as described in the *Décret sur la division administrative du Québec* ;

(10) **The New-Québec region** : the whole of the territory of Québec situated to the north of the North Shore, Saguenay Lac-Saint-Jean and North-West regions.

DIVISION II

ELECTION AND APPOINTMENT OF MEMBERS OF THE BOARDS OF DIRECTORS OF HEALTH AND SOCIAL SERVICE COUNCILS.

General

3. In this Division, the word “university” means Université Laval, the Université de Montréal, the Université de Sherbrooke, the University of Québec, McGill University, Sir George Williams University or Bishop’s University and the words “general or vocational college” mean a higher secondary educational institution incorporated in accordance with the General and Vocational Colleges Act (R.S.Q., c. C-29).

4. Time of elections and appointments : The elections and appointments must be held not later than 1 November of each year in which they must take place.

5. Qualifications : Any person of full age whose ordinary place of work or residence is in a region may be elected or appointed member of the board of directors of the health and social service council of the said region. A

person already elected by the mayors or appointed by a class of bodies cannot be elected or appointed again when the period for which he was elected or appointed has not expired.

6. The Minister of Social Affairs shall designate a person whose role shall be to control and supervise the whole of the proceedings relating to elections and appointments.

§1. Election of 4 members by the mayors of the municipalities

7. Every mayor of a municipality may propose the candidacy of 4 persons to the posts of members of the board of directors of the regional council of the region in which the municipality is situated.

This proposal shall be submitted on a form signed by the mayor, addressed to the general manager of the regional council indicating the name, age, sex, address, occupation, civil status and place of work of the proposed candidates. The form must be accompanied by the written consent of the candidates to their appointment.

Every form must be forwarded to the general manager of the regional council before 15 October each year in which elections must be held. A form received after that date shall be void unless the number of proposed candidates is less than the number of posts to be filled.

8. The general manager of the regional council shall act as election chairman.

He shall appoint a secretary and 2 scrutineers. He must give free access at all times to the person appointed by the Minister in virtue of section 6 or to his representatives and use the forms and types of ballot-papers provided by him where necessary.

9. The general manager of the regional council shall draw up the list of proposed candidates.

If the number of proposed candidates is greater than the number of posts to be filled, the election chairman shall forward to each mayor, before 20 October, the list with the initialed ballot-paper and a notice indicating the date, time and place of the counting of the votes.

If the number of proposed candidates is equal to or less than that of the number of posts to be filled, the chairman shall forward, to each mayor, before 30 October, a notice of the candidates declared elected.

10. A mayor shall enter the names of 4 different candidates on the ballot-paper which is forwarded to him and

shall address it to the election chairman before 1 November in 2 envelopes. The first envelope shall contain the voter's identification and the second the ballot-paper.

11. The election chairman shall publicly open the envelopes before the scrutineers before 3 November at the date, time and place indicated in the notice to the mayors.

The first envelope on which the voter's name is indicated shall be used to check the list of the mayors who have the right to vote. The chairman shall then withdraw the second sealed envelope which contains the ballot paper and put it aside, without opening it, in a box provided for such purpose.

Once the checking of the list of mayors has been done, the chairman shall proceed to the counting of the votes by opening the envelopes containing the ballots and indicating, on the list of candidates, beside each name, the number of votes received.

12. The 4 persons who have obtained the greatest number of votes shall be declared elected by the election chairman and shall become members of the board of directors of the regional council for 2 years.

In the event of a tie-vote which would place more than 4 persons in the group which has obtained the greatest number of votes, the election chairman shall proceed to a drawing of lots among the equal candidates who have obtained the least number of votes from among the group.

13. The results of the election shall be attested by a document signed by the chairman, secretary and scrutineers. This document shall be forwarded to the Minister by the election chairman within the 5 days following the counting of the polls.

§2. Appointments by the establishments, universities and general and vocational colleges

14. Every local community service centre, hospital centre, social service centre and reception centre for whose benefit a permit in force was issued within the meaning of the Act, as well as any university or general and vocational college, may propose the candidacy of a number of persons corresponding to the number of posts to be filled for which the appointment comes under the class of bodies to which it belongs within the regional council of the region in which it is situated.

15. A proposal within the meaning of section 14 shall be made by the sending of a resolution of the board of directors indicating the names, addresses, age, sex, place of work and occupations of the proposed candidates.

The resolution as well as a document containing the written consent of the candidates to their appointment must be forwarded to the general manager of the regional council before 15 October of each year.

In the case of an establishment which is not incorporated, the proposal with the meaning of section 14 shall be made by means of a form signed by the owner of the establishment.

16. The general manager of the regional council shall draw up a list of the proposed candidates for each class of bodies.

If the number of proposed candidates is greater than the number of posts to be filled, he shall forward the list to each body of the class contemplated before 20 October with a notice indicating the place, time and date when the results shall be counted.

If the number of proposed candidates is equal to or less than the number of posts to be filled, he shall forward the list to each body of the class contemplated before 30 October with a notice of the candidates declared elected.

17. In the case where the number of proposed candidates is greater than the number of posts to be filled, each establishment holding a permit in force, as well as every university and general and vocational college shall send to the general manager of the regional council, in a sealed envelope, before 1 November, a certified copy of a resolution of its board of directors designating a number of persons whose names are on the list, equal to the number of posts to be filled for which the appointment comes under the class of bodies to which he belongs.

In the case of an establishment which is not incorporated, the resolution shall be replaced by a document signed by the owner.

18. Before 5 November, the election chairman shall publicly open the envelopes and shall indicate on the list of candidates, beside each name, the number of times he has been designated.

19. The persons designated by the greatest number of hospital centres shall become members of the board of directors of the regional council, accordingly as posts to be filled exist within the council for members appointed by hospital centres.

The same applies to persons appointed by the other classes of bodies.

20. In the event of a tie which allows too great a number of persons access to the posts to be filled, the general

manager of the regional council shall proceed to a drawing of lots from among the equal candidates.

21. Appointments shall be attested by the general manager of the regional council, the secretary and scrutineers. A notice thereof shall be forwarded to the Minister within 5 days after the appointment.

§3. Consultation with socio-economic groups

22. Every socio-economic group within a region may submit the names of 2 candidates for appointment by the Government.

This proposal shall be made by means of a document indicating the names, addresses and occupations of the candidates. The document must be signed by an authorized representative of the group and bear the written consent of the candidate to the proposal.

The proposals must be forwarded to the general manager of the regional council not later than 1 October of each year when such consultation is held.

23. The general manager of the regional council shall draw up the list of the candidates presented and forward it to the Minister with his comments before 10 October.

§4. Contestation and cancellation

24. Grounds for contestation : The election or appointment of a candidate to the board of directors of a regional council may be contested for fraud, lack of eligibility or gross irregularity.

25. Form of petition : The contestation is originated by a petition in contestation served upon the Minister within the 30 days following upon the election or appointment.

The petition in contestation must mention in a concise manner grounds for contestation.

26. Investigation by the Minister : The Minister, upon receipt of the petition in contestation and after hearing the contesting party, or authorizing a person in writing to hear the contesting party, may :

- (a) reject the petition ;
- (b) confirm or cancel the election or appointment contested ; or
- (c) order a new election or appointment.

§5. Expenses

27. Expenses : The members of the board of directors of a regional council are indemnified for their expenses in attending meetings, in accordance with the tariff and the procedure fixed by the *Règles sur les frais de déplacement du personnel engagé à honoraires* (c. A-6, r.17).

DIVISION III EXERCISE OF POWERS

28. Sections 36 and 37 shall apply *mutatis mutandis* to the enabling powers of a regional council.

DIVISION IV STAFF

29. Appointment of general manager : The board of directors of a regional council shall appoint a general manager.

Such appointment shall be made following a competitive examination and upon the recommendation of a selection board. The rules governing the competitive examination shall be established by the board of directors and must be approved by the Minister.

The selection board shall be composed of 4 members appointed by the board of directors and a fifth person delegated by the Minister.

The board of directors shall give notice of every competitive examination for the post of general manager in 2 newspapers published in the region, or published nearest thereto, at least 1 month before the date of the selection board sittings. It shall also advise the Minister of the sittings at least 1 month prior thereto.

30. Eligibility list : The selection board shall forward to the board of directors an eligibility list listing in order of preference the names of the candidates it deems qualified to hold such post.

The board of directors shall appoint 1 of the candidates whose name appears on the eligibility list.

31. Minister's delegate : The person delegated by the Minister shall enjoy full selection board status and shall participate in the drawing up of the eligibility list.

32. Salary of the general manager : The salary of the general manager shall be based upon the scale established by regulation made by the Government for the posts of general manager of hospital centres.

33. Term : The general manager shall be appointed for a period not exceeding 4 years. The appointment shall be renewed for periods not exceeding 4 years each unless the board of directors gives written notice to the general manager, at least 60 days before the end of a given period, of its intention not to renew the appointment.

34. Resignation : The general manager may resign at any time 60 days after giving the board of directors written notice thereto.

35. Organization plan : The board of directors of a regional council shall collaborate with the general manager in the drawing up of an organization plan of the regional council and forward it to the Minister.

PART II POWERS AND CLASSIFICATION OF ESTABLISHMENTS

DIVISION I POWERS OF CORPORATIONS

36. Powers : A public establishment shall be operated by a corporation which shall have the powers, rights and privileges of corporations within the meaning of the Civil Code and may, subject to the Act, this Regulation and the corporation's letters patent, in particular :

- (a) have a seal and alter it at will ;
- (b) sue and be sued ;
- (c) acquire, establish, maintain, administer and manage any operation or enterprise for the achievement of its objects ;
- (d) bind itself and bind others to it in any legal manner, in particular by bill of exchange, promissory note or other negotiable instrument ;
- (e) borrow money upon its credit ;
- (f) hypothecate or mortgage its immovable property, and pledge or otherwise encumber its moveable property, as collateral for loans or in the performance of its obligations ;
- (g) issue bonds or other certificates or securities and sell, exchange, mortgage or pledge them ;
- (h) notwithstanding the Civil Code, hypothecate, mortgage or pledge, while retaining possession thereof, its movable or immovable property, present or future, to ensure payment of debentures or securities issued, to give part only of such guarantee for such purposes, and to constitute such hypothec, mortgage or pledge by trust deed in

accordance with the Special Corporate Powers Act (R.S.Q., c. P-16) or any Act which may replace the latter ;

- (i) invest its funds in any manner deemed expedient, either in its own name or through trusteeship ;
- (j) accept any gift, bequest or other endowment ;
- (k) acquire, possess, manage and alienate any movable or immovable property by any legal means and by any title deed ;
- (l) erect, hold, repair, appoint, improve, alter, and utilize any construction and works deemed useful in the pursuit of its aims, whether such be immovables owned by the corporation or immovables of which it has enjoyment, and contribute to or assist in any way the construction, appointment and maintenance of its works and constructions ;
- (m) transfer or otherwise alienate in whole or in part any of its enterprises and sell them for any consideration deemed appropriate ;
- (n) make with any public authority arrangements conducive to the furtherance of its objects, implement them, and exercise the rights and privileges and discharge the obligations resulting therefrom ;

(o) associate itself with any corporation operating enterprises or works related to its own objects ;

(p) accomplish any other thing connected or directly associated with the pursuit of its objects and the exercise of its powers ;

(q) establish, amend and revoke regulations concerning the pursuit of its objects in general.

37. Immovables : A corporation must, within a reasonable time, dispose of the immovables which have not been used for its own purposes during a consecutive period of 7 years.

38. All the powers enumerated in sections 36 and 37 shall be exercised on behalf of the corporation by its board of directors composed in accordance with sections 78 to 82 of the Act.

The board of directors shall not, however, acquire, assign or transfer immovables or sell them unless the corporation which maintains the establishment agrees thereto, in case of need.

DIVISION II

CLASSIFICATION OF LOCAL COMMUNITY SERVICE CENTRES

39. There shall be only 1 class of local community service centre.

DIVISION III

CLASSIFICATION OF HOSPITAL CENTRES

40. There shall be 2 classes of hospital centres classified according to the duration of care :

(a) hospital centres where care is of short duration ; these centres are divided into 3 types according to the level of care :

i. hospital centres for general care that provide services of general surgery, medicine, limited risk obstetrics, anaesthesia, radiology, and certain services of medical biology and pharmacy ;

ii. hospital centres for specialized care which in addition to services offered in hospital centres for general care, provide services of internal medicine, surgery, medical biology and pharmacy. They may in addition offer other services, particularly in the field of paediatrics, obstetrics, and psychiatry ; and

iii. hospital centres for highly specialized care which offer services, the nature of which necessitates the presence of teams of professionals and of equipment, all of which being highly specialized.

The services offered may include, in particular, one or several of the following highly specialized fields : cobalt therapy, cardiac surgery, renal hemodialysis, or genetics ;

(b) hospital centres for prolonged care which shall be divided into 2 types :

i. hospital centres for prolonged care of convalescents, which provide medical and rehabilitation services to persons who have already undergone active treatment. The average stay in such establishments shall be less than 3 months and such shall apply both to physical as well as to mental disease ; and

ii. hospital centres for prolonged care of long-term patients that provide care to persons who have need thereof on a continuous basis for an average period of more than 3 months, and this shall apply for both physical and mental disease.

DIVISION IV

CLASSIFICATION OF SOCIAL SERVICE CENTRES

41. There shall be only 1 class of social service centre.

DIVISION V

CLASSIFICATION OF RECEPTION CENTRES

42. There shall be 4 classes of reception centres :

(a) day-care centres that shall admit persons and provide them during part of the day with care and activities designed to promote their physical, intellectual and social development ;

(b) transition centres that shall admit persons deprived of their usual family surroundings who are obliged to seek temporary protective help ;

(c) rehabilitation centres that shall admit persons suffering from a major physical, intellectual, psychological or social handicap who require intensive rehabilitation or orientation for a limited period of time ; and

(d) home care centres that shall admit persons who, because of a lessening in their physical or mental capacity, are obliged to sojourn in protective residence.

43. Cooperative association : Every cooperative association is a private reception centre within the meaning of paragraph c of section 12 of the Act where the said cooperative association has been constituted under the Cooperative Associations Act (R.S.Q., c. A-24) and whose objects, as established in the declaration of association, are similar to those attributed to reception centres in paragraph k of section 1 of the Act and whose by-laws permit :

(a) recipients aged 16 years or over to become members within 30 days following their admission ;

(b) the father, mother, tutor or guardian of a recipient aged less than 16 years, as well as the guardian tutor or curator of a legally incapable recipient, to become members within 30 days of admission ; and

(c) any person who manifests interest in work undertaken by the centre, to become a member upon the conditions, however, that the number of persons who have become members under this paragraph be not greater than 30% of the total number of members.

44. Opinion : Before 1 October of every year, a regional council shall forward to the Minister its opinion concerning the classification of establishments situated within the region.

DIVISION VI

TEACHING AND RESEARCH ACTIVITIES

45. An establishment bound by a contract of affiliation to a teaching institution in accordance with section 125 of the Act shall provide the teaching and research services stipulated in such contract, regardless of the category, class or type to which it belongs.

PART III

SERVICE RECIPIENTS

DIVISION I

DEFINITION OF RECIPIENT

46. Recipients : Every person benefiting from the health or social service of an establishment shall be considered a recipient within the meaning of this Regulation.

47. Information : A person admitted, registered, or listed in an establishment must declare his present name, his name at the time of birth, the date and place of birth, his given name and other initials, his sex, civil status, address, his mother's maiden name, and surname and given name of his spouse.

This information shall be forwarded to the Minister by the establishment.

DIVISION II

OBTAINMENT OF SERVICES PROVIDED BY HOSPITAL CENTRES

§1. Inscription, admission and registration of recipients

48. A person may be inscribed in, admitted to or registered at a hospital centre.

49. Inscription : A person shall be inscribed in a hospital centre when such person requires or receives care or treatment which does not require his stay therein.

50. Admission : A person shall be admitted to a hospital centre where care is of a short duration when his condition necessitates his stay therein and the 2 following conditions are fulfilled :

(a) request for his admission is made in writing on the appropriate form by a physician or dental surgeon ; and

(b) a provisional diagnosis is made by a physician or a dental surgeon indicating that such admission is necessary.

51. A person is admitted to a hospital centre for prolonged care when his condition necessitates his stay therein and the 2 following conditions are fulfilled :

(a) a request for admission is made in writing by a physician on the appropriate form ; and

(b) such request is approved by an admissions committee consisting of the general manager, the director of professional services and a representative of the regional social service centre.

A hospital centre for prolonged care shall immediately notify the regional social service centre of all admissions and give the reasons for any refusal.

52. Registration : A person is registered when such person is referred to a hospital centre for short duration care on prescription by a physician in order that such person receives diagnostic services only.

53. Emergency : Every hospital centre shall ensure that every person requiring emergency care receives the treatment necessitated by his condition without the 2 conditions referred to in sections 50 or 51 being necessarily fulfilled.

An emergency case within the meaning of this section includes acute illness due to alcoholism or other intoxication.

54. Request : Every physician or dental surgeon may request that a person be admitted to a hospital centre.

55. Examinations : The diagnosis provided for in paragraph *b* of section 50 shall be made following examinations carried out on an outpatient basis or in the emergency service of an establishment, or any private office. The results of such examinations shall accompany the request for admission.

56. Information : The physician or dental surgeon who requests that a person be admitted is required to provide all pertinent information relative to the state of health of such person as well as to the effects such state of health might have on other patients or the personnel of the hospital centre.

57. Choice : A person registered in or admitted to a hospital centre has the right to be treated therein by the physician or dental surgeon of his choice, provided such physician or dental surgeon be a member of the centre's council

of physicians and dentists, accepts responsibility for the said person's treatment, and acts within the framework of privileges accorded him.

The physician or dental surgeon who is so designated becomes *ipso facto* the treating physician or dental surgeon of such patient.

58. Consent : A person registered in or admitted to a hospital centre, or his representative, must sign a form giving his consent to the case required, and where a surgical operation is necessary, he must also sign the forms of consent thereto. Should such forms not be signed, the required treatment may be refused by the hospital unless it be an emergency case.

59. Notice of admission : A hospital centre shall, where possible, notify all persons for whom a request for admission has been made at least 24 hours before the time fixed for admission.

60. Beds : The beds in a hospital centre shall be at the disposal of recipients in terms of their needs, the degree of care required, or the severity of illness according to the terms and conditions established by the board of directors upon consultation with the council of physicians and dentists with a view to the proper functioning of the establishment.

No bed shall be reserved by any one physician or dental surgeon for his own patients.

§2. Discharge

61. Discharge authorization : The discharge authorization of a person admitted to a hospital centre shall, where possible, be signed by the treating physician or dental surgeon 24 hours prior to the time fixed for such discharge.

62. Temporary discharge : A person admitted to a hospital centre may obtain a temporary discharge according to conditions laid down in writing by the treating physician or dental surgeon and in accordance with the regulations established for such purpose by the board of directors.

63. Final discharge : When the treating physician or dental surgeon is of the opinion that a person under his care no longer need remain in a hospital centre for medical reasons, he shall order his discharge.

64. Record : Within the shortest delay possible after the patient's discharge, the treating physician or dental surgeon shall complete the medical record, inscribe therein the final diagnosis, and sign the record.

65. Responsibility : Any patient who leaves a hospital centre without having obtained his discharge shall sign a form relieving the hospital centre and the physicians and dental surgeons practising therein of any responsibility. The refusal of a patient to sign such form shall be certified by a witness.

§3. Authorizations

66. Authorization : Before proceeding with an anaesthetic or a surgical procedure, a physician must ensure that the person upon whom the operation will be performed, or his representative, has given written consent thereto, and such physician shall countersign the authorization form.

In the absence of such authorization the physician shall not proceed unless he has first certified in writing that any delay could be prejudicial to the patient.

67. Abortion : No person shall obtain a therapeutic abortion unless her treating physician makes such request in writing on a form provided therefor and forwards it to the committee of the hospital centre, pursuant to section 251 of the Criminal Code (R.S.C., 1970, c. C-34).

68. Sterilization : Any person desiring sterilizing surgery must apply in writing using the required form.

DIVISION III OBTAINMENT OF SERVICES PROVIDED BY LOCAL COMMUNITY SERVICE CENTRES AND BY SOCIAL CENTRES

69. Inscription : A person wishing to obtain services from a local community service centre or from a social service centre must be inscribed with the centre. He may obtain services as soon as his inscription has been accepted.

70. Conditions : A local community service centre or a social service centre must accept the inscription of any person who :

(a) authorizes the centre to obtain from any establishment the pertinent information held by such establishment relative to the person ; and

(b) furnishes any information or document required relating to the purpose of his application for services.

71. Groups : A group is entitled to obtain services from the local community service centre and from a social service centre without the requirement that each member of the group be inscribed thereat.

The group shall, however, satisfy the conditions determined by regulation of the board of directors of the centre in order to obtain services.

72. Emergency : A local community service centre or a social service centre must take the necessary measures to ensure that every person whose condition requires emergency services receives the necessary care.

DIVISION IV

OBTAINMENT OF SERVICES PROVIDED BY RECEPTION CENTRES

73. Application : This Division does not apply to reception centres operating without recourse to monies available from the consolidated revenue fund.

74. Inscription : Any person who wishes to benefit from reception center services must be inscribed at the centre.

If the person is less than 18 years old, or is a person who is incapable of furnishing the necessary information due to a physical or mental handicap, the inscription must be made by the parents or by the person who is the guardian, either legal or otherwise, of such person. The inscription must indicate in such case the name and address of the parents or guardian, their home and business telephone numbers, as well as the name and address of any person authorized to take the person to or from the reception centre.

75. Admission requirements : The board of directors of a reception centre shall make regulations determining admission requirements to the centre. These regulations shall deal in particular with the age, sex, or state of health of persons admitted.

Such regulations shall come into force upon approval by the Minister.

76. Refusal : A reception centre is not obliged to admit a person who has not fulfilled the admission requirements established by regulation made under section 75.

It must admit at least temporarily any person whose condition requires emergency services which may be provided by the centre.

77. Medical report : When a recipient is admitted to a reception centre, the latter shall ensure that a medical report is filed with record, indicating :

- (a) his state of health ;

- (b) an evaluation of the extent of his psychomotor development if the recipient is under 18 years of age ;

- (c) past and future immunizations ; and

- (d) the presence or absence of a contagious disease or a recent contact with a person suffering from a contagious disease.

78. Rehabilitation and home-care : Subject to section 79, a person may be admitted to a rehabilitation or home-care centre only if he makes an application for admission thereto. When an application for admission is received, it must be submitted to the admissions committee and, if approved, the centre must admit such person.

The admissions committee may require that the admission application be supported by a written diagnosis from a professional.

The composition of the admissions committee may be determined by a contract of professional services within the meaning of section 124 of the Act, made between the reception centre and the social service centre of the region. However, failing such determination, the admission committee shall be composed as follows :

- (a) in centres where there is no director of professional services : the general manager and 2 representatives of the social service centre of the region ;

- (b) in centres where there is a director of professional services : the general manager, the director of professional services and 3 representatives of the social service centre of the region.

The reception centre shall immediately notify the social service centre of the region of every admission application received.

79. Compulsory home-care : Where the Youth Court orders the compulsory home-care of a child under the Youth Protection Act (R.S.Q., c. P-34.1), the social service centre of the region where the child resides is responsible for the carrying out of such order.

The social service centre shall forward a written request for such purpose to the rehabilitation or home-care centre, whichever it deems most appropriate under the circumstances and transmit to the Youth Court a written report to this effect.

The rehabilitation or home-care centre contemplated in the request shall comply therewith and admit the child.

80. Registers : A social service centre shall keep an up-to-date register containing information on each person admitted to a rehabilitation or home-care centre in the re-

gion. This register shall, in particular, contain the information listed in section 47.

81. Transfer : A rehabilitation or home-care centre may request that the social service centre ensure the transfer of a person to another reception centre. Notice shall be given to the parents or guardians of persons to be transferred.

82. Discharge : A person admitted to a rehabilitation or home-care centre may be discharged upon the signing of a certificate by the general manager of the centre stating that it is no longer necessary that such person be kept in the centre.

Before discharge a person, a rehabilitation of home-care centre shall advise the social service centre thereof of the region in order to ensure the continuity of services.

The first paragraph of this section shall not apply to persons staying in a reception centre in accordance with the Youth Protection Act (R.S.Q., c. P-34.1) or the Mental Patients Protection Act (R.S.Q., c. P-41).

DIVISION V RECIPIENTS' RECORDS

83. Record : An establishment shall keep an individual record on each person who requests or obtains services.

The information required in section 147 shall be kept in such record.

In a hospital centre, a record shall be opened for each new-born admitted to the nursery.

84. Content of record : The record kept by a hospital centre shall, in addition to other information, contain :

(a) the physician's observations, the physical examination, the provisional diagnosis, and where applicable, the dental examination ;

(b) the prescription forms ;

(c) the progress notes made by the professional staff ; and

(d) the report on the necessity for closed treatment and on the capacity of the person to administer his property, if such reports are made under the Mental Patients Protection Act ;

(e) consultation requests and reports ;

(f) treatment requests and reports ;

(g) radiological films, electrocardiograms and electroencephalograms, and any other evidence used in the establishment of a diagnosis ;

(h) the reports of diagnostic examinations, and in particular, the pre-operative diagnosis of the surgeon responsible for such operation, the nature of the intended operation, and the reasons which justify the procedure ;

(i) legal authorization forms ;

(j) the anaesthetic protocol ;

(k) the operative protocol within 24 hours of an operation, indicating the findings, the operative techniques used, and a description of tissue removed ;

(l) the pathology report ;

(m) infection reports ;

(n) a report on any accident occurring in the establishment ;

(o) the autopsy report ;

(p) a copy of the death certificate ;

(q) the summary sheet, which includes the final diagnosis, the secondary diagnosis, complications, surgical operations, obstetrical manipulation, and authentication by the treating physician ;

(r) a record summary or at least a discharge note ; and

(s) any other document required by the internal regulations of the hospital centre.

85. Outpatients : Where a hospital centre only provides outpatient diagnostic services to a person, it need not open a file thereon, but shall list the name of such person and the nature of the services rendered in a special register kept for such purpose.

86. Other establishments : The record kept by a social service centre, a reception centre or a local community service centre shall, in particular, contain, as the case may be :

(a) a history of the case ;

(b) the findings of the medical or the psycho-social examination ;

(c) the reports of diagnostic examinations ;

(d) the nature of the request for services ;

(e) the prescription forms ;

(f) the progress notes made by the professional staff ;

- (g) the requests for and reports of consultations ;
- (h) the evaluation reports of resources used ;
- (i) the legal authorization forms ;
- (j) reference forms ;
- (k) reports on the administration of property ;
- (l) a report on any accident occurring in the establishment ;

(m) a note on every consultation, even by telephone, in any way relevant to the evolution of the physical, mental or social condition of the person, or to the normal evolution of a program of care or services.

87. Progress notes : The progress notes made by a physician, dentist or member of the professional staff shall be entered in chronological order on one or more of the pages of the record indicating the nature of the service, the name of the professional rendering such service, the indication, where applicable, of the necessity to follow-up and the date when such follow-up will take place, and a reference, if necessary, to the documents of the record containing the observations of the treating personnel, the psychosocial or medical diagnosis, or any other information relative to services rendered.

88. Transfer : Where a person is transferred from one establishment to another, the establishment where he was first admitted or registered shall forward to the second a record summary within 72 hours.

89. Keeping of record : A record must be kept by the establishment which opened it in a place determined by the board of directors for a period of not less than 10 years from the date of the last entry in the record. It may be destroyed after such period.

However, if the recipient is under 18 years of age, the record shall be kept for a period of not less than 3 years from the date on which he attains the age of majority.

90. Résumé : In the case of a hospital centre, the record of a person, who is not deceased shall not be destroyed unless a résumé is kept ; such résumé shall contain the following items :

- (a) the summary sheet ;
- (b) the operative protocol ;
- (c) the pathology protocol.

The résumé may be in the form of a photographic reproduction of the items enumerated in this section.

91. Youth protection : The record of a child entrusted to a social service centre or to a reception centre under the Youth Protection Act shall be kept in accordance with this Act.

92. Withdrawals : No document shall be withdrawn from a record unless an order to such effect is made by a competent court of justice.

93. Consultation of records : The Bureau of the Corporation professionnelle des médecins du Québec or the representatives of the Ordre des dentistes du Québec may take cognizance of a medical record for purposes of evaluation of care administered by physicians and dental surgeons.

94. Copies : An establishment shall forward to a physician or dental surgeon a copy, an extract or a résumé of the record of a person within 72 hours of the receipt of a request therefor from such physician or dental surgeon, accompanied by a written authorization by the person.

95. Forwarding of records : Where an establishment ceases operation, it shall transmit the records kept thereat to the Minister.

DIVISION VI PRESCRIPTIONS

96. Forms : A prescription made for a person admitted to or registered in an establishment shall be made in writing, dated and signed by a physician or dental surgeon on a prescription form and shall be placed in the record of the person.

97. List : An establishment shall provide only those medications which appear in the list of medications under section 4 of the Health Insurance Act (R.S.Q., c. A-29).

However, a hospital centre may provide medications not appearing on the list where such medications are for the exclusive use of hospital centres, such as curarissants, general anaesthetics, diagnostic agents, immunological products, radioactive substances and physiological solutions.

The establishment may also provide medication other than that mentioned in the first paragraph for purposes of clinical or basic research or of special medical necessity. In such case, the physician or dental surgeon who has used or prescribed such medication shall give written notification thereof to the executive of the council of physicians and dentist which shall request the opinion of the committee on pharmacology on the necessity of using such medication again under the same circumstances.

98. Prescriptions by telephone : In case of emergency, a prescription may be given by telephone. Such prescription shall be dictated to an intern, resident or nurse performing his duties in the establishment, who shall make an entry thereof indicating the name of the prescribing physician or dentist, the date and time of the telephone call, and sign it. The physician or dentist shall countersign such prescription within 72 hours.

99. Validity : A prescription is valid for 4 days unless another validity period is fixed by the prescribing physician or dentist.

The rule prescribed by this section is, however, subject to exception in cases of long-term patients or persons cared for in a reception centre for whom prescriptions shall be valid for 1 month unless the physician indicates otherwise.

Any renewal of prescription shall take the form of a new prescription.

100. The council of physicians and dentists of a hospital centre shall establish, after consultation with the committee on pharmacology, a shorter validity period for those prescriptions dealing with narcotics, anticoagulants, antibiotics, or any other medication whose administration period it deems expedient to limit.

101. Prohibitions : The executive committee of the council of physicians and dentists of a hospital centre is empowered upon consultation with the committee on pharmacology, to prohibit the prescription of any medication, drug or treatment that it deems prejudicial to a person or a category of persons.

DIVISION VII VISITS

102. Regulations : The board of directors of an establishment in which persons are confined for more than 24 hours on an average shall make regulations in respect of visits to such persons.

103. Visiting rules : Such rules shall determine the days and hours when visits are authorized, the number of visitors admissible, the places where visiting is allowed and the duration of each visit.

104. The visiting rules concerning visits shall take into account the nature of the care or services rendered to persons being cared for and promote the normal carrying out of programs of care or services.

105. Children : The rules shall provide that a child being cared for may receive a visit from his parents or tutor at least once a day in the case of a hospital centre and at least once a week in the case of a reception centre.

106. Suspension of visits : Notwithstanding section 105 the board of directors, or in the case of emergency, the general manager, may suspend all visits in cases where the health or security of persons being cared for or that of visitors may be affected.

DIVISION VIII SECURITY

107. Every establishment shall ensure the protection and security of its staff and of the persons to whom it provides services and apply adequate standards of hygiene.

108. Contagion : Every establishment shall take necessary measures to prevent and arrest contagion and infection and shall, in particular, make regulations respecting the conditions for the admission of persons having certain contagious or infectious diseases which the establishment determines. It must be able to isolate persons having or suspected of having such contagious or infectious diseases and shall order complete or partial closing as necessary.

109. Staff : Every establishment shall take the measures to insure that each member of its staff, professional or otherwise :

(a) *undergo medical examination at the time of engagement and annually thereafter, or furnish a health certificate, signed by a physician ;*

(b) *furnish upon request a certificate of vaccination for every disease subject to compulsory immunization under an Act or regulation ; and*

(c) *undergo upon request prophylactic measures and bacteriological or chemical controls.*

110. Nursery : In a hospital centre, no person shall have access to the nursery who is considered likely to provoke contamination in new-borns.

DIVISION IX DEATH AND AUTOPSY

111. Certificate : Every establishment in which a person dies shall take measures in order that the death be pronounced and a death certificate be signed by the treating physician ; if the latter is unable to do so because of serious circumstances, another physician shall be called therefor.

112. Coroner : An establishment shall inform the coroner of any death which appears suspect.

113. Autopsy : An autopsy shall only be performed on the body of a person who dies in an establishment with the written consent of the deceased or his legal representatives.

114. However, if a body is not claimed within 24 hours after death an autopsy may be performed, unless the body is to be delivered pursuant to Division IX of the Public Health Protection Act (R.S.Q., c. P-35) or when section 20 of the Coroners Act (R.S.Q., c. C-68) may be applied.

DIVISION X RECIPIENTS' COMMITTEE

115. Election : In every hospital centre for prolonged care, or every rehabilitation home-care centre which receives adults, the recipients present in the establishment shall elect a recipients' committee. Such committee shall be composed of 3 to 5 members. It shall make regulations concerning its internal management, the replacement of its members and the methods of election.

116. Duties : The committee shall :

- (a) be a liaison agency between the recipients and the board of directors and the general manager ;
- (b) protect the general interests of the recipients ;
- (c) forward recommendations to the board of directors ;
- (d) participate in the organization of leisure programs for recipients.

PART IV ADMINISTRATION

DIVISION I THE BOARD OF DIRECTORS

§1. General Duties

117. Regulations : The board of directors of a public establishment shall make any regulation or resolution necessary to fulfil the functions attributed to it by the Act and to exercise the powers of the establishment. Such regulations or resolutions shall, in particular, have as their object :

(a) the appointment of the general manager in accordance with section 135 and the designation of a replacement in the case of his absence or incapacity ;

(b) the responsibility of the board of directors in the overseeing of all of the activities of the establishment, in ensuring that the permit conditions are honoured and in the application of the laws and regulations ;

(c) the appointment of a staff in accordance with the organization plan approved by the Minister ;

(d) the acceptance of the budget and its implementation once it has been approved by the Minister, the setting up of an adequate system of internal control over the utilization of its resources and the adoption of appropriate measures to resolve any problems revealed in the periodic reports of the general manager ;

(e) the approval of every request or project submitted for the benefit of the establishment to the Minister, the regional council, or to any outside organization, which could change the orientation, the nature or the scope of the establishments's activities, or significantly increase or reduce the extent of the resources at its disposal ; and

(f) to make service contracts whereby the services of another establishment are placed at the disposal of recipients.

A copy of any regulation or resolution which has been made under this section shall be forwarded to the Minister upon request.

118. Internal management : The board of directors shall make regulations relative to its internal management, concerning the procedure governing the dismissal of its members, the frequency of its meetings, the election and respective functions of its officers, the quorum, the constitution of standing or special committees, the keeping of its records and the drawing up of minutes of its meetings and of those of its committees.

119. Financial reports : The board of directors of an establishment shall take cognizance of all financial reports relating to the establishment, of the directives of the Minister of Social Affairs, and of all reports from the Bureau de la Corporation professionnelle des médecins du Québec or the Ordre des dentistes du Québec.

It is also the duty of the board of directors to forward to the Bureau or to the Order mentioned in the first paragraph any information it deems relevant to the quality of medical and dental care.

120. Organization plan : The board of directors of an establishment, within 12 months of its taking office following upon the coming into force of the Act, shall, in collaboration with the general manager, draw up and submit to the Minister an organization plan of the establishment in accordance with the Act and this Regulation.

121. Content : The organization plan shall define the administrative structures of the establishment, its services and departments, and also the duties of the general manager and any other detail deemed useful or prescribed in the Act or in its regulations.

122. Consultation : Before submitting an organization plan to the Minister, the board of directors of a hospital centre shall consult the professionals' advisory council and the council of physicians and dentists.

123. Approval : A draft of an organization plan shall be considered approved by the Minister unless notice to the contrary is given by him within 60 days of the date of its submission.

Forthwith upon the approval by the Minister of the organization plan, the board of directors shall take measures to implement it. It shall forward a copy to the regional council for information.

124. Ex officio power : Upon failure by the board of directors to submit the draft of an organization plan within the time prescribed by this Regulation, the Minister may *ex officio* establish the organization plan of such establishment and communicate it to the board of directors.

Upon failure by the board of directors to implement the organization plan approved or established by the Minister, the latter may suspend the establishment's permit and assume provisional administration of such establishment under section 163 et seq. of the Act.

125. Modifications : A board of directors may modify an organization plan, in whole or in part. The modifications shall be submitted to the Minister and shall be con-

sidered to have been approved by the latter unless notice to the contrary has been given by him within 60 days.

126. Expenses : The members of the board of directors of a public establishment shall be indemnified for their expenses incurred in attending meeting, in accordance with the rates and the procedure fixed under the *Règles sur les frais de déplacement du personnel engagé à honoraires* (c. A-6, r.17).

§2. Financial audit

127. Auditor : The board of directors of a public or private accredited establishment shall appoint an auditor at least 1 month before the beginning of the fiscal year to examine its books for the next fiscal year.

The Minister may *ex officio* appoint an auditor for any establishment which neglects so to do.

128. Audit committee : The board of directors of an establishment shall set up an audit committee comprising 3 of its members selected from those who are neither on the staff of the establishment nor are among the professionals who practice in the establishment.

The quorum of such committee shall be 2 members. The committee sittings shall be held in camera but the committee may summon to its meetings any person who is in a position to assist it or provide information, including staff members of the establishment and the professionals who practice in the establishment.

129. Minister's representative : The Minister may give written authorization to a person to represent him at any or all of the meetings of the audit committee.

130. Auditor's report : The auditor appointed by the board of directors of an establishment or by the Minister, shall, within 90 days of the closure of an establishment's fiscal year, present his auditor's report for the end of the said fiscal year to the audit committee in accordance with Schedule II.

The auditor's report shall indicate any irregularities, missing documents or omissions found in the establishment's financial operations, its bookkeeping system, or in its internal control, and of any qualification or recommendation which follows from such audit.

131. Functions of committee : The audit committee shall perform the following functions on behalf of the board of directors :

(a) it shall be the recipient of any communication from the auditor and shall render him any assistance he requires in the performance of his duties ; and

(b) it shall be the recipient of any report from the auditor and shall discuss it with him and shall transmit it to the board of directors together with its comments and recommendations.

132. Acceptance or rejection : Upon submission of the auditor's report to the board of directors, the latter shall accept or reject the report by resolution.

The board shall consider each recommendation or qualification made by the auditor and take corrective measures where necessary.

If the board of directors rejects the auditor's report, it shall indicate in the resolution the reasons for such rejection.

133. Transmission to Minister : The board of directors shall transmit all auditors reports intact to the Minister, including therewith any statement of corrective measures it proposes to take in respect of the report's recommendations.

The annual audit report shall be transmitted to the Minister within 3 months following the end of the establishment's fiscal year together with a statement of whether it has been accepted or rejected by the board of directors.

134. Upon request of the Minister, the auditor shall forward directly to him a copy of his audit report when the board of directors has failed to transmit such report to the Minister within 120 days from the end of the establishment's fiscal year.

DIVISION II

THE GENERAL MANAGER : APPOINTMENT AND FUNCTIONS

135. Appointment : The board of directors of a public establishment shall, within 6 months of its taking office following upon the coming into force of the Act, provide for the appointment of a general manager subject to the provisions of section 141.

Such appointment shall be made following a competitive examination and upon the recommendation of a selection board. The rules of the competition shall be established by the board of directors.

The selection board shall be composed of 3 persons appointed by the board of directors, plus one person delegated by the Minister, and a fifth person appointed by the

regional council for the region in which the establishment is located.

136. Competitive examination : A board of directors shall give notice of every competitive examination for the appointment of a general manager in 2 newspapers published in the region, or published nearest thereto, at least 1 month before the date of the sittings of the selection board. It shall also give 1 month's notice of the date of the sittings to the Minister and the regional council.

137. Eligibility list : The selection board shall transmit to the board of directors an eligibility list indicating the names of those candidates deemed to be most suitable for the position.

The board of directors shall appoint 1 of the candidates listed on the eligibility list.

138. Status of Minister's representative : The person delegated by the Minister and the person appointed by the regional council shall be full members of the selection board and shall vote on the constitution of the eligibility list.

139. Term of appointment : The general manager shall be appointed for a period not exceeding 4 years. The appointment shall be renewed for period not exceeding 4 years each unless the board of directors gives written notice to the general manager at least 60 days before the end of such period of its intention not to renew the appointment.

140. Resignation : The general manager may resign at any time 60 days after giving written notice to the board of directors to this effect.

141. Incumbent general manager in office : Where, on the date of which the board of directors of the establishment takes office, a person occupied, under an engagement contract, the post of general manager or any equivalent position in a hospital or reception centre which became an establishment within the meaning of the Act, the engagement contract of such person shall be considered a valid appointment within the meaning of this Regulation until the date of termination stipulated in the engagement contract.

Upon termination of the engagement contract of a general manager appointed prior to the date on which the board of directors took office, a renewal of appointment of that same person need not be made in accordance with the procedure prescribed in sections 135 to 138.

142. Full-time employment : The general manager of every hospital centre, social service centre, local community service centre, or rehabilitation or home-care centre shall devote himself exclusively to the work of the establishment and the duties of his office.

The same person may, however, be general manager of more than one public establishment provided such circumstance does not contravene the by-laws of the board of directors.

143. Assistant general managers : Where provided for in the organization plan of a public establishment, the board of directors may, upon the recommendation of the general manager, appoint assistants to the general manager.

DIVISION III ADMINISTRATIVE BRANCHES AND DEPARTMENTS

144. Director of administrative services : Where provided for in the organization plan, a director of administrative services may be appointed by the board of directors upon the recommendation of the general manager.

145. If the organization plan does not provide for the appointment of a director of administrative services, it may provide for the institution of a personnel branch and a financial branch.

Whether or not the organization plan provides for the appointment of a director of administrative services, it may provide for a financial department, a personnel department and an auxiliary services department.

146. Director of the department head : The branches or departments enumerated in section 145 shall be under the authority of a director or department head appointed by the board of directors upon the recommendation of the general manager.

147. Where there is a director of administrative services, he shall be responsible, under the authority of the general manager, for the supervision, coordination and control of the activities and operations of the administrative departments and their heads.

148. Where there is a director of finance or a director of personnel, he shall carry out the duties and assume the responsibilities provided for in the organization plan and in this Regulation. He shall, in particular, be responsible, under the authority of the general manager, for the supervision and functioning of the branch, and for the disci-

pline, evaluation and assignment of personnel according to needs.

Where there is a head of the auxiliary services department and a head of the financial and personnel departments, they shall carry out the duties and assume the responsibilities prescribed in the first paragraph under the authority either of the director of administrative services, if any, or of the general manager.

149. Where the organization plan does not provide for the institution of a personnel or financial branch or department or of an auxiliary services department, the functions of such branches or departments shall devolve upon the general manager.

§1. Personnel

150. Duties : The director or head shall have the following duties in particular :

(a) to keep a complete and up-to-date file on each employee of the establishment, comprising :

i. the employment application form signed by the employee, including identification, address, civil status, education, professional qualifications, licence, certificate or work permit number, as well as a record of past experience ;

ii. the report of the medical examination undergone in accordance with paragraph a of section 109 or the health certificate provided under the same provisions ;

iii. periodic evaluation reports drawn up by immediate superiors ;

iv. absentee and sickness reports and any other pertinent report ;

(b) to participate in the setting up and carrying out of policies of recruitment, selection, hiring, training, promotion, and dismissal of personnel ;

(c) to analyze and classify responsibilities and to counsel department heads on their relations with personnel on organization and on the development and motivation of staff ;

(d) to see to the application of collective agreements ;

(e) to develop and administer personnel rating systems ; and

(f) to draft and keep up-to-date a manual of policies and procedures in respect of the management of staff within the establishment.

§2. *Auxiliary services department*

151. Duties : Where an establishment's organization plan provides for an auxiliary services department, the head of such department shall perform the duties assigned him under the authority of the general manager. The head of such department shall have the following responsibilities in particular :

- (a) to organize and supervise laundry, linen and housekeeping operations ;
- (b) to maintain and oversee the functioning and inspection of ground, buildings and equipment in accordance with the acts and regulations ;
- (c) to oversee the organization, operation and supervision of all communication systems ;
- (d) to oversee the setting up and implementation of emergency plans, particularly in the case of fire or accident ; and
- (e) to maintain good order and security.

§3. *Finance*

152. Duties : The director or head shall have the following responsibilities in particular :

- (a) to ensure that a proper system of bookkeeping is maintained in respect of the establishment's accounting ;
- (b) to assume responsibility for all receipts and payments including staff wages ;
- (c) to ensure that the necessary measures are taken, by legal proceedings if need be, in order to recover moneys owing to the establishment ;
- (d) to ensure that effective control is maintained over operations in accordance with the budget ;
- (e) to make purchases and be responsible for the organization and management of the establishment's stores and warehouses ;
- (f) to organize the gathering of quantitative data in respect of establishment activities and services, the compilation of data, and the preparation of statistics and reports required by the general manager ;
- (g) to see that the establishment's budget is prepared and to take charge of its implementation where necessary ; and
- (h) to ensure the development and application of a system of management in respect of those activities for which he is responsible.

DIVISION IV BRANCHES AND DEPARTMENTS IN A HOSPITAL CENTRE

§1. *Nursing branch*

153. Constitution : The organization plan of a hospital centre shall provide for the institution of a nursing branch, managed by a director.

154. Director : The director of the nursing branch shall be appointed by the board of directors upon the recommendation of the general manager ; he must be a member in good standing of the Ordre des infirmières et infirmiers du Québec.

The director of the nursing branch shall carry out the duties and assume the responsibilities provided for in the organization plan and in this Regulation. He shall be responsible, in particular, under the authority of the general manager, for the coordination and evaluation of nursing care in the hospital centre, for the control and functioning of the branch, and for the discipline and assignment of personnel according to needs.

§2. *Departments*

155. Constitution : The organization plan of a hospital centre may provide for the institution of departments, and in particular for an admissions department, a pharmacy department, a dietetic department, a medical records department, a physiotherapy department, an ergotherapy department and a medical technology department.

156. Head : Each department enumerated in section 155 shall be directed by a department head appointed by the board of directors upon the recommendation of the general manager.

157. Director : Where provided for in the organization plan, a director of departments may be appointed by the board of directors upon the recommendation of the general manager ; the director of departments shall, under the authority of the general manager, supervise, coordinate and control the activities and operations of the departments and of their heads.

158. Functions : The head of each department enumerated in section 155 shall carry out the activities provided for in the organization plan and in this Regulation. He shall be responsible, in particular, under the authority of the general manager or of the director of departments, for the control and functioning of the department, and for the discipline, evaluation and assignment of personnel according to needs.

159. The organization plan of a hospital centre which does not provide for the institution of all the departments listed in section 155 shall assign the functions of the heads of the departments which have not been created to the director of departments, the director of professional services, or to any other person.

160. Pharmacy department : The head of the pharmacy department must be a pharmacist in good standing of the Ordre des pharmaciens du Québec. The board of directors may, however, under certain circumstances, appoint to the post of head of the pharmacy department a physician who has obtained special authorization therefor from the Ordre des pharmaciens du Québec.

161. The head of the pharmacy department shall :

(a) assume responsibility for the preparation and distribution of prescriptions and for the control and utilization of all medications, drugs and poisons ;

(b) assume responsibility for the selection of medications and the preparation of requisitions for medications which, subject to the second and third paragraphs of section 97, must be taken from the list approved by the Government in accordance with section 4 of the Health Insurance Act ; and

(c) prepare, after consultation with the committee on pharmacology, a formulary from the list of medications mentioned in paragraph *b* for general use in the hospital centre.

162. Dietetic department : The head of the dietetic department shall be a member in good standing of the Corporation professionnelle des diététistes du Québec.

He shall be responsible, in particular, for the evaluation of food, the preparation and organizing of diets and menus, and for the coordination and evaluation of operations relating to dietotherapy.

163. Medical records department : The head of the medical records department shall be responsible for the functioning of the department and for the keeping of recipients' records.

He shall, in addition, establish an alphabetical index of patients and shall code diseases and surgical operations.

In hospital centres for short-duration care, separate indexes shall be kept :

- (a) on diseases ;
- (b) on surgical operations ; and
- (c) for each physician who practises in the centre.

164. Contract for social services : The board of directors of a hospital centre and the board of directors of the social service centre of the region in which the hospital centre is located may, in accordance with section 124 of the Act, make a contract of professional services whereby the social service centre shall undertake to provide social services in the hospital centre.

165. Coordination : Within a hospital centre, social services are coordinated by the general manager or the director of departments.

DIVISION V PROFESSIONAL SERVICES

§1. General provisions

166. Director of professional services : The board of directors of a hospital centre or of a social service centre shall appoint a director of professional services in accordance with section 116 of the Act.

The board of directors of a reception centre or of a local community service center in which there are at least 25 professionals, shall also appoint a director of professional services.

167. Duties : The director of professional services shall carry out the activities and functions contemplated in section 118 of the Act and those prescribed by this Regulation.

168. Clinical departments : The organization plan of a hospital centre may provide for the setting up of certain clinical departments according to the diversity and complexity of the medical and dental activities.

169. Department head : Each clinical department shall be directed by a head appointed for 4 years by the board of directors of the centre.

Such appointment shall be made after consultation with the physicians and dentists practising in the department and with the council of physicians and dentists.

Where a centre is bound to a teaching institution by a contract of affiliation in accordance with section 125 of the Act, the board of directors shall consult such institution before appointing the head of a clinical department.

170. Duties : Every department head shall carry out the functions and assume the responsibilities provided for in the organization plan and in this Regulation, under the authority of the director of professional services or the council of physicians and dentists, taking into considera-

tion their respective spheres of responsibility established by the Act and this Regulation.

He shall convene a meeting of the physicians and dentists of his department at least 6 times per year ; he shall co-ordinate and supervise the professional and scientific activities carried out in his department, maintain discipline, verify the professional work of physicians and dentists and promote the recruitment thereof.

He shall cooperate with the council of physicians and dentists in the surveillance and assessment of medical and dental acts carried out in his department and shall report thereon to the council of physicians and dentists.

171. Term of appointment : The appointment of a director of professional services or of a department head shall be renewed successively for periods not exceeding 4 years each, unless the board of directors advises the director of professional services or the department head in writing, at least 60 days before the end of such period, of its intention not to renew the appointment.

172. Resignation : A director of professional services or a department head may resign at any time 60 days after giving notice in writing thereof to the board of directors.

173. Incumbent director : Where, on 27 May 1972, a person under an engagement contract occupied the post of director of professional services, of head or director of a clinical department, or any equivalent position in a hospital or an agency which has become an establishment within the meaning of the Act, such engagement contract shall be considered a valid appointment within the meaning of this Regulation until the date of termination stipulated in the said contract.

§2. Organization of clinical departments in hospital centres

A. Community health department

174. Community health : The organization plan of a hospital centre, whose name appears in Schedule I shall provide for the setting up of a community health department.

Services of general medicine shall be part of the community health department where the latter exists.

175. Head : The community health department shall be directed by a department head appointed by the board

of directors. He must be a physician and member of the council of physicians and dentists.

The head of the community health department must, in addition, hold a diploma for specialized studies in the field of public health or community health or possess the training or experience deemed equivalent to such diploma.

176. Duties : The principal duties of the head of such department shall be to ensure that the professionals practising therein participate in :

(a) the functioning and coordination of regular health services in the hospital centre ;

(b) the setting up, implementation and development of programs of physical and mental health and of preventive services in cooperation with the local community service centres with which the hospital has a service contract ;

(c) studies on the needs of the population in the field of physical and mental health ; and

(d) enquiries into epidemics and the implementation of appropriate measures of control.

177. Outpatient and emergency clinic : The head of the community health department must ensure that physicians and dentists provide first-line emergency care and general outpatient services.

B. Department of general medicine

178. General medicine : The organization plan of a hospital centre for general care whose name does not appear in Schedule I must provide for the institution of a department of general medicine.

The organization plan of a hospital centre for specialized care or for highly specialized care whose name does not appear in Schedule I may provide for the institution of such department.

179. Head : The department of general medicine shall be directed by a head appointed by the board of directors who shall be a general practitioner and member of the council of physicians and dentists.

180. Outpatient and emergency clinic : The head of the department of general medicine must ensure that physicians and dentists provide first-line emergency care and general outpatient services.

181. The organization plan of hospital centres where there is no department of general medicine or of community health must prescribe which department shall be responsible for the implementation and operation of a first-line emergency care and general out-patient services.

The head of the department designated shall ensure that the physicians and dentists provide first-line emergency care and general outpatient services.

C. Departments of medicine, radiology, surgery and anaesthesiology

182. The organization plan of a hospital centre for specialized care must provide for the institution of a department of medicine, a department of radiology, a department of surgery and a department of anaesthesiology.

The organization plan of a hospital centre for generalized care or for prolonged care may provide for the institution of such departments ; however, where a department of surgery is instituted in a hospital centre, the institution of a department of anaesthesiology is compulsory.

183. Department head : The head of each of the departments enumerated in section 182 must be a physician, holder of a specialist's certificate, and active member of the council of physicians and dentists.

D. Other departments

184. Obstetrics, etc : The organization plan of a hospital centre may, taking into consideration the available equipment and resources of the centre, also provide for departments of obstetrics, medical biology, physical medicine, psychiatry, dental surgery, and others.

185. Medical biology : Every hospital centre shall ensure that medical biology services are furnished by a professional or under the control of a professional and are accessible to recipients, whether or not such department has been instituted in the centre.

186. Blood bank : Every hospital centre shall maintain a blood bank appropriate for its needs ; failing such, the board of directors shall, by regulation, establish a procedure for the supply of blood and its derivatives within a reasonable time limit.

187. Laboratory tests : The report of a laboratory test must be placed in the patient's record by the professional who performed it, or who controlled the test, except in the case of an outpatient the report on whom is remitted to the

physician who requested the test. In all cases, a copy of the report is kept in the laboratory file.

188. Routine examinations : A hospital centre may require that a person undergo routine laboratory examinations determined by regulation of the board of directors in accordance with standards established to this effect by the Bureau of the Corporation professionnelle des médecins du Québec, or, failing such, by the Minister.

189. Radiation : The board of directors of a hospital centre which makes use of radioactive substances or has equipment which emits radiation shall, with the aid of a physicist or a physician specialized in nuclear medicine or a physician who is the holder of a specialist's certificate in radiotherapy, provide for methods of periodic control in the utilization of such substances or equipment.

190. Verification : The board of directors shall ensure that verification of the calibration of instruments and the titration of solutions used in the laboratories is carried out regularly.

191. Pathology : Any part of the human body, including teeth, removed during a surgical operation, must be submitted for examination by a pathologist, and the latter shall draw up a written report indicating the conclusions of his examination ; the original of such report shall be placed in the patient's record and a copy kept in the laboratory file where a cross index according to patient and pathology must be established.

E. Highly specialized centres

192. Multidisciplinary division : The organization plan of a hospital centre for highly specialized care may provide for the institution of a multidisciplinary division composed of physicians, dentists, research workers or professors practising in a particular field.

A multidisciplinary division is directed by a head who is an active member of the council of physicians and dentists and appointed by the board of directors, after consultation with the members of the division and with the council of physicians and dentists.

PART V PROFESSIONAL ORGANIZATION

DIVISION I ORGANIZATION OF TEACHING

193. Teaching committee : Where an establishment concludes a contract of affiliation with a teaching institution in accordance with section 125 of the Act in order to ensure that the establishment carries out both theoretical and practical teaching programs, the board of directors shall institute a teaching committee.

194. Composition of committee : The composition of the teaching committee shall be determined by the contract of affiliation ; such committee shall, however, be composed of at least :

- (a) the general manager or a person he designates to represent him ; and
- (b) a person designated by the teaching institution.

In the case of a hospital centre, the teaching committee must also comprise :

- (a) a person designated by the council of physicians and dentists ; and
- (b) a person designated by the interns and residents.

In the case of a hospital centre or of a social service centre, the committee shall also comprise one person designated by the professionals' advisory council.

The designations made under second and third paragraphs shall be made annually.

195. Students and professionals : The teaching committee may, if need be, add a representative of the students or the professionals contemplated in the teaching programs.

196. Duties : The duties of the teaching committee of an establishment are :

- (a) the coordination of teaching carried out in each discipline in accordance with the programs of the teaching institution to which the establishment is bound, and in accordance with the terms of the contract of affiliation ;
- (b) to ensure, according to the terms and conditions of the contract of affiliation, the application of the teaching program and the proper keeping of student or professional records of those who profit from the teaching ;
- (c) to maintain a permanent inventory of didactic material.

197. Adherence to rules : A person admitted as a student to a teaching program shall commit himself in writing to respect the rules and standards established by the board of directors of the establishment.

198. Statistics : The board of directors of a hospital centre that has concluded a contract of affiliation with a teaching institution shall transmit to the Minister those statistics which indicate the number and status of trainees, interns and residents who are present on 1 January of each year. Such information must be forwarded before 1 March of the following year.

DIVISION II PROFESSIONAL ADVISORY COUNCIL

199. Regulations : The professionals' advisory council of a hospital centre or of a social service centre shall make regulations concerning :

- (a) its internal management ;
- (b) the creation of committees and their functioning ;
- (c) the pursuit of its objects.

200. Internal management : The regulations concerning internal management shall establish internal procedure, the frequency of meetings, the dates and places of such meetings, the rules concerning the election of officers of the council, the quorum, the procedure regarding the calling of meetings, the procedure concerning deliberation and voting, the types of consultation, the keeping of records, the preparation of minutes of the meetings of the council, and those of the committees, and any other element judged to be pertinent by the council.

201. Committees : The regulations shall indicate various standing or temporary committees whose duty shall be to study the scientific and technical organization of the establishment.

202. Objects of council : The regulations concerning the pursuit of the objects of the council shall determine the operations or activities of the council in order that the functions for which it was created are carried out.

203. First meetings : The members of the professionals' advisory council shall hold a first meeting of the council before 13 February 1973. If the meeting has not been held before the time prescribed, it shall be called by the general manager during the following week.

204. Election : At its first meeting, and every year thereafter, the members of the advisory council shall elect their representative to the board of directors of the estab-

lishment and also elect the members of their executive committee.

This election shall be carried out through universal suffrage.

205. A professionals' advisory council shall be instituted in every local community service centre or reception centre in which there are 5 or more professionals.

Sections 200 to 203 apply to such council.

DIVISION III PROFESSIONAL ORGANIZATION OF HOSPITAL CENTRES

§1. Physicians and dentists

206. A physician or dentist may practise in a hospital centre after he has been appointed by the board of directors; he shall enjoy the status and privileges which are accorded him by the board of directors.

207. Status : A physician or dentist shall enjoy one of the 4 following types of status in a hospital centre :

- (a) active member ;
- (b) consulting member ;
- (c) honorary member ;
- (d) intern or resident.

208. Active member : The status of active member is accorded to a physician or dentist who participates in all of the activities of the council of physicians and dentists. He has the right to vote and is eligible to all offices. He shall attend meetings of the council of physicians and dentists according to the latter's by-laws.

209. Consulting member : The status of consulting member is accorded to a physician or dentist recognized for his special competency in a given discipline. The consulting member may attend the meetings of the council of physicians and dentists and participate in teaching and research.

The consulting member shall attend meetings at which patients he has treated are being discussed.

210. Honorary member : The status of honorary member is accorded to a highly-reputed physician or dentist in recognition of his attainments and those services rendered to the hospital centre. He may attend meetings of the council of physicians and dentists.

211. Intern or resident : The status of intern or resident is accorded to a physician or dentist who is undergoing a period of training or specialization in a hospital centre bound to a teaching institution by a contract of affiliation concluded according to section 125 of the Act.

212. Only an active member shall be considered as practising his profession in the centre within the meaning of section 111 of the Act.

213. Privileges : The privileges enjoyed by a physician or dentist shall determine the nature and the field of medical or dental activities which he is empowered to practise in the establishment.

214. Application for appointment : A physician or dentist who desires to practise his profession as an active member or consulting member in a hospital centre shall forward his application to the general manager on an application form for appointment in accordance with Schedule III.

215. Credentials committee : The council of physicians and dentists shall set up a credentials committee composed of at least 3 active members, the general manager, the director of professional services and the chairman of the council of physicians and dentists are *ex officio* members of such committee.

216. Register : The credentials committee must keep an up-to-date register of physicians and dentists practising in the hospital centre indicating the status and privileges of each.

In addition, the credentials committee must ensure that a professional file is kept for each physician or dentist practising in the hospital centre. Such file shall contain all the documents relating to the appointment or renewal of appointment of the physician or dentist and his participation in the committees of the council of physicians and dentists and of his work in the various clinical departments; this file shall also contain all reports drawn up in respect of such physician or dentist, in particular by the committee on medical and dental evaluation.

The professional file shall be kept under the authority of the council of physicians and dentists. No person shall take cognizance thereof, with the exception of the physician or dentist concerned, the members of the executive committee of the council of physicians and dentists and the professional corporation to which the physician or dentist belongs.

The council must, upon request, transmit to the Minister a certificate as to the status of each physician or dentist.

Where a physician or dentist resigns from a hospital centre, a copy of his professional file shall be transmitted to the council of physicians and dentists of the hospital centre where he applied for appointment or, upon request, to the professional corporation of which he is a member.

217. Transmission of request : Every request addressed to the general manager under section 214 shall be transmitted by the latter without delay to the credentials committee.

218. Study and report : The credentials committee shall study the candidate's request and report within 30 days of its receipt to the executive committee of the council of physicians and dentists.

The executive committee shall, within 30 days of receiving the report of the credentials committee, forward a recommendation to the board of directors as to the advisability of accepting the candidacy.

The recommendation must show cause therefor and must be based solely on the criteria of qualifications, scientific competency, and behaviour ; if it is favorable, it must indicate the status and suggested privileges.

219. Decision in writing : Within 80 days following the presentation of the candidate's request, the board of directors shall apprise him in writing of their decision as to whether his candidacy is accepted or rejected. Such decision must show cause in case of rejection.

A candidacy shall not be rejected on the basis that the hospital centre does not have a sufficient number of beds.

220. Board of review : The Minister shall set up a board of review comprised of 3 members, one of which shall be appointed upon the recommendation of the Bureau of the Corporation professionnelle des médecins du Québec, and the other upon the recommendation of the Association of Hospitals of Québec.

If one or other of the bodies mentioned in the first paragraph does not make the necessary recommendation, the Minister may *ex officio* make appointments to the said board.

221. Appeal : Within the 30 days following the communication of the decision concerning his appointment, a physician or dentist may appeal from the decision to the board of review.

The appeal may be lodged if the appointment application is rejected or if the status or privileges granted are not those which have been requested by the candidate.

The appellant must forward a written petition to the Minister who shall convene the board without delay. Such petition must indicate the object of and the grounds for the appeal.

A copy of the said petition shall be forwarded by the Minister to the general manager of the hospital centre who shall forthwith forward to the Minister a copy of the candidate's file. The Minister shall transmit such copy to the board.

The board shall summon the petitioner in order to hear him and advise the council of physicians and dentists of the date of hearing. It shall, in addition, summon the general manager or any other member of the staff or of the board of directors of the hospital centre. The parties concerned may be represented by an advocate.

222. Request for hearing : If a representative of the council of physicians and dentists requests that he be heard during a hearing, the board shall hear him.

223. Decision : The board of review shall render a decision giving the reasons upon which said decision is founded. It shall either confirm the decision under appeal or render the decision which, in its opinion, should have been rendered by the board of directors in the first place. If the decision of the board of directors is modified, the decision of the board of review shall take effect from the date of the board of directors' decision.

224. Temporary authorization : The director of professional services, the chairman of the council of physicians and dentists, or a department head may, in case of emergency, and as an exceptional and temporary measure, authorize a physician or a dentist to practice in an establishment. In such case, the person who has given such authorization must immediately advise the general manager thereof.

Where the time required for obtaining such authorization risks prejudice to a patient, any physician or dentist may provide the necessary care required by the patient in a hospital centre.

225. Renewal of appointment : The renewal of appointment and the conferring of status or privileges to a physician or dentist shall be carried out each year during a meeting of the board of directors held in the month of December. The only criteria on which the non-renewal of an appointment shall be based, or on which status or privileges shall be restricted, shall be lack of qualifications, scientific incompetence, negligence, misconduct or non-observance of regulations.

A physician or dentist who wishes to appeal from the non-renewal of his appointment, or the restriction of this status or his privileges, may lodge a grievance before the arbitration committee instituted under section 129 of the Act, and in accordance with sections 262 to 268 of this Regulation.

226. Recommendations of executive committee : Before the 1 November of each year, the executive committee of the council of physicians and dentists shall submit to the board of directors a list containing the names of physicians and dentists recommended for a renewal of appointment, status, or privileges for the coming year. It shall, in addition, indicate the names of those physicians and dentists recommended for non-renewal of appointment, or a modification of status or of privileges, in which case it shall make known the reasons for such recommendation.

227. Member of several hospital centres : A physician or dentist may be an active member of more than one hospital centre, but in such case shall advise the board of directors of each centre.

228. Incumbent physicians and dentists : All physicians and dentists practising their profession in a hospital centre on 1 January 1973 shall retain equivalent status and privileges.

229. Residents and interns : Residents and interns shall not form part of the council of physicians and dentists of a hospital centre, but shall, as far as possible, be integrated into the functioning of the control committees.

§2. The council of physicians and dentists

230. Regulations : The council of physicians and dentists of each hospital centre shall make by-laws concerning :

- (a) its internal management ;
- (b) the creation of committees and the functioning thereof ;
- (c) the pursuit of its objects.

231. Internal management : The by-laws concerning internal management shall establish internal procedures, the frequency of meetings, rules relative to the election and the respective functions of the chairman, the vice-chairman, and the other officers of the council, the procedure of election of the executive committee and of appointments to other committees by the executive committee, as well as election to vacant posts, the quorum, the procedure for the calling of meetings, attendance at

meetings, the procedure concerning deliberation and voting, methods of consultation, the method of keeping records of the council, the preparation of minutes of meetings of the council and of committees, and any other matter deemed pertinent by the council.

232. Functions : In addition to the functions which devolve upon it pursuant to section 112 of the Act, the council of physicians and dentists shall :

- (a) ensure that the distribution of medical and dental services is appropriate and make all necessary recommendations to the board of directors in this respect ;
- (b) draw up internal by-laws necessary for its proper functioning and revise them at least every 3 years ;
- (c) establish the terms and conditions for a permanent system of on-duty in the hospital centre and ensure its proper functioning ; and
- (d) see to it that its members receive the teaching necessary for the maintenance of their competence.

233. First meeting : The physicians and dentists of a hospital centre shall hold the first meeting of the council before 13 February 1973. If the meeting has not been held before the time prescribed, it shall be convened by the general manager during the following week.

234. Number of meetings : The by-laws of the council of physicians and dentists shall provide for the holding of at least 10 meetings per year.

235. Quarterly meeting : The by-laws may, however, provide for the holding of only one meeting every three months if they prescribe that a complete review of clinical work be made monthly by a committee of the council and that a report thereof be made to the executive committee.

236. Annual general meeting : The council of physicians and dentists shall hold an annual general meeting during the course of which :

- (a) the council shall elect the members of its executive committee ;
- (b) the council shall receive annual reports from its executive committee and its other committees ; and
- (c) the council shall elect a member to the board of directors of the hospital centre and also the member to be elected to the executive of the professionals' advisory council in accordance with section 110 of the Act.

237. Eligibility : Every member of the council is eligible and re-eligible for the elective posts on the executive committee.

238. Executive committee meetings : The executive committee of the council of physicians and dentists shall meet at least once every month.

239. Participation : The executive committee may invite any professional to participate in the activities of its committees or meetings.

240. Advice : The council shall forward to the board of directors through the general manager any advice it deems appropriate in the performance of the duties conferred upon it by the Act.

241. Special meeting : The by-laws of the council shall provide that a special meeting of the council may be called at any time by notice addressed to each member :

- (a) by the chairman or the executive committee ;
- (b) by $\frac{1}{4}$ of the active members of the council ; or
- (c) by the board of directors of the hospital centre or the general manager.

242. Convening : The notice of the convening of a special meeting shall state the purpose of the meeting ; no other business may be discussed at such meeting.

243. Minutes : The minutes of the meetings of the committees of the council, including those of the executive committee, as well as the minutes of the meetings of the council of physicians and dentists are confidential and inaccessible, and may only be communicated to physicians and dentists of the establishment and to the board of directors. However, by virtue of the responsibilities which devolve upon them, the Bureau of the Corporation professionnelle des médecins du Québec and the Ordre des dentistes du Québec shall also have access to such documents.

244. A council of physicians and dentists shall be instituted in each local community service centre in which there are at least 5 physicians and dentists.

245. Committees of the council of physicians and dentists : The council of physicians and dentists shall, by by-law, institute any committee which it deems necessary, or whose creation is obligatory under this Regulation.

According to the nature and the importance of a hospital centre, the functions of the various committees may be exercised by the executive committee of the council of physicians and dentists.

A. Committee on stay

246. The council of physicians and dentists shall institute a committee on stay in each hospital centre. The functions of such committee shall be to propose criteria of admission and of duration of stay of recipients in the centre and to supervise their application.

247. Composition : In hospital centres, the committee on stay shall be composed of :

- (a) 3 members appointed by the executive committee of the council of physicians and dentists ;
- (b) the general manager ;
- (c) the director of professional services ; and
- (d) a person appointed by the social service centre of the region.

B. Committee on medical and dental evaluation

248. The council of physicians and dentists in every hospital centre shall institute a committee on medical and dental evaluation. This committee may itself form sub-committees and, in particular, form a maternal mortality and peri-natal mortality sub-committee, a records sub-committee, and a tissue sub-committee.

249. Composition : The committee on medical and dental evaluation shall be composed of at least 5 members of the council, one of whom shall be a specialist in pathology.

Where the committee undertakes evaluation of dental care, it shall invite a dentist to participate in its work.

Where the hospital centre is bound by a contract of affiliation with a teaching institution in accordance with section 125 of the Act, a physician who is a resident may be invited to participate in the work of the committee.

250. Functions : The functions of the committee on medical and dental evaluation shall be :

- (a) to see that the records are kept with diligence and according to standards of quality established by this Regulation ;
- (b) to judge the quality of care and of medical and dental treatment provided to recipients ;
- (c) to compare pre-operative, post-operative, and pathologic diagnoses ;
- (d) to examine the records of persons who present complications ;

(e) to study the cases of surgical operations where there was no removal of tissue ; and

(f) to study every case of death occurring in the hospital centre and particularly maternal and peri-natal mortality, and to report to the council of physicians and dentists all cases where there is doubt as to the quality of the professional acts carried out prior to death.

251. Hearing : The committee may hear any physician or dentist who manifests interest.

252. Report : Where the committee has reason to believe that the quality of care provided by a physician or dentist, or his competence, diligence, behaviour, or observance of the regulations, is inadequate, it shall forward a report thereof to the executive committee of the council of physicians and dentists.

253. Study : The executive committee shall study the record, take cognizance of the pertinent documents, and hear the physician or dentist against whom the complaint has been lodged, as well as his advocate, if such there be.

It may also hear any person whose testimony it deems to be useful.

254. Decision : Upon study, the executive committee shall decide either to reject the report or to recommend sanctions against the said physician or dentist.

255. Sanctions : If sanctions are recommended, the record shall be forwarded to the board of directors of the hospital centre who may apply one of the following sanctions :

- (a) reprimand ;
- (b) change in status or removal of certain privileges ;
- (c) suspension of appointment, of status, and of privileges for a defined period ; or
- (d) dismissal.

256. Preliminary hearing : Before applying such sanction, the board of directors shall allow the physician or dentist to be heard, accompanied by his advocate.

257. Notification of decision : Where it decides to apply a sanction, the board of directors shall communicate its decision to the executive committee of the council of physicians and dentists, and to the physician or dentist concerned, and also to the professional corporation to which he belongs.

258. Emergency : In case of grave emergency, the director of professional services, the chairman of the council of physicians and dentists, the chief of the clinical department concerned or, in the case of absence or the inaction of the persons mentioned above, the general manager may order the immediate suspension of privileges of any physician or dentist working in the centre.

In such case, the person having ordered the suspension must immediately inform the chairman of the executive committee of the council of physicians and dentists thereof, and draw up a report within 48 hours which he must transmit to him.

259. The suspension ordered under section 258 shall have effect until a final decision is rendered by the board of directors.

C. Pharmacology committee

260. The council of physicians and dentists shall institute a pharmacology committee in each hospital centre. Such committee shall be composed of at least 3 members and the head of the pharmacy department shall be member *ex officio* of such committee.

261. Functions : The functions of the pharmacology committee shall be to advise the head of the pharmacy department on the preparation of the formulary contemplated in paragraph c of section 161, and to supervise the quality, distribution, and utilization of medication in the centre.

§3. The arbitration committee

262. Grievance : A physician or dentist who practises his profession in an establishment and who wishes to appeal from a sanction which has been imposed upon him by the board of directors under section 255, or appeal from a non-renewal of his appointment, or a restriction of his status or his privileges ordered by the board of directors under section 225, may lodge a grievance before the arbitration committee instituted in the establishment in accordance with section 129 of the Act.

263. Period for presentation : A grievance must be presented in writing to the general manager of the establishment within 3 months following the decision which has given rise to the grievance.

The general manager shall transmit a copy of the grievance to the arbitration committee.

264. Hearing : The arbitration committee shall summon interested parties and hear them not later than 30 days after having been informed of the grievance.

In the absence of the arbitration committee proceeding as provided for in the first paragraph, the appellant may so inform the Minister who may then himself convene the board.

265. Advocate : At a hearing, the parties involved may be assisted by an advocate.

266. Decision : The arbitration committee shall transmit its decision concerning the dispute to the board of directors of the establishment not later than 30 days after hearing the parties.

267. Vote : The 3 members of the arbitration board shall sit at the same time and each shall vote on the decision to be made.

268. Decision : The arbitration committee may confirm, annul, or modify the decision which gave rise to the grievance. If the decision is annulled or modified, the parties shall be placed retroactively in the position where they would have been had a like decision been rendered originally by the arbitration board.

PART VI BUDGETARY AND FISCAL PROCEDURES

DIVISION I FISCAL YEAR, ACCOUNTING AND PERIODIC REPORTS

269. Fiscal year : The fiscal year of establishments shall end on 31 March of each year.

270. Accounting system : With the exception of those establishments which operate without monies obtained from the consolidated revenue fund, every establishment shall conform to a uniform system of accounting subject to the individual requirements of each category thereof. Such system shall accord with the rules set forth in the *Guide budgétaire* of the Ministère des Affaires sociales.

271. Periodic reports : A public establishment or an accredited private establishment shall, upon request, provide the Minister with periodic reports on the state of its working capital.

Such reports shall be sent to the Minister within 14 days following the expiry of the period to which they apply.

An establishment shall also, upon request, send reports to the Minister on the performance of its assigned budget

and on the principal indicators of its activities. Such reports shall be sent to the Minister within 28 days of the end of each period to which they apply.

272. Annual report : In accordance with section 141 of the Act, a permit holder shall furnish the Minister, within 3 months following the end of his fiscal year, an annual report of his activities. Such report shall contain :

(a) a description of the role or of the vocation of the establishment noting any change in orientation undertaken during the past year ;

(b) a list of the names of the members of the board of directors indicating any changes made thereto during the year ;

(c) a report on the operation of the establishment, mentioning the objectives laid down at the beginning of the year and the results obtained therefrom, as well as modifications to services or to activities, to staff structure and to alterations to land, buildings and equipment ; and

(d) in the case of public establishments, private establishments under agreement, and establishments financed under section 176 of the Act, financial statements certified by the auditor.

273. Annual financial statement : The annual financial statement of a public establishment, of a private establishment under agreement, or of an establishment financed under section 176 of the Act, shall contain :

(a) the auditor's report ;

(b) the balance sheets of operating costs, capital assets and endowment ;

(c) a statement of revenues and expenditures ;

(d) a cash flow statement ;

(e) a statement of inter-fund liabilities ;

(f) a statement of source and application of funds ;

(g) a statement of operating statistics for each activity centre.

274. Endowment fund : Each public establishment that desires to list or to continue to list in its financial statements an endowment fund, or a special purpose fund, or solicits authorization to transfer the administration, in whole or in part, of such fund to an autonomous foundation created in accordance with section 134 of the Act, shall inform the Minister thereof.

275. Detailed statement : Such notice to the Minister shall be accompanied by a detailed statement concerning the origin of the involved assets appearing in the financial statements for the fiscal year just ended, as well as other assets which have been added since such date. The said statement shall contain a brief description of a gift, bequest, or other contribution received, and be accompanied by a copy or extract of the document establishing the original intention of the donor or testator as well as a precise reference to the notarial minutes and registration in the case of notarial acts or acts concerning real estate. The establishment shall also attach a continuity schedule of the assets concerned up to the date of such notice to the Minister.

276. Approval : Upon receipt of the notice contemplated in section 274, the Minister may issue the establishment a certificate stating that he is satisfied as to the original specific purpose of the contributions, gifts or bequests enumerated in the appendix to the certificate, and that he authorizes the listing of a sum in the financial statements of the establishment representing the approved value of the assets of the endowment fund or special fund, distinguishing where necessary between the endowment fund and the special funds.

Where the purpose of the notice addressed to the Minister is to request authorization for the transfer of assets to an autonomous foundation created under section 134, the certificate provided for in this section shall be replaced by a notice to the establishment that the Minister is prepared to recommend to the Government the authorization for such transfer.

277. Presentation of notice : The notification provided for in section 274 shall be presented not later than 1 January 1975 or 1 year following upon the date of acceptance of any gift, bequest, or other benevolent contribution, whichever date is the later.

DIVISION II

BUDGETS AND ADMISSIBLE EXPENDITURES

278. Admissible expenditures : No public establishment or private establishment under agreement shall incur expenditures not provided for in its budget and approved by the Minister, except in the case prescribed by the Act or by this Regulation.

279. Budgetary estimates : The general manager of a public establishment shall submit his estimates for the next fiscal year to the board of directors 5 months before the end of the current fiscal year.

The board of directors shall approve or amend such estimates and shall request the general manager to draft the final budget and forward it to the Minister not later than 3 months before the end of the fiscal year.

Such budget shall also be sent within the same period of grace to the Minister by each accredited private establishment.

A budget shall be transmitted to the Minister on the forms established by the *Guide budgétaire* of the Ministère des Affaires sociales.

280. Approval : As soon as the Minister has approved the budgetary estimates of an establishment, with or without amendments, they shall become the approved operating budgets of the establishment for the pertinent fiscal year. The Minister's approval shall be in respect of the total gross expenditures admissible before any deductions of income, and to the apportionment of such amount to the various posts, items or programs in accordance with the budgetary directives issued by the Minister.

An establishment must, throughout the entire fiscal year, ensure the full operation of the activities and services for which its budget has been approved without any diminution or modification of the nature and quality of such activities and services.

281. Implementation of budget : The general manager of the establishment shall be responsible to the board of directors for the implementation of the budget approved by the Minister, in respect of which he shall :

(a) be responsible, in accordance with the policies established by the board of directors of the establishment, for the internal management of operations, for the purchase of goods and services, and for inventory control ;

(b) submit to the board of directors at the end of each month or any other comparable period, a complete and detailed report of the financial situation of the establishment ;

(c) inform the board of directors of his opposition to the implementation of any resolution of the board of directors which, in his opinion, may violate a budgetary provision or contravene a regulation or directive of the Minister. Such objection must be made in writing setting forth the reasons therefor ; it shall be conveyed to the chairman of the board of directors and noted in the minutes of the next meeting of the board of directors.

282. Transfer payments : The budget approved for an establishment shall be the basis upon which transfer payments are made by the Minister after deduction of an amount equal to the estimated revenues which are deduct-

ible from the gross expenditures approved under this Regulation. Such payments shall be made for the period of which they apply and shall be made at least monthly to cover current operating expenses.

283. Periodic payments : The Minister may make periodic advance payments to private establishments for which lump sum payments at a fixed rate, or in accordance with a tariff table, are prescribed on the basis of a provisional estimate of the total sums required for the entire fiscal year of such establishments.

284. Insufficient installations : Where a private establishment does not have the plant or personnel necessary to provide all of the services stipulate in its contract under section 176 of the Act, it shall make the proper arrangements to have such services furnished elsewhere at its own expense and shall itself assume the transportation costs of recipients.

285. Collection of revenue : A private establishment which has concluded a contract with the Minister in accordance with section 176 of the Act shall collect from the recipients all due revenues at the fixed rate established by this Regulation.

286. Outright rate : When a private reception centre has concluded a contract with the Minister in accordance with section 176 of the Act, the daily rate paid for the needy adults who are sheltered therein and who require occasional supervision because of their state of health shall be fixed at 11,20 \$.

287. Admissible expenditures : Current gross expenditures before deduction of any revenue shall be allowed in an establishment's operating budget to be financed by the Minister if they fulfil the following conditions :

(a) they must be incurred for the benefit of the establishment and for the provision of services essential to the implementation of the establishment's organization plan and the services which it is required to provide ;

(b) they must not belong to any of the following categories :

i. interest charges resulting from loans exceeding a term of 90 days, or charges resulting from the use of capital by the proprietor in the case of private establishments ;

ii. application of amounts covering depreciation of buildings, equipment and furnishings ;

iii. sums paid to persons occupying management posts not recognized in the organization plan or which exceed the approved scale ;

iv. payments made for the purchase of depreciable equipment and furnishings, or for their rental ;

v. payments made for the purchase or destruction of immovables, or major repairs, renovations and reappointments of immovables occupied by the establishment, in order to increase the interior space of buildings, to prolong the serviceable life of the building as a whole, or to complete any section left unfinished during the original construction of the building ;

vi. payments made for the leasing of premises with the exception of amounts paid for their maintenance or operation, the latter expenses being admissible expenses ;

vii. payments made for the rental of premises for research purposes and the maintenance thereof ;

viii. payments made for the lodging of persons in homes, boarding homes, and group residences, or their stay in nursery centres or vacation centres, as well as those sums that must be paid to recipients of monetary allowances or for reimbursement of expenses of a personal nature ;

ix. payments made to permit the establishment to reimburse those persons benefiting from supplementary family services within the framework of a home care programme the cost of such services.

288. Grants : In the case of public establishments, the Minister may grant subsidies, in addition to the approved budget, in order to reimburse such establishments for those expenditures belonging to categories i, iv, v, vi, vii, viii and ix of paragraph *b* of section 287.

In the case of private establishments under agreement, the Minister may grant reimbursement of expenses belonging to categories i, ii, vi, vii, viii and ix according to the terms of the contract between the Minister and such establishments. These categories of expenses are included in admissible expenses for purposes of applying section 177 of the Act, and a payment of administrative fees at a rate not more than 5% calculated on the total of admissible expenses may be added to their reimbursement.

289. Ancillary activities : Every public or private establishment under agreement may, within the limit of its powers, undertake ancillary activities and furnish services which are not essential services within the meaning of this

Regulation, provided that the following conditions are fulfilled :

(a) that the expenses related to each of these services or activities be correctly and fully specified ;

(b) that part of the general *pro rata* expenses pertaining, as the case may be, to the importance of the premises used, staff requirements and to maintenance services furnished by the establishment for such purposes, be chargeable to the said activities and services ;

(c) that sufficient revenues be estimated by the establishment to finance not only such activities and services, but also all other inadmissible expenses listed in section 287, with the exception of charges resulting from depreciation of buildings, equipment and furnishings ;

(d) that the periodic report and financial statement submitted to the Minister by the establishment include data proper to such services, activities and other inadmissible expenses, such data being the same as that required in respect of essential services.

290. Ancillary activities : The Minister may designate one or several activities carried on by an establishment as ancillary activities where such activities are carried on on behalf of more than one establishment.

In all cases where such designation is made, only that portion of the expenses of such ancillary activities that directly relate to the activities of the establishment in question shall be admissible within the meaning of section 287.

291. Non-essential services : Without restricting the generality of section 287 to 290, the following services must in all cases be considered as non-essential services :

(a) the operation of parking lots, canteens, shops, or any other activity generally considered to be of a commercial nature ;

(b) the lodging of persons who do not come under the categories pertaining to those who, because of their physical, mental or social condition, are entitled to essential lodging services provided by the establishment.

292. Amounts deducted : In determining the periodic payments to be made by the Minister to a public establishment or a private establishment under agreement, the following amounts must be deducted from the total estimated or approved gross expenditures :

(a) revenues derived from the moderating fees determined under the regulations for recipients of essential services who have resident status ;

(b) revenues derived from fees levied for non-residents in accordance with the rates established by the Minister for essential services ;

(c) revenues derived from payments by third parties for essential services provided to residents or non-residents ;

(d) revenues derived from the leasing of premises or the sale of services by one establishment to another, to an institution, or to an individual ; and

(e) allowances or rebates obtained by the establishment on the purchase of supplies.

All other revenues received by the establishment, other than payments made by the Minister, shall be deemed to be the establishment's own revenues.

Subject to the directives issued by the Minister, the charges made to any recipient in accordance with subparagraphs b to d of the first paragraph shall be determined in such manner as to fully compensate the establishment for expenses in respect of services provided.

293. Revenues of establishment : Any revenue of a public establishment or of a private establishment under agreement, derived from a source other than the funds voted by the legislature, or the revenues listed in section 292, shall be the establishment's own revenues. The results of financial incentives earned in the carrying out of the approved budget, as well as administrative fees paid under section 177 of the Act shall also be considered the establishment's own revenues.

A public establishment or a private establishment under agreement must utilize its revenues according to the following priority :

(a) it must allocate such revenues for the specific purposes or objects for which the payments were made ;

(b) it must make up the current deficit resulting from non-essential services and ancillary activities ;

(c) it must assume, where necessary, the cost of non-admissible expenses, except, in the case of public establishments, for the depreciation of buildings, furnishings, and equipment ;

(d) it must absorb the accumulated deficit from previous years deriving from non-essential services, ancillary activities, and other inadmissible expenses ; and

(e) it must, finally, allocate these revenues to one or more programmes of its choice.

294. Detailed accounting : A public establishment or a private establishment under agreement must keep a detailed and complete accounting of all its revenues and report thereon to the Minister through periodic financial statements in the same manner as for its other financial operations.

295. Gift qualified by a condition : Any gift qualified by a condition respecting its use shall only be accepted by a public establishment subject to written authorization from the Minister therefor, in all cases where such condition involves an expenditure or commitment for which no authorization is required. However, any gift of equipment or an immoveable valued at more than 5 000 \$ must be considered as being qualified by a condition and authorization is required for its acceptance.

DIVISION III SUPPLY CONTRACTS

296. Definition : Any contract for the purchase or rental of goods or services, with the exception of work contracts, contracts for professional services or contracts for the purchase or rental of immoveables, shall constitute a supply contract within the meaning of this Division.

Any public establishment or private establishment under agreement which becomes party of a supply contract shall be subject to sections 296 to 304, unless the short-term liabilities in the audited statements for the most recent period are less than 1% of operating costs for the same fiscal year.

297. Fixed price : All supply contracts must be at a fixed price. The cost of delivery may be indicated separately where it is charged to the establishment and in such cases it shall be part of the contract.

The price stipulated in the contract shall not be increased unless it concerns supplies the price of which has been fixed by a government body empowered to establish prices for the supplies in question.

298. Approval of Minister : An establishment may not be party to a contract for one of the following objects without written authorization from the Minister :

(a) a supply contract for which a payment would be disbursed from a residual fund resulting from labor saving in the establishment attributable to the transfer of certain operations from the establishment to an independent business ;

(b) a supply contract for the use of equipment in the following fields :

- i. diagnostic radiology ;
- ii. therapeutic radiology ;
- iii. nuclear medicine and isotopes ;
- iv. data processing ;
- v. automation of laboratories ;
- vi. hemodialysis ;
- vii. electronic monitoring equipment for patients receiving intensive and coronary care ;
- viii. anaesthesia and reanimation.

299. Request for tenders : An establishment shall, before entering into a supply contract, obtain written tenders from at least 3 suppliers in conformity with section 297.

Request for tenders must also be made in writing and include an estimate containing alternatively, and by order of preference :

(a) reference to the standard specifications approved and published by the Minister of Social Affairs or by the Minister of Industry, Commerce and Tourism governing the required supplies ;

(b) specifications approved by the Minister where section 298 stipulates authorization must be obtained from the Minister in respect of requests for tenders ;

(c) specifications approved by the board of directors in all cases.

300. Exceptions : The requirement prescribed in section 299 shall not apply to supplies in respect of the following categories :

(a) supplies required, the urgency of which was unexpected ;

(b) supplies of fresh meat, fish, vegetables and fruits and exclusive of the same products which are frozen or preserved ;

(c) supplies obtained by means of an order form signed by the purchasing agent of the establishment and addressed to a person or body responsible for the carrying out of a programme of group purchasing for a group of establishments ; and

(d) supplies specifically designated by the board of directors of an establishment by virtue of a resolution made on the ground that such supplies should never be the object of a written request for tenders.

The general manager shall make a report, at least once a year, to the board of directors in respect of the supply contracts awarded under sub-paragraphs *a* and *d* of the first paragraph. Such report shall enumerate separately, according to each subparagraph and each type of supply, the names of the suppliers and the amounts paid to them.

301. Group purchasing program : An order form signed by the purchasing agent of the establishment and in the name of the person or body who is responsible for purchasing for a group of establishments shall be an authorization from the establishment to such person or body by which he may validly bind the establishment up to the limit of the quantities which appear on the order form in respect of the supplies stated therein.

The person or body executing an authorization within the meaning of the first paragraph must conform with sections 296 to 304.

302. Procedure governing tenders : A request for tenders must indicate the expiration date for the submission of tenders. Such date must not fall within 7 days of the date of publication or forwarding of the request.

The request for tenders must also specify the place, date, and time when tenders will be opened, and must also specify the quantities or the period of time for which the contract is planned.

303. Keeping of tenders : The requests for tenders, together with all tenders received, must be kept by the establishment for a period of 3 years.

304. Awarding of contract : The purchasing agent of an establishment or any other person who has received written authorization therefor from the board of directors shall study the tenders received and award the contract to the lowest bidder ; he may, however, for well-founded reasons, award a tender to a higher bidder. The reasons for such decision must be recorded in writing on a document which shall be kept in the records of the establishment.

DIVISION IV

CAPITAL EXPENDITURES

305. Preliminary sketches : Every public establishment, whether or not its operations concerning construction, enlargement, and alteration are subsidized, must submit to the Minister a project concerning any operation it wishes to undertake concerning such matters, and obtain from him written authorization before preparing any preliminary sketches. The project must clearly indicate all details of the projected program and forecast its maximum

cost, its financing, as well as, where necessary, its impact on the operating expenses of the establishment.

306. Plans and specifications : When authorization to proceed with the preliminary sketches has been obtained, the establishment shall see to their completion and submit them to the Minister, whose written authorization must be obtained before the establishment proceeds with the complete drawing up of plans and specifications.

307. Architects and engineers : An establishment which has obtained the necessary authorization to proceed with the completion of final plans and specifications must obtain additional written authorization from the Minister in order to retain the services of consultants, architects, or consulting engineers for any project whose overall cost is higher than 50 000 \$.

308. Request for tenders : No contract in respect of a program for construction, enlargement or alterations whose overall cost is 50 000 \$ or more may be awarded without a public request for tenders.

309. Conformity with regulations : The preparation of draft and preliminary sketches, as well as the drawing up of final plans and specifications for any construction, enlargement or alteration, shall be subject to the provisions of all acts and regulations in force in respect of construction, safety, plumbing, heating, electricity, and sanitary installation.

310. Minister's special authorization : No request for tenders for any construction, enlargement or alteration project may be made without written authorization of the Minister.

311. Persons authorized to submit tenders : Only those persons whose principal place of business is in Québec are authorized to submit tenders for the execution of work.

312. Publicity : Requests for tenders must be made by advertisement in at least 1 newspaper published in the region where the program is to be carried out.

The Minister may, however, allow requests for tenders to be made privately to a restricted number of competent and solvent contractors.

313. Content of requests for tenders : The request for tenders must state :

- (a) the nature of the projected work ;
- (b) the place where such work is to be carried out ;
- (c) the place where the tenderers may obtain the documents necessary for the preparation of tenders ;
- (d) the conditions to be met for the obtainment of such documents ;
- (e) the place where tenders are to be received ;
- (f) the closing date and time governing the receipt of tenders and the time when tenders are to be opened ;
- (g) the names and addresses of all engineers, architects, or other consulting professionals who have been approached in connection with the project ;
- (h) the nature of the guarantee required by the establishment ;
- (i) a notice to the effect that the general contractor, before the signing of the contract, must produce execution guarantees and surety to cover materials and services ;
- (j) the specialized operations for which tenders may be requested from sub-contractors with mention of the lump sum or percentage of the guarantee governing such tenders in addition to the other conditions which must be met by sub-contractors ;
- (k) a notice to the effect that the establishment does not bind itself to accept either the lowest bid or any tender received.

314. Time limit : The time limit governing the receipt of tenders from general contractors shall be calculated from the date of the first publication in the newspapers of the request for tenders and must not fall within the following :

- (a) 6 weeks for work whose estimated cost is in excess of 1 000 000 \$;
- (b) 5 weeks for work whose estimated cost is between 300 000 \$ and 1 000 000 \$;
- (c) 4 weeks for work whose estimated cost is under 300 000 \$.

However, the Minister may, in accordance with the nature and urgency of the work, and upon information furnished him thereto, reduce the time limits mentioned, in subparagraphs *a, b* and *c* of the first paragraph, provided that in no case such time limit be less than 1 week.

315. Documents : The establishment must release the following documents to any person wishing to tender upon payment of a maximum fee of 300 \$:

- (a) the list of documents required for tendering ;
- (b) general instructions ;
- (c) a tender form ;
- (d) a form on which the tender may state his legal status ;
- (e) a contract form ;
- (f) a bid bond form ;
- (g) the particular specifications ;
- (h) the plans.

The general instructions, tender, and bid bond forms utilized for any construction, enlargement, and alteration project shall be those approved by the Minister of Social Affairs.

316. Instructions to tenderers : Instructions to tenderers must indicate the manner in which the tender form and the required supporting documents must be completed, and also the procedure to be followed. In addition, such document must contain :

- (a) notice that the tenders must furnish with his bid either a certified cheque to the order of the establishment for an amount equal to or exceeding 10% of the total amount of the bid, or a lump sum previously fixed by the establishment, or an equivalent bid bond furnished by a company authorized to go legal surety ;
- (b) notice that the tenderer must furnish, before the signing of the contract, an execution guarantee and a surety to cover materials and services, each for 50% of the contract price, the said guarantees to be issued by a company contemplated in subparagraph *a* ; or a guarantee deemed acceptable by the Minister ;
- (c) notice that the tenderer must forward his bid on forms provided by the establishment, clearly and accurately completed, and duly signed where indicated ;
- (d) notice that the establishment cannot consider a tender which, to its knowledge, does not fulfil one or other of the following essential conditions :

- i. furnishing of the tender guarantee stipulated in subparagraph *a* ;

ii. forwarding with the tender of authorization of the right to sign tender documents :

(A) if the tenderer is a company, a certified copy of the company's resolution is required authorizing any person to sign for and in the name of such company ;

(B) if the tender is in the name of a partnership or a company, the tenderer must attach a copy certified by the prothonotary of the deed of incorporation, and where the tender is not signed by all the partners, a power of attorney authorizing the signature must be included ;

(C) if the tenderer is a physical person doing business alone or under his own name, such person must himself sign the tender ; if he does not himself sign the tender, it must be accompanied by a properly authenticated letter authorizing the signature on the tender ;

iii. documents must be signed in the proper places ;

iv. the total cost must be stated on the tender form as well as the unit fixed prices stipulated on the price list ;

v. any other condition must be met when it is indicated as being essential in the document entitled "Instructions to tenderers" ;

(e) notice that the establishment is not required to accept either the lowest or any bid ;

(f) notice that the tenderer, upon failure to sign the contract in conformity with his bid, or to furnish the required guarantees within 15 days from the acceptance date, shall be obliged to pay the establishment an amount being the difference between the subsequent bid accepted by the establishment, the whole without prejudice to the right of the establishment to execute the bid bond or to confiscate the cheque furnished as a guarantee.

317. Price : The requested tenders and the contracts awarded must be established either :

(a) by lump sum ; or

(b) by unit price where the number and the importance of possible variations occurring in the execution of the work prohibit an adequate estimation of the cost of the said work.

318. Forms : The tender form must state the names, types of business, and submitted prices of the sub-contractors.

It must also contain a unit price list for work in respect of modifications.

The tender must include federal and provincial taxes.

319. Information required from tenderer : The questionnaire shall require the following information :

(a) if the tenderer is an individual, his name, principal place of business and his residential address ;

(b) if it is a partnership, its corporate name, its head office, and the names and addresses of all the partners ;

(c) if the tenderer is a corporation, its name, its head office, the act under which it has been incorporated, and the names and addresses of its directors ;

(d) the bank references of the tenderer ;

(e) a résumé of its general experience, and, in particular, its experience in the execution of like contracts ;

(f) description of the equipment which the tenderer proposes to use for the execution of the works ;

(g) a list of the key persons whom it intends to employ, giving their experience and their competence for the proposed type of work ;

(h) a list of the works and their valuation in which it is presently engaged.

320. Sub-contractors : The general contractor tenderer must name the sub-contractors he has selected from those who have bid to execute specialized operations. He must ensure that the selected sub-contractors produce the required guarantees at their own expense.

A tenderer shall not be permitted to change a sub-contractor or to modify the prices and conditions which the sub-contractors have submitted except upon the request of the establishment and upon authorization of the Minister.

If the establishment requires a change of sub-contractor, and the bid of the initial sub-contractor, the total cost of the general contractor's bid must be increased by the difference.

Where there is a change of sub-contractor, the substitute must be the sub-contractor who has submitted the lowest bid among those whose names and bids were considered in the adjudication of work. The general contractor who shall himself undertake specialized operations which could be performed under a sub-contractor, may not later entrust the work to a sub-contractor except in the

case of special circumstances and with the approval of the Minister, and under the conditions determined by him.

321. Opening of tenders : All tenders must be opened publicly in the presence of at least 2 witnesses and a person designated by the Minister on the date, time and place indicated on the request for tenders.

Any general contractor who has submitted a tender may be present at the opening of tenders.

The names of the tenderers and their respective bids must be announced during the opening of tenders.

Subject to section 322, the establishment must study and consider all tenders for adjudication purposes.

Minutes must be drawn up ; the names of all tenderers present or their duly appointed representatives must be included in such minutes.

322. Rejected tenders : Any tender which does not conform to instructions given to tenderers, or which is not accompanied by the required documents, may not be considered for adjudication purposes.

The establishment may not accept a tender other than the lowest correctly prepared tender without written authorization from the Minister.

323. Notice to successful tenderer : Immediately after a tender has been accepted, the cheques and guarantee policies must be returned to all other tenderers.

The tenderer whose bid has been accepted must be informed thereof in writing within 3 weeks of the acceptance of his tender.

324. Annulment : Any tender shall become nul and void 90 days from the date of opening.

325. Signing of contract : Within 3 months from the date of acceptance of a tender, the establishment must give notice to the tenderer respecting the signing of the contract for the execution of the work, stating the dates, time and place appointed for such signing.

If such notice is not given within the above specified time, the tenderer may give written notice to the establishment that he is withdrawing his bid and in such case the tender shall be considered nul and void *ab initio*.

Upon the expiration of the time fixed in the first paragraph, the establishment may, where it has not received the notice provided for in the second paragraph, invite the tenderer to sign the contract within 10 days of mailing of such invitation. Upon failure of the tenderer's acceptance

within the stipulated time, his bid shall be considered nul and void *ab initio*.

326. Validity of guarantee : In the case where sub-contractors have furnished a guarantee, the validity date of such guarantee must not be within 120 days from the date of opening of the tenders.

327. Method of financing : Before the start of work on any construction, enlargement or alteration project, or the acquisition of development or renewal equipment, the establishment must be informed by the Minister of the method of financing upon which it must base itself.

328. Completion of work : The contractor must advise the architect in writing of the completion of work and request his provisional acceptance. This notice must be accompanied by an estimate of the final cost of the work executed, prepared by the contractor and forwarded to the establishment.

The architect, together with other professionals engaged on the project, the establishment representative and the contractor, may then make a complete inspection of the work. Such inspection must take place at the time chosen by the architect when, in his opinion, the work may be considered as being substantially completed.

The architect must then draw up a list of faults to be corrected and work to be completed, where necessary, and send it to the contractor for immediate action. Such list must be accompanied by an estimate of the total cost of the work to be corrected and completed.

329. Provisional acceptance : No provisional acceptance of work may be given if the total cost of the work to be corrected and completed is in excess of 1% of the final estimate of the work.

If the cost of the work to be corrected and completed is less than 1% of the final estimate of work, the architect, upon verification of such final estimate by other professionals, must recommend payment of the final estimate of the work by the establishment, less the deductions already made for partial payments and a retention equal to 1% of the cost of the final estimate.

The date of the recommendation by the architect of payment of the final estimate shall be the date of the provisional acceptance of work.

330. Payment of final estimate : Payment by the establishment of the final estimate less the deductions must be made not later than 30 days after recommendation by the architect and approval by the Minister.

331. Final inspection of work : When the work has been completed and the faults corrected, the architect, upon written request of the contractor, must make the final inspection of work accompanied by the professionals, the establishment's representatives and the contractor.

332. Final acceptance : When the completed work conforms to the plans and specifications and satisfies the professionals and the establishment's management, the architect shall recommend acceptance by the establishment and shall give notice thereof to the Minister for his approval.

333. Remittance of retention : Within 30 days of the recommendation by the architect to the establishment and approval by the Minister, remittance of the 1% retention may be made by the establishment, after it has obtained from the contractor an *affidavit* that he will not institute any proceedings in respect of the work, or make any supplementary claim.

DIVISION V INSURANCE

334. Every establishment must carry complete liability insurance for the professional acts for which it may be responsible.

335. Every physician or dentist practising in the establishment must maintain in force, a professional liability insurance policy, acceptable to the board of directors for a minimum amount of 200 000 \$ covering any professional act, or he must be a member of the Canadian Medical Protective Association. He must furnish proof thereof annually to the board of directors.

DIVISION VI STATUS OF RESIDENT OF QUÉBEC FOR FINANCING PURPOSES

336. For purposes of financing of an establishment, other than a reception centre, the Minister or the Government shall only consider recipients who have the status of resident of Québec.

337. For the purposes of this Division, unless the context indicates otherwise, the following words and expressions mean :

(a) "landed immigrant" : a non-Canadian who takes up residence in Canada and who has a permanent visa permitting him to do so ;

(b) "repatriated Canadian" : an indigent Canadian citizen who is brought back to Canada from a foreign country at the expense of the State after he has ceased to be eligible for coverage by the hospital insurance plan in his province of origin ;

(c) "Canadian returning to the country" : a Canadian citizen who takes up residence in Canada again after he has ceased to be eligible for coverage by the hospital insurance plan in his province of origin ;

(d) "landed immigrant returning to the country" : a landed immigrant who takes up residence in Canada again after he has ceased to be eligible for coverage by the hospital insurance plan in his province of origin ;

(e) "province of origin" : the last province in which a person was eligible for coverage by the hospital insurance plan ;

(f) "dependent" : the spouse and every minor child permanently residing with the person who has status of resident.

338. Residence is established on the basis of physical presence without regard to intention.

The status of resident is acquired by birth in Québec of a mother already having the status of resident of Québec.

However, a person who is :

(a) a landed immigrant ;

(b) a repatriated Canadian ;

(c) a Canadian returning to the country ;

(d) a landed immigrant returning to the country ;

(e) a Canadian citizen or his spouse who takes up residence in Canada for the first time ;

(f) a member of the Canadian Armed Forces or of the Royal Canadian Mounted Police who has not acquired the status of resident of Québec ;

(g) a prisoner who has not acquired the status of resident of Québec at the time of his incarceration in Québec ; as well as each of his dependents shall be deemed, after having resided for 3 months in Québec following his ar-

rival, discharge or liberation, as the case may be, to be a resident of Québec.

339. For the purposes of this Division, when a child is born outside Québec of a mother having the status of resident of Québec, he shall be deemed to be a resident of Québec.

340. The status of resident, once it has been acquired, is retroactive to the first day of the period of residence.

However, there shall be no retroactivity where a person who arrives in Québec had previous residence elsewhere in Canada. In such case, the status of resident of Québec is acquired with effect from the first day of the third month following the month of arrival.

Students from another province shall not be considered residents of Québec unless they prove that they have lost their eligibility as residents of their province of origin.

341. A person having the status of resident and all his dependents shall retain the status of resident in the following cases :

(a) if he stays outside Québec as a Québec student registered in a teaching establishment outside Québec and pursuing a study programme therein ;

(b) if he stays outside Québec as a full-time trainee and without remuneration in a university, an institution affiliated with a university, a research institute or a government or international body ;

(c) if he is a civil servant employed by the Gouvernement du Québec in service outside Québec ;

(d) if he was admitted to a hospital outside Québec before the expiry of a period of 3 months following his departure. The calculation of the period required for loss of resident status is suspended for the duration of such hospitalization. However, this suspension shall cease if the person fails to forward to the Minister, every 30 days, a medical certificate attesting to the impossibility of his returning to Québec ;

(e) if he was absent from Québec for less than 12 consecutive months, while his family still resided or maintained a dwelling therein, in order to undertake temporary employment or execute a contract in another province or country, and he returns to Québec at least once a year or he informs the Minister of his inability to comply with this requirement ;

(f) if he is employed by a non-profit organization having its head office in Canada, and if he works abroad

within the framework of an international aid or co-operation programme approved by the Minister of Social Affairs.

342. Notwithstanding section 338, a foreign national as well as any of his dependents may acquire the status of resident during his stay in Québec and for the services he receives therein :

(a) if he stays in Québec under an exchange programme approved by the Gouvernement du Québec and a foreign government, following an agreement between the Minister of Social Affairs and the Minister of Intergovernmental Affairs ;

(b) if he holds an employment visa issued by the Federal Department of Immigration and if he stays in Québec in order to hold an office or employment therein for a period of more than one year.

343. A person shall lose the status of resident :

(a) when he leaves Québec to take up residence in another province, with effect from the first day of the third month following the month of arrival in that other province ;

(b) if he maintains a residence outside Québec, unless he proves that he resides and is customarily present in Québec at least 183 days annually ;

(c) if he is absent from Québec for more than 12 months.

The loss of residence takes effect immediately after any one of these conditions is met.

344. Where a person who had the status of resident of Québec has left Québec for a period of more than 3 months but less than 12 months, the Minister shall refuse to reimburse the cost of services received if that person has taken up his residence outside Québec during such period.

345. Notwithstanding the foregoing, the period of stay in an establishment contemplated in this Division is not computed in calculating the time limit for obtaining the status of resident of Québec.

DIVISION VII CONTRIBUTION OF RECIPIENTS

346. An establishment shall not require from recipients, for accommodation or services to a person accommodated, in respect of which it receives financing out of the appropriations voted by the Québec National Assembly, any rate or charge other than those prescribed in this Regulation, in the Youth Protection Act (L.R.Q., c.

P-34.1) in the Hospital Insurance Act (R.S.Q., c. A-28) or in the Regulation made under this Act.

§1. Contributions of parents or tutors for the placement of children

347. When a child is placed in a foster family or reception centre other than a day-care centre, the social service centre responsible for placing the child shall require the payment of a contribution :

(a) from the father and mother who have not abandoned such child within the meaning of the Adoption Act (R.S.Q., c. A-7) ; or

(b) from the person who has been appointed tutor over the child's property by a judgement of the court.

348. The father and mother of the child are bound to pay such contribution from their personal incomes.

The tutor over property who is not the child's parent shall pay the contribution from the child's property and income but, if these are insufficient, he shall not be bound to draw upon his personal income.

349. The contribution shall be payable in the form of a rate.

This rate shall be payable on a monthly basis, on the first day of each month, for the month elapsed.

In the case of a new placement, no contribution shall be required for the first 15 days.

However, if the child is placed more than once during a period of 12 months, the exemption prescribed in the third paragraph shall only apply for the first placement unless the latter lasts less than 15 days, in which case the first 15 days of exemption may be completed on a subsequent placement.

350. The rate payable per month is as follows :

- (a) for each child 0 to 4 years of age 54 \$;
- (b) for each child 5 to 11 years of age 61 \$;
- (c) for each child 12 to 15 years of age 76 \$;
- (d) for each child 16 to 17 years of age 86 \$.

351. The parents bound, under this Subdivision, to pay a rate from their personal income, shall pay the rate fixed in section 350. However, if they qualify as Québec residents within the meaning of this Regulation, they may apply for partial exemption from payment of the rate be-

cause of insufficient income, by submitting a copy of the form in Schedule V to the social service centre.

The social service centre shall inform the parents of their right to apply for partial exemption from payment of the rate because of insufficient income.

352. An application for exemption shall be accepted by the social service centre when the contribution income of the parents is less than 4 times the aggregate amount they are required to pay annually under section 350.

However, if the parents are not entitled to an exemption, their application shall be deemed to have been rejected effective the day on which the placement took place.

353. The contribution income of parents who have submitted an application for exemption shall be computed by adding to the joint income of the father and mother determined in accordance with section 28 of the Taxation Act (R.S.Q., c. I-3) for the last calendar year, the gross proceeds of any indemnity, pension or annuity paid under an Act of the Parliament of Canada or Québec and not subject to the Taxation Act.

The following annual amounts shall be deducted from the amount calculated in virtue of the first paragraph for dependent adults and children not placed in a foster family, reception centre or hospital centre for prolonged care :

- i. 4 000 \$ in cases where at least 2 adults live together, or 3 000 \$ if there is only one adult ;
- ii. 1 200 \$ for each child 0 to 17 years of age ;
- iii. 1 500 \$ for each child 18 years of age or over who attends a teaching institution on a full-time basis.

The result obtained shall constitute the contribution income of parents.

An adult or child may be considered dependent only if he has no income or if his income is less than the deduction to which he is entitled.

If the parents claim that, because of retirement or the occurrence of an unforeseen event such as death or loss of employment, their income will be less for the current calendar year than for the preceding year, they may annex to the form an account of the reasons justifying such claim, and the contribution income shall be determined having regard to that decrease, after the accuracy thereof has been verified.

354. Parents who benefit from an exemption shall pay each month only 1/48 of their annual contribution in-

come, regardless of the number of children placed, subject to the following minimum monthly amounts :

- (a) for each child 0 to 11 years of age 27 \$;
- (b) for each child 12 to 17 years of age 33 \$.

However, in cases where there is only one child in a family and that child is placed, the minimum contribution is reduced by 7 \$; in cases where there are only 2 children in a family and both are placed, the contribution shall be reduced by 7 \$ for the first child placed.

355. Notwithstanding section 350, if, according to a diagnosis made by a committee of professionals formed by the social service centre, it is found that a child suffers from physical or mental handicaps such that the child can no longer be placed in a family, the contribution of parents shall be fixed at the minimum amounts determined in subparagraphs *a* and *b* of the first paragraph of section 354.

Similarly, in cases where a child must be placed within accessibility of a school or certain health services, the contribution of parents shall be fixed at the amounts determined in subparagraphs *a* and *b* of the first paragraph of section 354.

356. The monthly contribution to be paid by parents or by the tutor over property under this Division shall be reduced proportionately for each day that the child spends at the home of his parents or tutor over property during the month.

For the purpose of this section, the word day means a consecutive period of at least 10 hours during the same day.

357. A parent benefitting from an exemption must renew his application each year and inform the social service centre without delay of any change which may alter his eligibility for such exemption.

§2. Contribution of adults accommodated

358. A reception centre or a hospital centre for prolonged care in which an adult is accommodated must require from the latter, for his lodging, the payment of a daily rate in conformity with this Subdivision.

359. The daily rate payable to a reception centre shall be equal to the estimated operating cost of the centre including the depreciation of capital assets, the cost of medication and the cost of nursing services, divided by the probable annual number of days of stay. The cost of exter-

nal services, however, shall not be considered in determining the rate.

360. The daily rate payable to a hospital centre for prolonged care for an adult who is a Canadian resident shall be 15,99 \$ for a private room, 12,69 \$ for a semi-private room, and 11,04 \$ in every other case. If the adult is not a Canadian resident, the daily rate is determined as that of a reception centre.

361. The daily rate is invoiced every month, before the beginning of the month, at 30 times its amount, to fix the monthly rate payable by the adult. If the accommodation period is less than 30 days, the rate shall be invoiced *pro rata* to the days of stay which remain.

The day of admission shall be considered one day of stay, but that of discharge shall not be counted. The periods of temporary discharge from a hospital centre, within the meaning of section 62, and similar periods of discharge from a reception centre shall be counted as days of stay.

362. An adult whose contribution income less income tax is less than the monthly rate which he has to pay shall benefit from an exemption from payment equal to the difference between such rate and such income.

363. The contribution income includes the income of the adult and that of his spouse for the preceding month, within the meaning of section 28 of the Taxation Act as well as the non-taxable proceeds of any indemnity, pension, annuity or allowance paid under an Act of the Parliament of Canada or Québec, less the personal expense allowance contemplated in section 375 or the total of the following deductions :

- (a) 400 \$ for the spouse ;
- (b) 160 \$ for each child under 18 years of age ;
- (c) 200 \$ for each child 18 years of age or over who attends a teaching institution on a full-time basis.

However, the spouse accommodated in a foster family, reception centre or hospital centre for prolonged care shall not be taken into consideration in establishing the contribution income. Neither shall be considered the fact that an adult benefits from an exemption from paying the rate of his accommodation in whole or in part.

364. The contribution income less income tax represents the amount obtained after having deducted from the contribution income determined in conformity with section 363 the amount of income tax which the adult and his spouse not accommodated would have to pay if they were paying such tax on a monthly basis.

365. The adult who must pay a monthly rate may, in addition to the exemption he benefits from under section 362, apply to be exempted from paying part of that rate if he is in a situation contemplated in section 366 or 368. The establishment which accommodates the adult shall immediately forward to the Minister every application in order that the admissibility thereof be established.

366. The Minister agrees to exempt the adult who does not benefit from any of the deductions contemplated in section 363 if his contribution income is less than twice the monthly rate he has to pay.

The exemption shall then be equal to the difference between the amount which the adult would be exempt from paying if he only had to pay one-half of his contribution income as monthly rate, and the amount for which he actually benefits from an exemption under section 362.

367. For the purposes of section 366, the contribution income of an adult who draws an old age security pension is established by adding the amount by which the maximum benefit payable under the Old Age Security Act (R.S.C., 1970, c. O-6), exceeds the personal expense allowance contemplated in section 375.

368. The Minister agrees to exempt the adult who benefits from one of the deductions contemplated in section 363 if his contribution income is less than 4 times the monthly rate he has to pay.

The exemption shall then be equal to the difference between the amount which the adult would be exempt from paying if he only had to pay $\frac{1}{4}$ of his contribution income as monthly rate, and the amount for which he actually benefits from an exemption under section 362.

369. Notwithstanding any provision of this Subdivision other than sections 370 and 371, an adult shall be exempt from paying the rate of his accommodation in whole or in part only if the total value of his property or of his family's property, where applicable, entitles him to social aid. On the other hand, if the liquid assets exceed the exemption permitted for social aid, the excess must be applied to reduce the amount which the adult is exempt from paying.

370. The adult who was accommodated prior to 1 July 1975, who would be exempt from paying all or part of the accommodation rate if it were not for section 369, shall retain his right to be thus exempt, notwithstanding that section. His contribution income, however, shall then be increased by a sum equal to 1% of the amount by which the total value of his property or his family's property, where applicable, exceeds the exemption permitted for social aid.

371. Notwithstanding section 369, the Minister shall grant, upon application, to the adult accommodated in a reception centre, an additional exemption equal to the difference between the monthly rate payable to the reception centre less the exemption and the monthly rate he would pay if he were accommodated in a hospital centre for prolonged care.

372. The adult accommodated in a hospital centre for prolonged care who is not a Québec resident and the third party responsible for damages suffered or expenses incurred by an adult accommodated must pay the entire accommodation rate, notwithstanding any inconsistent provision of this Subdivision.

373. The adult exempt from paying the rate of accommodation the duration of which is less than 30 days shall only be exempted on the basis of his days of stay, by correcting according to such basis the amount which he would be exempt from paying for 30 days.

374. To be exempt from paying the rate of his accommodation in whole or in part, the adult must establish the amount of his income and the value of his property and immediately notify the Minister of any change occurring thereafter.

375. For the purposes of this Subdivision :

(a) the expression "reception centre" does not mean a reception centre which operates without receiving sums of money derived from the consolidated revenue fund ;

(b) the personal expense allowance of an adult accommodated is 90 \$.

§3. Contributions of adults placed in a foster family

376. When an adult under 65 years of age is placed in a foster family, his contribution shall be equal to the maximum social aid allowance for ordinary needs set forth in section 24 of the Regulation respecting social aid (c. A-16, r.1) made under the Social Aid Act (R.S.Q., c. A-16), less the personal expense allowance prescribed in paragraph b of section 375.

377. When an adult 65 years of age and over is placed in a foster family, his contribution shall be equal to the old age security pension and maximum guaranteed income supplement that he receives, less the personal expense allowance prescribed in paragraph b of section 375.

DIVISION VIII

ALLOWANCES PAID TO FOSTER FAMILIES

378. For the purposes of this Division, children entrusted to the care of foster families are bracketed according to the following classes :

- (a) F-1, children from 0 to 4 years of age ;
- (b) F-2, children from 5 to 11 years of age ;
- (c) F-3, children from 12 to 15 years of age ;

(d) F-4, children 16 and 17 years of age and young adults from 18 to 20 years of age, inclusive, who attend an institution providing secondary education within the meaning of the regulations under the Act respecting the Conseil supérieur de l'éducation (R.S.Q., c. C-60).

379. The daily rates payable to foster families for the care of children are the following :

- (a) for Class F-1, an amount of 5,59 \$;
- (b) for Class F-2, an amount of 6,86 \$;
- (c) for Class F-3, an amount of 8,08 \$;
- (d) for Class F-4, an amount of 9,35 \$.

380. Where a foster family accepts a sick or deficient child a daily supplement of up to 2,83 \$ must be added to the daily rate established for each class under section 379.

381. The daily rate payable to foster families for the care of adults is 11,20 \$.

PART VII

PERMITS

DIVISION I

CONDITIONS

382. Application for permit : Any person who applies for the issuance or renewal of an establishment's operating permit must make application therefore in writing to the Minister and furnish the requested information on a form in accordance with Schedule IV.

383. Renewal : Where application is for a permit renewal, such application must be made and the information furnished before 1 October of each year.

384. Condition : No permit may be issued to a person who is insolvent, or who has been convicted under the Criminal Code (R.S.C., 1970, c. C-34).

385. A corporation may not hold a permit if one of its members is :

- (a) an interdicted person ;
- (b) a person to whom a judicial advisor has been appointed ;
- (c) a person who has been convicted under the Criminal Code ;
- (d) a person who, during the preceding 3 years has been the object of disciplinary measures under section 170 or of a fine under sections 179 to 181 of the Act.

386. An establishment which does not satisfy the requirements of the laws and regulations may not be granted a permit.

387. Fee : A fee of 25 \$ is required for the issuance of a permit to a private establishment.

No issuance fee is required in other cases.

DIVISION II

HEARINGS

388. Notice of amendment : Before annulling, suspending, or refusing the renewal of a permit, the Minister must consult the regional council and must notify the holder by registered or certified letter. Such letter shall be sent to him at the establishment's address.

389. Notice to Minister : Following the date of the mailing of the letter, the permit holder and the regional council have 15 days in which to notify the Minister in writing that they wish to be heard.

390. Hearing : Within 30 days of the receipt by the Minister of such notification, the hearing shall be held by a committee composed of 3 persons designated by the Minister.

391. The committee must allow the regional council and the permit holder to assert their claims and to produce pertinent documents.

392. Advocate : The permit holder shall have the right to legal assistance.

393. Decision : The committee shall render its decision after deliberation and shall forward its recommendation, together with the minutes of the hearing, to the Minister.

394. Notification : Within 30 days of the hearing by the committee, the Minister shall notify the person whose permit is suspended, annulled or not renewed, of his decision in writing, stating the reasons therefor.

SCHEDULE I

(ss. 174 and 178)

LIST OF HOSPITAL CENTRES WHICH MUST OPERATE A COMMUNITY HEALTH DEPARTMENT

REGION 1

Hôpital Saint-Joseph de Rimouski
(Rimouski)
Hôtel-Dieu de Gaspé

REGION 2

Hôpital de Chicoutimi Inc.
Hôtel-Dieu Roberval
(Roberval)

REGION 3

Hôpital Saint-Joseph de Beauceville ouest
Hôtel-Dieu de Rivière-du-Loup
Hôpital de l'Enfant-Jésus
(Québec)
Hôtel-Dieu de Lévis
Centre Hospitalier de l'Université Laval
Hôpital du Saint-Sacrement
(Québec)
Hôtel-Dieu de Montmagny

REGION 4

Hôpital Régional de la Mauricie
(Shawinigan)
Hôpital Sainte-Croix
(Drummondville)
Hôpital Sainte-Marie
(Trois-Rivières)

REGION 5

Centre hospitalier Universitaire de Sherbrooke

REGION 6A

The Lakeshore General Hospital
(Pointe-Claire)
Hôpital général du Christ-Roi de Verdun
(Verdun)
Hôpital Maisonneuve-Rosemont
(Montréal)
Hôpital Sainte-Justine
(Montréal)
The Montréal General Hospital
(Montréal)
Hôpital du Sacré-Coeur, Montréal
(Cartierville)
Hôpital Saint-Luc

Centre hospitalier Cité de la santé de Laval
(Laval)

REGION 6B

Hôtel-Dieu de Saint-Jérôme
Centre hospitalier Régional Lanaudière
(Joliette)

REGION 6C

Centre hospitalier de Valleyfield
Hôpital Honoré-Mercier Inc.
(Saint-Hyacinthe)
Hôpital Charles LeMoine
(Greenfield Park)
Hôpital du Haut-Richelieu

REGION 7

Centre hospitalier du Sacré-Coeur
(Hull)

REGION 8

Centre hospitalier Rouyn-Noranda

REGION 9

Hôtel-Dieu de Hauterive
(Hauterive)

SCHEDULE II

(s. 130)

AUDIT RULES WHICH MUST BE EMBODIED IN THE COMMISSION ISSUED TO THEIR EXTERNAL AUDITORS BY ESTABLISHMENTS

1. Object of the audit rules : This Schedule describes the basic audit rules to be followed at the time of auditing the establishment's annual financial statements. These rules are not limiting, either to boards of directors who may add to it the study of any specific matter not provided for herein, or to the auditor himself.

2. Scope of the audit rules : The object of these audit rules is to assist the Minister to discharge the responsibilities which the Act entrusts to him in respect of establishments and, in particular, his responsibility to ensure that the monies he has put at the disposal of establishments have been used for the purposes for which they were intended, and that the services and activities which lie within the competence of each establishment have been rendered or executed.

To permit the realization of such objective, the auditor must express an opinion on the following points :

(a) the degree of adherence of the establishment to the Act respecting health services and social services (R.S.Q.,

c. S-5) and to the regulations made under this Act insofar as such adherence touches upon the expenses or revenues of the establishment or upon the volume of services or activities executed in the establishment ;

(b) the degree of adherence in the preparation of the establishment's annual report to the principles published thereto by the Minister as well as to the accompanying definition notes ;

(c) the conformity of the establishment's accounting practices with the rules and definitions contained in the Canadian Hospital's Accounting Manual and with the interpretations of such rules and definitions contained in the current edition of the *Guide budgétaire* published annually by the Minister ;

(d) the reliability of the quantitative data on operations and efficiency of the establishment disclosed by an examination of the methods of gathering and recording such data and the possibilities of checking thereon. The auditor must examine the operational data compiled for the various departments and he must note any differences between the standard definition contained in the *Guide budgétaire* and that used by the establishment. In addition, the auditor must note the cases where the number of units of measure was not determined from the regularly accumulated data but from an estimate, noting also the basis of such estimating ;

(e) the thorough and comprehensive nature of financial statements and operational data. In particular, no statement of expenses must be reduced before the recording thereof is made by any item of revenue. On the other hand, the deduction of volume of activity must not omit any unit of measure applicable to each department ;

(f) the value of internal control procedures followed by the establishment and an evaluation of their possible contribution in the resolving of difficulties noted during the audit.

3. Auditor's report : No commission for an audit shall be interpreted as requiring a judgement by the auditor on the advisability or prudence of any decision made by the board of directors of the establishment. However, the auditor must determine the conformity of administrative decisions with the written and official authorizations of the Ministère des Affaires sociales, or with the administrative rules and practices approved by the Minister.

It is not the responsibility or the duty of the auditor to judge the variations in cost or volume of services ; his work shall concern the reliability of the dollar amounts and the quantitative statistics. He shall refrain from commenting on the reasons which justified expansion, thus demonstrating respect for the establishment authorities.

However, if it is the opinion of the auditor that it would be useful to make recommendations concerning an improvement in control, or in accounting procedures and statistics, he may do so. The Ministère des Affaires sociales encourages such recommendations with a view to discussing them with the establishment authorities.

SCHEDULE III

(s. 214)

Application form for appointment of physician or dentist

I. Identification of candidate

Surname: _____ Given names: _____

Sex: _____ Civil Status: _____

Nationality: _____ Citizenship: _____

Place and date of birth: _____

Domicile: _____ Tel: _____

Office: _____ Tel: _____

Social insurance number: _____

II. Education(a) Secondary school: _____
Year Diploma

(b) CEGEP: _____

(c) College : _____

(d) University: _____

(e) Internship: _____

(f) Residency: _____
(hospital centre)(g) Specialization studies: _____
Subject
(hospital centre or institution)

(hospital centre or institution)

(hospital centre or institution)

(h) Graduate studies _____
Year Subject
(institution)

(institution)

(institution)

III. Licence to practise

Year

Québec

L.M.C.C.

Others (specify)

IV. Specialty Diplomas

Discipline

Title

Year

Corporation professionnelle des médecins du Québec

Royal College of Canada

Others

V. Medical publications (*annex list if necessary*)

Journal

Number-date

Title

VI. Professional Experience

Place

Year

Status

Privileges

VII. References

Name

Title

Address

VIII. Status and privileges requested

I, the undersigned, submit my candidacy for the practice of my profession as physician ☐ dentist ☐ at the _____ hospital centre, and request the status of active ☐ consulting ☐ honorary ☐ member. Furthermore, I wish to obtain the privileges enumerated in the list annexed hereto (*the list must be dated and signed*).

VIII. Authorizations:

I hereby authorize the persons responsible for the study of my application to obtain the information required therefor from any hospital centre, institution, physician or dentist, provided that the confidential nature of such information be respected.

I authorize in particular the registrar of the Corporation professionnelle des médecins du Québec or his assistant, or the registrar of the Ordre des dentistes du Québec or his assistant, to release any information contained in my personal file which may be useful to the study of my application.

This authorization is valid for the period of study of my application, and according to the time limits provided for in the regulations.

I declare that I am acquainted with the internal regulations of the hospital centre and undertake to respect them.

I annex hereto proof of possession of a professional civil liability insurance policy for myself and my heirs.

DATE _____

Signature _____

Witness _____

SCHEDULE IV

(s. 382)

Application for permit to operate an establishment

Minister of Social Affairs
c/o La direction de l'agrément des établissements
Ministère des Affaires sociales
Gouvernement du Québec
Québec.

Pursuant to the Act respecting health services and social services (R.S.Q., c. S-5), and to the regulation made under such Act by the Government,

(Name and address of person or corporation applying for permit)

(Functions of person requesting permit)

(Name and address of establishment)

applies for the insurance of an establishment operating permit for the 19... calendar year :

Class of establishment

public ☐
private ☐

☐ Local community service centre

☐ Hospital centre

Number of beds

- ☐ for short-term care
☐ for prolonged care

☐ Social service centre

☐ Reception centre

Number of boarders

- ☐ day-care
☐ transition
☐ rehabilitation
☐ home-care centre

The undersigned certifies that all the permit issuance conditions enumerated in Part VII of the Regulation respecting the application of the Act respecting health services and social services (R.R.Q., c. S-5, r.1) have been fulfilled. The 25 \$ fee required for the issuance of a permit to private establishments is enclosed. (N.B. No fee is required in other cases).

Signed at _____

on this day

of _____ 19
(month)

person applying for permit

Enclose resolution authorizing signatory to apply for a permit in the name of a corporation where necessary.

(s. 351)



File No

1 2 3 4 5 6 7

FOR USE OF SOCIAL SERVICE CENTRE

FOR USE OF SOCIAL SERVICE CENTRE

New case ☐ Reintegration ☐ Modification ☐ Review ☐ Closing ☐

IDENTIFICATION OF SOCIAL SERVICE CENTRE					
Name				Telephone No	
Address No		Street			
City	Zone	County	Postal Code		Socio-Health Region

IDENTIFICATION OF APPLICANT				
Name		Given Name		Born on
Capacity of applicant		Father <input type="checkbox"/> Mother <input type="checkbox"/> Tutor <input type="checkbox"/> Other (specify <input type="checkbox"/>		Social Insurance
Address No	Street	Municipality	Postal Code	Telephone
Applicant's employer		Address No	Municipality	Telephone

IDENTIFICATION OF SPOUSE				
Name (according to act of birth in the case of a woman)				Born on
Capacity of spouse	Father <input type="checkbox"/>	Mother <input type="checkbox"/>	Social Insurance No	
Address No	Street	Municipality	Postal Code	Telephone
Spouse's employer	Address No	Municipality	Telephone	

Name		Given Name	Born on
Placed on		Foster Family <input type="checkbox"/> Reception Centre <input type="checkbox"/>	Date of admission

Name		Given Name	Born on	Reception Centre <input type="checkbox"/> Foster Family <input type="checkbox"/>
1	Name of centre or family in which placed		Address	
2	Name	Given Name	Born on	Reception Centre <input type="checkbox"/> Foster Family <input type="checkbox"/>
	Name of centre or family in which placed		Address	
3	Name	Given Name	Born on	Reception centre <input type="checkbox"/> Foster Family <input type="checkbox"/>
	Name of centre or family in which placed		Address	
4	Name	Given Name	Born on	Reception Centre <input type="checkbox"/> Foster Family <input type="checkbox"/>
	Name of centre or family in which placed		Address	
5	Name	Given Name	Born on	Reception centre <input type="checkbox"/> Foster Family <input type="checkbox"/>
	Name of centre or family in which placed		Address	

IDENTIFICATION OF DEPENDENT PERSONS NOT PLACED					
	Name	Given Name	Born on	Relationship	Occupation
1					
2					
3					
4					
5					

ANNUAL INCOME			DEDUCTION UNDER THE QUÉBEC TAXATION ACT		
Source of income	Applicant	Spouse	Deductions	Applicant	Spouse
1 Salary or salary insurance			22 Contribution to Unemployment Insurance		
2 Commissions			23 Contribution to the Québec Pension Plan		
3 Tips			24 Contribution to a retirement or retirement savings plan		
4 Unemployment insurance benefits			25 Union or professional dues		
5 Private insurance plan			26 Moving costs		
6 Old age security pension and supplements			27 Alimentary pension paid		
7 Québec Pension Plan Benefits			28 Cost care of children		
8 Pension Plan			29 Scholarship fees		
9 Government of Canada Pension			30 Other deductions (specify)		
10 Québec Government Pension			31 Total deductions		
11 War Veterans Pension					
12 Alimentary Benefit received					
13 Other pensions (specify)					
14 Income from dividends					
15 Interest and income from investments					
16 Income from rents					
17 Prestation of the Commission de la santé et de la sécurité du travail					
18 Social Aid Allowances					
19 Family allowances *					
20 Other income (specify)					
21 Total income					

FOR USE OF S.S.C.	
Income (line 21)	
Less deductions (line 31)	
Net income	
Exemptions	
Adults	
Student(s) 18 years of age and over	
X	
Children 0-17 years of age	
X	
Less : total exemptions	
Net contributions income	

Indicate social aid file number, where applicable			MONTHLY CONTRIBUTION	
---	--	--	----------------------	--

SOLEMN CONTRIBUTION

I, the undersigned, solemnly declare that the information I have furnished and which appears in this application is true and that I have not concealed or omitted any pertinent information, and I make this declaration believing it to be true and knowing that it has the same force and effect as if it were made under oath.

I hereby undertake to immediately inform the Social Service Centre of any changes which might arise regarding the situation described in this application.

I authorize the Social Service Centre and the Ministère des Affaires sociales to question third parties on the veracity of the information furnished in this application.

IN THE CASE OF REFUSAL TO SIGN BY THE APPLICANT, THE APPLICATION FOR EXEMPTION WILL BE REJECTED		
Signature of applicant	Date	The Social Service Centre and the Department may require that an application made by a person other than the applicant be returned to the applicant and countersigned by him.
Signature of officer responsible	Date	

ORIGINAL TO ADMINISTRATION OF S.S.C.

O.C. 3322-72, (1972) 104 O.G., 10566
O.C. 1203-73, (1973) 105 O.G.II, 1179
O.C. 2805-73, (1973) 105 O.G.II, 4683
O.C. 3276-73, (1973) 105 O.G.II, 5451
O.C. 3507-73, (1973) 105 O.G.II, 5567
O.C. 4784-73, (1974) 106 O.G.II, 63
O.C. 4739-74, (1974) 106 O.G.II, 5395
O.C. 2175-75, (1975) 107 O.G.II, 2751
O.C. 4117-75, (1975) 107 O.G.II, 5123
O.C. 952-76, (1976) 108 O.G.II, 2305
O.C. 2036-76, (1976) 108 O.G.II, 3955
O.C. 703-77, (1977) 109 O.G.II, 1367
O.C. 1005-77, (1977) 109 O.G.II, 1483
O.C. 472-78, (1978) 110 G.O., 1195
O.C. 1967-78, (1978) 110 G.O., 2589
O.C. 410-79, (1979) 111 G.O., 2651
O.C. 3422-79, (1979) 111 G.O., 7249
O.C. 1999-80, (1980) 112 G.O.II, 2965
O.C. 2644-80, (1980) 112 G.O.II, 4109
O.C. 2643-80, (1980) 112 G.O.II, 4125
O.C. 1574-81, (1981) 113 G.O.II, 1961
O.C. 2160-81, (1981) 113 G.O.II, 2975



c. S-5, r.2

Regulation respecting the formation of the boards of directors of public establishments of health and social services of Québec

An Act respecting health services and social services (R.S.Q., c. S-5, ss. 20, 21 and 22)

DIVISION I GENERAL AND INTERPRETATIVE PROVISIONS

1. Application : This Regulation applies to nominations and elections of members of the boards of directors of public establishments of Québec, in accordance with the Act.

2. Definitions : In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Act” : the Act respecting health services and social services (R.S.Q., c. S-5) ;

(b) “Regulation” : the Regulation respecting the application of the Act respecting health services and social services (c. S-5, r.1) ;

(c) “establishment” : a local community service centre, a hospital centre, a social service centre or a reception centre ;

(d) “user” : every person who holds a card or is entered on a register, showing that an establishment has furnished him services within the last 2 years, excepting however any person employed by the said establishment or by another establishment of the same category or performing functions for the account of the said establishment or of another establishment of the same category and, as the case may be, any person being a member of a non-profit corporation other than a corporation incorporated under this Act and the owner of immoveable assets of the establishment ;

(e) “minor” : a girl or boy under 18 years of age ;

(f) “Commission” : the Commission des affaires sociales established under the Act respecting the Commission des affaires sociales (R.S.Q., c. C-34) ;

(g) “electoral colleges” : the electoral colleges are the groups contemplated by each of the paragraphs of each of sections 78 to 82 of the Act. No person shall form part of

more than one electoral college for one category of establishments nor vote in more than one establishment of a category.

The groups contemplated by paragraphs *e* and *f* of section 78, paragraph *g* of section 79, paragraphs *f* and *h* of section 81 and paragraphs *g* and *h* of section 82 of the Act, are not, however, considered electoral colleges ;

(h) “clinical staff” : every person, including a physician or dentist is considered to be a member of the clinical staff of an establishment who, being the holder of a college or university diploma occupies a position with the establishment in the field covered by such diploma and directly connected with health services, social services, research or teaching, as are those persons who carry on the professional activities of nurses or nursing assistants for the establishment ;

(i) “physician and dentist” : a physician or dentist is a person who is an active member of the council of physicians and dentists created in the establishment. These persons shall be entered on the list drawn up by the general manager of the establishment ;

(j) “non-clinical staff” : every person who is entered in the registers of the establishment as part of the remunerated staff of the establishment and who is not part of the council of physicians and dentists, of the clinical staff practising in the establishment and who is not a resident or intern ;

(k) “resident and intern” : a physician who is entered in the registers of the establishment as being in training or specializing in this establishment and who has completed his regular studies at the university ;

(l) “contract of professional services” : every contract of professional services duly signed, filed with the regional council and in force on 15 February every odd year ;

(m) “establishment affiliated with a university” : every establishment which on 15 February every odd year has a valid contract affiliating it with a university for teaching purposes ;

(n) “list of electors” : means an electoral list drawn up by the general manager of an establishment giving the name and function of every person who is part of an electoral college in his establishment. This paragraph shall not apply to the election of users ;

(o) “deadline” : all deadlines shall be in calendar days ;

(p) “meeting chairman” and “election chairman” : these expressions have the same meaning.

3. Abbreviations : In this Regulation, the following abbreviations mean :

- (a) LCSC : Local Community Service Centre ;
- (b) HC : Hospital Centre ;
- (c) SSC : Social Service Centre ;
- (d) RC : Reception Centre.

4. Right to exercise a vote in the case of a minor or interdicted person, etc. : In the case of a minor user, his right to vote shall be exercised by his father or mother. However, no person may vote more than once and when a husband or wife exercises the right to vote of a child, his or her consort shall enjoy no right to vote as such, irrespective of the number of their children having received services.

When a user is interdicted, is under close treatment or incapable of administering his property within the meaning of the Mental Patients Protection Act (R.S.Q., c. P-41), his right to vote shall be exercised by his father, mother, curator, spouse or child 18 years of age or over.

5. Date of election and appointment : The elections provided for in this Regulation shall take place during the month of May of even or odd years, as the case may be, on the dates, hours and places fixed by the regional council, following upon an agreement made prior thereto with the establishment concerned. The new members shall replace the former upon their election.

6. Voting periods : The voting period shall be at least 4 hours for the members of each of the electoral colleges contemplated in sections 78 to 82 of the Act and where necessary such period may be extended by the election chairman for an additional period of not more than 3 hours.

7. Distant installations : Where an establishment has installations which are distant one from the other, the regional council may decide that the election may be held in more than one place and ensure that a different chairman is appointed for each place.

However, in the elections of users, the regional council shall designate the general election chairman.

8. Election chairman : The election chairman shall be designated by the board of directors of the establishment, except in the election of users where the regional council shall designate the meeting chairman and, except in the

cases contemplated in sections 33 and 40, prior to 15 April each year in which that meeting must be held.

The election chairman shall :

- (a) supervise the proper running of the elections ;
- (b) ensure the regularity of voting procedures ;
- (c) fill out the forms for election certificates and report thereon to the general manager of the establishment ;
- (d) supervise the counting of the votes by the scrutineers except in the case of election or by the users.

9. Scrutineers : Each candidate may designate a scrutineer, whose functions shall be to :

- (a) verify the electoral list to see if the person who wishes to vote is entered ;
- (b) initial the ballot-papers ;
- (c) give the ballot-paper to the electors ;
- (d) help in the counting of the ballots ;
- (e) support the election chairman in the proper running of the elections.

10. Election officers : The election chairman and the scrutineers shall not be entitled to vote.

11. Election return and election certificate : Before 10 June each year, the general manager of an establishment shall forward to the regional council of his region the election return comprising the list of the members of the board of directors for the current year, the nomination paper of a candidate and the election certificates, in accordance with Form 1, 2 or 3.

12. Appointments by the RCHSS : Where the election or appointment of a member pursuant to sections 78 to 82 of the Act has not been held, the general manager of the establishment shall advise the regional council of his region thereon before 10 June each year. The regional council shall then make its appointment.

13. Vacancy : The general manager shall always advise the regional council of his region on any vacancy within the board of directors.

14. Term of office : The term of office of the persons elected or appointed pursuant to sections 78 to 82 of the Act shall be 2 years. This section does not apply to the general manager.

15. Contestation of election : Every interested person may file, before the Commission, a petition in contestation or annulment of any election held, pursuant to one or other of sections 78, 79, 81 or 82 of the Act.

16. Keeping of documents : The general manager shall keep under seal all the documents of the election for 180 days and thereafter shall keep the list of electors until the next elections for this electoral college.

DIVISION II

ELECTION OF A MEMBER BY THE ADVISORY COUNCIL OF THE CLINICAL STAFF, THE NON-CLINICAL STAFF, THE COUNCIL OF PHYSICIANS AND DENTISTS AND THE INTERNS AND RESIDENTS FOR A TERM OF OFFICE OF 2 YEARS

ELECTION OF 4 PERSONS BY THE MEMBERS OF THE CORPORATION FOR A TERM OF OFFICE OF 2 YEARS

17. Table : This Division applies to the elections appearing in the following table :

(a) election of one person for 2 years by the advisory council of the CLINICAL STAFF established in the centre, and chosen from the members of this council :

in the LCSC	s. 78c (Act)
in the HC	s. 79d (Act)
in the SSC	s. 81d (Act)
in the RC	s. 82e (Act)

(b) election of one person elected for 2 years by all the NON-CLINICAL STAFF members employed by the centre and chosen from among its members :

in the LCSC	s. 78d (Act)
in the HC	s. 79f (Act)
in the SSC	s. 81e (Act)
in the RC	s. 82f (Act)

(c) election of one person for 2 years by the COUNCIL OF PHYSICIANS AND DENTISTS established in the centre and chosen from among the members of this council :

in the LCSC	s. 78g (Act)
in the HC	s. 79e (Act)

(d) election of one person for 2 years by the INTERNS AND RESIDENTS of the centre and chosen from among them :

in the HC	s. 79h (Act)
-----------	--------------

(e) election of 4 persons for 2 years by the MEMBERS OF THE CORPORATION, in the case where the im-

moveable assets are the property of a non-profit corporation other than a corporation incorporated under the Act :

in the HC	s. 79c (Act)
in the SSC	s. 81c (Act)
in the RC	s. 82d (Act)

§1. Election in an establishment in which there is only one poll for each electoral college

18. Notice of election : Not later than 20 days prior to the date fixed for the election, the general manager of the establishment shall give public notice thereof by posting up, inside the establishment, notice of the holding of such election, stating its date, hour and place, call for nominations and make known the formalities of the said election.

Moreover, he shall post up the list of the electors members of the electoral college concerned.

Whosoever notices that his name is not on the electoral list and is entitled to vote, may deposit, not later than 10 days prior to the date of the election and before 17 h, a written petition with the general manager of the establishment, for correction.

In the case of the election of 4 persons by the members of the corporation, the general manager of the establishment shall inform the president of the corporation in writing of the holding of such election.

19. Nomination of candidates : Every person who is a member of the electoral college subject to the elections in the establishment may submit his candidacy or that of another person who is a member of the said electoral college to be a member of the board of directors, except in the case of members elected by the corporation in which any person may submit his candidacy or that of another person.

This nomination is submitted by means of a nomination paper duly filled in and countersigned by 5 persons members of an electoral college of the establishment.

The nomination paper of the candidate must be drafted according to Form 1 annexed to this Regulation and must be forwarded to the general manager of the establishment.

20. Closing of nominations : The nominations shall terminate 10 days prior to the date fixed for the elections. The nomination papers must be deposited at the office of the general manager before 17 h.

21. Elections by acclamation : When, upon the closing of nominations, the number of candidates is less than or equal to the number of offices to be filled, these candidates shall be declared elected by the general manager of the establishment. The general manager shall fill in the election certificate according to Form 3 annexed to this Regulation and post up such certificate in the establishment.

22. Posting-up of list of candidates and electors : Not later than 6 days before the elections, where there are more candidates than the number of offices to be filled, the general manager shall draw up the list of the proposed candidates and post it on the bulletin boards of the establishment with a corrected list of electors.

In the case of 4 persons elected by the members of the corporation, the general manager shall forward these 2 lists to the chairman of the corporation in writing.

He shall also make known the election procedure.

23. Designation of election officers : The election chairman shall be designated by the board of directors of the establishment.

The election officers may be chosen from among the members forming the electoral college or outside such electoral college.

Where such officers are members of the electoral college, they shall not be entitled to vote.

24. Voting procedure : The chairman, on the day, hour and place fixed, shall open the voting period.

The scrutineers shall verify the right to vote.

The scrutineers shall give an initialed paper according to the model provided in Form 6.

The voting shall be by secret ballot deposited in the boxes provided for such purpose.

The voting period shall be at least 4 hours. This period may be extended by the election chairman for an additional period of not more than 3 hours.

The voter, after examination of his ballot paper, shall exhibit it if he is so requested by the scrutineer, and then shall immediately go into one of the voting booths of the office.

He shall then mark his ballot by making with a black lead pencil placed therein, as many crosses as there are offices to be filled in the squares specially and exclusively reserved for the exercise of the right to vote ; then he shall fold the ballot in such a way that the initials on the back and the number on the stub may be seen without unfolding the ballot, and shall then return to the scrutineer's table.

The voter, without unfolding the ballot, and without handing it over, shall have it verified by the scrutineer for examination of the initials and the number entered on the stub, to ensure the ballot is the one he gave him.

Then, the voter, before those present, shall detach the stub and give it to the scrutineer who shall destroy it and then the voter shall deposit the ballot in the ballot box.

If the ballot is not the one provided the voter by the scrutineer, the scrutineer must have it handed over to him and annul it by entering the word "void" with the initials of his name and given names.

25. Counting of votes : The scrutineers shall count the votes under the supervision of the election chairman.

The candidates may attend such count.

Upon the counting of the vote, the person who obtains the greatest number of votes is declared elected by the election chairman.

Should there be a tie-vote which would cause the election of a number of candidates greater than the number of offices to be filled, the regional council of the region shall make the appointment.

26. Election return : The chairman shall fill in the election certificate according to Form 2 or 3.

He shall forward to the general manager :

- (a) the list of candidates ;
- (b) the list of electors ;
- (c) the ballot-papers ;
- (d) the election certificate duly filled in.

§2. Election in an establishment in which polls are held at several places

27. Notice of election, nominations, closing of nominations, election by acclamation and posting-up of the list of candidates and electors : In such cases, section 18 to 22 shall apply *mutatis mutandis*.

28. Designation of election officers : Prior to the date of election, the board of directors of the establishment shall designate a general election chairman. This officer shall have charge of the proper running of elections for each poll.

The board of directors of the establishment shall also provide for the nomination of an election chairman for each poll.

Each candidate may designate a scrutineer.

The election officers may be chosen from among the members forming the electoral college or from outside such electoral college.

If these officers are members of the electoral college, they shall not be entitled to vote.

29. Voting procedure : The general election chairman and the chairmen shall open the voting periods on the day, hour and place fixed. Section 24 shall apply to the voting procedure.

Then, the voter, before all those present, shall detach the stub and give it to the scrutineer who shall destroy it, and then the voter shall deposit the ballot in the ballot box.

If the ballot is not the one which was given to the voter by the scrutineer, the scrutineer must have it handed over to him and annul it by entering the word "void" with the initials of his name and given names.

30. Counting of votes : The scrutineers shall count the votes under the supervision of the election chairman.

The candidates may attend such count.

The chairman of each poll shall communicate the result of the vote to the general manager by telephone on the same day of the election.

Upon the counting of the vote, the person who obtains the greatest number of votes is declared elected by the general election chairman.

Should there be a tie-vote which would cause the election of a number of candidates greater than the number of offices to be filled, the regional council of the region shall make the appointment.

The general election chairman shall give the final result of the elections.

31. Election return : The general election chairman shall fill in the election certificate according to Form 2 or 3.

Each election chairman shall forward to the general manager :

- (a) the list of candidates ;
- (b) the list of electors ;
- (c) the ballot-papers.

DIVISION III

ELECTION OF ONE MEMBER OR 2 MEMBERS JOINTLY BY THE BOARDS OF DIRECTORS WHEN THERE IS A CONTRACT OF PROFESSIONAL SERVICES, IN ACCORDANCE WITH SECTION 124 AND ADMISSIONS COMMITTEES IN ACCORDANCE WITH SUBPARAGRAPH *i* OF THE FIRST PARAGRAPH OF SECTION 81 OF THE ACT

32. Table : This Division applies to the elections appearing in the table which follows :

(a) election of one person for 2 years jointly by the boards of directors when there is a contract of professional services contemplated in section 124 between :

a LCSC and a HC	s. 78e (Act)
a LCSC and a SSC	s. 78f (Act)
a HC and a LCSC	s. 79g (Act)
a RC and a HC	s. 82g (Act)
a RC and a SSC	s. 82h (Act)

(b) election of 2 persons for 2 years jointly by the boards of directors when there is a contract of professional services contemplated in section 124, between :

a SSC and a LCSC	s. 81f (Act)
a SSC and a HC	s. 81h (Act)

(c) election of 2 persons for 2 years jointly by the boards of directors of reception centres on whose admissions committees the social service centre is represented in accordance with the regulations made under subparagraph *c* of the first paragraph of section 173 :

s. 81i (Act).

33. General provisions : The general manager shall act as election chairman. Each candidate may designate a scrutineer.

34. Notice of election : Prior to 1 March every odd year, the general manager of an establishment bound by a contract of professional services contemplated in section 124 or having an admission committee as stipulated in paragraph *i* of section 81, with one or several centres, shall advise the board of directors of the said establishment of its right to an election.

35. Nomination of candidates : The establishments concerned shall answer this notice by forwarding a resolution of their respective board of directors proposing a number of candidates equal to the number of positions to be filled by using Form 5.

This resolution must be returned to the general manager of the establishment prior to 1 April every odd year.

36. Election by acclamation : If, at the closing of nominations, the number of candidates is equal to or less than the number of positions to be filled, such candidates shall be declared elected by the election chairman.

37. List of candidates : If the number of candidates proposed is greater than the number of positions to be filled, the election chairman shall draw up the list of candidates and forward such list, under sealed envelope, to the establishments participating prior to 15 April every odd year, and shall inform them of the date, hour and place when the public counting of the votes shall be held.

38. Election procedures : Prior to 15 May every odd year, the establishments concerned shall forward to the election chairman a certified copy of a resolution of their boards of directors designating a number of candidates equal to the number of positions to be filled in Form 5.

On the day, hour and place fixed, the election chairman shall publicly open the envelopes and begin counting the votes.

Upon the counting of the vote, the person who obtains the greatest number of votes shall be declared elected by the election chairman.

In the case of a tie-vote which would cause the election of a number of candidates greater than the number of offices to be filled, the regional council of the region shall make the appointment.

The election chairman shall give the final result of the elections.

39. Election return and election certificate : The election chairman shall fill in the election certificate in Form 2. This document shall be forwarded to the regional council of the region prior to 10 June.

DIVISION IV

APPOINTMENT OF A MEMBER, FOR 2 YEARS,
BY THE UNIVERSITY, WHEN THERE IS AN
AFFILIATION CONTRACT IN ACCORDANCE
WITH SECTION 125 OF THE ACT
SECTIONS 79h — 81g — 82i

40. Notice of appointment : In the case of an establishment affiliated with a university, the general manager of the establishment, prior to 1 April every odd year, shall, in writing, advise the board of directors of the university to see to the appointment of a person, prior to 1 June, as a

member of the board of directors of these affiliated establishments.

41. Method of appointment : This appointment shall be made by resolution, a certified copy of which shall be forwarded to the general manager of the establishment and to the regional council of the region in Form 5.

DIVISION V

ELECTION OF USERS FOR A TERM OF OFFICE
OF 2 YEARS

42. Table : This Division shall apply to the elections appearing in the table which follows :

(a) election of 5 persons of full age for 2 years by the meeting of the users of the centre and chosen from among such users :

in the LCSC s. 78a (Act)

(b) election of 2 persons of full age for 2 years by the meeting of the users of the centre and chosen from among such users :

in the HC s. 79a (Act)

in the SSC s. 81a (Act)

(c) election of 2 adults for 2 years by all the adults in the case of a reception centre exclusively for adults and chosen from among such adults :

in RC (adults) s. 82a (Act)

(d) election of 2 parents for 2 years by all the parents of the children in the case of a reception centre exclusively for children and chosen from among the parents of such children :

in RC (children) s. 82a (Act)

(e) election of one adult for 2 years by all the adults and chosen from among such adults and the election of one parent of the children for 2 years by all the parents of the children and chosen from among the parents of such children:

in the case of a RC which receives both adults and children under 18 years of age s. 82b (Act).

§1. Election in an establishment in which there is only one poll for each electoral college

43. Notice of election : Prior to 15 April, the regional council shall give public notice of the election, stating its date, hour and place, call for nominations and make known the formalities.

This public notice shall be given in accordance with section 84 of the Act and shall be posted up at places which are accessible to the public in each establishment.

In the case of a reception centre for children, the general manager of the establishment shall, in writing, advise the parents of the children.

44. Nomination of candidates : Every user of full age may submit his candidacy or that of another person to the office of member of the board of directors of the establishment.

This nomination is submitted by means of a nomination paper duly filled in and countersigned by 5 persons who are members of an electoral college of the establishment.

This nomination paper and the information concerning the candidate must be drafted according to Form 1 and must be forwarded to the general manager of the establishment.

45. Closing of nominations : The nominations shall terminate 15 days prior to the date fixed for the elections.

The nomination papers must be filed with the office of the general manager before 17 h.

46. Election by acclamation : If the number of candidates proposed is less than or equal to the number of offices to be filled, upon the closing of nominations, the election chairman shall :

- (a) declare the proposed candidate elected ;
- (b) fill in the election certificate according to Form 3 annexed to this Regulation ;
- (c) post up this certificate in the establishment ;
- (d) advise the regional council to make the appointment for the vacant offices ;
- (e) notify the public that such election shall not be held on the date fixed since there has been an election by acclamation.

47. Posting-up of list of candidates : If the number of candidates proposed is greater than the number of offices to be filled, not later than 10 days before the elections, the general manager of the establishment shall draw up the list of the proposed candidates and post it up at the places accessible to the public in the establishment with a copy of the election regulation.

In the case of reception centres for children, the general manager of the centre shall forward to the parents of the children, in writing, the list of candidates.

48. Right to vote : Every person who wishes to exercise his right to vote at the election of users must, in writing, declare before the scrutineers that he has received the services of the said establishment for less than 2 years.

This official declaration shall be made by means of Form 4 annexed to this Regulation.

49. Election procedure : The election chairman, on the day, hour and place fixed, shall ascertain if there is a quorum and open the election meeting.

He shall grant an equal period of time to each candidate to address the meeting.

All the periods of time allocated shall not exceed one hour in total.

The voting period shall be at least 4 hours. Such period may be extended by the election chairman for an additional period of not more than 3 hours.

The voting shall be by secret ballot deposited in the ballot boxes provided for such purpose.

The scrutineers shall verify whether the person who wishes to vote has completed the official declaration prescribed in Form 4.

After such verification, the scrutineers shall give an initial ballot to the voter.

The voter, after examination of his ballot-paper, must exhibit it if he is so requested by a scrutineer, and shall then immediately go into one of the voting booths of the office.

There he shall mark his ballot by marking, with a black lead pencil placed therein, as many crosses as there are offices to be filled in the squares specially and exclusively reserved for the exercise of the right to vote ; then he shall fold the paper in such a way that the initials on the back and the number on the stub may be seen without unfolding the paper, and then he shall return to the scrutineer's table.

The voter, without unfolding the ballot and without handing it over, has it verified by the scrutineer for examination of the initials and the number entered on the stub, to see whether such ballot is the one which was provided him.

Then, the voter, before all those present, shall detach the stub and give it to the scrutineer who shall destroy it, and then the voter shall deposit the ballot in the ballot box.

If the ballot is not the one provided the voter by the scrutineer, the scrutineer must make sure it is returned to him and annul it by entering the word "void" with the initials of his name and given names.

50. Counting of votes : The scrutineers shall count the votes under the supervision of the election chairman.

The candidate may attend such count.

Upon the counting of the vote, the person who obtains the greatest number of votes is declared elected by the election chairman.

Should there be a tie-vote which would cause the election of a number of candidates greater than the number of offices to be filled, the regional council of the region shall make the appointment.

The election chairman gives the result of the elections to the persons present and closes the election meeting.

51. Election return : The chairman shall fill in the election certificate in Form 2.

He shall forward to the general manager :

- (a) the list of candidates ;
- (b) the official declaration forms signed by the users (Form 4) ;
- (c) the ballot papers (Form 6) ;
- (d) the election certificate duly filled in (Form 2).

§2. Election in an establishment in which the poll is held at several places

52. Notice of election, nominations, closing of nominations, election by acclamation and posting-up of the list of candidates and electors : In such cases, sections 43 to 47 shall apply *mutatis mutandis*.

53. Designation of election officers : The general election chairman shall be designated by the regional council of the region in which the establishment is located.

The board of directors shall appoint a chairman for each poll.

These officers shall have charge of the proper running of elections for their respective poll under the responsibility of the general election chairman at the head office.

Each candidate may designate a scrutineer for each poll.

The scrutineers may be chosen from among the members forming the electoral college or outside such electoral college.

If these scrutineers are members of the electoral college, they shall not be entitled to vote.

54. Closing of nominations : Section 49 shall apply *mutatis mutandis*.

55. Election procedure : The general election chairman at the head office, on the day and at the hour fixed, shall

ascertain if there is a quorum and open the election meeting.

The general election chairman shall grant an equal period of time to each candidate to address the meeting.

All the periods of time allocated shall not exceed one hour in total.

The procedure prescribed in section 49 shall apply to this election.

56. Counting of votes : The scrutineers shall count the votes in each of their respective offices under the supervision of the election chairman.

The candidates may attend such counting.

The chairman of each poll shall communicate the result of the poll to the general election chairman by telephone immediately after the counting of the votes.

The general election chairman shall receive the results from the other election chairmen and shall globally compile all the election results of the various polls.

The person who obtains the greatest number of votes shall be declared elected by the general election chairman.

Should there be a tie-vote which could elect a number of candidates greater than the number of offices to be filled, the regional council of the region shall make the appointment.

The general election chairman shall give the results of the elections to the persons present and close the election meeting.

57. Election return : The general election chairman shall fill in the election certificate in Form 2.

Every election chairman shall forward to the general manager :

- (a) the list of candidates ;
- (b) the official declaration forms signed by the users (Form 4) ;
- (c) the ballot papers (Form 6) ;
- (d) the election certificate duly filled in (Form 2).

FORM 1

(ss. 11, 19 and 44)

This form is used in the following cases: Election of clinical staff, non-clinical staff, physicians and dentists, residents and interns, corporation, users.

NOMINATION PAPER OF A CANDIDATE

_____		_____
(name of electoral college)		(name of establishment)
situated in the region of _____		
_____		_____
(name of candidate)		(address of candidate)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(signature of proposers)	(date)	(place)

ACCEPTANCE BY THE CANDIDATE

I, the undersigned, nominated candidate herein, agree to be a candidate for the post of member of the board of directors of

(name of establishment)	
situated in the region of _____	
by the _____	
(electoral college)	
In witness whereof, I have signed at _____	this _____
(place)	(date)

(signature of candidate)	

INFORMATION ON A CANDIDATE

Name _____	Given name _____
Date of birth _____	Sex _____ Civil status _____
Address _____	Tel: _____
Present occupation _____	
Employer _____	Tel: _____

FORM 2

(ss. 11, 26, 31, 39, 51 and 57)

This form is used for all elections; in the case of elections made under professional services contracts, please do not fill in division I.

CERTIFICATE OF ELECTION

(category of election)

To the general manager of _____
(name of establishment)

situated in the region of _____
(region)

1. Election period

I, the undersigned, _____ acting as
(chairman's name)

Opening _____ h
Closing _____ h

election chairman declare that the election period lasted _____
(number of hours)

(date) (year) (place)

(locality) (electoral college)

2. Counting of votes

The scrutineers shall count the votes in the presence of the election chairman

Name of candidates	Number of votes received
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Valid ballots: _____
Rejected ballots: _____
Total: _____

CANDIDATES ELECTED: _____

Signature: _____ (election chairman)

_____ (scrutineer)

_____ (scrutineer)

(date)

N.B.: If there an election by acclamation, use Form 3.

FORM 3

(ss. 11, 21, 26, 31, 46 and 57)

CERTIFICATE OF ELECTION BY ACCLAMATION

I, the undersigned, general manager of the _____
(name of establishment)

hereby declare that I have received from the _____
(electoral college)

for the period fixed for the nomination of candidates, the number of _____
(number)

candidates for the offices to be filled on the board of directors of the establishment and I have proclaimed the said candidates elected and have duly informed them thereof:

Name	Address	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have annulled by public notice the election of _____
(electoral college)

which was to be held on _____
(date)

(name of establishment)

(address)

In witness whereof, I have signed this certificate on _____ 19_____
(day) (month) (year)

at _____, at _____
(hour) (locality)

Signature: _____

Address: _____

Telephone: _____

FORM 4

(ss. 48, 49, 51 and 57)

OFFICIAL DECLARATION

I, the undersigned _____
(name in block letters) (given name)

domiciled at _____
(voter's address)

(telephone)

hereby certify that I have received services for less than 2 years from the following establishment :

(name of establishment)

and officially declare that I have the right to vote in the elections of users of the following establishment:

(name of establishment)

Voter's signature: _____

on _____ 19 _____
(day) (month) (year)

P.S.: The next page encloses the conditions which authorize a user to vote

DEFINITION OF USER

"User": Every person who holds a card or is entered on a register, showing that an establishment has furnished him services within the last 2 years, excepting however any person employed by the said establishment or by another establishment of the same category or performing functions for the account of the said establishment or of another establishment of the same category and, as the case may be, any person being a member of a non-profit corporation other than a corporation incorporated under this Act and the owner of immoveable assets of the establishment.

FORM 5

(ss. 35, 38 and 41)

Election where there is a contract of professional services — sec. 124 (Act) appointments by the universities — sec. 125 (Act) and election by an admission committee — sec. 81*i* (Act) (Fill in Form 2)

RESOLUTION OF THE BOARD OF DIRECTORS OF

(name and address of establishment or university)

at the sitting of _____, the board passed the following resolution, that:
(date) (year)

(name of candidates)

(address of candidates)

be a candidate for the post of member of the board of directors of

(name and address of establishment or university)

Under the following contract: _____ (nature of services)

(date)

(year)

(signature of an authorized person)

ACCEPTANCE BY THE CANDIDATES

We, the undersigned, nominated candidates herein, agree to be candidates for the posts of members of the board of directors of the following establishment

(name of establishment)

In witness whereof, we have signed at _____ this _____ (date) _____ (year)
(place)

(signature of candidates)

INFORMATION ON CANDIDATES

Name _____ Name _____

Date of birth _____ Date of birth _____

Address _____ Address _____

Present occupation _____ Present occupation _____

Place of work _____ Place of work _____

Tel: _____ Tel: _____

MODEL OF A BALLOT-PAPER

[illegible]

Recto

P.S. Place the names of the candidates in alphabetical order.



c. S-8, r.1

Regulation respecting residential restoration assistance (Loginove)

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 94.1)

DIVISION I INTERPRETATION

1. In this Regulation, unless otherwise indicated by the context, the following terms mean :

“defect of habitability” : a defect listed and described in Schedule 1 and which requires correction in order to make the dwelling suitable for normal occupation ;

“financing” : a loan granted by a lender in order to defray the costs of restoration of a building ;

“supplementary financing” : the financing of a subsidy between its calculation date and the last day of the then current semester, i.e., 28 February or 31 August ;

“dwelling” : that part of a building, rented or offered for rent for residential purposes or inhabited by the owner, which possesses a separate entrance opening directly to the exterior or to a shared hall, independant sanitary facilities, and a separate space for the preparation of meals ;

“rent” : the cost of the dwelling as indicated either in the lease or in a rental declaration signed by both the owner and the lessee, and calculated monthly ;

“nominal rent” : rent paid or to be paid by a relative or employee of the owner ;

“net rent” : the rent minus the cost of services offered by the owner which are contained in the lease or in a declaration signed by both the owner and the tenant ; the cost of these services is calculated according to Schedule 2 ;

“mandatory” : a municipal corporation, a lender or a person who has agreed to act for the Société d'habitation du Québec (Corporation) in carrying out the relevant provisions of this Regulation, and who has agreed in particular :

(1) to explain to owners the advantages offered by this Regulation ;

(2) to request the preliminary inspection ;

(3) to apply the conditions of eligibility ; and

(4) to complete the application forms for residential restoration assistance.

The lender acts for the Corporation with respect to the signing of the owner's undertaking given to the Corporation pursuant to section 45 ;

“non-profit organization” : an incorporated non-profit organization the charter of which includes :

(1) a clause requiring it to offer moderately priced dwellings for rental by handicapped or low income persons ; and

(2) a clause prohibiting the transfer of ownership of buildings other than to a non-profit organization as defined in this Regulation or to a cooperative rental housing association as defined in the Cooperative Associations Act (R.S.Q., c. A-24) ;

“relative” : an ascendant, a descendant, a brother, a sister, a brother-in-law, a sister-in-law, a son-in-law, a daughter-in-law, a father-in-law, a mother-in-law, a step-mother, a step-father, a step-son, a step-daughter or any other relative of the owner or lessee who is principally supported by him ;

“room” : part of a dwelling used for leisure, rest or the preparation of meals but not including a toilet, a bathroom, a laundry room, a furnace room, a hallway, an interior staircase or a storage area.

However, 2 parts of a dwelling separated by a partition or a wall with an opening between them are considered 2 rooms if the opening does not exceed 80% of the area of the partition or wall and if the area of the floor space in each part is not less than 5 square metres ;

“lender” : a bank under the Bank Act (S.C., 1980-81, c. 40) or the Québec Saving Banks Act (R.S.C., 1970, c. B-4), a savings and credit union or a federation under the Savings and Credit Unions Act (R.S.Q., c. C-4), a caisse d'entraide as defined in An Act respecting the caisses d'entraide économique (R.S.Q., c. C-3), a trust company as defined in the Trust Companies Act (R.S.C., 1970, c. T-16), or a trust company as defined in the Trust Companies Act (R.S.Q., c. C-41), recognized by the Corporation and which grants the financing to an owner or is the assignee of the deed of loan ;

“owner” : a physical or moral person owning a building and who makes an application pursuant to this Regulation ;

“residential restoration” : the entirety of work undertaken in order to maintain and rehabilitate a dwelling ;

“family income” : the income of both spouses as calculated according to Schedule 3.

DIVISION II GENERAL PROVISIONS

2. The Corporation is authorized to prepare and implement, to the extent and subject to the conditions provided in this Regulation a programme designed to both maintain and rehabilitate dwellings.

3. Every application, notice or report submitted pursuant to this Regulation must be completed on the form provided to the lender, mandatary or inspector by the Corporation.

DIVISION III IMPLEMENTATION

§1. Building

4. This Regulation applies to the following buildings :

(1) a building serving in whole or in part as the principal residence of its owner ;

(2) a building offered for rent or rented, in whole or in part, for residential purposes ; or

(3) a building used for residential purposes the dwellings of which are vacant.

5. In addition to the provisions of section 4, a building must :

(1) contain at least 1 dwelling possessing a defect of habitability ; and

(2) require, in order to correct the defects of habitability, restoration work averaging 2 000 \$ per dwelling.

6. In addition to sections 4 and 5, a building, the owner of which is neither a cooperative rental housing association nor a non-profit organization, must be situated in an area designated in the protocol of agreement concluded by the Corporation and the municipal corporation having jurisdiction over the area, the protocol entering into force on the date of its approval by the Government.

7. This Regulation does not apply to a building containing a dwelling which the owner wishes to subdivide, unless :

(1) the dwelling in question has at least 10 rooms and the subdivision would create dwellings having at least 4 rooms ; or

(2) the owner is a cooperative rental housing association or a non-profit organization.

8. This Regulation does not apply to the following buildings :

(1) a seasonal dwelling ;

(2) a mobile home ;

(3) an establishment under the Hotels Act (R.S.Q., c. H-3) or An Act respecting health services and social services (R.S.Q., c. S-5) ;

(4) a rooming house ;

(5) a building which is not being used for residential purposes unless it has formerly been used for residential purposes and proof is made to the Corporation that the restoration is undertaken in order to reconvert the building to residential use ;

(6) a residential building construction of which is incomplete ; and

(7) a building situated in a strong current flood risk area as delimited pursuant to the Agreement respecting flood risk mapping applied to flood damage reduction concluded on 4 October 1976 by the Government of Canada and the Gouvernement du Québec.

9. This Regulation does not apply to a building :

(1) against which has been issued a notice of expropriation or reserve pursuant to the Expropriation Act (R.S.Q., c. E-24) ;

(2) against which has been issued, at the date of the application for residential restoration assistance, a notice of giving in payment or any other procedure putting in issue the ownership to the building ; or

(3) which has benefitted from a federal, provincial or municipal restoration or residential rehabilitation programme.

§2. Work

10. This Regulation applies to :

(1) the following work :

(a) work necessary to correct a defect of habitability unrelated to the adaptation of a dwelling to meet the needs of a handicapped person ;

(b) work required under a municipal regulation applicable to existing residential buildings ; and

(c) work required under guidelines set down by the Service de l'environnement of the Ministère de l'Environnement ;

however, the total cost of work under subparagraphs a, b and c, for purposes of the subsidy, cannot exceed an average of 13 000 \$ per dwelling ;

(2) work done in conjunction with that specified in paragraph 1 which prolongs the useful life of the building or which makes it more functional, up to a maximum of 25% of the cost of the restoration of the building, this maximum not to exceed an average cost of 2 000 \$ per dwelling ; however, this additional work can not result in the cost of restoration exceeding the maximum average allowed by paragraph 1 ; and

(3) work required to correct a defect of habitability related to the adaptation of a dwelling to meet the needs of a handicapped person to a maximum average cost of 4 000 \$ per dwelling so adapted in addition to the amount permitted under paragraphs 1 and 2.

DIVISION IV FINANCING RESIDENTIAL RESTORATION WORK

11. In order to obtain financing, the owner, in addition to fulfilling all other conditions for obtaining a loan, must already have provided the mandatary with the following documents :

(1) a copy of the lease for each dwelling in the building, or rental declaration signed by the owner and the lessee for each rented dwelling in the building, or, as the case may be, a signed statement to the effect that the dwelling is vacant ;

(2) an owner/lessee agreement pursuant to Division IX signed by the owner and the lessee, or, as the case may be, a receipt confirming that the agreement form has been sent by registered or certified mail to the attention of an objecting lessee ;

(3) a submission estimating the cost of restoration work on the building or, as the case may be, owner's declaration that he intends to undertake the restoration work

himself, accompanied by a work plan approved by the inspector ; and

(4) written proof that he is the most recent registered owner of the building.

12. In addition to the documents required by section 11, a corporate owner must provide the mandatary with the following documents :

(1) the certificate of incorporation, or as the case may be, the letters patent and, if applicable, supplementary letters patent ; and

(2) a copy of the resolution, duly adopted, authorizing a person to represent the corporation for the purposes of this Regulation and authorizing him to sign on behalf of the corporation all documents, notices, reports and contracts as may be required by this Regulation.

13. In addition to the documents required by section 11, a cooperative rental housing association must provide the mandatary with the following documents :

(1) a certified copy of the notice of approval of the association pursuant to section 8 of the Cooperative Associations Act (R.S.Q., c. A-24) as well as proof that this notice has been duly published in the *Gazette officielle du Québec* ; and

(2) a copy of the resolution, duly adopted, authorizing an individual to represent the cooperative for the purposes of this Regulation and authorizing him to sign on behalf of the association all documents, notices, reports and contracts as may be required by this Regulation.

14. In addition to the documents required by section 11, a partnership which is owner must provide the mandatary with the following documents :

(1) a true copy certified by the prothonotary of the partnership declaration bearing the registration certificate, and if applicable, the contract creating the partnership as well as all subsequent agreements concluded by the partners ;

(2) a list of the names of the partners and the extent of each of their interests in the partnership ; and

(3) a signed mandate given by each of the partners authorizing one of them to represent the partnership for the purposes of this Regulation and authorizing him to sign on behalf of the partnership, all documents, notices, reports and contracts as may be required by this Regulation.

15. In order to obtain financing, an owner must complete and sign an application for residential restoration as-

sistance which must contain, in particular, the following information :

- (1) identification of the owner ;
- (2) the address of the building to be restored and its salient features ;
- (3) the method of calculating the subsidized cost of the restoration project ; and
- (4) the factors to be used in calculating the increase in rent attributable to the restoration work.

16. A lender may not grant financing unless the application for residential restoration assistance is first submitted to the Corporation for determination of its compliance with this Regulation.

17. At the time he obtains financing from a lender, the owner must complete and sign the undertaking referred to in section 45.

18. Where there are several co-owners of a building in undivided ownership, each co-owner must agree to be bound by the agreement with the Corporation referred to in section 45 ; however, one co-owner alone may act for all other purposes of this Regulation if he has received a written mandate signed by each of the other co-owners.

19. When it is brought to the attention of a mandatory that there has been a fire in a building, he must deduct from the cost of restoration work an amount equal to the insurance proceeds paid or to be paid as compensation for the loss caused by the fire.

20. A mandatory must obtain a preliminary inspection report which confirms that the building meets the requirements of this Regulation.

21. Where Schedule 5 and section 3 of Schedule 6 apply, the mandatory must, for the purposes of the calculation of the subsidy referred to in Division V, calculate the family income of the owner by obtaining from him :

- (1) where the owner or his spouse has income from an office or employment as defined in the Taxation Act (R.S.Q., c. I-3), a statement signed by the respective employers of each spouse indicating his or her income ; and
- (2) where the owner or his spouse has income from a business or property as defined in the Taxation Act (R.S.Q., c. I-3), a statement signed by that person indicating the amount of this income.

DIVISION V SUBSIDY

22. Subject to section 10, the Corporation will grant a subsidy, calculated according to Schedule 5 to the owner-occupant of a dwelling on the basis of his family income.

Where a building is owned by a partnership and a partner occupies a dwelling in the building, the subsidy for the dwelling is calculated according to Schedule 5 as though the partner were owner of the building.

However, the owner-occupant of a dwelling who has already benefitted from a subsidy under this section or whose spouse has already benefitted from a subsidy under this section, is not eligible for a subsidy for a period of 5 years from the date of his or her signature on the original application for residential restoration assistance with respect to the dwelling which he occupies.

23. Subject to section 10, the Corporation will grant to an owner of a dwelling which he rents or offers for rent to others for residential purposes a subsidy for restoration work according to Schedule 6.

In the event a nominal rent is paid for dwelling, the subsidy granted with respect to this dwelling is calculated according to Schedule 6.

24. Where the owner is a cooperative rental housing association or a non-profit organization, the subsidy granted is calculated according to Schedule 6.

25. Where the owner is a corporation controlled by a lessee residing in the building, or by a relative of a lessee, the subsidy to be granted for the dwelling of this lessee must be calculated according to Schedule 5 as though the lessee or his relative were owner of the building.

26. For the purposes of section 10 and in order to calculate a subsidy, reference is had to the number of dwellings in the building at the calculation date, as defined in section 30, of the subsidy.

27. Where the preliminary inspection report indicates that a building contains space intended for other than residential use, in calculating the subsidy the mandatory :

- (1) must not include this space in the calculations ; and
- (2) must deduct from the allowable costs of the work an amount equal to the benefit conferred on the non-residential space by restoration of the common parts ; the

percentage of the total area of the building occupied by the non-residential space is used to calculate the amount to be deducted.

28. For the purposes of section 27, parts of the building common to both residential and non-residential space are :

- (1) the roof, cornices, flashing and chimneys ;
- (2) exterior walls and their facing or veneer ;
- (3) common entrances ;
- (4) stairways and elevators ;
- (5) permitted outbuildings or dependencies ;
- (6) foundations ;
- (7) electrical or mechanical systems and plumbing systems ; and
- (8) cellars, basements and crawl-spaces.

29. Where the restoration work, to the extent permitted by this Regulation, is undertaken by the owner, the mandatory, in calculating the cost of the work to be subsidized must allocate an amount equal to the estimate of materials and labour provided by the inspector.

30. The date on which the application for payment is submitted to the Corporation is the calculation date of the subsidy.

31. In calculating the subsidy for the restoration of the building, the mandatory must include in the maximum cost per dwelling of the restoration work referred to in section 10 :

- (1) legal fees relating to the lender's hypothecary security ;
- (2) fees of any necessary technical expert other than the payment of an inspector pursuant to Division VIII ;
- (3) the cost of municipal permits required in order to undertake the proposed work ; and
- (4) interest owing on the financing up to calculation date of the subsidy, including interest owing on the financing of the amounts referred to in paragraphs 3, 4 and 5 of section 32.

32. To the subsidy paid out for the restoration of a building must be added the following fees :

- (1) a lump sum agreed upon between the Corporation and the lender and paid to the lender for his services ;

(2) a lump sum of up to 100 \$ as payment to the municipal corporation, the lender or any other person acting as mandatory of the Corporation ;

(3) the indemnity provided for in Division X ;

(4) the payment of the inspector provided for in Division VIII ;

(5) the legal fees, if any, relating to the real or personal guarantees referred to in section 44 ; and

(6) interest due and owing on the supplementary financing.

33. For the the purposes of sections 31 and 32, interest is calculated at the rate charged by the lender for first hypotheques at the date the financing is agreed to.

34. Irrespective of whether or not the owner applies for such assistance, there must be deducted from a subsidy any contribution to be paid or which may be paid by the Federal Government by way of housing rehabilitation assistance.

35. The subsidy provided for in this Division is conditional upon the owner obtaining financing pursuant to Division IV and providing an undertaking to the Corporation pursuant to Division VII.

36. The subsidy is payable in the following manner :

(1) at the date of expiry of the supplementary financing, 1/5 of the amount of the subsidy granted for the restoration of the building in addition to the fees provided for in section 32 ; and

(2) the balance in 10 consecutive equal semi-annual instalments, the first instalment coming due 6 months after the expiry date of the supplementary financing, i.e. 28 February or 31 August as the case may be.

37. In the event that restoration work is abandoned the amount of subsidy actually paid for the restoration of the building is calculated as a percentage equal to the amount already advanced by the lender divided by the amount initially allocated for the restoration work.

DIVISION VI IMMEDIATE REALIZATION OF THE SUBSIDY

38. An owner eligible for a subsidy under this Regulation may, by means of a loan or a line of credit, borrow from a lender an amount equal to that of the subsidy or to an amount not exceeding that of the financing. The owner must then assign to the lender the rights accruing to him by virtue of the promise of subsidy made to him under this Regulation.

39. Pursuant to this Regulation, the Corporation acts as surety for all amounts borrowed under this Division up to the amount of the subsidy provided that the repayment terms correspond to those prescribed in section 36 and provided that this Division is complied with.

40. The loan must contain a clause providing for the expiry of the benefit of the term in the event that the borrower does not honour the undertaking he has given to the Corporation pursuant to section 45.

41. The loan must also contain a clause providing that, at the date of expiry of the supplementary financing, the interest rate applicable to the loan may be changed to a rate agreed upon by the lender and the Corporation.

42. Where an interest rate is agreed upon by the Corporation and the lender pursuant to section 41, the Corporation will grant compensation in the form of holdover fees with respect to the subsidy.

43. Where the Corporation must execute its obligations under the suretyship, the lender or his successors in title must subrogate the Corporation in all his rights and recourses under the loan against the owner.

44. In consideration of the suretyship provided for in section 39, the Corporation may require the owner who negotiates a loan as defined in section 38, to provide the Corporation with any real or personal security deemed necessary to ensure that the owner honours the undertaking given pursuant to section 45.

DIVISION VI OWNER'S UNDERTAKING

45. In order to be considered for a subsidy, the owner must provide the lender with an undertaking in the form provided in Schedule 4 and directed to the Corporation.

46. The term of the owner's undertaking must coincide with the term provided for the payment of the subsidy pursuant to section 36.

DIVISION VIII INSPECTION

47. The inspection of a building pursuant to this Regulation must be undertaken by an inspector designated by the Corporation. The inspector must be an employee of a recognized body, i.e., a municipal corporation, a technical resource group as defined in the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), a firm of professional evaluators, a firm of inspectors specializing in restoration work or a lender.

48. The Corporation will designate a person an inspector once he has shown to the satisfaction of the Corporation that he possesses the necessary skills to evaluate a restoration project and to maintain an inspection file.

49. For each building inspected, an inspector must open a separate inspection file which must be kept on file for a period of at least 5 years from the date appearing on the progress report confirming the completion of the work.

50. An inspection file must contain, in particular, the following documents :

- (1) a preliminary inspection requisition ;
- (2) a preliminary inspection report confirming that the building meets the requirements of this Regulation ;
- (3) a short description of the work to be done and an estimate of the costs ; and
- (4) a progress report on the work undertaken.

51. Both the recognized body and the designated inspector must allow the Corporation at all times to examine the inspection file.

52. The deletion of an inspector's name from the list of designated inspectors that the Corporation must keep up to date and distribute to the lender and mandatory signifies that the inspector is no longer a designated inspector.

53. The payment which is made to the inspector's employer includes all fees whatsoever, and is calculated according to Schedule 7. However, the Corporation is authorized to pay travelling expenses, calculated in the same manner as those paid to government employees pursuant to sections 6, 7, 8 and 13 of the *Règles sur les frais de déplacement des fonctionnaires* (c. A-6, r.15) but excluding

business insurance premiums, where the building to be inspected is situated at a distance of more than 50 kilometres from the inspector's usual place of work.

DIVISION IX OWNER/LESSEE AGREEMENT

54. In order to be considered for a subsidy for restoration work, the owner must provide the mandatary with a copy of an agreement, signed by the lessee and the owner in the form provided by Schedule 8.

55. Financing may not be granted to an owner who has failed to obtain an agreement signed on behalf of the majority of dwellings in the building.

56. The owner must provide the lender with the receipt evidencing that the form referred to in section 54 was sent by registered or certified mail to an objecting lessee.

57. A lessee who :

- (1) has not signed the agreement referred to in section 54 ;
- (2) occupies a dwelling for which the owner cannot produce a signed agreement ; or
- (3) occupies a dwelling for which the owner produces a receipt for the sending of a registered or certified letter pursuant to section 56 ;

is deemed to be an objecting lessee.

58. For the purposes of obtaining a majority pursuant to section 55, an owner who occupies a dwelling in the building is considered a lessee.

59. The owner must disclose to the inspector at the time of preliminary inspection the existence of any vacant dwellings.

60. The owner must indicate in the agreement the period during which the lessee must vacate the dwelling in order that restoration work take place.

61. The owner must also indicate in the agreement only that increase in rent directly attributable to the restoration work. The increase will become legally due as of the date indicated in a notice that the owner must send to the lessee according to the relevant provisions of the Civil Code. The increase must be calculated according to Schedule 9 and cannot exceed 13% of the net rent in force at the time of the application for residential restoration assistance.

62. Where the owner is a cooperative rental housing association and the lessee is a member of the cooperative, section 61 does not apply.

63. The objecting lessee enjoys the same protection offered by this Regulation to the lessee having concluded an owner/lessee agreement.

DIVISION X COMPENSATION FOR THE LESSEE

64. The Corporation pays compensation, calculated according to Schedule 10, to the lessee whose dwelling must undergo any work referred to in Schedule 10.

65. The owner who occupies a building in whole or in part, or a lessee who controls a corporate owner as defined in section 25 cannot receive the compensation referred to in this Division.

66. An owner must deduct from the rent owed to him by the lessee an amount which corresponds to the rent due for the period during which the lessee is obliged to vacate the dwelling in order for restoration work to be undertaken ; this amount is calculated as a percentage equal to the number of days vacancy divided by the number of days in the lease.

DIVISION XI FINAL PROVISION

67. A lender must not grant financing with respect to a new application for residential restoration assistance from the moment he is notified by the Corporation that the funds allocated for that fiscal year by the National Assembly for the programme outlined in this Regulation are exhausted.

SCHEDULE 1 (s. 1)

LIST OF DEFECTS

1. Exterior walls

- (1) A masonry wall bulges (out of plumb) or the masonry is falling away from the frame.
- (2) There is a large crack in a masonry wall.
- (3) The masonry is crumbling or cracking as a result of frost.
- (4) The mortar in the joints has fallen out or is crumbling.
- (5) Any exterior facing other than the masonry is so deteriorated as to require replacement or repairs.

(6) The lintels or sills of windows or doors are warped, cracked, crumbling or rotten.

(7) The cornice is not straight.

(8) The chimney is no longer straight or has an insufficient course.

(9) The chimney allows smoke to escape through the joints.

(10) The chimney is not as tall as required by the municipal regulations applicable to existing residential buildings, the Building Code (c. S-3, r.2) or the Regulation respecting safety in public buildings (c. S-3, r.4), as the case may be.

2. Doors and windows

(1) The doors and windows are warped.

(2) Wooden door or window frames are rotten.

(3) The moving parts of doors or windows no longer work properly.

(4) Water or air may infiltrate the doors and windows.

(5) There are no double windows or doors.

3. Projections

(1) The balconies, verandahs, catwalks, or their roofs are rotten, rusted or no longer solid.

(2) The surfaces of balconies, verandahs or catwalks are damaged or rotten.

(3) The staircases are rotten, rusted or no longer solid.

(4) A stairway has no bannister or the balcony, verandah or catwalk has no railing.

(5) The bannisters or railings are rotten, rusted or no longer solid.

4. Roof

(1) The roof covering is worn, damaged or leaks.

(2) The flashing, counterflashing, roof vents, or goose-necks are rusted, perforated or non-existent.

5. Foundations

(1) There is a large crack in the foundation wall.

(2) The foundation walls have been pushed out of shape or pushed towards the interior of the cellar as a result of the lateral pressure of the earth.

(3) The mortar joints are deteriorated or non-existent and water or air is infiltrating the cellar.

(4) Water is leaking into the cellar otherwise than from the sewers backing up.

6. Frame

(1) The beams are sagging, warped, rotten or badly supported by the foundation, a load-bearing wall or a partition.

(2) The supports for the basement beams are inadequate, too far apart, rotten or have no footings.

(3) The joists are sagging, warped, rotten or badly supported by the foundation, beams, load-bearing walls or partitions.

(4) The floors are subsiding in spots or have a pitch of more than 3%.

7. Interior finishing

(1) The plaster is swollen and threatens to fall because keys are broken or the plaster is disintegrating.

(2) Any other kind of vertical or horizontal facing is deteriorated, rotten or contains holes.

(3) An interior facing is not fire resistant as required by the municipal regulations applicable to existing residential buildings, the Building Code or the Regulation respecting safety in public buildings, as the case may be.

8. Wiring

(1) The service is less than 60 amps.

(2) There are more branch circuits in the panel board than there are protection devices.

(3) The conductors are damaged, badly connected or flexible cords or other unapproved cables are used in the distribution.

(4) The dwelling does not have at least 2 outlets in the kitchen and at least one outlet in every other room.

9. Plumbing

(1) Pipes

(a) Inadequate water supply pipes or rusted pipes are causing insufficient flow of water.

(b) The joints are not water tight.

(c) The drains do not drain quickly or frequently block.

(d) The waste stack, soil stock, drain or sewer of the building is broken, leaks or is so defective that waste water backs up into the building.

(e) There is not public sewer to which the building's sewer pipe may be connected and either there is no septic system to evacuate and filter waste water or the septic system evacuating and filtering waste water is so inadequate that the waste water appears on the soil surface.

(2) **Fixtures**

(a) The dwelling has neither bathtub nor shower or has no sink or toilet.

(b) There is no drinking water or hot water.

(c) The bathtub or toilet are not enclosed in a separate room.

(d) The bathtub or shower, or toilet is not a self-contained part of the dwelling.

(e) The fixtures are defective and need to be replaced.

10. Heating and insulation

(1) The heating equipment cannot maintain the temperature of the dwelling at 18°C.

(2) The heating equipment is defective or does not meet the requirements of the municipal regulations applicable to existing residential buildings, the Building Code (c. S-3, r.2) or the Regulation respecting safety in public buildings (c. S-3, r.4), as the case may be.

(3) Air infiltrates through the windows and doors.

(4) The attic, the cellar or the walls are not sufficiently insulated.

11. Equipment

(1) The dwelling does not have one or more closets of which the aggregate area is at least, 0,74 square metres.

(2) The kitchen of the dwelling does not have a lower counter having a working space of at least 1 670 millimetres, the sink included, or cupboard space of at least 1,4 square metres.

12. Air and light

(1) Except in the case of rooms lighted indirectly by means of windows in an adjoining room, the bedrooms, dining room or living room do not have an opening the cumulative glassed area of which is equal to 10% or more of the total area of the room.

(2) The bathroom, kitchen, kitchenette, bedrooms, living room or dining room have no natural or mechanical ventilation.

13. Safety

(1) The dwelling does not have exits which comply with the municipal regulations applicable to existing residential buildings, the Building Code or the Regulation respecting safety in public buildings, as the case may be.

(2) The dwelling does not have the fire protection equipment which complies with the municipal regulations applicable to existing residential buildings, the Building Code or the Regulation respecting safety in public buildings, as the case may be.

14. Outbuildings : An outbuilding is in a state that constitutes a threat for its users or the public or could cause damage to the residential building.

15. Open space : The building is set back from the street-line and does not have a pedestrian pathway allowing safe access to the building, free of all obstacles.

16. Disposition of a dwelling for a physically handicapped person :

(1) Access to a dwelling to be occupied by a physically handicapped person has one or several steps of 5 centimetres or higher.

(2) The doors of a dwelling occupied by a physically handicapped person are not wide enough to allow him to move about or leave the dwelling easily.

(3) The physical disposition of the bathroom does not allow a physically handicapped person access to or use of the wash basin, the bathtub or the toilet.

(4) The physical disposition of the kitchen or kitchenette does not allow a physically handicapped person access to or use of the sink, the stove or the refrigerator.

SCHEDULE 2

(s. 1)

COST OF SERVICES

The cost attributed to a service contained in a lease is as follows:

<i>Service</i>	<i>Number of rooms</i>	<i>3 or less</i>	<i>4</i>	<i>5</i>	<i>6 or more</i>
1. Heating		25 \$	35 \$	45 \$	55 \$
2. Hot Water		6	7	8	9
3. Electricity		9	11	14	18
4. Stove		5	5	5	5
5. Refrigerator		5	5	5	5
6. Furniture		10	15	20	25
7. Parking		15	15	15	15

SCHEDULE 3

(s. 1)

CALCULATION OF FAMILY INCOME

1. The family income of an owner equals the sum of all income of the owner and his spouse for the calendar year immediately preceding the date of the application for residential restoration assistance, less the following deductions :

(1) an amount of 300 \$ for each child under 18 years of age or if the child is a full-time student between 18 and 21 years of age ; and

(2) up to 1 000 \$ of the spouse's income ; or

(3) where the spouse does not reside in the same dwelling as the owner and the owner has a child under 18 years of age or if the child is a full-time student between 18 and 21 years of age, an amount of 1 000 \$.

2. The following are excluded from the calculation of family income :

(1) lump sum payments such as insurance proceeds, disability compensation, proceeds from the sale of personal effects, and inheritances ; and

(2) travelling or living allowances and family allowances.

SCHEDULE 4

(s. 45)

OWNER'S UNDERTAKING FORM

OWNER'S NAME	CO-OWNER	CO-OWNER
SOCIAL INSURANCE NO.	SOCIAL INSURANCE NO.	SOCIAL INSURANCE NO.
ADDRESS	ADDRESS	ADDRESS
TELEPHONE NO.	TELEPHONE NO.	TELEPHONE NO.
CORPORATION	COOPERATIVE	PARTNERSHIP
Incorporation: provincial <input type="checkbox"/> federal <input type="checkbox"/>	Notice of approval by the Minister Published in the <i>G.O.Q.</i> on.....	Superior Court Registry Office: Registration No.: No partner occupies a dwelling in the building <input type="checkbox"/> or a dwelling in the building is occupied by:
No. of Letters Patent or certificate of Incorporation: Date of Incorporation: The Corporation is not controlled by the applicant: or The Corporation is controlled <input type="checkbox"/> by: a lessee or relative of lessee.		

Duration and expiry of the undertaking

This undertaking comes into force the date of its signing and expires on 19....
However, the owner is released from his undertaking upon the occurrence of one of the following events:

- (a) the expiry date;
- (b) the cancellation of the subsidy and the repayment of the subsidy received to that date pursuant to clauses 4 and 5;
- (c) forfeiture of the balance of the subsidy pursuant to clauses 3 and 7.

UNDERTAKING

I, the undersigned, acknowledge that the
Société d'habitation du Québec has granted me a subsidy in the amount of (..... \$) as residential
restoration assistance with respect to the building situated at (hereinafter
referred to as "the building") of which I am the owner.

The above subsidy will be paid to me in 11 instalments according to the following table:

Feb., 28.....\$	Feb., 28.....\$	Feb., 28.....\$	Feb., 28.....\$	Feb., 28.....\$	Feb., 28.....\$
Aug., 31.....\$	Aug., 31.....\$	Aug., 31.....\$	Aug., 31.....\$	Aug., 31.....\$	Aug., 31.....\$

I have read and understood the terms and conditions on the back of this undertaking and I acknowledge that
the subsidy is conditional upon the fulfilment of these terms and conditions.

I also undertake to provide all additional information requested by the Société d'habitation du Québec.

Signed this day of 19.....

THE OWNER WHO IS DEFAULT OF ANY OF THE OBLIGATIONS OF THIS UNDERTAKING BECOMES INELIGIBLE FOR THE RESIDENTIAL RESTORATION ASSISTANCE PROGRAMME OR, AS THE CASE MAY BE, LOSES THE RIGHT TO PAYMENT OF THE BALANCE OF THE SUBSIDY.

General obligations

- (1) The owner will not retake possession of the building or any dwelling in it for the purpose of occupying it himself;
- (2) The owner will not sell the dwelling unless he is an owner occupant;
- (3) The owner who is in default with respect to clauses 1 and 2, or whose building is expropriated, loses the right to payment of the balance of the subsidy.

Special provisions and cancellation of the subsidy

- (4) The owner becomes ineligible for the residential restoration assistance programme and must repay the Société d'habitation du Québec within 30 days of receipt of a notice to this effect sent by registered or certified mail, the entire amount of the subsidy received where :
 - (a) the restoration work on the building has not been carried out in conformity with the description of work to be undertaken submitted by the inspector designated by the Société d'habitation du Québec; or
 - (b) the restoration work is abandoned or suspended for reasons other than "cas fortuit" or "force majeure" or where a building defect which was not apparent at the time of the preliminary report results in the restoration work being financially impossible for the owner.
- (5) The owner also becomes ineligible for the programme and must repay the subsidy received where he has made a false statement with respect to a fact required to be disclosed by the Regulation respecting residential restoration assistance (Loginove) (R.R.Q., c. S-8, r.1) : a false statement for the purposes of this clause is any incorrect statement of fact as well as any obviously incomplete statement which directly or indirectly results in an increase in the amount of the subsidy.

Sale of the immovable

- (6) Clause 2 does not apply to an owner of a building containing dwellings which are rented or offered for rent if the purchaser does not retake possession of the building or of a dwelling in the building for the purpose of occupying it himself.

Destruction of the building

- (7) The subsidy ceases to be paid in the event that the building is destroyed by natural causes.

SCHEDULE 5

(ss. 22 and 24)

OWNER'S SUBSIDY

1. The following table indicates the rates of subsidization of the allowable costs of work undertaken in an owner-occupied dwelling :

<i>Family income</i>	<i>Rate of subsidization</i>
Under 11 001 \$	75%
11 001 to 11 500 \$	74%
11 501 to 12 000	72%
12 001 to 12 500	70%
12 501 to 13 000	68%
13 001 to 13 500	66%
13 501 to 14 000	63%
14 001 to 14 500	60%
14 501 to 15 000	57%
15 001 to 15 500	54%
15 501 to 16 000	50%
16 001 to 16 500	46%
16 501 to 17 000	42%
17 001 to 17 500	37%
17 501 to 18 000	32%
18 001 to 18 500	27%
18 501 to 19 000	22%
19 001 to 19 500	16%
19 501 to 20 000	10%
20 001 to 20 500	4%
Over 20 500	0%

2. Where there are several co-owners of a building in undivided ownership, the rate of subsidization applicable to the allowable cost of work for all of the dwellings occupied by the co-owners, is obtained by calculating the arithmetic mean of the rates of subsidization which correspond to the family income of each co-owner as calculated in the Table included in section 1 above. However, where more than one co-owner reside in the same dwelling in the building, the family income used to calculate the rate of subsidization is that of the co-owner having the greatest family income.

3. The subsidy granted for allowable cost of work is obtained by multiplying the total allowable cost of work for the dwelling or dwellings in question by the rate of subsidization calculated, as the case may be, according to either section 1 or 2 above.

SCHEDULE 6

(ss. 23 and 24)

OWNER'S SUBSIDY

1. The rate of subsidization of the allowable cost of work for all of the dwellings of a building, except a dwelling occupied by an owner or rented for a nominal rent, is obtained by calculating the arithmetic mean of the following rates of subsidization :

(1) the rates of subsidization corresponding to the net rent at the time of application for residential restoration assistance and the number of rooms at the calculation date of the subsidy as defined in section 30 of each of the rented dwellings as calculated in the following Table, but excluding dwellings rented at a nominal rent ;

and

(2) a rate of subsidization of 30% for each vacant dwelling where the owner is not a cooperative rental housing association ; or

(3) a rate of subsidization of 90% for each vacant dwelling where the owner is a cooperative rental housing association.

2. The rate of subsidization of the allowable cost of work for a dwelling rented for a nominal rent is equal to the arithmetic mean of the rates of subsidization of the other dwellings in the building in question.

3. Where it is impossible to obtain a rate of subsidization by following the method outlined in section 2, the rate of subsidization of the allowable cost of work for a dwelling rented for a nominal rent is obtained by reference to Schedule 5, the calculation being made as though the owner occupied the dwelling.

4. The subsidy granted for the allowable cost of work is obtained by multiplying the total allowable cost of work for the dwelling or dwellings in question by the rate of subsidization calculated according to the method described in section 1, 2 or 3 of this Schedule, as the case may be.

Net rent	Rate of subsidization			
	3 rooms or less	4 rooms	5 rooms	6 rooms or more
Under 100,01 \$	90%	90%	90%	90%
100,1 to 105 \$	89%	89%	89%	89%
105,01 to 110	89%	89%	89%	89%
110,01 to 115	83%	88%	88%	88%
115,01 to 120	76%	88%	88%	88%
120,01 to 125	69%	87%	87%	87%
125,01 to 130	62%	82%	87%	87%
130,01 to 135	55%	77%	86%	86%
135,01 to 140	48%	72%	86%	86%
140,01 to 145	41%	66%	82%	85%
145,01 to 150	34%	60%	78%	85%
150,01 to 155	27%	54%	74%	84%
155,01 to 160	20%	48%	70%	81%
160,01 to 165	13%	42%	66%	78%
165,01 to 170	6%	36%	62%	75%
170,01 to 175	0%	30%	57%	72%
175,01 to 180	0%	24%	52%	69%
180,01 to 185	0%	18%	47%	66%
185,01 to 190	0%	12%	42%	63%
190,01 to 195	0%	6%	37%	60%
195,01 to 200	0%	0%	32%	57%
200,01 to 205	0%	0%	27%	53%
205,01 to 210	0%	0%	22%	49%
210,01 to 215	0%	0%	17%	45%
215,01 to 220	0%	0%	12%	41%
220,01 to 225	0%	0%	7%	37%
225,01 to 230	0%	0%	2%	33%
230,01 to 235	0%	0%	0%	29%
235,01 to 240	0%	0%	0%	25%
240,01 to 245	0%	0%	0%	21%
245,01 to 250	0%	0%	0%	17%
250,01 to 255	0%	0%	0%	13%
255,01 to 260	0%	0%	0%	9%
260,01 to 265	0%	0%	0%	5%
Over 265	0%	0%	0%	0%

SCHEDULE 7

(s. 53)

REMUNERATION OF THE INSPECTION

A restoration inspector duly designated by the Société d'habitation du Québec is to be remunerated according to the following Table of Remuneration:

<i>State of file</i>	<i>Remuneration</i>
1. Requisition of inspection (up to preliminary inspection)	25 \$
2. Preliminary inspection	135 \$ for the first dwelling 25 \$ for each additional dwelling
3. Examination of the submissions	50 \$ for the first dwelling 5 \$ for each additional dwelling
4. Progress Report on work undertaken	50 \$ for the first dwelling 10 \$ for each additional dwelling
5. Progress Report confirming the completion of work	65 \$ for the first dwelling 10 \$ for each additional dwelling

Société d'habitation du Québec
LOGINOVE

SCHEDULE 8

(s. 54)

**OWNER/LESSEE
AGREEMENT****Goals and nature of the Residential Restoration Assistance Programme**

The Gouvernement du Québec wishes to encourage the improvement of housing conditions in Québec. By means of the Residential Restoration Assistance Programme, the Government is therefore offering assistance to both owners and lessees:

1. the Government will grant a subsidy to owners undertaking restoration; and
2. the Government will take the necessary steps to ensure the security of occupation of lessees.

The owner/lessee agreement: a prerequisite

In order to be able to take advantage of this programme, the owner must enter into an agreement with respect to the majority of dwellings in the building which he intends to restore (the owner who occupies a dwelling in the building to be restored is considered as a lessee in calculating the majority). Until a lessee has signed this form, he is deemed not to have entered into an agreement with the owner; however, he enjoys the same protection as a lessee who has signed this form in the event that the owner participates in the programme.

Identification of the parties

Agreement entered into between

the owner.....
 residing at

and

the lessee(s) (1)
 (2)
 (3)
 residing at

List of work

During a visit to the building, an inspector designated by the Société d'habitation du Québec ascertained that the following residential restoration work should be undertaken.

- | | |
|---|---|
| <input type="checkbox"/> Exterior wall | <input type="checkbox"/> Sound proofing |
| <input type="checkbox"/> Doors and windows | <input type="checkbox"/> Insulation |
| <input type="checkbox"/> Projections..... | <input type="checkbox"/> Plastering |
| <input type="checkbox"/> Roof | <input type="checkbox"/> Woodwork..... |
| <input type="checkbox"/> Stripping | <input type="checkbox"/> Kitchen cupboards |
| <input type="checkbox"/> Structure | <input type="checkbox"/> Bathrooms..... |
| <input type="checkbox"/> Floor..... | <input type="checkbox"/> Painting |
| <input type="checkbox"/> Carpentry | <input type="checkbox"/> Open spaces |
| <input type="checkbox"/> Wiring..... | <input type="checkbox"/> Outbuildings |
| <input type="checkbox"/> Electricity | Adaptation for the |
| <input type="checkbox"/> Heating and plumbing | <input type="checkbox"/> physically handicapped |

Breakdown of costs of work		Maximum monthly rental increase due to cost of work _____ \$	Estimated duration of work													
Total cost of project	\$		From			Yr	Mo	Day	To			Yr	Mo	Day		
LOGINOVE subsidy	\$															
RRAP subsidy	\$															
Non-subsidized costs	\$															
			Temporary relocation						Compensation paid to lessee by the Société d'habitation du Québec \$							
			Period		Days		Notice								Days	

Agreement

The parties agree to undertake the obligations appearing on the back of this form.

This agreement is entered into at, this..... day of..... 19.....

.....	(1)	Lessee
Owner	(2)	Lessee
	(3)	Lessee

Obligations of the owner

The owner undertakes to:

1. Deduct from the rent due an amount equal to the amount due for the entire period of relocation resulting from the restoration work in the dwelling;
2. Refrain from raising the monthly rent above the maximum increase attributable to the restoration work even in the event that the actual costs of restoration work exceed those estimated; and
3. Perform the restoration work and for a period of at least 1 year from the date of termination of this work, perform no further restoration work except in case of emergency.

Obligations of the lessee

The lessee undertakes to:

1. Vacate the dwelling during the entire period of relocation necessitated by the restoration work; and
2. Pay the increase in rent indicated in this agreement form from the date indicated in the notice which the owner must send to the lessee pursuant to the provisions in the Civil Code.

N.B.: The owner will provide the Société d'habitation du Québec with an undertaking enforceable for a period of 5 years to repay, in whole or in part, the subsidy he has received should he retake possession of a dwelling for the purpose of occupying it himself.

Important: This agreement is conditional upon acceptance of the application for residential restoration assistance made by the owner to the Société d'habitation du Québec.

SCHEDULE 9

(s. 61)

CALCULATION OF THE INCREASE IN RENT

1. The maximum rate of increase applicable to the net rent, for the work indicated in the description of the restoration work made by the inspector, is the lesser of the following rates :

(a) 13% ; or

(b) $\frac{C-S}{L} \times \frac{n}{N} \%$

Given that :

C : total cost of work as defined in section 31 of the Regulation respecting residential restoration assistance (Logi-nove) (R.R.Q., c. S-8, r.1) ;

S : subsidy granted for work as defined in section 31 of the Regulation including, if applicable, the amount to be provided, without obligation, by the Federal Government as residential rehabilitation assistance ;

R : total net rent minus nominal rent ;

n : number of rented dwellings minus the dwellings rented for nominal rent ; and

N : total number of dwellings in the building at the calculation date of the subsidy as defined in section 30 of the Regulation.

2. The increase in rent which may be demanded from the lessee is calculated by multiplying the net rent by the rate of increase obtained according to section 1 of this Schedule.

SCHEDULE 10

(s. 64)

COMPENSATION

1. **Prerequisites** : A lessee is eligible for compensation if one or several of the following repairs are carried out in his building :

(1) (a) **Structure** : Major changes must be made to parts of the structure and the contractor must have access to the dwelling in order to carry out the necessary repairs. The building must be jacked up in order to replace the foundations.

(b) **Wall and ceiling finishing** : The major part of the wall finishings on interior walls and ceilings must be taken down in order to rewire, insulate the exterior walls or to refinish the walls.

(2) **Floors** : The floors are so uneven as to require complete releveling. Most floors require releveling in order to be able to install floor covering.

(3) **Plumbing** : Use of the plumbing system must be interrupted for a period of at least 12 hours because of major repairs to the water supply or sewage systems, the foundation or the frame.

2. **Amount of compensation** : The amount of compensation paid to a lessee equals the total of the amount which correspond to each category of work undertaken on the building according to the following table :

<i>Category of work</i>	<i>Amount</i>
(1) Structure of wall & ceiling finishing	150 \$
(2) Floors	100
(3) Plumbing	75

3. **Payment of compensation** : There will be only one compensation payment made with respect to a dwelling, regardless of the number of lessees who occupy the dwelling. Where there are several lessees having signed the same lease and occupying the same dwelling, the compensation is paid by means of a cheque payable jointly to the order of all the lessees.



c. S-8, r.2

**Décret sur les conditions et cadre
administratif concernant le programme
sur l'allocation-logement en faveur des
personnes âgées**

An Act respecting the Société d'habitation du Québec
(R.S.Q., c. S-8, s. 93)

See French Edition



c. S-8, r.3

By-law respecting housing

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, ss. 51, 60, 64 and 86)

DIVISION I DEFINITIONS

1. In this By-law, unless the context indicates otherwise, the following expressions shall mean :

(a) “Act” : the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) ;

(b) “municipality” : any municipal corporation whatever be the Act by which it is governed ;

(c) “Corporation” : the Société d'habitation du Québec ;

(d) “low income or moderate income person or family” : a person or family whose income, in accordance with the table appearing in Schedule 1, is insufficient to permit him or it to rent housing accommodation which meets the standards prescribed in section 13 of Schedule A to the By-law respecting urban renewal (c. S-8, r.9) and adequate for his or its needs.

DIVISION II APPROVAL OF HOUSING PROGRAMS

2. Every application for permission to prepare a housing program must be accompanied by proof of the need for housing.

3. Every housing program under the Act must contain :

(a) a description of the immoveables to be acquired made in accordance with article 2168 of the Civil Code ;

(b) the name of the owner and the estimated price of acquisition ;

(c) a copy of the zoning by-law relating to the immoveables ;

(d) the steps to be taken to accommodate persons or families evicted for the carrying out of the program ;

(e) the proposed houses, with explanatory sketches and specifications ;

(f) the necessary equipment ;

(g) the organization which will be responsible for the construction, equipping, leasing and resale of housing accommodations ;

(h) the estimated cost for the carrying out of the program, the proposed methods of financing and the measures provided for such purposes ;

(i) the periods prescribed for the carrying out of the program ;

(j) the arrangements made for the administration of the housing accommodations ;

(k) the operating budget for housing accommodations and the economical housing accommodation rate ;

(l) the criteria for the selection of persons or families who will occupy the housing accommodations ; and

(m) a statement of the housing accommodations rates in force in the sector where the program is planned.

4. When a housing program provides for the sale of immoveables, the program must indicate, in addition :

(a) the criteria which must govern the selection of the purchasers ;

(b) the terms and conditions of sale, including the sale price ; and

(c) the proposed methods of financing.

5. When a housing program provides for the leasing of immoveables or parts of immoveables, the program must mention :

(a) the designation of the immoveable and their description ;

(b) the owner's name and address ;

(c) the draft agreement to be concluded with the owner including the housing accommodations rate in force in the sector for similar housing accommodations and the proposed terms of leasing, a description of the services and equipment included ;

(d) the draft lease to be concluded between the owner and the tenants ;

(e) the organization which must assume the responsibility for the selection of tenants and for the administration of the program.

6. Any application for the approval of students housing accomodation programs must include a certificate of approval by the Ministère de l'Éducation.

7. Any housing program submitted by a non-profit corporation pursuant to section 64 of the Act, must include, in addition to the documents mentioned in sections 2 to 6, the following documents :

- (a) a copy of the charter or letters patent incorporating the non-profit corporation ;
- (b) a copy of the rules and regulations of the non-profit corporation ;
- (c) the name, occupation and address of the administrators and members of the non-profit corporation ;
- (d) a report on the financial activities of the non-profit corporation together with a financial statement duly certified by an accountant who is a member of a recognized association ;
- (e) the arrangements made to ensure the availability of the necessary equity for the realization of the program and its interim financing.

8. For the purpose of the Act, the Corporation may recognize as a non-profit corporation, any housing cooperative association and any corporation no part of revenues or excess revenues of which are payable to an owner, member or shareholder of the said non-profit corporation or put at his disposal for his personal benefit.

DIVISION III

LOANS FOR THE CARRYING OUT OF A HOUSING PROGRAM

§1. Application for loan

9. An application to the Corporation for a loan for the financing of the construction or the acquisition and the conversion of an existing building for the carrying out of a housing program, in accordance with paragraph *b* of sections 60 or 64 of the Act, must be formulated by resolution to the Corporation together with the data required in sections 2 to 7.

10. Any application for a loan by a non-profit corporation must be submitted together with a fee, payable to the Corporation, in the amount of 30 \$ per housing unit or of 20 \$ per hostel bed in the case of hostelry housing type. When the loan is granted, this fee is part of the cost of construction or the cost of acquisition and conversion. This fee is reimbursed to the borrower if the loan is not granted by the Corporation. However, it is forfeited if the borrower refuses the loan subsequent to a written commit-

ment by the Corporation to make the loan or if the loan is cancelled according to section 11.

11. Any written commitment by the Corporation to make a loan to a borrower may be cancelled by the Corporation if the former has not started the realization of the housing program within a delay of 90 days from the date of the said commitment.

§2. Amount of loan

12. The amount of any loan that the Corporation may make, with the authorization of the Government, for the construction or the acquisition and conversion of low rental housing accommodation, must not exceed 95% of the cost accepted by the Corporation in the case of a loan made to a municipality or to a municipal housing bureau nor exceed the cost accepted by the Corporation in the case of a loan made to a non-profit corporation.

13. The costs for the carrying out of a housing program for the purposes of this By-law include :

- (a) the cost of acquisition of the immoveables or their value determined by the Corporation, whichever is the lesser, the cost of demolition, the option cost where applicable as well as the fees and costs for the examination of titles, the obtainment of legal documents and the execution and registration of any deed of acquisition ;
- (b) the cost of acquisition of any servitude, including the legal fees and costs for its establishing ;
- (c) the actual costs for construction or conversion, for the development of the land and for the installation or repair of water, sewer and other services, in front of the immoveables in the program ;
- (d) the fees and costs for professional services ;
- (e) administration costs relating to the construction or conversion of immoveables ;
- (f) the costs for financing the acquisition of immoveables, their construction or conversion, until the date of completion of the works ;
- (g) the fees prescribed in section 10, the insurance premiums and taxes due during the period of construction or conversion ;
- (h) the purchase cost of the furniture for commonly used rooms.

§3. Security and term of the loan

14. Any loan for the construction or acquisition and conversion of housing units must be secured by a first hypothec on the immovable for which the loan is made.

In the case of a loan to a non-profit corporation, the Corporation may require any additional security it deems appropriate.

The Government may authorize the Corporation to make a loan for the purpose of student housing accommodation without the hypothecary security.

15. The term of the loan shall not exceed 50 years from the interest adjustment date.

§4. Deed of loan

16. Any borrower must execute before a notary, a deed of loan in the form and content as approved by the Corporation and he must, at his expense, supply to the Corporation, a certified copy of the deed.

17. If the loan is secured by an hypothec, the borrower must establish that he has a good title on the property and that the latter is free and clear of any privilege, hypothec or other rights that could affect the security of the Corporation.

18. When the loan is secured by hypothec, the borrower must supply to the Corporation, prior to the execution of the deed of loan, a certified list as determined by the Corporation of all the contractors, subcontractors, suppliers of materials participating in the construction or in the conversion of the housing units as well as from each of them consents to hypothec priority.

§5. Loan disbursement

19. No loan disbursement shall be made unless the deed of loan and operating agreement provided in section 30 have been signed by the parties, and unless the deed of loan has been duly registered and the property insured against fire risks and other hazards.

20. The loan may be disbursed through progressive advances corresponding to the value of the work completed. On each advance an amount equal to 15% of the value of the completed work may be retained. The last loan advance shall not be made before the expiry of a 31 day period from the date of completion of the work.

21. The Corporation may also retain on each loan advance a sufficient amount in its own estimate to cover the

cost of any corrections required following violations noted in the construction. The Corporation may also suspend the payment of any loan advance or cancel the loan if the borrower refuses to make the necessary corrections.

22. The Corporation shall not be required to make more than 5 loan advances during the construction period at various intervals it shall determine from time to time.

23. The Corporation shall not have to make any loan advances if the property is not free and clear of hypothecs and privileges in favour of third parties.

§6. Standards of construction and inspections

24. The site development plan, the construction, the alterations to dwellings must be carried out in accordance with standards acceptable to the Corporation as well as with the approved plans and specifications.

25. The Corporation may at any time inspect the works to ensure that the standards are met and that they are carried out in accordance with the plans and specifications approved by the Corporation. However the Corporation shall not be required to make more than 6 inspections in the case of construction and 3 inspections in the case of alterations. The borrower shall not, on the other hand, proceed with the construction beyond each of the stages mentioned hereafter unless the Corporation has carried out an inspection. These stages are the following : excavation, foundations, framework or structure, insulation.

26. Any contract for construction or alteration works shall be granted following a call for public tenders. If the borrower wishes to carry out the works with his own forces, he must submit to the Corporation, for approval, a detailed estimate of the costs involved.

In the case of experimental or pilot projects or in emergency cases as well as in cases of loans granted under section 64 of the Act, the Government may authorize the granting of a contract for construction or alteration works without development projects or a call for public tenders.

§7. Administration of the loan

27. The Corporation may set the interest adjustment date at the first of the month following the date at which, in its opinion, the dwellings are substantially completed or occupied.

28. The first repayment on the loan, comprising principal and interest, shall become due 1 month, 3 months, 6 months or 12 months following the interest adjustment

date depending if the loan is to be reimbursed by monthly, quarterly, semi-annual or annual repayments.

29. The borrower shall insure, for the amount specified by the Corporation, the dwellings against fire and other hazards with an insurance company duly recognized by the Superintendent of Insurance of Québec. The Corporation shall not be obliged to accept any insurance contract comprising co-insurance or other forms of guarantee.

DIVISION IV ADMINISTRATION OF HOUSING PROGRAMS

30. The Corporation and the borrower or an organization which administers a housing program carried out under the Act must conclude an operating contract determining leasing conditions, financial and administrative terms and conditions, conditions for the maintenance of immoveables as well as any other matter of a nature to safeguard the destination and character of the immoveables.

The contract must also determine the terms and conditions for the payments of the subsidy paid under section 33 or 34 as the case may be, and the control and verification by the Corporation.

31. Every housing accommodation acquired, built, converted, restored, rented or developed under a housing program must be rented to low income or moderate income persons or families, in accordance with the following order of priority :

(a) any person receiving a rental allowance under the terms of the Act ;

(b) any person evicted due to the carrying out of a program under the Act ;

(c) any person evicted through expropriation by a public body.

Amended in French D. 3154-81, G.O. II, 1981, p. 5335.

DIVISION V SUBSIDIES FOR THE OPERATION OF HOUSING ACCOMMODATIONS ADMINISTERED UNDER A HOUSING PROGRAM

32. An application from a municipality or an organization recognized by the Corporation requesting a subsidy to assist in defraying the operating cost of a housing program carried out under the Act must be made to the Corporation by resolution.

33. The Corporation may, when duly authorized by the Government, enter into an agreement with a municipality,

or jointly with a municipality and a municipal housing bureau, for a period not exceeding 50 years, and providing for the payment of grants by the Corporation not exceeding 75% of the annual operating deficit incurred up to 31 December 1972 and not exceeding 90% of the annual operating deficit incurred upon and after 1 January 1973.

34. When duly authorized in accordance with section 64 of the Act, the Corporation may conclude with a non-profit organization an operating agreement for a period not exceeding 50 years and providing for the payment by the Corporation of subsidies up to 100% of the annual operating deficit recognized by it for a housing program carried out under the Act.

DIVISION VI RENTAL ALLOWANCES

35. The Corporation may, with the authorization of the Government, enter into an agreement with a municipality providing for the payment of rental allowances, jointly by the Corporation and the municipality, for a period not exceeding 12 months, for the occupancy of a decent dwelling unit by persons of low income evicted from their dwelling unit upon the demolition of a building through the carrying out of renewal or a low rental housing program. The amount of the Corporation's contribution shall not exceed 50% of the joint rental allowance.

36. The amount of the rental allowance must not exceed the difference between the rental rate set in the rental scale determined by the Corporation and the average rental rate accepted by the Corporation for the district in which the dwelling unit to be occupied by the tenant evicted is located or the rate accepted by the municipality, should this latter rate be lower than the average rental rate.

37. Any application from a municipality for paying jointly with the Corporation the rental allowances provided for in section 35, must be filed on the form supplied for this purpose by the Corporation together with all other documents and information that the Corporation may request.

38. Any agreement made pursuant to section 35 must determine the particulars of the payments of the rental allowances provided for in such an agreement as well as the norms of control and verification by the Corporation and the municipality.

39. The payment of a rental allowance must be discontinued when :

(a) the agreement provided for in section 35 has expired ;

(b) the tenant receiving the rental allowance refuses to occupy a municipal low rental housing unit by the municipality or a municipal housing bureau ;

(c) the tenant vacates his dwelling unit without authorization from the municipality ;

(d) the tenant is evicted from his dwelling unit for a breach of contract of his lease ;

(e) the requirements of this By-law are not being adhered to.

Any dwelling unit occupied by a tenant who is receiving a rental allowance under the present Division must comply with the standards accepted by the Corporation.

40. The Corporation may refuse to contribute to the payment of rental allowances when the rental rate, in its opinion, is too high in comparison with the average rental rate accepted by the Corporation for the district.

41. Any municipality wishing to renew an agreement executed pursuant to this Division must first establish to the Corporation's satisfaction that it cannot realize a municipal low rental housing program.

DIVISION VII RENT SUPPLEMENT

42. The Corporation shall submit to the Conseil du trésor a complete annual program for each group of clients, including :

(a) the estimated annual cost of carrying out the rental subsidy program ;

(b) the provisions to be made for administering the program ;

(c) the criteria for selecting persons or families to occupy the dwellings ;

(d) the draft agreement by which the Société entrusts to a municipal housing bureau or a non-profit organization the partial or total management of a rental subsidy program.

43. The Corporation may, to put into effect the programs described in section 42, make with any owner of rental lodgings an agreement providing for the payment of the rental subsidy for persons and families with low income to enable them to occupy a dwelling that meets the standards prescribed in Division V of Schedule A to the By-law respecting urban renewal (c. S-8, r.9) and to satisfy their needs.

44. The Corporation may, to put into effect the programs described in section 42, entrust to a municipal housing bureau, a non-profit organization or one of its regional offices, through an agreement, the partial or total management of a rental subsidy program.

45. The amount of rent supplement for each dwelling unit must not exceed the difference between the occupant's rent, computed according to the rent scale presently in force in Québec, and the rent agreed upon from time to time by the owner and the Corporation.

46. An agreement contemplated in section 43 must indicate :

(a) the number of dwelling units for which a rent supplement can be paid ;

(b) that the term of the agreement may not exceed 15 years ;

(c) the terms and conditions of payment of the rent supplement, and the supervision and inspections which may be carried out by the Corporation ;

(d) the frequency, time limits and conditions governing renegotiation of rents with the owner.

47. Every agreement contemplated in sections 42 and 44, must state, in addition to the requirements of section 46, that :

(a) the Corporation's contribution to the annual expenses incurred for payment of the rent supplement and administration of the program may amount to 90% of the expenses acknowledged by it ;

(b) the contribution of a municipality to the annual expenses incurred for payment of the rent supplement and administration of the program may amount to 10% of the expenses acknowledged by the Corporation ;

(c) when required by the Corporation, every agreement with an owner must be submitted for approval by the Corporation.

48. In this By-law, unless the context indicates otherwise, the word "owner" means a non-profit organization within the meaning of the Act.

Amended in French A.C. 2654-79 of 25 September 1979.

DIVISION VIII SPECIAL PROVISION

49. When the Corporation believes it necessary to carry out a housing program in a municipality and that this municipality has insufficient financial resources, the amount of the loan and subsidies provided for in section 12 may rise to 100% of the costs recognized by the Corporation. Moreover, the lodging allotments provided for in section 35 may be entirely financed by the Corporation in the special cases mentioned in this Division and in Division VII of the By-law respecting urban renewal.

SCHEDULE 1

(s. 1)

TABLE OF RENT SCALES

Monthly income of head of household and of his spouse	Margin- al rate	Monthly rent	Rent rate
\$	%	\$	%
230	26,36	41	17,8
252	26,36	47	18,4
274	26,36	52	19,1
296	26,36	58	19,6
318	26,36	64	20,1
340	26,36	70	20,5
362	26,36	75	20,8
384	26,36	81	21,2
406	26,36	87	21,4
428	26,36	93	21,7
450	26,36	99	21,9
472	26,36	104	22,1
494	26,36	110	22,3
516	40,00	116	22,5
538	40,00	125	23,2
560	50,00	134	23,9
584	50,00	145	24,8
588	25,00 Con	147	25,0
592 & +		148 & +	25,0 Con

See French Text A.C. 1201-70 of 18 March 1970
A.C. 2164-71 of 17 June 1971
A.C. 4386-71 of 22 December 1971
A.C. 865-79 of 28 March 1979

O.C. 3182-67, (1967) 99 O.G., 6959
O.C. 446-70, (1970) 102 O.G., 1450
O.C. 1349-71, (1971) 103 O.G., 3530
O.C. 3983-72, (1973) 105 O.G.II, 54
O.C. 3684-74, (1974) 106 O.G.II, 4513
O.C. 391-78, (1978) 110 G.O., 2149
O.C. 2632-80, (1980) 112 G.O.II, 4063



c. S-8, r.4

Regulation respecting land acquisition and development programs and programs of establishment of new communities

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, ss. 77, 83 and 85)

DIVISION I GENERAL PROVISIONS

1. In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Act" : the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) ;
- (b) "municipality" : any municipal corporation, regardless of the Act by which it is governed ;
- (c) "Corporation" : the Société d'habitation du Québec ;
- (d) "Minister" : the Minister of Housing and Consumer Protection.

DIVISION II LAND ACQUISITION AND DEVELOPMENT PROGRAMS

2. Every application for authorization made to the Minister under section 78 of the Act for the purpose of preparing a land acquisition and development program must be made by resolution of the municipal corporation and be accompanied by the following data :

- (a) an indication of the location and boundaries of that part of the territory of the municipality which is the subject of the preparation of the land acquisition and development program ;
- (b) an indication of the objectives to be attained ;
- (c) specification of inquiries, plottings, analyses, plans, sketches and other work to be carried out ;
- (d) a list of the documents already available which may be used in preparing the program ;
- (e) a copy of the zoning, construction, development and homologation by-laws and other by-laws respecting utilization of the territory ;
- (f) the graduated costs relative to :

- i. the preparation of the program ;
- ii. the acquisition of immoveables ;
- iii. the development of land ;

(g) the terms and conditions for financing the program ;

(h) a draft contract to be concluded between the municipality and the person or body responsible for preparing the program ; and

(i) an itemized budget for the preparation and implementation of the program.

3. Every land acquisition and development program prepared under section 78 of the Act shall include :

- (a) a description of the territory which is the subject of the program ;
- (b) a description of the objectives to be attained ;
- (c) an indication of the use to be made of each part of the territory ;
- (d) a description of the immoveables to be acquired, made in accordance with article 2168 of the Civil Code ;
- (e) a description of the measures to be taken to re-house persons or families evicted as a result of the implementation of the program ;
- (f) a description of the public utility services and community and recreational facilities to be installed, modified or provided ;
- (g) the lay-out and measurements of the public streets and lanes ;
- (h) the subdivision plans to be prepared ;
- (i) the estimated cost of the implementation of the program and the time limit prescribed for its carrying out by stages ;
- (j) the terms and conditions for financing the program ;
- (k) identification of the body that will be responsible for the acquisition of immoveables, the development of land, and rental and sale thereof ;
- (l) a statement of the average price per square foot of land in the region where the program is to be carried out ;
- (m) the proposed sale and rental price ;
- (n) the proposed modes of alienation and rental ;

(o) the criteria to be used in the selection of buyers or tenants ;

(p) the proposed by-laws in respect of the territory ; and

(q) an indication of the relation between the program and any existing general development plan.

4. Every municipality which, by by-law, adopts a land acquisition and development program must, within 10 days of its adoption, forward 30 copies thereof to the Minister.

5. A copy of the land acquisition and development program indicating its approval by the Minister and its confirmation by the Government must be filed without delay by the municipality with the office of the prothonotary of the Superior Court of the judicial district in which the territory is situated, with the office of the clerk or of secretary-treasurer of the municipality and with the registration office of any registration division in which the territory is situated.

6. The amount of any loan which the Corporation may grant with the authorization of the Government for the carrying out of a land acquisition and development program shall not exceed 95% of the cost accepted by the Corporation.

7. The cost for carrying out the land acquisition and development program shall, for the purposes of this Regulation, include :

(a) the acquisition cost of immoveables as well as the fees and costs for the examination of titles, the obtainment of legal documents and the execution and registration of any deed of acquisition ;

(b) the cost of acquisition of any servitude, including the professional and legal fees for the establishment thereof ;

(c) the actual costs for the clearing of immoveables and development of land including the installation, modification and providing of public utility services and community and recreational facilities ;

(d) the fees and costs for professional services ;

(e) the administrative fees relating to the preparation and implementation of the program ; and

(f) the amount of land taxes not collected by the municipality and the school board for the period during which the municipality remains the owner of the immoveables to be rented or sold.

8. Every loan granted by the Corporation to a municipality for the implementation of a land acquisition and development program must be guaranteed by bonds issued by the municipality.

9. The loan granted by the Corporation to a municipality shall :

(a) when it is used to acquire and develop land to be rented for housing or related purposes, be for a term of 50 years ; and

(b) in all other cases, be for a term of 25 years.

10. The loan granted by the Corporation to the municipality shall be repaid by semi-annual or annual payments including capital and interest according to the mode of repayment to which the Corporation is subject. However, the municipality's share of the recovered amounts constituted by the proceeds from the transfer or alienation of immoveables must be applied as a reduction in the loan capital.

DIVISION III PROGRAMS OF ESTABLISHMENT OF NEW COMMUNITIES

11. Sections 2 to 6 and sections 8 to 10 shall apply to programs of establishment of new communities.

12. The costs for carrying out a program of establishment of new communities shall include :

(a) those indicated in section 7 ;

(b) the costs relating to the acquisition of land to be used either as a means of communication between one community and the other communities or as public clear spaces developed in the new communities, surrounding it or separating it from any other community ; and

(c) the costs for organizing the new community.

13. The Corporation may, with the authorization of the Government, waive payment by the municipality of a sum not exceeding 50% of the share of the loan applied for such purposes, where it is assured that part of a loan granted in accordance with section 6 was used :

(a) to organize a new community ; or

(b) to acquire land used for recreational facilities or installations intended for any other social activity of the community.



c. S-8, r.5

**Règlement sur le programme d'aide à
l'accession à la propriété résidentielle**

An Act respecting the Société d'habitation du Québec
(R.S.Q., c. S-8, ss. 94.3 and 94.4)

See French Edition



c. S-8, r.6

Regulation respecting neighbourhood improvement programs and land clearance programs

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, ss. 69 and 75)

DIVISION I GENERAL PROVISIONS

1. In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) "Act" : the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) ;
- (b) "municipality" : any municipal corporation, regardless of the Act by which it is governed ;
- (c) "Corporation" : the Société d'habitation du Québec ;
- (d) "Minister" : the Minister of Housing and Consumer Protection.

DIVISION II NEIGHBOURHOOD IMPROVEMENT PROGRAMS

2. To be the subject of the elaboration of a neighbourhood improvement program, a territory must :

- (a) be predominantly residential ;
- (b) comprise a significant part of housing requiring restoration work, taking into account the number of housing accommodations in the territory ;
- (c) comprise a significant part of housing occupied by persons or families of low or moderate income, taking into account the number of housing accommodations in the territory ; and
- (d) be served by inadequate or insufficient public utility services and community and recreational facilities.

3. Every application for authorization submitted to the Minister pursuant to section 70 of the Act, for the purposes of preparing a neighbourhood improvement program, must be made by resolution of the municipal corporation and be accompanied by the following data :

(a) an indication of the location and boundaries of that part of the territory of the municipality which is the subject of the preparation of the neighbourhood improvement program ;

(b) proof that the territory which is the subject of the application meets the criteria prescribed in section 3 ;

(c) specifications of the inquiries, plottings, analyses, plans, sketches and other work to be carried out ;

(d) a list of the documents already available which may be used in preparing the program ;

(e) a copy of the zoning, construction, development and homologation by-laws and other by-laws respecting utilization of the territory ;

(f) the graduated costs relative to :

- i. the selection of the neighbourhood ;
- ii. the elaboration of the program ;
- iii. the carrying out of the program ;

(g) the terms and conditions of participation of the population in the preparation of the program ;

(h) a draft contract to be concluded between the municipality and the person or body responsible for the carrying out of the work ; and

(i) the data required by the by-laws of the Corporation for the preparation of complementary programs which must be carried out under the Act.

4. Every neighbourhood improvement program prepared under section 70 of the Act shall include :

- (a) a description of the territory covered by the program ;
- (b) an indication of the use to be made of each part of the territory ;
- (c) the identification of the immovables to be kept and restored, of those to be acquired and the land to be cleared, by providing, in the case of acquisitions, a description complying with article 2168 of the Civil Code ;
- (d) the measures to be taken to accommodate persons or families evicted as a result of the implementation of the program ;

- (e) public utility services and community and recreational facilities to be installed, modified or provided ;
- (f) the terms and conditions for the information and participation of the population in the program ;
- (g) the measures to be taken to promote the restoration, maintenance and conservation of residential buildings ;
- (h) the proposed municipal by-laws in respect of the territory and the standards of occupancy and maintenance of residential buildings ;
- (i) the estimated cost of the implementation of the elements of the program and the time limit prescribed for their carrying out ;
- (j) the terms and conditions for financing the elements of the program ;
- (k) proof of the financial and administrative capability of the municipality to carry out the program ; and
- (l) all other documents required by the by-laws of the Corporation for complementary programs which must be carried out under the Act.

5. Every municipality which, by by-law, adopts a neighbourhood improvement program must, within 10 days of its adoption, transmit 30 copies thereof to the Minister.

6. A copy of the neighbourhood improvement program, indicating its approval by the Minister and confirmation by the Government must be filed without delay by the municipality with the office of the prothonotary of the Superior Court of the judicial district in which the territory is situated, with the office of the clerk or secretary-treasurer of the municipality, and with the registration office of any registration division in which the territory is situated.

7. The Corporation may conclude an agreement with a municipality whereby it undertakes to grant a subsidy up to 25% of the costs recognized by the Corporation for work relating to the selection of the neighbourhood and the elaboration of a neighbourhood improvement program.

8. The Corporation may conclude an agreement with a municipality whereby it undertakes to grant, for the carrying out of a neighbourhood improvement program approved by the Minister and confirmed by the Government, a subsidy up to 25% of the costs recognized by the Corporation for :

- (a) acquiring and clearing land which is to be re-utilized for public purposes or for the purposes of installations ;
- (b) acquiring and clearing land intended for low and average density housing for low or moderate income persons or families ;
- (c) developing, constructing or acquiring and improving recreational or social facilities ;
- (d) the accommodation of persons or families dispossessed as a result of the carrying out of the program ;
- (e) the employment of any person assigned to the performance of the work ;
- (f) the participation and information of the population ;
- (g) acquiring and clearing land which is to be re-utilized for purposes other than those indicated in paragraphs *a* and *b*, less the trade value of the land after its acquisition and clearing ; and
- (h) installing or improving municipal services and works other than those indicated in paragraph *c*.

9. The subsidies prescribed in sections 7 and 8 may exceed 25% and attain a maximum of 75% of the costs recognized by the Corporation when a municipality establishes that :

- (a) the carrying out of the program is necessary ; and
- (b) its financial resources do not permit it to carry out such program.

10. Every agreement contemplated in section 9 must prescribe that the municipality will remit to the Corporation a percentage of the recovered amounts up to the percentage granted as a subsidy by the Corporation.

11. The recovered amounts referred to in section 10 shall include any sum constituting the proceeds of the transfer or alienation of immovables by the municipality and also any net revenue derived from the operation of such immovables prior to their alienation.

12. The agreements contemplated in sections 7 and 8 must prescribe the terms and conditions for the payment of the subsidy by the Corporation and also the terms and conditions for the control and verification by the Corporation or municipality, as the case may be.

DIVISION III

LAND CLEARANCE PROGRAMS

13. To be the subject of the elaboration of a land clearance program, a territory must :

- (a) be predominantly residential ;
- (b) comprise a significant part of housing occupied by persons or families of low or moderate income ; and
- (c) be situated outside a territory which is the subject of a neighbourhood improvement program.

14. Every application for authorization submitted to the Minister pursuant to section 70 of the Act, for the purposes of preparing a land clearance program, must be made by resolution of the municipal corporation and be accompanied by the following data :

- (a) a plan of the location and boundaries of that part of the territory of the municipality which is to be the subject of the preparation of a land clearance program ;
- (b) proof establishing that the territory which is the subject of the application meets the criteria prescribed in section 13 ;
- (c) specifications of the inquiries, plottings, analyses, plans and other work to be carried out ;
- (d) a list of the documents already available which may be utilized in preparing the program ;
- (e) a copy of the zoning, construction, development and homologation by-laws and other by-laws respecting utilization of the territory ;
- (f) an estimate of the costs relating to :
 - i. the preparation of the program ;
 - ii. the carrying out of the program ;
- (g) the terms and conditions of participation of the population in the preparation of the program ; and
- (h) a draft contract to be concluded between the municipality and the person or body responsible for the carrying out of the work.

15. Every land clearance program prepared under section 70 of the Act must include :

- (a) a description of the territory which is the subject of the program ;
- (b) an indication of the purposes for which the land will be re-utilized ;

- (c) the identification of the immoveables to be acquired and the land to be cleared, by providing for each of them a description according to article 2168 of the Civil Code ;

- (d) the measures to be taken to accommodate persons or families evicted from their housing as a result of the implementation of the program ;

- (e) the proposed by-laws in respect of the territory and the standards of occupancy and maintenance of residential buildings ;

- (f) the estimated cost of the implementation of the program and the time limits prescribed for its carrying out ;

- (g) the measures taken or to be taken to promote the restoration, maintenance and conservation of residential buildings ; and

- (h) the terms and conditions for financing the program.

16. Every municipality which, by by-law, adopts a land clearing program must, within 10 days of its adoption, transmit 30 copies thereof to the Minister.

17. The Corporation may conclude an agreement with a municipality whereby it undertakes to grant, for the carrying out of a land clearance program approved by the Minister and confirmed by the Government a subsidy up to 25% of the costs recognized by the Corporation for :

- (a) the acquisition and clearing of residential immoveables which do not comply with the minimum standards of occupancy and maintenance set forth in section 31 of the By-law respecting urban renewal (c. S-8, r.9) and which cannot be economically restored, less the trade value of the land following the acquisition or demolition of the immoveables ;

- (b) the acquisition and clearing of immoveables other than residential and utilized for purposes inconsistent with the general characteristics of the territory whose re-utilization will be residential or public, less the trade value of the land following the acquisition or demolition of the immoveables ;

- (c) the accommodation of persons or families displaced as a result of the carrying out of the program ; and

- (d) the employment of any person assigned to the carrying out of the program.

18. The agreement contemplated in section 17 must prescribe the terms and conditions for the payment of subsidies by the Corporation and also the terms and condi-

tions for control and verification by the Corporation or municipality, as the case may be.



c. S-8, r.7

Regulation respecting an experimental programme in cooperative rental housing

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 93)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) "Act" : the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) ;

(b) "municipality" : any municipal corporation, whatever be the Act by which it is governed ;

(c) "Corporation" : the Société d'habitation du Québec ;

(d) "cooperative" : a cooperative rental housing association governed by the Cooperative Associations Act (R.S.Q., c. A-24) ;

(e) "technical resource group" : a non-profit body created to undertake the promotion and foundation of housing cooperatives and give them the necessary technical support.

DIVISION II GRANTS TO RENTAL HOUSING COOPERATIVES

2. The Corporation may make a contract with a cooperative, whereby it undertakes to grant the cooperative a subsidy for the acquisition and restoration or the construction of residential buildings, begun after 31 December 1976 by the cooperative itself or on its behalf, within a territory that subject to restoration programme or any other territory designated by the Minister of Municipal Affairs.

Amended in French D. 1340-80, G.O.II, 1980, p. 2645.

3. Notwithstanding section 2, no subsidy may be granted for the acquisition of a building that is the property of a housing cooperative.

4. A subsidy granted in accordance with section 2 must not exceed 1 500 \$ per housing unit and may not be granted more than once for the same building.

Amended in French D. 1340-80, G.O.II, 1980, p. 2645.

5. Every application submitted by a cooperative must be done in the form of a resolution.

6. Every contract contemplated in section 2 must specify :

(a) the number of housing units involved in the application ;

(b) the time limit of the contract in relation to the granting of the subsidy ;

(c) that the subsidy of 1 500 \$ per housing unit may only be granted after the municipality issues an occupation permit for the dwelling, or any other attestation of the dwelling's conformity to the occupancy and building maintenance standards enacted by that municipality ;

Amended in French D. 1340-80, G.O.II, 1980, p. 2645.

(d)

See French Text D. 1340-80, G.O.II, 1980, p. 2645.

(e) that the cooperative binds itself, its officers, agents and employees to collaborate fully with the Corporation to the satisfaction of the latter and particularly to give its representatives access to the site at all times and to provide them, on request, with any document, copy of a document or information required by them in carrying out their duties.

DIVISION III INITIAL SUBSIDIES

7. Where a person informs the Corporation that he wishes to undertake a project for the benefit of low or moderate income individuals or families, and for which a subsidy may be granted under section 2, and convinces the Corporation that he requires financial assistance to carry out such project, the Corporation may grant him for the said purpose, and subject to the terms and conditions it deems appropriate, a subsidy not exceeding 500 \$.

DIVISION IV

SUBSIDIES FOR THE OPERATION OF TECHNICAL RESOURCE GROUPS

8. Every application for a subsidy by a technical resource group must be submitted to the Corporation on the form supplied by the Corporation for that purpose and must be accompanied by all the documents and information that the Corporation may require.

9. The Corporation, with the authorization of the Conseil du Trésor, may make a contract with a technical resource group in which it undertakes to grant that group an annual operating subsidy of up to 50 000 \$.

Amended in French D. 1340-80, G.O.II, 1980, p. 2645.

10. The contract contemplated in section 9 must specify the terms and conditions for the granting of the subsidy as well as the Corporation's inspection and control standards.

DIVISION V

AUTHORIZATION REQUIRED

11. Every subsidy granted by the Corporation under this Regulation is subject to the Regulation respecting the promise and awarding of grants (c. A-6, r.22).



c. S-8, r.8

**Règlement sur la réalisation d'un
programme d'habitation à loyers
subventionnés**

An Act respecting the Société d'habitation du Québec
(R.S.Q., c. S-8, s. 93)

See French Edition



c. S-8, r.9

By-law respecting urban renewal

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 27)

DIVISION I

DEFINITIONS AND GENERAL PROVISIONS

1. In this By-law, unless the context indicates another meaning, the following terms mean :

(a) "Act" : the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) ;

(b) "municipality" : any municipal corporation whatever be the Act by which it is governed ;

(c) "Corporation" : the Société d'habitation du Québec ;

(d) "public services" : for the purposes of subparagraph g of the first paragraph of section 32 of the Act, all public utility services and works which are under the jurisdiction of a municipal corporation.

2. Any application for a grant or a loan must be submitted on the form supplied by the Corporation for such purposes.

3. The agreements mentioned in sections 7, 11 and 14 must determine the methods of payment of grants by the Corporation and those related to the payment of the recoveries to the Corporation by the municipality as indicated in section 12 as well as the norms of control and verification by the Corporation or the municipality, as the case may be.

4. The Government and the Corporation may require any document or information found necessary, concerning any application for a grant or a loan pursuant to the Act.

DIVISION II

PREPARATION OF DETAILED RENEWAL PROGRAMS

5. Any application for authorization, pursuant to section 27 of the Act must be accompanied by the following data :

(a) a plan locating and delimiting the part of the territory of the municipality which will be the subject of the preparation of a detailed renewal program ;

(b) a narrative list of surveys, analysis, plans, sketches and other works to be undertaken ;

(c) a list of the documents already available and useful for the preparation of the detailed renewal program ;

(d) a detailed cost estimate of the works to be undertaken ;

(e) a proposed agreement to be entered into, if necessary, by the municipality and the person or group of persons responsible for the preparation of the detailed renewal program.

6. The notice mentioned in section 30 of the Act must contain the following information :

(a) a reference to the adoption of a resolution and its date ;

(b) the nature of the resolution constituting an application to the Corporation for authorization, pursuant to section 27 of the Act for the preparation of a detailed renewal program ;

(c) the boundaries of the area concerned ;

(d) a summary of the proposed studies and research ;

(e) a reference to the fact that upon and after the date of the resolution, section 28 of the Act is in force.

7. The Corporation may, with the authorization of the Government, enter into an agreement with a municipality providing for the payment of a grant up to 75% of the cost accepted by the Corporation for the preparation of a detailed renewal program for any part of the territory of a municipality, undertaken on its own or on its behalf with the authorization of the Corporation.

DIVISION III

CARRYING OUT OF RENEWAL PROGRAMS

8. Any municipality that adopts, by by-law, a detailed renewal program, shall transmit to the Corporation copies of the notice of its presentation and of the said by-law at the same time when copies of the program are transmitted pursuant to section 35 of the Act ; the municipality shall also transmit to the Corporation a copy of the public notices published pursuant to section 33 of the Act.

9. Notices required by section 33 of the Act shall contain, besides what is provided for by section 34 of the Act, the following information :

(a) the mention of the adoption, by by-law, of the renewal program and the date it was adopted ;

(b) the boundaries of the territory concerned ;

(c) a summary of the main works to be carried out ;

(d) a list of any new by-law and of each modification to existing by-laws ;

(e) the place where documents which constitute the renewal program may be examined by all interested parties ;

(f) the place where interested parties may obtain one or more copies of the renewal program and also the price per copy as determined by the municipality ;

(g) the address of the Corporation's office where interested parties may forward in writing their objections to the renewal program.

10. The maximum price that a municipality may charge to an interested party for each copy of the renewal program which it has adopted shall not exceed the actual printing cost per copy of the documents constituting the renewal program, nor exceed 25 \$ per copy.

11. The Corporation may, with the approval of the Government, enter into an agreement with any municipality providing for the payment of grants up to 75% of the costs accepted by the Corporation for the carrying out of a renewal program for :

(a) the acquisition and clearance of immovables ;

(b) the installation of municipal services and works, other than public buildings ;

(c) the employment of any person in connection with the execution of works.

12. Any agreement pursuant to section 11 must provide that the municipality shall remit to the Corporation a percentage of the recoveries up to 75% of these and corresponding to the percentage of the contribution made by the Corporation when the costs recognized by the Corporation for subsidy purposes correspond to the gross total cost.

13. The recoveries mentioned in section 12 comprise any amount deriving from the sale or disposal of immovables by the municipality as well as any net revenue derived from their exploitation prior to their disposal.

DIVISION IV **GRANTS TO OWNERS OF RESIDENTIAL BUILDINGS**

14. The Corporation may, with the authorization of the Government, enter into an agreement with a municipality providing for the payment of grants, jointly by the Corporation and the municipality, to the owners of buildings affected by the renewal program for the demolition, the reconstruction and restoration of such buildings in accordance with the standards and rates established by this By-law. The amount of the Corporation's contribution shall not exceed 50% of the joint grant.

15. Any municipality that has entered into an agreement under the terms of section 14 shall inform in writing every owner of a building located in the renewal zone and for which building the program provides for demolition, reconstruction and restoration works.

16. When an agreement has been entered into under the terms of section 14, each owner of a building affected by the carrying out of a renewal program and located within a renewal zone may take advantage of this By-law and submit to the municipality a request for a grant, either for the demolition of the said building, either for the demolition of the said building and its replacement by the construction of a residential building, either for the restoration of the said building or its residential part ; such request must be made on the form supplied by the Corporation together with the following documents :

(a) a proof that the applicant is the last registered owner of the building ;

(b) an application for any permit required by municipal by-laws in force to undertake the proposed works ;

(c) a cost estimate of the works to be undertaken ;

(d) an estimate of the amount of the grant requested ;

(e) a proof of financial ability to carry out the reconstruction and restoration works.

17. Each grant to the owners for the demolition of their buildings affected by the carrying out of a renewal program is subject to the following terms :

(a) the amount of the grant must not exceed 50% of the actual cost of the demolition works nor 250 \$;

(b) the grant may be made for the demolition of any residential building or its accessory buildings which are not in compliance with the municipal by-laws in force.

18. Any grant to owners for the demolition of their buildings affected by the carrying out of a renewal program provided that such buildings are replaced by the reconstruction of new residential buildings, is subject to the following terms :

(a) the amount of the grant must not exceed one-half of the value of the building to be demolished as inscribed on the real estate valuation roll at the time the request is made, nor 1/6 of the actual value of the new residential building reconstructed as inscribed for the first time on the real estate valuation roll ;

(b) the grant may be made for the demolition of any residential building which is not in compliance with the municipal by-laws in force provided that it be replaced by a new residential building reconstructed by the owner and located within the renewal zone ;

(c) should the new residential building be reconstructed on a site other than the one where the demolished building was located, the owner shall without delay carry out a complete clearance of the former site ;

(d) the complete demolition of the residential building involved is not absolutely necessary and any portion of the foundations of the said building considered to be in a satisfactory condition for reuse in the new building may be conserved.

19. Any grant to owners for the restoration of their residential buildings affected by the carrying out of the renewal program is subject to the following terms :

(a) the amount of the subsidy granted jointly by the Corporation and a municipality shall not exceed 25% of the actual cost of restoration work ;

(b) the grant may be made for the restoration of any main building used for residential purposes and which is not in compliance with the municipal by-laws in force ;

(c) when the request for a grant applies to a building in which a mixed occupancy is permitted, only the resi-

dential part of the said building at the time of the request may be eligible for a restoration grant provided that it be occupied for the same purposes after the execution of restoration works ;

(d) the cost of restoration work shall not be less than 1 000 \$ for the first housing unit, nor less than 500 \$ for each additional housing unit in the same building, nor exceed, for purposes of computing the subsidy, 10 000 \$ for each housing unit in the same building ;

(e) the restoration works shall comprise all the works required by the municipal by-laws in force to this end and acceptable to the Corporation excluding all maintenance works required for normal wear and tear ;

(f) the subsidy granted must not result in the increase of the aggregate subsidies to the owner to an amount exceeding 100% of the real cost of the restoration work when the owner receives subsidies from other sources ; in the case of multiple housing immovables, the aggregate subsidies shall not exceed 75% of the real cost.

DIVISION V **LOANS FOR THE CARRYING OUT OF** **RENEWAL PROGRAMS**

20. The Corporation may, with the authorization of the Government, enter into an agreement with a municipality for the purpose of making a loan to the said municipality to finance in whole or in part the actual costs borne by the municipality for the works it has executed in the carrying out of a renewal program and towards which the Corporation makes a contribution pursuant to subparagraph c of the first paragraph of section 49 of the Act and in accordance with section 11 of this By-law.

21. Any loan made by the Corporation to a municipality for the carrying out of a renewal program must be guaranteed by municipal bonds issued by the municipality in the form and content approved by the Corporation.

22. The loan made by the Corporation to a municipality shall be reimbursed over a period not exceeding 15 years by semi-annual repayments as determined by the Corporation and covering both principal and interest. However, the municipal share of recoveries deriving from the sale or disposal of immovables shall be applied, upon receipt, to the reimbursement of the loan over and above the repayments mentioned in this section.

23. The loan made to a municipality may be disbursed by the Corporation through progressive advances corresponding to the cost of eligible works completed by the

municipality at the time of each advance. The last loan advance can be made by the Corporation only during the 30 day period following completion of all the works executed by the municipality and following acceptance by the Corporation of the duly detailed and certified statement indicating the actual cost of these works.

DIVISION VI SPECIAL PROVISIONS

24. When the Corporation believes it necessary to carry out a renewal program in a municipality and that this municipality has insufficient financial resources, the subsidies provided for in sections 7, 11 and 14 may rise to 100% of the costs recognized by the Corporation. However, in such a case, the agreement mentioned in section 11 must provide for the remittance of 100% of the recovery to the Corporation by this municipality, when the costs recognized by the Corporation for subsidy purposes correspond to the gross total cost.

DIVISION VII SUBSIDIES TO OWNERS OF RESIDENTIAL BUILDINGS OUTSIDE A RENEWAL ZONE

25. The Corporation may conclude, with the authorization of the Government, an agreement with a municipality undertaking to grant, jointly with the latter, subsidies to owners of residential buildings situated outside a renewal zone for the purpose of restoring such buildings in accordance with the standards of occupancy and maintenance set forth in this By-law.

The amount of the Corporation's grant shall not exceed 50% of the joint subsidy.

In addition, the Corporation may grant up to 50% of the actual cost of the administration of the restoration program, and up to 5% of the total cost of work qualifying for the joint subsidy.

26. Every municipality wishing to conclude an agreement pursuant to section 25 shall, prior thereto, submit a restoration program to the Corporation, approved by by-law and containing the following data :

(a) the description of that part of the territory of the municipality which is the object of the restoration program, indicating the relationship between the territory in question and the whole of the territory of the municipality ;

(b) the standards of occupancy and maintenance set forth for subsidy purposes in section 31 ;

(c) the minimum standards of occupancy and maintenance to be applied in the territory contemplated by the program ;

(d) an estimate of the cost for carrying out the program ;

(e) the terms and conditions for the participation of residents in the program.

Every application for the approval of a restoration program shall be accompanied by the following documentation :

(a) by-laws respecting the territory such as zoning, construction, development and homologation ;

(b) proof of the need for the proposed restoration program ;

(c) data respecting the quality of existing public services and, where applicable, those which the municipality must install or modify.

27. Every municipality which has concluded an agreement pursuant to section 25 shall give notice thereof in writing to every owner of a residential building situated inside the territory contemplated in the restoration program.

28. Where an agreement is concluded in accordance with section 25, every owner of a residential building situated inside the territory contemplated in the restoration program may, under this By-law, submit an application to the municipality requesting a subsidy for the restoration of such building or the residential part thereof, together with the following documents :

(a) proof that he is the last registered owner of the building ;

(b) a description of the work to be carried out and an estimate of the cost thereof ;

(c) an application for the permits required under the municipal by-laws for the carrying out of such work ;

(d) an estimate of the amount of the anticipated subsidy ;

(e) proof of his financial capability to carry out the restoration work.

29. Every subsidy granted an owner for the restoration of a residential building situated inside the territory contemplated in the restoration program shall be subject to the following conditions :

(a) the amount of the subsidy granted jointly by the Corporation and a municipality must not exceed 25% of the actual cost of restoration work ;

(b) the subsidy may be granted for the restoration of any building used as a place of permanent residence not conforming with the standards of occupancy and maintenance enacted by this By-law for subsidy purposes ;

(c) where the application for a subsidy is in respect of a building in which mixed occupancy is permitted, only the residential part of the building at the time of the application may be the object of a subsidy upon condition that it be occupied for the same purposes after the carrying out of the restoration work ;

(d) the cost of restoration work shall not be less than 1 000 \$ for the first housing unit, nor less than 500 \$ for each additional housing unit in the same building, nor exceed for purposes of computing the subsidy, 10 000 \$ for each housing unit in the same building ;

(e) the subsidy shall be granted only if the restoration work comprises all the work required so that the building shall comply with the standards of occupancy and maintenance set forth in this By-law ;

(f) the subsidy granted must not result in the increase of the aggregate subsidies to the owner to an amount exceeding 100% of the real cost of the restoration work when the owner receives subsidies from other sources ; in the case of multiple housing immovables, the aggregate subsidies shall not exceed 75% of the real cost.

30. The restoration subsidy shall only be granted once for any given building.

31. The standards of occupancy and maintenance that a residential building must meet, so that the owner of such building who restores it may receive a subsidy, are set forth in Schedule A.

SCHEDULE A

STANDARDS OF OCCUPANCY AND MAINTENANCE FOR SUBSIDY PURPOSES

DIVISION I DEFINITIONS

1. In this By-law the following words and expressions shall, for subsidy purposes, mean :

(a) “open space” : the unbuilt area of a construction lot ;

(b) “accessory building” : every building contiguous or separated from a residential building whose purpose is to increase the use of the main building, such as garages, carports and sheds ;

(c) “main building” : every building forming part of a residential or partly residential building which is intended, in whole or in part, for lodging purposes ;

(d) “residential building” : the complex made up of the main building used for lodging purposes and one or more accessory buildings ;

(e) “cellar” : that part of a building situated below the ground or main floor and of which more than one-half the height, measured from the floor to the ceiling, is below the average level of the contiguous ground level ;

(f) “kitchen” : a room in a dwelling intended for the preparation and consumption of meals ;

(g) “kitchenette” : a room in a dwelling intended exclusively for the preparation of meals ;

(h) “dwelling” : a room or group of rooms forming part of a residential or partly residential building and constituting an independent unit used or intended to be used as a place of lodging or residence by one or several persons ;

(i) “setback” : an open space resulting from the application of the zoning by-law, respecting rear setbacks, lateral setbacks and yards ;

(j) “occupant” : any person who occupies a dwelling or a residential property pursuant to a written or verbal agreement ;

(k) “person” : a physical or juridical person, including a company, a corporation, a syndicate, a partnership or any group or association of persons having an interest in a dwelling or residential property as proprietor, co-proprietor, mortgagee, executor or other ;

(l) “habitable room” : any room of a dwelling intended or used for the preparation and consumption of meals, as a living-room, or for sleeping ;

(m) “non-habitable room” : any other room of a dwelling such as toilets, bathrooms, laundry-rooms, cellars, furnace rooms, passageways, interior stairways and store-rooms or closets ;

(n) “basement” : that part of a building situated below the ground or main floor the clearance of which is not less than 7 feet 6 inches between the ceiling and the floor, and

the vertical clearance of which is not less than 4 feet between the level of the neighbouring floor ;

(o) "parcel of land for construction" : the site made up of one or several lots or parts of lots on which are located the main building and accessory buildings, as described in the title-deed of such property.

DIVISION II REQUIREMENTS RELATIVE TO OPEN SPACES AND OTHER MAINTENANCE

2. Use and maintenance of open spaces : Open spaces shall not be used for the storing of material or other harmful object.

Open spaces shall be kept clean, free of all harmful or poisonous plants and of garbage, rubbish and debris.

Any condition liable to cause the presence of vermin or rodents shall be removed from open spaces and, when they are infested, all measures shall be taken to destroy and prevent the re-appearance of such vermin and rodents.

3. Yards and setbacks : Yards and setbacks that are encumbered with accessory buildings and projections other than those specifically allowed under the municipal by-laws in force shall be made completely free of such encumbrances.

4. Access : Where the main building is set back from the street line, at least one pedestrian walk shall be provided to give sure, permanent and free access to such building.

DIVISION III REQUIREMENTS RELATIVE TO MAIN BUILDINGS AND THEIR MAINTENANCE

5. Buildings unfit for housing : Every main building that, because of physical defects or any other reason, constitutes a hazard to the safety or health of its occupants or of the public shall be deemed unfit for housing.

Without restricting the application of the first paragraph, every main building having one or more of the following characteristics shall be deemed unfit for housing :

(a) every building whose physical stability is not sufficient to resist the combined stresses of live loads, roof loads and wind pressures and which, for this reason or because of construction defects, constitutes a hazard to the safety of its occupants or of the public ;

(b) every building without heating or lighting facilities, drinking water supply or sanitary facilities adequate to ensure the comfort and protect the health of its occupants ;

(c) every building infested with vermin or rodents to such a degree as to constitute a menace to the health of its occupants ;

(d) every building whose state of deterioration or uncleanness constitutes a constant menace to the health and safety of its occupants ;

(e) every building that is left in an apparent state of abandonment.

Every main building deemed unfit for housing shall be considered not in compliance with these standards of occupancy and maintenance and subject to each such standard for subsidy purposes.

6. General requirements : All constituent parts of a main building shall have sufficient physical stability to resist the stresses to which they are subjected, and be repaired or replaced whenever necessary in order to avoid creating or causing any danger or accident.

7. Special requirements : Without restricting the application of section 6, the special requirements of paragraphs *a* to *j* shall apply to :

(a) **exterior walls :** All brick or stone facing or veneer as well as all stucco and wooden facing or facing of any other material shall be kept in good condition, and be repaired or replaced whenever necessary in order to prevent, as much as possible, any infiltration of air or water. Masonry-work joints shall be reasonably water-tight and restored whenever necessary.

All brick or exterior facing shall be cleaned at regular intervals and repainted so as to be kept clean ;

(b) **foundation walls :** Foundations walls shall always be kept in good condition so as to prevent the access of vermin or rodents.

All parts of the foundation walls which are in contact with the ground shall be treated so as to prevent the infiltration of water in cellars and basements.

The portions of foundation walls which are visible from the outside must be kept in such condition as to give them a clean appearance ;

(c) **roofs :** All constituent parts of roofs including metal works, gutters and rainwater drains shall be kept in good condition, and be repaired or replaced when necessary in order to ensure the perfect water-tightness of roofs

and prevent any infiltration of water inside of the buildings. Eaves shall be kept in good condition, be repaired whenever necessary, and be painted at regular intervals so as to maintain their clean appearance ;

(d) **cellars** : Cellars shall be ventilated by means of openable windows or other openings in exterior walls.

Openings shall be arranged so as to ensure the renewal of air, and shall be equipped with metal screens in order to prevent the access of vermin or rodents ;

(e) **exterior doors and windows** : Exterior doors and windows shall be maintained so as to prevent the infiltration of air, rain or snow.

Window and door frames shall be caulked where necessary, and all their moveable parts shall function normally and easily.

Doors and windows as well as their frames and casings shall be restored to good working condition or replaced whenever they are damaged or defective, and be painted at regular intervals in order to protect them and maintain a neat and tidy appearance. All broken glass shall be replaced.

At least one entrance door in each lodging shall be equipped with a device permitting it to be locked both from the inside and the outside ;

(f) **balconies, galleries, catwalks, stairways** : Balconies, galleries, catwalks, exterior or interior stairways, and generally all structures projecting from a main building shall be kept in good condition, be repaired or replaced when necessary, and be properly maintained at regular intervals so as to retain a neat appearance.

All balconies, galleries, catwalks, and exterior stairways shall be provided, on all open sides, with solid handrails or guardrails except in the following cases :

- i. where the difference in level between the bottom and the top of the stairway is less than 3 feet ;
- ii. where the difference in level between the balcony, gallery, catwalk and the ground or floor is less than 2 feet.

All interior stairways, open on 1 or 2 sides, shall be provided with guardrails and handrails. When an interior stairway leading from one floor to another is enclosed on both sides by walls, it shall be provided with a handrail on at least one side ;

(g) **walls and ceilings** : Walls and ceilings shall be kept in good repair and be free of holes, cracks or other hazardous defect.

Coatings or other material that has started crumbling or is in danger of falling shall be repaired or replaced whenever necessary ;

(h) **floors** : Floors shall be kept in good repair and shall not contain any badly joined, twisted, broken, rotted, or other boards which may constitute possible accident hazards. Any defective part shall be repaired or replaced whenever necessary.

The surface of floors shall be reasonably smooth and easy to clean.

Toilet, shower and bathroom floors shall be kept in good repair, be waterproof and protected against humidity ;

(i) **fireplaces, chimneys and furnace rooms** : Fireplaces and chimneys as well as smoke pipes shall, at all times, be kept in perfect working order so as to prevent any fire hazard and infiltration of combustion gases in buildings ;

(j) **vent and light shafts** : Vent and light shafts shall be kept in good repair, be clean and kept free of any obstruction.

Moveable parts of all openings in shafts shall function normally.

8. Basic equipment : All plumbing fixtures, water pipes, private drains, heating systems, water heaters, electric circuits and generally all existing basic equipment shall be maintained in good working order.

All necessary repairs shall be made thereto and such equipment shall be replaced whenever necessary in order to provide for the comfort and health of the occupants and protect them against fire or other hazard of any nature whatsoever.

9. Garbage, rubbish and ashes : A main building shall be provided with one or several receptacles, as the case may be, to contain garbage, rubbish and ashes.

Such receptacles shall be placed so as not to be visible from the public thoroughfare. Receptacles shall be :

- (a) made of metal, if they are used for ashes ;
- (b) made of metal or plastic material if used for garbage or other rubbish ;
- (c) resistant to humidity ;

(d) equipped with a tight fitting cover.

However, waterproof containers such as polythene bags may be used for garbage or other rubbish.

Garbage, rubbish and ashes shall not be permitted to accumulate, nor shall they be left in the main or service stairways and shall be disposed of on collection days.

10. Vermin and rodents : All conditions liable to bring about the existence or presence of vermin or rodents shall be eliminated from every main building and where the latter is infested, all necessary measures shall be taken to destroy such vermin or rodents and prevent their reappearance.

DIVISION IV REQUIREMENTS RELATIVE TO ACCESSORY BUILDINGS AND THEIR MAINTENANCE

11. General requirements : To comply with the requirements of the by-laws in force, accessory buildings :

(a) whose physical stability is not sufficient to resist the combined stresses of live loads, roof loads and wind pressure ; or

(b) which constitute, in any manner whatsoever, a hazard to persons or property ;

shall, as the case may be, be altered, repaired or demolished.

12. Maintenance of accessory buildings : Without restricting the application of section 11, all accessory buildings shall be kept in good condition, be repaired whenever necessary and be given a coat of paint at regular intervals so as to maintain their neat and tidy appearance.

Any condition liable to bring about the existence or presence of vermin or rodents shall be eliminated from accessory buildings and, where the latter are infested, all necessary measures shall be taken to destroy such vermin or rodents and prevent their reappearance.

DIVISION V REQUIREMENTS RELATIVE TO DWELLINGS AND THEIR MAINTENANCE

13. Dwellings unfit for housing : Every dwelling which constitutes a menace to the safety and health of its occupants because of physical defects or for any other reason, shall be deemed unfit for housing.

Without restricting the application of the first paragraph, every dwelling having one or the other of the following characteristics shall be deemed unfit for housing :

(a) a dwelling which constitutes a menace to the safety of its occupants because of a lack of exits or physical stability ;

(b) a dwelling without heating or lighting installations, drinking water supply or sanitary facilities adequate to ensure the comfort and protect the health of its occupants ;

(c) a dwelling infested with vermin or rodents ;

(d) a dwelling which is in such a state of deterioration or uncleanness as to constitute a constant menace to the health and safety of its occupants ;

(e) a dwelling located in a cellar or accessory building ;

(f) a dwelling overcrowded to a point where it does not meet the minimum health and comfort standards required for its occupants.

Every dwelling deemed unfit for housing shall be considered not in compliance with these standards of occupancy and maintenance and subject to each such standard for subsidy purposes.

14. Make-up of dwellings :

(1) Every apartment dwelling must include at least :

(a) a kitchen or kitchenette and an additional space intended for the consumption of meals ;

(b) a bedroom ;

(c) a parlor or living-room ;

(d) a bathroom with toilet.

A parlor or living-room may also be used as a bedroom provided that it may be isolated from other rooms in the dwelling and is properly lighted and ventilated in accordance with the requirements of these standards.

(2) Every dwelling or apartment shall be lighted and ventilated in accordance with these standards.

15. Maintenance of dwellings : All dwellings shall be kept in good order and, where necessary, all repairs shall be made so as to keep them in good condition.

All dwellings shall be cleaned periodically and, whenever necessary, a coat of paint or some other surface finish shall be applied to each room in order to maintain its neat and tidy appearance.

16. Height of habitable rooms : The minimum height of every habitable room measured from the floor to the ceiling shall not be less than 7 feet 6 inches.

17. Area of habitable room :

(1) **Calculation of area :** For purposes of determining the total floor area of the habitable rooms, the floor area of each room shall be measured from the inside of the walls and partitions circumscribing them. In the case of a habitable room located in an attic, any part of the floor whose clearance is less than 4 feet 6 inches shall not be included in the calculation of the area.

(2) **Minimum area standards :** The total floor area of the habitable rooms in a dwelling shall not be less than 90 square feet for each person residing therein.

The area of the habitable room of a one-room dwelling shall not be less than 70 square feet for one person and 90 square feet for 2 persons.

(3) **Occupancy standards :** In addition, in the calculation of overcrowding in a dwelling, the physical occupancy of the dwelling and the distribution of occupants shall be taken into consideration.

The following shall be considered minimum requirements :

- (a) father and mother : 1 room ;
- (b) children from 0 to 4 years of age : where there is only one, he may share the parents' room ; where there are 2 or more, 1 room shall be provided for each group of 2 ;
- (c) children under 6 years of age : 2 per room without regard to sex ;
- (d) boys 6 years of age or over : 2 per room ;
- (e) girls 6 years of age or over : 2 per room ;
- (f) other parents or relations : 2 per room and subject to the same rules as children with respect to age and sex.

18. Lighting and ventilation of habitable rooms, with the exception of kitchenettes : Every habitable room shall be directly lighted and ventilated from a street, lane or open space by means of one or several windows.

Such room shall, at all times, be equipped with adequate artificial lighting.

However, such room may be :

(a) lighted and ventilated indirectly by means of windows in an adjoining room, provided that the surface of the partition or wall separating it from the adjoining room be open to the extent of at least 50%, and that the window opening have an area of at least 10% of the total area of all rooms ;

(b) lighted and ventilated by means of skylights, provided that only one room per dwelling be lighted in this manner and that the height of the shaft be not more than 6 feet.

Every room of a dwelling that is not lighted and ventilated in accordance with this section shall be considered a non-habitable room.

19. Lighting and ventilation of non-habitable rooms and kitchenettes : Every non-habitable room kitchenette shall, at all times, be equipped with adequate artificial lighting.

Every toilet, bathroom and kitchenette not ventilated by natural means shall be ventilated by a mechanical system in good repair.

20. Exits : Every dwelling not situated on the ground floor shall be provided with 2 separate exits. Exits shall be unobstructed ways leading directly to a street or lane, or an open space leading to a street or lane. Such exits shall be at least 20 feet away from each other, located in different walls, different rooms or at least 30 feet away from each other in the same wall.

21. Basic equipment : Every apartment dwelling or house shall be supplied with drinking water, provided with a plumbing system and equipped with adequate heating and lighting appliances.

Every one-room dwelling shall be equipped with heating and lighting appliances, provided by means of an adequate firing system and sanitary machinery.

22. Heating : Every dwelling shall be heated through a central heating system, or by means of a separate appliance either of which shall be capable of maintaining a temperature of at least 68°F in each habitable room and in bathrooms and toilets, when the temperature outside drops to 20°F below zero.

Every heating appliance other than an electrical appliance shall be connected to a chimney or flue in accordance with the requirements of the by-laws in force, and shall provide ventilation openings adequate for the proper functioning of the appliance.

No appliance for heating by combustion shall be installed in a room intended for night occupancy.

23. Kitchen sink : Every dwelling in which meals are prepared shall be equipped with a kitchen sink with hot and cold water directly connected to the plumbing system. All water must be drinking water.

24. Toilets, wash-basins, showers or bathtubs : Toilet rooms and bathrooms shall be an integral part of the dwelling and separate from other rooms.

In the case of one-room dwellings sharing the use of toilet rooms and bathrooms, the number of toilets required shall be equal to or greater than that established as follows : one toilet room and bathroom for every 5 persons sharing such facilities.

25. Kitchens or kitchenettes : Every kitchen or kitchenettes shall be equipped with :

(a) a low cupboard with a working surface of not less than $5\frac{1}{2}$ linear feet, including the sink ;

(b) a shelf surface of not less than $15\frac{1}{2}$ square feet, situated not more than $6\frac{1}{2}$ feet above the floor and containing not more than 10 square feet in shelves 11 inches in depth, with a minimum spacing of not less than $9\frac{1}{2}$ inches.

For calculation purposes, the maximum depth of shelves shall be 11 inches ;

(c) in the case of a one-room dwelling, the length of the working surface may be reduced to $3\frac{1}{2}$ feet, and the shelf surface to 11 square feet of which 7 square feet must contain not less than 11 inches in depth with a minimum spacing of not less than $9\frac{1}{2}$ inches.

26. Bedrooms and one-room dwellings : Every habitable room intended for night occupancy shall be provided with a wardrobe of a minimum floor area of 4 square feet where such room is occupied by only one person, and of an area of 3 square feet per person where occupied by more than one person.

O.C. 3181-67, (1967) 99 O.G., 6953
 O.C. 446-70, (1970) 102 O.G., 1450
 O.C. 3765-72, (1972) 104 O.G., 11690
 O.C. 3685-74, (1974) 106 O.G.II, 4519
 O.C. 5383-75, (1975) 107 O.G.II, 6307
 O.C. 5384-75, (1975) 107 O.G.II, 6309
 O.C. 257-76, (1976) 108 O.G.II, 1413



c. S-9, r.1

**Règlement sur les emprunts bancaires de
la Société de cartographie du Québec**

An Act respecting the Société de cartographie du
Québec

(R.S.Q., c. S-9)

See French Edition



c. S-9, r.2

**Règlement de régie interne de la Société
de cartographie du Québec**

An Act respecting the Société de cartographie du
Québec

(R.S.Q., c. S-9)

See French Edition



c. S-9, r.3

**Règlement sur le régime de retraite des
employés cadres de la Société de
cartographie du Québec**

An Act respecting the Société de cartographie du
Québec

(R.S.Q., c. S-9, s. 14, subpar. *d*)

See French Edition



c. S-11, r.1

Regulation of the Société de développement immobilier du Québec

An Act respecting the Société de développement immobilier du Québec
(R.S.Q., c. S-11, s. 11)

DIVISION I DEFINITIONS

1. In this Regulation the following expressions mean :

(a) “Act” : the Act respecting the Société de développement immobilier du Québec (R.S.Q., c. S-11) ;

(b) “Corporation” : the Société de développement immobilier du Québec constituted by the Act ;

(c) “members” or “members of the Corporation” : the members of the Corporation who are appointed by the Government in accordance with the Act ;

(d) “clear day” : every working day other than that on which a notice is forwarded and a meeting of the council is held ;

(e) “working day” : every day other than a Saturday, Sunday or holiday.

DIVISION II CORPORATE SEAT

2. The corporate seat of the Corporation is at 75 Dorchester Boulevard West, in the city of Montréal.

DIVISION III THE SEAL

3. The seal whose impression appears hereinabove shall be the seal of the Corporation.

DIVISION IV MEMBERS

4. The members shall meet as often as the interests of the Corporation so require, at the corporate seat or at any other place in Québec fixed by the convocation.

5. Meetings shall be called by the president or, in his absence, by the vice-president.

6. The president must call a meeting of the members upon a written request made by 2 members. If the president does not accede to their request within 2 clear days of receipt of such request, the signatories may themselves call the meeting.

7. Every convocation must be made in writing, at least 3 clear days prior to the holding of the meeting and must be addressed to the members and assistant members of the council, at their last known address. Notwithstanding the provisions beforementioned, the president or vice-president may, in cases of emergency, call a meeting of the members either by telephone or telegram. The period for convocation shall then be one clear day only.

8. The formalities of convocation and the holding of meetings may be dispensed with if all members agree thereto in writing.

9. A meeting of the members shall be chaired by the president, or in his absence, by the vice-president.

10. At least 2 members must be present in order that the deliberations be valid.

11. The decisions of the members shall be taken by a majority vote of the members present ; in case of a tie-vote, the chairman of the meeting shall have the casting-vote.

12. The members may, in all things, manage and administer the business of the Corporation and may make or cause to be made on behalf of the Corporation all manner of contracts which the Act authorizes the Corporation to become party to. The members may, in general, exercise all the authority and powers, performs all acts, and do whatever the Corporation is authorized to do or carry out under the Act, subject to the approval of the Government where so required by the Act.

The members may also, in every other respect, conduct the business of the Corporation in cases where it is not otherwise provided for by the Act or by this Regulation.

DIVISION V OFFICERS OF THE CORPORATION

13. The officers of the Corporation are the president and the general manager, a vice-president, the secretary, the treasurer, the assistant secretary, the assistant treasurer and at the most, 3 delegated officers who could, from time to time, be appointed by the members.

14. The president and general manager is appointed and designated by the Government.

He is responsible for the administration of the Corporation within the scope of this Regulation and for such purpose he establishes the rules of internal management for the general conduct of the business of the Corporation.

He exercises the powers conferred upon him by this Regulation together with the supervision and general control of the business of the Corporation.

He presides over all the meetings of the members of the Corporation and he exercises all other powers and authority and performs all other duties which may be prescribed from time to time by the members of the Corporation.

15. The vice-president is chosen by resolution of the members of the Corporation from among the other 2 members appointed by the Government.

He exercises the powers and authority and performs the duties which may be prescribed from time to time by the members of the Corporation or the president.

16. The secretary is chosen by resolution of the members of the Corporation from among the other 2 members appointed by the Government. He gives the notice of convocation of the members of the Corporation. He must draft and keep the minutes of all meetings of the members and all the records which the members may order to be kept of entrust to him. He is responsible for keeping the seal of the Corporation. He must perform all other duties relating to his functions and those which the members or the president may assign him.

17. The treasurer is appointed by resolution of the members of the Corporation. Subject to the Act, the treasurer has general charge of the finances of the Corporation. He must deposit the moneys and other securities of the Corporation in its name and to its account in the bank or other deposit institution which the members may designate from time to time; he must, each time he is so required, give an accounting to the president and to the members on the financial situation of the Corporation and of all his transactions as treasurer; as soon as possible following the closing of the fiscal year, he must prepare and submit to the president and the members an identical account for such fiscal year. He has the charge and keeping of the books of account and is responsible for their keeping. He is subject to the control of the president and exercises all other powers and authority and performs all duties which the members or the president may prescribe from time to time.

18. The assistant secretary and the assistant treasurer are appointed by resolution of the members of the Corporation.

The assistant secretary may perform every function of the secretary which the members or the secretary may assign him.

The assistant treasurer may perform every function of the treasurer which the members or the treasurer may assign him.

19. The delegated officers are appointed by resolution of the members of the Corporation.

They carry out the functions of delegate and representative of the Corporation on the board of directors of any society, corporation, body or the like in which the Corporation holds shares.

20. The members may, by the affirmative vote of the majority of a meeting of the members, discharge from his functions at any time any officer who is not a member of the Corporation, with or without cause.

21. Every vacancy occurring in the post of officer of the Corporation not held by a member of the Corporation may be filled by the members of the Corporation.

22. The officers who are not delegated officers may be convened to the meetings of the members; at these meetings, they may take part in the deliberations but are not entitled to vote; the delegated officers may be convened and so they may take part in the deliberations but shall not be entitled to vote.

23. In addition to the duties mentioned in the Regulation, the officers must perform the duties which the members prescribed. The same person may fill only one function.

DIVISION VI

DELEGATION OF POWERS AND REPRESENTATION OF THE CORPORATION FOR CERTAIN PURPOSES

24. The members shall designate the persons who are authorized to act and to sign any deed or document in the name of the Corporation. The members shall also fix the conditions attaching to the mandate of such persons.

25. The president, vice-president, secretary or any one of them, or any other officer, functionary or person authorized thereto by the members is authorized and empowered to respond to, in the name of the Corporation, any writ, order and examination upon articulated facts issued

by any court, to respond in the name of the Corporation, to any seizure by garnishment, and to make a declaration, in the name of the Corporation, with respect to any seizure by garnishment in which the Corporation is garnishee, to make any affidavit or sworn declaration respecting such seizure by garnishment or respecting any proceeding to which the Corporation is party, to make applications for the assignment of property or petitions for orders of liquidation or sequestration against any debtor of the Corporation, as well as to be present and to vote at any meeting of the creditors or debtors of the Corporation, and to grant proxies for such proceedings.

26. The president, vice-president, secretary or any one of them, or any other officer or person authorized thereto by the members, shall represent the Corporation, attend and vote at any meeting of shareholders or members of any firm, company, corporation or syndicate in which the Corporation holds shares or is otherwise interested, and any act done and/or any vote by them or by one of them at such meetings shall be deemed to be the act or vote of the Corporation.

Two of the following persons, the president, vice-president and secretary, shall have, moreover, the power to authorize any person (whether or not he is an officer or functionary of the Corporation) to attend, vote and otherwise act at any meeting of the shareholders or members of any firm, company, corporation or syndicate in which the Corporation holds shares or is otherwise interested, and for such purpose, shall be authorized to execute and issue, from time to time, for and in the name of the Corporation, a proxy in the form and in accordance with the terms which such officers or functionaries deem appropriate, including, but without restricting in any way the generality of the foregoing, the clauses for the appointment of an alternate attorney and the revocation of any proxy previously given by the Corporation in respect of any such meeting.

O.C. 2103-71, (1974) 106 O.G.II, 4569

O.C. 230-73, (1974) 106 O.G.II, 4575

O.C. 1022-76, (1976) 108 O.G.II, 2531



c. S-11.1, r.1

**Règlement sur l'avancement à la classe I
des corps d'emplois professionnels régis
par la convention collective entre le
Syndicat général des employés de Radio-
Québec et Radio-Québec**

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-11.1, r.2

**Règlement sur l'avancement à la classe I
des corps d'emplois professionnels régis
par le Règlement sur le personnel non
syndiqué de Radio-Québec**

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-11.1, r.3

**Règlement sur la délimitation des régions
et la constitution des comités régionaux
de Radio-Québec**

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-11.1, r.4

Règlement sur l'exercice général des pouvoirs de Radio-Québec

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-11.1, r.5

**Règlement sur les frais encourus dans
l'intérêt de Radio-Québec**

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-11.1, r.6

Regulation respecting personnel management of Radio-Québec

An Act respecting the Société de radio-télévision du Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after consolidation : R.S.Q., c. S-11.1)

DIVISION I DEFINITIONS

1. In this Regulation "employee" means every physical person who is employed by the Société de radio-télévision du Québec (Corporation) on a regular basis, who occupies a position included in the staff requirements, who earns a salary fixed according to the wage schedules and whose working conditions do not result, subject to the provisions of a collective labour agreement in force, from the signing of an individual contract with the Corporation.

DIVISION II STAFF REQUIREMENTS

2. The staff requirements of the Corporation shall include :

- (a) the regular staff ;
- (b) the ancillary staff ;
- (c) the supplementary staff.

3. The regular staff shall be limited to the number of permanent positions provided for in the list of positions in force for the current fiscal year. This list shall be revised annually according to personnel requirements and drawn up at the time of adoption of the budget.

4. The ancillary staff shall be limited to the number of permanent positions created during the fiscal year. None of these positions may be created unless the board approves the validity thereof and unless the Corporation has sufficient budgetary assets.

5. The supplementary staff shall be limited to the number of casual positions created to answer a pressing or special need. None of these positions may be created unless the president and general manager approves the validity thereof and the Corporation has the sufficient budgetary assets.

DIVISION III STATUS OF EMPLOYEES

6. Every employee shall belong to one of the 4 following classes :

- (a) probationary employees ;
- (b) permanent employees ;
- (c) temporary employees ;
- (d) casual employees.

7. A probationary employee is one who is employed by the Corporation to fill a permanent position provided for in the staff requirements and who has not completed his probationary period. A probationary employee shall not have security of employment and the Corporation may dismiss him at its discretion.

8. A permanent employee is one who has satisfactorily completed his probationary period and who has been officially notified thereof in writing.

9. A temporary employee is one who is employed by the Corporation to replace an absent employee. He shall not have security of employment and the Corporation may dismiss him at its discretion.

10. A casual employee is one who is employed by the Corporation to answer a pressing or special need. He shall not have security of employment and the Corporation may dismiss him at its discretion.

11. In the case of employees not covered by a collective labour agreement for reasons other than those prescribed in subparagraphs 1 and 2 of paragraph 1 of section 1 of the Labour Code (R.S.Q., c. C-27), the duration of the probationary period shall be the same as that prescribed in the collective labour agreements to which he would be subject if he were not excluded therefrom.

In the case of management personnel, the duration of the probationary period shall be 6 months with possibility of renewal.

12. Employees who have become permanent employees before 25 September 1974 shall retain this title with all the rights and benefits relating thereto.

DIVISION IV HIRING OF PERSONNEL

13. Hiring in the capacity of probationary or permanent employee shall be made in accordance with the staff requirements and budgetary estimates.

14. The Corporation shall favour the promotion of its employees over the hiring of candidates from outside the Corporation provided that this is not done to the prejudice of professional competence.

15. Every appointment to the office of manager shall be submitted to the approval of the board.

All appointments to offices other than those of manager must be made known to the board on a quarterly basis.

DIVISION V PROMOTION OF PERSONNEL

16. An employee shall be promoted in accordance with the staff requirements and budgetary estimates.

DIVISION VI GENERAL STANDARDS GOVERNING WORK

17. The employee shall carry out the work inherent to the duties for which he is responsible. He shall act under the authority of an immediate superior designated by the Corporation.

18. The employee shall perform his duties at the place of work made available to him and at the time determined by work schedules of the Corporation, except where the Corporation prescribes otherwise. He shall leave or stop his work, outside the hours fixed, only when so authorized. He shall account to the branch of the Corporation upon request, for his timetable.

19. The employee who, by force majeure, cannot report to work at the place and time fixed must, unless he is unable to do so, notify his immediate superior or cause his immediate superior to be notified thereof within the prescribed time, normally prior to the time fixed for the beginning of his regular day.

20. The employee, except under a particular agreement, shall bind himself to furnish only his personal work and activity. Every contribution of physical property which has not been explicitly agreed to shall be the result of his own action and shall not bind in any way the Corporation's liability with respect to the possession and ownership of such property and with respect to its loss, deterioration or damage which may result from the keeping, use or utilization thereof.

ration or damage which may result from the keeping, use or utilization thereof.

21. The employee shall have the custody of the physical property made available to him by the Corporation and he shall be answerable therefor except for cases of normal wear or force majeure. The Corporation may, at all times, require the signing of a written document by which the employee establishes the condition of a physical property made available to him.

22. The employee shall protect secrecy in all matters in which the Corporation is involved.

23. The employee shall refrain from all personal activity which turns out to be in competition with those of the Corporation, which involves the Corporation's reputation or which impedes in any way with the performance of his services to the Corporation.

24. The employee shall not own, by himself or through an intermediary, in a firm which has business relationships with the Corporation, any interest of a nature to compromise his independence. He must not accept any gift or other advantage on the part of persons in business relationships with the Corporation.

DIVISION VII DISCIPLINARY MEASURES

25. The employee who is guilty of an offence against the regulations of the Corporation shall be liable to disciplinary measures whose extent shall vary according to the seriousness or repetition of the offence. Such disciplinary measures shall consist of :

- (a) verbal reprimand ;
- (b) written reprimand ;
- (c) suspension without salary ;
- (d) dismissal.

26. Every offence against the regulations of the Corporation shall be answerable to, in first instance, the immediate superior who shall compile all pertinent information and make sure to obtain explanations from the contemplated employee.

27. No penalty must be decided upon unless in first instance, the employee was given the opportunity to be heard or, except in the case of a verbal reprimand, to have the person of his choice heard on his behalf.

28. The board shall render a decision in all cases referred to it by the president and general manager and it

alone shall have the power to decide upon, on behalf of the Corporation, the dismissal of an employee. Every decision rendered by the board shall be communicated to the employee in writing under the signature of the president and general manager or in his name.

DIVISION VIII WAGE SCHEDULES

29. Employees of the Corporation shall be remunerated in accordance with the wage schedules established by the board and approved by the Government upon the recommendation of the Minister of Communications.

DIVISION IX FURTHER ACTIVITIES

30. Upon the request of the manager concerned and upon the approval of the president and general manager, an employee may exceptionally carry out within the Corporation a further activity different from those for which the Corporation normally retains his services. The employee contemplated may then receive an additional remuneration for such further activity, the proportion of which :

(a) must not be established at more than what the Corporation would normally pay a person from outside to carry out such activity, in the case where the employee contemplated carries out the activity in addition to his regular work ;

(b) must not be established at more than the difference, if any, between the regular wage rate of the employee contemplated and the remuneration rate which the Corporation would normally pay to a person from outside to carry out such activity, in the case where the employee contemplated carries out the activity in lieu of his regular work.

O.C. 3396-74, (1974) 106 O.G.II, 4271, 4280
O.C. 426-75, (1975) 107 O.G.II, 829



c. S-11.1, r.7

Regulation respecting financial management of Radio-Québec

An Act respecting the Société de radio-télévision du Québec
(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after consolidation : R.S.Q., c. S-11.1)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates a different meaning, the following terms mean :

(a) “acquisition of immovable” : the acquisition of an immovable by purchase, expropriation or otherwise ;

(b) “lease” : a contract under which the Société de radio-télévision de Québec (Corporation) acquires the right of enjoying or occupying an immovable for a certain length of time for a rental or price but without a transfer of ownership ;

(c) “purchase contract” : a contract for the purchase of equipment, goods, articles, foodstuffs, merchandise, materials or supplies by the Corporation including a printing or reproduction contract and a subscription contract but excluding purchases made under a construction contract ;

(d) “transfer contract” : a contract under which the Corporation transfers, gratuitously or for a consideration, any part of its moveable or immovable property other than in the normal course of its activities as producer or broadcaster or in the case of recovery of property by the vendor within the framework of a purchase contract ;

(e) “construction contract” : a contract for the construction, repair or demolition of an immovable, for the providing of a prefabricated structure, for drainage works or the leasing of equipment to be used for the carrying out of construction work ;

(f) “service contract” : a contract for the providing of moveable property or the performance of services of any nature whatsoever including an advertising contract and a copyright purchase contract but excluding services provided under a construction contract.

DIVISION II ACQUISITION OF IMMOVEABLES

2. Any acquisition of an immovable by mutual agreement must receive the prior authorization of :

(a) the board, if the total price does not exceed 1 000 000 \$;

(b) the Government, upon the recommendation of the board and the Minister, if the total price exceeds 1 000 000 \$.

3. Every plan to acquire an immovable by expropriation must be sent to the Minister by the board for submission to the prior authorization of the National Assembly.

DIVISION III LEASES

4. Every original lease or renewal of a lease must receive the prior authorization of :

(a) the president and general manager or one of the employees designated for such purpose by the board, if the total rental does not exceed 50 000 \$ and if the duration of the lease does not exceed 3 years, except in the case of a lease providing for the main lodging of an employee of the Corporation ;

(b) the board, if the total rental exceeds 50 000 \$ without exceeding 1 000 000 \$ or if the duration of the lease exceeds 3 years and the total rental does not exceed 50 000 \$ or in the case of a lease providing for the main lodging of an employee of the Corporation ;

(c) the Government, upon the recommendation of the board and the Minister, if the total rental exceeds 1 000 000 \$.

DIVISION IV PURCHASE CONTRACTS

5. Every purchase contract must receive the prior authorization of :

(a) the president and general manager or one of the employees designated for such purpose by the board, if the total price does not exceed 50 000 \$;

(b) the board, if the total price exceeds 50 000 \$ without exceeding 1 000 000 \$;

(c) the Government, upon the recommendation of the board and the Minister, if the total price exceeds 1 000 000 \$.

6. No purchase contract whose estimated value exceeds 1 000 \$ may be concluded unless tenders have been called for, except :

(a) where it would not be in the public interest or in the Corporation's interest as a public service to call for tenders ;

(b) in emergencies where the safety of individuals, safeguarding of property or continuity in production, broadcasting or distribution of programmes are in question ;

(c) where only one supplier or one manufacturer is likely to meet the required specifications, in particular with respect to electric, electronic, electromagnetic, electromechanical or optical equipment, recording or videotapes, photographic or cinematographic films as well as spare parts ;

(d) where it is preferable that the source of supply be located close to the place of utilization and only one supplier or one manufacturer is thus available.

7. All calls for tenders for the purpose of concluding a purchase contract shall be made by invitation where :

(a) the estimated value does not exceed 50 000 \$;

(b) the estimated value exceeds 50 000 \$ but it would not be in the public interest or in the Corporation's interest as a public service to call for public tenders ;

(c) the estimated value exceeds 50 000 \$ but it would be detrimental to the production, broadcasting or distribution of programmes to call for public tenders ;

(d) the estimated value exceeds 50 000 \$ but it would be detrimental to the acquisition, installation, operation, maintenance or repair of production or broadcasting equipment to call for public tenders ;

(e) the estimated value exceeds 50 000 \$ but it is possible to obtain a fair price by restricting the call to Québec suppliers and manufacturers.

In all other cases, every call for tenders for the purpose of concluding a purchase contract must be made by a call for public tenders.

8. The president and general manager or one of the employees designated for such purpose by the board shall be responsible for assessing the cases contemplated in paragraphs *a, b, c and d* of section 6 as well as in paragraphs *a, b, c, d and e* of section 7.

9. Every purchase contract made following a call for tenders must be awarded to the supplier or manufacturer who submits the lowest conformable tender unless :

(a) it is advisable to weight the prices in relation to the Québec content or, in default thereof, the Canadian content of the property offered, in accordance with the methods recognized by the Government ;

(b) the board of directors decides otherwise for reasons of public interest or the Corporation's interest as a public service.

10. Every increase in the price of a purchase contract already concluded must receive the prior authorization of :

(a) the president and general manager, where the price thus increased does not exceed 50 000 \$ and the rate of increase does not exceed 15% of the price originally agreed upon ;

(b) the board of directors, where the price thus increased does not exceed 1 000 000 \$ but exceeds 50 000 \$ or the rate of increase exceeds 15% of the price originally agreed upon ;

(c) the Government, where the price thus increased exceeds 1 000 000 \$.

DIVISION V TRANSFER CONTRACTS

11. Every transfer contract must receive the prior authorization of :

(a) the president and general manager or one of the employees designated for such purpose by the board, if the total depreciated value of the property to be transferred does not exceed 50 000 \$;

(b) the board, if the total depreciated value of the property to be transferred exceeds 50 000 \$ without exceeding 1 000 000 \$;

(c) the Government, upon the recommendation of the board and the Minister, if the total depreciated value of the property to be transferred exceeds 1 000 000 \$.

12. No transfer contract involving property whose total depreciated value exceeds 5 000 \$ may be made unless tenders have been called for, except :

(a) where it is not in the public interest or the Corporation's interest as a public service to call for tenders ;

(b) in emergencies where the safety of individuals, safeguarding of property or continuity in production, broadcasting or distribution of programmes are in question.

13. All calls for tenders for the purpose of concluding a transfer contract shall be made by invitation, where :

(a) the total depreciated value does not exceed 50 000 \$;

(b) the total depreciated value exceeds 50 000 \$ but it would not be in the public interest or the Corporation's interest as a public service to call for public tenders ;

(c) the total depreciated value exceeds 50 000 \$ but it would be detrimental to the acquisition, installation, operation, maintenance or repair of production or broadcasting equipment to call for public tenders ;

(d) the total depreciated value exceeds 50 000 \$ but it is possible to obtain a fair price by restricting the call to prospective Québec buyers.

In all other cases, every call for tenders for the purpose of concluding a transfer contract must be made by public tenders.

14. The president and general manager or one of the employees designated for such purpose by the board shall be responsible for assessing the cases contemplated in paragraphs *a* and *b* of section 12 as well as paragraphs *a*, *b*, *c* and *d* of section 13.

15. Every transfer contract made following a call for tenders must be awarded to the prospective buyer who submits the highest conformable tender, unless the board of directors decides otherwise for reasons of public interest or the Corporation's interest as a public service.

DIVISION VI CONSTRUCTION CONTRACTS

16. Every construction contract must receive the prior authorization of :

(a) the president and general manager or one of the employees designated for such purpose by the board, if the total price does not exceed 50 000 \$;

(b) the board, if the total price exceeds 50 000 \$ without exceeding 1 000 000 \$;

(c) the Government, upon the recommendation of the board and the Minister, if the total price exceeds 1 000 000 \$.

17. No construction contract whose estimated value exceeds 5 000 \$ may be made unless tenders have been called for, except :

(a) where it would not be in the public interest or the Corporation's interest as a public service to call for tenders ;

(b) in emergencies where the safety of individuals, safeguarding of property or continuity in production, broadcasting or distribution of programmes are in question ;

(c) only one contractor likely apt to meet the required specifications.

18. All calls for tenders for the purpose of concluding a construction contract shall be made by invitation where :

(a) the estimated value does not exceed 50 000 \$;

(b) the estimated value exceeds 50 000 \$ but it would not be in the public interest or the Corporation's interest as a public service to call for public tenders ;

(c) the estimated value exceeds 50 000 \$ but it would be detrimental to the production, broadcasting or distribution of programmes to call for public tenders ;

(d) the estimated value exceeds 50 000 \$ but it would be detrimental to the acquisition, installation, operation, maintenance or repair of production or broadcasting equipment to call for public tenders ;

(e) the estimated value exceeds 50 000 \$ but it is possible to obtain a fair price by restricting the call to contractors having their principal place of business in Québec.

In all other cases, every call for tenders for the purpose of concluding a construction contract must be made by public tenders.

19. The president and general manager or one of the employees designated for such purpose by the board shall be responsible for assessing the cases contemplated in paragraphs *a*, *b* and *c* of section 17 as well as in paragraphs *a*, *b*, *c*, *d* and *e* of section 18.

20. Every construction contract made following a call for tenders must be awarded to the contractor who submits the lowest conformable tender, unless the board of directors decides otherwise for reasons of public interest or the Corporation's interest as a public service.

21. Every increase in the price of a construction contract already concluded must receive the prior authorization of :

(a) the president and general manager, where the price thus increased does not exceed 50 000 \$ and the rate of increase does not exceed 15% of the price originally agreed upon ;

(b) the board of directors, where the price thus increased does not exceed 1 000 000 \$ but exceeds 50 000 \$ or the rate of increase exceeds 15% of the price originally agreed upon ;

(c) the Government, where the price thus increased exceeds 1 000 000 \$.

DIVISION VII SERVICE CONTRACTS

22. Every service contract must receive the prior authorization of :

(a) the president and general manager or one of the employees designated for such purpose by the board, if the total price does not exceed 50 000 \$;

(b) the board, if the total price exceeds 50 000 \$ without exceeding 1 000 000 \$;

(c) the Government, upon the recommendation of the board and the Minister, if the total price exceeds 1 000 000 \$.

23. No service contract whose estimated value exceeds 5 000 \$ may be made unless tenders have been called for, except :

(a) where the contract is, by its very nature, unsuited for a call for tenders, in particular with respect to the retaining of professional services or the production, broadcasting or distribution of programmes ;

(b) where it would not be in the public interest or the Corporation's interest as a public service to call for tenders ;

(c) in emergencies where the safety of individuals, safeguarding of property or continuity in production, broadcasting or distribution of programmes are in question ;

(d) where only one supplier is likely to meet the required specifications, in particular with respect to electric, electronic, electromagnetic, electromechanical or optical equipment, recording or videotapes, photographic or cinematographic films as well as spare parts ;

(e) where it is preferable that the supplier have his principal establishment close to the place of utilization and only one supplier is thus available.

24. All calls for tenders for the purpose of concluding a service contract shall be made by invitation where :

(a) the estimated value does not exceed 50 000 \$;

(b) the estimated value exceeds 50 000 \$ but it would not be in the public interest or the Corporation's interest as a public service to call for public tenders ;

(c) the estimated value exceeds 50 000 \$ but it would be detrimental to the production, broadcasting and distribution of programmes to call for public tenders ;

(d) the estimated value exceeds 50 000 \$ but it would be detrimental to the acquisition, installation, operation, maintenance or repair of production or broadcasting equipment to call for public tenders ;

(e) the estimated value exceeds 50 000 \$ but it is possible to obtain a fair price by restricting the call to Québec suppliers.

In all other cases, every call for tenders for the purpose of concluding a service contract must be made by public tenders.

25. The president and general manager or one of the employees designated for such purpose by the board shall be responsible for assessing the cases contemplated in paragraphs *a, b, c, d* and *e* of section 23 as well as in paragraphs *a, b, c, d* and *e* of section 24.

26. Every service contract made following a call for tenders must be awarded to the supplier who submits the lowest conformable tender unless :

(a) it is preferable to award the contract to a supplier having his principal place of business in Québec ;

(b) the board of directors decides otherwise for reasons of public interest or the Corporation's interest as a public service.

27. Every increase in the price of a service contract already concluded must receive the prior authorization of :

(a) the president and general manager, where the price thus increased does not exceed 50 000 \$ and the rate of increase does not exceed 15% of the price originally agreed upon ;

(b) the board of directors, where the price thus increased does not exceed 1 000 000 \$ but exceeds 50 000 \$ or the rate of increase exceeds 15% of the price originally agreed upon ;

(c) the Government, where the price thus increased exceeds 1 000 000 \$.

DIVISION VIII TENDERS

28. Where public tenders are required under this Regulation, such tenders must be called for by public notices.

29. In all cases where tenders are required, they must be called for either by public notices or directly from persons whose normal occupation consists in supplying the goods, services or business under the proposed contract and who can show sufficient guarantees of honesty, solvency and competence to ensure the successful execution of the proposed contract, particularly by the manner in which they have executed contracts in the past.

30. Calls for public tenders must be published in at least one daily newspaper.

31. The time limit for receipt of public tenders must not be less than 8 days.

32. Public tenders must be opened in the presence of at least 2 witnesses, on the date and at the time and place stipulated in the notice of call for public tenders.

33. All persons who have submitted a public tender may be present at the opening of tenders.

34. The names of the tenderers and the price submitted by each of them must be read aloud at the opening of public tenders.



c. S-11.1, r.8

Regulation respecting working hours and overtime remuneration of certain employees of Radio-Québec

An Act respecting the Société de radio-télévision du Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after consolidation : R.S.Q., c. S -11.1)

DIVISION I SCOPE

1. This Regulation shall apply to employees of the Société de radio-télévision du Québec (Corporation) whose working hours and overtime remuneration are not determined by a collective labour agreement or by a specific regulation of the Corporation.

2. Every employee occupying the posts of head of division, head of a branch, supervisor, administration clerk, analyst, engineer and personnel officer is particularly contemplated in this Regulation.

3. The “confidential” office personnel is also contemplated in this Regulation. This expression designates employees who, because of the confidential or particular nature of their work, are excluded from the Corporation existing bargaining units but would otherwise be included, such as management secretaries or office employees in the personnel branch.

DIVISION II WORKING HOURS

4. The standard workweek and the standard workday of a so-called confidential office employee shall be that prescribed in the collective agreement applicable to such employee, were he not excluded therefrom.

5. The standard workweek and the standard workday of an employee contemplated in section 2 shall normally be equivalent to that of personnel under his charge, up to a total of 40 hours per week.

DIVISION III OVERTIME

6. All work performed outside the standard workday or workweek shall be considered overtime.

7. However, work performed by an employee outside his standard workday or workweek shall not be considered overtime where such work is urgent or requires continuity, and where the period does not exceed 60 minutes.

8. Only overtime work specifically authorized in writing by the manager of the administrative branch where it is being performed, or by his representative duly authorized for such purpose, shall be remunerated or compensated in the form of leaves according to this Regulation.

9. Travelling expenses incurred by an employee for travel outside standard working hours in a workweek either in his own vehicle, a vehicle owned by the Corporation or by a means of public transport shall not be considered overtime unless it is interrupted by periods of actual work. The time required for transportation between the employee's domicile or the place where he resides and his place of work shall, under no circumstances, be considered travel time.

10. Travel by a vehicle owned by the Corporation on a day of leave or holiday shall, for the driver of such vehicle, be considered overtime within the meaning of section 8 where the purpose of such travel is the transport of material, delivery of supplies or transport of persons for work purposes.

DIVISION IV OVERTIME PAY

11. Authorized overtime work performed by the personnel contemplated in section 2 shall be remunerated according to the standard hourly rate where the total number of hours of work in any given week exceeds 40 hours.

12. The employee contemplated in section 11 may, upon request to his manager, obtain permission for compensation in the form of leaves equal to the work performed outside regular hours.

13. The Corporation may, for special reasons, grant compensation in the form of leaves only for work performed outside regular hours.

14. Authorized overtime work performed by the personnel contemplated in section 3 shall be remunerated or compensated for in the form of leaves according to the

terms and conditions of the collective agreement applicable to such employee, were he not excluded therefrom.

15. Participation at a convention, conference, seminar or other similar event shall not render an employee contemplated in sections 2 and 3 eligible for compensation in respect of overtime work where such employee participates in the same quality as the other members. However, where the participation of such employee entails work outside the scope of such event and where the work is performed on a day of leave or holiday, such work shall be considered overtime within the meaning of section 8.



c. S-11.1, r.9

Regulation respecting working hours and overtime work of senior officers of Radio-Québec

An Act respecting the Société de radio-télévision du Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after consolidation : R.S.Q., c. S-11.1)

1. Scope : This Regulation shall apply to employees of the Société de radio-télévision du Québec who occupy the posts of manager and head of division, or other posts of equal importance in the hierarchy.

2. Working hours : The standard workweek and standard workday of a member of the management who occupies one of the posts stipulated in section 1 shall be those which the general manager deems necessary for fulfilment of such person's duties.

3. Overtime : No remuneration or compensation in the form of leaves shall be granted to personnel occupying one of the posts contemplated in this Regulation for work performed outside regular working hours. However, under special circumstances, the general manager may make a specific request to the board of directors for extra remuneration in respect of a group of members or an individual.

4. A quarterly statement of the sums paid pursuant to section 3, and including the name of recipients and the reasons for such payment, shall be sent to the Conseil du trésor.



c. S-11.1, r.10

**Règlement sur le personnel non syndiqué
de Radio-Québec**

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-11.1, r.11

**Règlement sur la procédure de
recommandation visant la nomination des
membres d'un comité régional de Radio-
Québec**

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-11.1, r.12

**Règlement sur la rémunération, les
avantages sociaux et les autres conditions
de travail des directeurs techniques de
Radio-Québec**

An Act respecting the Société de radio-télévision du
Québec

(R.S.Q., c. O-4, am. S.Q., 1979, c. 11 ; after
consolidation : R.S.Q., c. S-11.1)

See French Edition



c. S-12, r.1

**Règlement sur l'administration générale
des affaires de Rexfor**

An Act respecting the Société de récupération,
d'exploitation et de développement forestiers du Québec
(R.S.Q., c. S-12, s. 17, par. f)

See French Edition



c. S-13, r.1

Regulation respecting cider

An Act respecting the Société des alcools du Québec
(R.S.Q., c. S-13, ss. 25 and 37)

DIVISION I GENERAL PROVISIONS

1. Definitions : In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “inspector” : every person authorized by the Minister or the Attorney General to act as inspector under the Act ;

(b) “Act” : the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13) ;

(c) “Minister” : The Minister of Industry, Commerce and Tourism.

2. Production and sale : Cider must be produced in accordance with this Regulation. It is forbidden to sell, or keep with intent to sell, cider which does not conform with the requirements of this Regulation.

3. Duties :

(1) The annual duties payable on permits issued under section 25 of the Act are, per establishment :

(a) for a weak or strong cider maker’s permit, 50 \$;

(b) for a cider warehouse permit, 10 \$ per cider maker warehousing his cider in such establishment.

(2) These duties must be sent to the Minister :

(a) at the same time as the application for a permit for the current fiscal year ; or

(b) prior to 1 May of each fiscal year following the year of issue of the permit.

DIVISION II PRODUCTION

§1. Premises

4. General requirements : The applicant must annex to his permit application the attestations issued by the competent authority to the effect that the site, layout and construction of the cider plant meet the requirements of all Acts and regulations relating to safety and public hygiene in industrial and commercial establishments, to urban or district planning, as well as to the environment and proper maintenance of the surroundings.

5. Plans and specifications : Before undertaking the construction of a cider plant, the plans and specifications and the pertinent attestations referred to in section 4 must be submitted to the Minister. The plans and specifications complying with this Regulation shall be approved by the Minister.

6. Construction site : The cider plant must be located in a site free from smoke, odours and dust, and from any source of pollution which might be detrimental to the nutritional, hygienic and commercial value of the cider or its ingredients or be built so as to prevent such hazards.

7. Hygiene : The physical disposition and ordering of a cider plant, the appointment and sanitary upkeep of its premises and buildings, machinery, implements and fittings, and the production methods and processes must meet the requirements of the Acts and regulations respecting hygiene.

8. Arrangement of floor area :

(1) The cider plant must comprise the following distinct areas :

(a) a receiving and storage area for raw materials and other substances used for production ;

(b) a pressing area if apple juice is prepared in the cider plant ;

(c) an area for the production and transformation of energy ;

(d) a fermentation area ;

(e) a conditioning area ;

(f) a laboratory ; and

(g) a warehouse used for the storage of cider conditioned for sale.

(2) The floors must be furnished with one or more gutters protected by a grill and connected with one or several exit drains, except in the case of the areas referred to in paragraphs a, c, f and g of subsection 1.

9. Lighting, ventilation, aqueduct :

(1) The premises of the cider plant must be provided with lighting suited to the operations carried out therein.

(2) They must be well aired and ventilated to prevent all condensation.

(3) The supply of potable water must comply with respect to quality and quantity with the attestations issued under section 4.

10. Imperviousness : The inner surface of the floor and walls must be impervious.

11. Cleanliness : Floors, ceilings, walls and all equipment and other facilities must be kept in a good state of maintenance, cleanliness and hygiene so as to prevent any change or contamination of the product.

12. Drainage system :

(1) The system for removing waste fluids from the cider plant must be kept in good operating order and be well maintained so as to prevent any return.

(2) The surroundings of the cider plant must be drained and kept in a clean and sanitary condition at all times.

13. Sanitation, insects and harmful animals : The cider plant must be free of insects, rodents, other animals, and of all causes of contamination and pollution.

14. Installation of equipment : All reservoirs, casks, tanks or machinery permanently installed in pressing, fermentation and conditioning areas must rest on supports allowing a free space of at least 1 foot between its lowest part and the floor, in order to facilitate the maintenance and cleaning of the premises and to prevent the accumulation of rubbish.

This section shall not apply to a cider-press or a stainless steel reservoir, the bases of which are imbedded in the cement of the floor, nor to any tank which is an integral part of the building and whose points of junction with the floor are curved.

15. Capacity of cask or reservoir : The capacity in gallons or litres must be indicated on each cask and on each reservoir.

16. Cask or reservoir containing more than 50 gallons :

(1) On each cask or reservoir containing more than 50 gallons, the maker must indicate a permanent serial number whose first figures shall be the same as those on his permit.

(2) All casks or reservoirs containing more than 150 gallons must be equipped with instruments indicating the quantity of the actual content.

17. Fermentation and conditioning areas : Fermentation and conditioning areas must be ventilated so as to avoid the dew point. The carbon dioxide (CO₂) content must under no circumstances exceed 0,5%.

18. Warehouse : The warehouse used to store cider conditioned for sale must be equipped with instruments and equipment permitting temperature control.

19. Hand-basin : The conditioning area must contain a hand-basin.

20. Lavatory : Every room containing a toilet must not be in direct communication with the premises used for the handling of cider or of substances used in the production of cider.

§2. Operations

21. Production process : All operations must be carried out according to the methods permitting the production of cider whose quality complies with the standards set forth in sections 46 to 53.

22. Contamination : Production operations must be carried out so as to eliminate any pollution, contamination or change of the product.

23. Quality of apples : The manufacturer is responsible for the origin and quality of apples used in the production of his cider.

24. Production areas : The production of cider must be carried out only in pressing, fermentation and conditioning areas.

25. Apple juice prepared outside the establishment : It is forbidden for a cider maker to use apple juice which is not prepared in his establishment unless he has sent the

Minister a certified true copy of a supplier's contract concluded with a juice processor, in which the latter :

(a) binds himself to produce apple juice for the account of the maker, from the apples supplied by the latter, in accordance with the conditions prescribed by the Act and the Regulation ; and

(b) authorizes any inspector to visit his establishment and exercise all necessary powers to ensure that his operations are in full compliance with the Act and this Regulation.

If the contract contemplated in this section is modified or cancelled for any reason whatsoever, the maker must advise the Minister thereof within 5 days of the modification or cancellation of the contract, and furnish with the notice a copy of the modified contract, or a new contract for the same purpose.

Failure by the maker to comply with this section shall result in the closing of his cider production plant.

26. Cider unfit for consumption : All cider which is deteriorated or unfit for consumption, or which does not conform to the requirements of the Act or the Regulation must be immediately rejected. The maker must dispose thereof in accordance with the Environment Quality Act (R.S.Q., c. Q-2).

27. Prohibited equipment : The use of any equipment, material or object which is defective, dirty, unsanitary or which is in any other way unsuitable for operations is prohibited.

28. Products other than those contemplated by the permit : It is forbidden to produce or keep, or allow to be produced or kept, in a cider plant or its dependencies, products other than those contemplated in the permit or in the permits issued under the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), or any apparatus used for such production except in the case of distilled cider or the by-products of apples.

29. Spoiled raw materials : It is forbidden to use or keep raw materials which are contaminated.

30. Health of personnel :

(1) The personnel must be free from infectious or contagious diseases.

(2) An inspector or employer who suspects that an employee has contracted an infectious or contagious disease must compel such employee to be examined by a doctor of his choice and require a medical certificate to that effect.

31. Visitors : Visitors may be admitted to the premises of a cider plant provided they are accompanied by a regular member of the staff delegated for this function by the permit holder and they conform to the standards of cleanliness and hygiene stipulated in this Regulation.

32. Smoking on work premises : Smoking, tobacco-chewing or spitting is prohibited in the areas in which cider production is carried out.

33. Pressing area : The pressing area must be used solely for the washing and pressing of apples and for the straining and pasteurization of the extracted juice.

34. Waste and polluting matter :

(1) The marc of the apples must be removed from the premises of the cider plant on the very day on which it is emptied from the cider-press.

(2) The lees and yeast deposits must be removed on the day on which they are emptied from the casks and reservoirs used for fermentation and aging.

(3) All other waste and polluting matter must be removed completely each day.

35. Main sewer : It is strictly forbidden to make use of the main sewer for the disposal of the waste matter contemplated in subsections 1 and 2 of section 34.

36. Fermentation area : The fermentation area must only be used for fermentation of the cider and for its aging in casks or reservoirs. The blending process and first filtration of the cider are also permitted in the area.

37. Conditioning area : The conditioning area shall be used solely for pasteurization, for cider cooling operations, for impregnation of carbon dioxide (CO₂) under pressure, for the filtration, cleaning, filling and stoppering of receptacles as well as for the labelling and packaging of bottles and other receptacles.

38. Pasteurization : Cider other than bottle fermented sparkling cider must be pasteurized or treated in a manner deemed equivalent for the purposes of pasteurization.

39. Laboratory : Every cider plant must have a laboratory containing the necessary equipment to analyze samples of cider so as to ensure adherence to the composition and quality standards prescribed in this Regulation.

This laboratory must be directed by a chemist who is a member of the Ordre des chimistes du Québec, or by a person acting under the supervision of a consulting chemist who is a member of the said Corporation.

§3. Analysis

40. Analytical report :

(1) Cider makers must perform analyses of their processed products every time the reference number thereof is changed. The reference number shall correspond to not more than 8 hours of continuous bottling of the processed product from the same reservoir.

(2) Such analyses must be so carried out as to ensure that the composition and quality standards prescribed in this Regulation have been complied with.

(3) The reports must be at the disposal of the inspector.

41. Contestation : In case of contestation, only the methods of analysis recognized by the Société des alcools du Québec shall prevail.

DIVISION III

PRESERVATION AND HANDLING

42. The cider must not be kept at a temperature lower than 35°F or higher than 70°F, except during the time required for the application of a production or treatment process recognized by the cider industry and during handling and transportation by vehicle.

43. Transportation : Every vehicle used for the transportation of cider processed for sale must be clean and enclosed.

44. It is forbidden to transport cider intended for sale on the market which has not been conditioned, packaged or labelled in accordance with this Regulation or whose receptacle or packaging is defective, not properly closed or dirty.

45. Handling : Bulk cider or cider conditioned for sale must be handled so that it is protected from all sources of pollution, contamination or deterioration.

DIVISION IV

CONDITIONING AND SALE

§1. Composition and sale

46. Cider shall be conditioned for sale where :

(a) it does not contain any substance foreign to its composition or unfit for consumption ;

(b) it has not been diluted with water ;

(c) it is clear ; and

(d) its colour is derived solely from the fermentation of apple juice or natural colorant or, where the cider has colour not derived solely from the fermentation of apple juice or natural colorant extracted from apples, the label on the receptacle clearly bears the inscription "Colour added" in bold-face letters 2 millimetres or more in height.

47. Cider conditioned for sale must not contain yeast, bacteria or other micro-organisms which could affect its preservation.

48. Composition of cider : One litre of cider measured at 20°C or 68°F must contain :

(a) at least 2,5% and not more than 13,0% of ethylic alcohol by volume ;

(b) 20 to 85 grams of total solids ;

(c) not more than 65 grams of sugar calculated as reducing sugar ;

(d) from 1,8 to 4,0 grams of cider ash.

49. Addition of sugar : Before fermentation, saccharose, glucose, fructose or inverted sugar, up to a maximum quantity of 12,0% in weight by volume, which corresponds to 120 grams per litre or 1,2 pound per gallon, calculated as dry weight of sugar, may be added to the apple juice used in the making of cider.

50. After fermentation or before bottling, saccharose or inverted sugar up to a maximum quantity of 6,5% in weight by volume, which corresponds to 65 grams per litre or 0,65 pound per gallon, may be added to the cider.

51. Juice concentrate : The addition of apple juice concentrate must be made under the supervision of an inspector. The density of such juice shall not be less than 1,0400 measured at 20°C.

52. Other additives : In the course of production or conditioning of cider, the following substances only may be added :

(a) yeast and yeast foods ;

(b) sulphur dioxide (SO₂) or potassium metabisulfite in such quantity that its content in the processed cider does not exceed :

- i. 50 ppm : sulphur dioxide in the free state for dry cider ;
- ii. 70 ppm : sulphur dioxide in the free state for medium sweet or sweet cider ;
- iii. 350 ppm : total sulphur dioxide, calculated as sulphur dioxide, in all cases ;
- (c) enzymes ;
- (d) tartaric, citric and lactic acid ;
- (e) carbon dioxide (CO₂) ;
- (f) sodium chloride up to a maximum content of 1 gram per litre ;
- (g) fining agents which may be gelatin, egg-whites, casein, albumin, clay, tannic acid, bentonite, silica and polyvinyl pyrrolidone ;
- (h) alcohol derived from cider production in Québec ;
- (i) activated carbon ;
- (j) a maximum quantity of sorbic acid salts of 200 ppm calculated as sorbic acid ;
- (k) ascorbic acid, erythorbic acid or their salts ;
- (l) neutral potassium tartrate ;
- (m) potassium ferrocyanide provided that there is no trace thereof in the processed cider and that the treatment be carried out under the supervision of a professional chemist and an inspector ; or,
- (n) natural colorants.

53. Prohibited sale : It is forbidden to sell cider which contains volatile acidity of more than 2,0 grams per litre, calculated as acetic acid.

§2. Classification

54. General classification : Cider shall be classified according to the volume of alcoholic content, its effervescence and its content of total solids.

55. Alcoholic content : In terms of volume of alcoholic content, cider shall be :

- (a) weak, if it contains from 2,5% to 7,0% of alcohol by volume ;
- (b) strong, if it contains more than 7,0% and not more than 13,0% of alcohol by volume.

56. Effervescence : In terms of effervescence, cider shall be classified :

- (a) "cider", if it has no effervescence ;
- (b) "crackling cider", if it is impregnated, naturally or artificially, with carbon dioxide under pressure of not more than 2 absolute atmospheres, measured at a temperature of 10°C or 50°F ;
- (c) "sparkling cider", if it is impregnated, naturally or artificially, with carbon dioxide under pressure of more than 2 atmospheres and not more than 5 atmospheres, measured at a temperature of 10°C or 50°F ; however, sparkling cider naturally impregnated with carbon dioxide must be classified :
 - i. "bottle fermented sparkling cider", if the last stage of fermentation takes place in a bottle ; or
 - ii. "closed vessel fermented sparkling cider", if the last stage of fermentation takes place in a closed vessel.

57. Total solids : In terms of its content of total solids, cider shall be classified in one of the following categories :

- (a) "dry", if it contains from 20 to less than 45 grams of total solids per litre ;
- (b) "medium sweet", if it contains from 45 to less than 65 grams of total solids per litre ; or
- (c) "sweet", if it contains from 65 to 85 grams of total solids per litre.

§3. Receptacles

58. General : Receptacles must be new, clean and in good condition. They must not transmit any taste or odour. They must be made of materials which are not liable to impair the quality of the cider.

59. Sale in original receptacle : Cider shall be displayed and offered for sale, sold or delivered in its original receptacle. It must not have been subjected to any change in its mode of presentation since leaving the cider plant.

This section shall not apply to cider served in small decanters, by the glass, bowl or goblet, in a licensed establishment where food or drink is served, provided the consumer can see the original receptacle, or that he is informed that it is a cider by an indication on the menu, or if there is no menu, on a sign or label identifying it.

60. Authorized receptacles : The authorized receptacles used for conditioning, sale or delivery, must be designed, made, filled and closed so that the net quantity of the contents be 0,170, 0,250, 0,750, 1,0, 1,5, or 2,0 litres and be approved by the Minister.

61. Materials for stoppering : Materials for stoppering which come into contact with the cider may be made of cork, plastic or any other substance not liable to impair the quality of the cider. The stopper must hermetically seal the receptacle and be firmly attached in a manner that will prevent its ejection.

§4. Indications and notations

62. General : All indications or notations relating to the cider must be exact and not liable to any possible confusion or misunderstanding on the part of the consumer.

63. Labelling of receptacles : Cider conditioned for sale must bear on its receptacle or on the label affixed to it, in indelible, plainly legible and conspicuous characters :

- (a) the name and address of the producer ;
- (b) a trade-mark or brand-name not prohibited by the Act ;
- (c) the minimum alcoholic content expressed in percentage ;
- (d) the denomination of the class according to effervescence, in the case of crackling or sparkling cider ;
- (e) the denomination of the category according to the content of total solids ;
- (f) the exact quantity expressed in fluid ounces or its metrical equivalent ;
- (g) the indication of its origin.

64. Indication of alcoholic content :

(1) The alcoholic content indicated on the label must correspond to the minimum percentage of alcohol contained in the product.

(2) The alcoholic content must be indicated on the label by the expression "...% ALCOHOL BY VOLUME" in boldfaced and uniform type of at least 1/16 inch in height. The following abbreviation may also be used : "...% ALC./VOL.".

65. Indication of origin : The indication of origin of Québec produced cider must contain the expression "Product of Québec".

The indication of origin of all other cider shall be by the name of the country of origin or, in the case of a Canadian product, by the word "Canada" or the name of the province of origin, or an equivalent expression.

66. Prohibited indication : It is prohibited :

(a) to use a false, deceitful or fraudulent indication with respect to cider or class or category of cider, by words or otherwise, in an advertisement or circular or on the receptacle of the product ;

(b) to use the words "wine" or "champagne" or a derivative of the words, to describe cider, with the exception of the expression "bottle fermented" prescribed in section 56, to describe this class of sparkling cider ;

(c) to associate with the word "cider" any word, trade-mark, name or picture depicting the wine-making industry ;

(d) to indicate the age of cider.

67. Notwithstanding paragraph *d* of section 66, the holder of a cider maker's permit must indicate legibly in code on the label, the reference number of the cider as well as the day, month and year of bottling.

68. The use of French is obligatory in all inscriptions relating to cider and inscriptions in another language must not take precedence over those in French. This rule shall not apply to documents accompanying the sale and drawn up in the language of the purchaser.

69. Indication of plant : No inscription or indication, including a trade-mark or brand-name not prohibited by the Act, must be formulated so that the product may be associated in any manner whatsoever with a plant other than the cider-plant which distributes the product.

70. Cider shipped outside Québec :

(1) Cider shipped outside Québec is exempt from the application of paragraph *b* and the reservation set down in paragraph *d* of section 46, in paragraph *d* of section 48, in sections 54 to 57, 59, 60, 63, 66, 68 and 69.

(2) Notwithstanding section 52, the cider shipped outside Québec may have water added in the course of production.

(3) Notwithstanding section 65, the label of a product shipped outside Québec under the name "cider" and that has had water added shall not contain an expression indicating that the product originates from Québec.

O.C. 1464-74, (1974) 106 O.G.II, 1987

O.C. 4052-74, (1974) 106 O.G.II, 4673

O.C. 2870-75, (1975) 107 O.G.II, 4663

O.C. 5054-75, (1975) 107 O.G.II, 5843

O.C. 2157-76, (1976) 108 O.G.II, 4019

O.C. 2737-78, (1978) 110 G.O., 4993



c. S-13, r.2

Regulation respecting terms and conditions for the sale of designated wines and ciders by grocers

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37.1)

DIVISION I DEFINITIONS AND INTERPRETATION

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “sign” : an identification panel, furnished by the Corporation, that defines the width of a section ;

(b) “designated ciders” : ciders whose quality is controlled by the Corporation and that are designated by the Corporation for sale ;

(c) “grocer” : a holder of a grocery permit issued in accordance with the Act respecting liquor permits (S.Q., 1979, c. 71 ; after consolidation : R.S.Q., c. P-9.1) who sells designated wines and designated ciders ;

(d) “section” : a group of shelves, marked by a sign ;

(e) “Corporation” : the Société des alcools du Québec constituted under the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13) ;

(f) “designated wines” : wines whose quality is controlled by the Corporation and that are designated by the Corporation for sale.

DIVISION II SUPPLYING

2. The grocer must supply himself with designated wines and with designated ciders from a distributor authorized to own, keep and deliver designated wines and designated ciders for the account of the Corporation on the conditions it determines and in accordance with paragraph g of section 17 of the Act.

3. The Corporation issues a discount card to a grocer in order to permit him to purchase designated wines and designated ciders in accordance with the following conditions :

(a) the grocer must use his discount card to make his purchases ;

(b) the discount card remains the property of the Corporation ;

(c) the discount card is not transferable and no one other than the grocer to whom it was issued may use it without previous authorization of the Corporation ;

(d) the discount card is valid for a maximum period of 2 years, as of its date of issue.

4. No service charge may be made by the Corporation for the original issue of a discount card or for any renewal.

5. The grocer shall benefit from a discount of 16½ % on the retail price in force at the Corporation for designated wines, less the tax prescribed under the Retail Sales Tax Act (R.S.Q., c. I-1).

The grocer shall benefit from a discount of 24% on the retail price in force at the Corporation for designated ciders.

6. The Corporation is not responsible for breakage and losses that occur during the transport and the handling of designated wines and designated ciders by a person other than the Corporation.

DIVISION III PRESERVATION

7. Containers of designated wines and designated ciders purchased by the grocer must be kept in a clearly defined place in this storage space.

8. The grocer must keep and put on sale the designated wines and designated ciders in a place :

(a) shielded from sunrays ;

(b) where the surrounding temperature is not subject to great changes ;

(c) removed from sources of strong odours ; and

(d) protected from vibrations and from other sources of deterioration or contamination of the product or its packaging.

DIVISION IV MARKETING AND SALES

9. The grocer must set up a section composed of a group of shelves marked by a sign, with a façade that takes up the equivalent of a minimum of fifty-six 750 millilitre display bottles of designated wines and designated ciders.

10. The grocer must put the designated wines and designated ciders on sale exclusively in the section and, where the products are available, abide by the minimum number of containers determined by the Corporation.

11. The grocer must put only designated wines and designated ciders on sale in the section.

12. When a grocer uses only one section, space must be divided up vertically, in equal proportions among the 3 categories of the following products :

- (a) designated wines made and bottled in Québec ;
- (b) designated wines bottles by the Corporation ;
- (c) designated wines made by a person who holds both a wine maker's permit and a strong cider maker's permit, and designated ciders.

13. Where a grocer uses 2 or more sections, the space must be divided up vertically, in accordance with the following proportions :

- (a) 40% for designated wines made and bottled in Québec ;
- (b) 40% for designated wines bottle by the Corporation ;
- (c) 20% for designated wines made by a person who holds both a wine maker's permit and a strong cider maker's permit, and designated ciders.

14. The marketing and the selling of designated wine, or designated cider must be in clean and undamaged packaging. For the purposes of this section, the packaging shall indicate the contents, the labels, the stopper and the cap that seals the stopper.

15. The grocer may not sell designated wines and designated ciders at a retail price lower than that in force at the Corporation.

16. The sign remains the exclusive property of the Corporation that alone can alter or change it.

17. The grocer must install, maintain, repair and use the sign at his expense.

18. The grocer is solely responsible for any damage incurred by the presence or the use of a sign or display unit in his establishment.

19. The sign must be returned to the Corporation where the permit is revoked, suspended or not renewed or where the grocer ceases to sell designated wines or designated ciders.

20. The Corporation is responsible for the purchase and the shipping of the sign, as well as for the control of the quality of the designated wines and designated ciders.

21. The Corporation cannot be held responsible for any reason, for any damage incurred to the grocer, resulting from a delay, discontinuance, interruption, or stoppage in the supply of signs, designated wines or designated ciders.

22. The grocer must exchange or reimburse for a consumer that requests it, any defective designated wine or designated cider, provided that the bottle contains at least 2/3 of its original contents or if the defect is apparent.

DIVISION V FINAL PROVISIONS

23. The Corporation shall transfer to those grocers that have received a display unit in accordance with the Corporation Order in Council 2736-78 dated 30 August 1978, all property rights of the display units, with the exception of property rights of the lighted signs which remain the exclusive property of the Corporation and which may be used as signs within the meaning of this Regulation.

24. Until signs are available, the grocer may sell designated wines and designated ciders in a section not marked by a sign.



c. S-13, r.3

**Règlement sur les emprunts de la Société
des alcools du Québec**

An Act respecting the Société des alcools du Québec
(R.S.Q., c. S-13)

See French Edition



c. S-13, r.4

**Règlement sur la gestion du personnel de
la Société des alcools du Québec**

An Act respecting the Société des alcools du Québec
(R.S.Q., c. S-13)

See French Edition



c. S-13, r.5

**Règlement de régie interne de la Société
des alcools du Québec**

An Act respecting the Société des alcools du Québec
(R.S.Q., c. S-13)

See French Edition



c. S-13.1, r.1

By-law respecting forecast contests and numbers games

An Act respecting the Société des loteries et courses du Québec
(R.S.Q., c. S-13.1, s. 13)

DIVISION I GENERAL PROVISIONS AND DEFINITIONS

1. Definitions : In this By-law, unless the context indicates otherwise, the following terms mean :

- (a) “lottery ticket” : a ticket issued by a computer terminal confirming participation in a lottery scheme ;
- (b) “retailer” : a person who is in charge of a computer terminal and who holds a retailer’s number issued by the Company ;
- (c) “wager” : the sum of money staked by a participant ;
- (d) “prize” : the sum of money or the goods owing to a participant holding a winning ticket ;
- (e) “participant” : a person who takes part in a lottery scheme and who pays the wager ;
- (f) “selection” : the choice on which a participant stakes a wager ;
- (g) “Company” : the Société des loteries et courses du Québec created by the Act respecting the Société des loteries et courses du Québec (R.S.Q., c. S-13.1) ;
- (h) “lottery scheme” : one of the lottery schemes referred to in section 2 ;
- (i) “terminal” : a computer terminal owed by the Company that issues lottery tickets.

2. Lottery scheme : The lottery schemes referred to in this By-law are forecast contests and numbers games whose names and duration may vary.

3. Advertising : No person shall advertise the Company or its lottery schemes or use its trade marks or other intellectual property without prior written authorization from the Company.

DIVISION II LOTTERY TICKETS

4. Content : The conditions regarding the appropriate lottery scheme must appear on the ticket together with :

- (a) the name of the lottery scheme ;
- (b) the date of the awarding of prizes ;
- (c) the selection and wager of the participant ;
- (d) a verification number ; and
- (e) the period during which holders of winning tickets must claim their prizes.

5. Equivalent certificate : For postal or subscription sales orders, the Company may replace a lottery ticket by a certificate specifying the name of the lottery scheme, the selection of the participant, and his wager. The participant in whose name the certificate is registered is presumed to hold that lottery ticket.

6. Maximum price : A lottery ticket may not be sold at a price exceeding the value of the wager.

7. Invalid lottery tickets : The following are not valid :

- (a) any lottery ticket not paid for before the awarding or prizes ;
- (b) except if the Company can determine by means of a verification number that the ticket is really the winning ticket for the prize claimed, any ticket that is illegible, mutilated, altered, counterfeited, improperly cut, not clearly printed, incomplete, erroneously printed or otherwise defective ; and
- (c) any ticket cancelled by the retailer.

A holder of an invalid lottery ticket is not entitled to a prize or reimbursement, except in the case of paragraph c of the first paragraph.

8. Discrepancy : If there is any discrepancy between a lottery ticket and the data pertaining to that ticket given by the computer of the Company, the latter prevails.

9. Refusal of wager : The Company may, at its discretion, refuse to accept wagers and to issue tickets for any selection it determines at any time.

DIVISION III PRIZES

10. Value of prizes : The annual value of the prizes offered may not be less than 35% or more than 55% of the aggregate amount of the wagers staked for each lottery scheme.

11. Pooling of wagers : The Company may decide, for purposes of establishing the prizes, to pool the wagers of one or several of its lottery schemes with the wagers of one or several similar lottery schemes of any other organization in Canada.

DIVISION IV RETAILERS

12. Retailer's number : A person may not act as a retailer unless he holds a retailer's number issued by the Company. The number may be withdrawn at any time at the discretion of the Company.

13. Retailer's prize : For each winning lottery ticket whose prize is equal to or more than 1 000 \$, the Company gives the retailer who sold the winning ticket a prize equal to 1% of the prize awarded for the lottery ticket if the prize is actually paid to the winner and the retailer's number is on the lottery ticket.

DIVISION V AWARDING OF PRIZES

14. Procedure for choice : The Company determines the winning numbers by using one or several tumblers that choose numbers at random or a computer that generates random numbers produces numbers at random. Numbers may also be chosen according to the results of sports or other events.

15. Date of draw : Where the prizes are awarded by means of a draw and where the draw cannot be held on the scheduled date, the Company may set another date as soon as possible thereafter.

DIVISION VI PAYMENT OF PRIZES

16. Winning lottery ticket : Where a valid winning ticket is filed with the Company, the prize is paid by a cheque issued in the name of the holder or his representatives assigns. The names originally entered on the lottery ticket are taken into consideration. In accordance with the inscriptions on the reverse side of the lottery ticket, certain prizes may be paid by retailers or banking establishments

and, in such cases, are payable to the bearer of the winning ticket. A person may be required to provide proof that he has legal capability of receiving a prize before the latter is given to him.

17. Winning equivalent certificate : Despite the provisions of this Division, the cheque for a prize won by the holder of an equivalent certificate is made out in the name of that participant and mailed to the address specified by the participant.

18. Deadline for claim : Unless the Company receives a notice of claim before the deadline mentioned in this paragraph, it is discharged from any liability or obligation respecting prizes and from all operations respecting their awarding upon the expiry of one year following the date of awarding.

19. Advertising : The Company may use the name, address and photograph of the winners, or any other information voluntarily provided by them whether for advertising purposes or not. The latter may not claim any royalties for the broadcasting, printing, or advertising.

DIVISION VII LIABILITY

20. Nature of mandate : By having a ticket issued to him by a retailer and by giving the retailer the wager, a participant appoints the retailer as his agent for the purpose of conveying his selection and wager to the Company, but the risks inherent in the sending of the selection and wager are borne solely by the participant.

21. Liability of mandataries : To rule out any possibility of fraudulent claim, a retailer is not liable toward the participant in the case of a fortuitous event or *force majeure*. A retailer's liability in all other cases, whether contractual or *ex delicto*, including negligence on his part or that of an employee, is limited for each participant or other person to the amount wagered.

22. Liability of the Company : The Company is not liable toward any person in the case of a fortuitous event or *force majeure*. In all other cases, whether the liability is contractual or *ex delicto*, including negligence on its part or that of its employees, the Company is not liable toward any person unless the participant's selection and wager were forwarded to it before the awarding of prizes. In the latter case, if the claim is based on a valid winning lottery ticket, the Company's liability is limited to the value of the

prize won with the lottery ticket. Otherwise it is limited to the amount of the claimant's wager.

O.C. 2316-79, (1979) 111 G.O., 6749
 Decision of 19.08.81, (1981) 113 G.O.II, 3642



c. S-13.1, r.2

By-law respecting the Loto 6/36

An Act respecting the Société des loteries et courses du Québec
(R.S.Q., c. S-13.1)

DIVISION I GENERAL PROVISIONS AND DEFINITIONS

1. Definitions : In this By-law, unless the context indicates otherwise, the following words and expressions mean :

- (a) “validation centre” : the place where a ticket may be validated ;
- (b) “deadline” : the time fixed by the Company as being the time limit for acceptance of coupons, before each draw, at the Company’s office in Montréal ;
- (c) “coupon” : participation coupon issued by the Company for purposes of participation in the 6/36 ;
- (d) “retailer” : agent or individual in charge of a validation centre who holds a retailer’s number issued by the Company ;
- (e) “district” : the territorial divisions assigned to a wholesaler ;
- (f) “wager” : the sum of money staked by a participant on a coupon ;
- (g) “wholesaler” : concessionnaire or individual responsible for forwarding coupons from a district to the Company ;
- (h) “prize” : the sum of money to be paid to a participant who made a winning bet ;
- (i) “bet” : 6 different numbers between 1 and 36 inclusive on which a participant bets an amount of 1 \$;
- (j) “participant” : a person taking part in the 6/36 by completing a coupon and paying the wager in accordance with this By-law ;
- (k) “Company” : the Société des loteries et courses du Québec constituted by section 2 of the Act respecting the Société des loteries et courses du Québec (R.S.Q., c. S-13.1) ;
- (l) “board” : grid on which the participant enters a bet ;

(m) “to validate” : to certify a coupon by means of a validating machine ;

(n) “validating machine” : machine owned by the Company and used to certify coupons.

2. Lottery scheme : The Company organizes and conducts a lottery scheme under the name of 6/36, in accordance with this By-law.

3. Advertising : No person shall advertise or use the logo, sigla, name or other characteristics used to identify lotteries of the Company without the written authorization of the Company.

DIVISION II COUPONS

4. Coupons : Coupons are supplied upon request at the validation centres and are composed of the following parts :

- (a) Part A : that part of a coupon which is the original and which must be returned to the Company before the deadline ;
- (b) Part B : that part of a coupon on which the original is reproduced and which must be given to the participant ; and
- (c) Part C : that part of a coupon used to reproduce Part A on Part B and which must be given to the Company before the deadline.

5. “Single” coupon : The “single” coupon permits a participant to make 1, 2, 3, 4 or 5 bets, according to the participant’s choice, and to wager 1, 2, 3, 4 or 5 \$, that is to say 1 \$ on each bet.

6. “Combination” coupon : The “combination” coupon permits a participant to choose 5, 7, 8 or 9 numbers and to wager 1 \$ on each bet obtained from the number of selected combinations. Participation by means of a combination coupon is equivalent to making 31, 7, 28 or 84 bets by completing one coupon only.

7. “5-week” coupon : The “5-week” coupon permits a participant to make 1, 2, 3 or 4 bets according to the participant’s choice, and to wager 5, 10, 15 or 20 \$, that is to say, 1 \$ on each bet for the draw whose number is printed on the coupon by the validating machine plus 1 \$ for each of the other 4 draws immediately following.

DIVISION III**FILLING IN, VALIDATION AND RETURN TO THE COMPANY**

8. Filling in : Every coupon must be completed by the participant himself and under his sole responsibility.

9. Colour to be used : All markings on a coupon must be made in blue or black ink.

10. Part to be filled in : A coupon shall contain only the required markings and all markings shall be entered in Part A.

11. Content : The participant shall write his name and address in the space indicated for such purpose and enter the other information by means of a clearly legible "X" to be placed in the appropriate square.

12. "Single" and "5-week" coupon : In the case of a "single" or "5-week" coupon, the participant shall use the board on the left for his first bet and the board or boards immediately following for his other bet or bets, as the case may be ; he shall use only the number of boards corresponding to the number of bets he intends to make and indicate by an "X", on each board used, 6 different numbers to thus form a bet on such board.

13. "Combination" coupon : In the case of a "combination" coupon, the participant shall indicate by an "X" :

(a) on the board, a number of different numbers corresponding to the number of numbers he intends to bet ; and

(b) on the right of the board, only one square corresponding to the number of numbers bet.

14. Alteration : Once the coupon is filled in, no change or modification may be made thereto.

15. Conditions for validation : A coupon is duly validated when :

- (a) it has been duly completed by the participant ;
- (b) the 3 parts are not detached from one another ; and
- (c) payment is made by the participant of the wager whose amount is printed on the coupon by means of the validating machine.

16. Printing by the validating machine : At the time of validation, the validating machine prints 14 figures on the coupon reading from left to right :

(a) the first 2 figures designate the number of the draw for which the coupon is validated ;

(b) the next 4 figures identify the validating machine ;

(c) the next 5 figures assign a validation number to the coupon ; and

(d) the last 3 figures indicate the wager made by the participant.

17. Return : Once a coupon is validated, the retailer must give Part B to the participant and Parts A and C with the corresponding wagers to the wholesaler. The latter must forward Parts A and C and the corresponding wagers before the deadline for the draw, the number of which is printed on the coupon by the validating machine, to the head office of the Company in Montréal.

18. Discrepancy : In the case of discrepancy between Part A and Part B of a coupon, Part A shall prevail and, in the case of a discrepancy between Part A and the microfilm taken thereof when received by the Company, the microfilm shall prevail.

19. Equivalent certificate : In the case of postal or subscription sales orders, the Company may substitute for a validated ticket a certificate containing the numbers chosen by the participant or attributed by the Company and the participant is presumed to have validly wagered the bets indicated thereon.

DIVISION IV**REJECTION OF A VALIDATED COUPON**

20. Rejected coupon : The Company shall reject every coupon :

(a) that is not completed in accordance with this By-law ; or

(b) that is not validated in accordance with this By-law, or whose Part A is not returned to the Company before the deadline for the draw corresponding to the number printed on the coupon by the validating machine.

21. Effect of rejection : The holder of a rejected coupon shall not be entitled to any prize and no reimbursement shall be made with respect to such coupon.

22. Interpretation : Notwithstanding section 20, in case of doubt, a coupon shall be interpreted against the participant ; however, without restricting the generality of the foregoing :

- (1) in the case of a "single" or "5-week" coupon :

(a) if the number of numbers selected on a board exceeds 6 or is less than 4, the board shall not be considered "bet" and the coupon shall be rejected with respect to that board ;

(b) the number of boards on which the participant bet shall prevail over the amount printed by the validating machine ;

(2) in the case of a "combination" coupon :

(a) if the participant has indicated the amount wagered in the appropriate square on the right of the board, and :

i. the amount printed by the validating machine does not agree with the amount indicated by the participant, the amount indicated by the participant shall prevail ; however, if the number of selected numbers does not correspond to the amount indicated by the participant but does agree with the amount indicated by the validating machine, the amount indicated by the validating machine shall prevail ;

ii. the number of selected numbers does not agree either with the number of numbers corresponding to the amount indicated by the participant or with the number of numbers corresponding to the amount printed by the validating machine :

(A) if the number of selected numbers is less than the number of numbers corresponding to the amount indicated by the participant, the number of selected numbers shall prevail over the number of numbers corresponding to the amount indicated by the participant and the number of bets accepted by the Company shall be the following :

(AA) no bet will be accepted if less than 4 numbers were selected ;

(AB) only 1 bet will be accepted if only 4, 5 or 6 numbers were selected and the amount indicated by the participant was indicated for an amount corresponding to a greater number of selected numbers ;

(AC) 7 bets will be accepted if only 7 numbers were selected and the number of numbers corresponding to the amount indicated by the participant was indicated for a greater number of numbers ; or

(AD) 28 bets will be accepted if only 8 numbers were selected and the number of numbers corresponding to the amount indicated by the participant is 9 ;

(B) if the number of selected numbers exceeds the number of numbers corresponding to the amount indicated by the participant, the coupon shall be rejected ;

(b) if the participant has not indicated the amount in the appropriate square on the right of the board or if the participant has indicated more than one amount, the amount printed by the validating machine shall prevail ; however, if in either case, the number of selected numbers does not agree with the number of numbers corresponding to the amount printed by the validating machine ; and :

i. the number of selected numbers is less than the number of numbers corresponding to the amount printed by the validating machine, the number of selected numbers shall prevail over the number of numbers corresponding to the amount printed by the validating machine and the number of bets accepted by the Company will be the following :

(A) no bet will be accepted :

(AA) if less than 4 or more than 9 numbers have been selected ;

(AB) if the amount printed by the validating machine is less than 7 \$;

(AC) if 9 numbers have been selected and the amount printed by the validating machine is less than 84 \$;

(AD) if 8 numbers have been selected and the amount printed by the validating machine is less than 28 \$; or

(AE) if more than 5 numbers have been selected and the amount printed by the validating machine is 31 \$;

(B) only one bet will be accepted :

(BA) if only 4 numbers have been selected and the amount printed by the validating machine exceeds 6 \$; or

(BB) if only 5 or 6 numbers have been selected and the amount printed by the validating machine is not 31 \$ but is over 6 \$;

(C) 7 bets will be accepted if only 7 numbers have been selected and the amount printed by the validating machine is not 31 \$ but is over 6 \$;

(D) 28 bets will be accepted if only 8 numbers have been selected and the amount printed by the validating machine is not 31 \$ but is over 27 \$; or

(E) 84 bets will be accepted if only 9 numbers have been selected and the amount printed by the validating machine exceeds 83 \$;

ii. the number of selected numbers exceeds the number of numbers corresponding to the amount printed, the coupon shall be rejected.

DIVISION V LIABILITY OF THE COMPANY THE WHOLESALE AND THE RETAILER

23. Nature of mandate : In having a coupon validated by a retailer and in paying his wager, a participant constitutes such retailer and the wholesaler of whom the retailer is the representative, his mandators for the purpose of validating the coupons and returning them to the Company, but the risks inherent in the returning of the coupon shall be born exclusively by the participant.

24. Liability of mandators : In order to rule out any possibility of fraudulent claim, the wholesalers and their retailers shall not incur any liability toward the participant as a result of a fortuitous event and *force majeure* and their liability in all other cases, whether contractual or *ex delicto*, including negligence on their part or on the part of their employees, shall be limited to the amount wagered on the coupon with respect to each participant or other person.

25. Liability of the Company : The Company shall not incur any liability toward any person as a result of a fortuitous event of *force majeure*. In all other cases, the Company shall not incur any liability whatsoever toward any person unless the coupon is duly completed by the participant in accordance with this By-law, is officially validated for a draw, and Parts A and C of the coupon are remitted to the Company prior to the deadline.

DIVISION VI RETAILER

26. Retailer number : In order to operate a validation centre, a retailer number issued by the Company must be obtained.

DIVISION VII DRAW

27. Method of draw : The Company shall determine winning numbers by the tumbler method.

28. Determination of winning numbers : The tumbler, scrambling 36 identical balls numbered from 1 to 36 inclusive, is activated and operated until 7 balls are selected. The numbers of the first 6 balls thus drawn are the winning numbers and the number of the seventh ball thus drawn is the winning number termed the "complementary" number.

DIVISION VIII DETERMINATION OF WINNERS AND PRIZES

29. Winners : Participants who hold a non-rejected coupon which includes one or several bets on the following shall be winners :

(a) **6/6 :** a bet of which 6 numbers correspond to the numbers determined as winners in accordance with Division VII ;

(b) **5/6+ :** a bet of which only 5 numbers correspond to the numbers determined as winners in accordance with Division VII and of which the sixth number corresponds to the "complementary" winning number ;

(c) **5/6 :** a bet of which only 5 numbers correspond to the numbers determined as winners in accordance with Division VII and of which the sixth number does not correspond to the "complementary" winning number ; or

(d) **4/6 :** a bet of which only 4 numbers correspond to the numbers determined as winners in accordance with Division VII.

30. Distribution of prizes : Forty-eight per cent of the total wagers received by the Company for a given draw shall constitute the pool prize which is divided into 4 unequal parts as follows :

(a) 20% of the pool prizes is divided among the winners who bet one or several 6/6 in proportion to their number of 6/6 bets ; however, where, for a given draw, there is no 6/6 winner, that part of the pool prize allocated to that category of winners is added in whole to the part of the pool prize to be divided among the winners who bet one or several 6/6 in the draw immediately following in proportion to their number of 6/6 bets for that draw ;

(b) 12% of the pool prize is divided among the winners who bet on one or several 5/6+ in proportion to their number of 5/6+ bets ; however, where, for a given draw, there is no 5/6+ winner, that part of the pool prize is added in whole to the part of the pool prize to be divided among the winners who bet one or several 6/6 for the draw immediately following, in proportion to their number of 6/6 bets for that draw ;

(c) 18% of the pool prize is divided among the winners who bet one or several 5/6, in proportion to their number of 5/6 bets ; however, where, for a given draw, there is no 5/6 winner, that part of the pool prize is added in whole to the part of the pool prize to be divided among the winners who bet one or several 4/6 for that same draw, in proportion to their number of 4/6 bets ; and

(d) 50% of the pool prize is divided among the winners who bet one or several 4/6 in proportion to their number of 4/6 bets.

31. Reserve fund : Two per cent of the total wagers received by the Company for a draw shall constitute a reserve fund which the Company shall use as follows :

(a) to pay every prize for a winning coupon which would have been excluded in computing prizes, for any reason whatsoever, where all the prescriptions of this By-law have been followed ;

(b) to pay the necessary amount to make up the difference so that no prize is less than 1,10 \$ for each 1 \$ wager in all cases where a winner would obtain a prize of less than 1,10 \$ for each one dollar wager ;

(c) to pay to the retailer who validated a 6/6 and/or 5/6+ and/or 5/6 winning coupon a prize equal to 1% of the amount allocated in prizes for the said coupon where the prize is actually paid to the winner in accordance with the prescriptions of this By-law ;

(d) to increase by a lump sum the pool prize or a part of the pool prize for a given draw ; and

(e) to remit, periodically, a lump sum to the consolidated revenue fund of the government.

32. Payment of prizes : The prizes are paid by cheque issued in the name of the winners as entered on the coupon and the cheque is mailed to the address indicated below that name, or remitted to the participant upon presentation and remittance of Part B of the winning coupon.

33. Time allowed for claim : The Company shall be released from any liability and obligation with respect to all 6/36 operations in connection with a draw upon the expiry of 30 days following the date of the draw, unless it has received one or more written notices of claim prior to the expiry of the said period.

34. Advertising : The Company may at any time use the names, addresses and photographs of winners as well as other information furnished by the winners and the latter shall not demand or claim broadcasting, printing or other royalties.

O.C. 4450-77, (1978) 110 G.O., 811
O.C. 1176-78, (1979) 111 G.O., 1861, 1863



c. S-13.1, r.3

**Règlement sur la Mini Loto, l'Inter
Loto, toute loterie instantanée et toute
loterie de type « poule »**

An Act respecting the Société des loteries et courses du
Québec
(R.S.Q., c. S-13.1, s. 13)

See French Edition



c. S-13.1, r.4

**Règlement sur les normes et barèmes de
nomination et de rémunération du
secrétaire et des autres employés de
Loto-Québec**

An Act respecting the Société des loteries et courses du
Québec

(R.S.Q., c. S-13.1, s. 15)

See French Edition



c. S-13.1, r.5

**Règlement de régie interne de la Société
des loteries et courses du Québec**

An Act respecting the Société des loteries et courses du
Québec

(R.S.Q., c. S-13.1)

See French Edition



c. S-15, r.1

**Règlement de régie interne de la Société
du parc industriel du centre du Québec**

An Act respecting the Société du parc industriel du
centre du Québec

(R.S.Q., c. S-15, s. 15)

See French Edition



c. S-18.2, r.1

**Regulation respecting the date on which
the financial year of the Société
nationale de l'amiante terminates**

An Act respecting the Société nationale de l'amiante
(R.S.Q., c. S-18.2)

1. The financial year of the Société nationale de
l'amiante terminates on 31 March each year.



c. S-18.21, r.1

Regulation respecting contracts entered into by the Société québécoise d'assainissement des eaux

An Act respecting the Société québécoise d'assainissement des eaux
(S.Q., 1980, c. 10 ; after consolidation : R.S.Q., c. S-18.21, s. 30)

DIVISION I GENERAL PROVISIONS

1. In this Regulation, the following terms mean :

- (1) "call for tenders in newspapers" : a notice published in at least one daily newspaper inviting offers or tenders for the purpose of awarding a contract ;
- (2) "invitation of tenders" : a notice personally addressed to suppliers, firms or contractors inviting them to submit tenders for the purpose of awarding a contract ;
- (3) "Corporation" : the Société québécoise d'assainissement des eaux.

2. This Regulation applies to all contracts concluded by the Corporation for the carrying out of water purification works for the needs of municipalities and rehabilitation work on municipal sewerage systems.

DIVISION II PURCHASE CONTRACTS

3. No purchase contract may be concluded unless there has been a public call for tenders, except :

- (1) where the amount in question is under 3 000 \$;
- (2) where only one supplier meets the specifications established by the Corporation ;
- (3) where it is more economical to negotiate at the source without an intermediary and only one source of supply is available ;
- (4) where the price of the merchandise to be purchased is fixed by law ;
- (5) where the product to be purchased has already been the subject of a rental contract and the rental cost is recoverable in part or in whole ;

(6) where the purchases are made from the stores of the Service général des achats or from the Québec Official Publisher ;

(7) in emergencies where the safety of persons or property is endangered and where it would not be in the public interest to call for tenders.

4. Where, under this Regulation, a purchase contract must be awarded by public tender, the Corporation may proceed with an invitation of tenders to a minimum of 3 suppliers where the estimated cost of the purchase contract is under 25 000 \$. Over this amount, the Corporation proceeds with a call for tenders in newspapers.

5. In all cases where tenders have been called for, the contract is awarded to the lowest conformable tenderer, except where the estimated cost of the purchase contract exceeds 10 000 \$, in which case the prices submitted must be assessed in terms of Québec content in accordance with the method fixed in the Regulation respecting government purchase contracts (c. A-6, r.4). After the assessment, the contract is then granted to the lowest tenderer. The assessment must take into account Canadian content where there is no Québec content in the property in question.

DIVISION III SERVICE CONTRACTS

6. This Division applies to service contracts for construction and related engineering work for water purification. Such contracts include the studies, the preparation of plans and specifications, the checking of the quality of the materials and the supervision of the construction and related engineering work for water purification.

7. No service contract may be concluded unless there has been a call for tender for services, except in emergencies where the safety of persons or property is endangered and where it would not be in the public interest to call for tenders.

8. The Corporation establishes a catalogue that lists the firms offering their professional services for construction and related engineering work for water purification. The catalogue must include the following 3 distinct specializations :

- (1) EPIC studies ;

- (2) interception of waste water ;
- (3) treatment works of waste water.

Firms listed under any one of the specializations referred to in subparagraphs 1 and 2 of the first paragraph are divided into geographical sub-groups depending on their principal place of business.

The Corporation determines the criteria of eligibility to be listed in the catalogue and checks the eligibility of firms submitting applications.

9. Where the Corporation wishes to award a service contract, it proceeds with an invitation of tenders in accordance with the following terms and conditions :

(1) for EPIC studies : 5 firms listed in the catalogue of the Corporation and, where applicable, 2 of which are registered in the geographical sub-group where the work is to be carried out ;

(2) for the interception of waste water : 4 firms listed in the catalogue of the Corporation and where applicable, upon the request of the municipality or municipalities concerned, the firm usually in charge of collecting their waste water.

Among the firms invited, priority is given to firms listed in the catalogue whose principal place of business, where applicable, is in the same geographical sub-group as the place where the work is to be done ;

(3) for treatment works : 5 firms listed in the catalogue of the Corporation including, where applicable, the firm previously in charge of the work where modifying existing work is involved.

10. Despite section 9, the Corporation may proceed with a call for tenders in newspapers where it decides that an invitation of tenders would not give satisfactory results.

Sections 4, 5, 6 and the first paragraph of section 7 of the Regulation respecting government service contracts (c. A-6, r.8) apply to such a call for tenders in newspapers.

11. The terms and conditions for the establishment of the catalogue, the general criteria for listing in the catalogue, the division of specializations into geographical sub-groups, and the selection grid used to choose firms must be approved by the Conseil du trésor.

12. The study of a call for tenders is done by the technical committee established within the frame-work of an agreement made between the Corporation and the municipality or the municipalities concerned, based on the crite-

ria and the terms and conditions included in the selection grid approved by the Conseil du trésor.

13. The technical committee recommends its choice of a firm to the Corporation.

14. Remuneration for professional services must not exceed the tariff established in the Tariff of fees for professional services provided to the Government (c. A-6, r.30).

The Corporation specifies in the notice of call for tenders, the methods of payment of fees, established in the Regulation referred to in the first paragraph, that are applied according to the difficulty of the contract.

DIVISION IV CONSTRUCTION CONTRACTS

15. In this Division, construction means all work related to the carrying out of water purification works and rehabilitation work on municipal sewerage systems that require specialized labour from the construction trade.

16. A construction contract may not be concluded unless there has been a public call for tenders, except in emergencies where the safety of persons or property is endangered and where it would not be in the public interest to call for tenders.

17. Tenders are called for according to one of the following methods :

(1) a call for tenders in newspapers where the estimated cost of the work is over 25 000 \$; or

(2) an invitation for tenders to at least 3 contractors in all other cases.

18. A call for tenders in newspapers must be published in French in a Montréal daily newspaper, in a Québec City daily newspaper, in a weekly regional newspaper with a circulation in the region where the work is to be carried out and in a specialized publication.

19. A call for tenders in newspapers must include, at the least, the following provisions and information :

(1) a brief description of planned works ;

(2) the place where they will be carried out ;

(3) the place where the documents and information needed to prepare the tender may be obtained or examined ;

(4) the prerequisites for obtaining the documents needed to prepare the tender ;

(5) the place and the deadline set for the filing and opening of tenders ;

(6) the nature of the tender guarantee required ;

(7) that only tenders from contractors who have their principal place of business in Québec and who hold the licence required under the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1), will be considered ;

(8) that the Corporation does not bind itself to accept the lowest or any other tender.

20. The following documents are given to the tenderers in exchange for a nonrefundable deposit, the amount of which is fixed by the Corporation according to the actual cost of producing the documents :

(1) a list of the documents supplied ;

(2) a copy of the text of the call for tenders ;

(3) the instructions for tenderers ;

(4) the tender form ;

(5) the information form respecting the tenderer ;

(6) a specimen of the contract referred to in the tender ;

(7) a specimen of the bid bond form ;

(8) a specimen of the prescribed performance bond forms and the prescribed bonds for the labour, materials and service obligations of the contractor ; and

(9) all other requirements pertinent to the mandate to be contracted for, including plans, estimates and relevant addendum.

21. The instructions provided for tenderers must indicate how to fill out the tender form and required supporting documents, and the procedures the tenderer is to follow.

22. If the contract is awarded, it is granted to the lowest conformable tender.



c. S-18.21, r.2

**Règlement sur l'exercice des pouvoirs et
sur l'administration générale des affaires
de la Société québécoise d'assainissement
des eaux**

An Act respecting the Société québécoise
d'assainissement des eaux

(S.Q., 1980, c. 10 ; after consolidation : R.S.Q., c.
S-18.21)

See French Edition



c. S-18.3, r.1

**Règlement sur l'acquisition d'actions ou
de biens par la Société québécoise de
développement des industries culturelles**

An Act respecting the Société québécoise de
développement des industries culturelles
(R.S.Q., c. S-18.3, s. 20)

See French Edition



c. S-18.3, r.2

**Règlement sur l'aide financière de la
Société aux entreprises québécoises dans
le domaine des industries culturelles**

An Act respecting the Société québécoise de
développement des industries culturelles
(R.S.Q., c. S-18.3, s. 20)

See French Edition



c. S-18.3, r.3

**Règlement sur les emprunts de la Société
québécoise de développement des
industries culturelles**

An Act respecting the Société québécoise de
développement des industries culturelles
(R.S.Q., c. S-18.3, s. 20)

See French Edition



c. S-18.3, r.4

**Règlement sur l'octroi de prêts à un taux
d'intérêt plus bas que la taux du marché
par la Société québécoise de
développement des industries culturelles**

An Act respecting the Société québécoise de
développement des industries culturelles
(R.S.Q., c. S-18.3, s. 21)

See French Edition



c. S-18.3, r.5

**Règlement sur les pouvoirs et la régie
interne de la Société québécoise de
développement des industries culturelles**

An Act respecting the Société québécoise de
développement des industries culturelles
(R.S.Q., c. S-18.3, s. 20)

See French Edition



c. S-20, r.1

**Règlement sur les effectifs ainsi que sur
la nomination et la rémunération des
employés de la Société québécoise
d'information juridique**

An Act respecting the Société québécoise d'information
juridique
(R.S.Q., c. S-20, s. 9)

See French Edition



c. S-22, r.1

**Règlement sur les emprunts de la Société
québécoise d'initiatives pétrolières**

An Act respecting the Société québécoise d'initiatives
pétrolières
(R.S.Q., c. S-22)

See French Edition



c. S-22, r.2

**Règlement de régie interne de la Société
québécoise d'initiatives pétrolières**

An Act respecting the Société québécoise d'initiatives
pétrolières

(R.S.Q., c. S-22, s. 17)

See French Edition



c. S-28, r.1

Regulation respecting the establishment and operation of corporations for the development of Québec business firms

An Act respecting corporations for the development of Québec business firms

(R.S.Q., c. S-28, ss. 12, 19, 40 and 46)

DIVISION I INTERPRETATION

1. In this Regulation, unless the context indicates a different meaning, the following expressions and words mean :

(a) “net assets” : the net value of the aggregate property of a corporation or firm, calculated by subtracting the allowance for bad debts, accumulated depreciation and any other pertinent item from the original capital costs normally shown on the balance sheet ;

(b) “equity holdings” : the holdings of shareholders or the equity value of a corporation or firm, calculated by subtracting liabilities from assets as shown on the balance sheet ;

(c) “manufacturing firms” : an economic and legal entity in which factors of production which contribute to the processing of a given product, whether such be a primary product or a product that has already undergone one or several processes, are grouped and coordinated to obtain a product. This entity must be such that it can be included in one of the groups of the manufacturing industries identified as such in the classification of Québec economic activities of the Bureau de la statistique du Québec ;

(d) “Act” : the Act respecting corporations for the development of Québec business firms (R.S.Q., c. S-28) ;

(e) “small and medium-sized firms” : a firm which, on the date that a corporation invests in it, employs 200 persons or less and whose most recent certified balance sheet shows net assets of less than 7 500 000 \$.

DIVISION II REGISTRATION

2. Any group of persons must, to obtain a registration certificate of a corporation, apply to the Minister of Industry, Commerce and Tourism by means of an application the form and tenor of which must be that of the form in

Schedule A accompanied by a certified cheque for 1 000 \$ made to the order of the Minister of Finance, 900 \$ of which shall be repayable upon the issuance of letters patent by the Ministère des Institutions financières et Coopératives to that corporation or upon the refusal of the Minister to issue a registration certificate, as the case may be. For the application of this section :

(a) every application must, in particular, include information concerning the organization, the financing and the shareholders of the corporation ;

(b) every application must be accompanied by a declaration of the financial institution concerned to the effect that the amounts governed by section 7 of the Act are deposited therewith in accordance with the provisions of the said section.

3. Without restricting the scope of the requirements of section 2, the application must, in particular, indicate the methods of management assistance for small and medium-sized manufacturing firms that the corporation plans to adopt.

4. Until 31 December 1982, the Minister may issue a maximum of 15 registration certificates distributed in the following manner among the regions described in Schedule B :

(a) Eastern region	5
(b) Central region	2
(c) Southern region	1
(d) Montréal region	5
(e) Western region	2

The location of a corporation is determined in relation to the location of its head office.

DIVISION III CAPITAL STOCK

5. A corporation, to obtain the approval of a resolution of its directors increasing the maximum total price for which the shares may be issued in accordance with section 18 of the Act, must apply to the Minister by means of an application the form and tenor of which must be that of the form in Schedule C.

6. A person or a group of persons related within the meaning of sections 9, 20 and 21 of the Taxation Act

(R.S.Q., c. I-3) may not hold directly or indirectly more than 40% of the voting shares of a corporation.

DIVISION IV INVESTMENTS

7. At the end of each fiscal year, every corporation must hold in admissible investments not less than 70% of the equity holdings of its shareholders.

8. The total value of one or more of the investments of a corporation is a small or medium-sized manufacturing firm may not exceed 25% of the net assets of that corporation or 250 000 \$, whichever is the lesser of the 2 amounts.

9. One or several corporations may not hold directly or indirectly more than 40% of the voting shares of the same small or medium-sized manufacturing firm.

10. When one or more of the investments in a small or medium-sized manufacturing firm are not in accordance with sections 8 or 9, no investment in that same firm is admissible within the meaning of section 35 of the Act.

DIVISION V RETURNS

11. Within 3 months following the end of its fiscal year, a corporation must submit to the Minister a return describing its activities accompanied by certified financial statements. This return must include : a complete list of all investments, whether admissible within the meaning of the Act or not, made in small or medium-sized manufacturing firms ; a declaration of the management assistance measures provided these firms ; a detailed report of the calls upon its shareholders to subscribe ; and a schedule of future invitations, if applicable.

SCHEDULE A

(s. 2)

SODEQ

APPLICATION FOR REGISTRATION

DECLARATION : The applicants whose names, callings and addresses are :

Name	Address	Calling
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

wish to register and incorporate a SODEQ under the name of :, annex to this application the documents required under section 2 and designate the first of those mentioned above to transmit to the Minister of Industry, Commerce and Tourism and to receive in their name all appropriate documents and information.

APPLICATION : In accordance with section 25 of the Act, application is made to the Minister of Industry, Commerce and Tourism to register the above-designated SODEQ this day of the month of
..... 19...

1. signature	2. signature
3. signature	4. signature
5. signature	6. signature
7. signature	8. signature
9. signature	10. signature

CERTIFICATE : This application is refused
granted

Comments :
.....
.....
.....
.....
.....
.....



c. S-30, r.1

Regulation respecting the fees to be paid under the Loan and Investment Societies Act

Loan and Investment Societies Act
(R.S.Q., c. S-30, s. 2)

1. The fees exigible of a corporation, an institution or a society for the issuance of a licence required by the Loan and Investment Societies Act (R.S.Q., c. S-30) are as follows :

(a) 200 \$ where the capital stock of the company is 40 000 \$ or less ;

(b) 200 \$ and 1,25 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 40 000 \$ where the capital stock is greater than 40 000 \$ but does not exceed 100 000 \$;

(c) 275 \$ and 0,65 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 100 000 \$ where the capital stock is greater than 100 000 \$ but does not exceed 500 000 \$;

(d) 535 \$ and 0,30 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 500 000 \$ where the capital stock is greater than 500 000 \$ but does not exceed 2 000 000 \$;

(e) 985 \$ and 0,25 \$ for every 1 000 \$ or fractional part of 1 000 \$ in excess of 2 000 000 \$ where the capital stock is greater than 2 000 000 \$; and

(f) 200 \$ where the capital stock is not indicated in the incorporating documents.

2. For the purposes of section 1, the shares that have a nominal value inferior to 1 \$ are valued at 1 \$ and the shares without nominal value are valued according to the aggregate consideration for which they may be issued ; if there is no mention of this consideration in the incorporating documents, they are valued at 100 \$ each.

3. Where the company employs only a portion of its capital stock within Québec, the fees required under section 1 are exigible on that portion so employed in Québec, upon affidavit or solemn declaration stating what portion is so employed.



c. S-33, r.1

Tariff of fees of court stenographers

Stenographers' Act
(R.S.Q., c. S-33, s. 4)

Courts of Justice Act
(R.S.Q., c. T-16, s. 224)

1. Definition of a page :

(a) a page of transcription is written on Bond paper (16 lb or 20 lb) 8½ by 14 inches ;

(b) the first margin, marked with a double line, is 1½ inches from the left-hand edge of the page ; the second margin is ½ inch to the right of the first ; and the last margin is ¾ inches from the right-hand edge of the page ;

(c) the transcript must continue for 28 complete lines ; a complete line must begin 2 inches from the left-hand edge of the page and must contain 5½ inches of text at 10 strokes per inch, except when the question, the answer, the designation, or other remark needs less space, or when the text requires a new line ;

(d) every fifth line is numbered (5, 10, 15, 20, 25), and the final line is numbered 28 ;

(e) questions are marked with a Q and answers with an A, between the first and second margins on the left-hand side ;

(f) at the top of every page must be written the name of the witness and the stage of the examination, and the page number must be written at the foot of the page.

2. Ordinary witnesses heard in Court :

- (a) taking of evidence : 0,70 \$/page
- (b) transcription : 1,15 \$/page

3. Expert witnesses heard in Court, pleading before a tribunal, judge's summary, judgment :

- (a) taking of evidence : 1 \$/page

- (b) transcription : 1,35 \$/page

4. (1) *Ex parte* evidence or evidence in default before the Court : Sections 2 and 3 apply according to the witness' qualifications with a minimum for any evidence of 10 \$.

(2) *Ex parte* evidence or evidence in default out of Court : Paragraphs a and b of section 5 apply according to the witness' qualifications with a minimum for any evidence of 15 \$.

5. Pre-trial examinations and examinations out of Court :

- (a) ordinary witnesses :
 - i. taking of evidence 0,90 \$/page
 - ii. transcription 1,15 \$/page
- (b) expert witnesses :
 - i. taking of evidence 1,20 \$/page
 - ii. transcription 1,35 \$/page
- (c) minimum for each attendance including original and a copy for the same advocate : 32 \$
- (d) minimum for each case including original and a copy for the same advocate : 20 \$

6. Quasi-judicial bodies, boards, etc.

- (a) taking of evidence : 1,20 \$/page
- (b) transcription : 1,35 \$/page

7. Taking and transcription from day to day :

- (a) original : ordinary witnesses : 3 \$/page
- (b) expert witnesses, pleading and other : 3,60 \$/page

8. Transcription of appeals :

- (a) original : ordinary witnesses : 1,15 \$/page
- (b) expert witnesses, pleading and other : 1,35 \$/page

9. Copy of transcription :

- (a) any copy for the advocate who takes the original : 0,25 \$/page
- (b) i. any other copy 0,50 \$/page
- ii. minimum per transcription 10 \$

10. Services reserved and not used and services not provided for in the Tariff : This Tariff does not exclude any agreement negotiated between a stenographer and the employer for travel expenses, services reserved but not used, or for any other service not described in this Tariff. However, the amounts so paid to stenographers may not in any case be taxed against the opposing party.

11. This Tariff includes the taking and transcription of evidence by recording or any other means authorized by the Government.

O.C. 190-80, (1980) 112 G.O.II, 873
O.C. 1287-80, (1980) 112 G.O.II, 1893



c. S-34, r.1

Regulation respecting the application of the Act respecting fiscal incentives to industrial development

An Act respecting fiscal incentives to industrial development
(R.S.Q., c. S-34, s. 27)

1. Act : means the Act respecting fiscal incentives to industrial development (R.S.Q., c. S-34).

2. (1) A manufacturing or processing operation is the assembly or transformation of any material whatsoever whether it be a raw material or one which has been transformed once or many times, to obtain a product, if such product is part of a manufacturing industry or operation as defined in the *Classification des activités économiques du Québec* of the Bureau de la statistique du Québec, May 1974 edition.

(2) A manufacturing or processing operation also includes the following activities :

- (a) film development and printing ;
- (b) tire recapping ;
- (c) the reconditioning of mechanical parts ; and
- (d) the production and recording of films.

(3) For the purposes of Chapter III of the Act, with respect to tax abatement and the definition of a manufacturing business in section 1 of the Act, a manufacturing or processing operation excludes every operation of initial transformation of natural resources and, in particular, operations respecting pulp and paper, primary steel fabrication, the smelting or refining of non-ferrous metals and petroleum refining.

3. Operations excluded from production operations are those which consist of the offer of professional or personal services by the categories of persons mentioned in section 1 of Schedule A and those which consist of retail sales, by the categories of persons mentioned in section 2 of Schedule A, of services or moveable goods not produced by the persons who sell them, even if such persons may have transformed such goods before delivery to the consumer.

4. A prior application for a certificate is an application made before the start of allowable expenditure or investment, and more specifically :

(a) before the registration of a sales contract with the registration office in the case of the acquisition of a plant, factory or property ;

(b) before the actual taking possession of leased property indicated in the lease in the case of the leasing of a plant or factory ;

(c) before the first payment respecting the start of the actual construction work in the case of construction, improvement or expansion of a plant or factory ;

(d) before the date of receipt in the case of machinery, tools or equipment ;

(e) before the start of installation in the case of the purchase of the components of machinery, tools or equipment ;

(f) before the date of issuance of letters patent or supplementary letters patent in the case of amalgamation ;

(g) before the date of signature of a final written contract in the case of every grouping ;

(h) before the date of signature of a contract of acquisition or purchase in the case of the acquisitions of a business or the purchase of distribution facilities ;

(i) before the date of signature of a contract respecting surveys in the case of a study of foreign markets ;

(j) before the day of departure of a trip in the case of a prospecting trip ;

(k) before the date of order of advertising materials in the case of the devising and production of advertising materials ;

(l) before the date of the official opening of an exposition in the case of participation at an industrial or commercial exposition ;

(m) before the date of signature of a contract for the hiring of staff in the case of expenses inherent to the hiring of a commercial intermediary ;

(n) before the date of the initial forwarding of a product to a foreign market in the case of the adaptation of a product to a foreign market ;

(o) before the demonstration date in the case of costs incurred for the demonstration of products or equipment ;

(p) before the payment of an expenditure in the case of an expenditure of research and development ; or

(q) before the date of signature of every contract of acquisition of a patent or a licence.

5. For the purposes of section 1 of the Act :

(1) Zone I comprises the city, town, village, parish, township and united township municipalities, without designation, and also the unorganized territories and Indian Reservations situated in the administrative regions hereinafter mentioned, established under the *Décret sur la division administrative du Québec* (c. D-11, r.1) :

03 Québec (part),

except those hereinafter mentioned : Biencourt, Lac-des-Aigles, Saint-Guy, Saint-Mathieu-de-Rioux, Saint-Médard, Saint-Michel-du-Squatec, Saint-Simon, the unorganized territories of Rimouski northwest part and Rimouski southwest part and those situated in the territory of the county municipalities of Kamouraska, Rivière-du-Loup and Témiscouata ;

04 Trois-Rivières ;

05 Estrie ; and

06 Montréal (part),

except those hereinafter mentioned : Anjou, Baie-d'Urfé, Beaconsfield, Beauharnois, Beloeil, Blainville, Bois-des-Filion, Boucherville, Brossard, Candiac, Carignan, Caughnawaga, Chambly, Charlemagne, Château-guay, Côte-Saint-Luc, Delson, Deux-Montagnes, Dollard-des-Ormeaux, Dorion, Dorval, Greenfield Park, Hampstead, Hudson, Ile-Cadieus, Ile-Dorval, Ile-Perrot, Kirkland, Lachenaie, Lachine, LaPrairie, LaSalle, L'Assomption, Laval, LeMoyné, L'Épiphanie, Léry, Longueuil, Lorraine, Maple Grove, Marieville, Mascouche, McMasterville, Melocheville, Mercier, Montréal, Montréal-Est, Montréal-Nord, Montréal-Ouest, Mont-Royal, Mont-Saint-Hilaire, Notre-Dame, Notre-Dame-de-Bon-Secours, Notre-Dame-de-l'Ile-Perrot, Otterburn Park, Outremont, Pierrefonds, Pincourt, Pointe-aux-Trembles, Pointe-Calumet, Pointe-Claire, Pointe-du-Moulin, Repentigny, Richelieu, Rosemère, Roxboro, Saint-Amable, Sainte-Anne-de-Bellevue, Saint-Basile-le-Grand, Saint-Bruno-de-Montarville, Sainte-Catherine, Saint-Constant, Saint-Eustache, Sainte-Geneviève, Saint-Hubert, Saint-Jean-de-Dieu, Sainte-Julie, Saint-Lambert, Saint-Laurent, Saint-Léonard, Saint-Louis-de-Terrebonne, Sainte-Marie-de-Monnoir, Sainte-Marthe-sur-le-lac, Saint-Mathias, Saint-Mathieu-de-Beloeil, Saint-Paul-l'Ermite, Saint-Pierre, Saint-Raphaël-de-l'Ile-Bizard, Sainte-Thérèse, Sainte-Thérèse-Ouest, Senneville,

Terrasse-Vaudreuil, Terrebonne, Varennes, Vaudreuil, Vaudreuil-sur-le-Lac, Verdun, Westmount.

(2) Zone II comprises the city, town, village, parish, township and united township municipalities, without designation, as well as the unorganized territories and the Indian Reservations situated in the following administrative regions established under the *Décret sur la division administrative du Québec* (c. D-11, r.1) :

01 Lower St. Lawrence — Gaspesia ;

02 Saguenay — Lac-Saint-Jean ;

07 Outaouais ;

08 Abitibi — Témiscamingue ;

09 North Shore ; and

10 New Québec ;

including those situated in the administrative region of Québec hereinafter mentioned : Biencourt, Lac-des-Aigles, Saint-Guy, Saint-Mathieu-de-Rioux, Saint-Médard, Saint-Michel-du-Squatec, Saint-Simon, the unorganized territories of Rimouski northwest part and Rimouski south-west part and also those situated in the territory of the county municipalities of Kamouraska, Rivière-du-Loup and Témiscouata.

6. The leasing of a plant or factory entailing expenditures of 100 000 \$ or more constitutes an allowable expense if it is used for new buildings or the material expansion of a manufacturing or processing operation. The amount of allowable expenditure includes the cost of leasing for the first 3 years effective from the actual taking possession of the leased property.

7. The purchase, including the installation of machinery, tools and equipment or their constituent components does not include the cost of the components used for purposes of maintenance and repair.

8. Projected amalgamations, groupings or acquisitions must, for the purposes of subparagraph c of the first paragraph of section 13 of the Act, refer to persons that exercise competing or complementary activities.

9. A projected amalgamation of purchase must, for the purposes of subparagraph d of the first paragraph of section 13 of the Act, refer to persons that exercise complementary activities.

10. Allowable expenditures with respect to the opening of new markets outside Canada or to the expansion of an existing market outside Canada must, for the purposes of subparagraphs e and h of the first paragraph of section 13 of the Act, refer to :

(a) foreign market research performed by persons other than the employees of the corporation ;

(b) a prospecting trip for which the living allowance is fixed at 70 \$ per day and for which 50% of the other expenditures directly linked to this trip are allowable ;

(c) the devising and production of advertising materials for foreign markets ;

(d) participation in an industrial or commercial exposition ;

(e) inherent expenditures for the hiring of a commercial intermediary to the exclusion of every amount paid to such commercial intermediary as fees, commissions or remuneration ;

(f) the adaptation of a product to a foreign market ;
or

(g) the expenditures incurred in the demonstration of products or equipment.

11. (1) A research and development expenditure must, for the purposes of subparagraph *f* of the first paragraph of section 13 of the Act, represent systematic research carried out in a field of science or technology by means of applied research or the use of research results for the devising, improving or perfecting of a product or production techniques and include :

(a) an expenditure with respect to engineering or design, operations research, mathematical analysis, computer programming or psychological research ;

(b) a study expenditure related to the forecasting and management of innovation concerning :

i. markets and distribution networks ;

ii. product design or the production process, that is, product drawings, sketches and plans, component specifications, the construction and maintenance manual ;

iii. products ; or

iv. the financial implications of innovation for the enterprise and the preparation of the project ;

(c) an expenditure following upon the research and development phase concerning :

i. the costs of researching previous patents and the cost of patent application ;

ii. product design or the production process, that is, product drawings, sketches and plans, component specifications, the construction and maintenance manual ;

iii. machinery tool or equipment modifications ;

iv. the adaptation to new methods and production standardization ; or

v. initial quality control.

(2) However, such research and development expenditures shall not include an expenditure in connection with :

(a) sales promotion ;

(b) regular quality control or routine testing of materials, products or production processes ;

(c) research in the social sciences or the humanities ;

(d) prospecting, exploration or drilling undertaken with a view to discovering or exploiting minerals, petroleum or natural gas ;

(e) commercial production of a new or improved material or product, or the commercial use of a new or improved production process ;

(f) style changes ; or

(g) routine data collection.

(3) With regard to a research and development project in the course of being carried out, that part of expenditures which exceeds the average of the expenditures of the last 3 years constitutes the allowable expenditure. A research and development project for a new product or production process shall be considered as an increase in the expenditures made.

12. A monetary expenditure relating to the acquisition of a patent and to the costs attendant thereto constitutes an allowable expenditure. In the case of the utilization of a patent or a manufacturing licence, the allowable expenditure shall be constituted by the initial monetary expenditure and the royalties paid during the first 3 years of the utilization of the patent or licence.

13. (1) The expansion programme required of a corporation under section 16 of the Act must include the following information :

(a) the corporation's history ;

(b) its administrative structure (organization chart) ;

(c) the curriculum vitae of its managers and its administrators ;

(d) its financial structure :

i. the financial statements of its last 3 years ;
ii. the budget estimates and provisional statements for the next 3 years ; and

iii. its method of financing ;

(e) the marketing of its products :

i. a market survey ;
ii. its sales strategy ; and
iii. the competition ;

(f) its production :

i. its time table for starting production ;
ii. its method and its capacity of production ; and
iii. the technology employed ;
(g) the project :
i. the site and the reasons for choosing it ; and
ii. the land, the building and the construction schedule ;

(h) the primary materials utilized by the corporation ; and

(i) the number of the corporation's actual employees and the projected number following the making of the allowable expenditure or investment.

(2) In the case of the amalgamation or the grouping of enterprises, production facilities, resources or interests, enterprise acquisition or purchase of distribution facilities, the expansion programme must include the information required under this section with respect to every person who is directly concerned by the amalgamation, grouping, acquisition or purchase.

14. The Minister of Industry, Commerce and Tourism may, after having issued a certificate under section 14 or section 26 of the Act, if a corporation demonstrates to him that the allowable expenditure or investment exceeds the amount for which such certificate was issued and applies in writing therefor within a year following the date of issue the certificate concerned, change the amount of the allowable expenditure or investment inscribed on such certificate to take into account the increase. The Minister of Industry, Commerce and Tourism shall deliver to the Minister of Revenue a notice to this effect which shall modify, with respect to the amount only, the certificate

previously delivered for the same allowable expenditure or investment.

15. For the purposes of section 14 of the Act, the Minister of Industry, Commerce and Tourism may deliver to a corporation, which applies therefor within a delay of 60 days from 28 September 1977, a certificate contemplated in the said section 14 of the Act with regard to an allowable expenditure mentioned in the said section 14 the making of which began on or after 10 August 1977 and prior to 28 September 1977.

A certificate application made within the time limit prescribed in this section shall be considered, for the purposes of section 14 of the Act, to be a certificate application made before the start of the making of the expenditure concerned.

16. For the purposes of section 26 of the Act, the Minister of Industry, Commerce and Tourism may deliver to a corporation, which applies therefor within a delay of 60 days from 28 September 1977, a certificate contemplated in the said section 26 of the Act with regard to an allowable investment mentioned in section 22 of the Act the making of which began on or after 10 August 1977 and prior to 28 September 1977.

A certificate obtained under this section shall be considered, for the purposes of Chapter III of the Act, to have been obtained before the start of the making of the investment concerned.

SCHEDULE A

(s. 3)

LIST OF CATEGORIES OF PERSONS OFFERING PERSONAL OR PROFESSIONAL SERVICES OR SELLING RETAIL SERVICES OR PRODUCTS

1. The categories of persons offering personal or professional services are the following :

Administrators, agrologists, architects, land-surveyors, advocates, chemists, chiropractors, chartered accountants, industrial administration accountants, certified general accountants, vocational guidance counsellors, industrial relations counsellors, dentists, denturologists, dieticians, occupational therapists, chartered appraisers, dental hygienists, nurses, nursing assistants, engineers, forest engineers, physicians, veterinary surgeons, notaries, optometrists, orthodontists, speech therapists and audiologists, pharmacists, physiotherapists, podiatrists, psychologists, radiology technicians, medical technologists, social workers, town planners, systems analysts, computer specialists and programmers.

2. The categories of persons selling retail services or moveable goods not produced by the persons who sell them :

Advertising agents, gunsmiths, jewellers, launderers, butchers, carpenters, hairdressers, barbers, insurance companies, shoemakers, interior decorators, electricians, grocers, grocer-butchers, window dressers, establishment operators within the meaning of the Meals and Hotels Tax Act (R.S.Q., c. T-3), general and department store operators, vending machiner operators, florists, garage and service station operators, herbalists, financial and banking corporations, booksellers, livestock dealers, scrap merchants, mechanics, woodworkers, automobile painters, plasterers, plumbers, hardware merchants, retail upholsterers, welders, tailors, fashion designers, taxidermists, dyers and persons whose main activity consists in retail selling and who sell in particular : sporting goods, prepared meat and delicatessen products, sweets and pastries, food products, musical instruments, agricultural supplies and equipment, fruits and vegetables, leather goods, construction materials, mobile homes, household furniture and appliances, gravestones and monuments, wigs, hair pieces and toupees, fish, carpets, tarpaulins and linoleum, curtains and drapes, glassware, porcelain, faience, mirrors and lamps or clothing and fabrics.

O.C. 3047-77, (1977) 109 O.G.II, 5133

O.C. 4455-77, (1978) 110 G.O., 819



c. S-35, r.1

Règlement sur les substituts du procureur général

An Act respecting Attorney-General's Prosecutors
(R.S.Q., c. S-35, s. 5)

See French Edition



c. S-35, r.2

**Règlement sur les substituts occasionnels
du procureur général**

An Act respecting Attorney-General's Prosecutors
(R.S.Q., c. S-35, s. 5)

See French Edition



c. S-36, r.1

Regulation respecting grants to finance investments by school boards, regional school boards and by the Conseil scolaire de l'île de Montréal

An Act respecting grants to school boards
(R.S.Q., c. S-36, s. 15)

1. In this Regulation, the following words and expressions mean :

- (a) "investment" : all expenses incurred for :
 - i. the purchase, possession or acquisition, under whatsoever form or title, of any lands, buildings or other immovables ;
 - ii. the development, improvement and other alteration work on any land or other immovable, with the exception of buildings ;
 - iii. the construction work on buildings and the improvements and alterations to buildings ;
 - iv. the purchase of furnishings (permanent fixtures), furniture (non-permanent fixtures), accessories, machines, mobile equipment, library and audio-visual stocks ;
 - v. professional fees for services rendered or to be rendered in connexion with purchases, work or other acts described in subparagraphs i to iv ;
- (b) "board" : every school board or regional board governed by the Education Act (R.S.Q., c. I-14) and the Conseil scolaire de l'île de Montréal established by the Act to promote school development on the island of Montréal (S.Q., 1972, c. 60) ;
- (c) "debt service" : repayment of the loan capital and payment of the accrued interest in accordance with the table of amortization annexed to the loan resolution of the board ;
- (d) "Minister" : the Minister of Education.

2. Every investment contemplated by a board shall be approved by the Minister in accordance with the budgetary rules established by the latter ; the budgetary rules shall, in particular, determine the proportion of expenditures admissible for grants from the Minister.

3. Every investment by a board approved in accordance with section 2 may, in whole or in part, be subsidized by the Minister.

4. The financing of investments may be ensured, in whole or in part, by one or several loans made by the board by means of bonds issued in accordance with the Act respecting grants to school boards (R.S.Q., c. S-36).

5. The amount of every issue of bonds shall include the following expenses incurred or to be incurred : the accrued interest on temporary financing of investments, professional fees, premiums on loans, discount on the sale of bonds and any other charge relating to the loan.

6. On each occasion when the debt service becomes payable, the Minister shall repay the amount of the bonds and shall pay the amount of accrued interest in accordance with the table of amortization annexed to the loan resolution of the board, up to the proportion of expenditures admissible for grants from the Minister pursuant to section 2.

7. This Regulation shall apply to any investment whose method of financing has not already been approved by the Minister or to any investment whose method of financing has already been approved by the Minister ; in the latter case, however, the consent of the parties is required.



c. S-37.1, r.1

Regulation respecting the proof required in determining work income supplement

An Act respecting work income supplement
(R.S.Q., c. S-37.1, s. 36, subpar. f)

1. An applicant for a work income supplement who is receiving benefits that must be included in computing his income pursuant to subparagraphs *d* and *e* of the first paragraph of section 7 of the Act respecting work income supplement (R.S.Q., c. S-37.1) must attach to his application a statement of benefits on the form prescribed by the Minister of Revenue.

2. The Commission de la santé et de la sécurité du travail and the Régie de l'assurance automobile du Québec shall send to any beneficiary of the amounts payable under the Workmen's Compensation Act (R.S.Q., c. A-3) and the Act respecting the Régie de l'assurance automobile du Québec (R.S.Q., c. R-4), a statement of benefits on the form prescribed by the Minister of Revenue not later than the last day of February of every year for the previous calendar year.

The Commission de la santé et de la sécurité du travail and the Régie de l'assurance automobile du Québec shall also send, before the same deadline, a copy of all statements of benefits to the Minister of Revenue.

3. Dispositions of section 2 concerning the sending of a statement of benefits also apply to any person who makes a payment as a benefit under a salary-insurance plan or an income-insurance plan or a payment in lieu of a salary or an income, except a payment made because of a strike.

4. The Commission de la santé et de la sécurité du travail and the Régie de l'assurance automobile shall send not later than the last day of February of every year, a copy of their statement of payments for the previous year. The statement shall contain all information that the Minister of Revenue considers to be useful in the application of the Act respecting work income supplement.

O.C. 698-80, (1980) 112 G.O.II, 1357

O.C. 3993-80, (1980) 112 G.O.II, 5141 and (1981) 113 G.O.II, 285



c. S-37.1, r.2

Regulation respecting work income supplement

An Act respecting work income supplement
(R.S.Q., c. S-37.1, s. 36, subpar. a, b, c, d, e, g and h)

1. In this Regulation,

(a) “Act” : means An Act respecting work income supplement (R.S.Q., c. S-37.1);

(b) “supplement” : means work income supplement.

2. To be entitled to the supplement, the age required of one of the spouses contemplated in paragraph a of section 2 or of the person contemplated in section 3 of the Act is set at 30 years.

3. For the purposes of sections 2 and 3 of the Act, the market value of the property of the spouses or of the person who is a member of a family within the meaning of section 2 or of the person contemplated in section 3 must not exceed 50 000 \$.

For the purposes of sections 2 and 3, the following property is excluded :

(a) the usual residence of the spouses or of the person who is a member of a family within the meaning of section 2 and that of the person contemplated in section 3 together with the land on which it is built ;

(b) the furniture and household items of the usual residence ; and

(c) the automobile ordinarily used for personal purposes in accordance with the following conditions :

i. only one automobile may be excluded ;

ii. if more than one automobile is ordinarily used for personal purposes, the person who makes the application shall choose the automobile that he wishes to have excluded from the property referred to.

4. The maximum benefit income provided for in section 5 of the Act is established in accordance with the following rates :

	<i>Dependent children</i>	<i>Maximum benefit income</i>
one person	0	3 612 \$
	1	6 216
	2	6 588
	3 and more	6 696
the spouses	0	5 748 \$
	1	6 216
	2	6 588
	3 and more	6 696

5. The percentage of work income and that of the maximum benefit income, provided for in section 5 of the Act, are set at 25%.

6. The supplement shall be paid in instalments of 425 \$ until the total instalment has been paid in full.

Any instalment may be under 425 \$ if the total supplement to be paid is less than that amount or if the balance to be paid after the payment of one or several instalments is under 425 \$.

Any instalment may be over 425 \$ if, in the computation of the instalment, the balance to be paid is less than 100 \$. In such case, the balance shall be added to the instalment to be paid.

7. A person who has received a supplement to which he is not entitled in whole or in part must, by himself or after he has received a notice from the Minister of Revenue, if he cannot repay the amount immediately, make an agreement with the latter concerning the reimbursement of such amount.

8. The Minister’s notice must state the reasons justifying the claim.

9. The person who has received a supplement to which he is not entitled in whole or in part and who cannot repay the amount immediately may make an agreement with the Minister so that the amount claimed is deducted from the instalments to come pursuant to the Act, or is recovered in any other reasonable manner.

10. The agreement must state the terms and conditions of reimbursement, the number and the amount of the instalments, and the date from which such instalments shall start.

11. When an agreement is not abide by, or when no agreement is concluded, the person must reimburse the amount claimed under the terms and conditions that the Minister deems reasonable in the circumstances.

12. The person who has received a supplement to which he is not entitled in whole or in part must reimburse immediately the amount claimed when the supplement was obtained in bad faith or fraudulently, or when he was convicted under section 37 of the Act.

O.C. 3478-79, (1979) 111 G.O., 7255 and (1980) 112 G.O.II, 973
O.C. 2255-80, (1980) 112 G.O.II, 3483
O.C. 202-81, (1981) 113 G.O.II, 403



c. T-1, r.1

Regulation respecting the application of the Fuel Tax Act

Fuel Tax Act
(R.S.Q., c. T-1)

DIVISION I INTERPRETATION AND GENERAL

0.1. In this Regulation, the word “Act” means the Fuel Tax Act (R.S.Q., c. T-1).

0.2. As a means of ready reference to the pertinent section in the Act, the figure or figures preceding the decimal point of each section number in this Regulation correspond to the section number in the Act.

0.3. Section 1 of the Act applies to this Regulation.

0.4. The declaratory and interpretative provisions of the Interpretation Act (R.S.Q., c. I-16) apply *mutatis mutandis* to this Regulation.

1.1. For the purposes of subparagraph *e* of section 1 of the Act, the following substances are declared to be gasoline :

- (a) benzol and any blend of benzol with another substance ;
- (b) kerosene and turbo aviation fuel of the kerosene type, whatever their relative density may be, but only where used in aircraft engines ; and
- (c) propane gas, butane gas and liquefied petroleum gas.

DIVISION II SPECIAL RULES GOVERNING CONSUMERS

3.1. Where a consumer holding a registration certificate brings fuel into Québec acquired outside Québec and contained, on its entry into Québec, in the fuel tank installed as standard equipment to supply the engine of a motor vehicle other than a pleasure vehicle, he shall calculate the quantity of such fuel used in Québec in accordance with the required information prescribed in section 16 of the Act.

3.2. Where it appears from the calculation made under section 3.1 that the number of litres of fuel used in Québec in a given month is less than the number of litres of fuel purchased in Québec during such month, the consumer contemplated in the said section 3.1 shall not be entitled to a refund but shall be entitled to a credit in litres of fuel which he may claim on a return that he must submit, pursuant to section 16 of the Act and that is submitted within the 12 month period following that wherein the credit is earned.

9.1. For the purposes of subparagraph *i* of paragraph *e* of section 9 of the Act, every vessel used principally for purposes other than for pleasure is deemed to be a commercial vessel.

10.1. For the purposes of section 10 of the Act, every person who applies for a refund of tax paid on fuel must do so by using the prescribed form, within the 12 month period following the date of purchase of the fuel, and must attach to his application the original of the invoices for that fuel and proof of payment of the tax.

In addition, if his application is made pursuant to subparagraph *vii* of paragraph *a* or subparagraph *ii* of paragraph *b* of this section 10, he must attach to his application proof of the transport and delivery of the fuel outside Québec and proof of payment of the fuel tax levied by the Government at the place of delivery, or, where applicable, proof of exemption from the tax at that place on fuel so exported and used.

10.2. The person referred to in section 10.1 must keep and retain an inventory containing a description of the machinery and engines in which the fuel is used, a record of the fuel used, and a register showing the volumes put on each occasion into the fuel tank of each engine or machine.

He must also keep and retain :

(a) in the case of an engine equipped with an hour-meter, a register of the accumulated hours indicating the reading at the beginning and at the end of each month ;

(b) in the case of an engine not equipped with an hour-meter, a daily register of the operating hours of the machine ;

(c) in the case of a cement-mixer, a monthly register of the number of cubic metres of concrete transported ;

(d) in the case of a quarry, a monthly register of the number of cubic metres of stone crushed ;

(e) in the case of a bituminous concrete plant, a monthly register of the number of cubic metres of concrete processed ; and

(f) in the case of a peat bog, a monthly register of the number of cubic metres of peat extracted.

10.3. In the case of fuel which immediately before its use, was contained in a tank supplying a propulsion engine and a stationary engine simultaneously, a refund of the tax paid shall be granted only in the case contemplated in subparagraph viii of paragraph *a* and subparagraph iv of paragraph *b* of section 10 of the Act.

10.4. Only the person who buys and uses the fuel for which he is entitled to a refund of the tax may apply for a refund.

10.5. For the purposes of this section and of subparagraph viii of paragraph *a* and subparagraph iv of paragraph *b* of section 10 of the Act, the following mean :

(a) "mining" : all of the work contributing to the recovery and to processing of mineral ores coming from a mineral resource up to the first stage of concentration or the equivalent ;

(b) "farming operation" : all activity that constitutes farming within the meaning of the Act ;

(c) "forest operation" : all activity carried out in a forest for the purpose of exploiting it ;

(d) "mining operation" : all activity carried out to discover a mineral resource in Québec or for the mining of such a resource ;

(e) "mineral resource" : a deposit of base or precious metals, coal, bituminous or oil sands, oil shale, or a mineral deposit from which the principal mineral extracted is :

i. an industrial mineral contained in a non-bedded deposit, as certified by the Minister of Energy and Resources ;

ii. sylvite, halite or gypsum ; or

iii. silica that is extracted from sandstone or from quartzite.

16.1. Every consumer contemplated in the first paragraph of section 16 of the Act who holds a registration certificate shall furnish on the form prescribed in subparagraph

c of the first paragraph of the said section for the preceding month, the following information concerning his motor vehicles serving other than as pleasure vehicles, submitting separate returns for vehicles using gasoline and those using fuel oil :

(a) the number of kilometres travelled in Québec and the total number of kilometres travelled in Québec and elsewhere ;

(b) the quantity of gasoline or, as the case may be, of fuel oil purchased in Québec and the total quantity of gasoline or fuel oil purchased in Québec and elsewhere ; and

(c) the average number of kilometres travelled per litre of gasoline or fuel oil, as the case may be.

16.2. Every consumer contemplated in the second paragraph of section 16 of the Act who does not hold a registration certificate may obtain the single trip certificate mentioned therein by submitting an application thereto on the prescribed form before each trip into Québec and by paying a 0,03 \$ fee per kilometre to be travelled in Québec, with a minimum of 5 \$; the number of kilometres is based on the route indicated on the certificate and calculated according to the Québec official road map.

16.3. The consumer who obtains the certificate contemplated in section 16.2 shall keep it in his motor vehicle during his stay in Québec.

DIVISION III **COLOURING OF FUEL OIL**

18.1. In this Division, the expression "fuel oil" does not include bunker fuel or crude oil.

18.2. Every refiner and every importer shall colour fuel oil ; such colouring shall be effected in the manner prescribed in this Division.

18.3. The colouring of fuel oil is done by adding, in the proportion pointed out hereafter, one of the following products, furnished by the Minister of Revenue :

(a) a red colouring agent, containing a tracer, in the proportion of 20 kilograms of colouring agent for each million litres of fuel oil ; or

(b) a blue colouring agent "Automate Blue 10", in the proportion of 0,007 313 808 6 grams of colouring agent for each litre of fuel oil, that is, 7,313 808 6 kilograms of colouring agent for each million litres of fuel oil.

18.4. Where fuel oil to be coloured is refined in Québec, the colouring shall be done during the storage of the

fuel oil in the tanks of the refinery, or of an oil pipeline terminal, or of a marine terminal operated by the holder of a colouring permit, or during the delivery of the fuel oil to the loading station of the refinery, of an oil pipeline terminal, or of a marine terminal operated by the holder of a colouring permit.

18.5. Where fuel oil to be coloured is imported into Québec and is already refined, the colouring shall be done during the storage of the fuel oil in the importer's tanks, or at the loading racks of a marine terminal operated by the importer, unless the colouring of such fuel oil was done in accordance with this Regulation before being imported.

Where the fuel oil is not stored in such tanks, colouring shall be done before or on its entry into Québec.

18.6. Colouring at the tank truck loading racks is effected by means of a mechanical injection system including an automatic cut-off device designed to prevent the delivery of non-coloured fuel oil in case of a defect in the system.

18.7. The fuel oil delivery system at the tank truck loading racks shall comprise separate loading spouts for coloured and non-coloured fuel oil and each spout shall be equipped with a meter.

18.8. The holder of a colouring permit shall keep the colouring agent in a sealed container placed in a location situated close to the place where the colouring of fuel oil is done; he is responsible for the colouring agent and shall ensure that it is used for no purpose other than the colouring of fuel oil under section 18 of the Act.

18.9. The holder of a colouring permit shall acquire, install and maintain in good operating condition the equipment necessary for colouring.

18.10. Before commencing the colouring of fuel oil, the holder of a permit for such purpose shall submit to the Minister a plan of the projected equipment and installations for the colouring of fuel oil.

DIVISION IV PERMITS AND DOCUMENTS

29.1. Every person who is not a refiner holding a registration certificate and who wishes to make a blend contemplated in section 29 of the Act shall be exempt from the obligation to obtain the permit contemplated in the said section if he has signed a collection agreement with the Minister and if the product obtained from such blend remains subject to tax.

32.1. Every consumer described in the first paragraph of section 16 of the Act who holds a registration certificate shall keep, at his principal place of business in Québec, a copy of the form contemplated in subparagraph c of the first paragraph of the said section as well as a trip report containing, for each trip of every motor vehicle, the following information :

- (a) the identification or registration number of the motor vehicle and of every trailer ;
- (b) the date of the trip ;
- (c) the type of fuel used by the motor vehicle ;
- (d) the route covered ;
- (e) the exit and entry points in Québec ;
- (f) the number of kilometres travelled within Québec and the number of kilometres travelled outside Québec ;
- (g) the quantity of fuel put into the tank of the motor vehicle during the trip ; and
- (h) the name and signature of the driver of the motor vehicle.

32.2. The consumer contemplated in section 32.1 shall keep invoices of the fuel purchased which must show the identification or registration number of the motor-vehicle ; if the fuel was taken from his own storage tank, the consumer shall enter the quantities of fuel taken in a register kept for such purpose.

32.3. A retail dealer who operates a filling station shall keep the following documents at his principal place of business in Québec :

- (a) all invoices of fuel purchased ;
- (b) a daily register of readings of all fuel pump metres giving, for each product, the quantity of litres sold ;
- (c) all invoices in support of sales ; and
- (d) a monthly physical inventory of all fuel.

32.4. A retail dealer other than a dealer contemplated in section 32.3 shall keep the following documents at his principal place of business in Québec :

- (a) all invoices of fuel purchased and a daily record of purchases made ;
- (b) for all fuel sold, a daily record of sales and invoices of such sales containing a description of the fuel sold, the

name and address of the purchaser, the place of delivery and, where applicable, a separate indication of the tax ;

- (c) all delivery slips ; and
- (d) a monthly physical inventory of all fuel.

48.1. A motor vehicle seized under section 40 of the Act shall be sold by auction by a licensed auctioneer who must, prior to the sale, give notice of at least 10 days in the manner prescribed in article 594 of the Code of Civil Procedure (R.S.Q., c. C-25).

DIVISION V

COMPENSATION TO DEALERS

53.1. The compensation for retail dealers referred to in section 53 of the Act shall be 0,00011 \$ per litre, that is 11 \$ per 100 000 litres of gasoline purchased for resale and stored before resale, except that part of the gasoline used by the dealer or by other persons at his charge.

53.2. Every wholesale or retail dealer holding a registration certificate who has not concluded an agreement with the Minister pursuant to section 51 of the Act may claim the compensation mentioned in section 53.1 provided that :

- (a) he sustains losses due to evaporation ;
- (b) he pays his supplier the tax on gasoline at the time of purchase and recovers it at the time of sale ;
- (c) the tax he paid to his supplier was not the object of an application for a refund under section 10 of the Act ; and
- (d) he files with the Minister, within the 3 month period following the end of the period for which he claims compensation :
 - i. a claim form duly completed for a period not exceeding 12 months, on which shall be shown the total gasoline purchased by him during such period as well as the quantity of gasoline that he used or that other persons used at his charge during the period ;
 - ii. the invoices for the purchase of that gasoline ; and
 - iii. proof of payment of the tax on that gasoline.

O.C. 853-73, (1973) 105 O.G.II, 1391
 O.C. 2010-73, (1973) 105 O.G.II, 2501
 O.C. 5552-75, (1976) 108 O.G.II, 531
 O.C. 4008-78, (1979) 111 G.O., 2639
 O.C. 1984-80, (1980) 112 G.O.II, 2839
 O.C. 2368-80, (1980) 112 G.O.II, 3501



c. T-1, r.2

**Ministerial Order respecting the fixing of
the average retail price of fuel per litre**

Fuel Tax Act
(R.S.Q., c. T-1, s. 6)

1. For the purposes of computing the tax prescribed in the first paragraph of section 2 of the Fuel Tax Act (R.S.Q., c. T-1), the average retail price of fuel per litre is :

- (a) 0,325 \$ per litre for regular leaded gasoline ;
 - (b) 0,360 \$ per litre for high-octane leaded gasoline ;
 - (c) 0,350 \$ per litre for regular unleaded gasoline ;
 - (d) 0,360 \$ per litre of high-octane unleaded gasoline ;
- and
- (e) 0,315 \$ per litre for fuel oil.



c. T-3, r.1

Regulation respecting the application of the Meals and Hotels Tax Act

Meals and Hotels Tax Act
(R.S.Q., c. T-3, s. 12)

DIVISION I INTERPRETATION AND GENERAL PROVISIONS

1. In this Regulation, the word “Act” means the Meals and Hotels Tax Act (R.S.Q., c. T-3).

2. The expressions “meal” and “meal for consumption elsewhere” mean any food or food combination ready for consumption and sold, served or delivered by a person who keeps an establishment for consumption in that establishment or elsewhere.

However, these expressions do not mean food sold in a grocery store, butcher’s shop, department store or any other similar business by the person who carries on that business unless it is sold, served or delivered, for consumption there or elsewhere, at a lunch counter, in a restaurant or other similar accommodation located in the premises in which that person also operates that grocery store, butcher’s shop, department store or other similar business.

3. The words “account” or “bill” mean the document contemplated in Division III, that indicates the amount which a person must pay for the meals or beverages that were sold, served or delivered to him by an establishment and which must be completed in accordance with Division II.

4. The word “agent” means every person who keeps an establishment within the meaning of the Act.

5. The word “beer” means a beverage obtained by alcoholic fermentation in drinkable water of an infusion or decoction of barley malt, hops or other similar product, but does not include porter.

6. The word “establishment” has the same meaning as in the Act.

DIVISION II ACCOUNTS AND BILLS

7. The account or bill that every person who keeps an establishment must prepare pursuant to section 3 of the Act must indicate separately and in the following order :

- (a) the date on which it is completed, which must be that of the day on which the meals or beverages are sold ;
- (b) the price charged for meals, alcoholic beverages or aerated water to which essence or syrup has been added ;
- (c) the total price of the property sold ;
- (d) the amount of the tax ; and
- (e) the total of the amounts contemplated in paragraphs c and d.

8. The account must be used only once and shall not be used for any other purpose than those indicated by the Act and this Regulation.

DIVISION III ACCOUNT OR BILL FORMS

9. Subject to section 10, a person keeping an establishment shall, for the purpose of subsection 1 of section 3 of the Act, use account or bill forms supplied free of charge by the Minister of Revenue, to wit :

- (a) “meal account”, to be used for sales for consumption at the establishment and for take-out sales ;
- (b) “account for meals delivered outside the establishment”, to be used for sales for delivery outside the establishment.

10. However, a person keeping an establishment may, pursuant to conditions contemplated by section 11, be authorized by the Minister of Revenue to use his own account or bill forms :

- (a) when he can prove to the Minister of Revenue that he cannot use the account or bill forms mentioned in section 9 on account of his cash registering system ; or
- (b) when, on account of his operating system, the account or bill form to be used, on which is printed the list of foods and beverages, is also used to take the customers orders by checking foods or beverages chosen thereon.

11. The authorization mentioned in section 10 is granted if the account or bill forms to be used by a person keeping an establishment have at least the same characteristics as the forms supplied by the Ministère du Revenu, specially as regards the number of copies, the quality of paper and its characteristics to give copies without using carbon paper and after the person keeping the establishment has, before each printing, made to the Minister of Revenue a request for authorization which specifies :

- (a) the quantity of account or bill forms to be printed ;
- (b) the printer's name and address ;
- (c) a press proof of the contemplated account or bill forms on which there must be, on the front side, in addition to the spaces required to write the information mentioned in section 7 and to print the serial number mentioned in section 12, the mention "Form authorized by the Minister of Revenue", followed by a space for the printing of the authorization number granted by the Minister of Revenue.

12. Each account or bill form, whether supplied by the Minister of Revenue or printed pursuant to an authorization mentioned in section 10, must bear, printed on the front side, a sequential number determined by the Minister of Revenue in all cases.

DIVISION IV VOUCHERS AND BOOKKEEPING

13. The person who keeps an establishment must have a complete accounting system on all its operations and make financial statements.

14. For such purpose, the person who keeps an establishment must retain in his possession, *inter alia* :

- (a) all the books, invoices and other documents permitting the audit of the items and amount of all his purchases, whether paid or unpaid, effected for resale purposes or not ;
- (b) all the books, accounts, bills and documents permitting the audit of the items and amount of all his sales, whether paid or unpaid, taxable or not ;
- (c) all the books, accounts, bills and documents permitting the audit of the items and amount of all his sales, whether paid or unpaid, made to persons who purchase for resale purposes and also the name, address and registration certificate number which each of these persons must hold in virtue of the Act.

15. The account books and records of the establishment must be kept up to date so that the officers of the Ministère du Revenu may, at all times, find therein the information required by the Act or this Regulation.

16. The holders of several permits of the Régie des permis d'alcool du Québec must keep their accounting system so as to permit easy auditing of the operations carried out under each permit.

17. In order to permit easy and rapid auditing, the vouchers must be kept in the same order as that in which the recordings in the books were made.

DIVISION V IDENTIFICATION OF BEER CONTAINERS

18. The beer in an establishment, except that in casks, must be kept, until immediately before it is consumed, by the person who keeps the establishment in containers identified in accordance with section 19.

19. Identification of the containers consists of :

(a) where beer is obtained from a brewer who holds a brewer's permit issued under the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), a frame at least ½ millimetre wide, of a colour and type approved by the Minister of Revenue, surrounding the inscriptions showing the quantity of beer and its alcoholic content printed on the principal label affixed by the brewer to the container ;

(b) where beer is obtained from the Société des alcools du Québec, a stamp or other identifying mark approved by the Minister of Revenue affixed to the containers or their labels.

20. Every brewer holding a permit mentioned in section 19 must make the identification prescribed in paragraph *a* of section 19 and the Société des alcools du Québec must make the identification prescribed in paragraph *b* of that section ; no other person may make such an identification.

21. Except for beer in a cask, the person who keeps an establishment must deliver the beer in a container identified in accordance with section 19 and in such a manner that the consumer may see the identification.

22. The containers identified in accordance with section 19 are for the exclusive use of the establishments.

23. Subject to sections 24 and 27, no person may deliver beer in a container identified in accordance with section 19 to any person other than one who keeps an establishment or holds a registration certificate issued under the Act.

24. No person may sell or deliver to a consumer elsewhere than in an establishment beer in a container identified in accordance with section 19.

25. No person may, in an establishment, consume beer other than that kept in a cask or in a container identified in accordance with section 19.

26. No person may consume elsewhere than in an establishment beer in a container identified in accordance with section 19.

27. A brewer holding a permit mentioned in section 19 may not sell beer wholesale in containers identified in accordance with that section except to its authorized wholesale agents or distributors and to persons who keep an establishment and hold a registration certificate issued under the Act.

28. An authorized wholesale agent or distributor mentioned in section 27 and the Société des alcools du Québec may not sell wholesale beer in containers identified in accordance with section 19 to persons other than those who keep an establishment and hold a registration certificate issued under the Act.

29. An authorized brewer, wholesale agent or distributor referred to in section 27 and the Société des alcools du Québec may sell wholesale to persons who keep an establishment and hold a registration certificate issued under the Act only beer in casks or in containers identified in accordance with section 19.

DIVISION VI TEMPORARY ESTABLISHMENT

30. Every person who keeps an establishment on the site of exhibitions, fairs, festivities, manifestations and of recreational, educational, social, artistic representations and other events of a limited duration, must submit a report on the sales made and the tax exigible under the Act, and at the same time, make remittance of such tax :

(a) on Friday of each week for the 7 preceding days, if the event lasts 14 consecutive days or more on the same

site and before 12 h on the day following the period covered by the preceding remittance ;

(b) before 12 h each day for the preceding day, where the event lasts less than 14 consecutive days on the same site.

DIVISION VII COMPENSATION

31. For the purposes of subsection 2 of section 3 of the Act and subject to section 32, the Minister of Revenue shall grant to every agent a compensation of an amount equal to 2% of the meals and hotels tax collected in conformity with the Act and remitted in the manner and within the time prescribed in section 3 of the Act.

32. The amount of the compensation contemplated in section 31 for each government fiscal year, shall not exceed 500 \$, no matter how many establishments are operated by the same agent.

O.C. 3638-76, (1976) 108 O.G.II, 6251
O.C. 4009-78, (1979) 111 G.O., 2643
O.C. 340-80, (1980) 112 G.O.II, 1011
O.C. 750-80, (1980) 112 G.O.II, 1325



c. T-4, r.1

**Regulation respecting compensation paid
to agents of the Minister of Revenue
under the Telecommunications Tax Act**

Telecommunications Tax Act
(R.S.Q., c. T-4, s. 12)

1. In this Regulation, the word “agent” means any operator of a telecommunication service within the meaning of the Telecommunications Tax Act (R.S.Q., c. T-4) who holds a registration certificate issued under this Act.

2. For the purposes of section 12 of the Telecommunications Tax Act and subject to section 3, the Minister of Revenue shall grant to every agent compensation of an amount equal to 2% of the tax collected in accordance with the Act and remitted in the manner and within the time prescribed in section 8 of the Act.

3. The amount of the compensation contemplated in section 2, for each government fiscal year, shall not exceed 500 \$, no matter how many establishments are operated by the same agent.



c. T-4, r.2

Regulation respecting the exemption from telecommunications tax with regard to Indians

Telecommunications Tax Act
(R.S.Q., c. T-4, s. 12)

DIVISION I INTERPRETATION

1. In this Regulation, unless the context indicates otherwise, the following words mean :

(a) "Indian" : a person of Indian ancestry who usually resides on a reserve ;

(b) "reserve" : a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and to the benefit of Indians and that is listed in Schedule A ; the word also includes an establishment listed in the said Schedule.

DIVISION II EXEMPTION

2. An Indian who, on a reserve, makes or receives a long distance telephone at his own expense is exempt from the tax contemplated in section 4 of the Telecommunications Tax Act (R.S.Q., c. T-4).

SCHEDULE A

(s. 1)

1. RESERVES

Amos
Bécancour
Betsiamites
Caughnawaga (Kanawake)
Doncaster
Escoumins
Kipawa
Lac Rapide
Lac Simon
Lorette
Maliotenam
Maniwaki
Manouane
Maria
Mingan

Natashquan
Obedjiwan
Odanak
Oka
Pointe-Bleue (Ouiatchouan)
Restigouche
Romaine
Saint-Régis (Akwesasne)
Schefferville
Sept-Iles
Témiscamingue
Weymontachingue.

2. ESTABLISHMENTS

Eastmain
Fort George
Fort Rupert
Grand Lac Victoria
Hunters Point
Lac Doré
Longue-Pointe
Mistassini
Némiscau
Nouveau-Comptoir
Poste-de-la-Baleine
Saint-Augustin
Waswanipi.



c. T-5, r.1

Regulation respecting admission to the profession of radiology technician

Radiology Technicians Act
(R.S.Q., c. T-5)

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

1. Conditions of admission to the study of the profession : Applicants for training as medical radiological technicians must have received 4 years of progressive instruction at the high school level or the equivalent ; and

(a) possess the necessary educational requirements entitling the applicant to present himself for examination as required for admission to a college or university recognized by the Ministère de l'Éducation ; or

(b) submit documentary proof of having successfully passed such examination as may be considered by the Bureau to be equivalent of the aforesaid requirements.

2. Studies required and duration of training : To be entitled to present himself for examination, the minimum requirements of studies and training of a student in diagnostic radiologic technique or therapeutic radiologic technique shall be as defined in the instructor's syllabus published by the Canadian Society of Radiological Technicians or according to the programme of training that may be determined from time to time by the Bureau in co-operation with the Association des radiologistes du Québec.

Subject to passing successfully the prescribed examinations, a diploma qualifying a candidate as a diagnostic or therapeutic technician requires a minimum of 2 years of training, according to the standards set forth by the Ordre des techniciens en radiologie du Québec ; but a minimum of 3 years of training is required for a diploma qualifying a candidate as a combined diagnostic and therapeutic technician.

For a period ending 31 December, 1965, a student may register for training in diagnostic radiologic technique under the direct supervision of a medical radiologist who is a member in good standing of the Corporation professionnelle des médecins du Québec ; and under a qualified technician who is a member in good standing of the Ordre des techniciens en radiologie du Québec, provided :

(a) the training so received is general and not confined to a specific phase of radiological technique ; and

(b) the number of examinations performed during the period of training is sufficient to provide adequate practical training ; and

(c) that the said radiologist spends a minimum of 50% of his time in effecting such supervision ; and

(d) that the said qualified technician spends his full time in the training department.

3. The mode of admission to the study of the profession : Within 60 days of the date of commencement of training, either in a school approved by the Ordre des techniciens en radiologie du Québec or under the direct supervision of a medical radiologist and a qualified technician as defined in section 2, student applicants must register with the secretary of the Ordre des techniciens en radiologie du Québec.

4. The mode of examinations for admission to the profession :

(1) Qualifications will be determined by written examinations covering subjects in the programme of training and by such practical examinations as may be determined by the Bureau.

(2) Examinations shall be held twice yearly.

(3) Registered students will be notified in writing by the secretary of the Ordre des techniciens en radiologie du Québec of the date, place, time and mode of examinations as determined from time to time by the Bureau.

5. Other conditions for admission to the practice of the profession : Upon application, subject to the approval of the Bureau which approval shall not be unjustly withheld :

(a) successful candidates to the aforesaid examinations may become members in good standing of the Ordre des techniciens en radiologie du Québec ;

(b) members in good standing with the Canadian Society of Radiological Technicians or members of other societies having reciprocal agreements with the Canadian Society of Radiological Technicians.

6. This Regulation shall remain in force until 1 January 1984.



c. T-5, r.2

Regulation respecting the business of the Bureau and general meetings of the Ordre des techniciens en radiologie du Québec

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 95)

DIVISION I DEFINITIONS AND INTERPRETATION

1.01. The definitions contained in the Professional Code (R.S.Q., c. C-26) and in the Radiology Technicians Act (R.S.Q., c. T-5) shall, unless the context indicates otherwise, apply to this Regulation.

1.02. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, shall apply to this Regulation.

DIVISION II GENERAL MEETINGS

2.01. The quorum for general meetings is fixed at 50 members.

2.02. In order to be accepted at a general meeting, a proposal must be sent, in writing, to the corporate seat of the Ordre des techniciens en radiologie du Québec (Order) to the attention of the secretary at least 10 days before the meeting is held.

2.03. Unless the requirements of section 2.02 are complied with, no proposal shall be accepted at the holding of a general meeting except where the members present unanimously agree thereto.

2.04. When a vote is taken on a proposal, such vote shall be by absolute majority. However, upon the request of at least 5 members, the vote shall be by secret ballot.

2.05. In the case of a tie-vote, the president of the Order shall have a casting-vote.

2.06. Subject to section 103 of the Professional Code, if there is no quorum at the hour for which the meeting of the members has been convened, the said meeting may, after a lapse of one-half hour, be adjourned by the chairman of the meeting and the secretary must then give the members new notice of convocation.

2.07. The president of the Order may adjourn a meeting with the consent of the latter, without it being necessary to give notice of such adjournment. Only the items on the agenda for the first meeting shall be referred to the meeting thus continued.

2.08. The item concerning the mode of election of the president of the Order shall not be entered on the agenda of a general meeting in the 4 months preceding the date of closing of the poll.

2.09. Subject to this Division, the deliberations at a general meeting shall be governed by the *Procédure des assemblées délibérantes* of Mr. Victor Morin (lates edition).

DIVISION III BUREAU

3.01. Members of the Bureau shall be convened by means of a written notice forwarded at least 7 days prior to the date fixed for the meeting. The notification period mentioned above shall be at least 2 days in the case of a special meeting.

3.02. At the meetings of the Bureau, the vote shall be by show of hands unless one of the directors requests a secret ballot.

3.03. If a quorum is not reached at the time for which the meeting of the directors has been convened, the said meeting may, after a lapse of one half-hour, be adjourned by the president and postponed to a later date not exceeding 1 month, and a notice to this effect shall be sent to all members.

3.04. The president may, with the consent of the meeting, postpone a regular meeting to a later date without it being necessary to send further notice of convocation. No subject which was not on the agenda for the first meeting may, however, be debated or voted upon.

3.05. The Bureau shall delegate to the Administrative Committee, by this Regulation, all its powers except those which it must exercise by regulation.

3.06. The regulations or resolutions signed by all the directors shall be as valid as if they had been passed at a meeting of the Bureau regularly convened and held.

DIVISION IV ADMINISTRATIVE COMMITTEE

4.01. The members of the Administrative Committee shall be re-eligible.

4.02. The Committee shall be convened by means of a notice sent to each member at least 5 days prior to the date fixed for the meeting.

4.03. In the case of a special meeting, the mode of convening the Committee shall be at the discretion of the chairman, provided that such mode of convocation be approved unanimously at the meeting thus convened and that the directors absent, if any, recognize in a written document which must be subsequently annexed to the minutes, that they have been convened.

4.04. The decisions of the Committee shall be taken by absolute majority of the members present and the chairman, in the case of a tie-vote, shall have a casting-vote.

4.05. If he is unable to act, the chairman shall delegate his prerogatives and powers to another member of the Committee selected by him.

4.06. The Administrative Committee shall appoint from among its members a secretary and a treasurer. The 2 other members of the Committee shall act as advisors and may replace, at the chairman's request, the secretary or the treasurer.

4.07. Every contract, undertaking or transaction to which the Order is a party must be signed by at least 2 members of the Committee, among which not more than one advisor. The same shall apply with respect to cheques and banking operations.

DIVISION V MISCELLANEOUS

5.01. The corporate seat of the Order shall be established within the territory of the Communauté urbaine de Montréal.

5.02. The seal shall reproduce the corporate name of the Order. The secretary of the Order shall have custody of the said seal.

5.03. The graphic sign and the corporate name must appear on all correspondence and official documents of the Order.

5.04. The secretary of the Order shall have custody of the regulations which may be consulted at the corporate seat of the Order during regular office hours. He must furnish certified true copies of the said regulations to every person so requesting.

5.05. The language of the deliberations and of the administration of the Order is French.

5.06. Justified expenses incurred by the directors to attend the meetings of the Bureau or of the Administrative Committee shall be reimbursed to them. An allowance may also be provided by the Administrative Committee, upon the recommendation of the treasurer, as indemnity for every day or part of a day of attendance at a meeting.



c. T-5, r.3

Regulation respecting professional liability insurance for radiology technicians

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 94)

DIVISION I GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Order” : the Ordre des techniciens en radiologie du Québec ;
- (b) “technician” : a radiology technician ;
- (c) “secretary” : the secretary of the Order.

1.02. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

DIVISION II LIABILITY INSURANCE

2.01. A technician must conclude an insurance contract establishing a guarantee against the liability which he may incur owing to fault or negligence committed in the exercise of his profession.

2.02. The insurance contract must provide that :

- (a) the minimum guarantee is 100 000 \$ per loss and 1 000 000 \$ for the totality of losses for the guarantee period ;
- (b) the insurer agrees to pay in lieu and stead of the insured within the guarantee limits, any amount that the insured may legally be bound to pay to a third party in damages respecting services rendered or the omission to render certain services by the insured or his employees in respect of any claim submitted during the guarantee period ;
- (c) the insurer agrees to take upon himself the burden of the insured's case and assume his defence in any action instituted against him ; the cost and expenses of the pro-

ceedings against the insured, including those of the defence and the interests upon judgment, shall be the responsibility of the insurer in addition to the amounts prescribed in paragraph a.

2.03. The guarantee may extend to the services rendered or to the omission of services prior to the coming into force of the insurance contract.

2.04. Where the Order has contracted a liability insurance policy for all or a part of its members, in compliance with this Division, a technician may join such group insurance policy for the purposes of section 2.01 ;

An insurance certificate must be issued to each technician who joins an insurance policy contracted by the Order and a copy of such insurance policy must be remitted to him upon written request.

2.05. Except where he is insured under section 2.04, the technician must furnish the secretary of the Order, on the date prescribed for the payment of the annual assessment, proof that he holds an insurance policy in force for a period of 12 months effective from that date and that it complies with this Regulation.

However, where a technician enters or is re-entered on the roll on a date other than that prescribed for the payment of the annual assessment, he must furnish the secretary with proof that he holds an insurance policy in force at least up to the date of the annual assessment of the next year and that it complies with this Regulation.

DIVISION III FINAL PROVISION

3.01. The secretary shall verify, in particular by studying the proof of insurance provided in section 2.05, whether each technician has complied with the obligation provided in section 2.01 and shall report thereon to the Bureau. The secretary may also make the recommendations he deems appropriate to the Bureau.



c. T-5, r.4

Code of ethics of radiology technicians

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 87)

DIVISION I GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise, the following terms mean :

(a) "Order" : the Ordre des techniciens en radiologie du Québec ;

(b) "technician" : a radiology technician whose name is entered on the roll of the Order.

1.02. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

2.01. The technician must support every measure likely to improve the quality and availability of professional services in the field in which he practises.

2.02. In the practice of his profession, a technician must take into account the general effect which his research and work may have on society.

2.03. The technician must promote measures of education and information in the field in which he practises. In the practice of his profession, he must also, unless he has sound reasons to the contrary, do what is required to ensure such education and information.

DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE CLIENT

§1. General provisions

3.01.01. In the practice of his profession, a technician must bear in mind the extent of his aptitudes, proficiency and also the means at his disposal.

3.01.02. A technician must at all times acknowledge his client's right to consult another technician, a member of another professional corporation or another competent person.

3.01.03. A technician must try to establish a mutual trust relationship between himself and his client. For that purpose, he must, in particular :

(a) refrain from practising his profession in an impersonal manner ;

(b) respect his client's scale of values and personal convictions.

3.01.04. A technician must refrain from intervening in his client's personal affairs concerning matters which are not within the scope generally acknowledged to the profession.

§2. Integrity

3.02.01. A technician must discharge his professional duties with integrity.

3.02.02. A technician must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession. If it is in the client's interest, he must refer him to another competent person.

3.02.03. A technician must try to have a complete knowledge of the facts if a client or another professional asks for his opinion or advice in the practice of his profession.

§3. Availability and diligence

3.03.01. In the practice of his profession, a technician must show reasonable availability and diligence.

3.03.02. A technician must provide his client with any explanation necessary to the understanding and appreciation of the services he provides him.

3.03.03. A technician must display objectivity and disinterest when persons likely to become his clients ask him for information.

3.03.04. Before he ceases to exercise his functions for the account of a client, the technician must ensure that it shall not be prejudicial to his client.

§4. Liability

3.04.01. The technician must, in the practice of his profession, completely bind his personal civil liability.

§5. Independence and disinterest

3.05.01. A technician must subordinate his personal interest to that of his client.

3.05.02. A technician must ignore any intervention by a third party which could influence the carrying out of his professional duties to the detriment of his client.

3.05.03. A technician must safeguard his professional independence at all times and avoid any situation which could put him in conflict of interest.

3.05.04. A technician must refrain from sharing his fees with a person who is not a member of the Order or from remitting them to him.

3.05.05. A technician may share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibilities.

3.05.06. A technician shall refrain from receiving, with the exception of the remuneration to which he is entitled, paying or agreeing to pay, any benefit, rebate or commission related to the practice of his profession.

§6. Professional secrecy

3.06.01. A technician must respect the secrecy of all confidential information obtained in the practice of his profession.

3.06.02. A technician shall be released from professional secrecy only with the authorization of his client or whenever so ordered by law.

3.06.03. When a technician asks a client to give him confidential information or when he allows such information to be given to him, he must ensure that the client is fully aware of the reasons and uses which is made thereof.

3.06.04. A technician must not disclose a request for his services made by a person when such fact is likely to be detrimental to that person.

3.06.05. A technician must avoid indiscreet conversations concerning a client and the services rendered him.

3.06.06. A technician shall not make use of confidential information to the prejudice of a client or with a view to obtaining, directly or indirectly, a benefit for himself or for another person.

§7. Accessibility of records

3.07.01. A technician must respect the right of the client to take cognizance of the documents which concern him in any record respecting him.

However, where a technician's services are requested upon the order of a member of another professional corporation, the technician may not allow the client in question to consult the documents in the client's record without authorization from the professional who so requested his services.

§8. Determination and payment of fees

3.08.01. A technician must charge and accept fair and reasonable fees.

3.08.02. Fees are fair and reasonable if they are justified by circumstances and are in proportion to the services rendered. A technician must, in particular, take into account the following factors when fixing his fees :

(a) the time given to the carrying out of the professional service ;

(b) the difficulty and magnitude of the service ;

(c) the performance of unusual services or services requiring exceptional competence or celerity.

3.08.03. A technician must provide his client with all the explanations required for the understanding of his statement of fees and for the terms and conditions of payment.

3.08.04. A technician must refrain from demanding advance payment for his services ; he must, on the other hand, notify his client of the approximate cost of his services.

3.08.05. The technician may collect interest on outstanding accounts only after having duly notified his client thereof. The interest thus required must be at a reasonable rate.

3.08.06. Before having recourse to legal proceedings, a technician must have exhausted all other means at his disposal for obtaining payment of his fees.

3.08.07. A technician must not sell his accounts, except to a colleague.

3.08.08. When a technician appoints another person to collect his fees, he must ensure that the latter acts with tact and moderation.

DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

§1. Derogatory acts

4.01.01. In addition to those referred to in sections 57 and 58 of the Professional Code, the following acts are derogatory to the dignity of the profession :

(a) practising his profession in a state of intoxication or in any physical or mental state likely to compromise the quality of his services ;

(b) falsifying an examination or treatment in any manner whatsoever ;

(c) promoting the illegal practice of the profession by taking as associate or employee a person who is not a member of the Order or in agreeing to work with any person practising the profession without being the holder of the permit for such purpose.

4.01.02. A technician must report to the Order on any derogatory act of which he has cognizance.

§2. Relations with the Order, colleagues and other professionals

4.02.01. The technician whose participation on a council for the arbitration of accounts, a committee on discipline or professional inspection committee is requested by the Order must accept that duty unless he has exceptional grounds for refusing.

4.02.02. A technician must reply promptly to all correspondence addressed to him by the syndic of the Order investigators or members of the professional inspection committee.

4.02.03. A technician must not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards him.

4.02.04. A technician who is consulted by a colleague or another professional must give the latter his opinion and recommendations as promptly as possible.

4.02.05. A technician who is called upon to cooperate with a colleague or another professional must maintain his professional independence. If a task is entrusted to him which is in conflict with his conscience or his principles, he may ask to be excused from doing it.

§3. Contribution to the advancement of the profession

4.03.01. A technician must, as far as he is able, contribute to the development of his profession by sharing his knowledge and experience with his colleagues or students, and by his participation in continuing courses and training periods.



c. T-5, r.5

Regulation respecting the records of a radiology technician who ceases to practise

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 91)

DIVISION I GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “Order” : the Ordre des techniciens en radiologie du Québec ;

(b) “technician” : a radiology technician entered on the roll of the Order ;

(c) “secretary” : the secretary of the Order ;

(d) “records” : the records, books and registers which a technician must keep in the practice of his profession ;

(e) “transferee” : the technician to whom the records of a technician are transferred upon a permanent cessation of practice ;

(f) “provisional custodian” : the technician to whom the records of a technician are entrusted during a temporary cessation of practice.

1.02. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

1.03. Nothing in this Regulation is to be construed as excluding the use of data processing or any other technical means for the keeping of records.

1.04. In the case of a technician who is a member or an employee of a partnership of technicians or an employee of a natural or artificial person, this Regulation shall not apply to the records of such partnership or employer used by that technician in the practice of his profession. This Regulation shall apply, however, when all the members of a partnership of technicians cease to practise.

1.05. An agreement respecting the transfer or provisional custody of the records of a technician who ceases to practise must be certified in writing and sent to the secretary.

DIVISION II PERMANENT CESSATION OF PRACTICE

2.01. Subject to sections 2.02 and 2.03, when a technician permanently ceases to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of his practice :

(a) if he has found a transferee, notify the secretary by registered or certified mail of the date on which he will cease to practise his profession and give him the name, address and telephone number of the said transferee ; or

(b) if he is unable to find a transferee, inform the secretary thereof by registered or certified mail and advise him that he will give him custody of his records on the date fixed for the cessation of practice.

2.02. Where a technician ceases to practise his profession as a result of his being permanently struck off the roll, the secretary must ensure that the technician who has been struck off find a transferee within 60 days of the final decision regarding the striking off.

If a transferee has not been found upon the expiry of that period, the records of the technician who has been struck off shall be entrusted to the secretary.

2.03. Upon the death of a technician, the secretary must, as soon as he is notified thereof, see to it that the signs of the deceased technician find a transferee as quickly as possible.

2.04. The transferee or secretary, as the case may be, within 30 days following the date on which he takes possession of the records of a technician who has permanently ceased to practise, must :

- (a) notify the clients of such technician in writing :
 - i. that the latter's records are in his possession ;
 - ii. stating his address, telephone number and office hours ; and
 - iii. advising them of their right to consult another technician ;

(b) cause to be published twice, at a 10 day interval, in at least one French-language daily newspaper and, where applicable, in at least one English-language daily newspaper in the area in which such technician practised his profession, an advertisement indicating his address, telephone number and office hours and stating that he has possession of the records of such technician.

The transferee must forward a copy of the advertisement contemplated in subparagraph *b* of the first paragraph to the secretary.

2.05. The transferee or the secretary, as the case may be, must respect each person's right to consult the documents which concern him in any record made in his respect and to obtain copies of such documents. The fees for obtaining such copies shall be paid by the person requesting them.

2.06. Where the secretary has custody of the records of a technician who has permanently ceased to practise his profession, he may at any time, after consulting that technician, entrust the records to a transferee.

2.07. While he has custody of the records of a technician who has permanently ceased to practise his profession, the secretary must take the necessary preservation measures in order to safeguard the interests of that technician's clients.

2.08. Subject to section 2.06, the secretary must retain the records he has received under this Division for a period of not less than 5 years.

DIVISION III

TEMPORARY CESSATION OF PRACTICE

3.01. Subject to section 3.02, when a technician temporarily ceases to practise his profession, he must, not later than 15 days prior to the date fixed for the cessation of practice :

(a) if he has found a provisional custodian, notify the secretary by registered or certified mail of the date on which he will temporarily cease to practise his profession, and the date on which he intends to resume practising his profession, stating the name, address and telephone number of the provisional custodian ; or

(b) if he has not found a provisional custodian, inform the secretary thereof by registered or certified mail and notify him that he will give him custody of the records on the date fixed for the cessation of his practice.

3.02. When a technician ceases to practise his profession as a result of his being temporarily struck off the roll,

the secretary must ensure that the technician who has been struck off find a provisional custodian within 15 days of the expiry of the time allowed for appeal or of the final decision regarding the striking off.

When a provisional custodian has not been found upon the expiry of the said period, custody of the records of the technician who has been struck off shall be entrusted to the secretary.

3.03. The provisional custodian must communicate to the clients of the technician whose records are in his custody the pertinent information respecting the progress of their record, keep these records up-to-date and take the necessary preservation measures in order to safeguard the interests of that technician's clients.

3.04. Section 2.04 applies *mutatis mutandis* to this Division except where a technician ceases to practise as a result of his being temporarily struck off for less than 6 months.

3.05. Sections 2.05 to 2.07 apply *mutatis mutandis* to this Division.

3.06. The secretary or the provisional custodian, as the case may be, must return the technician's records to him immediately upon termination of the period of temporary cessation of practice.

3.07. A technician who no longer wishes to resume the practice of his profession during or after the expiry of the period in which he has temporarily ceased to practise must comply with Division II.



c. T-5, r.6

Regulation respecting terms and conditions for election to the Bureau of the Ordre des techniciens en radiologie du Québec

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 94)

DIVISION I GENERAL PROVISIONS

1.01. The definitions contained in the Professional Code (R.S.Q., c. C-26) and in the Radiology Technicians Act (R.S.Q., c. T-5) shall apply to this Regulation unless the context indicates otherwise.

1.02. For the purposes of this Regulation, the word "region" means one of the regions within the meaning of the Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Ordre des techniciens en radiologie du Québec (c. T-5, r.11).

1.03. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

DIVISION II TERMS OF OFFICE

2.01. Each director shall be elected for a term of office of 2 years.

2.02. The term of office of the president shall be 2 years and his election shall be held in each odd numbered year effective 1975. He shall be re-eligible for a second term only.

Amended in French D. 2698-81, G.O.II, 1981, p. 4420.

2.03. The directors elected in the last quarter of the year 1974 shall be replaced in the elections held each even numbered year.

2.04. The directors elected in May 1975 shall be replaced in the elections held each odd numbered year.

DIVISION III ELECTION PROCEDURE

3.01. At least 45 days prior to the date fixed for the closing of the poll, the secretary of the Order shall send to each member a notice of election together with a nomination paper, a map of his electoral district and notes on the terms and conditions for nomination.

3.02. Every nomination paper must indicate the permit numbers of the candidate and of the signatories of the said paper and bear the candidate's acceptance indicated by his signature.

3.03. Upon receipt of a nomination paper which complies with this Regulation and with the Professional Code, the secretary of the Order shall give a receipt to the candidate which shall attest to the validity of the nomination paper.

3.04. If the number of candidacies is equal to the number of offices to be filled, the candidates shall be declared elected by the secretary, and the voting procedure shall not apply in the region or regions concerned.

3.05. In addition to the rules of section 69 of the Professional Code, the sending of ballot-papers shall be done as follows :

(a) as much as possible, ballot-papers shall be sent to the personal address of each member ;

(b) prior to the mailing of the ballot-papers, the secretary of the Order must ensure that each paper shall be mailed to a member duly entered on the roll of the Order and that only one paper has been sent to each member ;

(c) in the case where the election of the president is made by general vote, a separate paper shall be sent to each member with the mention "President" under the word "Election" on the pre-addressed return envelope ;

(d) on return envelopes for elections to the offices of directors, the name or number of the region where the elector voted must appear under the word "Election" ;

(e) with each mailing shall be included the list of all candidates in the various regions, a brief curriculum vitae of each candidate and the name of the directors elected by acclamation where applicable ;

(f) precise indications on the manner of voting and the date of the closing of the poll shall be included in each mailing.

3.06. The secretary shall not replace any ballot-paper unless the paper to be replaced has been remitted to him to be immediately destroyed.

3.07. The members duly entered on the roll of the Order but who do not practise or who work outside Québec shall vote in the region of their last residence in Québec, in accordance with the registers of the Order.

3.08. The poll shall be closed at 17 h on the day prescribed in section 3.17 ; the ballot-papers mailed prior to this date shall however be accepted at the corporate seat of the Order up to the following Monday. The postal franking shall attest to the date and time of mailing.

3.09. Neither the directors of the Order nor the candidates may perform the duties of scrutineer.

3.10. The scrutineers shall bind themselves under oath to maintain the secrecy of the election up to the proclamation of the results.

3.11. The counting of the votes shall be done at the corporate seat of the Order.

3.12. At the opening of the ballot box, envelopes shall first be divided according to region and, where applicable, the office of president.

3.13. Every ballot-paper or envelope shall be void which :

- (a) bears an identification mark ;
- (b) is not an official ballot-paper or envelope provided by the secretary ;
- (c) does not contain any vote ;
- (d) contains more than one ballot-paper or whose paper bears more votes than offices to be filled.

3.14. The scrutineers shall countersign the election report which the secretary keeps until the time of the proclamation of the results.

3.15. Within 24 hours of the counting of the vote, the secretary of the Order shall notify the candidates elected of their election and shall convene them for a meeting of the Bureau of the Order which shall be held prior to the date fixed for the general meeting.

3.16. The general meeting which follows the election shall be held under the responsibility of the administrative committee in office before the proclamation of the results of the election.

3.17. The elections of the directors of the Order shall be held on the third Friday of May of each year.

3.18. The election of the president, in the case where the general meeting determines that it be by a general vote of the elected directors, shall be held at the first meeting of the Bureau which follows the election of the directors.

3.19. In the case where the president is elected by a general vote of the members of the Order, the provisions pertaining to this Regulation shall apply *mutatis mutandis* to his election.



c. T-5, r.7

Regulation respecting the procedure for conciliation and arbitration of accounts of radiology technicians

Radiology Technicians Act
(R.S.Q., c. T-5)

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

DIVISION I GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “Order” : the Ordre des techniciens en radiologie du Québec ;
- (b) “secretary” : the secretary of the Order ;
- (c) “technician” : a radiology technician whose account is disputed by a client ;
- (d) “council” : the council for the arbitration of accounts constituted under Division III ;
- (e) “syndic” : the syndic, assistant syndic or one of the corresponding syndics of the Order.

1.02. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

DIVISION II CONCILIATION

2.01. The syndic must send a copy of this Regulation to every person who so requests.

2.02. A client who has a dispute with a member of the Order with respect to the amount of an account for professional services must, before seeking arbitration, apply for conciliation by the syndic by sending him by registered or certified mail the form in Schedule 1 duly completed.

2.03. The application for conciliation must be sent before the day on which the action for a claim concerning the account contested is served by the technician upon the client.

2.04. Within 5 days from the date on which he receives the application for conciliation, the syndic shall send the technician a copy of such application by registered or certified mail.

2.05. The syndic shall proceed with the conciliation in the manner he deems most appropriate.

2.06. The syndic shall send a report of his conciliation to both parties as soon as possible and not later than 30 days from the date of receipt of the application for conciliation.

2.07. Where the conciliation does not result in an agreement between the parties, the client may, within 15 days from the date of receipt of the syndic's report or, in default of such report, within 45 days from the date of receipt of his application for conciliation, have recourse to arbitration in accordance with Division III.

DIVISION III ARBITRATION

§1. Submission to arbitration

3.01.01. A client applies for arbitration by filing with the secretary 2 copies of a “submission to arbitration” drafted in the form in Schedule 2, duly completed and bearing his signature.

3.01.02. Within 5 days from the receipt of the application for arbitration, the secretary shall transmit to the technician by registered or certified mail, a copy of the submission to arbitration signed by the client.

3.01.03. Within 10 days from the receipt of such copy, the technician shall sign it and return it to the secretary.

§2. Formation of council

3.02.01. In order to settle the dispute between the client and the technician, the Bureau shall form an arbitration council consisting of 3 persons and designate a chairman from among them. The Bureau shall also appoint a clerk to assist the council in the exercise of its functions.

3.02.02. The clerk shall notify the arbitrators and the parties of the formation of the council.

3.02.03. A motion for recusation of an arbitrator shall only be made for one of the causes set forth in article 234 of the Code of Civil Procedure (R.S.Q., c. C-25) and must be sent in writing to the clerk, the arbitrators and the parties within 10 days from the day on which the party who invokes it becomes aware of the cause for recusation.

The Bureau shall decide on the motion for recusation and, where applicable, designate a new arbitrator.

3.02.04. Before acting, the arbitrators must take the oath or make the affirmation of discretion prescribed in Schedule II to the Professional Code (R.S.Q., c. C-26).

3.02.05. In the case of death or inability to act of one of the arbitrators, the other arbitrators shall terminate the matter and their decision shall be valid. In the case of death or inability to act of the chairman, the Bureau shall appoint a chairman from among the other 2 arbitrators of the council.

§3. Hearing

3.03.01. The chairman of the council shall fix the date, hour and place of the hearing. The clerk shall notify the arbitrators and the parties in writing at least 10 days prior to that date.

3.03.02. The council may ask each party to submit, within a given time limit, a statement of his claim with documents in support thereof.

3.03.03. The council shall convene the parties, hear them, receive their evidence or, if they offer none, record their default.

3.03.04. The council shall proceed with dispatch to the hearing of the dispute in accordance with the procedure and mode of evidence it deems appropriate.

3.03.05. The evidence shall not be recorded unless the council or one of the parties so requests. In the latter case, such party shall assume the cost thereof.

3.03.06. The clerk shall draw up the minutes of the hearing and have them signed by the arbitrators.

The minutes shall constitute *prima facie* proof of their content.

3.03.07. Articles 945 and 947 of the Code of Civil Procedure apply *mutatis mutandis* to the arbitration held pursuant to this Regulation.

§4. Arbitration award

3.04.01. The council must render its decision within 60 days following the end of the hearing, unless the parties agree in writing to extend that period.

3.04.02. The council decides as mediator and renders the decision it considers most appropriate.

3.04.03. The decision is rendered by the majority of the members of the council ; in default of a majority, the decision is rendered by the chairman.

The reasons for the decision must be given and the decision must be signed by the arbitrators who endorsed it ; if an arbitrator refuses to sign it, the others must make mention thereof and the decision shall be as valid as if it had been signed by all the arbitrators.

The clerk shall transmit the decision to the parties without delay.

3.04.04. The expenses incurred by the parties for the holding of the arbitration shall be assumed by each of them respectively and cannot be claimed by the adverse party.

3.04.05. The decision must adjudge on the arbitration fees, that is, the costs actually incurred by the Order for the holding of the arbitration. However, the total amount of the arbitration fees shall in no case exceed 10% of the amount under arbitration as fixed in section 3 of the submission to arbitration.

Where an agreement is reached between the parties before the decision of the council is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

3.04.06. The decision is final.

3.04.07. The complete record of the arbitration is filed with the secretary who, unless expressly authorized by the parties to the contrary, shall issue a copy thereof in whole or in part only to the latter, their attorneys, the syndic and members of the Bureau.

SCHEDULE 1

(s. 2.02)

APPLICATION FOR CONCILIATION

I, the undersigned
name and address

. in person or (where applicable) representing

..... for the purposes of this application, as attested by the authorization annexed hereto, solemnly declare or being duly sworn, declare that :

1.
name of technician

claims from me the sum of for professional services rendered between and as attested by the account a copy of which is annexed hereto ;

2. I refuse to pay this account for the following reason(s) :

.....
.....

but (where applicable) I acknowledge that I owe the sum of for the professional services referred to in such account ;

3. I apply for conciliation by the syndic pursuant to Division II of the Regulation respecting the procedure for conciliation and arbitration of accounts of radiology technicians (R.R.Q., c. T-5, r.7), of which I declare having received a copy and taken cognizance.

Sworn to or solemnly declared before me at
..... this 19 ..

And I have signed

at
signature of client or his duly authorized representative

this 19...

.....
Commissioner for oaths

SCHEDULE 2

(s. 3.01.01)

SUBMISSION TO ARBITRATION

Entered into by :

.....
name and address

in person or (where applicable) representing
..... for the purposes of this submission, as attested by the authorization annexed hereto, hereinafter referred to as "the party of the first part", and

.....
name and address

member of the Ordre des techniciens en radiologie du Québec hereinafter referred to as "the party of the second part", who make the following declarations and agreements :

1. The party of the second part claims from the party of the first part the sum of for profes-

sional services rendered between and as attested by the account, a copy of which is annexed hereto ;

2. The party of the first part refuses to pay this account for the following reason(s) :

.....
.....
.....

but (where applicable) the party of the first part acknowledges that he owes the sum of for the professional services referred to in such account ;

3. The dispute between the parties bears on the entire account or (where applicable) on that part of the account which exceeds that which the party of the first part acknowledges to owe to the party of the second part, namely, the sum of ;

4. The dispute between the parties will be settled by arbitration held in accordance with Division III of the Regulation respecting the procedure for conciliation and arbitration of accounts of radiology technicians (R.R.Q., c. T-5, r.7) of which the parties declare having received a copy and taken cognizance ;

5. The party of the first part renounces the benefit of any time elapsed with respect to the prescription ;

6. The party of the second part undertakes, for the duration of the arbitration, not to claim before the civil courts that part of the account which is under dispute ;

7. The arbitration award is binding upon the parties and the rules set forth in Book VII of the Code of Civil Procedure (R.S.Q., c. C-25) apply to its enforcement ;

8. This submission may be annulled only with the written consent of the parties.

.....
signature of client or his duly authorized representative

Signed at

this 19...

.....
signature of technician

Signed at

this 19...

O.C. 1322-78, (1978) 110 G.O., 5047



c. T-5, r.8

Regulation respecting the procedure of the professional inspection committee of radiology technicians

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 90)

DIVISION I DEFINITIONS AND INTERPRETATION

1.01. In this Regulation, unless the context indicates otherwise, the following words mean :

- (a) “committee” : the professional inspection committee ;
- (b) “Order” : the Ordre des techniciens en radiologie du Québec ;
- (c) “technician” : a radiology technician ;
- (d) “records” : the records, books and registers kept by a radiology technician in the practice of his profession, including :
 - i. the documents or reports in which he has in fact collaborated among the records, books and registers kept by his colleagues or his employer, including an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-5) or a laboratory within the meaning of the Public Health Protection Act (R.S.Q., c. P-35) ; and
 - ii. a sample or specimen entrusted to him for analysis ;
- (e) “investigator” : the committee, one of its members or a person authorized to assist the committee in the exercise of its functions.

1.02. The Interpretation Act (S.R.Q., c. I-16), with present and future amendments, applies to this Regulation.

DIVISION II COMMITTEE

2.01. The committee is composed of 4 members appointed by the Bureau from among the technicians who have been practising for at least 3 years. They shall take of-

fice as soon as they are appointed and shall remain in office until their death, resignation, replacement or striking off the roll.

2.02. The committee shall hold its sittings on the dates and at the places determined by it or by its chairman.

2.03. The Bureau of the Order shall designate the secretary of the committee.

2.04. The office of the committee is situated at the corporate seat of the Order. All the minutes, reports and other documents of the committee are kept at the said office.

DIVISION III DRAWING UP OF A PROFESSIONAL RECORD

3.01. The committee shall draw up and keep up-to-date a professional record for each member of the Order who is the object of an inspection under this Regulation.

3.02. The professional record contains a summary of the technician’s academic qualifications and experience as well as all the documents pertaining to an inspection of which he has been the object under this Regulation.

3.03. A technician is entitled to consult his professional record and to obtain a copy thereof.

DIVISION IV GENERAL SUPERVISION OF THE PRACTICE OF THE PROFESSION

4.01. The committee shall supervise the practice of the profession by the members of the Order in accordance with the programme established by it.

4.02. Each year the Bureau shall publish the committee’s general supervision programme in the bulletin of the Order.

4.03. At least 15 days before the date fixed for the verification of a technician’s records by an investigator, the committee shall, through its secretary, send the technician in question, by registered or certified mail, a notice in accordance with the form in Schedule 1.

4.04. If a technician cannot receive an investigator on the prescribed date, he must, upon receipt of the notice,

notify the secretary of the committee and decide on another date with him.

4.05. When an investigator ascertains that the technician was unable to take cognizance of the notice referred to in section 4.03, he shall so inform the committee which shall fix a new date for the verification and notify the technician of such date.

4.06. An investigator must, if required to do so, produce a certificate attesting to his capacity signed by the secretary of the committee.

4.07. The technician whose records are the object of verification may be present or be represented by a mandatory.

4.08. If he has reason to believe that the committee should subject a technician to a special inquiry, the investigator shall draw up a verification report and transmit it to the committee for study within 15 days following his verification.

DIVISION V SPECIAL INQUIRY INTO THE COMPETENCE OF A TECHNICIAN

5.01. At the request of the Bureau or on its own initiative, the committee or one of its members shall make a special inquiry into the competence of a technician, or designate an investigator for such purpose.

5.02. At least 5 clear days before the date of the special inquiry, the committee shall, through its secretary, send to the technician in question, by registered or certified mail, a notice in accordance with the form in Schedule 2.

Where the sending of a notice to the technician could jeopardize the objects for which a special inquiry is to be held, the committee may authorize an investigator to make the inquiry without the said notice.

5.03. An investigator may give the employer, representative or employee of a technician notice of the order to allow him access to the records of that technician.

5.04. Where records are held by a third party, the technician must, at the investigator's request, authorize the latter to take cognizance or a copy thereof.

5.05. An investigator may request that a person who makes a declaration to him relative to an inquiry attest such declaration under oath or by solemn affirmation.

5.06. If the technician refuses to receive an investigator, the latter shall immediately notify the syndic.

5.07. The investigator shall draw up a report and transmit it to the committee for study within 15 days after termination of his inquiry.

5.08. Sections 4.06 and 4.07 shall apply *mutatis mutandis* to an inquiry held under this Division.

DIVISION VI RECOMMENDATIONS OF THE COMMITTEE

6.01. Where the committee, after study of an investigator's report, has reason to believe that it is not expedient to recommend to the Bureau that a technician be required to serve a period of refresher training and that the right of such technician to engage in professional activities during such period be limited, it shall notify the Bureau and the technician in question within 15 days following its decision.

6.02. Where the committee, after study of an investigator's report, has reason to believe that it is expedient to recommend to the Bureau that a technician be required to serve a period of refresher training and that the right of such technician to engage in professional activities during such period be limited, it must permit the technician in question to present a full defence relative to the appraisal of his competence.

6.03. For such purpose, the committee shall convene the technician and send him, by registered or certified mail, 15 days before the date fixed for the hearing, the following information and documents :

(a) a notice specifying the date and hour of the hearing ;

(b) a statement of the facts and reasons for convening him before the committee ; and

(c) a copy of the report made by the investigator concerning him.

6.04. A technician or witness summoned before the committee may be assisted by an advocate.

6.05. The committee shall administer the oath or solemn affirmation to the technician and the witnesses through the intermediary of a commissioner for oaths.

6.06. The hearing shall be held *in camera* unless the committee, at the request of the technician, considers that it is in the public interest that it not be held in this manner.

6.07. The committee may proceed *ex parte* if the technician does not appear on the date and at the hour prescribed.

6.08. The depositions shall be recorded at the request of the technician or of the committee.

6.09. The committee and the technician shall pay their own costs, with the exception of recording expenses which shall be shared equally between them. However, where the recording is made at the request of the committee, it shall assume the expenses thereof.

6.10. In its recommendations concerning a technician, the committee shall take into account the type of professional activities in which the technician is generally engaged.

6.11. The recommendations of the committee are made by the majority of its members within 30 days after the end of the hearing. The reasons on which they are based shall be given, signed by the members of the committee who endorsed them, and forwarded to the Bureau and the technician in question without delay.

6.12. The committee may also make recommendations to the Bureau on the continuing training courses organized by the Order for its members.

6.13. When the committee has reason to believe that a complaint within the meaning of section 116 of the Professional Code (R.S.Q., c. C-26) might be laid against a technician, it shall notify the syndic of the Order.

SCHEDULE 1

(s. 4.03)

ORDRE DES TECHNICIENS EN RADIOLOGIE DU QUÉBEC

PROFESSIONAL INSPECTION COMMITTEE

Notice of verification

Notice is given that, within the framework of the programme for general supervision of the practice of the profession, an investigator from our committee will verify your records, books and registers on

19... at h.

Signed at

on 19...

The professional inspection committee

Per :
Secretary of the committee

SCHEDULE 2

(s. 5.02)

ORDRE DES TECHNICIENS EN RADIOLOGIE DU QUÉBEC

PROFESSIONAL INSPECTION COMMITTEE

Notice of special inquiry

Notice is given that, at the request of the Bureau (or on its own initiative), the committee has designated an investigator to make a special inquiry into your professional competence on

19... at h.

Signed at

on 19...

The professional inspection committee

Per :
Secretary of the committee

O.C. 3645-76, (1976) 108 O.G.II, 6367



c. T-5, r.9

Regulation respecting advertising by radiology technicians

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 92)

DIVISION I GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise, the following terms mean :

- (a) “Order” : the Ordre des techniciens en radiologie du Québec ;
- (b) “technician” : a radiology technician entered on the roll of the Order ;
- (c) “secretary” : the secretary of the Order.

1.02. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

1.03. The items that a technician may include in his public advertisements and the conditions under which he may advertise are described in this Regulation.

DIVISION II PROFESSIONAL CARD

2.01. A technician may not enter on his professional card anything other than :

- (a) his name and that of his partners and other professionals employed by him ;
- (b) his profession and, where applicable, his membership in another professional corporation ;
- (c) his specialty, if he has a specialist certificate recognized by the Order ;
- (d) his academic titles ;
- (e) his business address, telephone number and business hours ;
- (f) the graphic sign of the Order ;

(g) the name and graphic sign of his employer where applicable, and where the latter is a partnership, the names of its members and the other professionals it employs ;

(h) the title of his position, where applicable.

2.02. The professional card shall not measure more than 6 centimetres in width by 11 centimetres in length.

DIVISION III INFORMATION MEDIA

3.01. A technician may publish or allow to be published in newspapers, magazines, periodicals, telephone directories, directories or in any other printed matter, an advertisement containing all or part of the items mentioned in section 2.01. The said advertisement shall not, however, exceed 1 square decimetre and may not appear more than once in the same issue of a newspaper, magazine, periodical, directory or other printed matter.

Such advertisement may, however, appear more than once in the same edition of a telephone directory.

3.02. A technician may publish an advertisement containing his photograph and certain biographical information in newspapers, magazines, periodicals, directories or other printed matter when he first opens an office, joins an existing office, is entered on the roll of the Order, or is appointed to a position relating to the practice of his profession.

The said advertisement may not appear more than once in the same issue of a newspaper, magazine, periodical directory or other publication, nor in more than 2 issues of the same newspaper, magazine, periodical, directory or other printed matter.

The photograph authorized in the first paragraph may not exceed 64 square centimetres.

DIVISION IV STATIONERY

4.01. A technician may enter on his stationery all or part of the items mentioned in section 2.01.

DIVISION V BUSINESS OFFICE

5.01. On one of the outer walls of the immovable in which his office is located or on the land on which such immovable is erected, a technician may post up a sign indicating all or part of the items mentioned in section 2.01.

If the immovable in which his office is located is at a crossroads, the technician may post up such sign on the outer walls or on the land facing each of the converging roads.

5.02. Inside his office, a technician may post up, in public view, a sign containing all or part of the items mentioned in section 2.01.

5.03. The signs authorized under this Division may not exceed 25 square decimetres.

DIVISION VI GRAPHIC SIGN OF THE ORDER

6.01. The Order is represented by a graphic sign in conformity with the original kept by the secretary of the Order and described as follows :

- (a) black circle with orange interior ;
- (b) black lettering within the circle ;
- (c) the whole on a white background.

6.02. When a technician copies the graphic sign of the Order for advertising purposes, he must ensure that the sign conforms with the original kept by the secretary of the Order and does not exceed 25 square decimetres.



c. T-5, r.10

Regulation respecting refresher training periods for radiology technicians

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 94)

DIVISION I GENERAL PROVISIONS

1.01. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “Order” : the Ordre des techniciens en radiologie du Québec ;
- (b) “technician” : a radiology technician who is entered on the roll of the Order ;
- (c) “training period” : period of refresher training contemplated by this Regulation ;
- (d) “trainee” : a radiology technician who is required to serve a training period ;
- (e) “tutor” : a technician responsible for verifying whether a training period or part of a training period is in conformity with the objectives and procedures set by the Bureau.

1.02. The Interpretation Act (R.S.Q., c. I-16), with present and future amendments, applies to this Regulation.

DIVISION II TRAINING PERIOD

2.01. If the Bureau considers that the level of competence of a technician does not meet the standards required for the protection of the public, it may oblige a technician to serve a refresher training period where :

- (a) his name is entered on the roll more than 5 years since he obtained his permit or more than 5 years from the date on which he was entitled to the issuance of such permit ;
- (b) his name is re-entered on the roll after failing to be entered thereon for more than 5 years ;

(c) his name is re-entered on the roll after he has been struck off for more than 5 years ;

(d) such training period has been recommended by the professional inspection committee or the committee on discipline pursuant to section 113 or 160 of the Professional Code (R.S.Q., c. C-26) ;

(e) he has served a training period considered, in virtue of section 2.10, not in conformity with the objectives and procedures set by the Bureau.

2.02. A training period may not be imposed more than 90 days after the date the technician is required to serve it.

2.03. A training period may consist of one or more of the following activities :

- (a) a period of practical training ;
- (b) studies ;
- (c) courses ;
- (d) research work.

2.04. A training period may not exceed 1 000 hours nor extend over a period of more than 12 consecutive months.

2.05. The Bureau’s decision to oblige a technician to serve a training period must specify the objectives, duration and form of that training period.

2.06. The Bureau shall determine the place where and time when the training period must be held and, where necessary, shall designate one or several tutors.

2.07. A tutor shall submit a report to the Bureau within 5 days after completion of his mandate stating, with reasons in support thereof, whether the trainee acted, while under his supervision, in conformity with the objectives and the procedures set by the Bureau.

2.08. The trainee technician or his tutor may be required to submit additional reports to the Bureau on the dates determined by the latter.

2.09. The tutor must also send the trainee technician a copy of the report pursuant to section 2.07 or 2.08 at the same time as he sends it to the Bureau.

2.10. After study of each of the reports required under sections 2.07 and 2.08, the Bureau shall decide, within 20 days after the training period, whether it conforms to the objectives and procedures that were set.

DIVISION III

LIMITATION OF PROFESSIONAL ACTIVITIES

3.01. The Bureau may, if it so deems necessary, for the protection of the public, limit the trainee's right to practise during all or part of the training period, in particular in one or several of the following ways :

(a) by determining when and where he is authorized or he is not authorized to practise ;

(b) by determining the professional acts which he is authorized or he is not authorized to perform ;

(c) by requiring that the professional acts that he is authorized to perform, or that certain of them, be performed under the supervision of another technician or group of technicians.

3.02. The Bureau's decision to limit a trainee's right to practise must be conveyed to his employer, where applicable.

DIVISION IV

DECISIONS OF THE BUREAU

4.01. Before prescribing a training period or limiting a trainee's right to practise, the Bureau must give the technician concerned the opportunity to be heard. For such purpose, the Bureau must notify the technician in writing at least 5 days before the date of the hearing.

4.02. The reasons for a decision prescribing a training period, limiting a trainee's right to practise, or ruling on the validity of a completed training period, must be given in writing and served on the said technician in accordance with the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

4.03. The Bureau's decision prescribing a training period or limiting a trainee's right to practise shall take effect 30 days after being sent to or served on the latter.

4.04. During the training period, the Bureau may, upon a request duly justified by the trainee and communicated to his tutor, reduce the duration and requirements of the training period and, where applicable, reduce conditions limiting the trainee's right to practise.

4.05. A technician must comply with every decision of the Bureau rendered in accordance with this Regulation.



c. T-5, r.11

Regulation dividing Québec into regions for the purposes of elections to the Bureau of the Ordre des techniciens en radiologie du Québec

Radiology Technicians Act
(R.S.Q., c. T-5)

Professional Code
(R.S.Q., c. C-26, s. 65)

1. In order to ensure adequate regional representation on the Bureau of the Ordre des techniciens en radiologie du Québec, the territory of Québec shall be divided into 5 regions :

- (a) the Northern and Eastern region ;
- (b) the Québec region ;
- (c) the Central region ;
- (d) the Montréal region ;
- (e) the Outaouais-Northwestern region.

2. The territory of the Northern and Eastern region is that of regions 1, 2 and 9 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code (c. C-26, r. 8).

The territory of the Québec region is that of region 3 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Central region is that of regions 4 and 5 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Montréal region is that of region 6 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

The territory of the Outaouais-Northwestern region is that of regions 7, 8 and 10 described in the Regulation dividing Québec into regions for the application of section 65 of the Professional Code.

3. Two directors shall be elected to represent the Northern and Eastern region, 4 for the Québec region, 3 for the

Central region, 10 for the Montréal region and 1 for the Outaouais-Northwestern region.

4. A radiology technician shall vote in the region in which he principally practises his profession for the candidates of such region. He shall vote in addition for a candidate for the office of president in cases where the latter is elected by a general vote.

5. If the president is elected by a general vote, the Bureau shall consist of 25 persons including the president.

If the president is elected by a vote of the elected directors, the Bureau shall consist of 24 persons including the president.



c. T-8, r.1

Regulation respecting the leasing of public blueberry fields

Colonization Land Sales Act
(R.S.Q., c. T-8, ss. 2 to 5)

1. Application : This Regulation applies to the colonization lots put at the disposal of the Minister of Agriculture, Fisheries and Food (hereinafter called the "Minister") under the orders in council listed below :

(a) 2151 dated 4 December 1963 respecting the blueberry fields in the townships of Parent and Albanel ;

(b) 2301 dated 13 June 1940, 506 dated 21 April 1960, 726 dated 17 May 1961, and 1984 dated 21 November 1962 respecting the blueberry fields in the township of Garnier, county of Lac-Saint-Jean ;

(c) 1767 dated 17 October 1962 and 1500 dated 3 August 1965 respecting the blueberry fields in the township of Girard, county of Roberval ;

(d) 1132 dated 10 June 1964 respecting the blueberry fields in the township of Dufferin, county of Roberval ;

(e) 2080 dated 27 November 1963 respecting the blueberry fields in the township of Beaudet, county of Roberval ;

(f) 1753 dated 16 September 1964 respecting the blueberry fields in the township of Labrecque, county of Jonquière-Kénogami ;

(g) 2043 dated 20 November 1963 respecting the blueberry fields in the township of Dalmas, county of Roberval ;

(h) 1754 dated 16 September 1964 respecting the blueberry fields in the township of Falardeau, county of Chicoutimi ;

(i) 2044 dated 20 November 1963 respecting the blueberry fields in the township of Proulx, county of Roberval ;

(j) 1832 dated 24 October 1962 respecting the blueberry fields in the township of Pelletier ;

(k) 1181 dated 15 June 1965 respecting the blueberry fields in the township of Dechêne, county of Roberval ;

(l) 1593 dated 19 September 1963 respecting the blueberry fields in the townships of Dalmas and Proulx, county of Roberval ;

(m) 2235 dated 25 November 1964 respecting the blueberry fields in the township of Labrecque, county of Jonquière-Kénogami ;

(n) 11 dated 3 January 1964 respecting the blueberry fields in the township of Milot, county of Roberval ;

(o) 176 dated 5 February 1963 and 1676 dated 2 October 1963 respecting the blueberry fields in the townships of Parent and Racine, county of Roberval ;

(p) 1706 dated 1 September 1965 respecting the blueberry fields in the township of Labrecque, county of Jonquière-Kénogami ;

(q) 1705 dated 1 September 1965 respecting the blueberry fields in the township of Dumais, county of Roberval ;

(r) 1459 dated 6 September 1962 respecting the blueberry fields in the township of La Trappe, county of Roberval ;

(s) 1768 dated 17 October 1962 respecting the blueberry fields in the township of Lavergne, county of Abitibi-Ouest ;

(t) 2045 dated 20 November 1963 respecting the blueberry fields in the townships of Senneville and Pascalis, county of Abitibi-Est ;

(u) 1906 dated 29 September 1965 respecting the blueberry fields in the townships of Privat and Languedoc, county of Abitibi-Ouest ;

(v) 1624 dated 26 August 1964 respecting the blueberry fields in the township of Rousseau, county of Abitibi-Ouest ;

(w) 1658 dated 25 August 1965, 1562-74 dated 1 May 1974 and 3038-74 dated 21 August 1974 respecting the blueberry fields in the township of Normandin, county of Roberval.

This Regulation also applies to the following colonization lots : the southern half of lot 59, range VII and lots 59 to 62, range VIII, in the township of Rousseau.

2. Revocation : The provisions of the orders in council listed in section 1 are revoked, with the exception of the provisions which transfer the administration of lots from the Minister of Energy and Resources to the Minister of Agriculture, Fisheries and Food and vice versa.

3. Allocation of lots : The lots contemplated in section 1 shall be allocated only for the production of blueberries, to the exclusion of any other use.

4. Establishment of blueberry field : The Minister must establish blueberry fields on the lots described in section 1, and each of these lots must contain at least 100 hectares, but not more than 2 000 hectares.

5. Leasing : The Minister leases a blueberry field, in virtue of a notarized lease or by private writing, to any person who fulfills the conditions provided for in this Regulation.

6. Area : The Minister determines the area of a blueberry field that he can lease, taking into account the financial resources of the lessee and any other means at his disposal in order to ensure the profitability of the operation.

He may also, during the duration of the lease, modify the area of the leased blueberry field, if the lessee agrees.

7. Lessee : The lessee of a blueberry field shall be :

- (a) a natural person who resides in Québec ;
- (b) an artificial person :
 - i. incorporated under a law of Québec or of Canada ;
 - ii. whose head office is situated in Québec ;
 - iii. of which more than 50% of the shares of the share capital with full voting rights belongs to one or several persons who reside in Québec ;
 - iv. of which more than one-half of the directors are natural persons who reside in Québec ; and
 - v. which is not controlled directly or indirectly in any manner whatsoever by one or several persons who do not reside in Québec.

8. Conditions : A person who wishes to lease a blueberry field must :

- (a) himself possess or have an employee who possesses, the knowledge, techniques and equipment indispensable to the profitability of the operation of a blueberry field ;
- (b) have the necessary funds to establish and maintain a profitable operation of the blueberry field ;
- (c) make a written application.

9. Several applications : In the event of several like applications for a blueberry field, the Minister shall give preference to the person who resides in, or whose office is in, the municipality where the blueberry field is situated or in a neighbouring municipality, or, lastly, to the person

who possesses the greatest resources and the most experience in the production and marketing of blueberries.

10. Duration of leases : Leases for blueberry fields are for a 20-year period.

11. Renewal of leases : Upon the expiration of the leasing period, the Minister may renew for the same period, or for a shorter period, the lease of a lessee who has fulfilled the prescribed conditions and submitted an application thereto.

12. Rent : The lessee shall pay yearly to the Minister 0,25 \$ per hectare of the land leased. The rent shall be paid in advance at the beginning of each year of leasing.

13. Clauses of the lease : The Minister shall include provisions in all leases for blueberry fields to the effect that the lessee shall not :

- (a) cut wood in the area of the blueberry field that would not serve any useful purpose in the cultivation of blueberries ;
- (b) open or operate a gravel or sand pit on the leased premises ;
- (c) sublet, in whole or in part, nor transfer his right to the lease without the written consent of the Minister.

14. Operation : Upon the coming into force of the lease, the lessee must undertake and maintain the operation of the blueberry field during the term of the lease.

Each year, he must use in turn, in accordance with the rotation system selected, each of the growing methods necessary to ensure the production of cultivated blueberries, on an area equal at least to the third of the whole area cultivable, and must harvest and market the blueberries grown in the blueberry field.

For the purposes of the second paragraph, the growing methods mean the operations aiming at the regrowing of the blueberry plants, the furnishing of the necessary elements for their development, the elimination of weeds, of harmful insects and other pests and the pollination of the flowers.

15. Protection of the blueberry field : The lessee shall provide for the protection of the blueberry field, existing improvements, and plants and other products grown there, and the buildings constructed thereon.

16. Access to the blueberry field : The Minister, or officer designated by the Minister, shall have access to a leased blueberry field.

17. Improvements : The lessee shall submit to the Minister any improvement or construction project before undertaking the execution of such project.

18. Right of way : The Minister may lay out and construct an access road in any blueberry field to any part of the blueberry field or to another blueberry field to the rear.

The lessee must allow right of way to any person who has right of access to that part of the blueberry field or to another blueberry field to which the road leads.

19. Reports : At the end of each season and before the following 31 January, the lessee shall submit to the Minister an audited financial report of the operation together with a report on the areas under cultivation and the yield obtained during the past season.

The lessee shall include with his report any modifications projected in the 5-year plan for the coming season.

20. Control blueberry field : The Minister may agree with one or several lessees to establish a part or all of the leased blueberry field as a control blueberry field and determine, together with the lessee, its mode or operation and the conditions thereof.

O.C. 3031-77, (1977) 109 O.G.II, 5935

O.C. 1720-80, (1980) 112 G.O.II, 2615

O.C. 158-81, (1981) 113 G.O.II, 385



c. T-8, r.2

Regulation respecting colonization lots

Colonization Land Sales Act
(R.S.Q., c. T-8, ss. 3, 4, 5 and 16)

DIVISION I GENERAL PROVISIONS

1. Definitions : In this Regulation the following words or expressions mean :

(a) “location ticket” : an instrument for the granting of a colonization lot provided in section 22 of the Colonization Land Sales Act (R.S.Q., c. T-8) and establishing the conditions to be fulfilled by the holder of a colonization lot to obtain the letters patent for such lot ;

(b) “colonization lot” : public land subject to the administration of the Minister of Agriculture, Fisheries and Food, in accordance with section 24 of the Lands and Forests Act (R.S.Q., c. T-9) ;

(c) “establishment lot” : a colonization lot conveyed by the location ticket and which constitutes the agricultural operation or the main part of an agricultural operation where the operator’s house, and the main operation buildings are erected and where the main improvements are made ;

(d) “supporting lot” : a colonization lot which, in spite of the location ticket governing it, has been conveyed as a complementary part of an already existing agricultural operation, whether or not it itself constitutes an establishment lot or which has become such complementary part as a result of a regular transfer.

2. Application : This Regulation contemplates only the location tickets issued up to 28 July 1976.

DIVISION II ISSUANCE OF LETTERS PATENT

3. Applicable conditions : Where the holder of a location ticket wishes to benefit from this Division, the provisions of this Division shall prevail over the location ticket conditions in respect of the residence, clearing, cultivation and buildings.

4. Lot, loan guarantee : The holder of a colonization lot may obtain the letters patent for that lot where the latter has been included by the Office du crédit agricole du Qué-

bec or by the Farm Credit Corporation in the guarantee required for an agricultural loan granted by that body.

The proof that a colonization lot is required in the guarantee required for a loan shall be provided by a document signed by the interested body’s authorized agent.

5. Lot, family property : The holder of an establishment lot who resides on such lot may obtain the letters patent for such lot :

(a) where he holds such lot for at least 15 years without interruption ; or

(b) where his holding of the lot is coupled with such holding by his spouse or another member of his family, either in the direct line ascending or descending, or in the collateral line to the degree of brother, uncle and nephew, or of a relative by alliance, up to the degree of brother-in-law and son-in-law, forms an uninterrupted duration of at least 15 years.

6. Holder, farm producer : The holder of an establishment lot may obtain the letters patent for such lot :

(a) where he is recognized as a “farm producer” within the meaning of the Farm Producers Act (R.S.Q., c. P-28) ; and

(b) where he owns a farm the value of whose buildings used for the agricultural operations entered on the valuation roll in accordance with the Act respecting municipal taxation and providing amendments to certain legislation (S.Q., 1979, c. 72 ; after consolidation : R.S.Q., c. F-2.1) is at least 5 000 \$; and

(c) where his herd includes at least 10 animal units, as defined in the bulletin of September 1973 of the Comité de références économiques en agriculture du Québec.

7. Buildings prescribed : The holder of an establishment lot may obtain the letters patent for that lot where his agricultural operation, made up of such establishment lot and of one or several complementary lots, includes on one or other of the lots which constitutes it the house and buildings prescribed on the location ticket.

8. Size of buildings : The holder of an establishment lot may obtain the letters patent for that lot where the dimensions of the buildings he owns thereon and which are prescribed on the location ticket are smaller than the dimensions fixed on the location ticket if, in other respects, he fulfills the other conditions on the location ticket.

9. Building substitution : The holder of an establishment lot who has met all the conditions of the location ticket save the owning of a barn, stable or barn-stable, may obtain the letters patent for that lot where he owns thereon both a dwelling and a warehouse, or a chicken coop, or another building used for agricultural operations.

10. Supporting lot : The holder of a supporting lot may obtain the letters patent for that lot :

(a) where he has fulfilled the conditions for the cultivation of the number of acres prescribed on the location ticket ; or

(b) where he uses such lot as a pasture for his herd, if the area contained in his lots which are no longer part of the public domain but which are used as pasture land are insufficient for pasturing the animals of his herd.

11. Lot conveyed by location ticket, placed under a forest management plan or agricultural development plan : The holder of a lot under a location ticket who is a recognized farm producer within the meaning of the Farm Producers Act (R.S.Q., c. P-28), may obtain letters patent for the lot where he signs an agreement to place a lot under forest development.

A person who is not a farm producer who holds a lot under a location ticket for agricultural purposes may obtain the letters patent where he has :

(a) signed an agreement to place his lot under a forest management plan for the forested parts ; and

(b) placed the farming parts under an agricultural development plan for a minimum period of 15 years :

i. either by submitting to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation an acceptable programme with regards to private use ; or

ii. by renting out these parts for the abovementioned period to a candidate previously accepted by the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation ; or

iii. by concluding an agreement with a competent body with regards to the use of these parts for agricultural purposes. The agreement must be accepted by the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation.

For each case mentioned in this section, proof of agricultural development or forest management must be furnished to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation prior to the issue of the letters patent.

12. Maple grove : The holder of a supporting lot containing a maple grove workable as a sugary may obtain the letters patent for such lot :

(a) where he makes, each yearly season, at least 1 000 tapholes on the maple trees of his operation, with a minimum of 400 on the maple trees of such lot ; and

(b) where he owns a building equipped to receive and evaporate the maple sap, together with the equipment for the collecting, stocking and evaporation of the maple sap, the treatment and conditioning of maple products ; and

(c) where he operates such sugary as a complement to his agricultural operation.

13. Letters patent for a supporting lot : The letters patent for a supporting lot shall be issued only where letters patent have been issued for an establishment lot.

DIVISION III

ADMINISTRATION OF COLONIZATION LOTS

14. Transfer authorization : The authorization to transfer rights in a colonization lot is given only where the amounts due on such lot have been paid.

15. Transfer to a person who is not a farmer : The transfer of a colonization lot by a holder or upon a sale for taxes to a person other than a farmer shall constitute a reason for revocation and shall render such transfer subject to section 40 of the Colonization Land Sales Act (R.S.Q., c. T-8).

16. Transfer of an agricultural operation : The transfer of a lot or parts of a lot used as the main part of an agricultural operation, without the transfer of the rights to a supporting lot, shall constitute a reason for revocation with respect to such lot and shall render section 40 of the Colonization Land Sales Act applicable.

17. Retrocession to the Minister of Agriculture, Fisheries and Food : Where the holder of a lot under location ticket retrocedes his rights on such lot to the Minister of Agriculture, Fisheries and Food, the latter shall make an entry in the register mentioned in section 29 of the Colonization Land Sales Act.



c. T-9, r.1

**Règlement sur les bois coupés à des fins
minières**

Lands and Forests Act
(R.S.Q., c. T-9)

See French Edition



c. T-9, r.2

Regulation respecting woods and forests

Lands and Forests Act
(R.S.Q., c. T-9)

DIVISION I CUTTING LICENSES, GROUND RENTS AND TRANSFERS

1. All leased timber limits are subject to payment of an annual rental, referred to as ground rent, of 15,40 \$ per square kilometre or fraction thereof.

A license issued upon payment of ground rent shall be valid for 12 months, from 1 April to 31 March of the following year. No claim for reimbursement of ground rent or fire tax (or fee covering annual protection costs), shall be accepted for any overcharge resulting from an excessive estimate of the area of the timber limit.

Every holder of a special permit pursuant to section 90 of the Lands and Forests Act (R.S.Q., c. T-9) must pay a ground rent of 308 \$ per square kilometre of forest used for cutting.

2. All cutting licenses shall expire on 31 March following their date of issue, but the licensee who has complied with the Act and existing regulations is entitled, up to 1 September following, to a renewal of his license and every license thus renewed shall take effect from 1 April of the year for which it was renewed.

For any infraction of the Act or the regulations, he shall forfeit such right, but the Minister of Energy and Resources may permit the renewal of the license on payment of the ground rent and of any other penalty the latter may be pleased to impose.

Every license of a timber licenser is not subject to renewal where the grant was the subject of a cancellation that complies with section 93 of the Lands and Forest Act.

3. In the event of the value of a limit being entirely or partially destroyed by fire, by the enlargement of colonization land, or for any other cause, the Minister has the discretionary power of annulling the license in whole or in part.

4. Every transfer, whether final, in trust or conditional, of a timber limit or a divided or undivided portion of it, must, to be valid, be made by notarial deed.

Every such transfer shall only become effective upon approval by the Minister, and upon payment of a fee of 25 \$ per square kilometre or fraction thereof, except in the case of consolidation, re-grouping or reorganization of pulp and paper or lumber companies, where the fee of 25 \$ shall not be payable.

5. A holder of timber limits must notify the Minister of any transfer before implementing or preparing to implement such transfer in any manner, under penalty of a fine not exceeding 386 \$ per square kilometre, fixed by decision of the Minister and from which there shall lie no appeal.

No transfer is acceptable or valid if the holder transferring or receiving the limit is indebted to the Crown.

Sections 4 and 5 do not apply to the special permit mentioned in the third paragraph of section 1, as it may neither be transferred nor renewed.

DIVISION II SUPERVISORY MEASURES

6. A licensee must submit his cutting programme to the Ministère de l'Énergie et des Ressources each year at least 3 months before its implementation.

Before cutting starts, he must declare the names of his contractors, the quantity of timber assigned to each, the places where cutting is to take place and the names of the cutters.

Prior to 30 June each year or prior to the drive in the case of limits watered by rivers or streams entering the Gulf of St. Lawrence or the sea or flowing through or bordering neighboring provinces or states, the licensee or his representative must furnish, on forms supplied by the Department :

(a) a sworn statement of all timber cut for his account during the preceding season on his limits or on lots under location ticket or patented or otherwise held ;

(b) statements sworn to by his jobbers, foremen or other employees in charge of the lumbering operations, showing the quantity and description of all timber cut by

them for his account during the preceding season under their direction or to their knowledge, as well as the place whence the same was obtained ;

(c) specifications of the measurements of such timber sworn to by qualified cullers, accepted by the Minister and for the timber to be measured by the supervisor of cullers or his assistants, a certified summary of the official measurements stating the number of cubic metres contained in such timber ;

(d) his own *affidavit* or that of his representative corroborating the sworn declarations of his employees ;

(e) a sworn statement respecting those of his limits on which no lumbering operations were carried out during the season just ended.

To enable the licensee to faithfully fulfil the foregoing obligations, the foremen or persons in charge of each lumbering station (*chantier*) may be required to keep a book in which shall be entered a detailed and accurate statement of the number of pieces of square timber, boom timber, dimension timber, saw-logs or other timber cut and hauled daily during the logging season ; and such book shall be sworn to at the end of the season.

DIVISION III

LOGGING OPERATIONS AND UTILIZATION OF WOOD IN PUBLIC FORESTS

7. No operation shall be initialed or carried out in the public forests of Québec unless previously authorized by means of a license to cut timber issued by the Minister or by an officer duly authorized by him for such purpose. The Departments as well as the boards or government and para-government bodies of Québec must also procure a license to cut timber under the conditions which the Minister may deem advisable to determine.

8. A license to cut timber must comply with the provisions of the working plan and the cutting programme in force in the territory where the operations are to be carried out ; essentially, it must give the following information :

- (a) its date of issue ;
- (b) its order number ;
- (c) the name and address of the holder ;
- (d) the volume, by species, of the wood for the cutting of which the authorization is granted ;
- (e) the minimum operational diameters on the stump ;
- (f) the maximum utilization diameters of the lap-woods ;

- (g) the description of the areas of operations ;
- (h) the period of cutting operations ;
- (i) the stumpage dues payable to the Government ;
- (j) the special conditions applicable under such circumstances ;
- (k) the destination of the woods for the various users ;
- (l) the signature of the Minister or of the authorized functionary.

9. All logging operations to be made in the public forests of Québec should be carried out so as to ensure the best possible utilization of woody materials. The holders of licenses to cut timber should comply with the following conditions :

(a) trees should be cut as near to the ground as possible ; in no case should the stumps be cut more than 30 centimetres from the average ground level ;

(b) within an area of cutting operations, all useable trees, as well as those which are useable to a certain extent only, should be harvested. This means, where applicable, the trees which have been cut down beforehand, the trees which are branched, wind-fallen or affected by fire, insects or disease, as well as isolated trees and the churorks of trees left on the cutting grounds from previous operations ;

(c) within an area of operations, all trees with a diameter equal to or greater than those specified on the license must be harvested unless they are part of a stand having a volume of merchantable timber of less than 30 cubic metres by hectare ;

(d) in an improvement cutting area, harvesting should be limited to the trees designated therefore ;

(e) in the building of forest roads, the trees situated on the right of way should be harvested before the passage of the mechanical ram ;

(f) operations on the edge of highways, roads, lakes, rivers and other sites of public interest recorded in the files must be carried out within the restrictions laid down by the law and in accordance with the terms and conditions provided for in the cutting programme approved by the Minister and to which the license to cut timber refers ;

(g) the holder of a license to cut timber shall be fully responsible for the supervision of the areas of cutting operations.

10. When all cutting has been finished, all areas of operation may be subject to inspection by the officers of the Department for the purpose of estimating the volume of

woody material useable, but not harvested. The results of such inspection shall be transmitted to the holder of the license to cut timber. A period of time shall be allotted in proportion to the cutting areas, in order to permit, where expedient, the salvage of the estimated volumes of wood not utilized. Notice of the time limit for such salvage shall be transmitted with the results of the inspection. Upon the expiry of such time period, the officers of the Department shall make a final inspection in order to establish the volume of unsalvaged wood, and such inspection shall be followed by a bill made in accordance with the penalties prescribed in section 11. The holder of the license to cut timber may take part in the inspections if he expresses his wish to do so in writing.

11. Should salvage be incomplete, the holder of the license to cut timber shall pay, for any volume of unsalvaged wood established at the final inspection, a penalty calculated in accordance with the following form :

Rate of under-utilization :

$$P = (V)^3 \times 0,015 \$ \times S$$

P = penalty, in dollars

V = average unsalvaged volume in cubic metres per hectare

S = surface area of the cutting territory to be cut in hectares.

However, no penalty shall apply where the unsalvaged volume per hectare is less than 3,5 cubic metres.

12. The wood allocation for the following year is reduced by :

(a) the volumes estimated as under-utilized and not recovered ;

(b) the volumes sent to users other than those designated in the license ;

(c) the volumes exceeding those indicated in the license ; and

(d) the volumes harvested in reserves located on the banks of lakes and rivers and on roadsides, as specified in the license.

13. Notwithstanding the fact that in principle the total volume of wood cut must not exceed the volume authorized the same license holder for the aggregate cutting licenses issued in a working unit, no fine will be levied on surpluses not exceeding the percentages indicated in the following table :

Volume under license (in cubic meters)	Surplus allowed (in percentage)
less than 300	10
301 to 600	5
601 to 15 000	4
15 001 to 30 000	2
30 001 and up	1

14. The volume of wood cut in excess of the surplus allowed shall be subject to twice the stumpage dues specified in the license.

15. The holders of licenses to cut timber may build camps and other buildings required for the purposes of their operations but such camps and buildings must conform with the instructions issued by the competent authorities respecting health and pollution. As soon as the said camps are no longer required, they must be dismantled or burned down at the expense of the people who built them. The latter must also clean the premises to the satisfaction of the Minister.

16. In the case of an infraction of this Regulation, the Minister may suspend the operations or rescind the license to cut timber, and such action shall not prejudice his right to exact the fines provided for by the Act and the regulations.

DIVISION IV MEASUREMENT AND CULLERS

17. (1) Cullers must measure all timber cut and useable, make detailed reports of each measurement, leave a copy of the same at each camp and set aside defective pieces whose contents they have written off for special examination by the forest ranger. The licensee must account, in his reports, for all timber not hauled away.

(2) All wood cut from public forests shall be measured by cullers operating singly, unless the Minister deems that, in certain special circumstances, it is in the interest of Québec to utilize an assistant-culler or a second culler.

(3) A temporary culler's permit shall only be granted when the limit holder establishes that he has been unable to engage a culler. The fee for such permit shall be 50 \$ and shall not be reimbursed in whole or in part should the temporary culler later appear as a qualified culler.

(4) The official regulations and instructions respecting measurement of timber cut on Crown lands, published at frequent intervals by the Ministère de l'Énergie et des Ressources, the regulations under the Cullers Act (R.S.Q., c. M-12) and sections 18 and 20 of this Regulation must be followed and observed in measuring timber felled on Crown lands.

DIVISION V SUPERVISION OF LOGGING OPERATIONS

18. Forest-rangers and other officers charged by the Minister with the duty of supervising lumbering operations on Crown lands, have the right to require that lumbermen afford them every facility for the performance of such duty. They may examine all books and documents relating to the lumbering operations, regulate the manner in which the logs are to be placed to allow of their being satisfactorily measured, count and measure, without hindrance, all timber cut, and generally ensure the observance of the regulations.

DIVISION VI FOREST MANAGEMENT

19. Each license holder must furnish the Department, in addition to a working plan for the whole area which he holds under license, a five-year plan for the sector to be operated.

The cutting operations executed in conformity with the working plan must be subordinate in particular to the general prescriptions hereinafter detailed :

(a) the quantity of wood to be cut in the course of each decade shall be that prescribed in the working plan relating to such period. It must not exceed the possibility for the said period, except in those places where it is judged opportune to regularize the forest stock ;

(b) the cutting programme for each season must be submitted to the Ministère de l'Énergie et des Ressources at least 3 months before the commencement of the work ;

(c) the sectors where the cutting operations provided for in the 5-year working plan are to be carried out must be pre-examined jointly by the forest engineers of the license holder and of the Department in order to select from the silvicultural treatments prescribed in the working plan, that which it would be preferable to apply in each case ;

(d) no cut will be tolerated in immature stands, unless it be on very restricted areas, hemmed in by older stands. Nevertheless thinnings may be made in these immature stands ;

(e) the forest engineer who has prepared the seasonal cutting programme is responsible for the carrying out thereof and for the supervision of the cutting operations. The names of the persons, who, under his direction shall supervise the cuts, must be submitted to the Department. These persons shall work together with the representatives of the Government and shall see that all the provisions of the working plan are followed exactly.

Within 3 months following the end of any operating season, that is, from 1 April to 30 June, the forest engineer who prepared the cutting programme for the preceding season must deliver to the Department a post-cut report accompanied by a map of the areas cut over. Such report must be made in the forms prepared by the Service de l'aménagement forestier for this particular purpose ;

(f) forest stands which have attained maturity and are made up of species threatened with destruction by insect epidemics or damaged by windfall, forest fire or other causes and are still usable in the opinion of the Minister, shall be submitted for priority exploitation in accordance with the working plan, and the latter, when necessary, shall be consequently amended.

For each decade subsequent to the first, the general working plan must be revised and brought up to date, and 5 year working plan prepared.

All working plans, reports and maps mentioned above, must be prepared according to the instructions of the Department, and approved by it before being put into execution. The inventory reports, the working plans, the annual cutting programmes and the maps in connection therewith must be signed by all the forest engineers who have carried out the work necessary for their preparation, whether in the forest or at the office.

The Minister may make special regulations for the operations of timber limits for which no working plan has been furnished ; the costs incurred by the government for the management of these forests shall be for the account of the license holder.

If, for any special reason, it becomes necessary to authorize the exploitation of non-managed forests, the volume of the cuts therein shall be limited to an empirical possibility fixed by the Minister.

DIVISION VII PROVINCIAL PARKS

20. In order to safeguard the beauty of the landscape of provincial parks, it is prohibited to exploit timber on the islands and within a zone 60 metres wide bordering the lakes, peninsulas, rivers and highways within such parks, and timber limit-holders may lay out hauling roads for

forest products across the said zones only in a sloping direction with regard to the highways and to the shores of the rivers and lakes.

DIVISION VIII SALMON RIVERS

21. In accordance with sections 114 and 115 of the Lands and Forests Act, a zone 60 metres in width, in Crown lands, on each side of the salmon rivers mentioned below, must be preserved in a wooded state, and no tree may be cut in such a zone without a special permit from the Minister.

These rivers are the following : Cap-Chat, Sainte-Anne-des-Monts, Darmouth, York, Saint-Jean, Malbaie (Gaspé), Grande-Rivière, Petit-Pabos, Grande Pabos (north and southwest branches), Port-Daniel, Grande Bonaventure, Petite Cascapédia, Grande-Cascapédia (east and west branches), Matapédia, Restigouche and Patapédia, and the Sainte-Marguerite, Saint-Jean and Petit-Saguenay, which are tributaries of the Saguenay ; Sault-aux-Cochons, Laval, Betsiamites, Mistassini, des Anglais, Godbout, Calumet, Marguerite, Hall, Moisie, Manitou, Jupitagan, Matamec, Saint-Jean, Corneille, Romaine, Piashtibaie, Petite Watchichou, Natashquan, Washicoutai, Olomane, Coacoachou, Etamamiou, Napétipi, in Saguenay and Duplessis counties, and Matane river in Matane county.

The 60-metre reserve on each side of the rivers mentioned above does not apply to their tributaries.

All timber cutting within this 60-metre zone without the required authorization constitutes an infraction of this Regulation and any person convicted thereof is liable to the penalties prescribed in section 82 of the Lands and Forests Act.

DIVISION IX MAPLE GROVES

22. The forest operations in maple groves within the limits of Crown forests and on colonization lands held under location ticket is restricted to dead or dying trees, or to those which a competent officer of the Department shall designate for said operations. Cutting operations should always be done in view of furthering the growth of healthy maple stands.

For the purpose of the application of this section, the words maple grove mean any maple stand being or that may be operated for the production of sugar or maple syrup.

DIVISION X MEASUREMENT

23. Notwithstanding their dimensions or ultimate destination, all timber cut in public forests or for which the Government might have dues to collect for administration or revenue purposes, must be measured and reported by cutters licensed by the Minister and supplied with proper identification cards.

Fees for measurement are as follows :

(a) **Sectioned wood :**

Apparent volume : 0,14 \$ per apparent cubic metre ;

Net solid volume : 0,26 \$ per cubic metre ;

Counting : 0,01 \$ per unit.

(b) **Non-sectioned wood :**

Gross or net solid wood : 0,18 \$ per cubic metre.

(c) **Other methods of measuring :**

Weighing, sampling, etc. ; expenses incurred.

DIVISION XI STUMPAGE RATES

24. All timber cut on public lands, leased or vacant, is subject to the following stumpage dues :

(1) Wood cut on public lands for commercial purposes :

(a) **Wood cut on timber limits :**

i. **Pulpwood :** The stumpage rates for pulpwood are the following :

Species	Sectioned Wood apparent volume m ³	Wood net solid volume m ³	Non sectioned Wood gross solid volume m ³
Softwood	2,24 \$/m ³	3,36 \$/m ³	3,15 \$/m ³
Poplar, aspen	1,05 \$/m ³	1,58 \$/m ³	—
Other hardwoods	1,96 \$/m ³	2,95 \$/m ³	—

For wood measured by the apparent cubic metre, these rates are increased by 12% if it is sap-peeled and by 20% if peeled by mechanical means.

Non-sectioned wood may be measured in 2 ways, either according to gross solid volume or net solid volume. The rate per net solid volume is the same as the rate for applying to wood sectioned and measured according to the same unit. Measuring done according to the gross solid volume must take into account a fixed percentage of reduction for rot.

ii. **Sawlogs** : This category includes all rough timber which must be processed in mills, with the exception of pulpwood. It includes sawlogs, veneered wood, shingle wood, spoolwood, lath-wood, wood intended for railway ties or small products.

The stumpage rights for sawlogs are as follows :

<i>Species</i>	<i>Sectioned wood measured in net volume (m³)</i>	<i>Non sectioned wood measured in gross solide volume (m³)</i>
White pine, red pine	1,55 \$	—
Other softwoods	0,77	0,73 \$
Yellow birch, oak, elm	1,57	—
Maple, linden, ash	1,26	—
Other hardwoods	0,77	—

Certain sawlogs, including shingle woods, spoolwoods and lathwoods, as well as charcoal woods, distillation woods and woods for reduction of ore, may be cut in lengths of 1,32 metres or less. The following rate applies to logs of 1,22 metres measured in apparent cubic metres ; rates for logs of different lengths shall be calculated proportionately.

Measured in apparent cubic metres

Birch, aspen	0,44 \$/apparent m ³
Spruce, balsam, jackpine	0,53 \$/apparent m ³
Cedar and other species	0,72 \$/apparent m ³

iii. **Other wood** : This category shall comprise wood which is not processed by any mechanical or chemical means prior to its use. It shall therefore include firewood, strips intended for the reduction of ore, fence wood and dimension timber (poles, piles, stockade wood, etc.). The unit of measure shall vary according to the usage. Stumpage rates are as follows :

	<i>Rate</i>
Firewood :	1,00 \$
all species :	per apparent m ³

Strips (reduction of ore) :

stalks less than 7,5
centimetres at the butt
and less than 3,7
metres in length :

0,01 \$
per unit

Fence wood :

posts less than 2,5
metres and of a diameter
less than 15
centimetres
at the narrow end :

0,10 \$
per unit

posts between 2,5 and 5,0
metres and of a diameter
less than 15
centimetres at the
narrow end :

0,20 \$
per unit

Dimension timber :

strips more than 5
metres in length or
more than 15
centimetres at the
narrow end
to be used
as posts, piles
or stockade wood :

2,12 \$
per m³

iv. **Salvage wood** : One category of salvage wood comprises, in the case of sawlogging operations, pulpwood and firewood harvested from the crowns and from small trees damaged during cutting. A maximum volume of one apparent cubic metre of pulpwood or 2 apparent cubic metres of firewood per 2 solid cubic metres of sawlogs shall be considered salvage wood.

A second category of salvage wood comprises, in the case of hard pulpwood, sawlogs and hardwood veneer. A maximum volume of one solid cubic metre of sawlog and veneered wood per 4 apparent cubic metres of hard pulpwood shall be considered salvage wood.

A credit equal to 50% of the stumpage dues shall be granted at the end of the operation season for salvage wood.

(b) Timber cut in vacant lands and township forests : Aspen and white birch are subject to the same rate as that prescribed in subparagraph i of paragraph a of subsection 1 respecting wood cut in timber limits. In the case of other species, the rate shall be twice that in force for timber limits.

(2) Wood for domestic use : Wood for domestic use only may be cut on Crown lands pursuant to a license for

that purpose, provided that the following rates are paid and the following conditions met :

	<i>Rate</i>
(a) Construction lumber :	
All species and sizes :	2,00 \$ per m ³
Fence wood :	
pickets less than 2,5 metres and of a diameter less than 15 centimetres at the narrow end:	0,10 \$ per unit
pickets from 2,5 to 5 metres and of a diameter less than 15 centimetres at the narrow end:	0,20 \$ per unit

Each type of wood must be measured and paid for by the license holder.

- (b) Firewood : 1 \$ per apparent m³

Firewood does not include timber unfit for sawing, except where an area is to be cleared for planting or for a road. The timber must be cut in the areas and during the period specified in the license. No license is issued for a volume of less than 10 cubic metres (apparent volume). The price must be paid in advance and may not be reimbursed. The cut timber is not measured, except for estimation or sampling purposes, and the license holder does not pay measuring costs.

(c) A destitute person or the victim of a disaster may be issued a license without being required to pay stumpage dues or measuring costs provided, in each case, that the volume does not exceed 250 cubic metres for construction lumber and 25 cubic metres (apparent volume) for firewood.

(3) Reduction in stumpage dues (other salvaged wood) : In the case of wood reasonably deteriorated by a forest fire, windfall, epidemic or any other cause rendering the operation thereof considerably more expensive, the Minister is authorized, upon the production of a report by

a forest engineer, to grant a reduction consistent with rational and economic utilization.

(4) Timber cut by governmental and para-government bodies : All Departments other than the Ministère de l'Énergie et des Ressources and all governmental and para-government boards and bodies which carry out operations on public lands must obtain a license to cut timber, but no fee shall be charged therefor.

All wood that may be harvested for commercial use must, however, be harvested by them and, except for Rexfor, be put at the disposal of the Ministère de l'Énergie et des Ressources which shall indicate the place where it shall take possession thereof.

(5) Shipment of wood to users other than those designated in the license : all wood sent to users other than those designated in the cutting license is subject to additional stumpage dues of 7 \$ per cubic metre.

(6) Timber cut for silvicultural purposes : A reduction not exceeding the technical manpower cost (forest engineers and all other technicians or workmen specialized in silviculture) employed to do work or improvements in accordance with silvicultural data, but which in no case shall exceed by more than 50% the stumpage rates in force, shall be granted to every timber limit license holder who submits the following documents to the Department :

(a) before felling :

i. a special felling programme including the detailed description, with maps annexed thereto, of the forest stands which must undergo silvicultural treatment ;

ii. a detailed statement of the treatments which are intended to be applied to such stands as well as a technical and economical justification ;

(b) after felling :

i. a report with maps indicating the area covered by the felling, the timber volumes felled and the description of residual stands ;

ii. a detailed statement of the cost of treatment or improvement work carried out.

Such reduction is granted only if the after-felling inspection made by a forest engineer designated by the Department reveals that the treatment or improvement work has been carried out in accordance with the particular condi-

tions set forth in the license to cut timber or in instructions to that effect.

(7) In any mechanized logging of coniferous wood from a forest concession, where there is harvesting of un-sawn wood intended mainly for sawmills, the following uniform rate applies during the regular logging season : 1,96 \$ per cubic metre where wood is scaled by net volume, and 1,84 \$ per cubic metre where wood is scaled by gross volume.

At the end of the season of operation, the total amount of the stumpage dues shall be adjusted in accordance with the regular tariff of stumpage dues decreed by paragraphs i and ii of paragraph a of subsection 1 of under the following conditions :

(a) the applicant in his application for a cutting license that at least 60% of the wood to be cut is intended for sawlogs ;

(b) the applicant advises the Minister of his intention, in his application for a cutting license, to avail himself of a readjustment of his stumpage dues ;

(c) the volume of wood actually intended for sawlogs is greater than 60% of the total volume of wood cut.

(8) On all public lands, for balsam, spruce and jack pine :

(a) where the accumulation of snow on the ground is equivalent to less than 20 centimetres of water, stumps cut 30 centimetres in excess of the average ground level and that are left on a cutting area are subject to a stumpage due of 1 \$ each. That stumpage due applies in one of the following cases :

i. the average number of stumps per hectare cut 30 centimetres in excess of the average ground level is greater than 40 ;

ii. the average volume of woody materials per hectare calculated on the portion of stumps cut 30 centimetres in excess of the average ground level exceeds 0,35 cubic metres ;

(b) where the accumulation of snow on the ground is equivalent to or exceeds 20 centimetres of water, stumps cut 60 centimetres in excess of the average ground level and that are left on a cutting area are subject to a stumpage due of 1 \$ each. That stumping due applies in one of the following cases :

i. the average number of stumps per hectare cut 60 centimetres in excess of the average ground level is greater than 40 ;

ii. the average volume of woody materials per hectare calculated on the portion of stumps cut 60 centimetres in excess of the average ground level exceeds 0,35 cubic metres.

(9) The wood from any public land, handled or carried in such a way as to impede the application of section 17, is subject to stumpage dues of 7 \$ per cubic metre for any species. Such stumpage dues apply insofar as a license holder handles or carries wood in such a manner more than once within a 3-year period.

DIVISION XII

RATE OF GROUND RENT

25. The rate of the ground rent may be increased, at any time during this period of 12 months, for the licensee who does not carry on any operations, the Crown reserving in such case, the right to fix the quantities of lumber which must be cut to constitute a sufficient forestry operation.

This section shall neither affect nor lessen the right of the Crown to regulate territories under license for other purposes and in other respects, in the measure permitted by the Act on the regulations.

26. Stumpage dues, cutting rights, the prices of standing timber or of dues, the contributions required of holders of cutting licenses for commercial purposes for construction and improvement of forest roads, the amounts allocated to compensate in part for the expenses of forest fire prevention and of combatting epidemics of forest insects, cryptogamic diseases, expenses of inventory and development and any other amounts that may be claimed are billed upon receipt of scaling returns or annually, and are payable within 30 days of billing. Any amount that may be due subsequently owing to a difference between the volume of wood guaranteed and the volume of wood cut will be billed after the year of operations, that is, after 31 March of each year, and is payable within 30 days.

27. Stumpage dues payable on timber cut under license on territory watered by rivers or streams flowing into the Gulf of St. Lawrence or into the sea or bordering neighboring provinces or states, shall be paid for before the timber is floated or hauled outside of the said territory. In default of such payment the said timber shall be seized and sold as having been cut in trespass.

28. All arrears of ground rent, stumpage dues or trespass penalties payable by a licensee may be levied on all

timber cut by him under license or in contravention of the Act or regulations, in any part of Québec whatsoever.

DIVISION XIII OFFENCES AGAINST THE ACT AND REGULATIONS

29. Settlers who have purchased public lands or those who have obtained free grants and who have not yet completely fulfilled the conditions of their sales or grants, shall not have the right to cut timber thereon without license except for clearing land for cultivation, for building, fencing or firewood, in accordance with the location ticket.

30. When timber has been cut in trespass in good faith on public lands, the Minister may, in his discretion, accept in settlement therefor a penalty over and above the usual duty under the tariff, as well as the cost incurred.

31. Persons taking forcible possession of any land in litigation before having obtained a decision in their favour, or who refuse to comply with the award of arbitrators or with the regulations established by order in council, or who interfere with land surveyors, or other public officers in the performance of their duties, shall forfeit the right to renew their licenses.

32. All settlers without titles are prohibited, except upon special authorization from the Minister, from settling on or clearing land or felling trees involving the cutting of merchantable timber, in any unsurveyed territory, or on any land subdivided but not offered for sale within Québec, and forming part of limits held under timber licenses, as such timber belongs to the holders of such licenses who have the right to prosecute any one violating this prohibition.

DIVISION XIV LAND SURVEY

33. Boundary lines must be established on the ground :

- (a) separating each timber limit from the unlicensed lands of the Crown ;
- (b) separating one limit-holder's licensed lands from another's ;
- (c) constituting the perimeter of any timber limit, the conditions of sale of which impose upon the buyer the obligation to pay additional stumpage dues.

All these surveys are at the exclusive charge of the interested limit-holders in proportion to their respective interests. They must be carried out by land surveyors acting on instructions of the Minister. When the work is completed,

the reports, plans and field notes are sent to the Department be examined and kept on record. If they have been carried out in conformity with the instructions given, they will be officially approved ; the interested limit-holders will then be advised and the boundaries established will be declared fixed and permanent.

34. In the absence of an agreement between the Department and the interested limit-holders relative to the survey of the above mentioned lines, the Minister may have the work done at the expense of the Department, and such costs shall be recoverable in the same manner as other dues from the limit-holders. The Minister may annul the cutting licenses of the limit-holders who refuse to reimburse the Government the costs incurred by such surveys.

35. All limit lines or boundaries already established in virtue of official instructions are declared to be valid and permanent, if a report, or field notes, or at least a plan describing the same has been filed on record in the Department and if they have been undisputed for at least 5 years.

36. The Minister, or any of his duly appointed officers, may issue, in the case of leased timber limits, timber licenses stating all the restrictions and obligations attached to the exercise of such licenses as per Form A annexed to this Regulation.

The Minister is also authorized to add to the said timber licenses :

- (a) any other clauses and conditions not inconsistent with those enumerated therein, and deemed necessary in the interest of Québec ;
- (b) all explanations deemed useful in the exercise of the privileges attached to the said timber licenses in accordance with the aforementioned Acts and regulations.

DIVISION XV CONSOLIDATION OF TIMBER LIMITS

37. The Minister is authorized to approve the designation, plan and technical description of any so-called "consolidated" timber limit, that is, one bringing together several distinct timber limits held by the same person in the same forest management unit, partly contiguous with each other and forming a continuous whole at least in a general manner, provided the consolidation in no wise alters the original title or any subsequent title of any limit, but is only intended to simplify the economic and administrative management of the different holdings making up this new consolidated limit.

DIVISION XVI

INTEREST ON ARREARS

38. Monthly interest corresponding to the annual rate fixed by the Regulation respecting fiscal administration (c. M-31, r.1), with its existing and future amendments, compounded and calculated monthly, is charged on payments due, on arrears due under lease contracts, ground rents and any dues owed to the Government for forest operations, and for arrears due under sales, conditional sales, leases and contracts of all kinds related to public lands.

Such interest runs on all unpaid amounts, 30 days after the date of billing.

FORM A

(s. 36)

District No.

Region No.

Watershed

Management unit

QUÉBEC

Ministère de l'Énergie et des Ressources

Timber license No. for 19... Total area of timber limits designated and enumerated on the reverse side of this license :

Stumpage rate :

Ground rent : Renewable on 19...

By virtue of the authority vested in me by the statutes of Québec, and by the Regulation respecting woods and forests (R.R.Q., c. T-9, r.2) and in consideration of the payments made and to be made to the Gouvernement du Québec, I authorize by this license

.....
(name of licensee)

as licensee, his agents and employees to cut the timber within the timber limits designated and enumerated on the reverse side of this license, to hold and occupy these limits to the exclusion of all others from 1 April 19... to 31 March 19... with the right to transport said timber across the said limits and vacant lands of the Crown. By virtue of this license and during its term, the licensee is authorized to take legal proceedings, as provided for by the Lands and Forests Act (R.S.Q., c. T-9) pertinent to forest exploitation, against all contravening parties (section 72 and 73).

The use of this license is conditional to the following restrictions and obligations :

(1) the licensee must exploit the forest within these limits, according to a working plan, and each year before starting any cutting operation, he must secure from the Ministère de l'Énergie et des Ressources the authorization to carry out such operations. This authorization will determine the quantity to be cut, and indicate the cutting areas. It will also mention the conditions pertaining to the cutting and hauling operations ;

(2) the ground rent for the renewal of this licenses, as well as all other dues to the Crown, must be paid on or before 1 September 19... ;

(3) Fifteen days before the beginning of the drive and the transportation of the timber outside the above-mentioned limits, but not later than 30 June 19... the licensee must submit to the Department, on appropriate forms, a sworn statement together with a report on the cut-over areas, giving the quantities and the description of the timber cut under the said license and of the aforementioned authorization, as well as any other information that may be requested by the Minister.

If, concurrently, he buys standing timber, logs pulpwood, etc., from other sources, the licensee must declare such purchases and, under oath, give the necessary information on the quantity and source of said wood ;

(4) when the wood is to be shipped outside Québec, the licensee must obtain shipping permits before it is moved outside his timber limits or wood yard ;

(5) to obtain the renewal of his license, the licensee must declare by sworn statement if he is still the true holder of the timber limits mentioned in the present license. If he is no longer the holder of said limits or of a part thereof, the licensee must declare the name of the person to whom he has transferred and ceded his title in part or in total. To be valid, the transfer of timber limits or of any part of the rights involved must be approved by the Minister (sections 4 and 5 of the Regulation) ;

(6) any person, who settles with a lawful title within the present limit, shall not be molested in any in his clearing or other operations, by the licensee or his representatives, provided that such operations are in conformity with the title said person may hold ;

(7) the licensee or his representatives must observe the provisions of the laws and regulations in force and those which may be enacted in the future, with respect to the administration of land and forests, for the purposes of forest exploitation, colonization, mining exploration and exploitation, etc.

Signed in duplicate, at Québec, this

..... day of 19...

Deputy-Minister

(reverse side)

Designations and areas of the timber limits held in virtue of this license No.

O.C. 3277-72, (1972) 104 O.G., 9859
 O.C. 306-73, (1973) 105 O.G.II, 249
 O.C. 3395-74, (1974) 106 O.G.II, 4269
 O.C. 176-75, (1975) 107 O.G.II, 801
 O.C. 2118-75, (1975) 107 O.G.II, 2705
 O.C. 3097-75, (1975) 107 O.G.II, 3887
 O.C. 3691-75, (1975) 107 O.G.II, 4775
 O.C. 409-76, (1976) 108 O.G.II, 1759
 O.C. 1603-76, (1976) 108 O.G.II, 3063
 O.C. 2273-76, (1976) 108 O.G.II, 4075
 O.C. 2364-76, (1976) 108 O.G.II, 4649
 O.C. 3728-76, (1976) 108 O.G.II, 6277
 O.C. 2019-78, (1978) 111 G.O., 2169
 O.C. 812-79, (1979) 111 G.O., 4199
 O.C. 555-80, (1980) 112 G.O.II, 1185
 O.C. 2517-80, (1980) 112 G.O.II, 4011
 O.C. 3247-80, (1980) 112 G.O.II, 4357
 O.C. 993-81, (1981) 113 G.O.II, 1305
 O.C. 993-81, (1981) 113 G.O.II, 1305
 O.C. 993-81, (1981) 113 G.O.II, 1305
 O.C. 3052-81, (1981) 113 G.O.II, 3672



c. T-9, r.3

**Décret sur les catégories d'usines visées
par la partie IV de la Loi sur les terres
et forêts**

Lands and Forests Act
(R.S.Q., c. T-9)

See French Edition



c. T-9, r.4

**Décret sur les conditions de la vente du
bois dans les forêts domaniales**

Lands and Forests Act
(R.S.Q., c. T-9)

See French Edition



c. T-9, r.5

Regulation respecting the building of forest roads on public lands under the jurisdiction of the Minister of Energy and Resources

Lands and Forests Act
(R.S.Q., c. T-9, s. 19)

- 1.** The Minister of Energy and Resources is authorized to allow every person engaged in timber operations who is the holder of a licence to cut timber for such purpose to build on public lands the roads necessary for his operations or for all other related work.
- 2.** The Minister of Energy and Resources is authorized to allow every government body to build the roads necessary for its operations as long as this body provides, at the end of each fiscal year, for purposes of registration in the terrier, a plan or sketch showing as accurately as possible the place where the works are carried out.
- 3.** The Minister of Energy and Resources is authorized to allow every person, company, association or other body whatsoever, having clearly established the need thereof, to build or improve forest roads on public lands under the conditions established by the following sections.
- 4. Preliminary plan and land-surveying :** The interested person shall first have to produce a detailed plan or sketch showing the site and particularities of the right of way concerned, as well as an undertaking to have it surveyed at his own expense upon request by the Minister thereto.
- 5. Agreement of timber limit holders :** If the right of way crosses one or several timber limits not held by the interested party, he shall have to produce the written agreement of each holder, without any obligation whatsoever on the part of the Government.
- 6. Method of authorization, term and renewal :** The minister shall grant the said authorization by letter for a limited period, with or without option of renewal.
- 7. Reserves bordering rivers and lakes and bridges :** The authorization may include the option to utilize the legal reserve bordering rivers and lakes wherever they exists, but bridges shall have to be built in such a way as to assure the free passage of water and the users of water courses.

8. Payment of stumpage dues : All commercial wood which must be cut in the right of way, after obtainment of a permit therefor, shall be subject to the payment of stumpage dues according to the tariff in force for forests which are not leased, and according to the tariff applicable to timber limits in the case of the latter.

9. Commercial wood : Commercial wood shall have to be cut and piled so that the volume may be established before transport.

10. Rights of way of third parties : Section 100 of the Lands and Forests Act (R.S.Q., c. T-9), applies in principal to the roads contemplated by these presents concerning the right of way of third parties, which shall be free of charge ; the maintenance costs, however, being apportionable among the users.

11. Hunting and fishing rights : No exclusive hunting or fishing right may result from the authorization provided in this Regulation.

12. Mining rights : Every authorization granted under these presents is subject to the laws and regulations respecting mines in Québec, and the recipient shall have no recourse against the holder of a mining claim or a development licence whose right antedates his own in relation to the work which may be carried out under the Mining Act (R.S.Q., c. M-13) and the regulations made under that Act.

13. Abandonment : No matter what be the value of the building or rebuilding works of the road concerned, or of other improvements related thereto, the Government shall not be obliged to pay any indemnity to the recipient of an authorization upon the expiry of the term, nor in the case of prior cancellation or abandonment, and all the works then existing shall be integrated *pleno jure* in the property of Québec.

14. Compliance with the act and regulations : All road works carried out under this authorization must comply with the Acts and regulations of the Ministère de l'Énergie et des Ressources, in particular with those which concern the salvage of commercial wood and the protection of forests.

O.C. 86-76, (1976) 108 O.G.II, 1179



c. T-9, r.6

Regulation respecting the management of public lands by an association of owners of private forests

Lands and Forests Act
(R.S.Q., c. T-9, s. 120)

1. Term of the agreement : The term of the agreement by which the Minister of Energy and Resources entrusts the management of public lands intended for forest operations to an association of owners of private forests, in accordance with section 118 of the Lands and Forests Act (R.S.Q., c. T-9), may not exceed 15 years. However, the agreement may be renewed.

2. Conditions relating to the use of public lands : An owners association may use public lands under the following conditions :

(a) before 1 April of each year and before any forest operations take place, the owners association must submit a development plan for the public lands to the Minister of Energy and Resources ; the development plan must take into account not only the exploitation of ligneous matter but also the recreational potential of the natural environment, the conditions of access to any bodies of water and the protection of wildlife habitats ;

(b) the public lands managed by an owners association are subject to the same management standards as the private lands under its management ;

(c) forest operations on public lands managed by an owners association must take into account the annual yield of these lands, which is established according to regular forestry methods ;

(d) for the public lands under its management, the owners association must pay the municipal taxes payable by a lessee or occupant of a government building, or, where applicable, repay to the Government any amount paid by the latter in place of municipal taxes ;

(e) upon the request of a municipality or regional county municipality, the owners association must provide them with the development plan for any public lands within the territories of the municipality ;

(f) use of public lands is restricted to use of forest resources as ligneous matter ; upon notice by the Govern-

ment to an owners association, any public lands required for administrative purposes, public or private, including the consolidation of the property of an individual, are automatically excluded from the public lands under the agreement with the owners association, and the rent is adjusted accordingly.

3. Rent : The management of public land is subject to rent payable to the Government before 1 October each year. This rent is set at 1 \$ per square kilometre of public land under the agreement.

However this rent may be revised from 17 September 1983.

4. Report : The owners association must provide the Minister of Energy and Resources with a detailed annual report of its activities and of any sales of wood in respect of the public lands, as well as of the state of the public lands on 31 March of each year. The report covers the period from 1 April of one year to 31 March of the next. The report must be produced before the 30th of the following June.

5. Apportionment and marketing of cut timber : The volume of timber cut from public lands or equivalent volumes, apportioned to the plants indicated by the Minister of Energy and Resources in accordance with the obligations of the Department towards the industries, shall be sold by the syndicates and offices in charge of applying the joint plans in effect under the Farm Products Marketing Act (R.S.Q., c. M-35).



c. T-9, r.7

Regulation respecting long-term leasing of public lands for special purposes

Lands and Forests Act
(R.S.Q., c. T-9)

1. The Minister of Energy and Resources is authorized to lease, at his discretion, for a period of 10 years or more, under notarial lease or private writing, the public lands under his jurisdiction required for specific purposes, subject to the conditions, restrictions, rates and special qualifying provisions set forth in Schedule 1.

2. The annual rent payable in no case must be less than the rate described in Schedule 1.

3. Where the annual rent is determined as a percentage of the market value, that percentage must be 8% for private or community use and 10% for public use or profit-seeking purposes.

4. The annual rent to be paid must be revised every 5 years in keeping with the variation of the average consumer price index, taking as a basis the index established for the whole of Québec by Statistics Canada on the date of the lease, or in keeping with the variation of the market value in accordance with the terms and conditions stipulated in the lease.

5. The Minister of Energy and Resources is authorized to proceed by either calls for tenders, public auction or the drawing of lots in the case of lands offered publicly for leasing within a planned development, or where more than one person applies for the grant of the same land within a 30-day period.

Amended in French A.C. 2531-79, G.O.II, 1979, p. 6437

6. The same person or the same household may not hold more than one parcel of land in the same development unless it be for profit-seeking purposes.

7. A leasing priority must be granted to residents of Québec at the time of selection of lands or where there is more than one applicant for the same parcel of land, such priority to be extended for a period of 6 months effective from the date of receipt of the application.

8. The description of the leased immovable must bear mention of the grant of a part of all of the reserve bordering rivers and lakes, where applicable.

9. The standard lease which appears in Schedule 2 and is an integral part of this Regulation must be used for long-term leasing of public lands, and that the Minister of Energy and Resources may include in this lease any additional clause he may deem necessary or practical in the general interest and which is not inconsistent with this Regulation.

10. The immovables leased must be surveyed and given a cadastral designation at the applicant's expense and that the survey fees paid by the Ministère de l'Énergie et des Ressources is billed in accordance with the rate determined by the Minister on 1 April each year and paid in full by the first applicant prior to the issuance of the lease.

11. It is expressly agreed that the issuance of a lease pursuant to this Regulation shall at no time warrant the issuance of definitive title by letters patent, sale or otherwise.

12. This Regulation replaces Order in Council 541 dated 22 February 1972, save in respect of the leases granted prior hereto, which leases shall, however, be subject to the application of the new tariff at the time of any future renewal.

SCHEDULE 1

(ss. 1 and 2)

**CONDITIONS, RESTRICTIONS, RATES AND
SPECIAL QUALIFYING PROVISIONS FOR THE
LONG-TERM LEASING OF PUBLIC LANDS**

PURPOSE	USE	MAXIMUM AREA	MAXIMUM DURATION OF LEASE	MINIMUM ANNUAL RENTAL	SPECIAL QUALIFYING PROVISIONS
1. Residential	Private	1 hectare	40 years	0,015 \$ per square metre, minimum 60 \$ per parcel	Maximum of 2,5 hectares where surveyed prior to 1 April 1977
	Public	5 hectares	50 years	0,01 \$ per square metre, minimum 100 \$ per par- cel	Surcharge of 33% on the annual rent for non-residents for sec- ondary or commercial residence
	Profit-seeking	5 hectares	40 years	0,02 \$ per square metre, minimum 100 \$ per par- cel	Prior agreement of the munici- pality
2. Commercial	Public	5 hectares	30 years	0,02 \$ per square metre, minimum 100 \$ per par- cel	Necessary hunting and fishing lease, where applicable
	Private	5 hectares	30 years		Prior agreement of the munici- pality
3. Industrial	Public	50 hectares	60 years	50 \$ per hectare, mini- mum 150 \$ per parcel	Prior agreement of the Minis- tère de l'Énergie et des Ressour- ces where applicable
	Private	30 hectares	30 years		Prior agreement of the munici- pality Prior agreement of the Minis- tère de l'Industrie, du Com- merce et du Tourisme where ap- plicable

PURPOSE	USE	MAXIMUM AREA	MAXIMUM DURATION OF LEASE	MINIMUM ANNUAL RENTAL	SPECIAL QUALIFYING PROVISIONS
4. Communica- tions, public transport and services	Radio, television, cable distribution, transport by air, rail, land or sea, protection of forests and others	10 hectares	30 years	0,005 \$ per square metre, minimum 100 \$ per par- cel	Prior agreement of the Minis- tère des Communications or the Ministère des Transports de- pending on the use
5. Municipal	Potable and indus- trial water supply, elimination of waste, water, recreation, parks, parking, tourist sites, dump, administrative build- ing and dwelling and others	10 hectares	30 years	0,005 \$ per square metre, minimum 100 \$ per par- cel	Prior agreement of the Minis- tère des Affaires municipales, the Ministère de l'Énergie et des Ressources, the Ministère du Loisir, de la Chasse et de la Pêche depending on the use Maximum duration of 50 years for a dwelling
6. Community, non-profit	Education and train- ing, recreation and sports, religious, social establishment, group activities, open-air centre, dump, community services and others	5 hectares	20 years	0,005 \$ per square metre, minimum 100 \$ per par- cel	Prior agreement of the Minis- tère du Loisir, de la Chasse et de la Pêche, the Ministère des Af- faires sociales or the Ministère de l'Éducation, or the Ministère de l'Environnement, depending on the use

PURPOSE	USE	MAXIMUM AREA	MAXIMUM DURATION OF LEASE	MINIMUM ANNUAL RENTAL	SPECIAL QUALIFYING PROVISIONS
7. Recreational and sports, profit-seeking	Beaches, access to water, camping, alpine skiing, shooting, horseback riding, trails and paths	10 hectares	20 years	0,01 \$ per square metre, minimum 100 \$ per parcel	Prior agreement of the Ministère du Loisir, de la Chasse et de la Pêche, or the Ministère de l'Énergie et des Ressources depending on the use Prior agreement of the municipality
8. Agricultural	Cultivation, gardening, breeding, grazing, pisciculture, and arboriculture and others	50 hectares	15 years	10 \$ per hectare, minimum 50 \$ per parcel	Prior agreement of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, and, where the area exceeds 5 hectares, of the municipality

SCHEDULE 2

(s. 9)

**LONG-TERM
LEASE**

Lease No. :
 Record :
 Schedules :
 Reg. No. :
 Reg. Office :

BETWEEN the Minister of Energy and Resources of the
 Gouvernement du Québec, duly authorized for the pur-
 pose of these presents under Order in Council
 dated 19... ,
 represented hereto by ,
 acting in his capacity as

PARTY OF THE FIRST PART, hereinafter called the
 "LESSOR",

AND

PARTY OF THE SECOND PART, hereinafter called
 the "LESSEE",

WHICH parties covenant as follows :

The lessor by these presents leases to the lessee, upon
 the acceptance of the latter, the immovable described be-
 low :

containing an area of more or less, as the
 whole is presently found and in the cognizance thereof the
 lessee declares he is well and truly satisfied.

THIS LEASE is made subject to the following stipula-
 tions, clauses and conditions :

1. **Subletting** : The lessee may sublet the land as well as
 the works and constructions erected thereon, without any
 special permission from the lessor, provided the latter is
 informed thereof, on the stipulation, however, that the les-
 see remain guarantor to the lessor in respect of the obliga-
 tions set forth in this lease.

2. **Transfer** : Following a written notice from the lessee
 to the lessor, the lessee may transfer his rights of owner-
 ship and of lessee to a third party. The lessor may, on the
 other hand, refuse the transfer but only if the conditions of
 the lease are not fulfilled. The fees for the transfer to be
 paid upon the acceptance of the latter shall be those fixed
 by Order in Council.

3. **Surface rights** : In respect of surface rights valid for
 the duration of this lease and of its renewals, the lessor
 grants the lessee the right to erect buildings and make im-
 provements on the leased immovable.

4. **Taking possession** : The lessor reserves the right, upon
 termination of the lease or at any other time, in the event
 the immovable presently leased is required for purposes
 of public interest, to acquire full ownership of the works
 and constructions erected by the lessee on the said im-
 moveable by paying to the lessee their value, which shall
 be determined, where necessary, in accordance with the
 procedures prescribed by the Expropriation Act (R.S.Q.,
 c. E-24).

5. **Waiving of accession** : The lessor hereby waives his
 right of accession in respect of all works and constructions
 which are carried out by the lessee on the designated
 lands. Consequent upon the said waiver by the lessor, the
 lessee shall have full ownership of the works and construc-
 tions made by him, in accordance with these presents.

6. **Taxes** : The lessee shall pay all general and special
 taxes, levies and other dues which may be legally imposed
 during the term of this lease on the leased immovable.

7. **Federal and provincial laws and municipal by-laws** :
 The lessee must comply with the Federal and Provincial
 laws and regulations, in particular those respecting the
 protection of the environment, public lands and forests,
 sailing craft, including pleasure boating, watercourses,
 mines, wild-life conservation, floating of timber and dams.
 The lessee must also comply with the municipal by-laws.

8. **Inspection** : The lessee must allow the lessor to verify
 the condition of the leased immovable and to satisfy him-
 self that the clauses of the lease are complied with. In the
 case of the visiting of the immovable by a prospective les-
 see, the lessor must give the lessee, except in case of emer-
 gency or when physically impossible, at least 24 hours no-
 tice of his intention.

9. **Access road** : The lessee must build, at his own cost
 and expense, the road he may require to reach his land
 from the access road.

10. **Term** : This lease shall be for a term of
 year(s) commencing on the first day of 19... ,
 until the last day of 19... .

11. **Rent** : The lessee shall pay to the lessor an annual
 rent of \$ subject to revision in accordance with
 the terms and conditions described hereinafter.

The said rent is payable in advance every
 year(s).

12. **Place of payment** : All payments made under this
 lease must be made directly to the Ministère de l'Énergie
 et des Ressources in Québec by certified cheque made to
 the order of the Minister of Finance, as set forth herein.
 Such payments must be made in full, the lessor reserving

the right to refuse any part payment. Interest computed at the rate fixed by Order in Council dated shall be charged on any late payment.

13. Rent revision : The annual rent is adjusted every year(s) in accordance with the tariff fixed by Order in Council or, failing such tariff, in taking into account the rent at the commencement of the term of this lease, on the basis of the variation in the general consumer price index for all of Québec, based on the average annual index on the date of commencement of the term of this lease.

14. Rental purposes : The lessee is authorized to occupy and use the immovable hereby rented solely and exclusively for the purposes of save exception expressly authorized in writing by the lessor.

15. Obligation to build : It is agreed that the lessee undertakes to erect constructions of a value of at least \$ and to make improvements to a value of at least \$ on the site of the land designated for that purpose. The construction of the main building must be finished within years from the date of this lease.

16. Renewal : Upon the expiry of the term, if the immovable hereby rented is not required for the public interest, the parties may renew this lease for a minimum period of year(s) upon the conditions which shall be determined at that time by the lessor. Failing renewal on the part of the lessee and in the event no new lessee is proposed, the lessor shall have the option of retaining the works and constructions in paying the estimated value they then shall have, or of requiring that the lessee remove them at his own expense within 6 months from the expiry of the lease, failing which the lessor may do so at the lessee's expense.

17. Cancellation : The lessor may cancel this lease in accordance with the provisions of the Lands and Forests Act, in particular in the following cases :

(a) if the lease was granted as a result of incorrect statements or representations on the part of the lessee ;

(b) if the lessee occupies the leased immovable for purposes other than those mentioned in the lease ;

(c) if the rent has not been paid in full within 30 days from its due date, even where payment has not been requested ;

(d) where the lessee refuses or neglects to fulfill any of the conditions of this lease.

The lessor shall take all reasonable measures to forward a notice of at least 60 days of his intention of cancelling the

lease to any hypothecary creditor who, prior thereto, had informed the lessor by registered or certified letter, sent to the Ministère de l'Énergie et des Ressources in Québec, of his name, address and the particulars of his debt.

18. Additional clauses : Additional clauses respecting the leasing of public lands for special purposes are annexed hereto as an integral part of this lease.

19. Declaration : The lessee acknowledges that the leased immovable is part of the public domain and that at no time may he claim a definitive grant thereof, nor may he apply for the issuance of letters patent.

20. Liability : The lessee undertakes to hold indemnified and protect the lessor against any claim which could be made against the lessor as a result of damages or losses suffered on the leased land.

SIGNED IN DUPLICATE

AT , the 19. . . .

Witness

Lessee

Witness

AT , the 19. . . .

Witness

Lessor

Witness



c. T-9, r.8

**Règlement sur la location de certains
terrains requis pour la protection de
réservoirs d'aqueduc dans divers comtés**

Lands and Forests Act
(R.S.Q., c. T-9)

See French Edition



c. T-9, r.9

**Décret sur la location de terres publiques
pour de courtes périodes sur la Basse
Côte-Nord**

Lands and Forests Act
(R.S.Q., c. T-9)

See French Edition



c. T-9, r.10

Regulation respecting the issuance of occupation licenses and short-term leasing of public lands

Lands and Forests Act
(R.S.Q., c. T-9)

1. The Minister of Energy and Resources is authorized to lease, at his discretion, for a period of at least 12 months and not more than 8 years, under notarial lease or private writing, the public lands under his jurisdiction required for specific purposes, subject to the conditions, restrictions, rates and special qualifying provisions set forth in Schedule 1.

2. The Minister of Energy and Resources is authorized to issue occupation licenses for public lands where he shall deem it expedient, for a period of not more than 12 months effective from 1 April each year, subject to the conditions, restrictions, rates and special qualifying provisions set forth in Schedule 2.

3. The annual rent to be paid under a lease in no case be less than the rate described in Schedule 1 and that the cost of the occupation license conform to the tariff described in Schedule 2; however, the Minister may issue an occupation license free of charge, in particular for personal purposes, where the period of occupation shall not exceed 4 weeks, for forest operations or cultural purposes.

4. Where the annual rent is determined as a percentage of the market value, that percentage shall be 8% for private or community use and 10% for public use or profit-seeking purposes; the said annual rent may be revised every 4 years in keeping with the variation of the average consumer price index, taking as a basis the index established for the whole of Québec by Statistics Canada on the date of the lease, or in keeping with the variation of the market value in accordance with the terms and conditions stipulated in the lease.

5. The same person or the same household may not hold more than one license or lease in the same development unless it be for profit-seeking purposes or for complementary use.

6. A leasing priority must be granted to residents of Québec at the time of selection of lands or where there is

more than one applicant for the same parcel of land, such priority to be extended for a period of 6 months effective from the date of receipt of the application.

7. The standard lease which appears in Schedule 3 and is an integral part of this Regulation must be used for the leasing of public lands for periods not exceeding 8 years, and that the Minister of Energy and Resources may include in the said lease any additional clause he may deem necessary or practical in the general interest and which is not inconsistent with this Regulation.

8. The occupation license must be issued in accordance with the form in Schedule 4 and be an integral part of this Regulation and that the Minister of Energy and Resources may attach thereto any special or general condition of occupation he may deem necessary or practical in the general interest and which is not inconsistent with this Regulation.

9. The description of the leased or occupied immovable bear mention of the grant of a part or all of the reserve bordering rivers and lakes, where applicable.

10. The lessees and beneficiaries of an occupation license are responsible, at their own expense, for the surveying and cadastral designation of the immovables leased or occupied where the Ministère de l'Énergie et des Ressources so requires.

11. It is expressly agreed that the issuance of a lease or occupation license pursuant to this Regulation shall at no time warrant the issuance of definitive title by letters patent, sale or otherwise.

12. This Regulation replaces Order in Council 541 dated 22 February 1972, save in respect of the leases granted prior hereto, which leases shall, however, be subject to the application of the new rate at the time of any future renewal.

SCHEDULE 1

(s. 1)

**CONDITIONS, RESTRICTIONS, RATES AND
SPECIAL QUALIFYING PROVISIONS FOR THE
SHORT-TERM LEASING OF PUBLIC LANDS**

PURPOSE	USE	MAXIMUM AREA	MINIMUM ANNUAL RENTAL	SPECIAL QUALIFYING PROVISIONS
1. Residential	Private	1 hectare	0,02 \$ per square metre, minimum 80 \$ per parcel	Maximum area of 2,5 hectares where surveyed prior to 1 April 1977
	Public	5 hectares	0,015 \$ per square metre, minimum 125 \$ per par- cel	Surcharge of 33% on the annual rent for non-residents for sec- ondary or commercial residence
	Profit-seeking	5 hectares	0,025 \$ per square metre, minimum 125 \$ per par- cel	Prior agreement of the munici- pality
2. Commercial	Public	5 hectares	0,025 \$ per square metre, minimum 125 \$ per par- cel	Hunting and fishing lease, pros- pector's permit or commercial fisherman's permit
	Private	5 hectares		Prior agreement of the munici- pality
3. Industrial	Public	10 hectares	75 \$ per hectare, mini- mum 200 \$ per parcel	Prior agreement of the Minis- tère de l'Énergie et des Res- sources where applicable
	Private	10 hectares		Prior agreement of the munici- pality Prior agreement of the Minis- tère de l'Industrie, du Com- merce et du Tourisme where ap- plicable
4. Communications, public transport and services	Radio, television, cable distribution, transport by air, rail, land or sea, protection of forests and others	5 hectares	0,025 \$ per square metre, minimum 125 \$ per par- cel	Prior agreement of the Minis- tère des Communications or the Ministère des Transports, de- pending on the use

PURPOSE	USE	MAXIMUM AREA	MINIMUM ANNUAL RENTAL	SPECIAL QUALIFYING PROVISIONS
5. Municipal	Potable and industrial water supply, elimination of waste water, recreation, parks, parking, tourist sites, dump, administrative building and dwellings and others	10 hectares	0,015 \$ per square metre, minimum 125 \$ per parcel	Prior agreement of the Ministère des Affaires municipales, the Ministère du Loisir, de la Chasse et de la Pêche, or the Ministère de l'Environnement, depending on the use Maximum duration of 50 years for a dwelling
6. Community, non-profit	Education and training, recreation and sports, religious, social establishment, group activities, open-air centre, dump, community services and others	5 hectares	0,015 \$ per square metre, minimum 125 \$ per parcel	Prior agreement of the Ministère du Loisir, de la Chasse et de la Pêche, the Ministère des Affaires sociales or the Ministère de l'Éducation or the Ministère de l'Environnement, depending on the use
7. Recreational and sports, profit-seeking	Beaches, access to water, camping, alpine skiing, shooting, horseback riding, trails and paths	10 hectares	0,025 \$ per square metre, minimum 125 \$ per parcel	Prior agreement of the Ministère du Loisir, de la Chasse et de la Pêche, or the Ministère de l'Environnement, depending on the use Prior agreement of the municipality
8. Agricultural	Cultivation, gardening, breeding, grazing, pisciculture, apiculture and aboriculture and others	50 hectares	10 \$ per hectare, minimum 50 \$ per parcel	Prior agreement of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, and where the area exceeds 5 hectares, of the municipality

SCHEDULE 2

(ss. 2 and 3)

CONDITIONS, RESTRICTIONS, RATES AND SPECIAL QUALIFYING PROVISIONS FOR THE ISSUANCE OF OCCUPATION LICENSES FOR PUBLIC LANDS

PURPOSE	USE	LENGTH OR MAXIMUM AREA	MINIMUM MONTHLY FEE (for one hectare or less)	SPECIAL QUALIFYING PROVISIONS
1. Residential	Private	1 hectare	10 \$; minimum 25 \$ for the license	Surcharge of 50% on monthly fee charged to non-residents
2. Commercial	Restaurant, garage, sales counter, parking and others	2 hectares	50 \$ per hectare, minimum 100 \$ for the license	Prior agreement of the municipality, where applicable
3. Industrial	Plant, warehouse, workshop, parking, warehousing or handling area, operation of machinery and others	10 hectares	50 \$ per hectare, minimum 100 \$ for the license	Prior agreement of the municipality, where applicable
4. Communications, public transport and services	Radio, television, cable distribution, transport by air, rail, land or sea, protection of forests and others	5 hectares 10 kilometres	10 \$ per hectare, minimum 25 \$	Prior agreement of the Ministère des Communications or the Ministère des Transports, where applicable
5. Municipal	Road Trail and path Construction and improvements	10 kilometres 100 kilometres 2 hectares	Free Free 20 \$ per hectare, minimum 50 \$ for the license	
6. Community, non-profit	Road Trail and path Construction and improvements	10 kilometres 100 kilometres 2 hectares	Free Free 10 \$ per hectare, minimum 25 \$ for the license	Prior agreement of the Ministère des Affaires culturelles, the Ministère du Loisir, de la Chasse et de la Pêche and the Service d'éducation en conservation of the Ministère de l'Énergie et des Ressources, where applicable Surcharge of 50% on the monthly fee charged to groups of foreign majority composition

PURPOSE	USE	LENGTH OR MAXIMUM AREA	MINIMUM MONTHLY FEE (for one hectare or less)	SPECIAL QUALIFYING PROVISIONS
7. Recreational and sports, profit- seeking	Road Trail and path	10 kilometres 100 kilometres	Free Free	Prior agreement of the Minis- tère du Loisir, de la Chasse et de la Pêche, where applicable.
	Constructions and and improvements	2 hectares	50 \$ per hectare, mini- mum 100 \$ for the license	
8. Agricultural	Cultivation, gardening, breeding, grazing, pisciculture, apiculture and arboriculture and others	50 hectares	1 \$ per hectare, minimum 60 \$ for the license Minimum 10 \$ per parcel of 100 square metres for a garden	

SCHEDULE 3

(s. 7)

**SHORT-TERM
LEASE**

Lease No :
 Record :
 Schedules :

BETWEEN the Minister of Energy and Resources of the
 Gouvernement du Québec, duly authorized for the pur-
 poses of these presents under Order in Council,
 dated 19...,
 represented hereto by Mr., acting in
 his capacity as

PARTY OF THE FIRST PART, hereinafter called the
 "LESSOR",

AND

PARTY OF THE SECOND PART, hereinafter called
 the "LESSEE",

WHICH parties covenant as follows :

The lessor by these presents leases to the lessee, upon
 the acceptance of the latter, the immovable described be-
 low :

.....

containing an area of more or less, as the
 whole is presently found and in the cognizance thereof the
 lessee declares he is well and truly satisfied.

THIS LEASE is made subject to the following stipula-
 tions, clauses and conditions :

1. **Subletting** : The lessee may sublet the land as well as
 the works and constructions erected thereon, without any
 special permission from the lessor, provided the latter is
 informed thereof, on the stipulation however, that the les-
 see remain guarantor to the lessor in respect of the obliga-
 tions set forth in this lease.

2. **Transfer** : With the written authorization of the les-
 sor, the lessee may transfer his rights of ownership and of
 lessee to a third person. The fees for the transfer to be paid
 upon the acceptance of the latter shall be those fixed by the
 Government.

3. **Taxes** : The lessee shall pay all general and special
 taxes, levies and other dues which may be legally imposed
 during the term of this lease on the leased immovable.

4. **Federal and provincial laws and municipal by-laws** :
 The lessee must comply with the Federal and Provincial
 laws and regulations, in particular those respecting the
 protection of the environment, public lands and forests,
 sailing craft, watercourses, mines, wildlife conservation,
 floating of timber and dams. The lessee must also comply
 with the municipal by-laws.

5. **Inspection** : The lessee must allow the lessor to verify
 the condition of the leased immovable and to satisfy him-
 self that the clauses of the lease are complied with. In the
 case of the visiting of the immovable by a prospective les-
 see, the lessor must give the lessee, except in case of emer-
 gency or when physically impossible, at least 24 hours no-
 tice of his intention.

6. **Access road** : The lessee must build and maintain, at
 his own cost and expense, the road he may require to reach
 his land from the access road.

7. **Renewal** : Upon the expiry of the term, if the im-
 movable hereby rented is not required for the public in-
 terest, the parties may renew this lease upon the condi-
 tions which shall be determined at that time by the lessor.
 Failing renewal on the part of the lessee and in the event
 no new lessee is proposed, the lessor may require that the
 lessee remove, at his own expense, the constructions
 erected within 3 months from the expiry of the lease, fail-
 ing which the lessor may do so at the lessee's expense or
 shall have the option of retaining the works and construc-
 tions.

8. **Term** : This lease shall be for a term of
 year(s), commencing on the 1st day of
 19..., until the last day of 19...

9. **Rent** : The lessee shall pay to the lessor an annual rent
 of (..... \$) subject to revision in accordance with
 the terms and conditions described hereinafter.

The said rent shall be payable in advance every...
 year(s).

10. **Place of payment** : All payments made under this
 lease must be made directly to the Ministère de l'Énergie
 et des Ressources in Québec by certified cheque made to
 the order of the Minister of Finance, as set forth herein.
 Such payments must be made in full, the lessor reserving
 the right to refuse any part payment. Interest computed at
 the rate fixed by Order in Council... dated
 19... shall be charged on any late payment.

11. **Rent revision** : The annual rent shall be adjusted ev-
 ery 4 years in accordance with the tariff fixed by Order in
 Council, or failing such tariff, in taking into account the
 rent at the commencement of the term of this lease, on the
 basis of the variation in the general consumer price index

for all of Québec, based on the average annual index on the date of commencement of the term of this lease.

12. Rental purposes : The lessee is authorized to occupy and use the immoveable hereby rented solely and exclusively for the purposes of

13. Obligation to build : It is agreed that the lessee undertakes to erect constructions of a value of at least \$ and to make improvements to a value of at least \$ on the site of the land designated for that purpose. The construction of the main building must be finished within years from the date of this lease.

14. Cancellation : The lessor may cancel this lease in accordance with the provisions of the Lands and Forests Act (R.S.Q., c. T-9), in particular in the following cases :

(a) if the lease was granted as a result of incorrect statements or representations on the part of the lessee ;

(b) if the lessee occupies the leased immoveable for purposes other than those mentioned in the lease ;

(c) if the rent has not been paid in full within 30 days from its due date, even where payment has not been requested ;

(d) if the lessee refuses or neglects to fulfill any of the conditions of this lease ;

(e) if the license governing the issuance of this lease is cancelled or not renewed.

The lessor shall then re-assume full ownership of the immoveable and retain the sums until then collected on the rental price. The lessor shall, in addition, have the option of retaining the works and constructions or may require that the lessee remove them at his own expense within 3 months from the cancellation of the lease. Upon his failure to do so, the lessor may have them removed at the lessee's expense without prejudice to the lessor's right to recourse in damages against the lessee.

15. Additional clauses : Additional clauses respecting the leasing of public lands for special purposes are annexed hereto as an integral part of this lease.

16. Declaration : The lessee acknowledges that the leased immoveable is part of the public domain and that at no time may he claim a definitive grant thereof, nor may he apply for the issuance of letters patent.

17. Liability : The lessee undertakes to hold indemnified and protect the lessor against any claim which could be made against the lessor as a result of damages or losses suffered on the leased land.

SIGNED IN DUPLICATE

AT, the 19....

Witness

Witness

Lessee

AT, the 19....

Witness

Witness

Lessor

SCHEDULE 4

(s. 8)

OCCUPATION LICENSE

License No :

Record :

THE MINISTER OF ENERGY AND RESOURCES hereby authorizes

to occupy the land described hereinunder, under the special and general conditions mentioned hereinafter for the purposes of

This license is valid for a period of months effective from the date of issue. It is not transferable or renewable.

Description of land

Special condition of occupation

Authorized signature

Issued at this day of 19....

Signature of holder

THIS OCCUPATION LICENSE is issued subject to the following general conditions :

1. Right of occupation : This license confers on its holder, during its period of validity, the right to occupy

and enjoy the described land in accordance with the established rules and restrictions.

2. Renewal, transfer and legal proceedings : This license is not renewable nor transferable and only its holder may, in his own name, institute any action or proceedings against the person who illegally occupies the land described in the license or against the person who encroaches thereupon, and recover all damages he may have suffered.

3. Improvements and constructions : All improvements and constructions carried out on the land described in the license must conform with the specifications imposed by the Department and must be easily removable upon the expiry of the license or if a new license is not issued.

4. Cancellation : It is expressly agreed that, if the lands concerned are required for the public interest or for any other purposes having priority, the Department has the right to cancel this license without the interested parties having any recourse whatsoever against the Government in respect of the work carried out.

This license may also be cancelled :

(a) if the license was granted as a result of incorrect statements or representations made by the holder ;

(b) if the holder occupies the public lands for purposes other than those mentioned in the license ;

(c) if the holder refuses or neglects to fulfill any of the conditions of this license.

Every cancellation for cause entails the full and complete forfeiture to the Government of the monies paid by the holder, as well as of the constructions and improvements made by any one whomsoever on the occupied land.

5. Wildlife protection : In the event of a change of habitat of ungulate animals (deer and moose) or of a more precise localization of the winter quarters of such animals in the future, the Ministère du Loisir, de la Chasse et de la Pêche reserves the right to require certain changes to the location of the occupation licenses in order to promote the protection of wildlife.

6. Conflicts of occupation : It is agreed that the activities authorized must not be incompatible with the rights granted to other persons or agencies in the same territory.

7. Cutting of timber : This license does not grant any right to its holder to the wood found on the described land. Also, before undertaking work, he must obtain from the regional director of the Ministère de l'Énergie et des Ressources the regulation license to cut timber where wood of a commercial value is to be cut.

8. Federal and Provincial laws : The holder must comply with all Federal and Provincial laws, in particular

those respecting the protection of forests, public lands, sailing craft, mines, fisheries and the floating of wood and dams. The holder must also comply with the municipal by-laws.

9. Restoration of sites : Upon the expiry of this license or upon abandonment by the holder, the latter must remove, at his own expense and immediately, his works, constructions and improvements in such manner as to restore the land as much as possible to the same condition as when he received it. Upon failure by the holder to comply with this clause within a time limit of one month, the said works, constructions and improvements shall become, *ipso facto*, the property of the Government by virtue of the surrender thereof made by the holder pursuant to these presents. The surrender hereinabove stipulated and the eventual right of absolute ownership devolving thereby to the Government shall also apply to all moveable property, road works and other related works without exception.

10. Posting-up of authorization : The holder must post up in public view on the described land the authorization issued with this license, preferably on the exterior façade of a building or on a post.

11. Liability : The holder undertakes to hold indemnified and protect the Government against any claim which might be made against it as a result of damages or losses suffered on the occupied land.



c. T-9, r.11

**Décret sur les modalités, prix et
conditions de vente de lots publics intra-
municipaux pour fins forestières dans la
région du Bas Saint-Laurent et de la
Gaspésie**

Lands and Forests Act
(R.S.Q., c. T-9, s. 19)

See French Edition



c. T-9, r.12

Regulation respecting the method of determining the residual value at the time of the cancellation of timber limits

Lands and Forests Act
(R.S.Q., c. T-9, ss. 4, 93 and 102)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “other improvements” : all infrastructures that are not an integral part of a main forest road, but including secondary forest roads, built for the sole purpose of harvesting woody material and that can be used by other forest operators ;

(b) “main forest road” : permanent access and ingress road within a timber limit ;

(c) “secondary forest road” : ingress road within a timber limit, ending at one or more cutting sectors and including bridges, culverts and all engineering works incorporated therein, but not including export roads ;

(d) “management works” : the management plans provided for in the Regulation respecting woods and forests (c. T-9, r.2) and still in force at the time of the cancellation ;

(e) “survey work” : work carried out for the purpose of determining the demarcation line between private land and timber limits ;

(f) “inventory works” : inventory reports provided for in the Regulation respecting woods and forests (c. T-9, r.2) and still in force at the time of the cancellation ;

(g) “permanent works” : main forest roads, including bridges, culverts and all engineering works incorporated therein, that have been built for the sole purpose of harvesting woody material and can be used by other forest operators.

DIVISION II RESIDUAL VALUE AND PRESENT VALUE

2. The residual value of the permanent works is the present value of these works in the condition they are in at the time of the cancellation, less a fixed installment depreciation

applied over the last 10 years. For the purpose of evaluating the present value, the distribution on an annual basis of the number of kilometres of main forest roads built on the cancelled territories is made in proportion to the volume of wood cut per year during the depreciation period in the respective sectors served by these roads. The present value and depreciation are adjusted according to the General Consumer Price Index established by Statistics Canada.

3. The residual value of the secondary roads is the present value of these works in the condition they are in at the time of the cancellation, less a fixed installment depreciation applied over the last 5 years. For the purpose of evaluating the present value, the distribution on an annual basis of the number of kilometres of secondary roads built on the cancelled territory is made in proportion to the volume of wood cut during the depreciation period in the respective sectors served by the roads. The present value and depreciation are adjusted according to the General Consumer Price Index established by Statistics Canada.

4. The residual value of the other improvements is their present value in the condition they are in at the time of the cancellation, less a fixed installment depreciation directly proportional to the number of years they have already served compared to their total economic life as regards the harvesting of woody material.

5. The residual value of survey work is equal to its cost minus the depreciation due to the condition it is in at the time of the cancellation.

6. The residual value of inventory and development works is equal to their cost minus an annual depreciation of 10% starting from the time they were carried out.

7. The present value is established as follows :

(a) for machinery : following the “*Répertoire des taux de location*” issued under the authority of the Ministère des Travaux publics et de l’Approvisionnement and effective 1 May 1977 ;

(b) for labour : following the rates prescribed in the collective agreement between the Gouvernement du Québec

bec and the *Syndicat des fonctionnaires provinciaux du Québec, unité ouvriers*.



c. T-9, r.13

Regulation respecting permits to operate sugaries and cultivate maple trees on public lands

Lands and Forests Act
(R.S.Q., c. T-9, s. 116)

1. In this Regulation, the following words and expressions mean :

(a) “Minister” : the Minister of Energy and Resources ;

(b) “representative of the Minister” : the official administrator or his official assistant for the administrative region of the Ministère de l'Énergie et des Ressources in which the sugary is located, as well as any other duly authorized officer of the Ministère de l'Énergie et des Ressources.

2. Every person who applies for a permit to operate a sugary and cultivate maple trees on public lands for the production of sap must, in submitting his application :

(a) furnish a description as accurate as possible of the sugary he wishes to operate ;

(b) state the number of tapholes he wishes to make ;

(c) indicate the amount that he intends to invest.

3. Before issuing the permit, an employee of the Ministère de l'Énergie et des Ressources, together with the persons applying for the permit, delimits the perimeter of the sugary to be operated and makes a detailed plan thereof indicating its area as well as the present or planned location of roads and buildings.

4. The area allocated to the same permit holder shall not be less than 1 hectare (2,5 acres, more or less) nor more than 40 hectares (100 acres, more or less).

The maximum area that may be allocated to the same permit holder is 150 hectares (375 acres, more or less) for a corporation, a partnership or a cooperative association.

5. The permit is annual, but its renewal may be guaranteed for one or several years up to 14 years ; it shall be issued provided that the Lands and Forests Act (R.S.Q., c. T-9) and the regulations are complied with.

6. The period covered by a permit shall correspond to one calendar year. The permit may be issued in advance so that the permit holder may perform the work preliminary to the operation of the sugary ; it may also be replaced by a permit containing a guarantee of renewal.

7. The annual cost of the permit is 2,50 \$ per hectare and the permit shall be issued only upon payment of the amount determined for the entire area allocated to the permit holder.

8. The permit holder undertakes to tap only maple trees that are at least 20 centimetres (approximately 8 inches) and over in diameter at 1,30 metres (approximately 52 inches) from the ground. He also undertakes to tap with a drill of a maximum diameter of 11 millimetres (approximately 7/16 inches). The depth of the taphole shall not exceed 5 centimetres (approximately 2 inches).

9. The maximum number of tapholes which the permit holder may make on the same maple tree is dependent upon the diameter, as indicated below :

Diameter at 1,30 metres (approximately 52 inches) from the ground	Maximum number of tapholes each spring
20 to 40 centimetres (approximately 8 to 16 inches)	1
40 to 60 centimetres (approximately 16 to 24 inches)	2
60 to 80 centimetres (approximately 24 to 32 inches)	3
80 centimetres (approximately 32 inches) and over	4

The tapholes must be distributed as evenly as possible on the circumference of the tree.

10. In the operation of his sugary and the cultivation of his maple trees, the permit holder must use the techniques which most contribute to preserve or improve the health of maple trees and the properties of the soil.

11. The permit holder shall not have to pay any stumpage dues for the fire-wood that he uses in the sugary where that wood is derived from trees that died naturally or

clearings previously authorized by a representative of the Minister and that have no market value.

or where the permit holder does not comply with the Regulation.

During improvement work to a sugary, a cutting permit for domestic purposes is required, in accordance with section 117 of the Lands and Forests Act (R.S.Q., c. T-9), for merchantable timber and is for the permit holder's own use. Conversely, if such wood (sawn timber, pulpwood, firewood) is to be sold commercially, a permit (at the present time at double rates) is required under section 66 of the Lands and Forests Act.

The rate for cutting rights applicable to the said permits is determined in the Regulation respecting woods and forests (c. T-9, r.2).

12. The permit holder may erect a sugar shack with its dependencies for the operation of the sugary, as well as accommodation roads, but in such a manner as to limit as much as possible soil disturbances and the openings of the forest cover. The sugar shack and its dependencies shall not be used as a residence or for purposes other than those related to the operation of the sugary.

Every sugar shack, dependencies or equipment installations must have been previously authorized by a representative of the Minister.

13. Upon the expiry or cancellation of the permit, the permit holder shall have 6 months to remove his installations from the sugary and to restore the premises to their original condition ; upon the expiry of that period, the Minister may cause the premises to be restored to their original condition at the expense of the permit holder. The installations that are not removed upon the expiry of that period shall become *pleno jure* the property of the Government.

14. Upon completion of the season of operation, the permit holder must submit a statement of the volume and value of his production and indicate at the same time the number of tapholes made and the quantity of fire-wood used.

15. An employee of the Ministère de l'Énergie et des Ressources may visit the sugary which is the object of the permit at any time in order to obtain information on the condition of the stand or on its operation.

16. The rights conferred by the permit shall be transferred only with the consent of the Minister.

17. The Minister may revoke a permit that includes a guarantee of renewal when at least one-half of the area of the sugary has not been operated for 3 consecutive seasons

O.C. 2982-76, (1976) 108 O.G. II, 5513
O.C. 4332-77, (1978) 110 G.O., 211



c. T-9, r.14

Regulation respecting the protection of forests against fire

Lands and Forests Act
(R.S.Q., c. T-9, s. 153)

DIVISION I DEFINITION

1. In this Regulation, the following words mean :

- (a) “Act” : the Lands and Forests Act (R.S.Q., c. T-9);
- (b) “Minister” : the Minister of Energy and Resources.

DIVISION II FIRE DISCOVERY

2. Every person who discovers a forest fire or a fire likely to endanger the forest shall immediately notify the fire-ranger or the Ministère de l'Énergie et des Ressources.

DIVISION III BURNING IN FOREST OR NEARBY

3. The permit under section 123 of the Act is issued free of charge and is valid for the period of time indicated therein only.

4. In the forest or near it, except for the burning of blueberry patches or abandoned buildings, the material to be burned must be piled in heaps or rows of not more than 2,50 metres (about 8 feet) in height. There must be, between the forest and the material to be burned, a strip of land on which combustible materials shall have been removed over a width of at least 5 times the height of the piles or materials to be burned.

5. The permit holder must have at hand the equipment and personnel required by the fire-ranger in accordance with section 124 of the Act to ensure the control of the fire and its extinguishing at all times.

6. The extinguishing of the fire must be completed before 0 h on the day of expiry indicated on the permit ;

the next morning, before 10 h, the holder must inspect the spot to ensure that no seat of a fire remains.

DIVISION IV BURNING OF BLUEBERRY PATCHES

7. All burning in a blueberry patch, in a forest or near it must be authorized by a permit issued under section 123 of the Act under the conditions mentioned in Division III and must be carried out under the supervision of a fire-ranger.

8. For burning purposes, a blueberry patch must be divided into sectors. These sectors must be separated one from the other by firebreaks cleared to the mineral soil over a minimal width of 3,05 metres (about 10 feet).

9. To protect the neighbouring forest, firebreaks cleared to the mineral soil over a minimal width of 4,50 metres (about 15 feet), must be erected around the blueberry patch.

DIVISION V DUMPS IN THE FOREST OR NEARBY

10. A certificate of conformity shall be issued by the fire-ranger, following inspection of the spot, for a dump in the forest or near it which meets the requirements of section 126 of the Act and this Division.

11. To obtain a certificate of conformity, the owner or operator of a dump must :

(a) prepare a zone cleared to the mineral soil, around the dump, whose width must be 1/100 of the perimeter of such dump, but which must never be less than 15,25 metres (about 50 feet) ; and

(b) erect a non combustible barrier or backfilling on the totality of the interior perimeter of the zone cleared, so as to avoid the scattering of waste. This barrier or backfilling must have a minimal height of 2,50 metres (about 8 feet).

12. Where a certificate of conformity is in force, the burning of the waste of a dump in a forest or near it may be carried out following notice given to the fire-ranger and as long as prevailing weather conditions do not present any danger of the spreading of fire to the forest.

13. The certificate of conformity may be revoked at all times by the fire-ranger if its holder ceases to comply with section 11.

14. In the absence of a certificate of conformity, the burning of waste may be carried out only after an incineration permit has been obtained from the fire-ranger. This permit shall be valid for the period indicated therein. It must be renewed for each incineration for as long as a certificate of conformity has not been obtained.

15. The owner or operator must install signs prohibiting the setting of fires by public and urging them to act prudently along the access road and entry to the dump.

16. Every owner, operator or occupant of a piece of land used as a dump and which is endangering the forest, as a result of accumulation or the bad disposal of waste, must proceed to the burying of such waste.

17. The operating of a dump in a forest or near it, even if no burning has been provided for, is prohibited where the owner or operator of the dump does not comply with the Act and this Regulation.

18. The fire-ranger may order any owner or operator of a dump to immediately extinguish a fire which is endangering the forest.

DIVISION VI ORGANIZATION PLAN

19. The organization plan prescribed in section 127 of the Act must be prepared by the protection agency and submitted to the Minister for approval before 1 April each year.

20. The organization plan must include :

- (a) a chart giving the name of the person for each office of responsibility ;
- (b) a list of the members protected by the forest protection agency and the status of each ;
- (c) one or several maps illustrating the aerial detection routes as well as the distribution of personnel and equipment ;
- (d) a statement describing the methods which will be used for the prevention and suppression of forest fires within the territory ;
- (e) an emergency plan established for the purpose of providing aid to other regions which might be subject to fire ;

- (f) a copy of the operating budget.

DIVISION VII MOTORIZED AND MECHANIZED MACHINES

21. Every motorized or mechanized machine used for work or recreation in a forest must be provided with extinguishers in proper operating condition.

22. Every protective partition installed under a machine must have an opening of at least 2,55 centimetres (about 1 inch) in diameter at the lowest point, in order to permit the drainage of the oil or other combustible materials which could accumulate thereunder.

23. Every motorized or mechanized machine operator must remove any accumulation of debris or dirt from the machine he operates which could lead to the eruption of a fire.

24. The exhaust pipe of any motor must be provided with a fire guard muffler and must be in good operating condition.

25. All fuel containers must be impervious. The transfer of fuel must be made from a container by a safety device fixed to the container.

26. Smoking is prohibited within a radius of 30,50 metres (about 100 feet) from the warehousing or handling of a fuel location.

27. The owner or operator of a machine working in a forest must allow the inspection thereof by the fire-ranger.

28. A fire-ranger may prohibit the operation of a machine which does not comply with the requirements of this Division or which constitutes an imminent risk of forest fire.

DIVISION VIII BUILDINGS OR ESTABLISHMENTS IN A FOREST OR NEARBY

29. Every building or establishment in a forest or near it which has a wood or coal stove or an interior or exterior fire place, must have a chimney or pipe which contains, in each case, a fire guard made of a metallic material whose openings are of not more than 0,95 centimetres (about 3/8 of an inch). This fire guard must be kept in good condition.

30. The chimneys must be cleaned at least once a year and as often as the accumulation of soot represents a danger of fire.

31. All vegetation within a radius of 3,05 metres (about 10 feet) from the opening of a chimney must be removed.

32. The ashes must be deposited in a metallic container dampened beforehand before placing them in a pit, at a place rid of any inflammable material within a radius of 3,05 metres (about 10 feet).

33. Every isolated building or establishment in a forest must be equipped with at least 1 round shovel, 1 axe, 1 pickaxe, 1 pail and 1 canvas water container and 1 metal reservoir provided with a nozzle (hand pump) to fight any start of a fire.

34. Gasoline, coal oil, heating oil, propane gas and any other inflammable product of the same type must be kept outside the buildings in air-tight containers.

35. The vicinity of a building must be rid of any dry vegetation and dead wood over a distance equal to the longest dimension of the building to prevent the spreading of the fire to the forest, but which must be at least 6,10 metres (about 20 feet).

DIVISION IX WORK IN THE FOREST OR NEARBY

36. Every person must notify the Minister of Energy and Resources or the local forest protection agency of his intention to carry out or cause works of any nature whatsoever to be carried out, in the forest or near it, except in the case of forest operations.

37. This notice must be given at least 30 days in advance and must specify the nature and extent of the work, the place where it shall be carried out and the date of its carrying out.

38. The protection of forests against fire with respect to such work shall be assumed by the local forest protection agency. Where additional personnel and equipment is necessary for protection purposes, the costs incurred must be paid by the person carrying out or causing the work to be carried out.

39. In the case contemplated in section 38, the salaries of employees and the expenses incurred to ensure the

supervision of the work for the protection of forests shall be paid directly by the local forest protection agency and shall be reimbursed it by the person for whom such work is carried out.

40. Before the work may be undertaken, the local forest protection agency must prepare, while consulting the person carrying out or causing the work to be carried out, a special organization plan of the personnel and equipment required for the prevention, discovery and fighting of forest fires. This plan must be submitted for approval to the Minister. The authorization to carry out the work shall be granted by the Minister if he approves the plan. He may also authorise the carrying out of the work without necessitating a special organization plan if the nature, period and scope of the work does not justify such plan.

41. This authorization may be revoked during the carrying out of the work if the person carrying it out or causing it to be carried out neglects or refuses to comply with the Act and this Regulation as well as with the organization plan.

42. All the material to prevent and fight fire prescribed in the special organization plan must be provided by the person for whom the work shall be carried out. In default of such person to deliver the said material within the time periods prescribed in the special organization plan, the local forest protection agency shall obtain the material itself on behalf of such person who must reimburse the purchase price to it. The local forest protection agency shall have full authority as to the maintenance, used and localization of the said material according to the needs of fire prevention.

43. The person who carries out or causes the work to be carried out must remove all traces of the forest debris or other debris resulting from such operations, as well as all camps and buildings which are no longer used to carry out the work, either by burying, transporting outside the forest or burning. Burning is permitted in respecting the prescriptions of Division III.

DIVISION X SAWMILL IN FOREST OR NEARBY

44. A certificate of conformity is required to operate a sawmill in a forest or near it. It shall be issued to the owner of the sawmill by the local forest protection agency where an inspection of the spot has been made by a representative of such agency and the sawmill complies with the Act and this Regulation. This certificate is free of charge and valid until a new inspection by the local forest protection agency. It must be posted in a sawmill in a conspicuous

place. The certificate may be annulled by mere notice to the owner of the sawmill.

45. Every sawmill in a forest or near it must be established in a place where the soil is of a mineral nature. A glory hole, free of any inflammable matter, must be dug and maintained in good condition around the sawmill, its dependencies, pilings of wood and accumulations of waste over a distance of at least 30,50 metres (about 100 feet) from the forest.

46. The sawmill and its dependencies must be provided with appliances and apparatus having the property of preventing the escape of fire and sparks.

47. The sawmill must be provided with extinguishers and equipment in proper operating condition at all times placed at locations allowing efficient firefighting at the sawmill and its dependencies as well as at the source of a forest fire.

48. Between 1 April and 15 November of each year, the burning of sawdust, flitches and other sawmill refuse may be carried out only in a metallic wall burner with a chimney provided with a fire guard in good condition whose openings must not be of more than 1,30 centimetres (about ½ inch).

49. Controlled burning of sawmill waste may be carried out in the open air after 15 November, as long as the fire is completely extinguished before 1 April of the following year, the date on which the local fire protection agency may extinguish the fire at the expense of the sawmill owner.

50. Between 1 April and 15 November of each year, when there is no disposal of saw dust, flitches and other sawmill refuse, these materials must be piled in stacks or rows to be then eliminated by burning after 15 November according to the prescriptions of section 49.

51. Where a sawmill has been definitely closed, demolished or abandoned, the owner shall be responsible for the clearing of the spot of all waste and refuse, even if it is put away outside the side of the sawmill. The local forest protection agency may cause this work to be carried out at the expense of the owner who neglects or refuses to do so.

52. Any contravention of the provisions of this Division shall entail the revocation of the certificate of conformity.



c. T-9, r.15

Regulation respecting the reduction of stumpage dues for silvicultural purposes

Lands and Forests Act
(R.S.Q., c. T-9)

1. A reduction, not exceeding the cost of the technical labour (forestry engineers, forest-rangers and all other technicians or workers specialized in forestry) employed in work or improvements according to silvicultural data, but in no case exceeding 50% of the stumpage dues in force, is granted to any timber limit holder who can provide the Ministère de l'Énergie et des Ressources with the following documents :

(a) Before the timber-cutting operations :

i. a special cutting programme including a detailed description, with maps annexed thereto, of the stands requiring treatments ;

ii. a detailed statement of the treatments to be given to these stands with the technical and economical justifications thereof ;

(b) After the timber-cutting operations :

i. a report with maps giving the area covered by the cuttings, the volume of timber cut and a description of the residual stands ;

ii. a detailed statement of the cost of the treatments or improvements to be carried out.

2. This reduction shall be granted only if an inspection made after the cutting operations by a forestry engineer designated by the Ministère de l'Énergie et des Ressources can prove that the treatments or improvements were carried out in accordance with the special conditions stated in the cutting permit or in the directions given for that purpose.



c. T-9, r.16

Regulation respecting the retrocession to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation of certain lots presently under a location ticket and considered as not being intended for agriculture, and the transfer of the said lots to the Ministère de l'Énergie et des Ressources and the issuance of letters patent by the latter for the said lots

Lands and Forests Act
(R.S.Q., c. T-9)

1. The lots under the jurisdiction of the Minister of Agriculture, Fisheries and Alimentation and under location tickets, which are not intended for agriculture but are capable of being used by their holders for the restoration of private forests and to be retroceded by the latter to the Minister of Agriculture, Fisheries and Alimentation may be subsequently transferred to the jurisdiction of the Minister of Energy and Resources who will then be able to issue letters patent in respect of the said lots, following a preliminary agreement with the persons concerned, in accordance with the agreement reproduced in Schedule 1, on simple payment by the latter of only the ground rent already fixed by the location ticket or by the original timber limit instrument, provided that the said holders of location tickets undertake to place the lots in question under forest development controlled by the Ministère de l'Énergie et des Ressources for a period of at least 10 years and not more than 15 years, according to the stipulations in the agreement.

2. The ground rents due to the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation by the holders of location tickets concerned be transferred to the Ministère de l'Énergie et des Ressources for collection before the issuance of the letters patent and the employees of the 2 Departments concerned by are authorized to make entries in the books to that effect.

3. In each administrative region, the regional coordinator of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the regional administrator of the Ministère de l'Énergie et des Ressources are authorized to sign for and on behalf of their respective Ministers the agreement to be concluded between the holder of the loca-

tion ticket or the holder of a timber limit and the 2 Departments concerned.

4. The letters patent must include the following clauses :

(a) the beneficiary of letters patent must comply with a forest development programme controlled by the Ministère de l'Énergie et des Ressources during the period stipulated in the agreement ;

(b) for the duration of the aforementioned programme, the beneficiary or his assigns shall not, under pain of nullity of such letters patent, alienate the said land, without the prior authorization of the Minister of Energy and Resources who shall have the right of preemption to dispose thereof as he may be pleased.

Amended in French A.C. 3015-79, G.O.II, 1979, p. 7263

SCHEDULE 1

(s. 1)

AGREEMENT BETWEEN :

Mr
Hereinafter referred to as "the transferor"

The Minister of Energy and Resources and the
Minister of Agriculture, Fisheries and Alimentation

In the presence of the undersigned witnesses, at ,
(place)

county of , on the
. . . . day of in the year 19 . . .

Mr
domiciled at

Single ☐ Married ☐ since

to
(name of spouse)

under the regime of
(community or separation)

of property, widow(er) ☐ since

Declares that he accepts the offer of the Minister of Energy and Resources who undertakes upon payment of the amount of dollars (. \$) to grant him title in respect of the land described hereinafter.

DESCRIPTION

In order to permit the issuance of title in his favour, the transferor retrocedes to the Minister of Agriculture, Fish-

eries and Alimentation the lots which he holds and renounces all his rights in the said immovable, upkeep and improvements as well as in the location ticket relating thereto. The transferor declares in addition that he does not have any objection to any procedure of cancellation which would be deemed necessary and undertakes to place the said land under forest development controlled by the Ministère de l'Énergie et des Ressources for a period of years.

The signing of this document by the parties will warrant the Minister of Agriculture, Fisheries and Alimentation to request that the above-mentioned lot be transferred to the jurisdiction of the Minister of Energy and Resources.

In witness whereof, the parties have signed in triplicate at, on, for the transferor.

And at, on
for the

SIGNATURES :

.....
(transferor)

.....
(witness)

.....
(transferor's spouse, where applicable)

.....
(witness)

.....
(representative of the Ministère de
l'Énergie et des Ressources)

.....
(witness)

.....
(representative of the Ministère de
l'Agriculture, des Pêcheries et de
l'Alimentation)



c. T-9, r.17

Regulation respecting the tariff of survey costs for lands sold for residential purposes

Lands and Forests Act
(R.S.Q., c. T-9, ss. 2 and 6)

1. The lands sold for residential purposes, conditionally or by letters patent, as the case may be, are surveyed and given a cadastral designation at the applicant's expense and the survey costs defrayed by the Ministère de l'Énergie et des Ressources are invoiced according to the tariff fixed by the Government on 1 April each year and are paid in full by the first applicant before issuance of the certificate of sale.



c. T-9, r.18

Regulation respecting the tariffs for the receipt and registration of certain documents

Lands and Forests Act
(R.S.Q., c. T-9, s. 31)

1. The following duties are required for :

- (a) receipt and registration of letters patent, irrespective of the amount of the transaction 50 \$;
- (b) receipt and registration of a certificate of conditional sale or a lease 25 \$;
- (c) receipt and registration of a transfer of rights on a lease 25 \$;
- (d) receipt and registration in the land register of a transfer of rights on a certificate of conditional sale 25 \$;
- (e) receipt and registration in the land register of a renewal of a lease 25 \$;
- (f) receipt and registration of a new lease or of a certificate of sale after cancellation 25 \$;
- (g) receipt and registration in the land register of a lot after the issuance of a lease or of a certificate of conditional sale 25 \$.



c. T-9, r.19

**Regulation respecting the use of timber
within the reserve bordering rivers and
lakes**

Lands and Forests Act
(R.S.Q., c. T-9, s. 39)

1. The Minister of Energy and Resources is authorized to grant, free of charge, upon an application for a permit, to the owners of lands which border on the reserve bordering rivers and lakes as described in section 39 of the Lands and Forests Act (R.S.Q., c. T-9), until the present study undertaken is terminated and a solution adopted, authorization to cut the timber located thereon, free of charge, in accordance with the terms and conditions to be agreed upon.



c. T-9, r.20

Regulation respecting the final sale of certain lands leased for holiday sites

Lands and Forests Acts
(R.S.Q., c. T-9, s. 19)

1. The Minister of Energy and Resources is authorized, effective from 17 August 1977 to sell, by letters patent or otherwise, for holiday sites, only the lands under lease enumerated below :

(a) land set aside as personal holiday sites (chalet or permanent residence) provided the area of each lot does not exceed 1 hectare (unless the area indicated in the lease is greater than 1 hectare), has been previously surveyed and given a cadastral designation, is part of a summer resort whose stability is ensured and on which must exist, in addition to the appropriate land improvements, permanent constructions of a minimum value of 2 000 \$ except for the administrative regions of Montréal, Outaouais, Québec and Trois-Rivières where the minimum value shall be 3 000 \$. These lands must have been conveyed under a lease maintained in force for at least 2 years or failing this, in respect of which 2 years rent has been paid and it must be part of a stable summer resort consisting of at least 10 chalets. However, in the case of resorts comprising less than 10 chalets, the permanent nature of the summer resort shall be recognized if the adjacent lands are already patented or if the carrying capacity of the lake determined by the Ministère de l'Énergie et des Ressources authorizes the establishment of at least 5 chalets near its shore ;

(b) land set aside for commercial holiday sites, that is, for the supply of fish and game services and rental of chalets, in respect of which the same general conditions as those set forth in paragraph *a* are met ; this land also includes sites on which more than one chalet, house or dwelling has been erected ;

(c) land to be used to complete an establishment set aside for personal or commercial holiday sites, which is already patented or which meets the conditions required for patenting, provided such additions are justified by the natural layout of the property or by its development and the total area of the site so enlarged does not exceed 1,5 hectares. If the land improvements and the constructions already existing on the original site so justify, it will not be essential to issue a preliminary lease for the additional land whose sale price must be computed according to its

market value (with a minimum of 165 \$ for such additional sale).

However, land situated on a territory where a known government project exists, or land in respect of which it was explicitly agreed at the time of the concession that the lessees were not entitled to letters patent, may not be transferred permanently by letters patent, sale or otherwise.

2. The sale price must be in no case less than 0,20 \$ per square metre for sites exceeding 4 000 square metres and 800 \$ for those with a smaller area.

3. This minimum sale price must be adjusted on 1 April each year according to the consumer price index variable for the whole of Québec, based on the average annual index on 1 April 1977.

4. The minimum sale price must be established at market value, in the case of land set aside for commercial holiday sites, as long as such price is not lower than the tariff referred to in the preceding sections.

5. The letters patent must bear mention of the concession of all or part of the reserve bordering rivers and lakes, where it can be applied.

6. In the case of land under lease by non-residents of Canada, no letters patent may be issued but these lessees may be given the opportunity to obtain a new lease for a period not exceeding 20 years upon expiry of their present lease.

7. The survey costs defrayed by the Ministère de l'Énergie et des Ressources are invoiced to the lessee according to the tariff fixed by the Minister on 1 April each year.

8. Every application for letters patent for the final sale of a site or land comprised in the categories set forth in the preceding sections and made to the Ministère de l'Énergie et des Ressources by a qualified applicant prior to 14 February 1977 is considered and settled according to the Order in Council 2985 dated 5 August 1970.

9. The lessee who meet the conditions set forth in the lease are required to submit their offer to buy land before the expiry of the term of their lease, after which date they will no longer be eligible for the issuance of letters patent, with the exception of those whose lease was renewed prior to 31 March 1978.

10. No transfer of public lands for holiday sites, except in the case referred to in the preceding sections, are granted by letters patent, sale or otherwise after 17 August 1977.



c. T-12, r.1

General Order respecting the insurance of goods carried

Transport Act
(R.S.Q., c. T-12)

1. The Commission des Transports du Québec shall issue to all general truckers a general sticker for each vehicle under permit.

2. All truckers who file with the Commission, at its office, at Québec, a certificate showing that the load carried is insured shall be issued a special sticker for each vehicle so insured. Such certificate shall be valid up to the last day of February of each year and contain a clause to the effect that the policy covering the load carried may not be cancelled without a previous 10 days written notice to the Commission. The amount of this insurance shall be 1 000 \$ for occasional service and 2 000 \$ for regular service.

Such stickers shall be affixed to the inner side of the windshield of the trucks. These stickers shall be destroyed by the truckers when the permit for general transportation or the insurance shall have expired or been cancelled.

3. Every vehicle under permit of the Commission shall have attached to or painted on both sides of the body, in a clearly visible position, in letters and figures not less than 2 inches high, the name of the owner and the registered address of the vehicle.



c. T-12, r.2

General Order on trucking

Transport Act
(R.S.Q., c. T-12)

1. This Order, known as the General Order on trucking, shall govern the operations of holders of said permits.

DIVISION I

DEFINITIONS AND GENERAL REGULATIONS REGARDING THE ISSUANCE OF PERMITS AND THEIR MAINTENANCE IN FORCE

2. Unless expressly stipulated to the contrary in any specific order, the following regulations, definitions and interpretations shall apply to all trucking permits.

3. The following words mean :

(a) “road-rail piggyback” : the transport of a trailer, semi-trailer or combination by a railway flatcar in the course of a trucking service or a railway transport service preceded or completed by a trucking service ;

(b) “combination” : a unit made up of a trailer and a semi-trailer or 2 trailers ;

(c) “trailer” or “semi-trailer” : a trailer or a semi-trailer within the meaning of paragraph 10 of section 1 of the Highway Code (R.S.Q., c. C-24) ;

(d) “tractor” : a tractor within the meaning of paragraph 10 of section 1 of the Highway Code ;

(e) “float” : open type of trailer or semi-trailer the main cargo deck of which is lowered and rides not more than 1,15 metres from the road surface. The float safely transports loads which, because of their nature, mass or dimensions, require a special vehicle. The float carries mainly loads exceeding, either in dimensions or mass, the legal limits established for conventional trailers or semi-trailers.

4. The “delivery car” means a vehicle propelled by any power other than muscular force and adapted for transportation on the public highways, which is equipped for the transportation of merchandise, and effects such transportation for a pecuniary consideration.

Within the meaning of this General Order, unless expressly indicated to the contrary, the word “vehicle” or “motor vehicle” means “delivery car”.

5. The words “place”, “point” or “locality” as used in this Order, are synonymous.

6. Temporary permits : No application for a temporary permit will be considered unless it is accompanied by an application for a permanent permit, properly filled out to the satisfaction of the Commission des transports du Québec, and unless it is supported by a letter from a shipper or by any other summary evidence as to the urgency of the service applied for.

Special permits : Special permits will be granted only for the purpose of meeting an exceptional need not requiring the issue of a permanent authority.

7. The Commission will dispose of each application by a decision, specifying the class of the permit granted, the service, restrictions and conditions. Unless expressly specified to the contrary, the permit shall be subject to all the stipulations of the present Order and of the Rules of practice and rules for the internal management of the Commission des transports du Québec (c. T-12, r.14).

8. The permit is only valid if the holder registers with the Commission all his vehicles utilized in Québec to effect transportation for pecuniary consideration. However, if the permit holder utilizes some of his vehicles for purposes not requiring the Commission’s authorization, he shall exploit his trucking service under a distinct firm name or with a separate accountancy.

9. Said certificate, together with a certified copy of the permit of the holder, must be, at all times, in the possession of the driver of the vehicle.

10. A permit holder shall be exempted from section 10 of the Regulation respecting the requirements applicable to contracts and bills of lading and the minimum stipulations to be included in carrier contracts (c. T-12, r. 6), when :

(a) the exclusive use of the vehicle, when giving a service in virtue of a permit authorizing a local service, is assured to a shipper paying the consideration at rates based on time, so much per hour, day or week or at so much per trip, provided :

i. the rate does not vary with the weight or the character of the merchandise transported ;

ii. such rates are filed by the permit holder with the Commission or fixed by the Commission ;

iii. that a record in writing is kept of the service given, the charges made and the money collected, in accordance with the rates filed by the permit holder with the Commission or fixed by the Commission ;

(b) the Commission has exempted a permit holder, by a decision in writing, on the conditions set out in the decision, from the obligation of issuing a bill of lading, because of the nature of the service given or the goods carried or for such other reasons as the Commission may determine reasonable and in the public interest.

11. Every driver operating a delivery vehicle, transporting goods for which a bill of lading shall be issued, must carry a copy of the bill of lading or a memorandum, manifest or other document referring to the numbers of the bills of lading covering the goods.

12. Copy of all bills of lading, complete with all details, covering all shipments, shall be retained for a period of 5 years by permit holders and shall, on demand, be made available for inspection to authorized representatives of the Commission or the Ministère des Transports.

13. (1) Unless the context indicates otherwise, the words and expressions defined in the Regulation respecting the leasing of trucks, tractors, trailers or semi-trailers (c. T-12, r.9) have the meaning indicated in that Regulation each time they are used in this section.

(2) A permit holder may use only trucks or tractors registered in his name as owner or in his name as lessee, jointly or not, with the lessor in the case of a long-term lease, in accordance with the Statutes of the provinces or states in which the vehicles must be registered.

(3) However, a permit holder may also use trucks or tractors registered only in the name of some other person, provided :

(a) this person is an authorized lessor of trucks and tractors ; and

(b) the trucks or tractors are used under long-term lease ; or

(c) the trucks or tractors are used under short-term lease, and provided the number of trucks or tractors thus

used is not over 20% of the number of trucks or tractors registered with the Commission or over 1 where the number of trucks or tractors registered with the Commission is 9 or less.

(4) Vehicles used in accordance with this section must be driven by the permit holder or by his employees.

(5) A permit holder may use trailers and semi-trailers not registered under his name to transport merchandise.

14. (1) A permit holder shall have the right to act as transport broker and to issue bills of lading or shipping documents covering a transportation service beyond the limits of the route or territory which he is authorized to serve by his permit provided that :

(a) the merchandise is transported in part upon the route or within the territory that the permit holder is authorized to serve ;

(b) the transshipment or the transfer of the merchandise is made in conformity with this Order and is not prohibited specifically in a permit or generally by subsection 4 of section 51, subsection 4 of section 52, subsection 7 of section 53, or subsection 3 of section 54 ;

(c) the transshipment or the transfer of the merchandise is made to or from a duly authorized highway carrier ;

(d) that rates have been deposited with the Commission for the transportation service covered by the shipping bill or bill of lading.

(2) A permit holder, in virtue of a permit authorizing a local service (section 49), shall not have the right, under this section, to act as a transport broker and issue bills of lading covering transportation services beyond the limits of the territory covered by the permit authorizing a local service.

15. Except for trailers or semi-trailers, every delivery vehicle operated under a permit of the Commission, shall at all times have, posted to or painted on both sides of the delivery vehicle, in clearly visible letters and figures not less than 2 inches high, the name of the owner and the permit number as follows : "C.T. permit No." ; the address of the owner is optional.

16. (1) A road carrier duly authorized may, without express authorization to that effect, make use of a ferry-boat service where convenient during the course of his furnishing the road transport service for which he is authorized, provided the distance over which the said ferry is used does not exceed 5 miles from one terminal to another.

In all other cases, a highway carrier must obtain a written permit from the Commission to utilize the services of cargos, ships or ferries.

(2) The permit contemplated in section 53 and the permit contemplated in section 54 authorize the holders thereof to use the railway to provide, in whole or in part, the service concerned.

(3) Two carriers whose equipment is interchangeable may enter into an agreement in order to use the railway to provide, in whole or in part, the service concerned.

(4) A road carrier who holds a permit contemplated in section 49, 53 or 54 and within the provisions of the said permits, may, by means of a tractor, haul a trailer, semi-trailer or a combination which he does not own, provided such trailer, semi-trailer or combination is used to provide a transport service in the course of which roadrail piggyback is used.

17. If the contract covers specific trailers or semi-trailers it must contain a list of these vehicles, with the serial number of each one.

18. The holder must register his vehicles with the Commission before 1 July of each year, failing which his permit shall become null and void.

A permit holder authorized to transport merchandise in the specialized vehicles mentioned in section 21 must likewise register each year, before 1 July, a vehicle of the type required to meet his obligations as permit holder, failing which such special authority shall become *ipso facto*, null and void.

19. Snowmobiles utilized to transport merchandise must be registered before the 28 February of each year, failing which the permit shall become null and void.

20. A trucking permit does not authorize the transportation of milk and cream. Such transportation requires a specific permit.

The same stipulation applies to explosives and dangerous articles.

21. Unless specifically stated therein, a permit does not authorize transportation by float, by tank trucks, by temperature controlled vehicles, by armoured trucks, by specially equipped household moving vans, by special motor vehicle transporter, and by collapsable or removable containers placed or premounted upon a vehicle, so that bulk commodities may be loaded into such container thereby constituting through the aggregate of the facilities provided a property-carrying unit which is the practical equivalent of a tank truck or tank vehicle.

22. Unless specifically stated therein, a permit does not authorize the holder to reach the borders of Québec.

23. A permit confers on its holder the privilege of operating a transportation service. Such operation must be conducted in accordance with the law, the object and tenor of the order authorizing the permit, and the regulations.

24. A permit imposes upon its holder the obligation of giving the service authorized. Therefor, it is the practice of the Commission to annul and cancel a permit, in whole or in part, if the holder fails or ceases to meet the obligation of giving the service authorized.

25. (1) Any holder of permit issued under this Order has the right, without the authorization of the Commission, to make contracts or agreements with other holders of permits also issued under this Order to provide the transport services governed by the Order in the following 2 cases :

(a) in accordance with section 14 ; or

(b) if the 2 permit holders hold a permit from the Commission authorizing such transport.

(2) An additional transport permit is granted, without further proof, under the following conditions :

(a) an additional transport permit is granted without further proof to the holder of a permit issued under this Order, authorizing the holder to provide transport services for another holder of a permit issued under this Order within the scope of the permit of the latter, where it is proven to the Commission that the permit holders concerned are enterprises controlled by the same persons. The permit is valid only insofar as the permits are controlled by the same persons ;

(b) an additional transport permit is granted to the holder of a permit granted under this Order authorizing the holder to provide transport services for another holder of a permit issued under this Order where it is proven to the Commission that exceptional circumstances temporarily prevent the holder for whom a permit is requested from filing the requests for service. Such a permit is temporary for a limited time depending on the exceptional circumstances.

26. Statements of account from one operator to another, covering interline movement of freight, whether by transshipment or interchange of vehicles, must be paid by the debtor operator within 30 days of their receipt.

The first day of each month, all creditor operators must file with the Commission a list of all accounts which have been outstanding for more than 60 days. This list shall be dated and signed by the reporting operator and shall give the following information for each over-due account :

- (a) the name of the debtor operator ;
- (b) the date on which the account was rendered ;
- (c) the nature of the operation : transshipment, interchange of equipment or otherwise ;
- (d) the amount due ;
- (e) the date when and the place where the transshipment was made or the interchange of trailers was effected.

27. All permit holders, in the case where credit has been extended to shippers, shall submit accounts for their transportation services to such shippers within the least possible delay and, in any event, not later than the 7th day during the month following the month in which such transportation services have been rendered.

In the event of such accounts not being paid on or before 30 days from the date of the account being rendered, the carrier shall immediately cease to transport merchandise for such shipper, except on a cash basis.

The carrier shall report at once the situation to the Commission so that the Commission may take the necessary action to ensure that all authorized carriers shall cease to transport merchandise for such shipper, except on a cash basis.

28. No sale or transfer of part of a clause of a permit, or of an additional right included in a permit, will be approved unless proof be made at a public hearing that such part of a clause or such additional right are not ancillary or corollary rights of the said permit ; that they have not been granted precisely in consideration of the general permit of which they are part ; that they may profitably be operated as a separate entity from the permit of which they are part and that, should the application be granted the operation of the permit from which they are detached can still be economically feasible.

DIVISION II TRANSFER

29. The approval of the Commission and the transfer of a permit do not constitute an acknowledgement of the fact

that the sale price mentioned in the contract between the parties represents the real value of the public transportation enterprise, either for the purpose of fixing rates or for other purposes.

This approval will not have the effect of binding the Commission as regards the terms and condition of the contract of sale or transfer.

30. All financial statements, books of account, estimates, valuations or other documents of the vendor or his authors shall be transferred to and held available by the purchasers for submission to the Commission, if and when required.

31. A permit to operate a local or a radius service not exceeding 30 miles, shall not be transferred to a purchaser who does not reside or who has not his principal place of business in the locality where the said service originates or within a radius of 5 miles from this locality.

DIVISION III RATES

32. Trucking rates must be just and reasonable.

33. Every permit holder must file and maintain with the Commission a list, in triplicate, of all rates and classifications, publications, if applicable, arranged so that the public may readily ascertain the rates covering the transportation of merchandise authorized under the permit with respect to every locality and service covered by the said permit, unless the Commission has specifically fixed rates for any locality or for any particular commodity or service or form of transportation.

A tariff of rates must be dated and bear a serial number of the permit holder's own serial ; and shall be signed by the permit holder, or his agent holding a power of attorney to file tariff of rates on behalf of the permit holder ; 2 copies of any such power of attorney, signed by the permit holder, shall be filed with this Commission.

A permit holder who has authorized an agent by a power of attorney to file rates on his behalf must utilize exclusively the services of such agent, as indicated in the power of attorney, until such time as the permit holder has filed with the Commission :

- (a) a tariff of rates, in accordance with the regulations of the Commission ;

(b) a notice that the said power of attorney is cancelled.

Rates filed by a permit holder for localities not directly served by said permit holder, shall indicate the service is given in conjunction with a connecting carrier, who must file with the Commission a concurrence in triplicate ; otherwise, such a service shall only be given subject to the following conditions :

(a) intra-provincial shipments originating at and destined to points within Québec, will be assessed a rate equal to the aggregate of the rates deposited by the participating carriers, for their respective service ;

(b) extra-provincial shipments, originating at or destined to points within Québec, for movement to or from Ontario, will be assessed a rate equal to the aggregate of the rates deposited with the Commission by the participating carriers, for their respective service ;

(c) extra-provincial and international shipments, originating at or destined to points within Québec, for movements to or from points outside Ontario, will be assessed a rate equal to the aggregate of the rate(s) deposited with the Commission des transports du Québec, by the Québec permit holder(s) participating in the movement to or from point of transfer outside Ontario, and the actual rate assessed by the participating connecting carrier to or from said transfer point.

N.B. If the connecting carrier's tariff, used to construct these combination rates over point of transfer referred to in subparagraph c of the fourth paragraph, has not been deposited with the Commission des transports du Québec, it will not be the responsibility of the Québec permit holders participating in the movement, to determine whether or not said "local" tariff provides the lowest rate possible. The charges submitted by said connecting carrier, participating in the movement, will be accepted as billed and incorporated in the combination rate charge.

34. An operator who does not conform to these regulations and who fails to file rates applicable to every locality and services covered by his permit, may be considered by the Commission as not giving the service at the localities not covered by the tariff of rates.

35. A permit holder must file with the Commission each year, his tariff of rates and classification publications in duplicate.

If no modification has been made by the permit holder to the last tariff of rates or classification publications filed with the Commission, it is sufficient for him to mention such fact when applying for the renewal of his permit.

36. The Commission, on its own initiative and in the public interest may, after investigation, modify the tariff of rates files.

37. Rates or classifications may be accepted by the Commission for filing or the Commission may suspend their coming into force, until they are determined to be just and reasonable.

38. Every modification of the said rates or classifications of merchandise must be filed with the Commission at least 30 days before the date of their coming into force, unless waiver of the said delay or any part thereof is granted by a member of the Commission.

39. A permit holder shall not demand, receive or tender for the transportation of merchandise, any price or rate other than those which have previously been accepted for filing with the Commission or fixed by the Commission.

40. Every permit holder, transporting merchandise payable on delivery (COD), must keep the money thus received in a trust bank account and remit it, within 7 days of receiving, to whom it may concern.

41. For the purpose of applying the law and the orders, the word "truckload" shall mean a shipment of goods originating from one shipper and making up the only load of a truck, of a trailer or 2 or more trailers hauled by one tractor, on the condition that the dimensions of the vehicle or vehicles as well as their weight, are in accordance with the regulations laid down in virtue of section 53 of the Highway Code (R.S.Q., c. C-24).

DIVISION IV CLASSIFICATION

42. A permit holder may be authorized to operate two or more different classes of service.

Such permit holders are subject to the applicable regulations hereinafter provided for each class of service authorized.

43. The permits are classified as follows :

(1) **Class of permits :**

- (a) general trucking ;
- (b) restricted trucking ;
- (c) transport broker.

(2) **Services :**

- (a) local ;

- (b) long distance :
 - i. radius ;
 - ii. territory ;
 - iii. route ;
 - iv. restricted route ;
 - v. corridor.
- (3) **Frequency of service :**

- (a) regular ;
- (b) irregular.

(4) **Specialty permits :**

- (a) milk and cream ;
- (b) explosives and dangerous articles ;
- (c) by floats ;
- (d) by tank trucks ;
- (e) by temperature controlled trucks ;
- (f) by armoured vehicles ;
- (g) by specially equipped moving vans ;
- (h) by specially equipped motor vehicle transporters ;
- (i) contract.

44. (1) Up to 31 December 1981, the maximum number of permits authorizing the operation of a local service in a municipality of Greater Montréal is set at the number of permits for the same purpose in effect 8 October 1980.

(2) The maximum set in subsection 1 is reduced by any permit that is annulled or cancelled by the Commission wherever there is an annulment or cancellation for a reason other than for the issuance of a temporary or special permit.

(3) Subsection 1 does not apply in the cases provided for in sections 41 and 44 of the Transport Act (R.S.Q., c. T-12), in the case provided for in subsection 4 of section 55 of the Rules of practice and rules for the internal management of the Commission des transports du Québec (c. T-12, r.14) nor to special permits or temporary permits.

(4) Upon request made to him by the applicant for the issuance of a permit referred to in subsection 1, the administrator may close his file and refund the applicant's guarantee.

DIVISION V

INTERPRETATION OF PERMITS AND REGULATIONS

45. General permit : A general permit authorizes the transportation, for pecuniary consideration, of all merchandise not otherwise excepted by this Order or by the Act.

That permit also authorizes the transport for payment, everywhere in Québec, of the rough timber described in group 5 of paragraph *a* of subsection 3 of section 3 of the Regulation respecting bulk trucking (c. T-12, r.3).

All materials contemplated in the Regulation respecting the transport of waste (c. T-12, r.16) are, in particular, excluded from the application of this Order.

The transportation of the following is also excluded from this Order : pulverized limestone or marl to be used for the improvement of the soil, not contemplated in Regulation 12 respecting bulk trucking (O.C. 2389-73 dated 29 June 1973, O.C. 2620-76 dated 28 July 1976).

46. Restricted permit :

(1) This permit restricts the holder to transporting, for consideration, particular commodities or merchandise, or to effect transportation by special equipment or for the account of one or more shippers.

(2) All specialty permits are, by their nature, restricted permits.

(3) That permit, where applicable, also restricts the holder to the transport for payment anywhere in Québec of the rough timber described in group 5 of paragraph *a* of subsection 3 of section 3 of the Regulation respecting bulk trucking (c. T-12, r.3), for the general public or for the account of one or more shippers.

(4) Where a permit is restricted to the transport of sawn timber, the holder may also, in accordance with that permit, transport for payment, anywhere in Québec, the rough timber described in group 5 of paragraph *a* of subsection 3 of section 3 of the Regulation respecting bulk trucking.

47. Contract permit :

(1) This permit authorizes the transportation, for a pecuniary consideration, of merchandise for the account of the individual or firm specified in the order granting the authorization.

(2) It is valid only for the duration of the contract, copy of which must be filed with the Commission.

(3) A contract, in the form and tenor supplied by the Commission, shall be signed by both shipper and operator. Said contracts, when completed and signed, must be filed in duplicate at the office of the Commission.

(4) Each year a similar contract shall be signed, by the operator and the shipper, and forwarded to the Commission, in duplicate with the application for the renewal of the permit. Failing which, the said contract authority shall *ipso facto* terminate.

(5) Such an authority shall terminate *ipso facto* with the termination of the contract or contracts.

(6) Such an authority will not be transferred unless a new contract, between the shipper and the transferee, has been filed in duplicate with the Commission.

(7) Such contracts are subject to the close scrutiny of the Commission regarding the reasonableness of the rates and the economic feasibility of such a service and the effect thereof on the service operated by the holders of general permits.

(8) All contract permits are subject to the restriction that it does not authorize a service at or between any locality served by the permit holder in virtue of any other authority authorizing a service to the general public.

48. Haulaway transportation permit :

(1) Such a permit authorizes the hauling, for consideration, by a tractor belonging to the haulaway operator and driven by himself or his employee, of a trailer or semi-trailer which a permit holder of the Commission may legally utilize in giving his highway service, between points which said highway operator is authorized to serve in virtue of his permit ; the points between which the haulaway service is authorized must be specifically mentioned in the haulaway transportation permit.

The haulaway transportation permit is also required for towing, for remuneration, a trailer or semi-trailer used for unremunerated transport. In this case, the hauling must be done under a contract wherein the carrier acts as broker, in the same manner and under the same terms and conditions as are applicable to the hauling of trailers and semi-trailers under a carrier's permit.

(2) The application for a haulaway permit must be made by the haulaway operator, jointly with the application of the carrier, to use said haulaway operation as a

transport broker. These applications must be supported by a contract between the same parties.

(3) The contract mentioned in subsection 2 shall be made on forms supplied by the Commission or in a manner identical to said forms ; it must be signed by both the haulaway operator and the authorized carrier and filed with the Commission in triplicate.

(4) A similar contract must, each year, be signed by both the haulaway operator and the authorized carrier and filed in triplicate with the Commission together with the application for renewal of permit of both parties, failing which, the haulaway permit of the former and the broker permit of the latter shall, *ipso facto*, become null and void.

(5) The haulaway transportation permit and the concurrent broker permit both expire at the end of the contract between the 2 parties.

(6) These permits are non-transferable.

(7) The contract between the haulaway operator and the carrier shall include the following specifications :

(a) a statement showing the number of powered vehicles and the number of non-powered vehicles registered with the Commission by the haulaway operator and by the carrier ;

(b) the number of powered vehicles and of non-powered vehicles that the carrier operates under leasing ;

(c) the number of tractors to be used by the haulaway operator in giving the intended service ;

(d) the number of tractors already being used by the haulaway operator in virtue of all previously existing haulaway transportation permits ;

(e) an agreement on the part of the carrier to hold himself responsible to the shipper for the merchandise transported, in the same manner as if the carrier had performed the transportation with its own tractors and drivers ;

(f) an undertaking of the carrier to the effect that an insurance policy, in his name and filed with the Commission, covers the cargo in the same manner as if the service was performed with its own tractors and drivers ;

(g) an agreement of both parties to the effect that the merchandise shall be transported in conformity with a bill of lading issued by the carrier to the shipper ;

(h) an agreement from both parties to the contract not to modify or terminate such contract without the prior written approval of the Commission ;

(i) the rates to be charged by the haulaway operator for the haulaway service concerned.

(8) For the whole duration of the haulaway contract, on the fifteenth day of each month, the carrier shall file with the Commission, a monthly report showing the number of his trailers or semi-trailers that have been hauled by the tractors belonging to the haulaway operator, and indicating the registration number of each trailer or semi-trailer.

§1. Services

49. Local service :

(1) Such a permit authorizes the following operations :

(a) within the limits of the locality mentioned in the permit ;

(b) from the locality mentioned in the permit to any other locality situated within a distance of 5 miles from the limits of the said locality and return ;

(c) from any locality to another, provided both are located within a distance of 5 miles from the limits of the locality mentioned in the permit ;

(d) within the limits of any locality located within a distance of 5 miles from the limits of the locality mentioned in the permit.

(2) Such a permit, unless restricted to the transportation of merchandise, by contract, for the account of one shipper, shall only be granted to an applicant having his residence or chief place of business in the locality mentioned in the permit or within a radius of 5 miles from the limits of the said locality.

(3) Such a permit authorizes irregular or regular services.

Example : A permit reading general transport, local service, Québec and 5 miles, authorizes the operator to transport merchandise within the limits of Québec city, from Québec city to Giffard, Boischâtel, Charlesbourg, etc., from Giffard, Boischâtel, Charlesbourg etc., to other points such as Sillery, Sainte-Foy, etc., provided that all those points are within a distance of 5 miles from the limits of Québec city, within the limits of Charlesbourg, Sillery, etc.

50. Long distance service : A permit for long distance operations is either a radius permit, a territory permit, a route permit or a restricted route permit.

51. Radius :

(1) Such a permit authorizes a transportation service from any locality specified in the Order to any point located within the radius as stated in the permit.

Example : General transport, long distance, radius, from Québec to any point within a radius of 100 miles.

(2) Without a special authorization to the contrary in the decision granting the permit, transportation of merchandise is authorized solely from the locality mentioned in said permit.

(3) A radius authority is and must remain distinct from any other service which the holder is otherwise authorized to operate. It cannot be joined to or extend any other service, and vice versa.

(4) Transshipment to or from another carrier is prohibited. The cargo must be received directly from a shipper of the locality specified and delivered directly to a consignee within the radius. (See also subsection 9).

(5) A permit to operate a radius service not exceeding 30 miles, unless restricted to the transportation of merchandise by contract, for the account of one shipper, shall be granted only to an operator who resides or has his principal place of business at the base locality of the radius mentioned in the permit or within a distance of 5 miles from the limits of the said locality.

(6) Without proof of special circumstances submitted at a public hearing, a radius authority for more than 30 miles shall normally be granted or transferred only to an operator who resides or has his principal place of business at the base locality of the radius specified in the permit, or within a distance of 5 miles from the limits of said locality.

(7) Radius operations are, by their nature, irregular. The Commission considers it detrimental to the public interest to permit a radius permit holder to distort the object and purpose of such a permit by establishing a route service, restricted route or territory as hereinafter defined.

(8) A radius operation is restricted to the transportation of particular commodities, or to the transportation of merchandise by special equipment, or for the account of a shipper.

A radius permit for the transportation of general merchandise for the public in general, being of a nature to increase the probability of encroachment on route operations, restricted route and territory, is granted only under exceptional circumstances.

(9) A radius permit holder has the right to pick up merchandise anywhere within a distance of 5 miles from

the limits of the locality base of the radius, to deliver it anywhere within the authorized radius.

(10) When the words “and return” are included in the authorization, but only then, the holder has the right to deliver merchandise anywhere within a distance of 5 miles from the limits of the locality base of the radius.

(11) The rights mentioned in subsections 9 and 10 may be restricted or enlarged.

(12) The rights mentioned in subsections 9 and 10 shall not apply to contract permits authorizing the transportation of merchandise for the account of one or more specified shippers.

(13) All radius permits are subject to the restriction that it does not authorize a service at or between any locality served by the permit holder in virtue of a local, route, restricted route or territory permit authorizing a service to the general public.

(14) Unless specifically stated otherwise in the permit, all radius permits are subject to the restriction that the holder may only transport merchandise for one shipper on any one trip.

This subsection will not apply to permit holders restricted to the transportation of household goods by specially equipped household goods moving vans, in accordance with the terms of section 60.

(15) Notwithstanding the previous subsections, a radius permit, restricted to the transportation of merchandise, by contract, for the account of one shipper, authorizes the holder thereof, to give such transportation service, from the premises of the shipper whose address is stated in the permit, to any destination point within the radius indicated, even if such destination point is situated within the limits of the locality where the premises of the shipper are located. This also applies to the return service whenever the words “and return” are mentioned in the radius permit.

52. Territory :

(1) Such a permit authorizes a transportation service between localities situated within an area defined geographically, such as a county or an area lying within well defined and clearly indicated boundaries. The purpose of such a permit is to assure a service between all localities within a territory and given area.

(2) Subsections 3, 7 and 8 of section 51 apply *mutatis mutandis* to a territory permit.

(3) Unless otherwise specifically stated in the permit, the cargo must be received directly from a shipper within

the territory or given area and delivered directly to a consignee within the same territory or given area.

(4) Unless otherwise specifically stated in the permit, transshipment to or from another carrier is prohibited.

53. Route :

(1) Such a permit authorizes a transportation service, via the principal route, from one terminus to another, expressly mentioned in the order granting the authorization.

Example : A route operation is similar to a regular route bus service, whereas the radius and territory operations parallel charter and special services of the bus industry. The obligations of the route operator are definite in contrast to the radius or territory operator.

(2) The route operator is obliged to meet the needs of the public with respect to LTL (less than truck loads) as well as TL (truck loads) shipments.

(3) The route operator must, at all times, provide the public with adequate equipment and the necessary facilities.

(4) The right to give a service between 2 localities includes the right to give a service in both directions.

(5) The right to give a service from one terminus to another, does not include the right to give a return service, unless specifically mentioned.

(6) The right to give a service between 2 or more terminus, or from one terminus to another, does not authorize the operator to serve the intermediate points.

The right to serve the intermediate points, when specifically granted, does not include the right to give a service from one of the said intermediate points to another.

This service to intermediate points will be given only when giving the service from one terminus to another, except for one load for one shipper.

(7) Transshipment is permitted at all terminals but is prohibited at all intermediate points.

(8) A route service is and must remain distinct from any other service which the holder is otherwise authorized to operate. He cannot extend another service or add to it, and vice versa. There are, however, the following exceptions :

(a) a holder may join 2 route authorities to extend his operations either by transshipment or as a through service ;

(b) a holder of a route and restricted route authorities may extend his operations either by transshipment or as a

through service at any terminus of the restricted route authority, other than the base terminal.

N.B. This right does not authorize indirectly a service to intermediate points.

(9) The holder of a route authority is authorized to pick up and deliver merchandise to be or which has been transported, as the case may be, under his route authority, at all points located within a distance of 5 miles from the limits of the terminus actually named in his permit. Such right does not apply to any intermediate or other points.

(10) A route permit does not authorize a service to off route points, except by transshipment to or from other operators, or as provided by subsection 8.

(11) Route operations are regular by their nature.

5.4. Restricted route :

(1) Such a permit authorizes a transportation service from one or more localities named in the permit (base terminal) to one or more named localities or to localities situated into specifically described territory.

The purpose of such an authority is to assure a transportation service to the residents of the base locality or localities.

(2) The right to transport return cargoes to the base terminal is prohibited unless specifically authorized.

(3) Transshipment is prohibited at the base terminal but permitted at all other terminus.

(4) A restricted route service is and must remain distinct from any other service which the holder is otherwise authorized to operate. He cannot extend another service or add to it and vice versa. There is however, the following exception : a holder of route and restricted route authorities may extend his operations either by transshipment or as a through service, at any terminus other than the base terminal of the restricted route authority.

N.B. This right does not authorize indirectly a service to intermediate points.

(5) Such a permit authorizing a service from more than one base terminal, does not authorize a service from one to another of these base terminals.

Example : General transport — long distance — restricted route — from Mont-Laurier, Nominigüe, l'Annonciation to Montréal.

Such an authority does not authorize the operator to take a cargo at Mont-Laurier for delivery at Nominigüe or l'Annonciation.

(6) Merchandise must be received directly from a shipper at the base terminal.

This subsection does not apply to the exercise of a right conferred by subsection 4 of section 16.

(7) Such a permit does not authorize the operator to serve intermediate points, unless specifically mentioned in the Order.

(8) A holder of a restricted route authority has the right to pick up merchandise to be transported, at all localities situated within a distance of 5 miles from the limits of the base terminal or terminus. He also has the right to deliver merchandise which has been transported, to all localities situated within a distance of 5 miles from the limits of the other terminus named in the authority.

(9) The pick-up and delivery extension may be modified.

(10) The rights mentioned in subsection 9 shall not apply to permits authorizing the transportation of milk originating from the producers farms.

(11) A restricted route authority which authorizes expressly the operator to serve intermediate points, limits the holder, unless otherwise specified in the Order, to the delivery at said intermediate points of merchandise transported from the base terminal.

If a return service is authorized, it limits the holder to picking up at said intermediate points, merchandise to be transported to the base terminal.

The 5 miles extension to the pick up or delivery area does not apply at the intermediate points.

(12) When the words "and return" are included in the permit, the holder has the right to give a return service to the base terminal or terminals only. The pick up and delivery extension applies to the terminals.

(13) There can be more than one base terminal. The base terminal, unless shown otherwise by the context, shall be the locality first mentioned in a restricted route permit.

Example : General transport — long distance — restricted route — from Sorel to Montréal or to Sorel from Nicolet.

In both cases the base terminal is Sorel.

(14) Restricted route operations may be regular or irregular.

55. Corridor :

(1) The said permit authorizes transport, from a point of entry to Québec to a point of exit from Québec where the place of origin and the destination of the merchandise transported are situated outside of Québec.

(2) The corridor permit does not authorize interchange or transfer on Québec territory.

(3) To obtain and hold a corridor permit, all persons must :

(a) hold a public liability insurance policy for damages resulting from use of his truck or tractor, with coverage that meets the provisions of the applicable Statutes respecting damage to other persons' property resulting from use of the vehicle for the transport of merchandise for consideration, obtain from the company that issued the insurance policy a written undertaking that the insurance policy is effective for an indefinite period of time unless written notice is given to the Commission at least 10 days in advance, and send the undertaking to the Commission ;

(b) be authorized by a permit or otherwise to provide the transport service authorized by his corridor permit within the jurisdiction of the place of origin and within the jurisdiction of the destination of the merchandise transported.

(4) Any permit or clause of a permit already issued that authorizes a service for which a corridor permit may be issued may be changed to a corridor permit, either upon the request of its holder, upon any request related to the permit or clause of the permit, or *proprio motu* by the Commission.

(5) No further proof is required to obtain a corridor permit.

56. Regular service :

(1) The words "regular service" signify that the transportation of merchandise by delivery car, from one point to another, or on a round trip, must be made at hours, days, weeks or intervals fixed or determined.

(2) The holder of a regular service permit, must transport the merchandise according to schedule, regardless of the quantity of merchandise to be transported.

(3) Where a regular service authority does not fix the number of trips to be made, per day, week, month or otherwise, it is a daily service in each direction authorized by the permit.

57. Irregular service :

(1) The words "irregular service" signify that the holder of such an authority is not obliged to give a service at fixed days, weeks, or intervals, but is at the disposition of the public in accordance with the tariff of rates filed with the Commission.

(2) The holder of such a permit is obliged to effect the transportation of the merchandise offered, to the extent of his available equipment, provided that the traffic is offered in accordance with the conditions and at the rates set in the tariff of rates filed.

§2. Specialty permits**58. Explosives and dangerous articles :**

(1) Unless expressly authorized by his permit, no operator may transport explosives as hereinafter defined.

Every explosive substance means powder, whether for cannon powder, or gun powder, or mining powder, or other powder, or nitroglycerine, or any other substance of that nature, however prepared or offered for sale, either loose or in barrels or otherwise, or when combined in any quantity whatever in an article of commerce, as fire-crackers, fire-works, rockets or other things, but such word shall not include cartridges.

(2) For the purposes of this Order the word "explosives" shall not include safety fuses.

(3) No permit for the transportation of explosives in excess of 4 000 lbs, shall be granted unless proof has been submitted to the Commission by the applicant that he has obtained from the Minister of Energy, Mines and Resources (Explosives Regulations (C.R.C., c. 599) a certificate to that effect and a copy of the said certificate is filed with the Commission and a renewal thereof is filed each year.

(4) Unless expressly authorized by his permit, no operator may transport dangerous articles.

(5) For the purposes of this present Order, dangerous articles, other than explosives, include those inflammable materials, corrosive substances and gas under pressure and toxic materials for which special regulations, precautions and packaging rules have been established by the Board of Transport Commissioners for Canada in regulations for the transportation of explosives and other dangerous articles by freight.

(6) No authority for the transportation of explosives or dangerous articles shall be granted or transferred to an applicant without conclusive evidence that the applicant is

conversant with the precautionary measures necessary to the transportation and storage of explosives and dangerous articles.

59. Petroleum and petroleum products to be transported in tank vehicles shall mean and include :

Absorption oil	Amyl
Absorption oil distillate	Butyl (normal)
Acetal	Butyl (secondary)
Acetaldehyde	Ethyl
Acetic acid	Ethyl Butyl
Acetone	Ethyl Hezyl
Acrolein	Denatured (Ethanol)
Agricultural spray oil	Diacetone
(insecticides)	Hexyl
Alcohol	Isoamyl
Allyl	Isobutyl
Isopropyl	Diethylene ether
Methallyl	Dilsobutylene
Methyl (methanol)	Dimenthyl phthalate
Methyl amyl	Dodecylbenzene
Octyl	Dodecyltoluene
Propyl	Drain oil
Specially denatured	Drip oil
Allyl chloride	Ethyl
Amyl acetate	Acetate
Amyl chloride	Acetoacetate
Anhydrous ammonia	Benzene
Anti-freeze	Chloride
Asphalt	Ethylene
Asphalt cutback	Ethylene Diamine
Belt oil	Ethylene Dichloride
Benzaldehyde	Ethylhezenol
Benzene	Epichlorohydrin
Butadiene	Floor oil
Butane	Fuel jet
Butanol (Butyl alcohol normal)	Fuel oil
Butane	Bunker C.
Butyl Acetate	Commercial Medium
Butyl acetate secondary	Distillate
Carbon Tetrachloride	Redidual
Coal spray oil	#4 commercial
Compressor oil	# 4 low sulphur
Cordage Oil	# 5 cold
Core oil	# 5 low sulphur
Crude oil	# 5 oil
Crude wax	# 6 oil
Cutting oil	# 41 commercial
Cyclohexane	# 741 oil
Decahydronaphthalene	Formaldehyde
Detergents	Gas, liquefied Petroleum
Diamyl Naphthalene	Gas, oil

Dichlorethylether
Diesel oil
Diethyl benzene
Diethyl carbinol
Diethyl carbonate
Diethyl phthalate
Diethyl sulphate
Polyethylene
Propylene
Propylethylene
Treithylene
Hexylene
Harness oil
Heptone
Ink oil
Insecticides
Insulating oil
Isobutylene
Isobutyl acetate
Isophorone
Isopropyl acetate
Isopropyl ether
Isopropanol
Kerosene
Ketone
Diisobutyl
Methyl butyl
Methyl ethyl
Methyl Isobutyl
Methyl Isorpopyl
Methyl normal amyl
Methyl propyl
Leather oil
Liquid soap
Lubricating oil
Mesityl oxide
Methanol (methyl alcohol)
Methyl acetate
Methyl acetone
Methyl acetoacetate
Methyl amyl acetate
Methyl amyl carbinol
Methyl isobutyl
Mineral oil
Mineral spirits
Miners oil
Mould oil
Monoethanolamine
Monochlorobenzene
Turbine oil
Vinyl acetate

Gasoline, natural or blended
Glycerol
Glycol
Diacetate
Diethylene
Diformate
Ethylene
Naphta
Neutral oil
Naphthalene
Octyl acetate
Octyl aldebyde
Parapoid (Heavy Oil)
Paraffine wax
Pentane
Petrolatum
Petroleum
Acid
Fatty acid
Jelly (Petrolatum)
Oil
Cumene
Nitroxylene
Paint oil
Phorone
Pipe coating oil
Propane
Propeller oil
Propyl acetate
Propyl aldehyde
Prophlene
Propylene Chlorohydrin
Quen ching oil
Range oil
Refined oil
Refined wax
Refinery still bottoms
Stoddard solvent (White spirits)
Secondary Butyl acetate
Snow extender oil
Soap oil
Styrene
Tanners oil
Tetrahydronophthalene
Toluol (toluene)
Transformer oil
Trichlorethylene
Trichlorobenzene
Trichloropropore
White oil
Wax tailings
Woll oil

Vinyl chloride	Wax
Vinylidene dichloride	Xylene
Waste oil	Xylidine
Wax Distillate	

60. Household goods :

(1) The transportation of household goods by special equipment requires a special or separate authority, which is granted only to the applicant who is able to prove that he owns adequate equipment and employs trained personnel.

(2) Such an authority is ordinarily granted for a radius or a territory of an extended area.

(3) Such a specialized service is operated with special moving vans equipped with the necessary accessories such as belts, hooks, wardrobes, rugs etc.

(4) The words "household goods" mean :

(a) personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling ;

(b) furniture, fixtures, equipment, machinery and property of stores, offices, museums, institutions, hospitals, factories or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals, factories or other establishments ;

(c) articles, including objects of art displays and exhibits which, because of their unusual nature or value, require specialized handling and the equipment usually employed in moving household goods.

(5) The holder of a general permit has the right to transport, within the radius of operation authorized by his permit, such articles in standard delivery cars.

(6) Unless it is specifically stated in a permit that the transportation of household goods shall be made by special equipment, the holder of a permit to transport household goods is restricted to using the ordinary type of equipment.

61. Other specialty permits : The other specialty permits, such as those authorizing transportation by float, tank truck, temperature controlled vehicle, armoured vehicle, special motor vehicle transporter, are governed, *mutatis mutandis*, unless otherwise specified herein, by section 60.

DIVISION VI

INTERPRETATION OF DISTANCE

62. (1) When referred to in any order, distance shall be measured in road miles, from the limits of the locality indicated, following the principal feasible routes existing at the time the permit was granted to the present holder or his author.

(2) If a city, town or municipality, falls in part within the authorized distance in miles, then the authority or permit extends to the whole of such city, town or municipality.

(3) However, the rights of a permit holder shall not be extended as the result of the fusion of 2 or more municipalities ; the extent of the city, town or municipality referred to in subsection 2, shall continue to be limited to the area existing at the time the permit was granted to the present holder or to his author.

DIVISION VII

INSURANCE

63. Holders of trucking permits residing or having their principal place of business outside Québec, must file with the Commission and maintain in force, insurance policies, issued by companies authorized to do business in Québec, covering damages to persons, to property and to cargo.

DIVISION VIII

OPERATING RETURNS AND FINANCIAL STATEMENTS

64. Any permit holder must file with the Commission, on or before the 1st day of May of each year, on the form supplied for such purpose, the operating returns on trucking, for the year ending the 31st day of December of the preceding year.

In addition to the yearly operating returns mentioned in the first paragraph, any incorporated company holding a permit, must file with the Commission, on or before the 1st day of May of each year, copy of its financial statements (revenues and expenditures statements and balance sheet) for the year ending on the 31st day of December of the preceding year.

A permit holder who does not comply with this section, may be considered by the Commission as not operating his permit.

DIVISION IX

CANCELLATION AND INTERPRETATION OF WORD VICINITY

65. (1) The definition of the word “vicinity” hitherto employed in permits is revoked, because it did not differentiate between a radius operation of 30 miles and an operation within an area contained in the same radius of 30 miles.

(2) Permits containing the word “vicinity” have, for their primary object local services from the point or points named in the authority.

(3) The authority to extend the operation within a radius of 30 miles is subject to the primary obligation of conducting a local service at the locality or localities mentioned.

(4) The clauses of all the permits authorizing a transportation service at a named point or points followed by the words “and vicinity” are replaced by the following :

(a) Local service :

i. within the limits of the locality mentioned in the authority ;

ii. from the locality mentioned in the permit to another locality situated within a distance of 5 miles from the limits of the locality mentioned in the permit ;

iii. from anyone locality to another, provided they are both situated within a distance of 5 miles from the limits of the locality mentioned in the permit ;

iv. within the limits of any locality situated within a distance of 5 miles from the limits of the locality mentioned in the permit ;

(b) Long distance service — radius : from the limits of the locality mentioned, to any other point situated within a 30 miles radius of the said limits following the principal feasible routes, and return.

(5) Holders of such permits are subject to the aforementioned regulations relating to local and radius permits.

Order 4995 of 20.02.69

Order of 01.05.69

Order of 08.06.70

Order of 17.12.70

Order of 16.09.71

Order of 10.01.72

O.C. 2427-75, (1975) 107 O.G.II, 3261

O.C. 2688-75, (1975) 107 O.G.II, 3759

O.C. 2831-77, (1977) 109 O.G.II, 4683

O.C. 3407-77, (1977) 109 O.G.II, 5715

O.C. 4476-77, (1978) 110 G.O., 1185

O.C. 1379-78, (1978) 110 G.O., 4173

O.C. 3707-78, (1979) 111 G.O., 2407

O.C. 986-79, (1979) 111 G.O., 5667

O.C. 1446-80, (1980) 112 G.O.II, 2083

O.C. 2926-80, (1980) 112 G.O.II, 4167

O.C. 3032-80, (1980) 112 G.O.II, 4187

O.C. 2006-81, (1981) 113 G.O.II, 2557

O.C. 2816-81, (1981) 113 G.O.II, 3247



c. T-12, r.3

Regulation respecting bulk trucking

Transport Act
(R.S.Q., c. T-12, s. 5)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “truck” : a truck within the meaning of subsection 10 of section 1 of the Highway Code (R.S.Q., c. C-24) or a tractor used to haul a trailer or semi-trailer ;

(b) “bulk trucking” : the transport contemplated in section 3 ;

(c) “Act” : the Transport Act (R.S.Q., c. T-12) ;

(d) “bulk material” : a material contemplated in section 3 ;

(e) “county municipality” : the county municipalities described in the Territorial Division Act (R.S.Q., c. D-11) ;

(f) “permit” : a bulk trucking permit issued by the Commission des transports du Québec in accordance with this Regulation ;

(g) “shavings” : wood chips from planing ;

(h) “region” : a region described in Schedule A ;

(i) “tractor”, “trailer”, “semi-trailer” : a tractor, trailer or semi-trailer within the meaning of subsection 10 of section 1 of the Highway Code (R.S.Q., c. C-24) as the case may be ;

(j) “sod” : grass.

2. Unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12), section 1 of the Highway Code (R.S.Q., c. C-24) and the Regulation respecting the interpretation of transport regulations (c. T-12, r.7) have the meaning indicated in the said Act and the said Regulation each time they are used in this Regulation.

DIVISION II SCOPE

3. (1) Subject to subsection 2, this Regulation applies :

(a) to the transport of a bulk material by truck for a remuneration ;

(b) to bulk trucking brokerage.

(2) This Regulation does not apply to transport on one’s own account.

The expression “transport on one’s own account” means transport effected for his own needs or for the needs of his undertaking by a person who carries bulk materials provided that :

(a) the bulk materials belonging to him originate from a point in respect of which he holds ownership, emphyteutic or timbercutting rights or the right to operate a pit or quarry or are used for a business other than a transport business from which he derives the major part of his income ;

(b) the bulk materials not belonging to him are used for a business other than a transport business from which he derives the major part of his income ;

(c) he retains supervision and control of the transport operations ; and

(d) he uses vehicles which belong to him or which are rented by him permitting him actual and exclusive use thereof.

(3) In subsection 1, the expression “bulk material” means :

(a) all material carried loose and listed hereunder :

i. **Group 1 :**

— sand ;

— earth ;

— gravel ;

— stone ;

— bituminous aggregate mixture ;

— snow and ice ;

— ore that has not been processed to increase its mineral content ;

— farm, agricultural and fish products transported from the point of cutting, picking or extraction to a first processing plant or to market ;

- firewood ;
- coal ;

ii. **Group 2** : sod (grass) ;

iii. **Group 3** : wood chips, sawdust and shavings ;

iv. **Group 4** : timber which has undergone no operation other than cross-cutting, limbing and barking ;

v. **Group 5** : rough timber which has undergone the operations described in Group 4 in addition to lengthwise cutting ;

(b) all material transported loose in a dump truck, unloaded by means of the tipping mechanism without the assistance of a blower and listed below :

i. **Group 6** :

— salt (sodium chloride) and calcium (calcium chloride) intended for the maintenance of roads in winter ;

— materials other than those contemplated in paragraph *a* that are used in the construction and maintenance of public highways and transported to the site or on the site itself ;

— products resulting from demolition ;

— timber culls other than those prescribed in Group 3 ;

ii. **Group 7** : chemical or organic fertilizer and neutralizing agents used in cultivation of the soil ;

(c) all other materials with the exception of the materials contemplated in the Regulation respecting the transport of waste (c. T-12, r.16), and ammonium nitrate used in the manufacture of explosives, when such matter is transported loose in a dump truck and unloaded using the tipping mechanism without the assistance of a blower.

4. Notwithstanding any contradictory or incompatible provision in a regulation made under the Transport Act (R.S.Q., c. T-12), a bulk trucking permit holder may lease his truck if he is employed by the lessee and if the latter manages a forest operation of cutting and hauling timber.

For this purpose he must obtain and hold a forest rental permit.

5. The Commission may immediately issue the permit prescribed in section 4, when it is established the applicant

holds a bulk trucking permit and has the possibility of being hired and of leasing his truck.

6. The forest rental permit may be obtained without guarantee, cost or fee ; however, the basic annual renewal fees for a bulk trucking permit must be paid.

DIVISION III BULK TRUCKING

§1. *Permits*

7. The permit prescribed for the provision of a bulk trucking service to which paragraph *a* of subsection 1 of section 3 applies is a bulk trucking permit.

However, in the case of the rough timber described in Group 5 of paragraph *a* of subsection 3 of section 3, the prescribed permit is a bulk trucking permit or a permit governed by the General Order on trucking (c. T-12, r.2).

8. The Commission may issue a permit authorizing its holder to :

(a) transport any material contemplated in paragraphs *a* and *b* of subsection 3 of section 3 or any group of materials contemplated in the said paragraphs and indicated on the permit by the Commission ; and

(b) transport material contemplated in paragraph *c* of subsection 3 of section 3 and indicated on that permit by the Commission.

§2. *Nature of permits*

9. (1) The permit is issued in the name of a person for a designated truck and refers :

(a) to fixed region, or, in the case of a permit of the “extra-provincial” class, to the entire territory of Québec ;

(b) to the materials contemplated in paragraphs *a* and *b* of subsection 3 of section 3 or to a group thereof contemplated in the said paragraphs and entered on the permit by the Commission and to any material contemplated in paragraph *c* of subsection 3 of section 3 entered on the permit by the Commission.

(2) Only one permit may be issued per truck, except in the case of special and temporary permits prescribed in sections 32 to 34.

§3. Classes of permits

10. In relation to the territory, the permit is :

- (a) either of the “region” class ;
- (b) or of the “extra-provincial” class.

11. (1) The “region” class permit authorizes its holder to furnish, according to its tenor, service :

(a) from a point of origin in the region for which the permit was issued to a final destination in or outside that region ;

(b) from a point of origin outside the region for which it was issued to a final destination in that region ;

(c) from a point at the boundary of Québec to a final destination in the region for which it was issued, where the point of origin of the materials transported is outside Québec ;

(d) from a point of origin in the region for which it was issued to a point at the boundary of Québec, where the final destination of the materials transported is outside Québec ;

(e) from a point at the boundary of Québec to another point at the boundary of Québec over a route in whole or in part inside the region for which the permit was issued, where the place of origin and the final destination of the goods transported are located outside Québec.

(2) This permit authorizes the holder to furnish a service of transport of wood for veneer and the rough timber described in Group 5 of paragraph *a* of subsection 3 of section 3, from any point of origin and to any final destination of the wood, and whether the route is located wholly, partially, or not at all in the region to which the permit applies.

12. The “extra-provincial” class permit authorizes its holder to furnish, according to its tenor, service :

(a) from a point at the boundary of Québec to a final destination in Québec, where the place of origin of the materials transported is located outside Québec ;

(b) from a point at the boundary of Québec to another point at the boundary of Québec over a route located in Québec, where the place of origin and the final destination of the merchandise transported are outside Québec.

§4. Conditions relating to permits

13. The permit or the certificate of such permit must be kept in the truck for which it is issued or be in the possession of the driver of the truck while the truck is in service.

14. Every holder of a bulk trucking permit must indicate to the Commission the registration number of each trailer and semi-trailer owned or rented by him.

15. A permit holder may provide a bulk trucking service using a rented truck to replace his own truck :

(a) if the rental period does not exceed 60 days ;

(b) if a written notice is sent to the Commission indicating the name of the lessor ; and

(c) if the permit holder :

i. continues to control the service ; and

ii. is the exclusive user of the rented truck.

16. A permit holder may provide a bulk trucking service using a rented truck to replace his own truck for a period longer than 60 days if he :

(a) obtains the authorization prescribed in section 43 of the Act ;

(b) files the truck rental contract with the Commission at the same time as the application for authorization ; and

(c) fulfills the conditions contemplated in paragraph *c* of section 15.

17. A permit holder must :

(a) if he is the driver, have 8 consecutive hours of rest in every 24 hour period, or ensure that the driver has the said rest ; and

(b) ensure that the driver holds a driver's permit in his own name issued in accordance with the Regulation respecting driver's permits (c. C-24, r.26) and that the said permit is exempt from restrictions as to the maximum weight of the vehicles which he may drive.

18. The number of the permit and of the region for which the permit is issued and the name of the permit holder must be written so that they are readable on the 2 front doors of the truck in letters and figures at least 5 centimetres in height.

19. (1) Sections 13 to 18 do not apply to permits of the “extra-provincial” class.

(2) The holder of a permit of the “extra-provincial” class must, when he is providing service, affix the permit which authorizes him to do so to the windshield of his truck.

§5. Conditions for obtaining a permit and being a holder thereof

20. To obtain a permit and be a holder thereof, a person must :

- (a) in the case of a natural person :
 - i. be of the age of majority ;
 - ii. be a Canadian citizen or a person legally admitted to Canada to reside permanently therein as a “landed immigrant” and to whom a social insurance number has been given ; and
 - iii. be domiciled in the region for which the permit is requested ;
- (b) in the case of a corporation, have its corporate seat or a place of business in the region for which the permit is requested ;
- (c) subject to sections 15 and 16, be and remain the owner of a truck registered in Québec ;
- (d) not be the holder of a permit contemplated in the General Order on trucking (c. T-12, r.2) other than a permit contemplated in section 49 of the said Order, a 30-mile radius permit or a permit authorizing transport between 2 points situate 30 miles or less than 30 miles from the base terminal or the principal place of business of such permit holder, nor become the holder of such a permit, as the case may be ;
- (e) prove to the Commission :
 - i. the necessity of the service for which he requests the permit ; and
 - ii. that the said service cannot adequately be assured by another permit holder ; and
- (f) in the case of a permit relating to a group of materials contemplated in paragraph a or b of subsection 3 of section 3, prove to the Commission that the equipment that he intends to use is specially designed to provide the service for which the permit is required and that its construction or design does not enable him to furnish the services authorized by a permit relating to all bulk materials in general.

21. To obtain an “extra-provincial” class permit, a person must :

- (a) have a place of business in Québec ; and
- (b) meet the other conditions prescribed in paragraphs d, e and f of section 20 as well as in paragraph c of the said section, except if he is exempt from the obligation of registering his truck in Québec.

22. A natural person may obtain a permit for a region in which he is not domiciled to replace a permit which he already holds provided that :

- (a) he meet the conditions prescribed in paragraphs c, d, e and f of section 20 ; and
- (b) should the requested permit be granted him :
 - i. he establish himself in the region for which he requested the permit within 30 days of obtaining the said permit ; and
 - ii. he return to the Commission the permit thus replaced.

23. Every permit holder shall complete, every month, a report on his operating income and expenses.

24. (1) Every permit holder must, not later than one month before the expiry of his permit, complete and submit to the Commission a report of operational activities for the year ending the preceding 31 December.

(2) The report must be submitted, with no prior notification or request to this affect, on the form prescribed by the president.

(3) Failure to submit the report within the prescribed time limit may entail non-renewal of the permit.

(4) If a permit holder sends his report by mail, the date of the post office stamp shall, for purposes of this section be the date on which he submitted his report to the Commission.

25. Every permit holder must keep his annual report for 5 years.

§6. Transfer of permits

26. When a person acquires the ownership of a truck in respect of which a permit is issued, the Commission may authorize the transfer of the permit in the name of the acquirer provided such person :

(a) proves the necessity of the service for which the permit is requested ;

(b) proves that such service cannot be adequately assured by another permit holder ;

(c) proves that he is financially capable of acquiring and keeping the truck for which the permit is issued ;

(d) files with the Commission the report contemplated in section 24 for activities previous to the transfer and subsequent to the last report furnished ;

(e) proves that he otherwise fulfills the other conditions for obtaining a permit.

27. Where a person has acquired, through succession or will, the ownership of a truck in respect of which a permit is issued, the Commission may transfer the permit to his name in accordance with section 26.

However, when such person is domiciled and resides in the region to which the permit relates, only paragraphs *c* and *d* of section 26 shall apply.

28. Where a minor child or interdicted person acquires, through succession or will, the ownership of a truck in respect of which a permit is issued, the Commission may authorize the transfer of the permit to the name of the testamentary executor of the succession, the tutor to the child or the curator, as the case may be.

29. Where a company acquires a truck in respect of which a permit is issued from a natural person holding at least 90% of the shares of the said company, the Commission may authorize the transfer of the permit to the name of such company.

30. In the cases contemplated in sections 28 and 29, only paragraphs *c* and *e* of section 26 shall apply.

31. No transfer shall entail a change of the region for which the permit was originally issued, except in the cases contemplated in sections 27 and 28 where it may have such an effect.

§7. Temporary and special permits

32. The Commission may issue a temporary permit in the following cases provided that :

(a) the person applying therefor is already a permit holder ;

(b) summary proof is given that :

i. the permit is required to meet an exceptional need ;

ii. the permit holders of the region for which the permit is requested are unable to adequately assure the required bulk trucking services ;

(c) the authorization conferred by such permit is restricted to the materials for which the proof contemplated in paragraph *b* has been summarily established.

33. In the case of a temporary permit exclusively authorizing the transport of timber from a point of origin in the forest, subparagraph ii of paragraph *b* of section 32 shall not apply if the applicant is the holder of a permit relating to a region adjacent to the region for which the temporary permit is requested.

34. The Commission may issue a special permit in the following cases provided that :

(a) the person applying therefor is already a permit holder ;

(b) proof is given that :

i. the permit is required to meet an exceptional need in terms of quantity of work and bulk trucking service demands ; and

ii. the permit holders of the region for which the permit is requested are unable to adequately assure the required bulk trucking services ;

(c) the authorization conferred by such permit is restricted to materials for which the proof contemplated in paragraph *b* has been established.

§8. Rate and tariff standards

35. The Regulation respecting standards for tariffs, rates or costs (c. T-12, r.11) applies to this Regulation.

36. (1) The rates and tariffs for the transport of bulk material may be based on :

(a) a unit of mass ;

(b) a unit of volume ;

(c) a trip ;

(d) a unit of time ;

(e) a unit of distance or a group of such units ; or

(f) any combination of the bases contemplated in paragraphs *a*, *b*, *c*, *d* and *e*.

(2) The rates and tariffs fixed under subsection 1 and the bases contemplated in paragraphs *a* to *f* of subsection 1 may be graduated and such graduation may be made according to a regular or irregular scale.

37. The rates may be fixed for :

- (a) trucks of a given class ;
- (b) trucks of a given capacity ;
- (c) a given material ;
- (d) a given region ;
- (e) a zone established by the Commission inside a region and from that zone to another ; or
- (f) any combination of the factors contemplated in subparagraphs *a, b, c, d* and *e*.

Within the meaning of this section and section 38, the word “class” comprises all the types of vehicles contemplated in Schedule A of the Regulation respecting standards for axle loads, total loaded mass and dimensions applicable to motor vehicles and combinations of vehicles (c. C-24, r.22), as well as any type of vehicle or combination of vehicles contemplated in a special permit issued under the Highway Code (R.S.Q., c. C-24) and may include a vehicle or group of vehicles used for the transport of one or several bulk materials.

38. The rates for trucks of the same class or having the same capacity and which transport the same material in the same zone or region under the same operating conditions, and that are fixed using the same rate basis from among those prescribed in section 36, must be standard.

39. A bulk trucking contract must include the obligation on the part of the permit holder to submit an invoice to the contracting party indicating :

- (a) his name and surname ;
- (b) the registration number of his truck ;
- (c) his permit number ;
- (d) the total amount payable ;
- (e) the unit price ;
- (f) the date payment is due and the corresponding work period ; and, where applicable :
- (g) the name of his employer ;
- (h) the load in units of weight or volume and the distance of transport ;
- (i) the number of hours in each working day if he was hired by the hour.

DIVISION IV BROKERAGE

§1. General provisions

40. (1) In this Division, the following words and expressions mean :

(a) “member” : the holder of a bulk trucking permit who has registered or has agreed to register the truck to which such permit refers to, at a substation of his region or at the station of his region in default or in absence of a substation in his zone ;

(b) “station” : the central regional office of brokerage ;

(c) “substation” : the brokerage office of a zone ;

(d) “zone” : the territory within a region and where a substation carries on brokerage.

(2) Brokerage includes distribution and assignment.

41. The holder of a bulk trucking permit may only be registered at the substation of his zone or, in default or in absence of a substation in his zone, at the station of his region.

The holder of a permit in region 10, who is a resident in region 06, is deemed a resident in the zone of region 10 the closest to his residence.

42. A substation or a station may accept as a member a person holding 4 bulk trucking permits or less.

43. In order to determine a proportion in this Division, the number of bulk trucking permits in a zone or a region must be equivalent to the number of holders holding 4 bulk trucking permits or less.

44. The conditions for obtaining a brokerage permit are also holding conditions, just as the obligations prescribed in this Division.

45. In issuing a brokerage permit, the Commission may allow its holders a delay in order to fulfill one or several of the conditions prescribed in this Regulation.

46. Brokerage is done in the manner prescribed in this Division by the substation in a zone within a region and by the station in a region.

§2. Brokerage permits

47. (1) The permit prescribed for carrying on brokerage is either the substation permit or the station permit ; such permits may be designated as "brokerage permits".

(2) The bulk trucking permit does not authorize its holder to provide the brokerage service.

The latter may not offer or accept bulk trucking services, even free of charge, in the name of another bulk trucking permit holder without going through the substation or the station.

48. (1) Brokerage permits shall be issued in the name of non-profit making corporations or co-operative associations ; the substation permit applies to a zone within a region and the station permit to a region.

(2) Only one station permit shall be issued per region and only one substation permit per zone.

49. The Commission is authorized to create and delimit zones within each of the regions in cases for which it issues substation permits ; these zones may be created and delimited on the condition that they must ensure the public convenience according to the layout of the premises and according to the advantage of the bulk trucking permit holders concerned.

50. A substation permit authorizes and requires its holder to carry on brokerage where the transport services which are the object of the brokerage can be provided conveniently by the holders of bulk trucking permits domiciled or, in the case of corporations, having their corporate seat or a place of business in the zone to which it refers.

51. The station permit authorizes and requires its holder to :

(a) provide interzonal and regional brokerage so as to assure the equilibrium of supply and demand of service within the region ; and

(b) exercise, with the authorization of the Commission, the rights and assume the obligations of the substations when the latter do not exercise them or do not fulfill them.

§3. Substation obligations

52. The substation must :

(a) establish annually a program of operations and an income and expenditure budget which must be sent to the Minister, the Commission, its members and the station if there is one, and may be carried out from the sixtieth day

of that distribution unless, within the prescribed time, the Commission decides that they cannot be carried out or that they may be carried out with the modifications that it determines ;

(b) send to the Minister, the Commission, its members and the station if there is one, at the latest on 31 May of each year, its audited financial statements ;

(c) answer all requests for service within the zone ;

(d) ensure the distribution and assignment of work according to its code of ethics and to that of the station if there is one and report on that activity to the manager of the station every month ;

(e) keep a record of the date, hour, principal elements and follow-up of every communication between those requesting service, the carriers and the station if there is one ;

(f) keep a record of distribution and assignment ;

(g) keep an up-to-date inventory of the trucks, tractors, trailers and semi-trailers which may be used by the permit holders of its zone ; such inventory must include the make, year, gross vehicle mass, registration of those trucks, permit number and all other equipment of its members ;

(h) keep a daily inventory of the available vehicles and equipment ;

(i) keep during 5 years every record, inventory, contract, document and requisition of service ;

(j) on request, furnish a copy of the inventories and records to the Minister, the Commission and the station if there is one ;

(k) on request, inform the Minister, the Commission and the station if there is one of the situation of bulk trucking in its zone by a compilation of the income of its members derived from bulk trucking ; and

(l) on request, furnish to the Minister, the Commission and the station if there is one every relevant information concerning rates and tariffs.

§4. Station obligations

53. The station must :

(a) establish annually a program of operations and an income and expenditure budget which must be sent to the Minister, the Commission, the members of its substations and its members, where applicable, and may be carried out from the sixtieth day of that distribution unless, within the prescribed time, the Commission decides that they cannot

be carried out or that they may be carried out with the modifications that it determines ;

(b) send to the Minister, the Commission, the members of its substations and its members, where applicable, at the latest on 31 May of each year, its audited financial statements ;

(c) answer all interzonal and regional requests for service ;

(d) ensure the distribution and assignment of work in accordance with its code of ethics and that of the substation, as the case may be ;

(e) keep a record of the date, hour, principal elements and follow-up of every communication between those requesting service, the carriers and its substations ;

(f) keep every record and inventory that must be kept by a substation, as the case may be ;

(g) keep a record of distribution and assignment ;

(h) keep during 5 years every record, inventory, contract, document and requisition of service ;

(i) on request, furnish a copy of the inventories and records to the Minister and the Commission ;

(j) on request, inform the Minister and the Commission of the situation of bulk trucking in its region by a compilation of the income of the members of the substations and its members, where applicable, and analyses and studies pertaining to those compilations ;

(k) ensure that the work of the substations is coordinated and controlled by the manager of the station in accordance with a program that must receive the prior approval of the Commission which can accept it with or without modifications or refuse it ;

(l) exercise, with the prior approval of the Commission, the rights and assume the obligations of a substation, when the latter does not exercise them or does not fulfill them ; and

(m) on request, furnish to the Minister and the Commission every relevant information concerning rates and tariffs.

§5. Conditions for obtaining an assignment substation permit and being a holder thereof

54. The Commission may issue a substation permit to any non-profit making corporation or to any co-operative association that establishes :

(a) that at least 2/3 of the bulk trucking permit holders in the zone are members ;

(b) that its board of directors is or will be necessarily composed of and, to the exclusion of any other person, at least 3 members ;

(c) that it has adopted, by regulation approved by the Commission, a code of ethics that must include the methods of application of the rule by which priority is given to the first trucks and the methods of application and of the equitable distribution of the work ;

(d) that its members have remitted to the station, if there is one, as their basic contribution, the sum of 125 \$ per truck registered, or, if there is no station in the region, that its members have remitted to it, as their basic contribution, the sum of 125 \$ per truck registered ;

(e) that it applies articles 981o to 981v of the Civil Code to the investment of the basic contribution of its members and that it uses that contribution as a sufficient guarantee for its obligations ;

(f) that it has no direct or indirect interest in a transport or road construction undertaking ;

(g) that its directors and the persons sitting on its committees may not receive any salary, attendance fee, or allowance other than the reimbursement of duly authorized actual costs for their work as director or as a member of a committee ;

(h) that, except with the prior approval of the Commission, its supervisor may not, under penalty of forfeiture of his office, have a direct or indirect interest in an undertaking that may put his personal interest in conflict with that of the substation, nor carry on an activity that may put him in a conflict of interest ; and

(i) that its supervisor :

i. resides in its zone or agrees in writing to do so within 60 days after taking office ; and

ii. is a solvent person and has never been convicted of an indictable offence in connection with the employment.

55. If a station permit is issued subsequent to the issuing of one or more substation permits in a region, each substation shall then pay to the station its basic contribution.

§6. Conditions for obtaining a station permit and being a holder thereof

56. The Commission may issue a station permit to any non-profit making corporation or to any co-operative association that establishes :

(a) that its members include at least 1/3 of the bulk trucking permit holders of the region and that each of them is a member of the substation of its zone or of the station, in default or in the absence of a substation in its zone ;

(b) that its board of directors is or will be necessarily composed of and, to the exclusion of any other person, a director appointed by each substation ;

(c) that in default of substations supervising every zone of the region, and if there is less than 7 substations, its board of directors is or will be necessarily composed of and, to the exclusion of any other person, a director appointed by each substation and a director appointed by the bulk trucking permit holders of each municipal county that are members of the station ;

(d) that it has adopted, by regulation approved by the Commission, a code of ethics that must include the methods of application of the rule by which priority is given to the first trucks and the methods of application and of the equitable distribution of the work ;

(e) that the members of a substation or a station have remitted directly or through the substation, as their basic contribution, the sum of 125 \$ for each truck registered in a substation or a station ;

(f) that it applies articles 981o to 981v of the Civil Code to the investment of the basic contribution of its members and that it uses this contribution as a sufficient guarantee for its obligations ;

(g) that it has no direct or indirect interest in a transport or road construction undertaking ;

(h) that its directors and the persons sitting on its committees may not receive any salary, attendance fee, or allowance other than the reimbursement of duly authorized actual costs for their work as director or as a member of a committee ;

(i) that its manager may not, under penalty of forfeiture of his office, have a direct or indirect interest in an undertaking that may put his personal interest in conflict with that of the station, nor carry on an activity that may put him in a conflict of interest ; and

(j) that its station manager :

i. resides in its region or agrees in writing to do so within 60 days after taking office ; and

ii. is a solvent person and has never been convicted of an indictable offence in connection with the employment.

§7. Fees

57. With the approval of the Commission and under the conditions it determines, a substation may establish a fee and collect it.

58. With the approval of the Commission and under the conditions it determines, a station may establish a fee and collect it.

59. Every fee for the station is collected by the substation who remits it to the station.

60. When the station has its own members, in default or in absence of substations or by substitution, it may collect its fee.

61. A non-payment of fees, failure to collect or to remit fees, may result in the non-renewal of a bulk trucking or brokerage permit.

§8. Control of the Commission

62. In all matters respecting a brokerage permit, the Commission shall employ one or some voting systems that it shall determine when required ; it may, more particularly and for such purposes, made inquiries by open vote, secret ballot or postal vote.

63. Any holder of a bulk trucking or brokerage permit may ask the Commission to revise the brokerage permit or permits.

64. Any party to a matter governed by this Division is considered to act as a witness.

DIVISION V TRANSITIONAL AND FINAL PROVISIONS

65. (1) In each region, the maximum number of permits is fixed at the number of permits issued by the Commission in that region.

(2) The maximum established in subsection 1 is reduced by any permit cancelled or revoked by the Commission each time there is a cancellation or revocation for a cause other than the issuance of a "temporary" permit or a "special" permit.

(3) Subsection 1 does not apply in the cases contemplated in sections 41 and 44 of the Act, in the case contemplated in subsection 4 of section 55 of the Rules of practice and rules for the internal management of the Commission

des transports du Québec (c. T-12, r.14) nor to special permits nor to temporary permits.

66. A natural person may obtain and hold a permit for region 10 even if he resides in region 6.

67. When the Commission issues an assignment station permit to a corporation which meets all the requirements of this Regulation, it shall cancel any other assignment station permit issued in that region. The same shall apply in the case of any recognition which may have been granted in that region.

68. Sections 12.77, 12.78, 12.79 and 12.79.1 of Regulation 12 respecting bulk trucking (O.C. 2389-73 dated 29 June 1973, O.C. 2620-76 dated 28 July 1976), shall continue to apply.

69. (1) In sections 12.77, 12.78, 12.79 and 12.79.1 of Regulation 12 respecting bulk trucking, the words and numbers "before 31 May 1977", wherever they appear, are replaced by the words and numbers "before 1 February 1980".

(2) The amendment decreed in subsection 1 applies to every person :

(a) who held a valid attestation or bulk trucking permit on 30 May 1977 ;

(b) who has paid the annual fees prescribed for a permit issued under the General Order on trucking (c. T-12, r.2), or for an attestation or a bulk trucking permit ; and

(c) who made no application to the Commission within the scope of sections 12.77, 12.78, 12.79 and 12.79.1 of Regulation 12 respecting bulk trucking before 31 May 1977 or who made an application after 30 May 1977.

70. Any decision refusing an application made within the scope of sections 12.77, 12.78, 12.79 and 12.79.1 of Regulation 12 respecting bulk trucking, by a person contemplated in section 69, establishing that the application was not made before 31 May 1977 and cancelling, either wholly or partly, a general transport permit, an attestation or a bulk trucking permit may be reconsidered by the Commission provided that an identical application is made before 1 February 1980.

71. Any decision establishing that a person contemplated in section 69 made no application before 31 May 1977 within the scope of sections 12.77, 12.78, 12.79 and 12.79.1 of Regulation 12 respecting bulk trucking, and cancelling, either wholly or partly, a general transport permit, an attestation or a bulk trucking permit may be recon-

sidered by the Commission provided that the said person submits a request to this effect before 1 February 1980.

72. Pending a reconsideration of a decision sought within the scope of sections 70 and 71, the file is considered to remain open.

73. Sections 69, 70, 71 and 72 are in force notwithstanding the provisions of section 65.

74. Sections 69, 70, 71, 72 and 73 apply to matters under consideration.

75. The assignment station permits issued in 1978 continue to apply and are regulated by Division IV applicable to stations from 5 December 1979.

76. Every application for revision of an assignment station permit submitted before 5 December 1979 remains pending but may be annexed to new applications submitted within the scope of this Regulation.

77. When the Commission issues a station permit, it cancels the assignment station permit replacing it ; in such case, the new holder succeeds to all the rights and obligations of the former and the code of ethics in force shall continue to apply until the adoption of a new one and its approval by the Commission ; the Commission may also convert an assignment station permit to a station permit.

SCHEDULE A

(s. 1)

REGIONS

Region 1 : This region comprises the territory :

(a) of the county municipalities of Rimouski, Matane, Matapédia, Bonaventure, Gaspé-Est, Gaspé-Ouest, Îles-de-la-Madeleine ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph a.

Region 2 : This region comprises the territory :

(a) of the county municipalities of Chicoutimi, Lac-Saint-Jean-Est, Lac-Saint-Jean-Ouest ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph a.

Region 3 : This region comprises the territory :

(a) of the county municipalities of Beauce, Lotbinière, Dorchester, Lévis, Bellechasse, Montmagny, L'Islet,

Kamouraska, Rivière-du-Loup, Témiscouata, Portneuf, Montmorency 2, Charlevoix-Est, Charlevoix-Ouest, Québec, Montmorency 1, with the exception of the territory described below : starting from a point situated at the intersection of the northwestern limit of the municipal county of Québec with the Batiscan River ; thence in a general northerly direction, following the western bank of the Batiscan River to the intersection of the western shore of the effluent of Lake Mackey-Smith, the western shore of Lake Mackey-Smith, the western shore of the effluent of Lake Toussaint, the western shore of Lake Toussaint, the western shore of the effluent of Lake McCarthy, the western shore of Lake McCarthy, the western shore of the effluent of Lake Metcalf, the western shore of Lake Metcalf, the western shore of the effluent of Lake Germer, the western shore of Lake Germer, the western shore of the effluent of Lake Trois-Caribous, the western shore of Lake Trois-Caribous, the western bank of Castors-Noirs River, the southwestern limit of Lescarbot Township to the western shore of Lake Ventadour, southerly along part of the western shore of Lake Ventadour, the eastern shore of the effluent of Lake Brûlé, the eastern shore of Lake Brûlé, the eastern shore of the effluent of Lake Morissette, the western shore of Lake Morissette, the western shore of the effluent of Lake Pagé, the western shore of Lake Pagé and Lake de la Place, southerly, along the eastern bank of the Métabetchouane River to the intersection of the western bank of the Métabetchouane Est River, the northern bank of the Métabetchouane Est River and along a line extended to the western shore of Lake Eugène, the western bank of Eugène Brook to its intersection with the western bank of aux Écorces River, northerly, along the western bank of aux Écorces River, the western shore of Lake aux Écorces, a parallel line following the western right-of-way of the road of aux Écorces River to the division line of the county municipalities of Lac-Saint-Jean-Est and Montmorency 1, westerly along the division line of the county municipalities of Lac-Saint-Jean-Est and Montmorency, the division line of the county municipalities of Lac-Saint-Jean-Ouest and Québec, the division line of the county municipalities of Québec and Champlain to the starting point ; and

(b) of the city and town municipalities geographically situated within the territory covered by the county municipalities referred to in paragraph *a*.

Region 4 : This region comprises the territory :

(a) of the county municipalities of Drummond, Arthabaska, Yamaska, Nicolet, Champlain, Saint-Maurice, Maskinongé and the parts of the county municipalities of Québec and Montmorency 1 excluded from region 3 ; and

(b) of the town and city municipalities geographically situated within the territory covered by the county municipalities referred to in paragraph *a*.

Region 5 : This region comprises the territory :

(a) of the county municipalities of Mégantic, Frontenac, Wolfe, Compton, Richmond, Sherbrooke, Stanstead, Shefford, Brome, Missisquoi ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph *a*.

Region 6 : This region comprises the territory :

(a) of the county municipalities of Bagot, Richelieu, Saint-Hyacinthe, Rouville, Iberville, Saint-Jean, Verchères, Laprairie, Napierville, Châteauguay, Beauharnois, Huntingdon, Vaudreuil, Soulanges, Deux-Montagnes, Argenteuil, L'Assomption, Terrebonne, the south part of Montcalm bounded on the north by the north-west and south-west lines of the township of Castelneau, the south part of Joliette bounded on the north by the north-west line of the townships of Lenoir and French, the south part of Berthier bounded on the north by the north-west line of the township of Dupont ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph *a* except those of region 10.

Region 7 : This region comprises the territory :

(a) of the county municipalities of Labelle, Papineau, Gatineau and Pontiac, except the territory described as follows : starting from a point located at the intersection of the boundary between the municipalities of Témiscamingue and Pontiac and Silly Township ; from that point eastward to the southern limit of Silly Township, part of the eastern limit of Silly Township, the southern limits of Doudouyt, Yéo, Villedonné, Rousson, Dieskau Townships, the eastern limit of Dieskau Township, the eastern limit of Chassin Township, part of the southern limit of Foligny Township eastward to the boundary of the county municipalities of Pontiac and Montcalm ; from there, following that boundary northwest to the boundary of the county municipalities of Abitibi and Pontiac, and southward to the boundary of the county municipalities of Témiscamingue and Pontiac to the starting point ;

(b) of the parts of the county municipalities of Montcalm, Joliette and Berthier not included in region 6 ; and

(c) of the city and town municipalities geographically included in the territory covered by the county municipalities described in paragraphs *a* and *b*.

Region 8 : This region comprises the territory :

(a) of the county municipalities of Témiscamingue and Abitibi and that part of the county municipality of Pontiac excluded in region 7 ;

(b) of the James Bay municipality, thus bounded ; to the north, by 55° of north latitude ; to the east, by the northern extension of the western limit of the county municipality of Saguenay, by the northern limit of the county municipality of Chicoutimi and by the north-western limit of the county municipality of Lac-Saint-Jean-Ouest ; to the south, by the northern limit of the county municipality of Abitibi ; to the west, by the western border of Québec ; and

(c) of the city and town municipalities geographically included in the territory described in paragraphs *a* and *b*.

Region 9 : This region comprises the territory :

(a) of the county municipality of Saguenay ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph *a*.

Region 10 : This region comprises the territory :

(a) of the Communauté urbaine de Montréal ; and

(b) of ville de Laval.

Region 11 : This region comprises the territory not included in regions 1 to 10.

O.C. 1379-78, (1978) 110 G.O., 4173
O.C. 3707-78, (1978) 110 G.O., 2407
O.C. 1447-80, (1980) 112 G.O.II, 2085
O.C. 1448-80, (1980) 112 G.O.II, 2153
O.C. 1450-80, (1980) 112 G.O.II, 2161
O.C. 3555-80, (1980) 112 G.O.II, 4661
O.C. 1792-81, (1981) 113 G.O.II, 2039
O.C. 2006-81, (1981) 113 G.O.II, 2557
O.C. 2005-81, (1981) 113 G.O.II, 2755



c. T-12, r.4

Regulation respecting the issuance of experimental permits for the transport of merchandise at Mirabel International Airport

Transport Act
(R.S.Q., c. T-12, s. 5)

DIVISION I GENERAL PROVISIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean ;

(a) “experimental permit” : a permit issued under this Regulation ;

(b) “Mirabel airport zone” : the enclosed zone of Mirabel International Airport referred to as the airport’s operational zone, consisting *inter alia* of : the landing strips, air terminal, airport establishments and warehouses ;

(c) “Mirabel metropolitan region” : the territorial region described in Schedules B and C of the Act respecting the vicinity of the new international airport (S.Q., 1970, c. 48) amended by the Act respecting the city of Lachute (S.Q., 1971, c. 115), as well as that part of the Terrebonne industrial park which is within the municipality of Saint-Charles de Lachenaie ;

(d) “Montréal metropolitan region” : the territorial region described in the Order respecting the Montréal Metropolitan District (c. T-12, r.5) and its amendments.

2. This Regulation is a transport regulation and, unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12) and its amendments, in section 1 of the Highway Code (R.S.Q., c. C-24) and in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7) are part of this Regulation and have the meaning indicated in the said Acts or Regulation each time they are used in this Regulation.

DIVISION II EXPERIMENTAL PERMIT

3. In order to provide a transport service contemplated in section 7, every person must be the holder of a permit is-

sued for such purpose under this Regulation, unless exempted therefrom by section 9.

4. No person may obtain or hold an experimental permit unless he :

(a) is domiciled in Québec or has a place of business in Québec ;

(b) is the holder of a permit for the transportation of merchandise issued under the General Order on trucking (c. T-12, r.2) and its amendments ; and

(c) pays to the Commission des transports du Québec at the time of submitting his application a non-refundable registration fee of 50 \$.

5. Paragraph c of section 4 shall not apply to any permit application filed with the Commission prior to 27 August 1975.

6. (1) Notwithstanding sections 4 and 5, the Commission must issue *instantly*, without being subject to the observance of sections 14 to 17, 21 and 25 of the Rules of practice and rules for the internal management of the Commission des transports du Québec (c. T-12, r.14), an experimental permit to every person who :

(a) applies therefor by means of an application accompanied by the registration fee of 50 \$;

(b) is domiciled in Québec or has a place of business in Québec ; and

(c) proves to the Commission that he is already authorized to serve the Mirabel airport zone in virtue of a permit for the transportation of merchandise in force issued under the General Order on trucking and its amendments.

(2) The registration fee contemplated in paragraph a of subsection 1 cannot be exacted when the application was filed prior to 27 August 1975.

7. The experimental permit authorizes and binds its holder to effect the general transportation of merchandises :

(a) from a place situated outside the Mirabel metropolitan region to a place situated inside the Mirabel airport zone ; or

(b) from a place situated inside the Mirabel airport zone to a place situated outside the Mirabel metropolitan region.

8. Every holder of an experimental permit must, within 30 days, submit to the administrator of the Commission a report on the activities connected with such permit for the preceding month. This report must be supported by a copy of each bill of lading issued for that month and the amount invoiced or paid for each such bill of lading.

9. This Regulation shall not apply to a permit holder who is authorized under the General Order on trucking to effect :

(a) a local service in the municipality situated inside the Mirabel metropolitan region ;

(b) a local service inside the Montréal metropolitan region where, within the scope of that service, he carries air freight on a regular basis to Dorval Airport ;

(c) a specialized transport service defined in the General Order on trucking and its amendments as the specialized transport permit.

10. The experimental permit shall be valid for 10 months from the date of enforcement of the decision authorizing its issuance, after which it shall become null and void.

The Commission may, upon request, convert this permit into a regular permit unless it appears that the applicant has not furnished the reports contemplated in section 8 for the first 6 months of operation or it appears from these reports that the activities connected with such permit do not meet the proof of necessity submitted at the time of its issuance.

O.C. 3809-75, (1975) 107 O.G.II, 4809

O.C. 3187-76, (1976) 108 O.G.II, 5539



c. T-12, r.5

Order respecting the Montréal Metropolitan District

Transport Act
(R.S.Q., c. T-12)

1. The Montréal Metropolitan District comprises :

(a) all municipalities located on the Island of Montréal ; and

(b) the municipalities of Caughnawaga, Brossard, Saint-Hubert, Greenfield Park, Saint-Lambert, Longueuil, Notre-Dame-du-Sacré-Coeur, Prévile, Ville Lemoyne, Ville Laflèche, Ville Jacques-Cartier, Candiac, La Prairie, Côte Sainte-Catherine, Saint-Constant, Boucherville, Saint-Bruno-de-Montarville, Châteauguay-Centre, Léry, Mercier, Delson, Carignan, Chambly, Saint-Basile-le-Grand, Beloeil, MacMasterville, Sainte-Julie, Saint-Mathieu-de-Beloeil, Mont Saint-Hilaire, Otterburn Park, Ville de Laval, Ville de Repentigny, Charlemagne and Saint-Paul-l'Ermite.

2. All permit holders, who have the right to operate a local service in any municipality of the Montréal Metropolitan District described in section 1, are authorized to operate a local service in all of the Montréal Metropolitan District in accordance with the Transport Act (R.S.Q., c. T-12) and the regulations made under it.

3. However, the Commission des transports du Québec may, in its own right or upon the application of an interested party, restrict the local service of a permit holder to a set part of the Montréal Metropolitan District. The tariffs for such a restricted local service shall be those established in accordance with the Act and the regulations made under it.

4. All permit holders, who are entitled to operate a long distance service to or from a locality of the Montréal Metropolitan District, shall be entitled to operate a service to and from all the localities of the Montréal Metropolitan District at the rates filed with the Commission for Montréal or for all other localities of the Montréal Metropolitan District.

5. The 5 miles extension of the services authorized by sections 49, 51, 52, 53 and 54 of the General Order on trucking (c. T-12, r.2) shall not apply to any permit which

authorizes a service from, to or within the Montréal Metropolitan District.

6. The 5 miles extension covered by permits the base terminal of which was formerly one or more localities within the Montréal Metropolitan District shall be hereby cancelled.

7. The 5 miles extension granted by the said sections 49, 51, 52, 53 and 54 of the General Order on trucking for a point located outside the Montréal Metropolitan District shall only apply to localities which were and still are within the 5 mile radius from the said locality and shall not authorize a service to or from all of the Montréal Metropolitan District.

8. The distance of the radius permits the base terminal of which is within the Montréal Metropolitan District shall be calculated from the limits of the Ville de Montréal.

9. Notwithstanding sections 1, 2, 3, 4, 5, 6, 7 and 8, the right to serve the Montréal Metropolitan District shall not authorize a holder, unless explicitly provided for in his permit, to transport brick and light cellular concrete known as "Siporex" originating in Laprairie or Delson.

Order 6319-RT of 23.02.66

Order of 13.04.67

Order of 22.01.69

Order of 17.12.70

O.C. 4380-73, (1973) 105 O.G.II, 6823

O.C. 691-74, (1974) 106 O.G.II, 729

O.C. 604-79, (1979) 111 G.O., 4431



c. T-12, r.6

Regulation respecting the requirements applicable to contracts and bills of lading and the minimum stipulations to be included in carrier contracts

Transport Act
(R.S.Q., c. T-12, s. 5)

**DIVISION I
SCOPE**

1. This Regulation shall apply to the transportation of goods made under a permit issued under the Motor Vehicle Transport Act (R.S.C., 1970, c. M-14) or under the Transport Act (R.S.Q., c. T-12), subject to the following exceptions :

- (a) transportation of used household goods ;
- (b) transportation of livestock ;
- (c) transportation of bus parcel express shipments ;
- (d) transportation of the personal luggage of bus passengers ;
- (e) transportation of a material defined as a bulk material in a transport regulation ;
- (f) cases prescribed in section 10 of this Regulation and in section 10 of the General Order on trucking (c. T-12, r.2) ;
- (g) transportation of automobiles or wooden pallets.

**DIVISION II
REQUIREMENTS APPLICABLE TO CONTRACTS AND BILLS OF LADING, THE PRESCRIBED FORMS AND THE DETERMINATION OF THE MINIMUM STIPULATIONS INCLUDED IN CONTRACTS AND BILLS OF LADING**

2. In the case of a carrier contract, a carrier or his agent must issue a bill of lading for the goods entrusted to him.

The bill of lading must meet the other requirements of this Regulation.

3. For the bill of lading, a form identical to that in Schedule A must be completed.

4. The bill of lading must be completed in such a way as to clearly indicate the agreement among the parties.

5. Each bill of lading must be identified by a numerical code.

6. The bill of lading must be signed by the carrier or his agent and by the consignor or his agent.

7. All the stipulations in this form are determined, as are the minimum stipulations to be included in carrier contracts and bills of lading.

8. A signed copy of the bill of lading shall be retained by the consignor and the originating carrier. Another signed copy of the bill of lading must accompany goods to their destination.

**DIVISION III
FINAL PROVISIONS**

9. When a contract has been concluded outside Québec and where that contract and the bills of lading issued meet the requirements of the laws and regulations of the place where it was concluded, the second paragraph of section 2 and sections 3 and 7 shall not apply.

10. A short form of bill of lading may be used by a shipper delivering or releasing goods to a permit holder who may accept the short form provided that :

- (a) the form is supplied and issued by the shipper ;
- (b) it is agreed upon by the shipper and the permit holder, on the front and the back of the short form of bill of lading, that the stipulations and conditions and limitations of the form in Schedule A apply to the contract authenticated by the short bill of lading.

(s. 3)

CONNAISSANCE NON NEGOCIABLE BILL OF LADING NOT NEGOTIABLE		No. de CONN. : B/L No.	
1 Expéditeur ou agent (nom & adresse/Consignor or agent (name & address))		2 No. de l'expédition / Consignor's account No.	
3 Consignataire (nom & adresse/Conesignee (name & address))		4 No. de l'expédition / Consignor's ref. no.	
5 Point de destination / Point of destination		6 No. de l'expédition / Carrier's ref. no.	
7 Point d'origine / Point of origin		8 Description des marchandises / Description of goods	
9 Poids et mesures / Weight and measures		10 Valeur déclarée / Declared valuation	
11 Marques et numéros / Marks and numbers		12 Description générale de l'expédition / General description of shipment	
13 Nombre total de colis / Total no. of packages		14 No. du véhicule / Vehicle no.	
15 Description des marchandises, marques et particularités / Particulars of goods, marks and exceptions		16 Poids brut et cubage / Gross weight & cubage	
17 Nombre et type de paquets / Number and type of packages		18 Description des marchandises, marques et particularités / Particulars of goods, marks and exceptions	
19 Poids / Weight		20 Taux / Rate	
21 Frais de transport / Freight charges		22 Frais de transport / Freight charges	
23 Entente spéciale entre l'expéditeur et le transporteur, y faire référence / Special agreement between consignor & carrier, advise here		24 Avis de réclamation / Notice of claim	
25 Avis de réclamation / Notice of claim		26 Avis de réclamation / Notice of claim	
27 Avis de réclamation / Notice of claim		28 Avis de réclamation / Notice of claim	
29 Avis de réclamation / Notice of claim		30 Avis de réclamation / Notice of claim	
31 Avis de réclamation / Notice of claim		32 Avis de réclamation / Notice of claim	
33 Avis de réclamation / Notice of claim		34 Avis de réclamation / Notice of claim	
35 Avis de réclamation / Notice of claim		36 Avis de réclamation / Notice of claim	
37 Avis de réclamation / Notice of claim		38 Avis de réclamation / Notice of claim	
39 Avis de réclamation / Notice of claim		40 Avis de réclamation / Notice of claim	
41 Avis de réclamation / Notice of claim		42 Avis de réclamation / Notice of claim	
43 Avis de réclamation / Notice of claim		44 Avis de réclamation / Notice of claim	
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69 Avis de réclamation / Notice of claim		70 Avis de réclamation / Notice of claim	
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85 Avis de réclamation / Notice of claim		86 Avis de réclamation / Notice of claim	
87 Avis de réclamation / Notice of claim		88 Avis de réclamation / Notice of claim	
89 Avis de réclamation / Notice of claim		90 Avis de réclamation / Notice of claim	
91 Avis de réclamation / Notice of claim		92 Avis de réclamation / Notice of claim	
93 Avis de réclamation / Notice of claim		94 Avis de réclamation / Notice of claim	
95 Avis de réclamation / Notice of claim		96 Avis de réclamation / Notice of claim	
97 Avis de réclamation / Notice of claim		98 Avis de réclamation / Notice of claim	
99 Avis de réclamation / Notice of claim		100 Avis de réclamation / Notice of claim	

I. APPLICATION

The following provisions shall apply to all transportation of goods by for-hire highway carriers licensed under the Motor Vehicle Transport Act (R.S.C., 1970, c. M-14) or under provincial statutes with the exception of the transportation of :

- (a) used household goods ;
- (b) livestock ;
- (c) bus parcel express shipments ;
- (d) the personal luggage of bus passengers ;
- (e) such other specific commodities as may be specified by provincial law.

II. BILL OF LADING

1. A bill of lading shall be completed as provided herein for each shipment.
2. On each article covered by the bill of lading, there shall be plainly marked thereon by the consignor the name of the consignor and the destination thereof. This requirement does not apply in cases where the shipment is from one consignor to one consignee and constitutes a truck-load shipment.
3. The bill of lading shall be signed in full (not initialled), by the consignor and by the carrier as an acceptance of all terms and conditions contained therein.
4. At the option of the carrier a waybill may be prepared by the carrier and the waybill shall bear the same number of other positive means of identification as the original bill of lading. Under no circumstances shall the waybill replace the original bill of lading.

III. CONDITIONS OF CARRIAGE

1. **Liability of carrier :** The carrier of the goods herein described is liable for any loss of or damage to goods accepted by him or his agent except as hereinafter provided.
2. **Liability of origination and delivering carriers :** Where a shipment is accepted for carriage by more than one carrier, the carrier issuing the bill of lading (hereinafter called the originating carrier) and the carrier who assumes responsibility for delivery to the consignee, (hereinafter called the delivering carrier), in addition to any other liability hereunder, are liable for any loss of or damage to the goods while they are in the custody of any other carrier to whom the goods are or have been delivered and from which liability the other carrier is not relieved.

3. **Recovery from connecting carrier :** The originating carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been delivered the amount of the loss or damage that the originating carrier or delivering carrier, as the case may be, may be required to pay hereunder resulting from loss of or damage to the goods while they were in the custody of such other carrier. When shipments are interlined between carriers, settlement of concealed damage claims shall be prorated on the basis of revenues received.

4. **Remedy by consignor or consignee :** Nothing in sections 2 or 3 deprives a consignor or a consignee of any rights he may have against any carrier.

5. **Exceptions from liability :** The carrier shall not be liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, a defect or inherent vice in the goods, the act or default of the consignor, owner or consignee, authority of law, quarantine or differences in weights of grain seed, or other commodities caused by natural shrinkage.

6. **Delay :** No carrier is bound to transport the goods by any particular vehicle or in time for any particular market or otherwise than with due dispatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.

7. **Routing by carrier :** In case of physical necessity where the carrier forwards the goods by a conveyance that is not a licensed for-hire vehicle the liability of the carrier is the same as though the entire carriage were by licensed for-hire vehicle.

8. **Stoppage in transit :** Where goods are stopped and held in transit at the request of the party entitled to so request, the goods are held at the risk of that party.

9. **Valuation :** Subject to section 10, the amount of any loss or damage for which the carrier is liable, whether or not the loss or damage results from negligence, shall be computed on the basis of :

(a) the value of the goods at the time of shipment including the freight and other charges if paid ; or

(b) where a value lower than that referred to in paragraph *a* has been represented in writing by the consignor or has been agreed upon, such lower value shall be the maximum liability.

10. Maximum Liability : The amount of any loss or damage computed in accordance with the provisions of paragraph *a* or *b* of section 9 must not exceed 4,41 \$ per kilogram, depending on the total mass of the load, unless the shipper has declared a higher value on the front of the bill of lading.

11. Consignor's risk : Where it is agreed that the goods are carried at the risk of the consignor of the goods, such agreement covers only such risks as are necessarily incidental to transportation and the agreement shall not relieve the carrier from liability for any loss or damage or delay which may result from any negligent act or omission of the carrier, his agents or employees and the burden of proving absence from negligence shall be on the carrier.

12. Notice of Claim

(1) No carrier is liable for loss, damage or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay is given in writing to the originating carrier or the delivering carrier within 60 days after the delivery of the goods, or, in the case of failure to make delivery, within 9 months from the date of shipment.

(2) The final statement of the claim must be filed within 9 months from the date of shipment together with a copy of the paid freight bill.

13. Articles of extraordinary value : No carrier is bound to carry any documents, specie or any articles of extraordinary value unless by a special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed hereof, the carrier shall not be liable for any loss or damage in excess of the maximum liability stipulated in section 10 above.

14. Freight charges

(1) If required by the carrier the freight and all other lawful charges accruing on the goods shall be paid before

delivery and if upon inspection it is ascertained that the goods shipped are not those described in the bill of lading the freight charges must be paid upon the goods actually shipped with any additional charges lawfully payable thereof.

(2) Should a consignor fail to indicate that a shipment is to move prepaid, or fail to indicate how the shipment is to move it will automatically move on a collect basis.

15. Dangerous goods : Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier as required by law, shall indemnify the carrier against all loss, damage or delay caused thereby, and such goods may be warehoused at the consignor's risk and expense.

16. Undelivered goods

(1) Where, through no fault of the carrier, the goods cannot be delivered, the carrier shall immediately give notice to the consignor and consignee that delivery has not been made, and shall request disposal instructions.

(2) Pending receipt of such disposal instructions :

(a) the goods may be stored in the warehouse of the carrier, subject to a reasonable charge for storage ; or

(b) provided that the carrier has notified the consignor of his intention, the goods may be removed to, and stored in a public or licensed warehouse at the expense of the consignor without liability on the part of the carrier and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.

17. Return of goods : Where notice has been given by the carrier pursuant to subsection 1 of section 16, and no disposal instructions have been received within 10 days from the date of such notice, the carrier may return to the consignor, at the consignor's expense all undelivered shipments for which such notice has been given.

18. Alterations : Subject to section 19, any limitation on the carrier's liability on the bill of lading, and any alteration, or addition or erasure in the bill of lading shall be signed or initialled by the consignor or his agent and the originating carrier or his agent and unless so acknowledged shall be without effect.

19. Weights : It shall be the responsibility of the consignor to show correct shipping weights of the shipment on the bill of lading. Where the actual weight of the shipment does not agree with the weight shown on the bill of lading, the weight shown thereon is subject to correction by the carrier.

20. C.O.D. shipments

(1) A carrier shall not deliver a C.O.D. shipment unless payment is received in full.

(2) The charge for collecting and remitting the amount of C.O.D. bills for C.O.D. shipments, must be collected from the consignee unless the consignor has otherwise so indicated and instructed on the bill of lading.

(3) A carrier shall remit all C.O.D. monies to the consignor or person designated by him within 15 days after collection.

(4) A carrier shall keep all C.O.D. monies separate from the other revenues and funds of his business in a separate trust fund or account.

(5) A carrier shall include as a separate item in his schedule of rates the charges for collecting and remitting money paid by consignees.

IV. OTHER SPECIFICATIONS

O.C. 986-79, (1979) 111 G.O., 5667
O.C. 2815-81, (1981) 113 G.O.II, 3246



c. T-12, r.7

Regulation respecting the interpretation of transport regulations

Transport Act
(R.S.Q., c. T-12)

PREAMBLE

Considering the Transport Act (R.S.Q., c. T-12), in particular sections 3, 5, 9 to 11, 16, 17, 30, 32, 38, 39, 51 to 53, 81, 84, 88 and 89, the Act respecting the Ministère des Transports (R.S.Q., c. M-28), in particular section 7, the Roads Act (R.S.Q., c. V-8), in particular sections 2, 5 to 8, 61, 62, 65, 69 and 102, the Autoroutes Act (R.S.Q., c. A-34), in particular sections 20, 23, 25, 26, 28, 33, 36 and 37, the Highway Code (R.S.Q., c. C-24), in particular sections 7, 18, 22, 23, 46, 55, 56, 96, 101 and 109, the Highway Victims Indemnity Act (R.S.Q., c. I-5), in particular sections 2 and 25, sections 195, 196, 431 and 440 of the Education Act (R.S.Q., c. I-14), section 9 of the Act respecting grants to school boards (R.S.Q., c. S-36), the Railway Act (R.S.Q., c. C-14), in particular sections 123, 141 and 188, section 6 of the General and Vocational Colleges Act (R.S.Q., c. C-29), section 12 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., c. P-30), section 239 of the Québec Urban Community Act (S.Q., 1969, c. 83 ; after consolidation : An Act respecting the Communauté urbaine de Québec, R.S.Q., c. C-37.3, s. 201), section 298 of the Montréal Urban Community Act (S.Q., 1969, c. 84 ; after consolidation : An Act respecting the Communauté urbaine de Montréal, R.S.Q., c. C-37.2, s. 269), section 235 of the Outaouais Regional Community Act (S.Q., 1969, c. 85 ; after consolidation : An Act respecting the Communauté régionale de l'Outaouais, R.S.Q., c. C-37.1, s.184), section 66 of the Charter of the City of Laval (S.Q., 1965, 1st session, c.89, S.Q., 1971, c. 99, S.Q., 1972, c. 77), section 38 of the Act to incorporate the Montréal South Shore Transmit Commission (S.Q., 1971, c. 98), section 429a of the Municipal Code and section 416 of the Cities and Towns Act (R.S.Q., c. C-19), the Government decrees as follows :

1. Definitions : The definitions contained in this Regulation apply to every regulation made by the Government under the powers conferred upon him by a provision stipulated in the preamble to this Regulation, where such regulation provides that they are a part thereof.

2. In any regulation, unless the context indicates otherwise, the following words and expressions mean :

- (1) "CSA" : the Canadian Standards Association ;
- (2) "conglomeration" : any urban conglomeration described in the schedule to any pertinent regulation ;
- (3) "outward trip" : the itinerary initially travelled or to be travelled on one occasion by a carrier from the point of origin to the final destination, with the requested or required waiting time included therein ;
- (4) "autoroute" : a public highway so designated by the Regulation respecting the application of the Autoroutes Act (c. A-34, r.1) ;
- (5) "baggage" : effects or objects carried by a passenger when travelling and which, by their nature, size or weight, may be conveniently handled by one person unaided and placed inside the vehicle ;
- (6) "Bureau de normalisation" : the Bureau de normalisation of the Ministère de l'Industrie, du Commerce et du Tourisme ;
- (7) "category" : a category contemplated in section 5 of the Transport Act (R.S.Q., c. T-12) or a category relating to the permits issued by the Régie ;
- (8) "public highway" : the space between the limits of the land occupied by a road open to public vehicular traffic, the maintenance of which is entrusted to a municipality, a government or a government body ;
- (9) "line" : the itinerary of a trip in which the final destination rejoins the point of origin ;
- (10) "class" : a subdivision of a category ;
- (11) "client" : a person who regularly makes use of the services of the same carrier ;
- (12) "ACNOR" : the *Association canadienne de normalisation* ;
- (13) "destination" : the place to which a carrier is required to transport a person or goods ;
- (14) "final destination" : the place in a trip where the performance of the hire of services terminates ;
- (15) "intermediate destination" : any destination located between the point of origin and the final destination ;

(16) “terminal destination” : the intermediate or final destination in a trip which is located at the part of the overall itinerary which is the farthest from the point of origin ;

(17) “operator” : a carrier who transports or who offers to transport a person or goods for a consideration ;

(18) “fleet” : 2 or more vehicles owned by the same carrier who uses them for like purposes and under like permits ;

(19) “itinerary” : one or more consecutive routes between 2 points which are :

(a) the point of origin and that of the terminal destination, whether or not the latter is the final destination ; or

(b) the point of the terminal destination and that of the final destination where the latter is not the terminal destination ;

(20) “connection” : the transportation of a person or goods from one point to another by scheduled carrier ;

(21) “express connection” : a connection wherein the itinerary between the point of origin and the point of final destination does not include any loading point other than the point of origin ;

(22) “loading point” : the point in a trip where a person boards or wishes to board a vehicle or where goods are loaded or scheduled to be loaded for carriage ;

(23) “unloading point” : the point in a trip where a person disembarks or wishes to disembark from a vehicle or where goods are discharged or are scheduled to be discharged from a vehicle ;

(24) “point of origin” : the point where a trip begins ;

(25) “Department” : the Ministère des Transports ;

(26) “snowmobile” : any vehicle so designated by the Regulation respecting snowmobiles (c. C-24, r.21) ;

(27) “night” : the period comprised between one-half hour after sunset and one-half hour before sunrise ;

(28) “route” : the route followed or to be followed to cover the distance between 2 points ;

(29) “passenger” : a physical person transported by a vehicle, but not including the driver or any other member of the crew ;

(30) “driving permit” : the official written authorization issued by the Régie permitting the holder thereof to drive a motor vehicle ;

(31) “place of business” : the place that a person declares to the Commission des transports du Québec on the form prescribed by the president, to be his place of business and at which he or his agent, assignee, attorney or representative carries on his business in whole or in part and to which his mail may be addressed and at which a notification may be served on him ;

(32) “Régie” : the Régie de l’assurance automobile du Québec constituted by the Act respecting the Régie de l’assurance automobile du Québec (R.S.Q., c. R-4) ;

(33) “region” : any territory situated outside of a conglomeration and described in the schedule to any pertinent regulation ;

(34) “regulation” : a regulation made by the Government pursuant to the provisions set forth in the preamble to this Regulation ;

(35) “applicant” : any person who submits an application to the Commission or to the Transport Tribunal ;

(36) “applicant for service” : a person who requests the services of a carrier for himself or for another ;

(37) “residence” : the place where a physical person normally lives ;

(38) “inward trip” : the itinerary travelled or to be travelled on one occasion by a carrier returning from the terminal destination to the point of origin, with the requested or required waiting time included therein ;

(39) “SAE” : the Society of Automotive Engineers Inc. ;

(40) “service” : the act of making a trip or the availability of a carrier and vehicle therefor with a view to performing such act when an application for service is made to the carrier ;

(41) “interline service” : a service provided by 2 or more carriers covering one or more itineraries interconnecting at one or more destinations ;

(42) “interurban service” : a service between a point of origin located within a conglomeration or region and a terminal destination located outside of such conglomeration or region ;

(43) “local service” : a service between points located within a conglomeration or region ;

(44) “regional service” : a local service within a region ;

(45) “regular service” : a regularly scheduled service from a fixed point of origin ;

(46) “tourist service” : a service intended or provided for a person for purposes of his visiting or becoming acquainted with a conglomeration or region, particularly its historic sites ;

(47) “urban service” : a local service within a conglomeration ;

(48) “solicitation” : the act of offering a service explicitly or implicitly ;

(49) “base of operations” : the principal place where the services of a carrier may be requested ;

(50) “public transport” : the transport contemplated in the Regulation respecting public transport (c. T-12, r.21) ;

(51) “motor vehicle” or “automobile” : any vehicle or automobile so designated under section 1 of the Highway Code (R.S.Q., c. C-24) and any other means of transport designated as such in a regulation ;

(52) “taxicab” : the vehicle so designated by the Regulation respecting transport by taxicab (c. T-12, r.22) ;

(53) “trip” : the act of transporting goods, or a person and his baggage, if any, by vehicle and for a consideration, either outward bound or inward bound from a place where the hire or service begins to another place where the hire of service ends ; this act includes the requested or required waiting-time ;

(54) “computer time” : the time of use of a computer and its peripheral units ;

(55) “General Order on trucking” : General Order on trucking (c. T-12, r.2) and its amendments ;

(56) “Regulation respecting the leasing of motor vehicles” : Regulation respecting the leasing of motor vehicles (c. T-12, r.10) and its amendments ;

(57) “General Order respecting the transport of passengers and goods by water” : General Order respecting the transport of passengers and goods by water (c. T-12, r.17) and its amendments ;

(58) “General Order respecting special or chartered trips” : General Order respecting special or chartered trips (c. T-12, r.25) and its amendments.

3. This Regulation is enacted pursuant to the provisions of the preamble, which forms part thereof.

4. Notwithstanding the ordinances issued and decisions taken by the Transportation Board under the Trans-

portation Board Act (R.S.Q., 1964, c. 228), the words and expressions defined in section 2 of this Regulation apply to the conditions governing the issuance and refusal of permits within the jurisdiction of the Commission des transports du Québec.

O.C. 2876-72, (1972) 104 O.G., 9408
 O.C. 1489-73, (1973) 105 O.G.II, 2263
 O.C. 2037-73, (1973) 105 O.G.II, 2669
 O.C. 474-74, (1974) 106 O.G.II, 565
 O.C. 2050-75, (1975) 107 O.G.II, 2295



c. T-12, r.8

General Order respecting the minimum amount of insurance to be carried by permit holders authorized to transport passengers

Transport Act
(R.S.Q., c. T-12)

1. The Commission des transports du Québec requires, as an essential condition for the issue and maintenance in force of permits for the transportation of passengers by autobus, taxi, limousines or snowmobiles, that the permit holder be insured against legal liability for property damage affecting third parties, including passengers accordingly with sections 2 and 3.

2. Legal liability towards third parties, including passengers : This responsibility is applicable to all injuries to property.

In order to cover all damages in anyone accident, the Commission requires a minimum protection for each vehicle, in the following minimum amounts :

- (a) 50 000 \$ if the vehicle's capacity is 7 seats or less ;
- (b) 75 000 \$ if the vehicle's capacity is 8 to 12 seats ;
- (c) 100 000 \$ if the vehicle's capacity is 13 to 21 seats ;
- (d) 125 000 \$ if the vehicle's capacity is 22 to 29 seats ;
- (e) 175 000 \$ if the vehicle's capacity is 30 to 39 seats ;
- (f) 225 000 \$ if the vehicle's capacity is 40 to 49 seats ;
- (g) 300 000 \$ if the vehicle's capacity is 50 seats or more.

3. Filing of policy or certificate of insurance :

(1) Every holder of a permit, for the transportation of passengers by autobus, taxi, limousine or snowmobile, shall have the further obligation to file with the Commission a certificate of insurance or a policy, in conformity with the requirements of section 2, covering all vehicles which he owns, in whole or in part, as well as vehicles leased or which are under his control.

(2) Said policy shall cover the responsibility of the permit holder for all operations, whether regular, temporary,

special or by charter, within the territorial limits of Canada and the United States of America.

(3) The permit holder shall, in addition, file with the Commission a written undertaking by his insurer, to notify the Commission, at least 10 days prior to the date set for the suspension or cancellation of any insurance contract affecting a permit holder as to legal liability for bodily injury or loss of life and property damage of third parties, including passengers.



c. T-12, r.9

Regulation respecting the leasing of trucks, tractors, trailers or semi-trailers

Transport Act
(R.S.Q., c. T-12, s. 5)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates a different meaning, the following words and expressions mean :

(a) “truck” : a road vehicle, driven by a motor, that can be fitted with a loading device or on which equipment may be fitted ;

(b) “equipment” : machinery which is permanently fitted on a vehicle, utilized for loading or unloading, or machinery or furnishings which are permanently fitted on the vehicle ;

(c) “short-term lease” : a lease for a period of less than one year ;

(d) “long-term lease” : a lease for a period of one year or longer ;

(e) “permit” : a permit issued by the Commission des transports du Québec under this Regulation or governed thereby under section 14 or 15 ;

(f) “trailer” : a vehicle not driven by a motor, that can be fitted with a loading device or on which equipment may be fitted and which supports such load or such equipment independently of the tractor ;

(g) “semi-trailer” : a vehicle not driven by a motor, that can be fitted with a loading device or on which equipment may be fitted and which supports such load or such equipment with the aid of the tractor ;

(h) “tractor” : a road vehicle, driven by a motor and fitted with a device for hauling a trailer, semi-trailer, float, house, office or factory on wheels ;

(i) “vehicle” : a truck, tractor, trailer or semi-trailer, as the case may be.

DIVISION II PERMITS

2. (1) A permit is necessary to provide a vehicle leasing service ; the said permit is the permit issued under this Regulation or the permit governed by it.

(2) This section does not apply to a long-term lease service if such service is provided by a chartered bank, a savings and credit union or a federation of such unions governed by the Savings and Credit Unions Act (R.S.Q., c. C-4), or by a corporation whose activities are limited to the financing of vehicles or other goods.

(3) To provide a short-term leasing service for trailers or semi-trailers, no permit is necessary.

3. The lessor of vehicles is not authorized to provide a transportation service by means of the vehicles leased under the permit issued to him under this Regulation or governed by it.

4. The following constitutes a transportation service within the meaning of section 3 :

(a) the fact of driving his vehicle or having it driven by his employee ;

(b) providing or undertaking to provide, directly or indirectly, a driver for a leased vehicle ;

(c) paying, or undertaking to pay, or directly or indirectly controlling the functions of the driver of the leased vehicle, except in respect of the competence of the driver ;

(d) exercising any control over the vehicle during the period of lease except for purposes of maintenance or repair ;

(e) exercising any control over the driving or transport operations of the vehicle during the period of lease ; or

(f) assuming, in any manner whatsoever, contractual responsibility with respect of the merchandise transported.

5. The lessor must not commit the same vehicle to more than one contract of lease at a time.

6. (1) A person may obtain a leasing permit where he :

(a) proves to the Commission the advantage to the public of the leasing service for which the permit is requested ;

(b) shows that he will be able to place vehicles at the disposal of lessees and that such vehicles will be available within the territorial limits of Québec if the permit is issued ;

(c) has a place of business in Québec that, when the permit is issued, will conform with the requirements and conditions set forth in Division III.

(2) The conditions for obtaining the permit set forth in subsection 1 apply to the holding of the leasing permit.

7. (1) Every permit issued under this Regulation or governed by this Regulation shall relate :

(a) either to a short-term lease service, a long-term lease service, a short-term lease service and a long-term lease service ; and

(b) to the leasing of trucks, tractors, trailers, semi-trailers or to one or several of these classes of vehicle.

(2) The leasing permit shall relate to only one place of business.

DIVISION III PLACE OF BUSINESS

8. The requirements and other conditions with which a permit holder's place of business must conform are as follows :

(a) it must be installed in a building ;

(b) it must be a place where the lessor and his employees conclude contracts of lease ;

(c) it must be the place declared by the applicant or holder, as the case may be, to the Commission on the form prescribed by the president to be his place of business and where he or his agent, mandatary, proxy or representative transacts all or part of his business and where mail may be addressed to him and where service may be made upon him.

DIVISION IV CONTRACTS

9. (1) The requirements applicable to a contract of lease are as follows :

(a) the text must be in at least 10 point type ;

(b) the contract must be made in triplicate.

(2) The holder of a leasing permit must, within 10 days of the signing of a long-term contract, send a copy of the contract to the Commission.

(3) The holder of a leasing permit must keep a copy of every short-term lease contract for at least 2 years.

10. The following are the minimum stipulations to be included in a contract of lease :

(a) the date and place of the contract ;

(b) the name, place of business and permit number of the lessor ;

(c) the name, address and principal occupation of the lessee and his permit number, if he has one ;

(d) the identification of the leased vehicle which shall include the type of vehicle, manufacturer's name, its model year, its serial number and its registration number in Québec, or elsewhere if there is one ;

(e) the period of lease with the dates of commencement and termination ;

(f) the lease price ;

(g) the name of the party that will assume the costs related to the use of the vehicle, such as maintenance, repair and insurance ;

(h) mention of the purposes for which the leased vehicle will be used ;

(i) the obligation of the lessee to drive the leased vehicle himself or have it driven only by his employee ;

(j) a clause clearly establishing that the contract cannot be renewed even by tacit relocation.

11. Every vehicle that is leased must bear, on its front doors or in a visible place, in characters at least 50 millimetres high, the name of the lessor and his permit number. In the case of a long-term lease, the name of the lessee and his permit number, if there is one, must also be inscribed.

12. The custody of a leased vehicle must be transmitted to the lessee exclusively or to his employee, and the person who assumes custody must be in possession of a copy of the contract of lease for that vehicle.

13. On or before 31 March of each year, without notice or request to that end, every permit holder must draw up,

attest and send to the Commission, on the form prescribed therefor by the president, an operating and business report for his fiscal year ending between 1 January and 31 December of the preceding year.

DIVISION V

TRANSITIONAL PROVISION

14. Any authorization given pursuant to section 13aa of General Order 4995 on trucking becomes a permit governed by this Regulation ; the same applies to any permit issued pursuant to section 2.59.2 of Regulation 2 (1976) respecting the rules of practice and rules for the internal management of the Commission des transports du Québec. The conditions attached to those permits still apply despite the abrogation of section 13aa and section 2.59.2.

O.C. 4476-77, (1978) 110 G.O., 1185
O.C. 980-80, (1980) 112 G.O.II, 1649, 1653
O.C. 3034-80, (1980) 112 G.O.II, 4193



c. T-12, r.10

Regulation respecting the leasing of motor vehicles

Transport Act
(R.S.Q., c. T-12)

1. Every owner of a public service for the leasing of motor vehicles, driven by the persons leasing such vehicles or their appointees and doing business in Québec, must obtain a permit from the Commission des transports du Québec and comply with the following requirements.

This Regulation does not apply to the leasing of the vehicles contemplated in the Regulation respecting the leasing of trucks, tractors, trailers or semi-trailers (c. T-12, r.9).

2. The owner or the lessor shall :

(a) lease only motor vehicles which are in good operating condition and for which permit certificates have been issued by the Commission ;

(b) during business hours have on duty constantly, a responsible employee for the purpose of leasing such vehicles ;

(c) lease motor vehicles only to persons complying with the requirements of section 3 ;

(d) sign, either in person or through his employee, a contract in duplicate containing the clauses hereafter mentioned ;

(e) make use of contract forms numbered consecutively, of which he shall keep the original and hand the duplicate to lessee. Conserve the unused forms and indicate thereon for what reason they were not used ;

(f) allow any person authorized by the Commission, or any agent of the Sûreté du Québec, to examine originals of contracts and supply all information required by the Commission or the Sûreté du Québec ;

(g) not lease a motor vehicle to any permit holder authorized to transport either passengers or merchandise for pecuniary consideration, unless such permit holder has been expressly authorized by the Commission to take for hiring motor vehicles and utilize them in the operation of his permit ;

(h) not to furnish or supply, directly or indirectly a chauffeur with or for the leased vehicles ;

(i) in the case of long term leasing, deposit with the Commission all leasing contracts prior to the issue by the Commission of registration certificates covering the vehicles thus leased ;

(j) in the case of long term leasing (one year or more), notify the Commission of any cancellation or annulment of a leasing contract, whenever such contract is cancelled or annulled prior to the expiry date specified therein.

3. The lessee, before taking charge of any motor vehicle, must :

(a) establish that he is of age or show a written authorization from his father or tutor, as the case may be ;

(b) establish his identity, capacity and character in such a way as to satisfy any reasonable and prudent person.

Such proof may consist of a written declaration under oath, or a solemn declaration, or one signed before a witness, in which the lessee sets out his name, address and occupation, the name of his employer and his address, states that he or his chauffeur is really the person designated in the driver's or chauffeur's certificate which he has exhibited, and that he is sufficiently familiar with the laws and rules of the road and the working of the motor vehicle to be able to drive it with safety to the public ;

(c) be the bearer of a driver's or chauffeur's license for the province, state, country where he resides, unless the leased motor vehicle is to be driven by another person than the lessee ; in such event, such other person must satisfy all requirements contained in this section ;

(d) carry on his person his permit as a chauffeur or driver, the registration certificate of the vehicle leased and also the certificate of the Commission for such vehicle ;

(e) sign in duplicate a contract containing the clauses and conditions hereafter set forth ;

(f) undertake not to sub-lease the leased motor vehicle. Undertake also not to utilize or permit the utilisation of a leased motor vehicle, either for the transportation of passengers or merchandise for a pecuniary consideration, unless such permit holder is specifically authorized by the Commission to use long term leased vehicles to give his service.

4. The contract to be signed by the lessee and the lessor (owner) each time that a motor vehicle is leased, shall be executed in duplicate on a form approved by the Commission and shall contain the following information :

- (a) the number and date of the contract ;
- (b) the name, age, address and occupation of the lessee ;
- (c) the number, the year and the origin of the operator's or chauffeur's license issued to the driver of the leased motor vehicle ;
- (d) the trade mark, model and number of the license plate of the leased vehicle ;
- (e) the hour of departure ;
- (f) the registered mileage of the leased vehicle at the time of departure ;
- (g) the signature of the lessee and in the case of a minor, the name and address of his father or of his tutor who has authorized the lessee to lease him the vehicle ;
- (h) the general condition of the vehicle at the time of departure ;
- (i) the rate charged for the leasing of the vehicle, which must be in accordance with the tariff of rates filed with the Commission ;
- (j) an undertaking by the lessee not to sub-lease the leased vehicles. An undertaking by the lessee not to use or allow the use of a leased motor vehicle either for the transportation of passengers or merchandise for a pecuniary consideration, unless such permit holder is specifically authorized by the Commission to use long term leased vehicles to give his service ;
- (k) when the leasing is made to a trucking permit holder, in compliance with the General Order on trucking, the contract shall include on the part of the lessee, an undertaking not to lease or make use of a greater number of leased vehicles than the number authorized by the General Order on trucking (c. T-12, r.2). The said lessee must declare, in the terms of the contract, the total number of powered and non-powered units he has registered with the Commission, as well as the number of powered and non-powered units that he had already under leasehold at the time the contract was signed by all parties, and the name of other lessor or lessors.

5. After the return of the vehicle, the lessor (owner) thereof shall enter upon the original of the contract :

- (a) the time of its return ;

- (b) the number of miles registered by the leased vehicle at the time of its return ;

- (c) the general condition of the vehicle at the time of its return.

6. A change in the address of the office of location requires a modification of permit which must be applied for in writing to the Commission, before said change can be effected.

7. The maximum number of leasing permits that may be issued is fixed at the number of leasing permits issued by the Commission up to 2 November 1977, as well as all permits issued by the Commission as a result of applications made to the Commission before this date.

In this section, the expression "leasing permit" means a permit authorizing its holder to lease, as lessor, for a period of less than one year, trucks, tractors, trailers or semi-trailers within the meaning of the Highway Code (R.S.Q., c. C-24). This expression includes a clause to the same effect in a permit to which this Regulation applies.

8. All permit holders authorized to lease delivery cars, on a long term basis (1 year or longer), must impress or paint, on both sides of leased vehicles, in a clearly visible manner, in letters and figures of at least 2 inches high, their name and permit number (the address is optional) as well as the name and the address of the lessee of the leased vehicles, when such vehicles are leased to holders of trucking permits authorized to utilize leased vehicles.

The failure of a permit holder to comply with this Regulation may entail the cancellation of its permit.

Order 4569 of 09.07.51

Order of 24.07.63

Order of 14.01.66

Order of 26.05.66

Order of 11.11.68

O.C. 3407-77, (1977) 109 O.G.II, 5715



c. T-12, r.11

Regulation respecting standards for tariffs, rates or costs

Transport Act
(R.S.Q., c. T-12, s. 5)

1. Standards for tariffs, rates or costs shall be those in effect under the Transport Board, at the time of revocation of the Transportation Board Act and in accordance with the general and special orders made by such Board.

2. The Commission shall fix rates and tariffs, other than those of transport of waste in accordance with the Regulation respecting transport of waste (c. T-12, r. 16) within the scope of the standards referred to in section 1, either by ratification thereof, or by modification in accordance with the cost-of-living index and the economic conditions prevailing in each region of Québec.

3. Where none of the standards contemplated in section 1 can be applied, the Commission shall fix rates and tariffs on the basis of the said standards, and by applying the latter to new requirements.

4. Unless the context indicates a different meaning, the words and expressions defined in the Regulation respecting the interpretation of transport regulations (c. T-12, r. 7) shall be an integral part of this Regulation and shall have the meaning indicated in that Regulation each time they are used in this Regulation.

5. (1) For permits of the same class and service and for the same goods carried, road-rail piggyback rates and tariffs must be uniform and applicable to all carriers who provide such services unless the existence of a particular state or situation affecting one or several carriers and resulting from the disparities in the service given or due to different regional economic conditions is proven before the Commission.

(2) In this section the expressions “road-rail piggyback rates and tariffs” means rates and tariffs applicable to a road transport service contemplated in subsection 4 of section 16 of the General Order on trucking (c. T-12, r.2) and the word “permit” means a permit within the meaning of the General Order on trucking.

O.C. 1025-73, (1973) 105 O.G.II, 1141
O.C. 2689-75, (1975) 107 O.G.II, 3761
O.C. 3367-76, (1976) 108 O.G.II 6061
O.C. 3708-78, (1979) 111 G.O., 2919



c. T-12, r.12

Regulation respecting certain rate and tariff standards for transport by ferry

Transport Act
(R.S.Q., c. T-12, s. 5)

DIVISION I GENERAL PROVISIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “identity card” : a document in accordance with Schedule 1 and issued by the Ministère des Transports or by a carrier operating a ferry service ;

(b) “ferry” : a boat capable of transporting persons, goods or motor vehicles and plying at scheduled intervals between 2 points in Québec that are separated by a stretch of water ;

(c) “sticker” : a document in accordance with Schedule 2 and issued by the Department or by a carrier operating a ferry service.

2. This Regulation is a transport regulation and, unless the context indicates otherwise, the expressions and words defined in section 1 of the Transport Act (R.S.Q., c. T-12) and in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7), have the meaning indicated in the said Act or Regulation each time they are used in this Regulation.

DIVISION II STANDARDS GOVERNING RATES AND TARIFFS

3. Subject to sections 7 and 9, no tariff shall be charged for the transportation, one way or return trip, of persons, their motor vehicles or their luggage, by means of a ferry plying between :

(a) Île-aux-Coudres and the North Shore of the St. Lawrence River, if such persons reside within the territory of Île-aux-Coudres ; or

(b) Île-aux-Grues and the South Shore of the St. Lawrence River, if such persons reside within the territory of Île-aux-Grues.

4. Subject to section 7, no tariff shall be charged for the transportation, one way or return trip, of persons and their luggage, by means of a ferry lying between Île d'Entrée and any other point situated in Îles-de-la-Madeleine, if such persons reside within the territory of Île d'Entrée.

5. Subject to section 7, no tariff shall be charged for the transportation, one way or return trip, of persons and their luggage, by means of a ferry plying between Québec and Lévis or between Sorel and Saint-Ignace, if such persons are Québec residents.

6. No tariff shall be charged for the transportation, one way or return trip, of a bicycle used by a person referred to in section 3, 4 or 5.

DIVISION III CONDITIONS FOR OBTAINING FREE PASSAGE

7. In order to obtain free passage, every person contemplated in sections 3 to 5, except children under 12 years of age, shall submit a valid identity card issued by the Department or by the carrier operating such service.

8. An identity card is issued upon request, in the name of the applicant who shall affix his signature thereon, in accordance with the compulsory information contained in his application and upon payment of 1 \$.

9. In order to obtain free transport of his motor vehicle, every person contemplated in section 3 must affix a valid sticker to such vehicle, issued by the Department or by the carrier operating such service, and placed such that it is clearly visible and does not obstruct the driver's vision.

10. A sticker in respect of the motor vehicle owned by the applicant is issued upon the latter's request in accordance with the compulsory information contained in his application for an identity card.

11. Every transfer of ownership of a motor vehicle in respect of which a sticker was issued cancels such sticker and the owner who has made such transfer must immediately notify the Department or carrier that issued the sticker before the expiry of 15 days following such transfer.

12. No person shall lend his identity card to another person, nor hold or use or permit an identity card to be held or used other than in compliance with this Regulation.

13. No person shall affix a sticker or permit that it be affixed to a motor vehicle other than the vehicle for which it was issued, or hold or use or permit that a sticker be held or used other than in compliance with this Regulation or that has been cancelled in accordance with section 11.

SCHEDULE 1

(ss. 1 and 7)

The following identity cards are designated for the purposes of section 7 :

1. QUÉBEC-LÉVIS FERRY

V19(1)

TRAVERSE MARITIME — FERRY QUÉBEC — LÉVIS	
NOM — NAME	
ADRESSE — ADDRESS	
<div style="text-align: right; margin-right: 20px;">DATE DE NAIS / /</div> <div style="text-align: right; margin-right: 20px;">DATE OF BIRTH / /</div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">SEXE SEX</div> <div style="display: flex; align-items: center;"> M <input type="checkbox"/> F <input type="checkbox"/> </div> </div>	<div style="text-align: center; border: 1px solid black; padding: 2px;">01-000000</div>
X _____ SIGNATURE	
<div style="margin-left: 10px;"> Québec Ministère des Transports Service maritime </div>	

2. SOREL — SAINT-IGNACE FERRY

V19(1)

TRAVERSE MARITIME — FERRY SOREL — SAINT-IGNACE	
NOM — NAME	
ADRESSE — ADDRESS	
<div style="text-align: right; margin-right: 20px;">DATE DE NAIS / /</div> <div style="text-align: right; margin-right: 20px;">DATE OF BIRTH / /</div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">SEXE SEX</div> <div style="display: flex; align-items: center;"> M <input type="checkbox"/> F <input type="checkbox"/> </div> </div>	<div style="text-align: center; border: 1px solid black; padding: 2px;">02-000000</div>
X _____ SIGNATURE	
<div style="margin-left: 10px;"> Québec Ministère des Transports Service maritime </div>	

3. ÎLE-AUX-COUDRES FERRY

V19(3)

TRAVERSE MARITIME — FERRY ÎLE-AUX-COUDRES	
NOM — NAME	
ADRESSE — ADDRESS	
<div style="text-align: right; margin-right: 20px;">DATE DE NAIS / /</div> <div style="text-align: right; margin-right: 20px;">DATE OF BIRTH / /</div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="margin-right: 10px;">SEXE SEX</div> <div style="display: flex; align-items: center;"> M <input type="checkbox"/> F <input type="checkbox"/> </div> </div>	<div style="text-align: center; border: 1px solid black; padding: 2px;">03-000000</div>
X _____ SIGNATURE	
<div style="margin-left: 10px;"> Québec Ministère des Transports Service maritime </div>	

4. ÎLE-AUX-GRUES FERRY

V19(1)

**TRAVERSE MARITIME — FERRY
ÎLE-AUX-GRUES**

NOM — NAME

ADRESSE — ADDRESS

DATE DE NAIS

DATE OF BIRTH

SEXE
SEX M ☐ F ☐

X

SIGNATURE

04-000000

Québec
Ministère des Transports
Service maritime

5. ÎLE D'ENTRÉE FERRY

V19(1)

**TRAVERSE MARITIME — FERRY
ÎLE D'ENTRÉE**

NOM — NAME

ADRESSE — ADDRESS

DATE DE NAIS

DATE OF BIRTH

SEXE
SEX M ☐ F ☐

X

SIGNATURE

05-000000

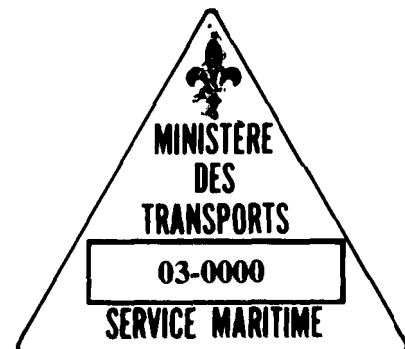
Québec
Ministère des Transports
Service maritime**SCHEDULE 2**

(ss. 1 and 9)

The following stickers cards are designated for the purposes of section 9 :

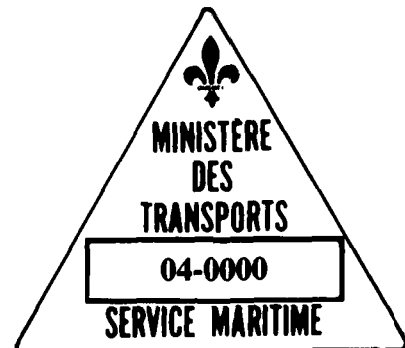
1. ÎLE-AUX-COUDRES FERRY

Code :
03-001 to 700



2. ÎLE-AUX-GRUES FERRY

Code :
04-001 to 300



O.C. 2791-73, (1973) 105 O.G.II, 4677
O.C. 2714-80, (1980) 112 G.O.II, 4071



c. T-12, r.13

**Décret sur la politique d'aide
gouvernementale au transport en commun**

Transport Act
(R.S.Q., c. T-12, ss. 3 and 4)

See French Edition



c. T-12, r.14

Rules of practice and rules for the internal management of the Commission des transports du Québec

Transport Act
(R.S.Q., c. T-12, s. 5)

CHAPTER I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “administrator” : the officer so appointed in accordance with section 19 of the Transport Act (R.S.Q., c. T-12), or any person authorized by the president or the administrator to ensure, under his supervision, the enforcement of a pertinent provision of this Regulation ;

(b) “office” : the corporate seat of the Commission, its office within the territory of the Communauté urbaine de Montréal or any other place determined as such in accordance with the Act ;

(c) “application” : any application contemplated in this Regulation ;

(d) “applicant” : every person who submits an application to the Commission ;

(e) “objection” : every proceeding whereby a permit holder objects to an application basing himself on his permit ;

(f) “objecting party” : every person who makes an objection ;

(g) “intervention” : every proceeding whereby a person intervenes in a matter without basing himself on the permit he holds or without being a permit holder ;

(h) “intervenant” : every person who makes an intervention ;

(i) “Montréal office” : the office of the Commission situated within the territory of the Communauté urbaine de Montréal ;

(j) “Commission” : the Commission des transports du Québec.

2. This Regulation is a transport regulation and, unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act and its amend-

ments and in Regulation respecting the interpretation of transport regulations (c. T-12, r.7), and its amendments, are part of this Regulation and have the meaning indicated in the said Act or Regulation each time they are used in this Regulation.

CHAPTER II MATTERS BROUGHT BEFORE THE COMMISSION

3. (1) Every person who wishes to bring a matter before the Commission must do so by means of a written application submitted to the office of the Commission ; where the applicant is a physical person, the application must contain his social insurance number.

(2) Every application of which the Commission is seized and, in a non-restrictive manner, an application for a permit, for a change of permit, for an authorization, for the interpretation of a decision or verification of a permit or for a correction of the decision introduces a suit.

4. Every application introducing a matter must be submitted :

(a) to the Montréal office, for any matter relating to a transport service provided or to be provided mainly in one or several of the following judicial districts : Beauharnois, Bedford, Hull, Iberville, Joliette, Labelle, Montréal, Pontiac, Richelieu, Saint-François, Saint-Hyacinthe, Témiscamingue and Terrebonne and in the territory described in the schedule to the James Bay Region Development Act (R.S.Q., c. D-8) ;

(b) to the corporate seat of the Commission, for any other matter.

5. Every person who wishes to submit an objection or intervention in a matter before the Commission must do so in writing within the time limits prescribed in this Regulation, where applicable.

However, the Minister of Transport may, at all times, *ex officio* and without notice, intervene in any matter before the Commission, participate in it as if he were a party thereto and examine any witness to be heard.

6. (1) If the means of exercising a right has not been provided in this Regulation, it may be compensated for by any proceeding not inconsistent with these Rules of practice or with any other provision of the Act or this Regulation.

(2) No time limit prescribed by this Regulation may be shortened and no person may renounce thereto ; however, the time limits contemplated in sections 25, 74 and 83 may be shortened with the written consent of all the parties concerned who may also renounce thereto in the same manner.

7. Every proceeding must be submitted at the office where the matter was introduced, or transferred if the president deems it expedient.

8. Every proceeding before the Commission must be accompanied by the documents and securities prescribed in this Regulation or in any other transport regulation.

9. A person whose application has been refused may not submit a new application before the expiry of 6 months following such refusal unless, in the meantime, new facts are produced which, had they existed at the time of the application, could have changed the Commission's decision.

10. Upon receipt of an application introducing a matter, the administrator shall open a record. This record must be numbered and contain the application as well as any other proceeding and exhibit relating to such matter. Each record must in addition contain a numerical list determined according to the chronological order in which the proceedings and exhibits filed therein were submitted.

11. The administrator must open and keep up-to-date, in each office, a general index of all records opened therein.

12. The public may consult the records contemplated in section 10 and the indexes of the Commission at the hours and on the days when its offices are open, except for the confidential section of the annual reports on operations to be completed by permit holders on the forms provided by the president in accordance with section 25 of the Transport Act.

However, this confidential section forms part of the documents of the Commission and must be sent by the Commission to the Minister upon the latter's request in accordance with section 22 of the said Act.

If the applicant submits as evidence the confidential section of one or more reports at a sitting, before a public hearing or in practice, its confidentiality is automatically lifted and the Commission must make mention thereof.

13. (1) The financial statements filed with the Minister and the Commission by a carrier engaged in the transport of pupils on an "exclusive transport" basis shall be confidential.

(2) If the financial statements contemplated in subsection 1 are filed as exhibits before the Commission at a public hearing, sitting or hearing in practice, their confidentiality shall be lifted, a fact the Commission must indicate on the documents.

14. The administrator must publish in the *Gazette officielle du Québec* a notice of the nature of every application by which a matter is brought before the Commission. This notice must indicate the deadline, following publication, for submitting any objection or intervention in the matter. This deadline must be 21 clear days.

This section shall not apply to the case contemplated in section 35 of the Transport Act.

15. (1) To be admissible, every objection must :

(a) be presented within the time limit prescribed in section 14 ;

(b) specify in detail the reasons or grounds therefor and refer to the clause in the permit on which the objection is based ;

(c) be accompanied by a certified copy attesting to the service made in accordance with section 20 ; and

(d) refer to the volume number of the *Gazette officielle du Québec* in which the application was published and the number of the said application.

(2) To be admissible, every intervention must :

(a) be presented within the time limit prescribed in section 14 ;

(b) specify in detail the reasons therefor ;

(c) be accompanied by a certified copy attesting to the service made in accordance with section 20 ; and

(d) refer to the volume number of the *Gazette officielle du Québec* in which the application was published and the number of the said application.

16. (1) When it appears that an application, objection, intervention or any other similar proceeding has been submitted in an irregular manner or outside the prescribed time limit, every interested party or the administrator may submit the matter to the practice division.

(2) When a party or the administrator submits a matter contemplated in subsection 1 to the practice division, he must notify, by registered or certified mail or by bailiff,

all the parties to the record of the date, hour and place of presentation, which must be at least 5 days after the notice is sent.

(3) When the practice division is seized of a matter contemplated in subsection 1, it may grant an extension to rectify the irregularity, accept or refuse the proceeding or render any appropriate decision ; a certified copy of the decision is sent to all the parties to the record.

CHAPTER III HEARINGS

17. When there is no objection or intervention, the Commission must :

(a) unless it is urgent to decide on the application, consider the administrator's report on the content of the record ; and

(b) before refusing the application, give the applicant the opportunity to be heard, in which case the proceeding referred to in section 25 shall apply *mutatis mutandis*.

18. The Commission may grant or refuse the application or it may, if it considers it expedient, render its decision only after a public hearing.

19. In all cases the Commission shall, at the request of the Minister, hold a public hearing.

20. No objection or intervention may be validly received unless a certified copy has been served on the applicant or his attorney.

21. When there is an objection or intervention, the Commission may render a decision only after having called the parties to a public hearing and allowed them to be heard.

22. The Commission shall sit on the dates and at the places determined by the president who shall decide, if he deems it appropriate, that a matter will be heard by a number of members in excess of the minimum number prescribed by the Act.

23. The president may replace a member who was part of the quorum to sit in a matter by another in the case of termination of employment, retirement, sickness, incapacity or death occurring before the decision terminating the matter is rendered.

24. The powers of the president contemplated in sections 22 and 23 may be exercised by the judge(s) designated by him in writing for such purpose.

25. The administrator shall, by registered or certified mail, give notice of the holding of any public hearing to the applicant and to any objecting party or intervenant, as well as to their attorneys, if they have one, stating the place, date and time of such public hearing. This notice must be mailed to them at least 15 days prior to the date fixed for the holding of the public hearing.

The administrator must also file in the record the card attesting to the receipt of such notice at the addressee's postal address.

However, in the case of total or partial interruption of postal services, the administrator may serve the notice contemplated in the first paragraph by bailiff.

26. Where the Commission must render a decision other than in a matter submitted to it by an applicant, it must give notice of its intention in the *Gazette officielle du Québec*, indicating the time period during which every interested person must make known his intention to be heard ; such time limit must be at least 10 clear days effective from the date of publication of such notice.

If the Commission receives an objection or intervention or application within the said time period, it must hold a public hearing before rendering its decision.

This section does not apply in the case contemplated in section 35 of the Transport Act ; it applies, however, to the third paragraph of section 22 of the said Act.

27. Where the Commission on its own initiative takes up a matter or is seized of a matter for the purpose of revising or revoking, for cause, within the framework of section 22 of the Transport Act, a decision granting a permit or authorizing its issuance, the administrator shall send the holder of such permit, by registered or certified mail, a copy of the notice published in the *Gazette officielle du Québec*.

28. Where the Commission, in its own right or at the request of the Minister of Transport or any interested person, exercises the power provided in subsection 1 of section 40 of the Transport Act, it must, in addition to causing the summons contemplated in subsection 3 of the said section to be served, cause to be published in the *Gazette officielle du Québec* a notice describing the summons, mentioning in particular the time when and the place where the carrier is ordered to appear and stating the time limit, of not less than 10 days, before the expiry of which every interested person must make known his intention to be heard.

Such intention must be made known by means of a written objection or intervention, indicating the conclusions sought and the detailed reasons supporting them ; how-

ever, the carrier to whom the summons is sent may, when he appears, be heard without being obliged to produce a written objection or intervention.

Where the Commission acts at the request of the Minister of Transport or of an interested person, it shall cause to be served on the carrier, at the same time as the summons, a copy certified by the administrator of the request produced by the Minister or that person.

The Commission shall proceed in this matter at the time and place indicated in the summons and in the notice, and the administrator shall not be bound to give any other notice provided in this Regulation.

29. Two or more matters submitted by the same applicant in which the questions at issue are substantially the same, or which could suitably be combined into one, may be consolidated by order of the president or of a vice-president designated by the latter, on the conditions determined by him.

30. The president or a judge designated for such purpose by the president may also order that several matters brought before the Commission, whether or not by the same applicant, be heard at the same time and decided on the same evidence, or that the evidence in one be used in another, or that one matter be heard and decided first and the other stayed until then.

31. Every person who desires that a matter be heard by preference, or that several matters be combined, must submit an application to that effect to the president or judge designated for such purpose by the president, stating the reasons on which the application is based; such application must be served on all interested parties or their attorneys, if they have one, at least 5 days before the date of their presentations, and filed at the office where the matter is submitted.

32. A postponement may be granted for cause by the Commission which shall then decide on the expenses, the amount of which it determines having regard to the nature of the matter.

33. The Commission may, in its own right or at the request of a party or his attorney, postpone the cases on the conditions it determines :

- (a) to a fixed date ;
- (b) to the first available date without the formality of calling the roll ;
- (c) to be called again at a next calling of the roll ;

(d) to be called again at a next calling of the roll, only upon a request to that effect.

34. If, at the general calling of the roll on matters to be heard, or at the calling of a matter for hearing, the applicant or another interested party fails to appear, the Commission may dismiss the application, objection or intervention, as the case may be, proceed *ex parte* or postpone the public hearing to a later date.

35. Articles 280 to 284 of the Code of Civil Procedure (R.S.Q., c. C-25) shall apply *mutatis mutandis* to the summoning of witnesses before the Commission.

CHAPTER IV PUBLIC HEARINGS, SITTINGS AND HEARINGS IN PRACTICE

36. The public hearings, sittings and hearings in practice are held in accordance with section 17 of the Transport Act.

37. The public hearings are presided over by the president or a judge appointed by him.

38. Every sitting of the Commission may be recorded by the latter by means of a tape recorder, any other similar device, stenography or stenotypy, taken by persons duly sworn and authorized for such purpose by the Commission.

39. The recording contemplated in section 38 is part of the record on the matter. It may not be destroyed until 2 years have elapsed following publication of the Commission's decision on the matter to which the recording relates.

40. Every recording of a sitting of the Commission may be transcribed at the request of the latter or of any interested person. Such transcription must be made under the supervision of the person who was responsible for the pertinent recording and its accuracy must be certified under oath of office. The said transcription is part of the record on the matter and its costs shall be assumed by the person who requested it.

41. Articles 293 to 296, 298 to 308, 310 to 312, 314 to 316, 318 to 320 and 323 of the Code of Civil Procedure shall apply *mutatis mutandis* to the hearing of witnesses before the Commission. Every member or attorney of the Commission and every interested party or his attorney may examine the witnesses during the sitting.

42. The rules of evidence laid down by articles 1203 to 1245 of the Civil Code shall apply *mutatis mutandis* to any proof made before the Commission.

43. Subject to the Act respecting the Barreau du Québec (R.S.Q., c. B-1), every person who has an interest in a matter before the Commission may appear and plead before the Commission either in person or through the intermediary of an advocate.

44. When the Commission sits in public hearing or in practice division, the administrator draws up the minutes which shall contain the names of the parties, attorneys, witnesses, exhibits filed and every decision rendered during the sitting.

45. When the applicant has omitted to produce proof of his domicile or of his place of business in Québec, the Commission may require such proof by *affidavit* subject to its right to then require a reopening of the sitting.

CHAPTER V PEREMPTION OF SUIT

46. The Commission in practice division may, at the request of the administrator or any interested party, declare an application perempted if one year has elapsed since the last useful proceeding was filed and decide on the securities where applicable.

Such application shall be served upon each of the parties at least 30 days before its presentation.

CHAPTER VI SECURITIES

47. (1) In order to guarantee the seriousness of his application, no person may submit an application to the Commission unless he has deposited a security in the amount of 50 \$. However, such security is not required in applying for a special permit of a duration of less than 5 days or in applying for a temporary permit.

(2) Notwithstanding subsection 1, the security which must be deposited to guarantee the seriousness of an application for the issuance of a taxicab owner's permit is equal to the amount of the duty payable for the issuance of that permit.

48. A security shall be in respect of one application only.

49. No person may submit an objection to the Commission unless the objection is accompanied by a security of

100 \$ in the case of an objection to an application for recognition of a body, or of 50 \$ in all other cases.

50. The security accompanying an application or an objection may be confiscated by the Commission *instante* and without formality :

(a) in the case of an application :

- i. if the applicant withdraws his application ;
- ii. if the applicant fails to appear at the calling of the roll on the matters to be heard or at the public hearing to look into the application ; or
- iii. if such application is refused on the grounds that it is ineffectual ;

(b) in the case of an objection :

- i. if the objecting party withdraws his objection, unless his withdrawal is the result of a change in the application ;
- ii. if the objecting party fails to appear at the calling of the roll on the matters to be heard or at the public hearing ; or
- iii. if such objection is refused on the grounds that it is ineffectual.

In every other case, such security shall be returned by the Commission.

CHAPTER VII DUTIES PAYABLE

51. (1) No decision entailing payment of a duty prescribed in Schedule A and which must be paid to the Commission may be published in the *Gazette officielle du Québec*, unless the amount of that duty has been paid.

(2) The duties must be paid within 30 days after the decision is transmitted.

(3) When the duties prescribed in Schedule A are not paid within 30 days after the decision is transmitted, the Commission in practice division may, at the request of the administrator or a party, cancel *instante* the decision not published, grant a new time limit which may not, however, exceed 30 more days or, in the case of doubt on the amount of the duties, decide accordingly.

(4) In the case contemplated in subsection 3, the administrator or the applicant must give a notice of presentation of at least 5 days to all the interested parties.

(5) Where a decision entailing payment of a duty is overruled following a review by the Commission or by a

judgment of a tribunal, the administrator shall reimburse the duty paid.

52. Notwithstanding any contrary provision, no duty shall be payable for the issuance of an airport transportation permit under section 16 of the Regulation respecting public transport (c. T-12, r.21).

53. (1) With the exception of the certified copies of the decisions which the Commission must transmit to the interested parties in virtue of this Regulation, the duty payable for the issuance of a certified copy of any document issuing from the Commission is as follows :

- (a) for the first page : 0,50 \$;
- (b) for every other page : 0,25 \$.

(2) Notwithstanding subsection 1, the Commission may supply free of charge a certified copy of any document issuing from it to any office, board, commission, *régie*, department or body under the jurisdiction of the Gouvernement du Québec, of Canada, of one of the provinces of Canada, of another country or of a province or state of another country.

54. (1) Every holder of a transport permit required to register one or several vehicles in Québec shall, upon payment of an annual duty of 2 \$ per registered vehicle, receive all the numbers of the section of the *Gazette officielle du Québec* in which the notices and decisions of the Commission are published effective from payment of that duty.

(2) Subsection 1 shall not apply to holders of temporary or special permits.

CHAPTER VIII RENEWAL OF PERMITS

55. (1) Unless the Commission decides otherwise, every permit other than a special permit, a temporary permit, a seasonal permit, an experimental permit and a permit for the transport of stated products shall, upon payment of the prescribed duties, be renewed for the same period for which it was issued and upon the same conditions under which it was obtained.

(2) The duty for the renewal of every permit shall be equal to the duty payable for the issuance of such permit.

(3) The duty for the renewal of every permit for transportation to and from an airport issued pursuant to section 16 of the Regulation respecting public transport, shall be computed in accordance with section 1 of Schedule A.

(4) Where the duty for the renewal of a permit has not been paid on or before the date on which it is due, but within 180 days from such date, the Commission may,

within the scope of this section and sections 60 and 61, issue *instantanément* an identical permit to its holder.

(5) The duty for the issuance of a new permit under the conditions contemplated in subsection 4 is equal to the duty which would have been payable for the renewal of the permit replaced, increased by 10%.

56. The Commission may, for cause, in its own right or upon the request of the Minister or any interested person, rule that a permit shall not be renewed, or if it has been renewed, shall be cancelled.

57. Every person who wishes to request that a permit not be renewed or, if it has been renewed, that it be cancelled, must submit his application by means of a motion.

58. Where the Commission rules that a permit shall not be renewed, such permit shall become null and void from the date on which the decision of the Commission in respect thereof becomes effective.

59. (1) Every permit authorizing its holder to use or rent a motor vehicle shall expire on the date of expiry of the registration of that vehicle or on the date of expiry of the "CT" markers issued under subsection 4 of section 62.

(2) Unless the Commission decides otherwise, the recognition given under the Regulation respecting transport by taxicab (c. T-12, r.22) or the Regulation respecting bulk trucking (c. T-12, r.3) shall be automatically renewed from year to year.

(3) Despite subsection 1, any regular permit for bulk trucking shall expire on the last day of May each year.

60. (1) The administrator must have a notice published in the *Gazette officielle du Québec* stating :

(a) the number of any permit for which the duty for renewal was not paid within 90 days of the date on which it was due ;

(b) the name of such permit holder ;

(c) the latest date on which such holder may pay the duty prescribed in subsection 5 of section 55 and apply for the issuance, *instantanément*, of an identical permit.

(2) The administrator must send, by registered or certified mail, to every holder of a permit for which the duty for renewal was not paid within 90 days of the date on which it was due, a notice stating :

(a) the failure to pay the duty ; and

(b) the latest date on which such holder may pay the duty prescribed in subsection 5 of section 55 and apply for the issuance, *instante*, of an identical permit.

(3) Omission to give the notice contemplated in subsection 2, an error in the notice or in its forwarding or the insufficiency of notice shall not constitute failure to observe this subsection, provided the notice contemplated in subsection 1 be duly published.

61. (1) The notice prescribed in subsection 1 of section 60 must be published not later than 45 days prior to the date on which every holder mentioned therein may pay the duty prescribed in section 55 and apply for the issuance, *instante*, of a permit identical to the one he holds.

(2) The notice contemplated in subsection 2 of section 60 shall be mailed not later than 30 days prior to the latest date on which the holder may give heed thereto and shall be addressed to the holder's last known address.

CHAPTER IX RÉGIE DE L'ASSURANCE AUTOMOBILE DU QUÉBEC

62. (1) Every permit holder of the Commission must affix, on every trailer or semi-trailer that he hauls, the marker contemplated in subsection 4 where such trailer :

(a) is not registered with the Régie de l'assurance automobile du Québec or registered with the Commission ;

(b) belongs to a permit holder of the Interstate Commerce Commission, provided it is the property of a holder having his corporate seat or principal place of business in a state with which the Gouvernement du Québec is party to an agreement of reciprocity ;

(c) belongs to a permit holder of another province in Canada, provided it is the property of a holder having his corporate seat or principal place of business in a province with which the Gouvernement du Québec is party to an agreement of reciprocity ; or

(d) belongs to a permit holder of the Interstate Commerce Commission or to a non-holder.

(2) The marker contemplated in subsection 4 must also be affixed on :

(a) every vehicle or tractor specially equipped for moving purposes and belonging to American truckers duly authorized to transport used household goods and furniture to the United States ;

(b) every trailer or semi-trailer transported for a consideration and hauled by a tractor duly registered with the Commission by permit holders duly authorized to operate such a service and residing in a province or state with which the Québec has an agreement of reciprocity, where the said trailer or semi-trailer is duly registered in such province or state.

(3) The markers contemplated in subsection 4 must be affixed by the Québec or Montréal urban communities transit commissions or the Outaouais Regional Community, or Montréal South Shore or the City of Laval Regional Community, on a certain number of their buses, up to 10% of the total number of buses belonging to them and duly registered in Québec.

(4) The Régie de l'assurance automobile du Québec is authorized to issue, in the Commission's name, "CTQ" markers, fixed and removeable, under the following conditions :

(a) upon verifying whether the applicant is already the holder of a permit of the Commission, whose number is duly registered on the permit ;

(b) after ascertaining that the applicant is already the holder of a permit of the Commission, upon collecting the duties payable to the Commission, issuing the markers and recovering such markers according to their conditions of issue and/or according to the requests of the Commission ;

(c) making a monthly report to the Commission of the list of markers issued and the markers recovered, the name of the permit holders, the description of the registered vehicles.

63. (1) The Régie de l'assurance automobile du Québec is authorized, under the same conditions, to collect, at the time of registration of the vehicles used pursuant to the permits issued by the Commission, the duties payable to the Commission, in accordance with the Regulation respecting motor vehicle registration (c. C-24, r.16).

(2) Where the Commission decides that a permit shall not be renewed, the duties for the permit shall be reimbursed to the person who has paid them ; an amount corresponding to the number of months during which the holder continued to furnish transport services prior to the Commission's decision not to renew or cancel the permit must be deducted from such reimbursement.

(3) For the purposes of subsection 2, a number of days less than 15 shall not be deemed to be one month and a number of days equal to or in excess of 15 shall be deemed to be one month.

64. The Régie de l'assurance automobile du Québec shall furnish to the Commission, prior to 25 March, the list of persons who have paid the duty for the renewal of their permit.

CHAPTER X GENERAL PROVISIONS

65. Where the date fixed to do something falls on a Saturday or on a non-juridical day, the thing may be validly done on the next first juridical day.

66. Every document issuing from the Commission or which is part of its records shall be authentic when it is certified and signed by a member of the Commission, an assistant to the president, the administrator, assistant administrator, secretary, assistant secretary, general manager of the office of the clerk, permits and registers, or an officer of that branch, the general manager of operations or an officer of that branch, or a legal adviser of the Commission.

67. No change of a corporate name, name or style shall change the tenor of a permit when a certified copy of the deed by which such change is effected is furnished to the administrator and the administrator takes cognizance thereof in writing.

Any change of address which does not change the tenor of a permit must be communicated in writing to the administrator who takes cognizance thereof in writing.

Within the meaning of this section, a change of address which does not change the tenor of a permit is a change of address which is made within the territory in which the permit holder, according to the regulations, orders or decisions applicable to his permit, must have or maintain his head office or his principal place of business, be a resident thereof or have a rental office located therein, where applicable.

68. An advocate must file a written appearance in the record to be allowed to represent a party in a matter.

69. An advocate must notify the Commission and the parties to the record in writing in order to cease to represent a party.

70. To revoke the mandate of an attorney the party must enter a writing in the record to that effect : in such case, the administrator shall notify the other parties to the record.

71. Any document relating to a matter brought before the Commission must be signed by :

- (a) the applicant, the objecting party or the intervenant, as the case may be ;
- (b) his attorney ; or
- (c) a person authorized by resolution if the mandator is a corporation.

72. Every sum payable under this Regulation shall be paid by remitting to the Commission Bank of Canada bank notes, a postal order, a bank draft or a certified cheque made to the order of the Minister of Finance.

73. Every service prescribed by this Regulation must be made in accordance with articles 120 to 146 of the Code of Civil Procedure (R.S.Q., c. C-25) or by registered or certified mail.

In the case of a service made by registered mail, the card attesting to the receipt of such notice at the postal address of its addressee is proof of such service while in the case of a service made by certified mail, the notice of delivery is proof thereof.

74. Unless a different time limit is prescribed in this Regulation, every motion or application incidental to a proceeding pending before the Commission must be served on the interested parties at least 5 days prior to the date of its presentation.

75. The Commission, in practice division, may rule on any interlocutory or incidental proceeding.

76. A notice of the nature of any decision rendered by the Commission, and terminating in whole or in part a matter in public hearing or in sitting, must be published in the *Gazette officielle du Québec*. Such notice must be given within 30 days of the decision or, if it concerns payment of duty, within the time limits contemplated in section 51 or allowed pursuant to that section.

77. To meet urgent cases, the Commission may prescribe that a decision relating to a permit contemplated in section 38 of the Transport Act (R.S.Q., c. T-12), to the transport of schoolchildren, transfer of permit, an extra-provincial carrier's permit, to a matter contemplated in section 44 of the said Act, to a change of tariff, schedule or route or for the first fixing of tariffs following the adoption of a regulation, shall become executory immediately after being rendered or on any later date it shall fix, in accordance with section 23 of the said Act.

78. The practice division may allow an applicant to withdraw from a decision rendered before the said decision becomes executory and to dispose then of the securities.

CHAPTER XI SPECIAL PROVISIONS

DIVISION I FILING OF AN APPLICATION FOR INTERPRETATION OF A DECISION OR VERIFICATION OF A PERMIT

79. (1) Every person interested in having immediately determined, for the resolving of a current difficulty, his standing, any right, power or obligation which may result from a decision, may file an application for interpretation. Such application must be supported by an *affidavit* and must :

(a) contain a statement of the question in dispute and specify the applicant's interest in obtaining an immediate decision on the subject ; and

(b) be accompanied by the proof of service of such application on any interested party mentioned in the decision concerned.

(2) The declaratory decision rendered shall have the same effects and shall be subject to the same recourses as any other final decision.

(3) Subsections 1 and 2 shall apply *mutatis mutandis* when a person wishes to file an application for verification of a permit.

DIVISION II TRANSFERS, AMALGAMATIONS OR CHANGES OF CONTROL

80. (1) The proceeding provided in section 122 and in subparagraphs i to iv of subparagraph b of the first paragraph of section 123 may apply to the cases contemplated in section 41 of the Transport Act.

(2) Where there is a change of control in a corporation which holds a permit, such corporation must file an application to have the Commission rule on the maintaining, change or cancellation of the permit. The proceeding provided in section 122 and in subparagraphs i to iv of subparagraph b of the first paragraph of section 123 may apply to the said application.

DIVISION III GENERAL ORDER RESPECTING THE TRANSPORT OF PASSENGERS AND GOODS BY WATER

81. The Commission may issue a permit to the holder of a permit issued under the General Order respecting the transport of passengers and goods by water (c. T-12, r.17), authorizing him to conclude any agreement or contract with another carrier by water to carry on the transport of passengers or merchandise by water.

DIVISION IV CORRECTION OF DECISIONS

82. After its transmission to the interested parties, but prior to the publication of the decision, the signatory of the decision may, *ex officio*, or upon the application of a party or the administrator, correct a writing or computing error or any other material error found in the decision by transmitting a copy of the corrected decision to the parties.

83. After publication of the decision, the quorum of the Commission may, *ex officio*, or upon the application of a party or the administrator, correct a decision whose legal force is impaired in the writing thereof, or in computation or in any other material way, or which, due to obvious inadvertence, grants more than was applied for or omits to pronounce on a part of the application. A notice of 15 days must be given for such purpose to all interested parties.

Section 76 shall apply *mutatis mutandis* to the decision thus rectified.

DIVISION V TRANSPORT OF SCHOOLCHILDREN

§1. Filing of application

84. Award : Every school board or private institution, every college or educational establishment which awards a contract for the transport of pupils must, within 10 days of such award or of its decision to award subject to the Regulation respecting the transport of pupils (c. T-12, r.19), cause to be published at least once in a French language daily newspaper with circulation in its territory a certified copy of the resolution or of any other act by which the contract was awarded or by which it was decided to award it, together with a notice indicating :

(a) the date of the award or of the decision to award subject to Regulation respecting the transport of pupils ;

(b) the price of the contract ; and

(c) that every interested person may, within 15 days of the award or of the decision to award, as the case may be, apply to the Commission des transports du Québec for the cancellation or modification of such award, change of the price of the contract or modification of the contract where the latter does not comply with the specifications approved by the Minister of Transport.

85. Cancellation :

(1) Within 15 days of the awarding of a contract for the transport of schoolchildren, any interested person may file with the Commission an application, stating the reasons therefor, for the cancellation or modification of such award, change of price of the contract or modification of the contract.

(2) This application must, within the same time period, be served on the School Board, private institution, college or teaching establishment which awarded the contract and to the awarder of such contract.

86. Fixing of the price :

(1) When a carrier must give the proof required by section 289, or section 290 of the Regulation respecting the transport of pupils (c. T-12, r.19) to the Commission, the awarder of the transport contract must, within 15 days of the award or of his decision to award, file at the office of the Commission, a written application to that effect.

(2) When the transport of schoolchildren is made in accordance with subsection 5 of section 431 of the Education Act (R.S.Q., c. I-14), the awarder of the contract must, within 15 days of the award or of his decision to award, by a written application submitted to the office of the Commission, request that the price of the contract or the transport tariff for the transport of schoolchildren made under this contract be fixed.

(3) When the awarder of the contract is a transit commission, the said transit commission must, by a written application filed at the office of the Commission within 15 days of the award, request that the price of the contract or the transport tariff be fixed.

87. Revision : The carrier who wishes to have the price of a contract revised for the transport contemplated in subsection 2 of section 431 of the Education Act must file a written application with the office of the Commission in accordance with the proceeding provided in section 323 of the Regulation respecting the transport of pupils.

§2. Recognition of a school board

88. Every school board that wishes to provide for the transport of schoolchildren for another school board must, by a written application submitted to the office of the Commission, apply to be recognized as representative of such other school board for which it provides transport.

89. The application contemplated in section 88 must be served on the school board for which the applicant wishes to provide transport at least 5 days prior to its filing with the office of the Commission.

90. The administrator must, by registered or certified mail, give notice to the applicant and to the school board for which the applicant provides transport, of the place, date and hour of the hearing of such application.

§3. Costs payable

91. No application submitted under this Division shall be validly received unless the Commission has previously received payment of the amount of the costs payable for the filing of such application, as indicated in Schedule B.

92. No intervention may be validly made with the Commission under this Division unless the intervener has previously paid to the Commission, upon his appearance, the amount of the costs payable for such intervention, as indicated in Schedule B.

§4. General

93. For the purposes of this Division, the expressions and words defined in section 1 of the Regulation respecting the transport of pupils, and its amendments, have the meaning indicated in this Regulation each time they are used in this Division.

94. Every investigator of the Commission may, in the performance of his duties, obtain information pertinent to an inquiry and enter in a record upon a hearing any information compiled for the use of the Commission in order that it may rule on the price of contracts. A carrier who wishes to submit an accountant's or other valuation must file such document with the office of the clerk at least 10 days prior to the date of the public hearing and give notice of such filing to any other party within the same time period.

95. When the Commission forwards a questionnaire to a school carrier, such questionnaire must be completed and returned to the administrator at least 10 days prior to the holding of the public hearing on the matter to which such questionnaire relates.

DIVISION VI

APPLICATIONS FOR CHANGES OF CERTAIN TARIFFS, SCHEDULES OR ROUTES

96. When it has been proven to the Commission that a change in a railway tariff prevents a carrier who holds a permit authorizing him to carry on transport contemplated in paragraphs 1 to 3 or in subparagraphs *b* to *d* of paragraph 4 of section 18 of the Transport Act (R.S.Q., c. T-12) from competing with the tariffs of a railway carrier, the Commission may, on its own initiative or upon the application of any interested person, change, within the scope of the transport regulations, the tariff applicable to the transport carried out in pursuance of such permit.

97. Section 14 shall not apply to a matter contemplated in section 96.

98. The nature of any change in tariff decided upon in pursuance of this Division must be published by the applicant for 3 consecutive days within the time period fixed by the Commission in one or several newspapers published in every region in which such change shall apply.

99. Every interested person who wishes to object to a tariff change decided upon in pursuance of this Division must file an objection to that effect with the Commission within 5 days of the third publication contemplated in section 98; section 16 may apply to this objection.

100. (1) Sections 14 to 16 shall not apply to the objection to a change in tariff decided upon in pursuance of this Division. However, upon receipt of such objection, the Commission may have a notice published stating the nature of such objection in one or several French language newspapers with circulation in all regions to which the tariff forming the subject of the objection relates, and invite every interested person to make any intervention he may deem pertinent within a time limit of at least 10 days and not more than 20 days from the date of such publication.

(2) Where an intervention is presented after the time limit prescribed in subsection 1, it shall be returned to the intervenant on the grounds that it is late; the intervenant may submit to the Commission a motion to be relieved from the default, indicating the reason for his delay, and the Commission in practice shall decide *instantanément* or after

convening the parties, whether it is expedient to relieve him from such default.

101. Upon the expiry of the time limit prescribed in section 100, the Commission shall hear by preference, during a sitting, the objecting party and any person who has filed an intervention with it and who wishes to be heard.

102. Where it rules upon an objection to a tariff change decided upon in pursuance of this Division, the Commission may rescind the change decreed, decide upon a new change or sustain the change originally decreed.

103. Sections 96 to 102 shall apply *mutatis mutandis* to every change of tariff for transport by tank-truck when it has been proven to the Commission that such change is necessary to allow a carrier to continue to provide a petroleum or other type of liquid or gaseous or asphalt fuel transport service.

DIVISION VII

APPLICATIONS FOR CHANGE IN A SCHEDULE, ROUTE OR TARIFF FOR THE TRANSPORT OF PERSONS BY BUS

104. The Commission may, to meet urgent cases, hear an application for a change in a schedule, a route or tariff for the transport of persons by bus without being subject to compliance with sections 14 to 16, where the applicant :

(a) has caused to be published, on his own initiative and at his own expense, for 3 consecutive days, in one or several French language newspapers with circulation in the territory to which such change relates, a notice of the filing of such application with the Commission and stating that any interested person may object thereto within 4 days following the date of the first publication in the newspapers ;

(b) has posted, for 3 consecutive days, in all his buses, in a conspicuous place and on a surface of at least 18 inches by 12 inches, the notice contemplated in paragraph a ; and

(c) furnishes proof of such publication and of such posting by means of a copy or photocopy of the whole page of the newspaper in which the notice was published and a copy of the notice which he posted in his buses.

105. Notwithstanding section 104, where the application for a change relates only to a change of schedule of route, the Commission may, to meet an urgent case, hear

such application without being subject to compliance with sections 14 to 16, where the applicant :

(a) has posted, for 10 consecutive days, in all his buses, in a conspicuous place and on a surface of at least 18 inches by 12 inches, a notice of the date of filing of such application with the Commission, stating in addition that any interested person may object thereto within 10 days following the filing of the application ; and

(b) furnishes proof of such posting by means of a copy of the notice which he posted in his buses.

106. When the time limit for filing an objection to an application for a change in a schedule, route or tariff has elapsed, the Commission may hear the matter and, in such case, section 126 shall apply *mutatis mutandis*.

DIVISION VIII

TRANSPORT OF STATED PRODUCTS

107. (1) No application for a permit contemplated in the Regulation respecting the transport of designated products (c. T-12, r.18) may be validly received unless the amount of the costs payable for the registration of such application, as indicated in Schedule C is paid to the Commission prior thereto.

(2) No permit for the transport of stated products shall be issued unless the duty prescribed in Schedule C is paid to the Commission prior thereto.

108. Notwithstanding section 3, a matter contemplated in subsection 1 of section 107 may be submitted by means of a written application transmitted by telegraph, teleprinter, telecopier, telex or any other means of written communication.

109. Sections 5, 7, 8, 14, 15, 16, 17, 47, 48, 49, 50, 51, 62, 63, 64, 72 and 122 to 126 shall not apply to matters relating to the permit contemplated in the Regulation respecting the transport of designated products.

110. Any sum payable for the filing of an application for a permit contemplated in the Regulation respecting the transport of designated products or for the duty relating to such permit may be paid by bank notes of the Bank of Canada, money order, bank draft, or cheque made to the order of the Minister of Finance or by any other means of transfer of funds.

111. Following receipt of the application contemplated in subsection 1 of section 107, the administrator shall refer it as soon as possible to the member of the Commission designated by the president for such purpose who,

after having taken cognizance of the facts appearing in the record and of any verbal or written information he may obtain, shall rule on the matter within the scope of subsection 3 of section 17 of the Transport Act.

112. Where the Commission has ruled on a matter relating to a permit contemplated in the Regulation respecting the transport of designated products, the administrator shall notify the applicant thereof at his home or place of business by any means of communication verbal or written he may deem appropriate.

113. Every decision relative to the issuance of a permit for the transport of stated products may be revoked in writing without other formalities than those followed for its issuance where the holder of that permit does not fulfill the conditions inherent to the operation of his permit or where he reveals his intention to no longer avail himself of the clauses of his permit.

DIVISION IX

APPLICATIONS RELATING TO SEASONAL PERMITS

114. The procedure prescribed in section 122 and in subparagraphs i to iv of subparagraph b of the first paragraph of section 123 may apply to applications for a seasonal permit prescribed by the Regulation respecting the seasonal transport of persons (c. T-12, r.23).

DIVISION X

APPLICATIONS FOR TOTAL CANCELLATION OF THE SERVICE

115. A permit holder may apply to the Commission, free of charge and without being required to furnish a security, for authorization to totally cancel the transport services that his permit authorizes him to provide. Subject to section 116, no duty is prescribed for the issuance of an authorization contemplated in section 43 of the Transport Act.

116. (1) A permit holder may, by paying the security and the prescribed duties, apply to the Commission for partial cancellation of the transport services that his permit authorizes him to provide by following the procedure provided in subparagraphs i to iv of subparagraph b of the first paragraph of section 123 ; in such case, sections 17, 21 and 25 shall not apply to this application.

(2) No holder of a permit for public transport by bus may file an application contemplated in this Division by following the procedure prescribed in subparagraphs i to iv of subparagraph b of the first paragraph of section 123.

DIVISION XI

VARIATION IN THE PRICE OF PETROLEUM PRODUCTS USED FOR MOTORIZED TRANSPORT

117. Where it is public knowledge that the selling price of petroleum products used for motorized transport is increasing or diminishing, the Commission may, upon application by any interested party, or on its own initiative, modify the rates and tariffs and the prices of contracts for transport of schoolchildren accordingly, without otherwise modifying the existing tariff structure.

118. Any modification of the rates and tariffs made by the Commission under the authority of this Division does not apply to the rates and tariffs already fixed and including “escalator clauses” in regard to the selling price of petroleum products used for motorized transport, as long as such “escalator clauses” have not expired.

119. This Division takes effect in spite of the maximum standards for rates and tariffs and prices of contracts prescribed in the regulations respecting transport.

120. In spite of any other incompatible provision, either this Regulation or in the other regulations respecting transport, in particular those concerning matters brought before the Commission, procedures for consideration and notices, the Commission shall render its decision, *instantaner*, without any formality, with or without consultation of the parties, after verification of the selling price of petroleum products used for motorized transport.

The administrator shall then publish such decision in the *Gazette officielle du Québec*, and, where the president so decides, in the newspapers.

DIVISION XII

BULK-TRUCKING

121. (1) No application for a bulk-trucking permit of the “extra-provincial” class may be validly received unless the amount of the costs payable for the filing of such application, which are indicated in Schedule C, are paid to the Commission prior thereto.

(2) No bulk-trucking permit of the “extra-provincial” class may be issued unless the duty of the permit, which is indicated in Schedule C is paid to the Commission prior thereto.

(3) Sections 5, 7, 14, 15, 16, 47, 48, 49, 50, 51, 62, 63 and 64 shall not apply to the matters contemplated in subsections 1 and 2.

DIVISION XIII

APPLICATIONS RELATING TO SPECIAL PERMITS

122. Sections 17, 21 and 25 do not apply to applications made under this Division.

123. The Commission may issue special permits for a duration of under one year to meet urgent cases, if no permit holder is able to ensure the services particularly required :

(a) when the normal requirements are fulfilled, in particular those of section 14 ; or

(b) without being subject to compliance with sections 14 to 16, when :

i. the applicant has caused to be published, on his own initiative and at his own expense, for 3 consecutive days, in one or several French language newspapers with circulation in the territory to which the permit applied for relates, a notice of the filing of such application with the Commission, which notice must also state that any interested person may object thereto within 5 days following the date of the third publication in the newspapers ;

ii. in the publication prescribed in subparagraph i, it is indicated that it is the first, second or third publication, as the case may be ;

iii. the applicant has filed the application for a permit not later than within 7 days of the first publication ;

iv. the applicant has furnished to the Commission proof of the publications by means of a copy or photocopy of the pages of the newspaper in which the 3 notices were published ;

v. the applicant has proved that in fact to permit holder is able to ensure the services particularly required and which he wishes to provide in accordance with the special permit he is applying for ; and

vi. the applicant has proved that his application will in fact meet the proven urgent case.

Where, following the publication of an application for a special permit, an objection is filed but the publication is not followed by the filing of an application for a special permit within 7 days of the first or only publication, the administrator shall return the securities to the objecting party.

124. The Commission may, in exceptional and unforeseeable urgent cases, upon written application transmitted by telegraph, teleprinter, telecopier, telex or any other

means of written communication, issue *instantanément* a temporary permit of a maximum duration of 15 days.

The Commission shall issue or refuse the permit upon consideration of the facts set forth in the application.

125. The special permit and the temporary permit cannot be renewed. However, the temporary permit may be converted into a special permit and a special permit into a regular permit by following the procedure provided in this Regulation for their issuance.

126. Every case relating to a matter contemplated in sections 104, 123 and 124 must be decided upon by at least 2 members including the president or a judge designated by the president for such purpose.

DIVISION XIV APPLICATIONS FOR ASSIGNMENT STATION PERMITS

127. Sections 5, 7, 14, 15, 16, 17, 21, 25 and 49 do not apply to applications made pursuant to this Division.

128. Upon receipt of an application for an assignment station permit, an administrator shall have a notice published in a French-language daily published in the region referred to in the application stating the date, place and time of the public hearing.

129. Every holder of a bulk trucking permit in the region referred to in the application for an assignment station permit must also be notified by the administrators of the nature of the application and the place, date and time of the public hearing.

The notice must state that any interested person may attend the public hearing and be heard without first having to file a written statement or objection.

130. Every application for an assignment station permit must include :

- (a) the name of the non-profit corporation making the application ;
- (b) the region for which the permit is requested ;
- (c) the names of the members of the non-profit corporation and the names of the associations its members represent ; and

- (d) the percentage of the total number of bulk trucking permits in the region held by members in each association in that region.

131. This Division shall only apply to issuance of a first assignment station permit in a region following adoption of the Regulation respecting bulk trucking (c. T-12, r.3).

DIVISION XV MATTERS RELATED TO BULK TRUCKING BROKERAGE

132. Sections 4, 5, 7, 9, 14, 15, 16, 17, 20, 21, 25 and 49 do not apply to matters related to bulk trucking brokerage.

133. (1) At the beginning of a bulk trucking brokerage matter, the administrator shall give notice to every bulk trucking permit holder of the region concerned, at the station and the substations of the region, with regard to the nature of the matter and the place, date and time of the sitting or public hearing. The notice shall indicate that all interested persons may be present and heard at the sitting or public hearing without necessarily submitting a written objection or intervention beforehand.

(2) The administrator shall publish as well in a French-language newspaper having a circulation in the region to which such matter relates, a notice indicating the date, place and time of the sitting or public hearing.

CHAPTER XII FINAL PROVISION

134. The power provided in section 38 is an obligation in every case where an appeal may lie following upon a public hearing.

SCHEDULE A (ss. 51 and 55)

DUTIES PAYABLE TO THE COMMISSION FOR PERMITS

1. For a permit authorizing operation of any of the following services, subject to the exceptions stipulated in this Schedule :

- (a) bus, minibus or transport for consideration in passenger vehicles not registered as taxis or delivery vehicles ;
- (b) transportation to and from an airport in a vehicle registered as a taxi ;

(c) leasing to the public of motor vehicles within the meaning of the Highway Safety Code (S.Q., 1981, c. 7; after consolidation : R.S.Q., c. C-24.1) whether the vehicles are driven by the lessees themselves or their employees or by the lessors or their employees ;

The duty payable to the Commission for a vehicle described in subparagraph *a*, *b* or *c* is 20 \$ plus 15% of the registration duty payable under the Regulation respecting the registration of road vehicles (O.C. 3471-81 dated 16 December 1981) or that would have been payable were it not for subsection 4 of section 62 or the Canadian Agreement on Vehicle Registration made by Order in Council 3030-80 dated 24 September 1980.

For a trailer or semi-trailer leased for 12 months or less and whose unloaded mass is 900 kg or less, the duty payable to the Commission is 30% of the registration duty actually collected by the Régie de l'assurance automobile du Québec.

(d) public commercial vehicle within the meaning of the Highway Safety Code ;

The duty payable to the Commission is established as follows :

i. for a vehicle registered in Québec, with the exception of a trailer or semi-trailer : 10% of the registration duty payable under the Regulation respecting the registration of road vehicles or that would have been payable were it not for the Canadian Agreement on Vehicle Registration made by Order in Council 3030-80 dated 24 September 1980 ;

ii. for a vehicle requiring a "CT" plate to carry out transport for consideration : 20 \$ plus 15% of the registration duty that would have been payable under the Regulation respecting the registration of road vehicles were it not for subsection 4 of section 62 or the Canadian Agreement on Vehicle Registration made by Order in Council 3030-80 dated 24 September 1980.

(e) transportation, within the jurisdiction of Québec, of persons or goods by ship, aircraft or other means of transport : 100 \$;

(f) bulk trucking, other than an "extra-provincial" class bulk trucking permit : the duty payable to the Commission for a vehicle, except for a trailer or semi-trailer, is 5% of the registration duty payable under the Regulation respecting the registration of road vehicles or that would have been payable were it not for the Canadian Agreement on Vehicle Registration made by Order in Council 3030-80 dated 24 September 1980.

In this section and in any reference to this section, the word "service" means all services provided by virtue of a

permit issued under a Regulation or Order referred to in section 89 of the Transport Act (R.S.Q., c. T-12).

2. For the transfert of a permit in the case of a transfer by a carrier of the ownership or control of a means of transport or transport system ; for the transfer of a permit in the case of an amalgamation contemplated in subsection 2 of section 41 of the Transport Act (R.S.Q., c. T-12) : the same duties as in section 1 based on every vehicle or other means of transport which is directly or indirectly the object of the transaction ; or in the case of a taxicab owner's permit : the same duties as in section 10.

3. For every decision granting the maintenance of the permit of a corporation on the change of control of such corporation ; for every decision granting a requested change to the permit of a corporation on the change of control of such corporation : the same duties as in section 1 based on every vehicle or other means of transport which is registered in the name of that corporation at the time when such decision becomes executory or, in the case of a corporation that holds a taxicab owner's permit, the same duty as in section 10.

4. For the issuance of "CTQ" removeable registration markers, an amount of 75 \$ each.

5. For every fixing of rates and tariffs which do not accompany an application for a permit : 75 \$.

6. For the annual authorization to exclusively operate a fruit and vegetable transport service in Québec, notwithstanding section 1 :

(a) for the first vehicle : 50 \$;

(b) for every additional vehicle : 10 \$.

7. For the issuance of a temporary or special permit for a period of 15 days or less : 10 \$.

8. For the issuance of a special permit for a period of more than 15 days : 50 \$.

9. (1) For the issuance of a permit to act as a transport broker except in the case of a carrier who is a regular holder of a permit of the Commission acting as such in virtue of the applicable regulations respecting the interline movement of merchandise or passengers by transfer or otherwise, 10 \$ per clause of permit or per permit with a minimum of 100 \$.

(2) Subject to the exception prescribed in section 1 for the issuance of a permit to act as a transport broker within the framework of a road transport permit or a clause of such permit : 100 \$.

10. For the issuance of a taxicab owner's permit :
- (a) 50 \$ for a permit of the "conglomeration" class ;
 - (b) 25 \$ for a permit of the "region" class ;
 - (c) 25 \$ for a permit of the "closed sector" class.

11. For the renewal of permits, the duties payable shall be the same as those prescribed for their issuance.

12. For the annual authorization to operate exclusively a fruit and vegetable transport service in Québec, provided that it is a carrier from a state or province which is party to an agreement of reciprocity with the Gouvernement du Québec :

- (a) for the first vehicle : 50 \$;
- (b) for every additional vehicle : 10 \$.

13. For every permit for transport by ship, 100 \$; for such purposes, the permit for transport by ship shall refer to one or several classes established in the General Order respecting the transport of passengers and goods by water (c. T-12, r.17).

14. For every permit for which a duty payable to the Commission is prescribed in another transport regulation, the duty thus prescribed for the issuance, renewal or transfer of such permit, notwithstanding any duty prescribed in this Schedule.

SCHEDULE B

(ss. 91 and 92)

COSTS PAYABLE TO THE COMMISSION

1. For the submission of any application relating to the awarding of or change to a contract for the transport of schoolchildren, the fixing of the price or of the tariffs for the transport of schoolchildren or the recognition of a school board, an amount of 25 \$.
2. For every intervention in a matter relating to the awarding of a contract for the transport of schoolchildren the price or tariff for the transport of schoolchildren or the recognition of a school board, an amount of 15 \$.

SCHEDULE C

(ss. 107 and 121)

COSTS AND DUTIES PAYABLE TO THE COMMISSION

1. For the registration of any application relating to a bulk-trucking permit of the "extra-provincial" class or a permit for the transport of stated products, an amount of 5 \$.

However, where such permit is not renewed automatically upon payment of the duties and another application is submitted by the carrier for the issuance of a new permit, no registration cost shall be required in respect of such application.

2. For a bulk-trucking permit of the "extra-provincial" class or for a permit for the transport of stated products, a duty of 15 \$.

O.C. 2308-76, (1976) 108 O.G.II, 4099
 O.C. 3161-76, (1976) 108 O.G.II, 5641
 O.C. 1978-77, (1977) 109 O.G.II, 3423
 O.C. 434-78, (1978) 110 G.O., 1301
 O.C. 1380-78, (1978) 110 G.O., 4085
 O.C. 2621-78, (1978) 110 G.O., 4089
 O.C. 144-79, (1979) 111 G.O., 5319
 O.C. 1733-79, (1979) 111 G.O., 6053
 O.C. 251-80, (1980) 112 G.O.II, 915
 O.C. 1449-80, (1980) 112 G.O.II, 2159
 O.C. 3033-80, (1980) 112 G.O.II, 4191
 O.C. 3199-81, (1981) 113 G.O.II, 3589
 O.C. 3479-81, (1981) 113 G.O.II, 4124



c. T-12, r.15

Regulation respecting tourist service

Transport Act
(R.S.Q., c. T-12, s. 36)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise the following words and expressions mean :

(a) “permit” : a permit or a clause of such permit authorizing its holder to provide a tourist service and issued under this Regulation ;

(b) “tourist service” : the transport of tourists at a rate *per capita* or per vehicle by means of an autobus or pleasure vehicle specially equipped for conducted tours or a taxicab ;

(c) “sightseeing” : tourist service ;

(d) “taxicab” : a motor vehicle within the meaning of the Regulation respecting transport by taxicab (c. T-12, r.22) and its amendments.

2. This Regulation is a transport regulation and unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12), in section 1 of the Highway Code (R.S.Q., c. C-24), and in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7) are part of this Regulation and have the meaning indicated in the said acts or regulation each time they are used in this Regulation.

DIVISION II TOURIST SERVICE

3. No person may provide a tourist service unless he is the holder of a permit for such purpose and such permit is in force.

4. The tourist service may be provided for an entire year or for a shorter period determined by the Commission and entered on the permit.

5. The tourist service must be provided on a route determined by the Commission and mentioned on the permit.

6. When the price of a tourist service is calculated at a rate *per capita*, the tourist service must be provided according to the schedule indicated on the permit.

7. When the price of a tourist service is calculated at a rate *per vehicle*, the minimum duration of the route shall be indicated on the permit.

8. The rates and tariffs for tourist service are fixed by the Commission in accordance with the Regulation respecting standards for tariffs, rates or costs (c. T-12, r.11).

9. A guide must accompany tourists on the entire route for the purpose of informing them on the monuments and places of interest observed along the route. This guide may be the chauffeur. The Commission shall mention in the permit whether the guide is equipped with a voice amplifier.

10. The route must be travelled in a continuous manner, with the exception of the visiting of monuments or other centres of interest.

11. The Commission may issue a tourist service permit in a person's name, including that of a public transport permit holder who so requests, domiciled in Québec or having a place of business in Québec.



c. T-12, r.16

Regulation respecting the transport of waste

Transport Act
(R.S.Q., c. T-12, s. 5)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “solid waste” : solid residue at 20° C from industrial, commercial or agricultural activity, including rubbish, incineration residue, domestic waste, debris, rubble and any other solid waste at 20° C with the exception of motor vehicle wrecks, earth or sand saturated with hydrocarbon, pesticides, explosives or inflammable products, pathology waste, manure, mining and radioactive waste, sludge, toxic substances from industrial residue, solid residue from pulp and paper mills and sawmills ;

(b) “liquid sludge” : sludge containing more than 80% water emanating from septic tanks, catch basins, sewers, purification plants or filtration plants ;

(c) “transfer station” : site where solid waste is stored and where it is transferred from the truck which made the pickup to another truck which carries it to the elimination site ;

(d) “elimination site” : site for treatment or final deposit of solid waste or liquid sludge ;

(e) “permit” : permit for the transport of waste issued by the Commission des transports du Québec within the scope of this Regulation ;

(f) “holder” : any person who holds a permit as being the titular thereof ;

(g) “region” : any territory described in Schedule A to this Regulation ;

(h) “principal place of business” : the place that a person declares to the Commission, on the form prescribed by the president, to be his principal place of business, that is, the principal establishment where his business is managed and where the senior staff and equipment is normally located ;

(i) “sanitary service contractor” : any person or corporation whose main activity consists in removing and transporting solid waste and liquid sludge to a transfer station or elimination site.

2. Unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12), and the Regulation respecting the interpretation of transport regulations (c. T-12, r.7) have the meaning indicated in the said Act or the said Regulation each time they are used in this Regulation.

DIVISION II SCOPE

3. This Regulation designated under the title of Regulation respecting the transport of waste applies to the transport of solid waste and liquid sludge for remuneration from the place of picking up to its deposit in a transfer station or elimination site.

This Regulation does not apply to a municipal corporation which acts as a carrier within the meaning of the first paragraph.

DIVISION III PERMIT

§1. General provisions

4. The Commission may issue a transport of waste permit, a transport of liquid sludge permit or a transport of waste and liquid sludge permit. These are the permits prescribed to provide such transport.

§2. Nature of permit

5. Every permit is issued in the name of a person and refers to a region determined from among those listed in Schedule A.

The permit authorizes and obliges its holder to provide transport from a point of origin within the region for which the permit was issued to a final destination within or outside that region.

§3. Conditions for obtaining and holding a permit

6. Any person may obtain a permit if he meets the following conditions :

- (a) in the case of a natural person :
 - i. be of the age of majority ;
 - ii. be the owner of at least 1 truck registered in Québec ;
 - iii. be domiciled in Québec ;
- (b) in the case of a corporation :
 - i. be the owner of at least 1 truck registered in Québec ;
 - ii. have its corporate seat or its principal place of business in Québec ;
- (c) in every case :
 - i. prove to the Commission the necessity of the service for which he requests the permit ;
 - ii. meet the other conditions for obtaining and holding a permit prescribed by the Act or this Regulation.

§4. Transfer of permit

7. The conditions prescribed in section 6 apply to the transferee in the case of a transfer of permit.

DIVISION IV UTILIZATION STANDARDS

8. The number of the permit and the name of the holder must be written on the 2 front doors of the truck in letters and figures at least 50 millimetres in height when the vehicle is assigned to the transport of waste.

9. Every permit holder must provide the waste transport service authorized by the permit with a truck that he owns.

10. To provide the waste transport service authorized by his permit, the holder may, besides his own truck, use a truck that he rents from the holder of a rental permit, provided that :

- (a) he obtains the authorization of the Commission ;
- (b) he files the truck rental permit with the Commission.

Sections 5, 8, 14, 15, 16, 47, 48, 49, 50, 51, 72, 122 to 126 and paragraph a of section 17 of the Rules of practice and rules for the internal management of the Commission des

transport du Québec (c. T-12, r.14) do not apply to the request for authorization, or to the decision of the Commission with respect to the application which may be made *in-stanter* and come into force immediately.

DIVISION V MAINTENANCE STANDARDS

11. Every truck owner or driver must ensure that the inscriptions prescribed in section 8 and which appear on his truck are legible, appropriate and complete.

DIVISION VI TRANSITIONAL PROVISIONS

12. Every sanitary service contractor who held a contract for the transport of solid waste or liquid sludge on 1 May 1978 may obtain a permit to provide such transport if he files with the Commission, at the same time as his application, a copy of his contract or an attestation to that effect, without being required to comply with subparagraph i of paragraph c of section 6.

13. Every carrier of solid waste or liquid sludge shall benefit from a period of 2 months from 1 February 1979 to file his application for a permit with the Commission.

14. Upon receipt of an application for a permit in accordance with sections 6 or 12, made within the time period prescribed in section 13, the president, administrator or any other member or officer of the Commission that the Commission authorizes to that effect, shall submit in the applicant's name, an attestation allowing him to continue to transport waste in Québec until the Commission has ruled on his application.

Such attestation does not bind the Commission to issue the permit and must in no case be considered a permit.

The titular of the said attestation is subject to all the obligations prescribed in this Regulation, save that of holding a permit.

15. This Regulation does not restrict the right of a holder of a bulk-trucking permit to transport the material that his permit permits him to transport nor to take away or limit a right of a holder of a permit issued under the General Order on trucking (c. T-12, r.2) where such a right was written on the permit before 3 October 1979.

16. An attestation issued pursuant to section 14 may be transferred by the Commission.

SCHEDULE A

(s. 1)

REGIONS**Region 1 :** This region comprises the territory :

(a) of the county municipalities of Rimouski, Matane, Matapédia, Bonaventure, Gaspé, Gaspé-Est, Gaspé-Ouest, Îles-de-la-Madeleine ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph a.

Region 2 : This region comprises the territory :

(a) of the county municipalities of Chicoutimi, Lac-Saint-Jean-Est, Lac-Saint-Jean-Ouest ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph a.

Region 3 : This region comprises the territory :

(a) of the county municipalities of Beauce, Lotbinière, Dorchester, Lévis, Bellechasse, Montmagny, L'Islet, Kamouraska, Rivière-du-Loup, Témiscouata, Portneuf, Québec, Montmorency 1, Montmorency 2, Charlevoix-Est, Charlevoix-Ouest ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph a.

Region 4 : This region comprises the territory :

(a) of the county municipalities of Drummond, Arthabaska, Yamaska, Nicolet, Champlain, Saint-Maurice, Maskinongé ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph a.

Region 5 : This region comprises the territory :

(a) of the county municipalities of Mégantic, Frontenac, Wolfe, Compton, Richmond, Sherbrooke, Stanstead, Shefford, Brome, Missisquoi ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraph a.

Region 6 : This region comprises the territory :

(a) of the county municipalities of Bagot, Richelieu, Saint-Hyacinthe, Rouville, Iberville, Saint-Jean, Ver-

chères, Laprairie, Napierville, Châteauguay, Beauharnois, Huntingdon, Vaudreuil, Soulanges, Deux-Montagnes, Argenteuil, L'Assomption, Terrebonne, the south part of Montcalm bounded to the north by the northwest and southwest lines of the township of Castelnau, the south part of Joliette bounded to the north by the northwest line of the townships of Lenoir and French, the south part of Berthier bounded to the north by the northwest line of the township of Dupont ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipalities referred to in paragraph a, excluding the territory in region 10.

Region 7 : This region comprises the territory :

(a) of the county municipalities of Labelle, Papineau, Gatineau, Pontiac ;

(b) of the county municipalities of Montcalm, Joliette and Berthier not included in region 6 ; and

(c) of the city and town municipalities geographically included in the territory covered by the county municipalities contemplated in paragraphs a and b.

Region 8 : This region comprises the territory :

(a) of the county municipalities of Témiscamingue and Abitibi ;

(b) of the James Bay Municipality, bounded as follows : to the north, by the 55th degree of latitude north ; to the east, by the northerly extension of the western limit of the municipal county of Saguenay, by the northern limit of the municipal county of Chicoutimi and by the north-western limit of the municipal county of Lac-Saint-Jean-Ouest ; to the south by the northern limit of the municipal county of Abitibi, to the west by the western boundary of Québec ; and

(c) of the city and town municipalities geographically included in the territory contemplated in paragraphs a and b.

Region 9 : This region comprises the territory :

(a) of the county municipality of Saguenay ; and

(b) of the city and town municipalities geographically included in the territory covered by the county municipality contemplated in paragraph a.

Region 10 : This region comprises the territory of the Communauté urbaine de Montréal and of the municipality of ville de Laval.

Region 11 : This region comprises the territory not included in regions 1 to 10.

O.C. 3707-78, (1979) 111 G.O., 2407

O.C. 44-81 (1981) 113 G.O.II, 281



c. T-12, r.17

General Order respecting the transport of passengers and goods by water

Transport Act
(R.S.Q., c. T-12)

1. Unless expressly stipulated to the contrary in any specific order, the following rules, definitions and interpretations shall apply to all permits of carriage of passengers and goods by water issued by the Commission des transports du Québec (Commission).

2. This Order which will be known as the General Order respecting the transport of passengers and goods by water shall govern the operations of holders of such permit.

DIVISION I GENERAL PROVISIONS REGARDING THE ISSUANCE OF PERMITS AND THEIR MAINTENANCE IN FORCE

§1. Definitions

3. “Ship” means every description of vessel, including a lighter, barge, scow or other like vessel, used for the carriage of passengers or goods, however propelled, and for navigation between ports situated within the limits of Québec.

This expression includes any vessel, boat, dredge, floating elevator or any other floating raft, and any raft, crib, dram or bag boom of logs, timber or lumber of any kind, and logs timber or lumber in boom or being towed.

4. “Carrier by water” includes a person or company who, as owner or charterer, operates for consideration a service by water for the transportation of passengers or merchandise.

5. “Carriage by water” means the carriage of passengers or goods for hire or reward by means of ships.

6. The words “port” “place” “point” or “locality” as used in this Order are synonymous.

7. The words “general cargo” mean all effects, commodities, goods and articles of all kinds.

8. The words “goods in bulk” mean goods of all kinds but of one character only loaded as full ship’s cargo.

§2. Procedure

9. Every application to obtain a permit for the carriage of passengers or goods by water or a modification thereof must be made in writing in duplicate, on forms supplied by the Commission for such purpose and accompanied by all documents required.

The Commission shall cause all holders of permits of the class of the one applied for to be served with a notice of the application or, when applicable, of the date of hearing.

10. The Commission will dispose of each application by an order, rendered in chamber or following a public hearing, specifying the class of the permit granted, the service, restrictions and conditions.

Unless expressly specified to the contrary, the permit shall also be subject to all the provisions of this General Order.

11. The permit is annual and is renewed automatically the 1 April of each year in conformity with the requirements of the Commission.

12. A permit confers on its holder the privilege of operating a transportation service by water. Such operation must be conducted in accordance with the law, the regulations, the object and tenor of the order authorizing the permit.

13. A permit imposes upon its holder the obligation of giving the service authorized. Therefore, it is the practice of the Commission to suspend or cancel a permit, in whole or in part, if the holder fails or ceases to meet the obligation of giving the service authorized, or to conform to the law or to the regulations.

14. No permit holder has the right to make any contract or arrangement with another carrier by water or shipper for the carriage of passengers or goods unless such carriage of passengers or goods has previously been authorized by the Commission.

Before granting any special authority, the Commission must be satisfied that the contract or arrangement is of a special character and not already covered by this General Order.

DIVISION II TRANSFER

15. The Commission may authorize the sale or transfer of any permit following a prior application to that effect.

16. The approval of the Commission and the transfer of a permit do not constitute an acknowledgment of the fact that the sale price mentioned in the contract between the parties represents the real value of the public transportation enterprise, either for the purpose of fixing rates or for other purposes.

Said approval will not have the effect of binding the Commission as regards the terms and conditions of the contract of sale or transfer.

17. All financial statements, books of accounts, estimates, valuations or other documents of the vendor or his auteurs shall be transferred to and held available by the purchasers for submission to the Commission, if and when required.

DIVISION III RATES

18. Rates for the carriage of passengers or goods must be just and reasonable.

19. Every person applying for a permit must file and every permit holder must maintain with the Commission a list, in duplicate, of all rates and classification publications, if applicable, arranged so that the public may readily ascertain the rates covering the transportation of merchandise or passengers authorized under the permit with respect to every locality and service covered by the said permit, unless the Commission has specifically fixed rates for any locality or for any particular commodity or service or form of transportation.

A tariff of rates must be dated, bear a serial number of the permit holder's own serial and shall be signed by the permit holder or his agent holding a power of attorney to file tariff of rates on behalf of the permit holder. Two copies of any such power of attorney signed by any permit holder shall be filed with this Commission.

A permit holder who has authorized an agent by a power of attorney to file rates on his behalf must utilize exclusively the services of such agent, as indicated in the power of attorney, until such time as the permit holder has filed with the Commission :

- (a) a tariff of rates, in accordance with the regulations ;
- (b) a notice that the said power of attorney is cancelled.

20. A permit holder, who does not conform to these regulations and fails to file rates applicable to every locality covered by his permit, may be considered by the Commission, as not giving the service at the localities not covered by the tariff of rates.

21. A permit holder shall file with the Commission, each year, on or before 1 April, his tariff of rates and classification publications in duplicate or alternatively modifications of such tariff of rates and classification publications.

If no modification has been made by the permit holder to the last tariff of rates or classification publications filed with the Commission, it is sufficient for him to file notification of such fact on the date of renewal. In the case of a permit holder providing a winter service, the tariff of rates and classification publications covering such service shall be filed on or before 1 November alternatively modifications of such tariff of rates and classification publications.

A summer season shall be considered to be the period from 1 April to 30 November and a winter season shall be from 1 December to 31 March of any year.

22. Every modification of the said rates or classifications must be filed with the Commission at least 15 days before the date of their coming into force, unless waiver of the delay in writing is granted by the Commission.

23. When a modification of the rates or classifications is filed, the Commission may approve such modification or suspend its coming into force, if it is found to be unjust or discriminatory.

24. The Commission, on its own initiative when the public interest warrants such action, may modify any tariff of rates and classification publication filed.

DIVISION IV CLASSIFICATION OF PERMITS

25. A permit holder may be authorized to operate under one or more of the different permits contemplated by this General Order.

Such permit holder is subject to the applicable regulations hereinafter provided for each class of service authorized.

26. Definition : The permits are classified as follows :

Class I-A : Passengers ;
 Class I-B : Ferry-boats ;
 Class II : General cargo ;
 Class III : Goods in bulk ;
 Class IV : Charter.

Class I-A : A holder of a Class I-A permit is one who is authorized by the Commission to carry passengers in a ship operating a regular and scheduled service between certain designated ports situated within the limits of Québec.

Class I-B : A holder of a Class I-B permit is one who is authorized by the Commission to carry passengers and motor vehicles by ferry-boats, between two designated ports situated within the limits of Québec, according to a timetable.

Class II : A holder of a Class II permit is one who is authorized by the Commission to carry goods of all kinds in a ship operating a regular service between certain designated ports situated within the limits of Québec, including authorization to give occasional service to way-ports.

Class III : A holder of a Class III permit is one who is authorized by the Commission to carry goods in bulk from one shipper only to one consignee only, between ports situated within the limits of Québec.

Class IV : A holder of a Class IV permit is one who is authorized by the Commission to operate a ship for the carriage of passengers or goods between ports situated within the limits of Québec, under charter service.

DIVISION V**REQUIREMENTS FOR THE OBTENTION OF PERMITS**

27. The Commission shall require for the issuance of a permit of any class that :

- (a) the ship complies with the requirements of the Canadian Steamship Inspection Service ;
- (b) the ship hold a coasting licence ;
- (c) the ship carries at all times marine insurance coverage on hull and machinery and protection and indemnity coverage to the satisfaction of the Commission.

28. With respect to Class I-A and I-B permits, the Commission shall further require that :

(a) when there exists already a service of the same class servicing the or approximately the same ports, the applicant shows the real and urgent necessity for a second service ;

(b) the applicant shows that he can supply a regular and scheduled service ;

(c) the ship conforms in all respects with the requirements of competent authorities with respect to the security of passengers ;

(d) the ship carries, in addition to the insurance coverages mentioned in section 27, an adequate amount of insurance covering the liability of the inn-keeper ;

(e) a specimen of all passenger tickets and public notices be deposited with an approved by the Commission.

29. With respect to Class II permits, the Commission shall require in addition to the provisions of section 27, that the applicant :

(a) offers adequate terminal facilities for receiving, warehousing, handling, loading, and unloading goods in Montréal and Québec, having regard to the type and quantity of the goods handled ;

(b) maintains in force insurance policies covering his liability as stevedore, charterer if he charters ships, and warehouseman.

30. The holder of a Class II permit shall operate at least one ship, regularly and continuously, either during the summer season or during the winter season.

31. All holders of a Class II and Class III permit shall use a bill of lading according to a specimen previously deposited with the Commission ; such bill of lading, shall comply with the law of Québec (articles 1672 et seq. and 2407 et seq. of the Civil Code).

32. Any holder of a Class IV permit shall deposit with the Commission copy of the charter party each time he charters his ship to a person or company not already holding a permit from the Commission.

33. No permit shall be issued for carriage of passengers or goods by water, if the applicant already holds a permit for transportation by land or air covering the same points or localities.

Order 3N of 01.08.61

Order of 12.02.64



c. T-12, r.18

Regulation respecting the transport of designated products

Transport Act
(R.S.Q., c. T-12)

1. This Regulation is a transport regulation and, unless the context indicates otherwise, the words and expressions defined in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7) and its amendments have the meaning indicated in that Regulation each time they are used in this Regulation.

2. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “truck” : a vehicle equipped with an engine and a loading device ;

(b) “permit for the transport of designated products” : a permit issued under this Regulation ;

(c) “tractor” : a vehicle equipped with an engine but not with a loading device and intended to haul a trailer or semi-trailer.

3. In order to provide a transport service contemplated in section 6, a person must be the holder of a permit for such purpose issued under this Regulation or under the General Order on trucking (c. T-12, r.2).

4. No person may obtain or hold a permit for the transport of designated products unless :

(a) he is domiciled in Québec or has a place of business therein ; and

(b) holds a civil liability insurance policy for damages resulting from the use of such truck or trailer of a coverage of at least 35 000 \$ plus interest and damage costs in the same accident, with a deductible of 200 \$ for damages to the property of third parties, and unless he obtains from the company that issued such insurance policy a written commitment to the effect that the said policy will remain in force indefinitely unless a written notice of 10 days is given to the Commission, and unless he forwards such commitment to the Commission.

5. The permit for the transport of designated products is required for every truck and every trailer.

6. The permit for the transport of designated products authorizes and binds its holder to provide a transport service for :

(a) any product designated in Schedule A, from a place situated at the limits of Québec to a destination situated in Québec, when the place of origin of such product is indicated in Schedule D ;

(b) any product designated in Schedule B, from a place of origin situated in Québec to a place situated at the limits of Québec, when the final destination of such product is indicated in Schedule D ; and

(c) any product designated in Schedule C, from a place situated at the limits of Québec to another place situated at the limits of Québec, when the place of origin and final destination of the product are indicated in Schedule D.

7. The permit for the transport of designated products does not authorize its holder to provide the service contemplated in section 6 by means of a truck or a trailer not registered in Québec or that is not exempt from such registration.

SCHEDULE A

(a. 6)

1. The following products are designated for the purposes of paragraph *a* of section 6 : vegetables or fruit, except bananas, and processed or frozen vegetables or fruit.

SCHEDULE B

(s. 6)

1. The following products are designated for the purposes of paragraph *b* of section 6 :

(a) peat moss ;

(b) vegetables or fruit, except bananas, and processed or frozen vegetables or fruit.

SCHEDULE C

(s. 6)

1. The following products are designated for the purposes of paragraph *c* of section 6 :

(a) peat moss ;

(b) vegetables or fruit, except bananas, and processed or frozen vegetables or fruit.

SCHEDULE D

(s. 6)

1. The following places are indicated for the purposes of section 6 : any place situated in a State of the United States of America.



c. T-12, r.19

Regulation respecting the transport of pupils

Transport Act

(R.S.Q., c. T-12, s. 5, subpar. *a, d, e, g, j, k* and *l* and s. 32, subpar. *e* and *f*)

Education Act

(R.S.Q., c. I-14, ss. 195 and 431)

An Act respecting grants to school boards

(R.S.Q., c. S-36, s. 9)

CHAPTER I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

“school year” : a period of 10 consecutive months from 1 September to 30 June of the following year to which may be added the months of July and August where transport of pupils must be provided during additional school days or to recuperate days lost ;

“school bus” : a bus consisting of a main aisle, having at least 6 rows of seats and normally used for transportation in conformity with this Regulation ;

“urban-type school bus” : a school bus whose engine does not protrude beyond the limits of the passenger space ;

“seat” : a padded seat with seat back ;

“college” : a college established under the General and Vocational Colleges Act (R.S.Q., c. C-29) ;

“regional board” : a school board constituted pursuant to section 423 of the Education Act (R.S.Q., c. I-14) ;

“school board” : a regional board or a corporation of school commissioners or trustees formed in accordance with the Education Act or under a special Act ;

“final destination” : the place where the last pupil alights at the end of the daily utilization of a school bus or vehicle ;

“pupil” : a person registered for regular courses in a school board, private institution, college or any other educational establishment, except where such courses are given within the framework of an adult education programme ;

“pupil with serious learning handicaps and disabilities” : pupils with trainable mental retardation motor disability, cerebral palsy, severe socio-emotional disturbances or sensorial disorders, in particular, deafness, blindness, partial blindness, permanent physical disorders or non-medically controlled epilepsy ;

“private institution” : every educational establishment governed by the Act respecting private education (R.S.Q., c. E-9) ;

“minibus” : light van-type motor vehicle designed for the transport of persons ;

“route” : the itinerary which a school bus or vehicle must follow to cover the distance between :

(a) the first boarding point and the last alighting point, whether or not such last alighting point is the final destination ; and

(b) the last alighting point and the first boarding point, provided that the last alighting point is not the final destination ;

“empty weight” : the weight of a vehicle with standard equipment and with fuel, oil and cooling liquid at full capacity, including the weight of any air-conditioner fitted to the vehicle, together with any engine weight exceeding the weight of a standard engine and the weight of any optional equipment exceeding the weight of standard equipment ;

“total loaded weight” : the empty weight plus the average weight of a driver, that is, 150 pounds, plus the average weight of a pupil, that is 120 pounds, multiplied by the number of seats fixed in this Regulation ;

“row of seats” : 2 seats installed on each side of a main aisle and placed along a line perpendicular to the sides of a school bus or a single seat extending from one lateral side to the other lateral side of a school bus ;

“salvage” : operation consisting in repairing the body of a school bus and installing it on a new frame ;

“SAE” : a standard set and published by the Society of Automobile Engineers Inc., whose head office is in Warrendale, Pennsylvania, USA ;

“additional transport” : transport required to allow pupils to attend compulsory classes, prescribed in the regular schedule of students ;

“inter-school transport” : transport required to allow pupils to attend compulsory classes prescribed in the regular schedule, that may not be given at the school that those pupils regularly attend ;

“vehicle” : any motor vehicle that may be used for the transport of pupils ;

“school vehicle” : a hardtop motor vehicle, including a minibus, other than a school bus, usually used for transportation within the meaning of this Regulation.

2. This Regulation is a transport regulation and unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12), in section 1 of the Highway Code (R.S.Q., c. C-24) and in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7), have the meaning indicated in such Acts or Regulations each time they are used in this Regulation.

CHAPTER II MINIMUM CONSTRUCTION STANDARDS

DIVISION I SCHOOL BUSES

§1. Chassis

3. The date of construction of a school bus is the date of construction of its chassis.

4. The chassis of a school bus must be designed in the same manner as a truck chassis with a gross nominal weight of at least 14 000 pounds, so as to provide sufficient resistance to support the total loaded weight even if subjected to unusual strain.

5. Subject to sections 6 and 7, each chassis side rail of a school bus must be of one-piece construction.

6. No person shall use a school bus containing members or parts which were welded to the side rails unless such welding was :

- (a) made by the chassis or body manufacturer ; and
- (b) essential, account being taken of precise technical reasons.

7. No person shall use a school bus whose chassis frame was extended, except where such extension was :

- (a) necessary for the proper attachment, to the chassis, of the body recommended by the chassis manufacturer ; and
- (b) made on the rear cantilever of the chassis by the manufacturer of the latter or by that of the body with the written guarantee of the chassis manufacturer.

8. No person shall use a school bus whose top or bottom flanges of side rails have been perforated unless such perforation was :

- (a) made by the chassis or body manufacturer with the written guarantee of the chassis manufacturer ; and
- (b) necessary, account being taken of precise technical reasons.

9. The frame of a school bus must be of dimensions complying with those prescribed in Schedule A.

10. The front bumper must be furnished by the chassis manufacturer as part of the chassis.

11. The front bumper must exceed the outer edge of fenders at the bumper top line and be of sufficient strength to permit flush bumper contact with a vehicle of equal gross nominal weight without incurring permanent damage to bumper, chassis or body ; however, this front bumper may be specially equipped to reduce the intensity of impact resulting from a collision.

12. The front axle of a school bus must be of one-piece and have sufficient capacity to support the total loaded weight at ground, plus 10%, of that part of the bus resting on the front suspension.

13. The rear axle of a school bus must be of a full-floating type and have sufficient capacity to support the total loaded weight at ground of that part of the bus resting on that axle.

14. When the school bus is on a plane surface, the rear suspension of that bus must not support more than 75% of the total loaded weight, and the front suspension, more than 35%.

15. Springs or suspension assemblies must be of ample resiliency under all load conditions and of adequate strength to sustain the maximum load of the school bus.

16. (1) A school bus may have a pneumatic tire suspension or a suspension equipped with leaf-type springs.

(2) Front and rear springs or suspension assemblies must be designed to carry their proportional share of the total loaded weight in accordance with sections 12 to 14.

17. If the rear suspension of a school bus is equipped with leaf-type springs, it shall be designed to provide progressive resistance.

18. (1) Each eye of the master leaf springs of the front suspension must be protected by a bushing formed by the second leaf in order to prevent, in case of break-down of a master leaf, a disalignment of the front axle.

(2) When the master leaves are not equipped with bushings, an equivalent device must be installed on those leaves.

19. Every school bus must be equipped with front and rear double-action shock absorbers compatible with the axle capacity.

20. The brake system must be designed and constructed so that by the application of a single control unit, the school bus can be stopped within a specified distance in accordance with section 22.

21. Braking tests must be conducted by the chassis manufacturer in accordance with SAE Recommended Practice J 658 Service Brake Performance, according to the nominal gross weight of the school bus as established by the manufacturer and in accordance with SAE Recommended Practice J 880 Brake Rating System Test Code Commercial Vehicles.

22. (1) Brakes must be designed and constructed in order to be able to decelerate at a speed of 14 feet per second per second when the school bus travels at a speed of 20 miles per hour on flat land or a level surface and when a force not exceeding 75 pounds is applied on the brake pedal.

(2) When the school bus is submitted to the SAE J 880 test contemplated in section 21, and when it travels at a speed of 20 miles per hour on flat land or a level surface, it must be able to stop, through the application on the brake

pedal of a force of not more than 200 pounds, within the following distances :

(a) 25 feet, if its nominal gross weight is 10 000 pounds and under ; and

(b) 35 feet, if its nominal gross weight is over 10 000 pounds.

23. Brake balance of school bus must be such that, when tested at a speed of 20 miles per hour under any normal condition of loading according to the gross nominal weight, as established by the chassis manufacturer, deceleration of 12 feet per second per second can be achieved without locking the wheels on any axle.

24. (1) The energy absorption capability of brakes, when tested in accordance with the SAE J 880 test contemplated in section 22 must not be less than the result predicted in the said test after the following operation :

$$12 + \frac{1,4 \times (\text{gross nominal weight of school bus})}{1000}$$

(2) Travel reserve of the brake pedal shall be at least :

(a) 40% of its total travel in the cases contemplated in subsection 2 of section 22 ; and

(b) 25% of its total travel where the brakes are applied at full stroke while the school bus travels at a speed of 20 miles per hour on a surface that is free from any substance or particle.

25. Notwithstanding any provision inconsistent with this Regulation, the rating of the brake horsepower in relation to the gross nominal weight of a school bus, must be made on the basis of the capacity of such school bus at a minimum of 125 pounds per passenger.

26. Any brake system of a school bus must be equipped by the chassis manufacturer with a suitable connection for installation of a separate vacuum reservoir.

27. An air brake system must have a reservoir capacity which is equal to or greater than 12 times the total volume of air required to actuate all brakes, and so designed as to prevent a loss of pressure of more than 20% upon full stroke application of the brakes.

28. A vacuum brake system must have a reservoir used exclusively for brakes, with a capacity of not less than 1 000 cubic inches and designed to insure loss in pressure at full stroke application of not more than 30%.

29. The vacuum or air brake system reservoir must be safeguarded by a check valve or equivalent device in order that in the event of failure or leakage in its connection to the source of compressed air, the stored air shall not be depleted.

30. Every school bus equipped with an air or vacuum brake system must be equipped with :

(a) an illuminated gauge allowing the driver to know, within a margin of error not exceeding 7% of the total gauge reading, the pressure available for braking, which shall be expressed :

- i. in pounds per square inch in the case of an air brake system ; or
- ii. in inches of mercury, in the case of a vacuum brake system ; and

(b) a warning signal, readily audible and readily visible by the driver, which will give immediate warning of any loss of air pressure available in the brake system where such pressure drops to :

- i. 60 pounds and less per square inch in the case of an air brake system ; or
- ii. 8 inches of mercury and less in the case of a vacuum brake system.

31. All brake systems of a school bus must have an emergency stopping system so designed and constructed that any failure in the brake system which affects an element other than the mechanical parts of wheel brake assemblies, of pedal to brake valve or of brake pedal to master cylinder, will not prevent the brakes from stopping the school bus, taking into account the gross nominal weight as established by the chassis manufacturer, within the distance determined in section 33 and deceleration prescribed therein.

32. The emergency stopping system must :

(a) permit a school bus travelling at a speed of 20 miles per hour on flat terrain or a level surface to stop within a distance of 85 feet ; and

(b) maintain throughout the full stop of the school bus a deceleration less than 6 feet per second per second.

33. The emergency stopping system must be equipped with a control system designed and constructed to :

(a) permit modulated control of brake application and release by the driver ; and

(b) prevent release of brakes by the driver unless energy is available for re-application.

34. Every air brake system must be equipped with a jamming device operating on each rear wheel when the air supply or pressure does not meet the requirements provided for in section 30.

35. (1) Every brake system of a school bus must have a parking brake system so designed and constructed that it can hold the school bus stationary or to the limit of traction of braked wheels, on a grade of 20%, under any condition of authorized loading and on a surface free from any substance or particle.

(2) When applied, the parking brakes shall remain in the applied position with the capability required in subsection 1 even despite exhaustion of the source of energy used for application of the brakes or despite leakage of any kind.

36. No person may install on a school bus tires and wheel rims of a size less than those originally installed on the bus by the manufacturer.

37. Every school bus must be equipped with dual rear wheels.

38. (1) All tires on a school bus, including the spare tire, if any, must be of the same size and ply.

(2) No person shall install recapped tires on the front wheels of a school bus.

39. All school buses must be equipped with an engine having a minimum torque of 12 pound-feet for every 1 000 pounds of gross nominal weight as indicated in accordance with section 78.

40. (1) The engine of a school bus must be equipped with an oil filter of replaceable element, connected to the engine by flexible oil lines if it is not of built-in engine mounted design.

(2) The oil filter must have an oil capacity of at least 1 quart (US) or 0,946 litre.

41. The engine of a school bus must be equipped with an oil-bath or dry-element type air cleaner mounted outside the passenger compartment.

42. The fuel tank of a school bus must :

(a) have a minimum capacity of 25 imperial gallons or 113,65 litres ;

(b) be made of 16-gauge terneplate ; and

(c) be mounted on the right-hand of the chassis frame, entirely outside the body.

43. The fuel tank of a school bus built after 1 September 1978 must :

(a) have a minimum capacity of 40 imperial gallons or 181,84 litres for buses with 9 rows of seats or more and of 25 imperial gallons or 113,65 litres for buses with less than 9 rows of seats ;

(b) be made of corrosion-resistant material or material treated to resist corrosion ; fuel tanks with a capacity of 25 imperial gallons or 113,65 litres must be 14 gauges thick and fuel tanks with a capacity of 40 imperial gallons or 181,84 litres must be 12 gauges thick ; and

(c) be mounted on the right-hand side of the chassis frame and be entirely outside the body.

44. The fuel feeding system of a school bus whose chassis was manufactured after 30 September 1980 must be built in such a way that if the vehicle is impacted at any point and at any angle by a moving contoured barrier assembly travelling at a speed up to 48 km/h (30 m/h) and causing an impact with a mass of 1 800 kg (4 000 lb), fuel spillage must not exceed 29 ml (1oz) during impact, and at the rate of 29 ml/min (1 oz/ min) after impact.

45. The fuel tank of a school bus must be installed as follows :

(a) it shall not extend in height above the side of the chassis ;

(b) the distance from the centre line of the chassis to

- i. the outside of the tank must not be more than 39 inches ;

- ii. the centre of the fill-pipe cap must be at least 43 ½ inches and not more than 44 ½ inches ;

(c) the distance from the bottom of the tank to the upper edge of the side rail shall not exceed 14 inches ;

(d) the distance from the cowl to

- i. the front the tank must be 42 inches minimum ;

- ii. the centre of the fill-pipe cap must be 57 inches ;

(e) the centre of the fill-pipe cap must be at least ½ inch and not more than 1 ¼ inches below the upper edge of the side rail.

46. The fuel tank must be equipped with adequate baffles and with a drain plug of at least ¼ inch diameter located at the bottom of the tank and a fill-pipe cap designed to prevent spillage of fuel when the bus turns corners and installed entirely outside the passenger compartment.

47. The fill-pipe cap must be of the non-vented type unless the venting of the tank is done through the fill-pipe cap.

48. The fuel feed line of the engine must be taken from the top of the tank.

49. The fuel filter must be made of replaceable elements and be installed between the fuel tank and carburator.

50. The fuel feed line of the engine must be equipped with a gasoline and oil-proof connection and be installed at the engine end.

51. The exhaust pipe and the muffler must be attached firmly to the chassis and outside the body.

52. The exhaust pipe of a school bus shall be made of 16-gauge steel tubing, without a seam or electrically welded, or made of another material having similar characteristics and shall extend at least 5 inches beyond the rear-most part of the side rails of the chassis frame.

53. The size of the tailpipe must never be reduced after it leaves the muffler.

54. The exhaust pipe must be insulated from the fuel tank and the tank connections by metal shields attached at points where gas exhaust tubing is 12 inches or less from the tank or its piping.

55. The muffler of a school bus must be in good condition and must not permit gas exhaust elsewhere than at its end.

56. The drive shaft of a school bus must be equipped with metal guards installed above and below opposite the universal joints to prevent it from whipping through the floor or dropping to the ground if broken or detached.

57. (1) Every school bus must have at least 4 forward and 1 reverse speeds.

(2) The gear box must be mechanical and synchromesh except for the first and reverse gears.

(3) Notwithstanding subsections 1 and 2, a school bus may be equipped with an automatic transmission.

58. The clutch of a school bus must have a performance at least equal or higher than that of a clutch :

(a) of a 12-inch diameter, in the case of a school bus of 10 rows of seats or less ; or

(b) of a 13-inch diameter, in the case of a school bus of more than 10 rows of seats or of an accepted load capacity of more than 60 passengers.

59. (1) Every school bus must be equipped with a battery of at least 80 ampere-hours at 12 volts, measured at the 20-hour rate.

(2) Subject to sections 198 and 199, the battery of a school bus must be mounted under the hood.

(3) Notwithstanding subsection 1, every school bus built between 1 October 1975 and 1 September 1978 must be equipped with a battery of at least 100 ampere-hours at 12 volts, measured at the 20-hour rate.

(4) Every school bus built after 1 September 1978 must be equipped with a battery whose cold starting capacity, when tested in accordance with Standard SAE J537H is at least 450 amperes at 0°F (−18°C) with a minimum reserve capacity of 140 minutes.

60. (1) Every alternator with rectifier must have a maximum output of at least 62 amperes with a minimum charging of 20 amperes at engine idle speed, unless the operating and road conditions require the use of a higher current load.

(2) The alternator must be sufficiently ventilated and be driven by dual belt drive.

(3) The alternator must be voltage-controlled and current-controlled.

(4) Notwithstanding subsection 1, the alternator of every school bus built between 1 October 1975 and 1 September 1978 must have at maximum capacity an output of at least 100 amperes and a charging capacity of at least 55 amperes.

(5) Notwithstanding subsection 1, the alternator of any school bus built after 1 September 1978 must have, when tested in accordance with standard SAE J 544 an output of at least 100 amperes at full engine speed and of least 40 amperes when the engine turns at the idle speed recommended by the manufacturer.

61. Every school bus must be equipped with a terminal located at a readily accessible place so that the chassis and body electrical circuits may be easily connected.

62. The chassis wiring system must have a minimum 100-ampere capacity and be designed and installed in terms of the capacity of the generator.

63. The chassis ammeter must be designed in terms of alternating capacity and must be capable of recording a continuous current draw of 100 amperes.

64. (1) The steering mechanism must be so designed as to assure to the school bus safe and accurate performance when the vehicle is operated with a maximum load and at maximum authorized speed.

(2) The back lash of the steering wheel must not exceed 3 inches when the bus is stationary.

(3) There must not be any longitudinal back lash in the steering column axle.

65. The steering mechanism must provide for easy adjustment of back lash in the box.

66. There must be a clearance of at least 2 inches between the steering wheel of a school bus and instrument panel, windshield, or any other surface.

67. No changes must be made in the steering apparatus without the approval of the Régie de l'assurance automobile du Québec.

68. The engine-block of a school bus must be constructed in order to permit the rational installation of an adequate heating system.

69. (1) Every school bus must be equipped with a horn of 110 decibels in the band of audio frequencies between 250 to 2 000 cycles, where :

(a) the sound is measured at a distance of 3 feet from the exit of the horn ; and

(b) the sound-level measurement is made while :

i. the horn is installed on the school bus ; and

ii. no obstacle may reflect sound waves within a radius of 100 feet.

70. The chassis of every school bus must contain an instrument panel equipped with :

(a) odometer ;

(b) speedometer ;

(c) voltmeter with graduated scale ;

(d) ammeter with graduated scale ;

(e) oil-pressure gauge with graduated scale ;

(f) adequate gauge for the brake system, with audible signal, if applicable ;

(g) water-temperature gauge ;

(h) fuel gauge ; and

(i) upper-beam headlamp indicator.

71. All gauges prescribed in section 70 must be :

(a) sufficiently lighted ;

(b) clearly visible to the driver in the normal seated position ; and

(c) easily accessible for maintenance.

72. The gauge needles of the instrument panel shall not be replaced by lights.

73. The outer edge of the front fenders of a school bus must exceed the total spread of tires when front wheels are in the straight-ahead position.

74. Front fenders must be properly braced to the cowl and be equipped with adequate corner plates ; they shall not exceed the rear face of the cowl.

75. The underside of the front fenders of the school bus must be coated with a protective fire-resistant, asphalt base, rubber base or any other similar undercoating.

76. The chassis, wheels and front bumper of a school bus must be painted with black enamel and the front fenders with chrome yellow enamel.

77. The chassis of a school bus may be equipped, at the front and at the rear, with towing hooks.

78. A metal plate bearing the serial number of the chassis and the gross nominal weight recommended by the chassis manufacturer for the school bus must be affixed on the chassis, well in evidence in an accessible and protected location.

79. No person shall modify or change the structure or any essential part of the chassis of a school bus unless he has obtained the prior authorization of the Régie de l'assurance automobile du Québec.

§2. Body

80. (1) The body of a school bus must be made of strong steel or of a material currently used in the construction of motor vehicles and providing a strength or resistance coefficient at least equal to that of steel.

(2) Where the body of a school bus is made in whole or in part of steel $\frac{1}{8}$ inch or less thick, such steel must be covered with zinc or with another material having similar characteristics.

(3) Every body joint of a school bus built after 30 September 1980 must be capable of sustaining, without separation, a tensile force that would produce 60% of the breaking tensile strength within the weakest body panel member attached by that joint.

81. All non-metal material used in the construction of a school bus body must be fire-resistant and bear the guarantee of the body manufacturer.

82. The casing of a school bus must be so constructed as to prevent dust and water infiltrations.

83. The frame of a school bus must be capable of supporting 1 $\frac{1}{2}$ times the empty mass (empty weight) of that school bus if it overturns.

84. The body must be solid and rigid enough to resist penetration and comply with the penetration and impact

test of the SAE entitled Static Load Test Code for School Bus Body Structures.

85. Deflections resulting from the test contemplated in section 84 must not exceed :

- (a) 3 inches at centre of roof bow ;
- (b) 0,4 inch at centre of floor ; and
- (c) 1 inch for each side pillar at window sill level.

86. The body manufacturer must post-up inside the school bus at a conspicuous place in the passenger compartment a certificate of compliance with the laws and regulations of Québec.

87. The floor of a school bus must :

- (a) be built of 14-gauge steel sheeting ;
- (b) offer no unevenness except in wheel housings, and in the driver's seat platform area ; and
- (c) be covered with a 5-ply plywood at least ½ inch thick.

88. No person may cover the floor of a school bus with panels made of chipboard or other composite board.

89. The underframe of the floor of a school bus must be provided with as many main sills as side posts ; the steel of the main sills must be at least 10-gauge thick.

90. Each main sill must be flanked by 2 intermediate sills located approximately 10 inches from the centre of the main sill or the next intermediate sill and whose steel must be at least 16-gauge thick.

91. The main and intermediate sills of the floor of a school bus must :

- (a) be of equal height but not exceed a maximum of 3 inches ;
- (b) extend the width of the floor, except where structural members prevent it ; and
- (c) be riveted or welded permanently to the floor.

92. Connections between the sides and main body sills of a school bus must be capable of distributing loads from vertical posts to all floor sills.

93. The test contemplated in section 84 must not produce :

- (a) failure or separation in joints where sills and sides connect ;
- (b) appreciable difference in deflection between adjacent sills ; and
- (c) twisting or deformation, shearing or buckling of sills.

94. The body manufacturer must block and seal all openings which he must make in the floor and in the fire-proof screen of the flooring.

95. The body manufacturer must provide the roof bows with 2 roof strainers or more to space the roof bows and to reinforce the flattest portion of the roof skin.

96. The strainers referred to in section 95 must :

- (a) extend from one side to the other of the longitudinal axis of the roof, from the windshield header to the frame of the rear structural member ;
- (b) be of one piece or divided into sections and fastened between bows ; and
- (c) be fastened by means of riveting, safety bolting or welding at all points of contact between strainers and bows and all other structural material.

97. The test contemplated in section 84 must not produce :

- (a) failure, separation of joints where strainers are fastened to the roof bows ;
- (b) appreciable difference in deflection between adjacent strainers or bows ; and
- (c) twisting or deformation, shearing or buckling of the strainers.

98. There must be 2 steel rub rails around the body of the school bus, installed horizontally and in a parallel direction, one approximately at seat level and the other one at floor level.

99. (1) The rub rail located at seat level must encircle the body with the exception of the body front panel and the openings of the service door and emergency exit.

(2) The rub rail located at floor level must be fastened to the side of the body except at back wheel housings.

100. Rub rails must be :

- (a) in sectional, corrugated or triangular steel of a 16-gauge thickness ;
- (b) at least 4 inches wide ;
- (c) attached at each side post ;
- (d) fastened to the body or directly on the side posts ; and
- (e) maintained in place by riveting, bolting or welding.

101. Every school bus must be equipped, at the edge of the skirt on each side, with a third rub rail of sufficient strength to withstand snow-banks or snow-drifts without permanent distortion to the rail.

102. The body of every school bus must be encircled with at least one sectional and non-flat steel reinforcement 16-gauge thick and 2½ inches wide, which shall provide a connection between the side posts which must be secured to such reinforcement by riveting, bolting or welding, so as to provide additional impact and penetration resistance in case of collision.

103. The reinforcement contemplated in section 102 must encircle the body at a height comprised between the rail or lower part of windows and the lower edge of seat cushions, with the exception of door openings and the opening of the front panel of the body.

104. The reinforcement contemplated in section 102 may be in the form of :

- (a) a cross-bar fixed between the side posts to maintain them in a fixed position ;
- (b) a structural beam fixed to each post, under the wall sheet metal ; or
- (c) a structural beam fixed on the outside, above the wall sheet metal.

105. (1) The method of fastening the reinforcement must not decrease its resistance or that of the side posts.

(2) The reinforcement must not occupy the same vertical position as either rub rail contemplated in sections 98 to 101, but it may be combined with one of the required rub rails or be in the form of an additional rub rail as long as it provides identical resistance.

106. The structure of the lower half of the rear panel of the body of a school bus, which includes that part located between the window sill and the floor line from the emergency door posts to each last side post of the side frame,

shall consist of at least 3 strainers applied horizontally or vertically to provide the rear of the body with resistance at least equal to that of the sides.

107. The strainers contemplated in section 106 must be firmly attached at each end by bolting, riveting or welding.

108. Wheel housings of a school bus must provide sufficient clearance to allow for easy tire removal and service.

109. Wheel housings must be :

- (a) sufficiently strong to support seat and passenger loads ;
- (b) attached to floor in such a manner as to prevent water from entering the body ; and
- (c) installed so that they do not exceed 10 inches above the floor line.

110. Rear wheel housings must provide sufficient clearance to install dual wheels equipped with non-skid chains and be equipped with a mudguard.

111. The body of every school bus must be equipped with a rear bumper.

112. The rear bumper of a school bus must :

- (a) be made of pressed steel channel or according to a form providing equivalent resistance ;
- (b) be at least 3/16 inch thick and 8 inches high ;
- (c) be firmly attached to the chassis by the body manufacturer, in such a manner that it may be easily removed ;
- (d) be so braced and reinforced as to develop full strength of bumper section from rear or side impact ;
- (e) be so attached as to prevent hitching of riders unless such bumper is specially equipped to reduce the force impact produced by a collision ;
- (f) be wrapped around the back corners of the body and extend sideways at least 12 inches, measured from the rear-most point of the body at the floor line ; and
- (g) extend beyond the rear panel at least 1 inch, measured at the floor line.

113. The underside of the body of a school bus must be coated with fire-resistant, asphalt base, rubber base or other undercoating material ; such coating must be applied by spray method in order to seal and to prevent oxidation of the metal underframe.

114. Every school bus must be equipped with an emergency door located in the centre of the rear end or, if the location of the engine or baggage compartment so prevents it, on the left-hand side of such school bus, between the middle and the rear.

115. The emergency door must have a minimum horizontal opening of 24 inches and a minimum vertical opening of 48 inches measured from floor line.

116. The emergency door must be :

(a) designed to be opened from the inside to the outside ;

(b) bear on the inside a notice in French and in English to indicate how it operates ;

(c) in its upper portion, be equipped with a safety pane of laminated or tempered glass of A.S.2 quality and whose area must not be less than 400 square inches ; and

(d) if it is located on the left side of the school bus, be equipped in its upper portion with a safety pane of laminated or tempered glass of A.S.2 quality and whose area must not be less than 250 square inches.

117. The emergency door must be mounted on hinges which, as viewed from the exterior :

(a) shall be installed on the right-hand side if the door is located in the centre of the rear end of the school bus ; or

(b) shall be installed on the left-hand side if the door is located on the left-hand side of the school bus.

118. (1) There shall be no steps leading to the emergency door.

(2) No seat or other object shall be so placed in the school bus as to restrict any part of the passageway leading to the emergency door.

(3) Such passageway shall be at least 12 inches in width and 48 inches in height, measured from floor level.

119. The emergency door of a school bus must be equipped with a lock :

(a) having a slide-bar or a cam and latch that has a minimum stroke of at least 25 mm (1 in.) ;

(b) equipped with the equipment described in section 120 ;

(c) equipped with an interior handle that extends approximately to the centre of the door and that lifts up ; and

(d) equipped with a guard so that the handle cannot be accidentally released.

120. (1) The lock of the emergency door must be equipped with an electric switch :

(a) connected with a sounding device inserted in the control panel ;

(b) enclosed in a metal case if situated outside of the control panel ; and

(c) so installed that the plug contacts the farthest edge of the latch in such a manner that any movement of the latch will immediately close the circuit on the switch and activate the sounding device.

(2) Where a school bus is built after 30 September 1980, the lock must also be equipped with an electric switch connected to a sounding device that is activated when the lock is locked and the principal switch is activated.

(3) The electrical wires of the switch must be concealed in the panels of the school bus.

121. Where the emergency door is located on the left-hand side, every school bus must in addition be equipped with :

(a) a rear window which must :

i. be designed and installed as an emergency exit ;

ii. be hinged and designed to ensure against accidental closing in an emergency ; and

iii. be no smaller than 16 inches in height and 54 inches in width on school buses 80 inches or more in width ; or

iv. be no smaller than 16 inches in height and 48 inches in width on school buses less than 80 inches in width ; and

(b) a panel placed so as to cover the space between the top of the rear seat and the emergency window.

122. Where the configuration of a school bus built after 30 September 1980 precludes the installation of a rear emergency exit as prescribed in section 121, the bus must be equipped in its rear half with a roof emergency exit that meets the requirements for the rear window emergency exit.

123. The emergency window referred to in section 121 must be equipped :

(a) on the inside, with one latch or more, connected with a sounding device that must actuate when the lock is being released ; or

(b) where the school bus was built after 30 September 1980, on the inside, with no more than 2 locks connected to the sounding device that must actuate when the lock is being released ; and

(c) on the outside, a non detachable fastening device so designed as to prevent release, but to permit opening from the outside.

124. (1) The emergency exits of a school bus must be identified by the words EMERGENCY EXIT in letters at least 50 mm (2 in.) high in a colour that contrasts with its background, located at the top of or directly above the emergency exit on both the inside and outside surfaces of the school bus.

(2) Every push-out window or other emergency exit of any school bus built after 30 September 1980 must be identified with a label located within 150 mm (6 in.) of its release mechanism that identifies the emergency exits following concise operation instructions. Further, the release mechanism of each emergency exit must be connected with sounding devices, one placed on the control panel and the other placed near the emergency exit, that must actuate when the release mechanism is activated.

125. Every school bus built after 1 September 1978 must be equipped with a light on the inside above the emergency door. That light is connected to the headlight circuit and must have a red translucent cover 2 inches in diameter and a luminous intensity of 5 candlepower.

126. Every emergency door and every emergency window at the rear of a school bus must be :

(a) designed to be operated both from the inside and the outside of the bus ; and

(b) equipped with a device which may be quickly released but designed to offer protection against accidental release.

Moreover, where the school bus is built after 30 September 1980, the emergency door and window must be able to be cleared and opened with a maximum force of 180 N (40 lb).

127. No emergency exit of a school bus must be so designed as to permit the driver to control its operation from his seat.

128. Every school bus must be equipped with stirrups or folding steps and handles attached on each side of the body on the front part of the compartment, for easy accessibility for cleaning and maintaining the windshield and lamps.

129. The step-well must consist of 2 or 3 steps approximately equal in height, be located completely inside the school bus in order to prevent accumulation of snow or ice and shall not protrude beyond the side body line of the school bus.

130. The first step of the step-well must not be less than 12 inches nor more than 16 inches from the ground when the school bus is empty.

131. (1) Surfaces of steps must be of non-skid material.

(2) The doorway must be equipped with a grab handle not less than 10 inches in length.

132. The minimum clearance of all aisles inside a school bus must be at least 12 inches in width ; however the main aisle must provide a clearance of at least 15 inches at the tops of seat backs.

133. The service door of a school bus must :

(a) be located in the front, on the right-hand side, within the driver's view ;

(b) have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches ;

(c) be a split type, swing or folding door type and open inward ; and

(d) be manually or power operated under control of the driver.

134. (1) The service door mechanism must be so constructed as to afford easy release but prevent accidental opening.

(2) If the service door mechanism is a steel hand lever, such lever must be easily operated without risks of injuries to the driver and passengers.

135. (1) When the school bus is unloaded, the lower edge of the bottom glass panel of the service door shall not be more than 35 inches from the ground.

(2) Vertical closing edges of folding or swing doors must be covered with flexible or spongy material to prevent that passengers be injured while embarking or alighting from the school bus.

136. (1) A vertical stanchion must be installed from the floor to the ceiling, at the right rear corner of the driver's platform area, in such a position as neither to interfere with adjustment of the driver's seat nor to obstruct the aisle.

(2) The stanchion contemplated in subsection 1 must be connected to the left-hand wall of the school bus by means of a horizontal rail placed :

- (a) approximately 30 inches from the floor ; and
- (b) so as to not interfere with the fore-and-aft adjustment of the driver's seat.

137. (1) A vertical stanchion must be installed from the floor to the ceiling, on the left of the top step, so as not to restrict the passageway which must not be less than 24 inches.

(2) The stanchion contemplated in subsection 1 must be connected to the right-hand wall of the school bus by means of a horizontal rail installed approximately 30 inches from the floor and which shall be used, with the vertical stanchion, as a rail to the guard panel of the front seat.

(3) The guard panel must be installed at a distance of at least 24 inches from the front row measured at seat level starting from the backrest.

(4) Subsection 3 does not apply to all school buses built after 30 September 1980.

138. The vertical stanchions and horizontal rails must be made of steel tubing at least 1 inch in diameter and covered with non-corrosive material.

139. Vertical rods of any school bus built after 30 September 1981 must be manufactured with steel rods at least 25 mm (1 in.) in diameter and covered with upholstering material. The energy necessary to deflect that material must not be less than 4,52 Nm (40 inch-pounds) before the force exerted exceeds 667 N (150 lb). The contact area on the head of a person that knocks against a vertical rod must be at least 1 935 mm² (3 in.²) where he knocks against the rod at a speed of 1,5 m/s (5 feet per second).

140. The ceiling and walls of a school bus must be insulated and sound-proofed with an adequate material to reduce cold penetration and deaden sound and vibration.

141. The thermal and sound insulation must be assured by means of a fire-proof material :

- (a) at least 1½ inches thick, of a density of 0,75 and with a K factor of 0,32 ; and
- (b) fastened to the ceiling and wall structures so as not to collapse or become detached.

142. (1) All glass in a school bus, in particular the windshield, windows and door panels, must be of safety glass of sufficient quality to prevent distortion of view and so mounted that the manufacturer's safety approval mark is clearly visible.

(2) The window to the driver's immediate left, the glass panel of the folding or swing doors of the service door and the first 2 windows on each side of the school bus must be hermetically sealed double panel glass of the thermos type and of A.S.2 quality.

(3) All exposed edges of glass must be covered.

143. The windshield of a school bus must :

- (a) be large enough to permit the driver to see the roadway and its boundaries clearly ;
- (b) be sufficiently slanted to reduce glare ;
- (c) have side post whose dimension afford minimum obstruction to the driver's view ; and
- (d) be of plate glass at least 0,250 inch thick and of A.S.1 quality.

144. (1) Every full side window of a school bus must be made of 2 safety glass panels, the upper panel providing an opening at least 215 mm (8½ in.) high by 550 mm (22 in.) wide.

(2) The windows and window frames of a school bus built after 30 September 1980, except for the windshield and windows of which one of their dimensions measured on a line passing through its centre, is less than 200 mm (8 in.), must be retained by the walls of the school bus in a manner that prevents the formation of any opening when a maximum force of 5 300 N (1 200 lb) is applied outward and perpendicular to the centre of the window.

145. Every school bus must have on each side, approximately at the centre, at least one knockout window

which can be used as an exit in case of emergency. However, in the case of a bus with 10 rows of seats or more, there shall be at least 2 such windows on each side, one in the front part and the other in the rear part.

146. Every school bus must be equipped with an adjustable sun shield at least 6 inches high by 16 inches wide, installed above the windshield facing the driver's seat.

147. (1) The floor of a school bus, with the exception of the main aisle and toeboard, must be covered with a fire-retardant rubber or equivalent material at least $\frac{1}{8}$ inch.

(2) The main aisle must be covered with fire-retardant, non-skid, wear-resistant, ribbed rubber or equivalent material at least $\frac{3}{16}$ inch thick, including the ribs.

148. (1) Floor covering of a school bus must be permanently bounded to the floor plywood by means of glue or any other waterproof adhesive material and shall not crack when subjected to sudden changes in temperature.

(2) Seams in the main aisle covering must be covered with proper rods.

149. The electrical system of a school bus must consist of at least 1 independent circuit for each of the following groups of equipment :

- (a) head, tail, stop and instrument panel lamps ;
- (b) clearance and identification lamps ;
- (c) dome entrance lamps ;
- (d) starter motor ;
- (e) ignition system and emergency door signal ;
- (f) turn signal lamps ;
- (g) flashing lamps ;
- (h) horn ;
- (i) heating system ; and
- (j) windshield wipers.

150. Each circuit contemplated in section 149 may be subdivided into independent circuits.

151. Each electrical circuit of a school bus must :

(a) correspond to a different colour ;

(b) be indicated on a diagram attached to the inside of the body in a readily-accessible location ; and

(c) with the exception of the motor starter circuits, have its own protective device.

152. All wires incorporated to the body shall be covered :

(a) with a protective and insulating sheath that will protect them from damage and minimize dangers of fire from short circuits ; and

(b) whenever they pass through a body member, an additional protection in the form of appropriate types of inserts.

153. All uncovered wires must be fastened securely by means of cramps at intervals of not more than 24 inches, along the elements on which they travel.

154. All wiring connections must be made by welding or by the use of proper connections.

155. Every school bus must be equipped with :

(a) 2 single or double head lamps or white lights placed at each side in front, visible at a distance of 500 feet ; and

(b) 2 tail lamps placed at each side of the vertical axis :

i. emitting red light clearly visible at a distance of 500 feet to the rear ;

ii. mounted not less than 40 inches from the ground ; and

iii. spaced not less than 3 feet from their respective centre.

156. Every school bus must be equipped with :

(a) 2 stop lamps not combined with the tail lamps referred to in section 155, placed at each side of the vertical axis, activated by exerting pressure on the service break, and

i. emitting a red light clearly visible at a distance of 150 m (500 ft) to the rear ;

ii. mounted as high as practicable, but below the window line ; and

iii. spaced not less than 1 m (3 ft) from their respective centre ;

(b) 2 signal lights visible at a distance of 30 m (100 ft) placed at each side of the front panels of the body, near the windshield or on the front fenders, emitting a yellow or amber light which when the driver activates the mechanism, flashes according to the direction he intends to take ; and

(c) 2 signal lamps visible at a distance of 30 m (100 ft) placed at each side at the same height as the rear stop lights, emitting a red or yellow light which, when the driver actuates the mechanism, flashes according to the direction he intends to take.

157. Every school bus must be equipped with 2 yellow side marker lamps placed as near the front as possible, and 2 red side marker lamps placed as near the rear as possible.

158. Every school bus must be equipped with 2 red or yellow flashing lamps at the front and 2 flashing lamps at the rear, emitting a red light, visible even in day-time at a distance of at least 500 feet.

159. The flashing lamps contemplated in section 158 must :

(a) be controlled by an independent manually actuated switch ;

(b) operate at a rate of 60 to 120 cycles per minute ;

(c) have a on period long enough to permit the bulb filament to come up to full brightness ;

(d) be connected to a visible means of giving indication to the driver when the signalling system is turned on ;

(e) be installed, at the front, above the windshield and at the rear, above the top line of the windows ;

(f) be spaced both at the front and at the rear, at least 40 inches, such distance being measured from the centre of each lamp ; and

(g) each have a sealed beam headlight with a diameter of at least 5 inches.

160. (1) The axis of each flashing lamp must be parallel to the longitudinal axis of the school bus.

(2) Each flashing lamp must be so installed that any person may easily see it from any point located :

(a) 5° above and 10° below the horizontal line of the flashing lamps both at the front and at the rear ; and

(b) 30° on each side of the central line of the school bus, both at the front and at the rear.

161. (1) The area around the lens of each flashing lamp extending outward approximately 3 inches must be painted black.

(2) Where there is no vertical plate around the entire lens of the flashing lamp, a circular or square band of black approximately 3 inches wide, immediately below and to both sides of the lens, must be painted on the body.

162. Every school bus must be equipped with :

(a) a lamp to illuminate the registration marker and so oriented as not to project any ray at the rear ;

(b) a back-up lamp ; and

(c) inside lamps which can provide proper lighting of the main aisle and service steps.

163. Every school bus measuring more than 80 inches wide, with the exception of the side rearview mirrors, must be equipped with :

(a) at the front, 2 yellow clearance lamps placed as near the left and right upper extremities as possible, and also 3 yellow identification lamps on the same horizontal centre line as near the top as possible and spaced one from the other, from centre to centre, at least 6 inches and not more than 12 inches ; and

(b) at the rear, 2 red clearance lamps placed as near the right and left upper extremities as possible, 2 red reflectors, each placed on each side of the vertical axis, at the same height and as far apart as possible one from the other, and also 3 red identification lamps on the same horizontal centre line as near the top as possible and spaced one from the other, from centre to centre, at least 6 inches and not more than 12 inches.

164. Every school bus more than 20 feet long must have :

(a) a yellow side reflector on each side, near the lower front part ;

(b) a red side reflector on each side, near the lower rear part ; and

(c) a yellow marker lamp and reflector on each side, halfway between those at the front and those at the rear.

165. All lights and reflectors contemplated in sections 163 and 164 must be visible, at night, at a distance of at least 500 feet.

166. Every school bus must be equipped with :

- (a) 2 positive-action electric-type, variable-speed windshield wipers ; and
- (b) a windshield washer system.

167. Every school bus must be equipped with a hot-water heating system or with any other system providing safety guarantees and so installed that the outside air first circulates in the body of the main heater and is then directed towards the defrosting system ducts and the ventilators which blow the hot air into the school bus.

168. Every heating system of a school bus must :

- (a) be so designed and installed as to facilitate maintenance and repair of each of its parts ; and
- (b) provide for a device capable of keeping glass panels of the service door clear of fog, frost or ice.

169. (1) The defrosters of a school bus must be equipped with independent hot air vents which can maintain the entire surface of the windshield and of the window located to the left of the driver's seat clear of fog, frost and ice.

(2) A hot air vent must be installed near the entrance in order to melt the snow or ice which may accumulate or settle on the steps.

170. The heating system of a school bus must have sufficient installations to maintain the inside temperature at not less than 55° Fahrenheit when the outside temperature is equal to the minimum average temperature registered in January in the region where such school bus is used ; this average temperature is that established by the Weather Office of the Department of Transport of Canada.

171. Every school bus must be equipped with a ventilating system capable of normally renewing the fresh air inside the bus when such bus is operating and the windows are closed.

172. The ventilating system must consist of a gravity ventilator installed in the upper part of the ceiling.

173. The body of a school bus must be firmly attached to the chassis frame in order to prevent any slipping, shifting of the unit or separation of the assembly, even under severe road and operating conditions.

174. (1) The last cross member of the rear structure of the unit of a school bus must rest perfectly on the chassis frame.

(2) The front panel of the body and the cowl must be attached and sealed in such a manner as to prevent entry of water, dust, vapour or fumes under the cowl or hood of the engine.

175. The body manufacturer must place a strip of insulating material whose quality shall at least be equal to that of sidewalls of automobile tires and which shall be approximately ¼ inch thick, at all contact points between the unit and the chassis and attach the pad firmly to one or the other in order to prevent separation or moving of the material.

176. (1) All metal parts, 0,125 inches thick and less which are used in the construction of the body of a school bus must be zinc-treated prior to their utilization or processing, with the exception of handles, stanchions and rails and trimmings or decorations.

(2) All metal parts of the body which are to be painted must be scraped prior to the application of the zinc-phosphate, zinc-chromate or other similar coating.

177. The tailpipe must extend beyond the body but not beyond the rear bumper, to which may however be fixed a protective part around the end of the pipe.

178. (1) The total length of a school bus must not exceed 38 feet.

(2) The total width of a school bus must not exceed 96 inches, with the exception of side rearview mirrors.

(3) The total capacity of a school bus must not exceed 12 rows of seats.

179. (1) Inside every school bus, the clearance under the ceiling must be at least 71 inches at any point on the

longitudinal centre line, from floor level at intrados and front vertical bow to the rear vertical bow.

(2) The interior of a school bus must be free from all projections other than those which are inevitably part of that kind of motor vehicle.

(3) Parts of the ceiling over the main aisle of a school bus, over the passageway of the entrance and over the emergency exits shall be free from all projections.

180. All seats in a school bus must :

- (a) be at least 14 inches deep ;
- (b) be forward-facing and securely fastened to that part of the school bus which supports them ;
- (c) be spaced at least 27 inches calculated at the height of the seat from the centre of the latter to that of the preceding or following seat ;
- (d) have a minimum of 36 inches headroom for the sitting position, measured from the centre of the seat to not more than 7 inches from the wall ;
- (e) have seat backs :
 - i. whose size from ground rail and slant in relation to the floor are the same ; or
 - ii. if the bus was built after 30 September 1980, whose height is at least 600 mm (24 in.) and whose width is equal to at least 90% of the width of the seat and whose ground rail and slant in relation to the floor are the same ;
- (f) be installed on both sides of the main aisle ; and
- (g) measure 39 inches.

181. (1) Where a school bus is built after 30 September 1980 :

- (a) the seat back deflection must be at least 127 mm (5 in.) where a seat that is in front of another one is subject to a forward traction of 4 448 N (1 000 lb). The seat back deflection must not exceed 152 mm (6 in.) where this force attains 10 675 N (2 400 lb). The seat back deflection must in no case exceed 356 mm (14 in.) ; and
- (b) the seat back deflection must not exceed 250 mm (10 in.) where the seat is subject to a backward maximum traction of 9 876 N (2 200 lb).

(2) In the cases provided in subsection 1 :

(a) the parts of the seat, after deflection, must be at least 100 mm (4 in.) from another seat or restraining barrier in its originally installed position ;

(b) the seat shall not separate from the vehicle at any attachment point ; and

(c) the seat components shall not separate at any attachment point, to any extent.

182. Notwithstanding paragraph g of section 180, seats of 45 inches may be installed on the left-hand side of a school bus provided that the seats installed on the right-hand side measure 30 inches.

183. (1) The forward-most seat on the right side of a school bus must be located so as not to interfere with the driver's view and must not be farther forward than the rear limit of his cabin.

(2) The forward-most seat on the left side of a school bus must be installed at a distance of at least 24 inches from the driver's backrest even when the seat is adjusted to its rearmost position.

(3) For any school bus built after 30 September 1980, a retaining barrier must be installed in front of the first row of seats so that :

- (a) the rear surface area of the barrier is at least 600 mm (24 in.) and no further than 650 mm (26 in.) from the backs of the seats ; and
- (b) the front projection view is the same height and has the same surface area as the backs of the seats referred to.

(4) When subject to the forward forces referred to in section 181, the barrier must meet the conditions specified in this section and never interfere with normal door operation.

184. The seats of a school bus must be equipped with spring cushions made of foam rubber, polyurethane foam or any other similar matter.

185. The seat cushions of a school bus built after 30 September 1980 must remain in place even if subjected to an upward force of 5 times the seat cushion mass (weight).

186. (1) All spring cushions must contain at least 21 springs and their padding may be made of cotton, rubberized hair, foam rubber or other similar material.

(2) Padding of spring cushions made with cotton or similar material must be at least 2 inches thick, except on cushion edges where a proper curve must be allowed for.

(3) The padding of spring cushions made with foam rubber, sponge rubber, rubberized hair or similar material must be at least 1 inch thick, except on their edges.

187. (1) The padding of the cushions without springs must be at least 5 inches thick and it must be depressed not more than 80% when a weight of 345 pounds is applied to it.

(2) When the backrest of a seat is padded with foam rubber or any other similar material, it shall not be depressed more than 80% when a weight of 300 pounds is applied to it.

188. The covering of seats and backrests of a school bus must :

(a) be made of artificial leather of a minimum weight of 42 ounces and whose basic cloth is made of twilled material or canvas ; and

(b) not have any seam on its large areas.

189. The upper horizontal part of the frame of the backrests of the seats of a school bus must be padded, except that of the backrests of the 2 seats located at the rear.

190. In the case of a school bus built after 30 September 1980, where a point on the rear surface of the back of the seat or on the barrier situated in the head or leg protection zone is impacted :

(a) the energy necessary to deflect the material must be not less than 4,52 Nm (40 inch-pounds) before the force level exerted on the head exceeds 667 N (150 lb) ; and

(b) the resisting force of the impacted material in the leg protection zone must not exceed 2 669 N (600 lb).

191. The padding and covering of the seats must be of material that will not flash or explode upon contact with a spark or open fire.

192. When seats are equipped with grab handles, they shall not protrude, but be enclosed in order to prevent accidents.

193. The seat of the driver of the school bus must be :

(a) strongly attached to the floor ;

(b) have vertical adjustment and fore-and-aft adjustment of not less than 3 inches ; and

(c) equipped with a seat belt in compliance with the federal standards in the Motor Vehicle Safety Regulations (C.R.C., c. 1038) and its amendments.

194. The minimum clearance between the steering wheel and the backrest of the school bus driver's seat must be 11 inches.

195. The centre of the driver's seat and the centre of the steering wheel of a school bus must be located on the same axis line.

196. Every school bus must be equipped with :

(a) an interior rearview mirror of a reflecting surface of at least 6 inches high by 30 inches wide firmly fastened to the body above the windshield and so installed that the driver may have a constant view of the passengers ;

(b) 2 exterior side rearview mirrors of a reflecting surface at least 6 inches wide by 16 inches high, firmly fastened on both sides of the body and so oriented as to enlarge, on both part of the school bus, the rear vision of the driver ; and

(c) except for urban-type school buses, an exterior and adjustable convex mirror at least 7 ½ inches in diameter and located on the left front of the school bus in order to permit the driver to observe areas to the front side and to the front of such school bus.

197. The inside rearview mirror of a school bus must :

(a) have rounded corners ;

(b) be well-framed ; and

(c) be of safety, laminated and non-tinted glass, unless metal backed and framed.

198. Notwithstanding section 59, where it is impossible to install the battery of a school bus under the hood, it

may be mounted outside the engine compartment by the body manufacturer.

199. (1) Every battery installed outside the engine compartment of a school bus must be securely attached in a closed, ventilated compartment placed in the body skirt in order that :

- (a) the battery be easily accessible for servicing ; and
- (b) the central line of the battery be approximately 52 inches back of the cowl.

(2) The door or cover of the battery compartment must be closed with a lock or other type of fastener.

(3) When the battery is located approximately 52 inches back of the cowl, the school bus must be equipped with cables at least 36 inches longer than normally required.

200. All openings made in the floor of a school bus or in the apron which insulates the engine from the cab, to allow for the passage of transmission, hand brake or other levers, must be sealed.

201. When a school bus is equipped with towing hooks at the rear, the latter must be placed under the side rails so as not to extend beyond the bumper.

202. (1) The body of a school bus, the hood of the engine and the mudguards must be painted with chrome yellow enamel. The hood may, however, be painted non-reflective black.

(2) The rear bumper, rub rails and inscriptions contemplated in section 210 must be painted with black enamel.

203. Every school bus must be equipped with :

- (a) at least 3 square red cloth flags at least 12 inches on each side ;
- (b) at least 3 red electric lanterns or 3 red emergency reflectors or 3 fluorescent triangles ;
- (c) one dry-chemical extinguisher of at least 2 ½ pounds capacity, bearing the manufacturer's label and whose chemical products are sufficient to extinguish a fire of at least 10 square feet caused by the ignition of a liquid or electrical short-circuit ;

(d) a metal box strong and large enough to contain the tools required to effect emergency repairs and which may be placed inside or outside the school bus ;

(e) a first-aid kit placed in a conspicuous location which is easily accessible to the passengers ; and

(f) an ax or demolition rod easily accessible to the driver.

204. The chemical extinguisher contemplated in paragraph c of section 203 must be installed near the front door and placed safely in a compartment easily accessible to the driver.

205. The tool box contemplated in paragraph d of section 203 must, where it is placed inside the school bus, be firmly attached to the floor and not interfere with passenger movement.

206. The first-aid kit contemplated in paragraph e of section 203 must be made of rustproof metal and contain at least :

- (a) 2 triangular bandages ;
- (b) a 4 inch-bandage compress ;
- (c) 1 gauze compress 36 inches by 36 inches ;
- (d) 2 bandages 2 inches wide by 6 yards long ;
- (e) 4 telfa pads 3 inches by 3 inches ;
- (f) 12 safety bands 1 inch wide by 3 inches long ;
- (g) 1 tube gauze 5 yards long, with applicator ;
- (h) 1 rolled metal splint 2¾ inches by 24 inches ;
- (i) 12 safety pins ; and
- (j) 1 pair small scissors.

207. Every baggage rack installed in a school bus must be so designed and mounted as to prevent any hazard to the safety of passengers.

208. No person shall modify or change the structure or any essential part of the body of a school bus unless he has obtained prior authorization of the Régie de l'assurance automobile du Québec.

209. No lettering or poster of any kind whatsoever on the outside or inside surfaces of a school bus shall be permitted except for registration markers, the make and model of the vehicle as affixed by the manufacturer, those containing instructions with respect to the maintenance

and operation of such school bus and to those authorized or prescribed in this Regulation.

210. (1) Every school bus must bear, on its front and rear exterior walls over an area of at least 30 inches wide by 8 inches high, in black letters the words SCHOOL BUS.

(2) The rear wall of a school bus must bear, in letters 3 inches high, the words STOP WHEN RED LIGHTS FLASHING.

(3) The exterior walls of a school bus may indicate the name of the carrier or the graphic sign of the corporation effecting the transport.

211. The body manufacturer of a school bus must indicate, on the body, the gross nominal weight of the school bus as recommended by the chassis manufacturer, by specifying the gross nominal weight of the front axle and that of the rear axle.

§3. *Salvaging*

212. Any person who salvages a school bus must repair all parts of the body in accordance with the requirements of this Division.

213. However, subsection 3 of section 80, subparagraph ii of paragraph e of section 180, section 181, subsections 3 and 4 of section 183, section 185 and section 190 do not apply to a school bus salvaged before 1 April 1983.

DIVISION II SCHOOL VEHICLES

214. No person may change the structure of a motor vehicle or minibus used as a school vehicle and in particular, no person may replace or modify the chassis, body or inside disposition without the explicit authorization of the Régie de l'assurance automobile du Québec.

215. No lettering or sign of any kind whatsoever on the inside or outside areas of a school vehicle shall be permitted except for the registration markers, the make and model of the vehicle and those which are authorized or prescribed in this Regulation.

The front doors or the side doors of a school vehicle may however bear the name of the carrier or the logo of the company or the enterprise that provides the transport.

216. (1) Every school bus must have a yellow sign 750 mm (30 in.) in width and 200 mm (8 in.) in height solidly affixed to the centre of the roof and bearing in black letters the words SCHOOL CHILDREN.

(2) Where a minibus is used as a school vehicle it must have a legible sign both at the front and at the rear bearing the legible words SCHOOL CHILDREN.

(3) Where a minibus is used as a school vehicle the sign and the words referred to in subsections 1 and 2 may be replaced by 2 signs that comply with the letters prescribed in subsection 1 and placed on the roof at the front and at the rear of the vehicle.

217. Where a minibus is used only to transport pupils the chassis and the front bumpers must be painted black enamel and the body, chrome yellow enamel.

218. Every minibus used as a school bus must have 2 flashing red lamps at the front and at the rear. The lamps must be sealed beam headlights at least 120 cm² (19 in.²).

219. Every school vehicle must be in accordance with the Highway Code (R.S.Q., c. C-24), have a hardtop roof and be equipped with a spare wheel and tire ready to be mounted on that school vehicle and the tools required for such purpose.

CHAPTER III SAFETY STANDARDS

DIVISION I GENERAL STANDARDS

220. No person may put a school bus or vehicle in service without first inspecting it and ensuring that it complies with the pertinent provisions of the Highway Code, of this Regulation or of any other transport regulation.

221. Every owner must, as often as necessary and at least every 6 months, clean or cause to be cleaned by means of an appropriate process the outer surfaces of the motor of the school bus or vehicle he operates in order to remove oil or other matter likely to cause fire or emit an unpleasant, foul or noxious odour inside or outside the said bus or vehicle.

222. No person may put a school vehicle in service unless :

(a) such vehicle and its equipment are in accordance with this Regulation and with the standards established by the Federal Department of Transport ; and

(b) such vehicle is equipped :

- i. with tires marked with the letters DOT or MOT, duly stamped by the manufacturer of such tires ;
- ii. between the last day of October and the last day of March, at least at the rear, with tires designed for driving on snow-covered roads.

223. No person may put a school bus in service unless :

(a) such bus and its equipment are in accordance with this Regulation ; and

(b) such bus is equipped :

- i. at the front, with good quality tires other than re-treads ; and
- ii. at the rear, between the last day of October and the last day of March, with tires designed for driving on snow-covered roads or tires equipped with snow chains.

224. No person may put a school vehicle in service whose wheels, including the spare wheel if any, are not simultaneously equipped with tires :

(a) of the radial ply type or of another type not prohibited by this Regulation ; and

(b) whose grooves in the tire tread are at least 2/32 of an inch deep.

225. No person shall operate a school bus :

(a) where the same axle has two tires with different carcasses or with different features ;

(b) the wheels or tires are different sizes ;

(c) the centre grooves of the tread of the tires on the front axle are less than 3,2 mm (4/32 in.) in depth ; and

(d) the centre grooves of the tread of the tires on the rear axle are less than 1,6 mm (2/32 in.) in depth.

DIVISION II **SERVICING AND INSPECTION STANDARDS**

226. Every owner must :

(a) as often as necessary, wash or cause to be washed the exterior of the school bus or vehicle in operation ;

(b) ensure that the lettering which appears on the school bus or vehicle is readable, clean and complete ;

(c) refrain from putting into service a school bus or vehicle whose exterior surfaces are run down, particularly through damage, wear, rust or other corrosive, to the point of constituting an injury hazard ; and

(d) maintain or cause to be maintained the interior of the school bus or vehicle in operation so as to ensure the comfort and safety of pupils ; he must, in particular, disinfect it or cause it to be disinfected with an appropriate product at least once every 6 months.

227. Every owner of a school bus must regularly at least once a month :

(a) ensure that the tires are in perfect condition and properly inflated ;

(b) ensure that the wheels contain no fissure and that all the nuts are well bolted ;

(c) ensure that all the lamps and reflectors are clean and in good operating order ;

(d) verify the state of the windshield, door windows and window to the driver's left ;

(e) verify the state of exterior and interior rearview mirrors ;

(f) ensure that the exhaust system is solidly attached underneath the school bus and contains no leakage ;

(g) verify the working of the emergency exit door ;

(h) verify all instruments on the instrument panel and the controls ;

(i) ensure the proper functioning of the defroster, ventilators, heaters, horn, windshield wipers and windshield washers ;

(j) check the proper functioning of brakes, including the parking brake ; and

(k) refrain from operating such school bus where the verifications contemplated in paragraphs a to j resulted in the detection of some irregularity liable to endanger the safety of pupils.

228. Every school bus or vehicle must, at least once before being put into service and every 2 months thereafter, be carefully inspected by a competent mechanic who

must change or repair any damaged or defective part of the chassis or of the body according to the manufacturer's instructions, where applicable.

The owner must, for such inspection, report on the defects found by the mechanic and the repairs made. He must keep this report for as long as he shall remain in possession of the school bus or vehicle and shall forward a copy, upon request, to the school board, private institution, college or educational establishment with which he is bound by contract.

229. (1) Every owner of a school bus or vehicle involved in an accident must, on the same day of such accident, or at the latest within 6 hours of such accident, verbally notify the school board, the private institution, the college, or the educational establishment with which he is bound by contract.

(2) The notice contemplated in subsection 1 must contain at least the following information :

(a) the identification of the vehicle involved in the accident ;

(b) the place, date, hour and nature of such accident ; and

(c) the absence or presence of pupils inside the vehicle at the time of such accident and, in this last instance, the number of pupils present.

(3) The notice contemplated in the preceding subsections 1 and 2 must also be forwarded in writing, within 96 hours following any such accident.

230. Every owner must, at the request of the Régie, submit the school bus or vehicle he operates for inspection in order to ensure that it is in good operating order and that it provides all the safety and comfort requirements established in respect of pupil transport.

231. After the inspection contemplated in section 230, the Régie shall give the owner and the school board, private institution, college or educational establishment with which such owner is bound by contract, a copy of the inspection report indicating that the school bus or vehicle :

(a) is accepted, where such school bus or vehicle fully complies with the Act and regulations ;

(b) is rejected, where such school bus or vehicle has irregularities which do not constitute an immediate danger to the safety of pupils ;

(c) must be garaged where such school bus or vehicle is found to have defects constituting an immediate danger to the safety of pupils ; or

(d) must be put out of service, where such school bus or vehicle is found to have major defects or irregularities which render it unusable.

232. Every peace officer or any officer of the Department authorized for such purpose may, in the performance of his duties, stop or cause to be stopped every school bus or vehicle which is not accordance with this Regulation and order the owner of such school bus or vehicle to withdraw it from service until it complies with this Regulation.

233. In the case contemplated in paragraph *b* of section 231, the owner must, within 48 hours after receiving the copy of the inspection report, cause the irregularities found to be corrected and report to the Régie or to a station of the Sûreté du Québec to have the corrections acknowledged. He must, in addition, upon the request of the school board, private institution, college or educational establishment with which he is bound by contract, provide it with the proof of such rectifications.

234. (1) In the case contemplated in paragraph *c* of section 231, the owner must immediately withdraw from service the school bus or vehicle in question in order to make the required repairs or alterations and remit the registration markers and certificate to the Régie.

(2) In the case contemplated in paragraph *c* of section 231, the Régie may return the registration markers and certificate as soon as it has been proven to him that the necessary repairs or alterations have been made. He shall then notify the school board, private institution, college or educational establishment with which the owner is bound by contract thereof.

235. In the case contemplated in paragraph *d* of section 231, the owner of the school bus or school vehicle must remit without delay the registration markers and certificate to the Régie who may also withdraw the serial number.

DIVISION III STANDARDS OF USE

236. No person may effect the transport of pupils other than by means of :

(a) a school bus or vehicle that complies with this Regulation ; or

(b) a bus normally used for effecting public transport.

237. (1) No person may transport or have transported in a school bus or school vehicle of the minibus type, a higher number of pupils per seat than the whole number obtained by dividing the width of a seat in inches by 13.

(2) No person may install or keep portable seats or folding-seats in a school bus, or in a school vehicle of the minibus type.

238. (1) No person may transport or cause to be transported at the same time in school vehicle more than 5 passengers in the case of a vehicle of the berlin type nor more than 7 passengers in the case of a vehicle of the station wagon type, where such passengers are pupils at the secondary level or pupils attending a college.

(2) No person may transport or cause to be transported at the same time in a school vehicle, where such passengers are pupils at the elementary level or pupils attending kindergarten :

(a) more than 6 passengers in the case of a vehicle of the berlin type nor more than 8 passengers in the case of a vehicle of the station wagon type ;

(b) more than 4 passengers in the rear seat.

239. For the purposes of section 238, the definition of the word "berlin" and the definition of the expression "station wagon" contained in paragraphs 4 and 10 of section 1 of the Regulation respecting transport by taxicab (c. T-12, r.22) shall apply.

240. Every driver of a school bus must, upon taking aboard a pupil :

(a) bring his vehicle to a complete stop at the boarding point determined by the school board, private institution, college or educational establishment that organizes or effects such pupil transport ;

(b) switch on the flashing lamps ;

(c) see that there is no scuffling in the bus ; and

(d) ensure that all the passengers are seated before switching off the flashing lamps and re-starting his vehicle.

241. At the time when a pupil has to alight, the driver of a school bus must :

(a) bring his vehicle to a complete stop at the alighting point determined by the school board, private institution,

college or educational establishment that organizes or effects such pupil transport ;

(b) switch on the flashing lamps ; and

(c) ensure that the pupil has crossed the street, where applicable, and that all passengers are seated before switching off the flashing lamps and re-starting his vehicle.

242. No school bus driver shall :

(a) drive while the service door is open and pupils are aboard ; or

(b) switch on the flashing lamps other than to take aboard a pupil or allow a pupil to alight or to signal any imminent danger.

243. No driver of a school bus or vehicle may leave his vehicle while there are pupils aboard, except in case of necessity.

244. The driver of a school bus or vehicle must ensure the comfort and safety of his passengers, in particular by driving at an appropriate speed according to the circumstances of time and place and by accelerating, slowing down and turning easily and with due care.

245. (1) Every driver of a school bus must, when pupils are on board, bring his vehicle to a complete stop before driving through a railway crossing and ensure that he may drive through such crossing without risk before re-starting his vehicle.

(2) When a school bus is stopped in accordance with subsection 1 and the visibility is poor, the driver must, where necessary, open the door to listen for the sound of any train coming in his direction.

246. In all cases where the transport of pupils is effected under section 295, the driver must have in his possession, for verification, a document which complies with the form in Schedule M, duly filled in and signed by a person designated by the school board, college, private institution or educational establishment and authorizing such transport.

CHAPTER IV STANDARDS OF OWNERSHIP AND POSSESSION

247. The ownership of a school bus or vehicle shall be certified by the registration and the certificate attesting thereto.

248. When applying for the registration of a motor vehicle as a school bus or vehicle, the Régie must ensure that the applicant is, for the school year for which registration is applied for, a party to a contract for the transport of school children with a school board, private institution, college or another educational institution or that the applicant is a party to a contract for the transport of pupils concluded with a transport commission or a municipal or intermunicipal transit corporation itself bound by contract with a school board, private institution, college or any other educational institution.

249. (1) The Régie, upon payment of the required fees, may register a vehicle as a school bus or vehicle, where :

(a) the owner is party to a contract for the transport of pupils ;

(b) the owner holds a civil liability insurance policy in conformity with the Automobile Insurance Act (R.S.Q., c. A-25) ;

(c) the owner furnishes him with proof of that insurance ;

(d) the insurance company which issued such policy binds itself in writing to give to the Régie a notice of 10 days with respect to any cancellation, expiry or modification of the type or amount of coverage of the policy, plus interest and costs for any claim as well as the insured risks ; and

(e) it appears that the person is owner of this school bus or vehicle which complies with the Act, this Regulation and with any other applicable regulation.

(2) When it is proven to the Régie that a school bus or vehicle no longer meets the provisions of this Chapter, the Régie must cancel the registration and in consequence thereof, withdraw the registration markers and certificate.

250. (1) The standards of ownership of a taxicab prescribed in the Regulation respecting transport by taxicab (c. T-12, r.22) shall apply to a taxicab used as a school vehicle with the exception of sections 247 to 249.

(2) Sections 247 to 249 shall not apply to a bus normally used to effect public transport.

251. The carrier who is party to a contract for the transport of pupils may operate a school bus or vehicle which is not owned by him, but which he rents, provided

that the lessee holds a permit therefor and that the rental is certified in a written contract, a copy of which must be forwarded, immediately following its drawing up, to the Commission, to the Régie and to the school board, private institution, college or educational establishment with which such holder has entered into a contract for the transport of pupils.

252. In the case contemplated in section 251, the carrier shall be deemed, for the purposes of this Regulation, to be the owner of the rented school bus or vehicle and, notwithstanding any provision contrary to or inconsistent with a transport regulation, the Régie may register the said school bus or school vehicle as if it were owned by such carrier who may not, however, use it for the transport of pupils unless it is registered in accordance with this Regulation.

253. No school board, private institution, college or educational establishment may purchase or rent a school bus or vehicle unless :

(a) such purchase or rental is necessary for the efficient organization of pupil transport ; or

(b) such bus or vehicle is purchased or rented for the purpose of replacing a school bus or vehicle of the same type and capacity ; and

(c) the school bus or vehicle thus replaced :

i. is more than 8 years old or has more than 80 000 miles ; or

ii. cannot be restored to operating order without undergoing repairs the cost of which exceeds $\frac{3}{4}$ of its actual value.

254. (1) Every owner must, for each school bus or vehicle that he owns, have and keep a register or any other document in which he shall enter :

(a) the make and serial number of such bus or vehicle ;

(b) the date of every verification or inspection made in accordance with section 227 or 228 ; and

(c) the date of every inspection made by the Régie as well as the mileage of such bus or vehicle at the time of inspection ;

(d) a note of the date and nature of every repair made involving an amount exceeding 200 \$;

(e) a note of the date of every accident in which such school bus or vehicle was involved and of every insurance settlement resulting therefrom, where applicable ; and

(f) the reading of the odometre on the date of purchase of such bus or vehicle where such date is later than 25 August 1976, as well as the reading of the odometre on 1 September and 30 June of each year.

(2) Every owner must, even if the school bus or vehicle is withdrawn from service, retain the register contemplated in subsection 1 for a period of 2 years after such withdrawal.

(3) The owner must, upon the request of a representative of the school board, private institution, college or educational establishment with which he is bound by contract, allow the latter to consult the register or document contemplated in subsection 1.

CHAPTER V SPECIFICATIONS, CALL FOR TENDERS AND PUBLIC TENDERS

DIVISION I POWERS OF SCHOOL BOARDS

255. A regional board or a school board contemplated in section 257 may, by a resolution in accordance with Form 1 of Schedule B, exercise the powers referred to in paragraph *a* of subsection 2 of section 431 of the Education Act (R.S.Q., c. I-14).

256. A regional board or a school board contemplated in section 257 may, by a resolution in accordance with Form 2 of Schedule B, exercise the powers referred to in paragraph *b* of subsection 2 of section 431 of the Education Act.

257. A school board whose name appears in Schedule C may exercise the powers referred to in section 431 of the Education Act.

DIVISION II SPECIFICATIONS FOR PUPIL TRANSPORT

258. Any school board, private institution, college or other educational establishment that provides for the transport of pupils must draw up the specifications of such transport beforehand unless the transport is done by means of a school bus or vehicle it owns or rents.

259. (1) The transport specifications contemplated in section 258 must indicate, in accordance with Schedule D :

(a) the name of the school board, college, private institution or educational establishment that provides for such transport ;

(b) the name of the school board, college, private institution or educational establishment for which the school board organizes such transport, where applicable ;

(c) the date of approval of the specifications for the organization of transport ; and

(d) subject to subsection 2 of section 260, the obligations of the carrier whose tender is accepted or with whom a contract has been negotiated.

(2) Within the meaning of paragraph *c* of subsection 1, the expression "specifications for the organization of transport" means the organization plan for the transport of pupils approved by the Minister in accordance with subsection 6 of section 431 of the Education Act.

260. (1) The obligations of the carrier within the meaning of paragraph *d* of subsection 1 of section 259 relate in particular to :

(a) the routes to be followed, the number of kilometres in such routes, the number and type of vehicles to be provided, the schedules and the number of pupils to be transported ;

(b) the modifications that may be made to the routes, schedules, number and type of vehicles and to the number of pupils ;

(c) the minimum coverage of insurance policies to be taken out and kept by the carrier ;

(d) the operation of school buses or minibuses exclusively by the holders of driving permits of the appropriate class, as required by the Regulation respecting drivers' permits (c. C-24, r.26) ; and

(e) the securities required to guarantee the execution of the contract for the transport of pupils.

(2) Subsection 1 shall not apply where the transport specifications are drawn up for negotiating a contract with a transport commission, a municipal or intermunicipal transit commission or with the holder of a permit for public transport, in accordance with paragraphs *b* and *c* of subsection 5 of section 431 of the Education Act, or with the owner of a school vehicle in accordance with subsection 4 of section 431 of the said Act.

261. Any transport specifications used as a basis for negotiating a contract or for the concluding of such contract by means of public tenders form an integral part of

the contract agreed upon and must contain a clause to that effect.

262. All transport specifications must, in addition, indicate :

- (a) the term of the contract to be concluded ;
- (b) the possibility of extending the term of the contract ;
- (c) the terms and conditions of payment of the transport services required ;
- (d) the total number of work days used to fix the price of the tender ;
- (e) the minimum price fixed in accordance with the rate and tariff standards for each vehicle required and under which no tender shall be accepted nor any contract negotiated or made ; and
- (f) the maximum price determined in accordance with the rate and tariff standards for each vehicle required and beyond which no tender shall be accepted nor any contract negotiated or made.

DIVISION III CALL FOR TENDERS

263. Where the Act stipulates that public tenders are required for the awarding of contracts for the transport of pupils, such tenders must be called for by means of public notices.

264. The call for public tenders must be advertised at least in French in a French language daily newspaper with circulation in the region where pupil transport services are required, and must indicate :

- (a) the name of the school board, college, private institution, or educational establishment organizing the transport of pupils ;
- (b) the name of the school board, college, private institution or educational establishment for which the school board organizes transport, where applicable ;
- (c) the term of the transport contract likely to be made as a result of such call for tenders ;
- (d) the conditions of acceptance for submitting a tender ;
- (e) the places where pupil transport services are required ;
- (f) the deposit or tender security required, which must under no circumstances exceed an amount equal to 10% of the total price of the tender ;

(g) the selling price for the specifications and other documents accompanying the tender form, which must not exceed an amount of 50 \$;

(h) the address of the place where interested persons may obtain the documents contemplated in paragraph g ;

(i) the hour, date and place where the closing of tenders is to take place ; and

(j) the hour, date and place where the opening of tenders is to be held.

265. (1) Only the following persons shall be allowed to submit tenders for providing transport of pupils : persons who, at the time of submitting their tender :

(a) do not manufacture school buses or school vehicles ; and

(b) have formulated a requisition for the specifications and other documents accompanying the tender form.

(2) No school board, private institution, college or educational establishment may determine a minimum number of vehicles for which a tenderer must fix a price in his tender, unless such practice is essential to a better coordination of transport services in a determined sector.

(3) Where minimum number of vehicles is determined for any one sector in accordance with subsection 2, such number must not exceed 10 and the tender submitted must not provide for a discount but only for a definite price for each vehicle.

266. Upon payment of the fees required for the sale of the tender documents, the school board, college, private institution or educational establishment must furnish to each person from whom it has received payment :

(a) a copy of the call for tenders published in a newspaper in accordance with section 264 ;

(b) one copy of the specifications drawn up in accordance with Division II ;

(c) a document entitled "Instructions to Tenderers" indicating :

i. the manner in which the tender form is to be completed and the documents required in support thereof ; and

ii. the procedure to be followed by such tenderers ;

(d) a notice to the effect that the tenderer must furnish with his tender either a certified cheque for an amount equal to 10% of the total amount of the tender, or a guarantee policy for an equal amount issued by a company au-

thorized to act as judicial surety under the Guarantee Companies Act (R.S.Q., c. C-43) ;

(e) a notice to the effect that the tenderer chosen must furnish each year, before commencing the execution of the contract for the transport of pupils, a certified cheque or a performance bond for an amount equal to 20% of the price of the contract, the said bond being required to be issued by a company contemplated in paragraph *d* ;

(f) a notice to the effect that any tender that is not completed in accordance with the instructions, or that is not accompanied by the required documents, or where the required documents are not duly completed, will be rejected ;

(g) a notice to the effect that it is forbidden for a tenderer to tender for a number of vehicles greater than 3 times the number of available vehicles that he owns with the exception of vehicles intended for sale, unless such tenderer has fewer than 4 vehicles, in which case he may tender for not more than 10 vehicles ; however, a tenderer who does not own any vehicles may tender according to the same proportions as a tenderer who owns fewer than 4 vehicles ;

(h) a document indicating what information is required from the tenderer ;

(i) 2 tender security forms ;

(j) 1 performance bond form ;

(k) 3 tender forms ;

(l) 2 forms of sworn statement or solemn declaration ;

(m) a copy of the contract to be concluded.

267. The document contemplated in paragraph *h* of section 266 must require the following information :

(a) if the tenderer is a natural person, his name, residence or domicile ;

(b) if the tenderer is a partnership, the name, residence and domicile of every partner ;

(c) if the tenderer is a corporation, the name, residence and domicile of every director ;

(d) a summary report of the tenderer's experience in the matter of the transport of pupils including, where applicable, a list of the pupil transport services that he provides at the time of submitting his tender or that he has provided in the year prior to the date of such tender ; and

(e) a description of the equipment at the tenderer's disposal to provide the required services.

DIVISION IV TENDERS

268. (1) The deadline for the closing or receipt of tenders must be at least 15 days effective from the date of publication of the call for tenders.

(2) Where a call for tenders is published more than once, the deadline contemplated in subsection 1 shall run effective from the date of the last publication.

269. Every tender must be made on the tender form duly completed by the tenderer and accompanied by the following documents duly completed and signed :

(a) the information contemplated in paragraph *h* of section 266 ;

(b) the tender security form or guarantee cheque ;

(c) where the tenderer is a corporation, a copy of the resolution authorizing a designated person to sign, for and in the name of the said corporation the tender and documents annexed thereto as well as the contract, where applicable ;

(d) where the tenderer is the mandatary of a partnership, a copy of the mandate authorizing the tenderer to sign, for and in the name of the partners, the tender and documents annexed thereto as well as the contract, where applicable ;

(e) a sworn statement or a solemn declaration to the effect that he has taken cognizance of all the documents contemplated in section 266 and that the information furnished by him is correct.

270. (1) All the tenders submitted must be opened by a representative designated for such purpose by the school board, private institution, college or educational establishment, in the presence of at least 2 witnesses, on the date, hour and place indicated in the call for tenders.

(2) All the tenderers may be present at the opening of tenders.

271. The names of the tenderers, the amounts of the tenders and the amount of the certified cheque or of the tender security must be declared aloud at the opening of tenders.

272. A school board, college, private institution or educational establishment that provides for the transport of pupils must reject any tender which :

(a) has not been received by the deadline fixed in the call for tenders ;

(b) is submitted by a person who is not authorized to tender ;

(c) does not comply with subsection 3 of section 265 ;

(d) is submitted otherwise than on the form contemplated in paragraph k of section 266 ;

(e) has not been completed according to instructions ;

(f) is not accompanied by the documents required in accordance with section 269 ;

(g) is accompanied by documents which are not properly completed ; or

(h) contains additional information, modification or erasures.

273. (1) Any amendment to a tender made by telegram, telex or other similar means of communication must be rejected, although such tender remains valid.

(2) Any tender whose price does not conform to the rate and tariff standards set forth in this Regulation must be rejected.

274. (1) Following rejection of a tender for a vehicle whose price exceeds the maximum tariff in the rate and tariff standards, a school board, private institution, college or educational establishment may, where no tender for that vehicle has been submitted in accordance with the rate and tariff standards, request that the contractor whose tender was rejected or not taken into consideration for award purposes submit, within 2 days of such request, a new tender form in which the price indicated for that vehicle conforms to the rate and tariff standards.

(2) Where several tenders for the same vehicle have been rejected or not taken into consideration because the price of such tenders exceeded the maximum tariff, a school board, private institution, college or educational establishment which avails itself of subsection 1 must make the request contemplated therein to all contractors whose tender was rejected for that vehicle.

275. No person may withdraw a tender submitted unless :

(a) such withdrawal is made before the hour and date fixed for the closing of tenders ; and

(b) the person who has submitted it shows that the vehicles for which he has tendered are already reserved for the carrying out of another contract for the transport of pupils, by producing to that effect a certified statement from the school board, private institution, college or educational establishment to which he is bound for the same school year.

276. All tenders submitted that have not been rejected in accordance with sections 272 and 273 must be examined for award purposes.

277. The choice of the tenderer must be decided on not later than 10 days following opening of tenders, according to the award standards set forth in sections 288 to 291, and all the tenderers must be informed thereof not later than 3 days after such award.

278. The adjudicator must, within 5 days following the award of the contract for the transport of pupils, forward to the Minister a copy of Schedule D, duly filled in, the names of the tenderers and their respective price for each vehicle, the name of the tenderer chosen and the reasons for such choice if the tenderer chosen is not the lowest tenderer.

279. Within 15 days following the date of selection of the tenderer, the guarantee deposits or the tender guarantee policies, as the case may be, must be returned to all the tenderers, except :

(a) the tenderer chosen ; and

(b) a tenderer who has requested the Commission to cancel the awarding of the contract in his favour.

280. Upon receipt of the performance bond or guarantee deposit, the school board, private institution, college or educational establishment must return to the contractor who has signed the contract his performance bond or guarantee deposit.

CHAPTER VI CONTRACTS FOR THE TRANSPORT OF PUPILS

DIVISION I GENERAL PROVISIONS

281. Every school board, private institution, college or educational establishment that provides for the transport of pupils must, unless such transport is effected by means of school buses or school vehicles owned by it, make a contract for the transport of pupils in accordance with this Regulation.

282. Every contract for the transport of pupils must contain a clause stipulating that the specifications drawn up for tenders or for the negotiation of such contract are an integral part of the contract.

DIVISION II **TYPES OF CONTRACT**

283. Contracts for the transport of pupils shall be of the “exclusive transport” type or of the “integrated transport” type.

284. Contracts of the “exclusive transport” type shall be made for the exclusive transport of pupils and include contracts which are :

(a) awarded as a result of public tenders, in accordance with subsection 3 of section 431 of the Education Act and with this Regulation ;

(b) negotiated directly with the holder of a permit for public transport or a transport commission, in accordance with paragraph *a* of subsection 5 of section 431 of the Education Act ; and

(c) negotiated for the transport of 9 pupils or fewer in accordance with subsection 4 of section 431 of the said Act.

285. Contracts of the “integrated transport” type shall be made for the transport of pupils following direct negotiations with a transport commission, a municipal transit corporation or an intermunicipal transit corporation or with the holder of a permit for public transport, in order to enable pupils to use public transport services, and shall include :

(a) contracts for the purchase of tickets contemplated in paragraph *b* of subsection 5 of section 431 of the Education Act ; and

(b) contracts for a lump sum based on the projected use of the services in accordance with paragraph *c* of subsection 5 of section 431 of the said Act.

286. (1) Every contract for the transport of pupils contemplated in paragraph *a*, *b* or *c* of section 284 must conform to Form 1 or Form 2 of Schedule G.

(2) No contract for the transport of pupils contemplated in paragraph *c* of section 284 may be made for a period exceeding one school year.

287. (1) Every contract for the transport of pupils contemplated in paragraph *a* of section 285 must contain at least the clauses prescribed in Form 1 of Schedule H.

(2) Every contract for the transport of pupils contemplated in paragraph *b* of section 285 must contain at least the clauses prescribed in Form 2 of Schedule H.

(3) No contract for the transport of pupils contemplated in paragraph *a* or *b* of section 285 may be made for a period exceeding one school year.

DIVISION III **AWARDING OF CONTRACTS**

288. (1) Every contract for the transport of pupils in respect of which a call for public tenders was made must be awarded to the lowest tenderer, provided his tender conforms to the rate and tariff standards.

(2) The awarding of contracts for the transport of pupils must be made per vehicle, or per number of vehicles in the case provided for in subsection 3 of section 265.

289. (1) Despite section 288, a school board, private institution, college or other educational establishment may award a transport contract commencing during a given school year for a vehicle, to a contractor who is the lowest tenderer but whose tender price exceeds the average rate established for that vehicle in accordance with section 305, provided the contractor proves to the Commission that the price given in his tender corresponds to the operating cost of such vehicle for that school year.

(2) However, where such contractor effected the transport of pupils during the preceeding school year, he must file with the Commission before the 61st day after the awarding of the contract, the following documents :

(a) comparative financial statements for the fiscal year ending on the preceding 30 June, prepared in accordance with usual accounting practices and audited by a person authorized to practise public accounting, comprising :

- i. a balance sheet ;
- ii. an itemized statement of revenue and expenditure ;
- iii. a statement of the undistributed earnings or of the deficit ;
- iv. a statement of changes in financial position ;
- v. the auditor's report ; and
- vi. the notes relating to the financial statements ;

(b) the information required in Schedule E ; and

(c) a notice certifying that a copy of the documents referred to in paragraphs *a* and *b* was sent to the Minister.

290. Despite section 288, where there is only one tenderer for a vehicle to be used for the transport of pupils beginning from a given school year, the school board, private institution, college or educational establishment may award the transport contract to that tenderer :

(a) where the price that he fixed for such vehicle does not exceed the average rate established in accordance with section 305 ; or

(b) where the price that he fixed for such vehicle exceeds the average rate contemplated in paragraph *a*, provided he proves to the Commission that the price indicated in his tender corresponds to the operating costs of such vehicle for this school year. In this case, if the contractor was transporting pupils during the preceding school year, he must submit to the Commission the documents referred to in subsection 2 of section 289 before the 61st day after the awarding of the contract.

291. In the cases contemplated in sections 289 and 290, the transport contract must be submitted to the Commission by the school board, private institution, college or educational establishment which awarded it, within 10 days of the awarding.

DIVISION IV SPECIAL CONTRACTS

292. (1) Notwithstanding sections 259 to 291, a school board, private institution, college or educational establishment which has put an end to a contract before its date of expiry or which, following a call for public tenders and after having availed itself of section 274, is unable to award a contract for the transport of pupils in accordance with the said sections may :

(a) avail itself of clause 36 of the contract appearing in Form 1 of Schedule G to award to a contractor to whom it has already awarded a contract for the transport of pupils, the contracts to which it put an end or which it was unable to award ; or

(b) by a new call for tenders for which any person residing in Québec may tender, by means of a public notice in a daily newspaper giving the services required, the place where the transport specifications may be obtained and the deadline for submitting tenders, grant, to the lowest bidder only, a contract for transporting pupils for a maximum duration of 10 months, with no possibility of extension or renewal or indexing or increase of the price, except for readjustments of the special contract provided for in Form 3 of Schedule G.

(2) Sections 296 to 346 do not apply to a contract of special transport of pupils awarded under paragraph *b* of subsection 1. However, in the computation of the adjustment clauses provided for in this contract, where necessary, reference must be made to the tables of rates and tariffs applying in the region covered.

293. Despite sections 259 to 291, a school board, a private institution, a college or an educational establishment which loses the services of a contractor with which it already had contracted, following a refusal by the Commission to extend this contract, made under subsections 3, 9 and 10 of section 431 of the Education Act (R.S.Q., c. I-14) or following the cancellation or suspension of this contract because of the acts of the contractor, may, in order to ensure the transport of pupils, proceed with a call for tenders in the manner prescribed in paragraph *b* of subsection 1 of section 292 by following the obligations provided for there ; however, for the purposes of this section, the lowest tender must be in conformity with the standards of rates and tariffs prescribed in Schedule F.

However, a school board, a private institution, a college or an educational establishment can proceed in this manner only if the need for pupil transport does not make it possible to proceed in accordance with sections 259 to 291.

294. (1) The transport specifications used as a basis for the signing of a contract under this Division are part of the contract.

(2) Any special contract for the transport of pupils referred to in sections 292 and 293 must be in agreement with Form 3 of Schedule G.

295. Any service of pupil transport not mentioned in the contracts referred to in sections 283 and 287 as well as in sections 292 and 293 may be negotiated by the parties where :

(a) such pupil transport is not a daily morning and evening transport ; and

(b) a clause the contract provides for such negotiations.

CHAPTER VII RATE, TARIFF AND COST STANDARDS FOR THE TRANSPORT OF PUPILS

DIVISION I EXCLUSIVE TRANSPORT OF PUPILS

296. The price of every contract for the transport of pupils of the “exclusive transport” type must be fixed by the parties or by the Commission where it must decide on such price :

(a) in accordance with standards prescribed in this Division ;

(b) where the transport is effected by means of a bus usually used for public transport, a school bus or minibus, according to :

- i. the region in which the execution of the contract takes place ;
- ii. the capacity of such school bus or minibus ; and
- iii. the number of route-kilometres to be travelled daily by such bus or minibus ;

(c) where the transport is effected by means of a school vehicle other than a minibus, according to :

- i. a basic tariff ; and
- ii. a rate based on the number of route-kilometres to be covered daily by such vehicle.

297. For the purposes of this Regulation, the word “capacity” means the number of rows of seats in a school bus or minibus.

For the purposes of this Regulation, the capacity of a bus usually used to effect public transport shall be 12 rows of seats.

298. For the purposes of this Division, the following regions shall comprise :

Region 1 : The territory under the jurisdiction of the regional school boards of Lac-Saint-Jean and Louis-Hémon ;

Region 2 : The territory under the jurisdiction of the Lapointe Regional School Board as well as the territory under the jurisdiction of the school boards of Chicoutimi, Valin and Baie-des-Ha ! Ha ! ;

Region 3 : The territory under the jurisdiction of the regional school boards of de Tilly, Charlevoix, Chauveau, Grand-Portage, Jean-Talon, Louis-Fréchette, Orléans, Pascal-Taché, Tardivel, as well as the Commission des écoles catholiques de Québec ;

Region 4 : The territory under the jurisdiction of the regional school boards of Baie des Chaleurs, Lower St. Lawrence, des Monts and la Péninsule, as well as the territory under the jurisdiction of the school board of the Vallée de la Matapédia ;

Region 5 : The territory under the jurisdiction of the regional school boards of l’Amiante and la Chaudière ;

Region 6 : The territory under the jurisdiction of the regional school boards of Provencher and des Vieilles-Forges ;

Region 7 : The territory under the jurisdiction of the Mauricie Regional School Board ;

Region 8 : The territory under the jurisdiction of the Bois-Francis Regional School Board ;

Region 9 : The territory under the jurisdiction of the Saint-François Regional School Board ;

Regions 10 and 11 : The territory under the jurisdiction of the Eastern Townships Regional School Board ;

Region 12 : The territory under the jurisdiction of the regional school boards of Chambly, Blainville, Deux-Montagnes and Lignery, as well as the territory under the jurisdiction of the school boards of Jérôme le Royer, Verdun, Sainte-Croix, Sault Saint-Louis, Les Écores, Des Manoirs, the Commission des écoles catholiques de Montréal, Baldwin-Cartier, Le Gardeur, Chomedey de Laval and Mille-Îles ;

Region 13 : The territory under the jurisdiction of the Lanaudière Regional School Board ;

Region 14 : The territory under the jurisdiction of the des Laurentides, Saint-Jérôme and du Long-Sault school boards ;

Region 15 : The territory under the jurisdiction of the Carignan Regional School Board ;

Region 16 : The territory under the jurisdiction of the Yamaska Regional School Board ;

Region 17 : The territory under the jurisdiction of the Meilleur Regional School Board, as well as the territory under the jurisdiction of the Davignon School Board ;

Region 18 : The territory under the jurisdiction of the Honoré-Mercier Regional School Board ;

Region 19 : The territory under the jurisdiction of the Vaudreuil-Soulanges Regional School Board, as well as the territory under the jurisdiction of the Des Moissons, Châteauguay, Valleyfield and Huntingdon school boards ;

Region 20 : The territory under the jurisdiction of the regional school boards of Papineau, Outaouais and Henri-Bourassa ;

Region 21 : The territory under the jurisdiction of the La Vérendrye and Harricana regional school boards, as well as the territory under the jurisdiction of the Abitibi, Rouyn-Noranda, Lac Témiscamingue and Chapais-Chibougamau school boards ;

Region 22 : The territory under the jurisdiction of the Tadoussac, Bersimis and Manicouagan school boards ;

Region 23 : The territory under the jurisdiction of the Golfe Regional School Board and Fermont School Board ;

Region 24 : The territory under the jurisdiction of the des Îles School Board ;

Region 25 : The territory under the jurisdiction of the Nouveau-Québec, Littoral, Cree and Kativik school boards.

299. The rate and tariff standards applicable to the transport of pupils effected for the account of a Protestant school board shall be those which apply to transport effected for the account of the Catholic school board situated in the same territory.

300. Where a bus or a minibus is used in more than one region for a single contract, the standards applicable shall be those of the region in which the first boarding point is located.

301. (1) No person may transport school children or provide transportation of the “exclusive transport” type by means of a bus normally used for public transport or a school bus or a school vehicle without receiving, in the case of a carrier, or paying, in the case of a school board, private institution, college or educational institution, remuneration in accordance with this Regulation.

(2) Subsection 1 shall not apply in the case of a contract for the transport of pupils concluded between a carrier and a transport commission or a municipal or intermunicipal transit commission itself bound by contract with a school board, private institution, college or educational establishment.

302. For the purposes of this Division, a minibus is deemed to have a capacity of 4 or 5 rows of seats.

303. Despite subparagraph iii of paragraph *b* and subparagraph ii of paragraph *c* of section 296, the number of route-kilometres to be covered daily by a school bus or a minibus must be raised or lowered to the nearest multiple of 8.

304. Section 301 shall apply to a transport commission, a municipal or intermunicipal transit commission and to the holder of a permit for public transport who effects the transport of pupils of the “exclusive transport” type under a negotiated contract.

305. For the purposes of this Regulation, the average rate for the transport of pupils by bus normally used for public transport, by school bus or minibus, is one-half of the sum of the minimum rate and the maximum rate determined for such bus or vehicle in accordance with Schedule F.

306. Before deciding on the price of a new contract for transport of the “exclusive transport” type, where the Commission finds that the carrier did not submit within the prescribed time limit, all documents required by section 289 or 290, it must determine as the price of the contract an amount which does not exceed the average rate established in conformity with section 305.

307. (1) Where the Commission decides on the price of a contract for the transport of pupils of the “exclusive transport” type, such price must be analysed on the basis of the following cost factors of the carrier :

- (a) the amortization of the vehicle used to effect transport ;
- (b) its financing ;
- (c) its maintenance ;
- (d) the wear of the tires ;
- (e) fuel consumption ;
- (f) the driver's salary ;
- (g) insurance costs for the vehicle ;
- (h) the average cost of administration per vehicle ; and
- (i) the return or revenue derived from the operation of the vehicle.

(2) Despite subsection 1, the Commission may analyse the price of a contract for the transport of pupils of the “exclusive type” by taking into account, for each cost factor contemplated in the said subsection, the average operating costs of a carrier for the transport of pupils which he effects as well as certain particular expenses directly affecting his operating costs.

308. Where the Commission decides on the price of a new contract for the transport of pupils of the “exclusive transport” type, it must first determine the actual costs of operation of the carrier for the preceding school year if the carrier effected the transport of pupils during that school year. To determine these costs, it must take into account only the cost factors appearing in section 307.

309. (1) In the case governed by section 308, where the Commission determines the operating costs of a carrier, it must take into account only the costs incurred by the transport of pupils for which the carrier received a remuneration in conformity with the basic price of the contract for the preceding year, without taking the adjustments into account.

(2) Where a carrier received a remuneration lower than the basic contract price for the preceding year, following a suspension of its operations, the Commission must evaluate what the operating costs of such carrier would have been if there had not been such suspension, while taking into account the said costs for number of days of operating each year equal to 180.

310. Where the Commission determines the operating costs of a carrier, it must consider in the aggregate and consolidate :

(a) fixed expenses, that is financing expenses, amortization expenses for a bus or minibus, average administrative expenses and the average return on operations of the carrier per vehicle ; and

(b) variable expenses, that is the cost of tires and fuel as well as maintenance and insurance costs for the vehicle.

311. Where the Commission determines the operating costs of a carrier who did not do any transport of pupils the preceding school year, it must analyse the different elements of costs using as a basis the proof presented by the carrier respecting his costs forecasts, taking into account the situation of the market in the region where the carrier will operate.

312. (1) In the case referred to in section 308, where the Commission determines the fixed costs, the total of these costs must not exceed a maximum percentage of the price of the basic contract for the preceding school year.

(2) The maximum percentage referred to in subsection 1 is established for each region in Schedule I. However this percentage must, in each region, be reduced by 6% in the case of a vehicle of a capacity of 4 or 5 rows of seats or of a minibus.

(3) In all cases, the Commission may take into account, in order to determine the operating costs of a carrier, an amount of the return on operations not exceeding 4,76% of the basic price of the contract for the preceding school year, provided that this contract does not increase the whole of the costs mentioned in subsection 1 beyond the maximum percentage prescribed in subsection 2.

(4) In all cases where the financing of a vehicle, as it appears in the documents required in section 289, is lower, for the preceding school year, than 1/6 of the amount established in subsection 1, the Commission may take into account an amount for financing the vehicle not exceeding 1/6 of the amount established in subsection 2, provided that this amount does not increase the whole of the costs referred to in subsection 1 beyond the maximum percentage prescribed in subsection 2.

313. (1) In the case mentioned in section 308, where the Commission determines the costs of tires and fuel as well as the maintenance and insurance costs for a vehicle, it must compute them according to the number of route-kilometres travelled by this vehicle during the preceding school year.

(2) Despite subsection 1, in order to determine the costs for tires and fuel as well as the maintenance and insurance costs, the Commission may spread them on the basis of the number of kilometres for each route travelled during the preceding school year for the transport of pupils for which the carrier received as remuneration the basic price of his contract for the preceding year.

314. (1) In the case mentioned in section 308, where the Commission determines the costs of tires and fuel as well as the maintenance and insurance costs for a vehicle, the total of these operating costs may not exceed a maximum percentage of the price of the basic contract for the preceding school year.

(2) The percentage mentioned in subsection 1 is established for each region in Schedule J. However, this percentage must, in each region, be reduced by 3% in the case of a vehicle equipped with 4 or 5 rows of seats or of a minibus.

315. In the case mentioned in section 308, where the Commission determines the wages of a person hired to drive a vehicle, it must take into account only the wages and the driver's premium paid to this person for the preceding school year as well as the costs of fringe benefits and vacations at the expense of the carrier, for the transport of pupils for which the carrier received a remuneration in conformity with the basic price of his contract for the preceding school year.

316. (1) Where the carrier did not do any transport of pupils during the preceding school year, the Commission may fix as the price of the contract :

- (a) the price of the tender ;
- (b) a price corresponding to the forecasts of operating costs of this carrier for each vehicle, without exceeding the maximum amount prescribed in the tables of rates and tariffs for the given school year ; or
- (c) for a combination of vehicles, from the average rate determined for each vehicle, an average price per vehicle corresponding to the forecasts of the average operating cost of the carrier for the transport of pupils he does for the same school board with this combination of vehicles and to certain special expenses which directly affect his operating costs.

(2) The Commission must, in the case referred to in paragraph c of subsection 1, establish different average prices for vehicles whose operation is different according to whether or not they have noon time routes.

317. (1) In the case referred to in section 308, the Commission may establish as the price of the contract :

- (a) the price of the tender if it does not exceed 10,5% of the actual average operating cost of the carrier for the preceding school year ; or
- (b) a price corresponding to the actual average operating cost of the carrier for the preceding school year, increased by a percentage determined by the Commission. However, this percentage may not exceed 10,5%.

(2) For the purposes of this section, the Commission may take into consideration the collective labour agreement to which the carrier has become a party together with his drivers, provided the agreement is signed before 15 November of the year of the beginning of the transport contract. However, the Commission must not take into account a probable or future increase in salary, where this increase is dependent on the renegotiation of a collective agreement, whether foreseen or not.

(3) If there is no collective agreement, the Commission may take into account, to the same effect and up to and including the average of the salaries prescribed for similar services in the collective agreements governing enterprises responsible for transporting pupils in the region in which the carrier operates or, where applicable, in a neighbouring region, the salary attributable by the carrier to his drivers between 1 September and 15 November of the year of the beginning of the contract, in accordance with the established terms of payment, provided the salary is certified by a person authorized to practise public accounting.

(4) The salary computed under the reference period prescribed in subsection 3 must be taken into account by the Commission, as the basis on which to establish the total annual payroll projected for the school year of the beginning or the transport contract, to be compared with the total payroll paid by the carrier during the preceding school year in order to determine the increase in drivers' salaries. The carrier must also prove to the Commission that the salary as established in the preceding paragraph is equal to or less than the salary he is going to pay for the whole school year of the beginning of the transport contract and than the salary actually paid on the date of the hearing.

(5) Despite subsections 2, 3 and 4, the Commission may not set as the contract price a price higher than the price determined in subsection 1.

318. For the purposes of this Chapter, the following factors include :

“administration” : the salary of office and ancillary personnel, professional fees, stationery, telephone, advertising, contributions to associations, medical examinations of drivers, depreciation of office equipment, office depreciation and upkeep, and other general expenses ;

“amortization” : the costs resulting from the depreciation or wear of the vehicle ;

“insurance” : the cost of insurance premiums on the vehicle and the civil liability insurance respecting the use of such vehicle ;

“maintenance” : garage expenses and administration costs, the salary of garage employees, repair-shop supplies, the cost of replacement parts, paint, oil and grease ;

“fuel” : the cost of fuel ;

“financing” : interest on the capital due for the purchase of the vehicle ;

“tires” : the purchase cost of tires and inner tubes, as well as the cost of retreading ;

“driver's salary” : the salary, fringe benefits, driving premium and vacations.

319. (1) A carrier who transports pupils with a school vehicle other than a minibus for the 1981-1982 school year, receives from a school board, a private institution, a college or an educational establishment a daily basic remuneration which must not exceed 9,75 \$ to which is

added an amount for each kilometre travelled which must not exceed 0,60 \$.

(2) Despite subsection 1, the daily remuneration must never exceed the maximum tariff provided for a similar service provided by a vehicle of 4 or 5 rows of seats for the school year 1981-1982.

DIVISION II

THE EXTENSION OF CONTRACTS FOR THE 1981-1982 SCHOOL YEAR

320. (1) For the purposes of the extension of contracts for the 1981-1982 school year, the standards for rates and tariffs are those prescribed in this Chapter and applicable for the 1981-1982 school year.

(2) Despite subsection 1, the price of contracts extended for the 1981-1982 school year is subject to adjustment following the coming into force of provisions respecting the revision of the price of contracts for the 1981-1982 school year.

DIVISION III

THE REVISION OF THE PRICE OF CONTRACTS FOR THE 1981-1982 SCHOOL YEAR

§1. General revision

321. (1) The Commission may modify, in the proportion determined in accordance with subsection 2, for the 1981-1982 school year, the price of "exclusive transport" contracts for the transport of pupils for the preceding year ; for this purpose, the Commission may hear any person whose testimony relates to changes affecting all the contracts for the transport of pupils and render a decision respecting such changes.

(2) The proportional increase in the price of contracts for the 1981-1982 school year must not exceed 10,5% of the price of contracts for the 1980-1981 school year.

(3) Despite subsection 1, the school board, private institution, college or educational establishment must withhold any sum payable under this section until it obtains from the carrier who is a party to the contract the statement certifying that he sent to the Commission and to the Minister, his financial statement for the year ending on the preceding 30 June, without the carrier's being able to claim for any damage or compensation whatsoever due to the ensuing delay in paying.

322. Where, under section 321, the Commission modifies the price of contracts, the administrator of the Commission must send to each carrier, school board, private institution, college or educational establishment concerned, in accordance with section 73 of the Rules of practice and rules for the internal management of the Commission des transports du Québec (c. T-12, r.14), a notice indicating :

(a) the basic price of the contract as modified by that decision or the percentage of increase applicable for the 1981-1982 school year to the price of the contract set for the 1980-1981 school year ;

(b) the time period in which the carrier may apply, in this case, for a special review of that decision.

§2. Special review

323. A carrier, party to a contract whose price was modified by a decision of the Commission made under section 321, may apply for a special review of that decision ; to be accepted, his application for a special review must :

(a) be submitted within thirty days of the sending of the notice prescribed by section 322 ; and

(b) be accompanied by registration fees of 20 \$ for each vehicle specified in the contract for which the application for review is made.

A carrier must also, within the same time period, give notice, to the school board, private institution, college or educational establishment concerned and to the Minister, of his application for special review and of the date on which that application is presented.

The application for special review suspends the decision of the Commission made under section 321 with respect to the contracts concerned unless the applicant withdraws therefrom ; in that case, this withdrawal cancels the suspension related to an application for cancels the special review, provided the carrier has given notice thereof to the school board, private institution, college or educational establishment concerned and to the Minister.

§3. Intervention

324. (1) The Minister or the Attorney-General may at any time, without instituting proceedings and without having to pay any duty or security, intervene in a matter before the Commission and must, in that event, be considered as a party to the dispute.

(2) A school board, private institution, college or educational establishment, party to a contract in respect of

which an application for special review of the price of the contract for the 1981-1982 school year is submitted before the Commission, may intervene in the matter, provided such intervention is submitted within fifteen days following the expiry of the time period for submission of the application to which such intervention is related; in that event, the intervention may be accepted only if it is accompanied by payment of costs of 20 \$.

§4. Documents to be filed

325. (1) Where, under section 323, a carrier submits an application for the special review of a decision of the Commission made in accordance with section 321, he must file with the Commission, before the 61st day after submitting his application :

(a) comparative financial statements for the fiscal year ending on the preceding 30 June prepared in accordance with generally recognized accounting principles and audited by a person authorized to practise public accounting, including :

- i. a balance sheet ;
 - ii. an itemized statement of revenues and expenditures ;
 - iii. a statement of the undistributed earnings or of the deficit ;
 - iv. a statement of changes in financial position ;
 - v. the auditor's report ; and
 - vi. the notes relating to the financial statements ;
- (b) the information required in Schedule E ;

(c) a statement certifying that the notices prescribed in section 323 were duly sent and that a copy of the documents listed in paragraphs *a* and *b* has been sent to the Minister.

(2) Despite subsection 1, the Commission sitting in practice may release a carrier from his failure to submit the documents mentioned in paragraphs *a* and *b* within the deadline prescribed and grant a new limit, provided that the carrier proves that this failure is not due to his negligence.

(3) If a carrier fails to submit the documents listed in subsection 1 to the Commission or to send to the Minister, in the same interval, a copy of the documents referred to in paragraphs *a* and *b* , his application must be rejected.

326. Where application for special review made under section 323 is rejected, the decision made by the Commission under section 321 becomes effective again as of the date of its rejection and cancels the suspension related to

an application for special review. The amounts to be paid in accordance with the decision made under section 321 are interest-free except for the future.

327. The Commission may request from a carrier who submits the application referred to in section 325 any proof it deems necessary for his case to be considered, relating to his financial position and operating costs.

328. The financial statements filed by a carrier in accordance with section 325 must relate to all activities of each firm directly or indirectly connected with the transport of pupils in which the carrier has an interest ; in this case, revenues collected and expenses incurred for activities other than the transport of pupils for which the carrier received the basic price of the contract as remuneration for the preceding school year must be clearly indicated.

§5. Determination of operating costs for the 1980-1981 school year

329. The Commission must, with respect to the special review described in section 323, first determine the actual operating costs of a carrier for the preceding school year, in accordance with sections 330 to 340.

330. (1) In determining a carrier's operating costs, the Commission must take into account only the following cost factors :

- (a) depreciation of the vehicle used for transport ;
- (b) financing ;
- (c) maintenance ;
- (d) wear of the tires ;
- (e) fuel consumption ;
- (f) driver's salary ;
- (g) insurance costs for vehicles ;
- (h) average administration costs per vehicle ; and
- (i) the operating yield or revenue of a vehicle.

(2) Despite subsection 1, the Commission may analyse the carrier's actual operating costs, taking into account each factor of the average operating costs for carriers in the transport of pupils, as well as other specific expenses of the carrier that directly affect its operating costs.

331. (1) When the Commission determines a carrier's operating costs as described in section 330, it should only take into account those costs relating to the transport of pupils for which the carrier received a remuneration in accordance with the basic price of the contract for the preceding year, without taking into account any adjustments.

(2) If the carrier received a remuneration less than the basic price of the contract for the preceding year following the suspension of its operations, the Commission must estimate what its operating costs would have been had there not been such a suspension, taking into account the said costs for a number of days of annual operation equal to 180.

332. In determining the operating costs of a carrier, the Commission must consider in the aggregate and consolidate the following :

(a) fixed costs, namely the financing and depreciation costs of a bus or minibus and the average administration costs and average return on operations of the carrier per vehicle; and

(b) variable costs, namely the cost of tires and fuel and the maintenance and insurance costs of the vehicle.

333. (1) In the case described in section 330, where the Commission determines the fixed costs, the total cost may not exceed a maximum percentage of the basic price of the contract for the preceding school year.

(2) The maximum percentage referred to in subsection 1 is established by region in Schedule I. However, this percentage must be reduced by 6% in each region for minibuses or vehicles with a capacity of 4 or 5 rows of seats.

(3) In order to determine the operating costs of a carrier, the Commission may, in any instance, take into account a portion of the return on operations not exceeding 4,76% of the basic price for the contract for the preceding school year, provided the amount does not raise the aggregate costs referred to in subsection 1 beyond the maximum percentage referred to in subsection 2.

(4) In every case where the financing of a vehicle, as it appears in the documents prescribed in section 330, is lower than 1/6 of the amount established in subsection 1 for the preceding school year, the Commission may take into account an amount of the financing of the vehicle not exceeding 1/6 of the amount established in subsection 2,

provided the amount does not raise the aggregate costs referred to in subsection 1 beyond the maximum percentage referred to in subsection 2.

334. (1) In the case referred to in section 330, in determining the cost of tires and fuel as well as maintenance and insurance costs for a vehicle, the Commission must compute these costs according to the number of kilometres covered by that vehicle during the preceding school year.

(2) Despite subsection 1, in determining the cost of tires and fuel and maintenance costs, the Commission may distribute those costs on the basis of the number of kilometres travelled on each route during the preceding school year for the transport of pupils for which the carrier received as remuneration the basic price of the contract for the preceding school year.

335. (1) In the case described in section 330, where the Commission determines the cost of tires and fuel as well as the maintenance and insurance costs of a vehicle, the total operating costs may not exceed a maximum percentage of the basic price of the contract for the preceding school year.

(2) The maximum percentage referred to in subsection 1 is established by region, in Schedule J. However, the percentage must be reduced by 3% in each region for minibuses or vehicles with a capacity of 4 or 5 rows of seats.

336. In the case described in section 330, in determining the salary of a person employed to drive a vehicle, the Commission may take into account only the salary and driving premiums paid to the person during the preceding school year, as well as the cost of fringe benefits and holidays payable by the carrier, for the transport of pupils for which the carrier received remuneration according to the basic price of the contract for the preceding school year.

§6. Standards governing price modifications at a special revision

337. In a matter referred to in section 329, the Commission may modify the contract price for the 1981-1982 school year, where the analysis of the carrier's costs and operating expenses for the preceding school year shows that these costs and expenses were less than or greater than the contract price ; in that case, the price fixed by the Commission for the 1981-1982 school year must be based on the aggregate costs and expenses for the preceding school year, as revised, to which may be added an increase not exceeding the percentage established in section 321.

338. (1) Where, in the case described in section 337, the Commission reviews a contract price, the revised price may not exceed the maximum price determined for that contract in Schedule F.

(2) Despite subsection 1, the Commission may take into consideration the collective labour agreement that was signed before 15 November 1981, to which the carrier is a party along with the drivers, where the agreement prescribes an increase in salary for the 1981-1982 school year which raises the carrier's operating costs beyond the increase that the Commission may grant under section 337; in such a case, the Commission may, in reviewing the contract price, exceed the maximum price determined in Schedule F for the transport, provided the surplus fixed does not exceed 7% of the maximum price.

339. The Commission may not, in determining the salary of a person employed to drive a vehicle, base it on a possible or future salary increase where the reason for the increase is the anticipated or unanticipated renegotiation of a collective agreement.

340. (1) In the absence of a collective labour agreement, the Commission may consider the salary attributable by the carrier to his drivers between 1 September and 15 November 1981, to the same effect, and up to and including the average of salaries prescribed for similar services in the collective agreements which govern firms responsible for transporting pupils in the region in which the carrier operates or, where applicable, in a neighbouring region, according to the established terms of payment, provided the salary is certified by a person authorized to do public accounting.

(2) The salary computed under the reference period prescribed in subsection 1 must be taken into account by the Commission as the basis for establishing the projected total annual payroll for the 1981-1982 school year to be compared with the total payroll paid by the carrier during the 1980-1981 school year in order to determine the increase in drivers' salaries. The carrier must also prove to the Commission that the salary is equal to or less than that he intends to pay for the entire duration of the 1981-1982 school year and the salary actually paid at the hearing.

DIVISION IV FINANCIAL STATEMENTS

341. (1) A carrier of pupils which, during the 1981-1982 school year, provides transport of the "exclusive transport" type by means of one or several school buses or minibuses must file with the Commission and the Minister, not later than 1 November 1982, financial statements prepared in accordance with generally recognized

accounting principles and audited by a person authorized to do public accounting. The financial statements must be made for the year ending 30 June 1982, and comprise :

- (a) a balance sheet ;
- (b) an itemized statement of revenues and expenditures ;
- (c) a statement of the undistributed earnings or of the deficit ;
- (d) a statement of changes in financial position ;
- (e) the auditor's report ; and
- (f) notes relating to the financial statements.

(2) Where a carrier whose firm has no capital stock is not able to comply with the obligations prescribed in subsection 1, and provides transport of the "exclusive transport" type during the 1981-1982 school year, under a contract requiring at least 6 buses or minibuses, it must file with the Commission and the Minister, not later than 1 November 1982, financial statements prepared in accordance with generally recognized accounting principles and audited by a person authorized to do public accounting. The financial statements must be comparative, describe the operations, assets and activities related to the transport of persons effected by the carrier, cover the fiscal year ending 30 June 1982, and comprise :

- (a) a balance sheet ;
- (b) an itemized statement of revenues and expenditures relating to the transport of persons ;
- (c) a statement of the owner's assets ;
- (d) a statement of changes in financial position ;
- (e) comments by the chartered accountant designated in accordance with the requirements of the Canadian Institute of Chartered Accountants Handbook (Toronto) ;
- (f) notes relating to financial statements.

(3) Every carrier referred to in subsections 1 and 2 must send to the school board, private institution, college or any other educational establishment to which it is bound by contract, within the time limit mentioned

therein, a statement in accordance with the form prescribed in Schedule K.

342. For the purposes of enforcing section 341 concerning transport commissions and municipal or inter-municipal transit corporations, the date 30 June 1982 is interpreted as being 31 December 1981.

DIVISION V

INTEGRATED TRANSPORT OF PUPILS

343. Every contract price for the transport of pupils of the “integrated transport” type must be approved by the Commission, in accordance with the norms prescribed in this Division.

344. No one may provide the transport of pupils of the “integrated transport” type without receiving, if it is a transport commission, a municipal or intermunicipal transit corporation or a holder of a permit for public transport, or paying, if it is a school board, a private institution, a college or other educational institution, a remuneration in accordance with the norms of rates and tariffs established in section 345.

345. (1) Where the Commission determines rates and tariffs of a contract for the transport of pupils of the “integrated transport” type, concluded in accordance with paragraphs *b* and *c* of subsection 5 of section 431 of the Education Act and accomplished with the use of tickets, monthly passes or annual subscriptions it must take into account only 2 trips per day per pupil transported, one trip being at the beginning of the daily classes and the other at the end of those classes, for the duration of the school year.

(2) When a transport commission, a municipal or intermunicipal transit corporation or a holder of a permit for public transport offers, for the transport of pupils, a general monthly pass or a general annual subscription card valid at all times for regular transport services, and its rates and tariffs have already been set or approved by the Commission under another legislative or reglementary provision, it cannot establish higher rates and tariffs than those already in effect for the transport.

(3) Where the Commission sets rates and tariffs for the transport of pupils directly payable to the parents by the school board, in accordance with paragraph *d* of subsection 5 of section 431 of the Education Act, it must do so as prescribed in subsections 1 and 2.

(4) Rates and tariffs per pupil transported by the transport described in subsections 1 to 3 must not exceed

50% of the average cost per pupil for the preceeding school year, as established according to contracts for the transport of pupils of the “exclusive transport” type concluded by the school board in the territory in which the transport operates.

346. In the cases described in section 345, the Commission may also consider, in setting rates and tariffs, a maximum amount of 3,50 \$ per student transported during the school year in order to cover the cost of issuing a compulsory identity card for the use of this transport service and to meet some of the administrative expenses resulting therefrom which the school board must pay.

CHAPTER VIII

STANDARDS GOVERNING GRANTS FOR THE 1981-1982 SCHOOL YEAR

DIVISION I

GENERAL PROVISIONS

347. The grants prescribed in this Chapter must be used to pay the costs directly related to the transport of pupils. Taking into account the funds available resulting from the allowances prescribed in this Chapter, the grants may also be used to pay for programmes aimed at improving safety in the transport of pupils as well as for hiring persons for accompanying pupils with serious learning handicaps and disabilities.

348. Despite section 347, no grant provided for in this Chapter may be used to pay the transport costs provided at noon to allow pupils to go home for lunch and return to school for the start of classes in the afternoon. Moreover, with the exception of computerized programmes for transport organization and costs resulting from the issuing of identity cards and sending cheques to the parents where transport is provided according to paragraph *d* of subsection 5 of section 431 of the Education Act, no grant may be used for meeting administrative expenses and other costs not indicated in this Chapter.

349. School boards, private institutions and educational establishments that receive grants under this Chapter must prepare a financial and statistical report on the form provided for this purpose by the Minister and forward it on the date he sets.

DIVISION II STANDARDIZED COST

350. (1) The standardized cost referred to in subsection 1 of section 9 of the Act respecting grants to school boards (R.S.Q., c. S-36) is equal to the actual transport expenses with respect to pupils up to and including an amount determined in accordance with sections 351 to 359.

(2) Unless otherwise provided for in sections 351 to 359, the expenses referred to in subsection 1 must be attributable to transport services actually provided, for which a grant may be paid, and established in accordance with this Regulation and the transport specifications approved by the Minister for the 1981-1982 school year.

351. The standardized cost specified in section 350 is determined taking into account the following clientele :

(a) the number of pupils attending kindergarten, with the exception of those attending the house kindergarten programme, who are enrolled in schools of the school board at 30 September 1981 ;

(b) the number of pupils with serious learning handicaps and disabilities who are enrolled in schools of the school board at 30 September 1981 ;

(c) the number of pupils at the elementary level who are enrolled in schools of the school board at 30 September 1981 and who attend a school in a village or country municipality within the meaning of the Education Act (R.S.Q., c. I-14), in a municipality north of the 51st parallel or in the municipalities of Bécancour, Gaspé or Percé ;

(d) the number of pupils at the elementary level who are enrolled in schools of the school board at 30 September 1981 and who live at a distance of 1,6 km or more from the school they attend if the school is in a town or city or city municipality not specified in paragraph c ;

(e) the number of pupils at the secondary level who are enrolled in schools of the school board at 30 September 1981 and who attend a school in a village or country municipality within the meaning of the Education Act, in a municipality north of the 51st parallel or in the municipalities of Bécancour, Gaspé or Percé ; and

(f) the number of pupils at the secondary level enrolled in schools of the school board at 30 September 1981 and who live at a distance of 1,6 km or more from the school they attend if the school is in a town or city municipality not specified in paragraph e.

352. (1) In the case of transport of the “exclusive” type, the standardized cost is determined according to the number of vehicles approved by the Minister for the purpose of grants, taking into account the eligible clientele, to which the average cost per vehicle is applied for the current school year ; this cost is determined by increasing the average cost per vehicle used in the previous year by the percentage of increase ordered by the Commission at the annual review of contract prices described in sections 321 to 340.

(2) The average cost per vehicle used for the previous school year is the contract price as it was set, where required, by the Commission for the previous year, and adjusted according to the number of kilometres travelled for that previous year, where the change in the number of kilometres resulted from the application of clause 32 of a contract in accordance with Form 1 of Schedule G, according to the number of transport days initially prescribed, from which is deducted the incurred costs for the transport of pupils not eligible for grants as well as for services not eligible for grants.

(3) Where school buses or minibuses are used for the transport of pupils whose daily classes finish at the end of the morning or start at the beginning of the afternoon, the average cost per vehicle used for the school year takes into account the amount negotiated under clause 40 of a transport contract according to Form 1 of Schedule G up to and including an amount obtained by multiplying the price prescribed in the contract per route-kilometre by the number of route-kilometres for that service.

(4) Where transport is provided for the purpose of kindergarten pupils (with the exception of pupils enrolled in a house kindergarten programme) going home at the end of the morning or returning to school at the beginning of the afternoon, by means of a school bus or minibus that also transports pupils other than kindergarten pupils, the average cost per vehicle used for the school year must be reduced in proportion to the number of pupils other than kindergarten pupils in relation to the total number of pupils transported on the school bus or minibus.

(5) The average cost per vehicle used for the current school year does not include :

(a) the difference between :

i. the cost incurred for the transport of school children provided by means of a school bus or minibus, under an “exclusive transport” contract where such a school bus or minibus is bound by another “exclusive transport” contract ; and

ii. the costs that would have been incurred for such transport if it had been provided under a modification to the first “exclusive transport” contract ;

(b) the additional cost incurred as a result of the application of clause 27 of Form 1 of Schedule G to this Regulation, subject to the costs resulting from the application of section 347.

353. (1) In the case described in section 352, only 2 trips per day per pupil should be taken into consideration, namely, one at the beginning of his daily classes and the other to return home after those classes, up to a maximum of 186 transport days.

(2) In the case described in section 352, the standardized cost should include not more than 180 transport days. If this number should exceed 180, standardized cost for the remaining days is equal to 40% of the cost of transport for each additional day. Moreover, if due to a change in schedule not attributable to the carrier, the carrier must provide daily transport after 18 h 30, an amount equivalent to 20% of the transport cost is added for each transport day as specified in this subsection. However, if additional days of classes or days of recuperation held on a Saturday or Sunday require transport services, only an amount equal to 40% of the cost of this service is added for each day.

(3) Despite subsection 1, the number of transport days to be considered may be higher than 186 for certain pupils where a school board schedules more than 186 teaching days or where more than 186 transport days are provided because it assumes the transport of certain pupils attending schools in another school board’s territory which also provides for the transport of pupils.

(4) Despite subsection 1, where a school board provides for less than 186 transport days, it may add a maximum of 4 days to its number of transport days, provided however, that these 2 figures do not exceed a total of 186 days.

354. (1) In the case of an “integrated” type of transport, the standardized cost is the tariff set as approved by the Commission under sections 345 and 346 for the purchase of tickets, a yearly subscription or a monthly pass for the transport of pupils.

(2) Despite subsection 1, where a transport commission, a municipal or intermunicipal transit corporation or a holder of a permit for public transport offers a general monthly pass or a general yearly subscription valid at all times for regular transit services, the standardized cost for

the “integrated” type of transport per eligible student of the school board is equal to 70% of the rates and tariffs set by the Commission for this transport, regardless of the mode of transport.

355. (1) Where the vehicles providing the transport of pupils belong to the school board, the standardized cost for each vehicle equals 74,5% of the average price determined with respect to rate and tariff tables for vehicles bound under the “exclusive transport” type of contract with the school board, according to their capacity and number of route-kilometres.

(2) No grant may be paid for the transport of pupils effected by means of a vehicle either acquired or rented by a school board unless :

(a) the vehicle was acquired or rented under the conditions described in section 253 ; and

(b) the Minister was given the justifying documents proving that the conditions described in paragraph *a* have been respected.

356. The standardized cost for the transport of pupils provided under paragraph *d* of subsection 5 of section 431 of the Education Act (R.S.Q., c. I-14) is computed according to the method described in section 354.

357. (1) Where transport is suspended during the 1981-1982 school year as a result of a cause attributable to a carrier, the standardized cost prescribed by sections 352 to 355 is then reduced, proportionately to the number of prescribed days of transport by the amount computed for each day of the suspension, unless the said days were recuperated in accordance with the contract.

(2) Where transport is suspended as a result of a cause not attributable to a carrier, the standardized cost prescribed in sections 352 to 356 is then reduced, proportionately to the number of prescribed days of transport, by 40% of the amount computed for each day of the suspension, after 10 days of suspension from September to June, unless the said days were recuperated in accordance with the contract during that period. However, where transport for the days of recuperation is effected in July and August, the standardized cost includes the costs attributable to the days of recuperation computed in accordance with the contract.

(3) With respect to subsections 1 and 2, where transport is effected by a school vehicle other than a minibus, the standardized cost is then reduced in the manner referred to in subsection 1.

358. The standardized cost for the transport of pupils attending a school under the jurisdiction of the Commission des écoles catholiques de Québec, the Commission des écoles catholiques de Montréal and the Protestant School Board of Greater Montréal is established in accordance with sections 347 to 357. However, for all pupils at the secondary level eligible for the grant, other than pupils with serious learning handicaps and disabilities, the standardized cost is established in the manner referred to in section 354 or 356, whatever type of transport is used.

359. Despite sections 352 to 357, the standardized cost referred to in section 350 is the actual amount of the transport costs for transported pupils eligible for the grant up to an amount of 650 \$ per pupil transported, where the school board is located in a territory for which no standard of rates and tariffs is prescribed by this Regulation.

DIVISION III **STANDARDS, CONDITIONS AND TERMS OF** **PAYMENT FOR CERTAIN OTHER GRANTS**

360. In addition to the grant derived from the computation of the standardized cost, a school board shall also receive, where applicable :

(a) an amount equal to the actual cost of additional kilometres travelled, with respect to the preceding year, where the latter is due to the reorganization of routes as a result of a reduction in the number of vehicles authorized for grant purposes ;

(b) an amount due to a carrier under clause 35 of a contract for the transport of pupils corresponding to Form 1 of Schedule G, where the Commission has extended the contract for the school year 1981-1982 despite opposition from the school board.

361. Every school board that provides the transport of pupils shall receive, in addition to the grant referred to in Division II of this Chapter, a grant equal to an amount determined in accordance with section 362.

362. (1) The amount referred to in section 361 is determined as follows :

(a) an amount of 1,75 \$ per pupil enrolled at the kindergarten, elementary or secondary level in schools of the school board, for additional transport ;

(b) an amount equal to the actual cost of inter-school transport for the school year 1979-1980, increased by 18% ;

(c) an amount equal to the actual average cost per person for weekend, semi-monthly and monthly transport of pupils for the 1980-1981 school year, increased by the percentage of increase ordered by the Commission when it decides on the general revision of the price of contracts for the transport of pupils under section 321, for each pupil who is provided transport services for the 1981-1982 school year ;

(d) an amount equal to the actual cost per pupil for transport for the 1981-1982 school year, for transport designed to provide 3 connections from the pupil's domicile to the school he attends and 3 connections from that school to his domicile where it is not possible to organize adequate daily, weekly, semi-monthly or monthly transport of pupils ;

(e) an amount equal to the average cost per person for the daily standardized transport prescribed in sections 352 to 358 for each pupil enrolled in a house kindergarten programme ; and

(f) an amount equal to 0,5% of the amount of the grants determined in accordance with sections 352 to 358 for other eligible transport expenses.

(2) The amounts allocated under paragraphs *a*, *b*, *e* and *f* of subsection 1 may be all transferred to finance any activity eligible for grants under this Chapter.

363. Where a school board provides the transport for pupils at the secondary level who attend a private institution declared to be of public interest, it shall receive for transporting those pupils a grant equal to the standardized cost established for such transport in accordance with sections 352 to 358 in the same manner as if the children were enrolled in its schools.

364. (1) A private institution declared to be of public interest that provides transport for its pupils at the secondary level who reside at a distance of 1,6 km or more from the institution shall receive, for transporting those pupils to and from daily classes at the beginning and end of those daily classes, an annual grant equal to the standardized cost.

(2) This section applies only where a private institution declared to be of public interest :

(a) is not able to make an agreement under paragraph *b* of subsection 2 of section 431 of the Education Act (R.S.Q., c. I-14) and under section 59 of the Act respecting private education (R.S.Q., c. E-9), on the grounds that the school board has refused to provide transport for the pupils attending that institution ;

(b) receives authorization from the Minister, to provide its own transport for pupils attending it, in accordance with section 59 of the Act respecting private education; and

(c) meets the requirements of this Regulation.

(3) The standardized cost of this section is equal to 80% of the standardized cost referred to in sections 352 to 357. However, the average cost per pupil referred to in this subsection may not exceed the average eligible cost per pupil transported by the school board on whose territory that private institution is situated.

365. Despite section 364, the standardized cost for the transport of pupils provided by the private institutions enumerated in Schedule L, to and from daily classes at the beginning and end of those daily classes, is established in the manner referred to in sections 352 to 357, according to the transport specifications approved by the Minister. The said private institutions shall receive, in addition, an amount computed in the manner referred to in section 362.

DIVISION IV APPORTIONMENT OF NON-SUBSIDIZED EXPENSES

366. Where, in accordance with section 440 of the Education Act, a regional school board determines the amounts that must be paid for each school year by the school boards that are members thereof, it must for the purposes of paying its expenses for transport provided under section 431 of the said Act, after the deduction of grants awarded for such purpose :

(a) determine, for each school board, the amount of net expenses attributable to the transport services requested by that school board; and

(b) claim payment thereof from the school board that is then bound to provide transport in accordance with section 444 of the Education Act.

However, where the net expenses are the result of transport services which the regional school board provides without having been so requested by one or several school boards, they are divided among the school boards in the proportion prescribed in the first paragraph of section 440 of the Education Act.

367. Where a school board that provides transport of pupils for another school board determines the amounts that must be paid, for the 1980-1981 school year, by the school board for which it provides transport, it must, for the purpose of paying the expenses it incurred to that ef-

fect under section 431 of the Education Act after the deduction of the grants awarded for that purpose :

(a) determine the amount of the net expenses attributable to the transport services requested by that other school board; and

(b) claim payment thereof from such school board, that is then bound to provide transport in accordance with section 444 of the Education Act.

However, when the net expenses are attributable to transport services which were not required by the school board which has its transport provided, the school board which provides the transport must assume them.

CHAPTER IX TRANSPORT COMMITTEES AND RECOGNITION OF A SCHOOL BOARD

368. A regional board that provides transport for pupils must form a regional committee for transport of pupils composed of :

(a) the director general of the regional board appointed pursuant to section 191 of the Education Act;

(b) the person in charge of transport services;

(c) a representative of the parents committees constituted within the territory of the regional board;

(d) the director general of each school board that is a member of the regional board, appointed pursuant to section 191 of the Education Act;

(e) a representative of the private institutions declared of public interest pursuant to the Act respecting private education (R.S.Q., c. E-9) and located within the territory of the regional board;

(f) a representative of the general and vocational colleges located within the territory of the regional school board;

(g) a representative of the transport commission or of the municipal transit corporation or the intermunicipal transit corporation where the regional school board is located entirely or partly within its territory; and

(h) 3 persons selected among the persons required for the administration of the regional school board, in accordance with section 191 of the Education Act, and among the school commissioners or trustees.

369. A school board the name of which appears in Schedule C which provides transport for pupils must form a committee for transport of pupils consisting of :

(a) the directors general, appointed pursuant to section 191 of the Education Act, of that school board and of each school board on behalf of which it provides transport for pupils ;

(b) the person in charge of transport services ;

(c) a representative of the parents committee constituted within the territory of the school board ;

(d) a representative of the private institutions declared to be public interest pursuant to the Act respecting private education and located within the territory of the school board, where applicable ;

(e) a representative of the general and vocational colleges located within the territory of the school board, where applicable ;

(f) a representative of the transport commission or the municipal transit corporation or the intermunicipal transit corporation, where the school board is located entirely, or partly within its territory ; and

(g) 3 persons chosen among the personnel required for the administration of the school board, in accordance with section 191 of the Education Act, and among its school commissioners and trustees.

370. The duty of the committees described in sections 368 and 369 is to give advice on any question related to transport of pupils, particularly in regard to the planning, coordination, financing and administration of that transport and related information.

371. The Commission must recognize a school board as representative of one or more school boards where the school board has complied with sections 368 and 369 or with an identical provision of a regulation respecting transport. That school board may act on behalf of the school boards before a transport commission or a municipal transit corporation or an intermunicipal transit corporation.

CHAPTER X TRANSITIONAL AND FINAL PROVISIONS

372. Sections 4 to 154, 163 to 207 and 211 of Chapter II shall not apply where a pupil transport service is provided by means of a school bus manufactured before 1 January 1975.

Nevertheless, sections 196 and 197 shall apply to school buses manufactured before 1 January 1975 ; every carrier

using a school bus not of the urban type and not equipped with the rearview mirrors and mirror contemplated in sections 196 and 197 must have these installed on such bus.

373. For the purposes of registering vehicles used for the transport of pupils provided for in this Regulation, the definitions of “empty weight” and “total loaded weight” are replaced by following :

“empty weight” : the weight of a vehicle with standard equipment and with fuel, oil and cooling liquid at full capacity, including the weight of any air-conditioner fitted to the vehicle, together with the weight of a standard engine and the weight of standard equipment ;

“total loaded weight” : the empty weight plus the average weight of a driver, that is, 70 kg, plus the average weight of a pupil, that is 55 kg, multiplied by the number of seats fixed.

SCHEDULE A

(s. 9)

DIMENSIONS OF THE FRAME OF A SCHOOL BUS

Number of rows of seats	Maximum length of body (in inches)	Minimum distance from the rear of the hood to the centre of the rear axle (in inches)	Minimum distance from the rear of the hood to the rear end of the side members (in inches)
6	225	125	210
7	252	142	241
8	280	165	268
9	307	192	295
10	334	211	323
11	362	229	349
12	390	248	375

SCHEDULE B

RESOLUTION

Form 1

(s. 255)

It is moved by Commissioner
(name of mover)

and resolved :

THAT the
 School Board
 (name of regional board or school board)
 provide, for
 (number of months and year)
 for the transport of pupils, going to and returning from

 (names of schools to which pupils are transported)
 under its jurisdiction ;

THAT the
 School Board
 (name of regional board or school board)
 make an agreement with the
 School Board
 (name of regional board or school board)
 and provide, for
 (number of months and year)
 for the transport of pupils, going to and returning from

 (names of schools to which pupils are transported)
 under the jurisdiction of the said school board ;

THAT the
 School Board
 (name of regional board or school board)
 assume all the necessary expenses for that purpose.

Passed
 Contrary
 Abstained

Form 2 (s. 256)

It is moved by Commissioner
 (name of mover)
 and resolved :
 THAT the
 School Board
 (name of regional board or school board)
 provide, for
 (number of months and year)
 for the transport of pupils, going to and returning from

 (names of schools to which the pupils are transported)
 under the jurisdiction of

 (name of college or private institution)

THAT the
 School Board
 (name of regional board or school board)
 claim payment of the cost of the transport from

 (name of college or private institution)
 up to the amount of the cost not reimbursed by grants.
 Passed
 Contrary
 Abstained

SCHEDULE C (ss. 257 and 369)

DESIGNATED SCHOOL BOARDS

- 1 Abitibi School Board ;
- 2 Baldwin-Cartier School Board ;
- 3 Bersimis School Board ;
- 4 Chapais-Chibougamau School Board ;
- 5 Châteauguay School Board ;
- 6 Chicoutimi School Board ;
- 7 Chomedey de Laval School Board ;
- 8 The Cree School Board ;
- 9 Davignon School Board ;
- 10 La Commission des écoles catholiques de Montréal ;
- 11 La Commission des écoles catholiques de Québec ;
- 12 The Verdun School Board ;
- 13 The Greater Montréal Protestant School Board ;
- 14 Des Manoirs School Board ;
- 15 Des Moissons School Board ;
- 16 Fermont School Board ;
- 17 Gagnon School Board ;
- 18 The Greater Québec School Board ;
- 19 The Protestant School Board of Greater Seven Islands ;
- 20 Des Îles School Board ;
- 21 Jérôme-Le-Royer School Board ;
- 22 Kativik School Board ;
- 23 The Laurentian Dissenting School Board
- 24 Lac Témiscamingue School Board ;
- 25 Lakeshore School Board ;
- 26 Des Laurentides School Board ;
- 27 Laurenval School Board ;
- 28 Le Gardeur School Board ;
- 29 Les Écores School Board ;
- 30 Littoral School Board ;
- 31 Du Long-Sault School Board ;
- 32 Manicouagan School Board ;
- 33 Mille-Îles School Board ;
- 34 The New Québec School Board ;

35 Rouyn-Noranda School Board ;
 36 Saguenay School Board ;
 37 Saint-Jérôme School Board ;
 38 Sainte-Croix School Board ;
 39 Sault-Saint-Louis School Board ;
 40 Schefferville School Board ;
 41 Tadoussac School Board ;
 42 Vallée de la Matapédia School Board ;
 43 Valleyfield School Board.

SCHEDULE D

(ss. 259 and 278)

SPECIFICATIONS FOR TRANSPORT OF PUPILS

(Name of school board, private institution or college that provides transport for pupils)

(Name of school board, private institution or college for which transport is organized, where it applies)

These specifications for transport of pupils comply with the specifications for organization of transport approved by the Minister of Transport on 19...

The following conditions and requirements constitute an integral part of the tender and the contract for transport to be made between

(Name of school board, institution or college)

and the contractor.

OBLIGATIONS OF THE CONTRACTOR

The services that the contractor must furnish will be defined in the contract, but the person responsible for organization of the transport, hereinafter called the person in charge of transport, may require from the contractor changes in routes, in the number of vehicles, timetables, the number of pupils to be transported, and the number of days during which the contractor must maintain his services.

The contractor will be responsible for respecting the routes as defined by the person in charge of transport (cf. Schedules 1 and 2 of these specifications).

The contractor must assume total responsibility for the undertaking that is awarded the contract.

The contractor must remit at its choice, to

(Name of school board, institution or college)

within the 10 days following the signing of this contract, a certified cheque in the amount of 20% of the annual price of the contract or a performance bond in due and proper

form in the amount of 20% of the annual price of the contract issued by a company authorized to issue such surety in Québec.

In addition, the contractor must remit to

(Name of school board, institution or college)

not later than 30 June of each year, for the subsequent year, depending on the duration of the contract, a new performance bond in due and proper form, in the amount of 20% of the annual price of the contract, taking effect from 1 September of the same year, issued by a company authorized to issue such surety in Québec, or a new certified cheque in the amount of 20% of the annual price of the contract.

The transport contract shall be for an initial period of

from 19... to 19...
 (Number of months or years)

A contract made for a period of 3 years may be extended from year to year for 3 further years with the approval of the Commission des transports du Québec.

The contractor shall receive from

(Name of school board, institution or college)

not later than the 15th day and the last day of each month, beginning from the first month of operation, an amount equal to 5% of the annual price of its contract, unless the Commission des transports du Québec decides otherwise on the annual price.

The contractor must provide a transport service for the pupils indicated by the person in charge of transport from the boarding points defined to the alighting points defined.

The contractor must transport the pupils in accordance with the routes defined in Schedule 2 so as to respect the timetable indicated by the person in charge of transport.

Any change involving a change in the transport service required will be computed in accordance with the clauses defined in the contract. If the total number of route-kilometres that a vehicle under contract must effect does not correspond to the number of kilometres specified in the form for tenders of these specifications for that vehicle, the school board will correct the price of the vehicle in accordance with the contract.

The contractor must assume total responsibility in respect of claims for damages caused to private or public property, as well as for any accident that any person may have attributable to its undertaking.

The contractor shall maintain permanently for each vehicle used an insurance policy covering property damage.

A copy of the said policy shall be remitted by the contractor to the person in charge of transport before each vehicle is put into service, as well as a writing from the insurance company to the effect that it agrees to inform directly the said person, by registered or certified mail, of the cancellation or non-renewal of the policy.

The contractor must, by contract, certify that each vehicle is and will be maintained in good condition.

Every driver employed by the contractor and the contractor himself, if he drives a school bus or a minibus, must hold the permit required for that purpose, that any authorized representative of

.....
(Name of the school board, institution or college)

is entitled to verify at any time.

The contractor's tender must be based on 180 working days per year, between 1 September and 30 June.

.....
(The school board, private institution or college)

does not commit itself to accept the lowest or any other tender.

The contractor must **INDICATE A PRICE PER VEHICLE FOR THE FIRST YEAR OF EXECUTION OF THE CONTRACT** ; the price for each vehicle shall be **ADJUSTED ANNUALLY**, in accordance with clause 39 of the contract, for any subsequent years of the execution of the contract, where applicable.

A detailed description of the routes shall be given to the contractor 15 days at the latest before the beginning of the transport operations.

.....
(date)

.....
(tenderer)

SCHEDULE 1
USE OF VEHICLES IN THE ORGANIZATION OF
TRANSPORT OF PUPILS _____

Date

Table 44.1

(EXAMPLE)
 TIMETABLE

Timetables												Total number of route- kilometres travelled	Minimum number of rows of seats	Minimum price	Minimum price	
Vehicle Number	Lunchtime															
	Entering				Leaving				Route number							
	Leaving		Entering													
	8h00	8h30	9h00	9h30	11h30	12h00	13h00	13h30	15h00	15h15	15h30	16h00				
1	B(1)		F(6)		B(1)		B(1)	C(6)	B(1)				6	45		
2	B(1)		F(6)		B(1)		B(1)		B(1)			F(6)	6	39		
3	B(1)				B(1)		B(1)	C(6)	B(1)		C(6)		6	42		
4	B(1)				B(1)		B(1)		B(1)				4	21		
5	C(2)			E(5)	E(5)				C(2)				4	16		
28		D(3)	F(2)	L(8)	L(8)					D(3)		F(2)	6	27		
Vehi- cle num- bers as you identify them in your orga- nization	School code					Numer- ical code of the lo- cality of										

SCHEDULE 2
SUMMARY DESCRIPTION OF USE OF
VEHICLES

(EXAMPLE)

Number of vehicle	Capacity (minimum number of rows of seats)	Summary description
1		1st route Transport of about 48 secondary pupils living in (name) parish to School (name) located at for h : (time) Number of route-kilometres : 2nd route Transport of about 48 elementary school pupils living in the municipality of (name) to School (name) located at for h : (time) Number of route-kilometres : 3rd and 4th routes (noon) Transport of secondary school pupils from the first route to their homes for the noon meal and return to the school. Number of route-kilometres : 5th route Transport of about 42 kindergarten pupils living in the municipality of (name) to School (name)

Number of vehicle	Capacity (minimum number of rows of seats)	Summary description
-------------------	--	---------------------

located at

for h :
(time)

Number of route-kilometres :

6th route

Transport of about 48 secondary school pupils

at School
(name)

to their homes located in the parish of

..... at h
(name) (time)

Number of route-kilometres :

Minimum price :

Maximum price :

2

1st route :

2nd route :

3

1st route :

2nd route :

SCHEDULE E

(ss. 289 and 325)

INFORMATION FORM

I. School Board (s), educational establishments :

1. Name :

2. Region number :

II. Contractor :

1. Name :

2. Address :

3. Telephone No. :

III. Description of service provided during the preceding school year :

1. Number of vehicles under contract :

Name of School Board (s)									
Vehicles									
(a) bus(es)									
(b) minibus(es)									
(c) automobile(s)									
Total									

2. Topography of the area where the service was provided and number of vehicles involved.

	Number of buses
(a) City — flat land :	_____
(b) City — hilly :	_____
(c) Country — flat :	_____
(d) Country — hilly :	_____

3. State of operations during the preceding school year

NAME OF AGENCY FOR WHICH THE SERVICE IS PROVIDED	NUMBER OF VEHICLES INVOLVED	BASIC CONTRACT			OTHER REVENUES				
		Morning, noon & evening	Morning & evening	Adjustments	Spec. act. & inter-school	Lunch	Other		
		kilo-metres travelled	kilo-metres travelled	kilo-metres travelled	kilo-metres travelled	kilo-metres travelled	kilo-metres travelled	kilo-metres travelled	kilo-metres travelled
		Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue
		\$	\$	\$	\$	\$	\$	\$	\$

4. Fleet of vehicles owned

Year of model	Make	Date of purchase	Capacity (rows of seats)	Registrations		Odometer		NAME OF AGENCY FOR WHICH SERVICE IS PROVIDED
				Preceding year	Current year	Preceding 1 Sept.	Preceding 30 June	

I certify that the information provided herewith to the Commission des transports du Québec and the Ministère des Transports is true, exact and complete in all respects, knowing that this declaration has the same force and effect as if it were made under oath within the meaning of the Canada Evidence Act (R. S. C., 1970, c. E-10).

.....
Signature

.....
Date

SCHEDULE F

(ss. 293, 305 and 338)

Rates and tariffs for the transport of pupils by school bus or vehicle of minibus type for the 1981-1982 school year:

STANDARDS OF RATES, TARIFFS AND COSTS FOR THE TRANSPORT OF PUPILS**REGION 1**

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	13 418	23 110	15 339	25 143	15 839	25 670	16 248	26 103	16 618	26 498
16	2 880	13 776	23 331	15 758	25 439	16 271	25 982	16 722	26 460	17 126	26 897
24	4 320	14 131	23 552	16 177	25 734	16 703	26 292	17 193	26 817	17 635	27 297
32	5 760	14 487	23 772	16 596	26 030	17 135	26 602	17 666	27 174	18 144	27 696
40	7 200	14 843	23 993	17 014	26 324	17 567	26 913	18 139	27 533	18 651	28 095
48	8 640	15 200	24 213	17 434	26 622	18 000	27 224	18 610	27 889	19 160	28 494
56	10 080	15 555	24 434	17 851	26 917	18 430	27 533	19 082	28 246	19 669	28 894
64	11 520	15 912	24 739	18 271	27 297	18 863	27 929	19 555	28 687	20 177	29 378
72	12 960	16 046	25 398	18 390	28 192	18 982	28 868	19 668	29 685	20 284	30 425
80	14 400	16 181	25 884	18 509	28 811	19 100	29 516	19 781	30 389	20 392	31 182
88	15 840	16 493	26 352	18 867	29 402	19 469	30 134	20 181	31 062	20 819	31 905
96	17 280	16 958	26 612	19 522	29 695	20 162	30 453	20 912	31 358	21 586	32 180
104	18 720	17 271	26 872	19 912	29 987	20 572	30 772	21 356	31 654	22 064	32 456
112	20 160	17 579	27 307	20 294	30 519	20 968	31 325	21 791	32 247	22 530	33 089
120	21 600	17 883	27 732	20 667	31 035	21 357	31 862	22 213	32 824	22 985	33 704
128	23 040	18 183	28 152	21 034	31 543	21 739	32 388	22 630	33 393	23 434	34 311
136	24 480	18 489	28 582	21 404	32 058	22 124	32 921	23 050	33 967	23 883	34 919
144	25 920	18 791	29 004	21 769	32 560	22 504	33 443	23 465	34 528	24 328	35 518
152	27 360	19 090	29 423	22 130	33 058	22 880	33 957	23 875	35 082	24 766	36 108
160	28 800	19 665	30 355	22 839	34 172	23 643	35 125	24 656	36 289	25 567	37 337
168	30 240	19 982	30 440	23 219	34 265	24 035	35 224	25 082	36 392	26 025	37 439
176	31 680	20 300	30 525	23 596	34 358	24 425	35 324	25 506	36 494	26 476	37 540
184	33 120	20 610	30 731	23 967	34 634	24 811	35 617	25 926	36 824	26 926	37 903
192	34 560	20 923	30 921	24 338	34 893	25 195	35 890	26 341	37 131	27 373	38 243
200	36 000	21 231	31 090	24 708	35 130	25 579	36 142	26 761	37 420	27 822	38 562
208	37 440	21 486	31 184	25 068	35 289	25 965	36 317	27 187	37 627	28 286	38 802
216	38 880	21 732	31 255	25 417	35 425	26 340	36 468	27 601	37 813	28 734	39 020
224	40 320	22 420	31 623	26 309	35 855	27 288	36 913	28 590	38 293	29 748	39 528
232	41 760	22 702	31 984	26 701	36 282	27 707	37 355	29 050	38 768	30 244	40 036
240	43 200	22 975	32 348	27 082	36 707	28 116	37 793	29 498	39 243	30 730	40 541
248	44 640	23 235	32 704	27 452	37 129	28 511	38 231	29 934	39 714	31 202	41 044
256	46 080	23 489	32 974	27 810	37 508	28 896	38 635	30 360	40 161	31 664	41 529

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
264	47 520	23 730	33 232	28 157	37 874	29 267	39 027	30 771	40 593	32 111	41 999
272	48 960	24 668	34 406	29 295	39 256	30 483	40 489	32 024	42 095	33 394	43 531
280	50 400	24 962	34 732	29 704	39 699	30 917	40 960	32 500	42 608	33 907	44 084
288	51 840	25 246	35 047	30 099	40 129	31 342	41 419	32 965	43 109	34 410	44 624
296	53 280	25 526	35 353	30 488	40 549	31 758	41 866	33 422	43 600	34 903	45 151
304	54 720	25 795	35 647	30 868	40 958	32 165	42 304	33 869	44 076	35 387	45 667
312	56 160	26 057	35 929	31 239	41 355	32 564	42 727	34 307	44 540	35 861	46 169
320	57 600	26 311	36 203	31 603	41 739	32 953	43 138	34 738	44 994	36 328	46 661

REGION 2

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	13 418	23 110	15 339	25 143	15 839	25 670	16 248	26 103	16 618	26 498
16	2 880	13 776	23 331	15 758	25 439	16 271	25 982	16 722	26 460	17 126	26 897
24	4 320	14 131	23 552	16 177	25 734	16 703	26 292	17 193	26 817	17 635	27 297
32	5 760	14 487	23 772	16 596	26 030	17 135	26 602	17 666	27 174	18 144	27 696
40	7 200	14 843	23 993	17 014	26 324	17 567	26 913	18 139	27 533	18 651	28 095
48	8 640	15 200	24 213	17 434	26 622	18 000	27 224	18 610	27 889	19 160	28 494
56	10 080	15 555	24 434	17 851	26 917	18 430	27 533	19 082	28 246	19 669	28 894
64	11 520	15 912	24 739	18 271	27 297	18 863	27 929	19 555	28 687	20 177	29 378
72	12 960	16 046	25 398	18 390	28 192	18 982	28 868	19 668	29 685	20 284	30 425
80	14 400	16 181	25 884	18 509	28 811	19 100	29 516	19 781	30 389	20 392	31 182
88	15 840	16 493	26 352	18 867	29 402	19 469	30 134	20 181	31 062	20 819	31 905
96	17 280	16 958	26 612	19 522	29 695	20 162	30 453	20 912	31 358	21 586	32 180
104	18 720	17 271	26 872	19 912	29 987	20 572	30 772	21 356	31 654	22 064	32 456
112	20 160	17 579	27 307	20 294	30 519	20 968	31 325	21 791	32 247	22 530	33 089
120	21 600	17 883	27 732	20 667	31 035	21 357	31 862	22 213	32 824	22 985	33 704
128	23 040	18 183	28 152	21 034	31 543	21 739	32 388	22 630	33 393	23 434	34 311
136	24 480	18 489	28 582	21 404	32 058	22 124	32 921	23 050	33 967	23 883	34 919
144	25 920	18 791	29 004	21 769	32 560	22 504	33 443	23 465	34 528	24 328	35 518
152	27 360	19 090	29 423	22 130	33 058	22 880	33 957	23 875	35 082	24 766	36 108
160	28 800	19 665	30 355	22 839	34 172	23 643	35 125	24 656	36 289	25 567	37 337
168	30 240	19 982	30 440	23 219	34 265	24 035	35 224	25 082	36 392	26 025	37 439
176	31 680	20 300	30 525	23 596	34 358	24 425	35 324	25 506	36 494	26 476	37 540
184	33 120	20 610	30 731	23 967	34 634	24 811	35 617	25 926	36 824	26 926	37 903
192	34 560	20 923	30 921	24 338	34 893	25 195	35 890	26 341	37 131	27 373	38 243
200	36 000	21 231	31 090	24 708	35 130	25 579	36 142	26 761	37 420	27 822	38 562
208	37 440	21 486	31 184	25 068	35 289	25 965	36 317	27 187	37 627	28 286	38 802
216	38 880	21 732	31 255	25 417	35 425	26 340	36 468	27 601	37 813	28 734	39 020
224	40 320	22 420	31 623	26 309	35 855	27 288	36 913	28 590	38 293	29 748	39 528
232	41 760	22 702	31 984	26 701	36 282	27 707	37 355	29 050	38 768	30 244	40 036
240	43 200	22 975	32 348	27 082	36 707	28 116	37 793	29 498	39 243	30 730	40 541
248	44 640	23 235	32 704	27 452	37 129	28 511	38 231	29 934	39 714	31 202	41 044
256	46 080	23 489	32 974	27 810	37 508	28 896	38 635	30 360	40 161	31 664	41 529
264	47 520	23 730	33 232	28 157	37 874	29 267	39 027	30 771	40 593	32 111	41 999
272	48 960	24 668	34 406	29 295	39 256	30 483	40 489	32 024	42 095	33 394	43 531
280	50 400	24 962	34 732	29 704	39 699	30 917	40 960	32 500	42 608	33 907	44 084
288	51 840	25 246	35 047	30 099	40 129	31 342	41 419	32 965	43 109	34 410	44 624
296	53 280	25 526	35 353	30 488	40 549	31 758	41 866	33 422	43 600	34 903	45 151
304	54 720	25 795	35 647	30 868	40 958	32 165	42 304	33 869	44 076	35 387	45 667
312	56 160	26 057	35 929	31 239	41 355	32 564	42 727	34 307	44 540	35 861	46 169
320	57 600	26 311	36 203	31 603	41 739	32 953	43 138	34 738	44 994	36 328	46 661

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 541	19 960	13 489	22 019	13 990	22 549	14 396	22 978	14 767	23 373
16	2 880	11 871	20 177	13 879	22 310	14 393	22 854	14 840	23 330	15 245	23 765
24	4 320	12 200	20 394	14 270	22 601	14 797	23 159	15 283	23 679	15 725	24 158
32	5 760	12 528	20 609	14 660	22 890	15 200	23 462	15 726	24 032	16 202	24 550
40	7 200	12 858	20 827	15 051	23 181	15 604	23 767	16 171	24 382	16 681	24 941
48	8 640	13 187	21 044	15 441	23 470	16 008	24 072	16 613	24 732	17 157	25 333
56	10 080	13 517	21 260	15 832	23 761	16 410	24 377	17 057	25 082	17 638	25 726
64	11 520	13 846	21 549	16 223	24 123	16 815	24 753	17 499	25 505	18 115	26 189
72	12 960	13 958	22 161	16 319	24 970	16 911	25 644	17 590	26 453	18 201	27 187
80	14 400	14 070	22 615	16 415	25 553	17 007	26 259	17 681	27 122	18 287	27 908
88	15 840	14 356	23 055	16 747	26 114	17 350	26 846	18 053	27 762	18 687	28 597
96	17 280	14 790	23 280	17 371	26 374	18 009	27 132	18 752	28 026	19 419	28 841
104	18 720	15 083	23 504	17 739	26 634	18 396	27 417	19 174	28 289	19 873	29 084
112	20 160	15 369	23 904	18 098	27 129	18 771	27 933	19 585	28 846	20 318	29 680
120	21 600	15 655	24 299	18 449	27 613	19 140	28 436	19 985	29 390	20 749	30 262
128	23 040	15 934	24 687	18 795	28 087	19 499	28 930	20 381	29 925	21 176	30 833
136	24 480	16 218	25 085	19 143	28 568	19 862	29 429	20 777	30 464	21 603	31 405
144	25 920	16 499	25 476	19 487	29 037	20 220	29 919	21 170	30 992	22 024	31 971
152	27 360	16 781	25 860	19 827	29 501	20 576	30 400	21 559	31 511	22 441	32 527
160	28 800	17 311	26 711	20 492	30 532	21 293	31 483	22 294	32 633	23 195	33 670
168	30 240	17 606	26 791	20 847	30 620	21 662	31 577	22 697	32 731	23 627	33 767
176	31 680	17 900	26 870	21 201	30 707	22 026	31 672	23 095	32 828	24 054	33 863
184	33 120	18 191	27 071	21 550	30 976	22 391	31 958	23 491	33 151	24 479	34 219
192	34 560	18 479	27 255	21 896	31 228	22 751	32 224	23 883	33 452	24 901	34 551
200	36 000	18 765	27 423	22 243	31 465	23 111	32 474	24 279	33 738	25 325	34 867
208	37 440	19 015	27 526	22 597	31 632	23 491	32 657	24 698	33 952	25 782	35 114
216	38 880	19 256	27 607	22 941	31 776	23 859	32 817	25 104	34 148	26 224	35 339
224	40 320	19 897	27 947	23 782	32 179	24 759	33 232	26 043	34 598	27 187	35 819
232	41 760	20 171	28 282	24 164	32 575	25 169	33 646	26 495	35 043	27 673	36 297
240	43 200	20 436	28 617	24 538	32 972	25 569	34 056	26 933	35 488	28 149	36 771
248	44 640	20 690	28 949	24 900	33 368	25 955	34 465	27 361	35 931	28 611	37 245
256	46 080	20 938	29 213	25 253	33 740	26 334	34 864	27 780	36 371	29 066	37 722
264	47 520	21 176	29 465	25 594	34 100	26 701	35 250	28 186	36 798	29 508	38 185
272	48 960	22 040	30 536	26 658	35 378	27 842	36 608	29 363	38 194	30 715	39 612
280	50 400	22 323	30 848	27 054	35 806	28 265	37 063	29 826	38 692	31 214	40 148
288	51 840	22 601	31 154	27 442	36 225	28 680	37 509	30 283	39 180	31 707	40 676
296	53 280	22 871	31 447	27 821	36 634	29 085	37 947	30 729	39 658	32 189	41 190
304	54 720	23 133	31 734	28 193	17 033	29 486	38 374	31 168	40 125	32 664	41 696
312	56 160	23 390	32 009	28 558	37 421	29 878	38 790	31 597	40 581	33 129	42 188
320	57 600	23 640	32 277	28 916	37 798	30 260	39 192	32 022	41 026	33 590	42 671

REGION 4

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 572	20 069	13 491	22 101	13 992	22 629	14 401	23 062	14 772	23 457
16	2 880	11 906	20 290	13 890	22 398	14 403	22 941	14 852	23 419	15 258	23 856
24	4 320	12 241	20 511	14 288	22 693	14 813	23 251	15 302	23 776	15 745	24 256
32	5 760	12 575	20 731	14 684	22 990	15 224	23 561	15 754	24 133	16 232	24 654
40	7 200	12 909	20 952	15 080	23 283	15 634	23 872	16 204	24 491	16 716	25 054
48	8 640	13 245	21 172	15 478	23 581	16 043	24 183	16 655	24 848	17 203	25 453
56	10 080	13 578	21 393	15 874	23 876	16 453	24 491	17 105	25 205	17 691	25 853
64	11 520	13 912	21 687	16 271	24 245	16 863	24 876	17 555	25 635	18 176	26 324
72	12 960	14 025	22 304	16 368	25 099	16 960	25 775	17 646	26 592	18 262	27 332
80	14 400	14 137	22 765	16 466	25 691	17 057	26 397	17 737	27 269	18 349	28 063
88	15 840	14 428	23 208	16 802	26 259	17 404	26 991	18 115	27 918	18 754	28 761
96	17 280	14 867	23 434	17 430	26 517	18 070	27 275	18 820	28 180	19 494	29 002
104	18 720	15 162	23 660	17 803	26 775	18 462	27 560	19 247	28 442	19 954	29 243
112	20 160	15 453	24 065	18 168	27 278	18 842	28 082	19 665	29 005	20 404	29 847
120	21 600	15 740	24 462	18 523	27 766	19 215	28 592	20 070	29 554	20 841	30 435
128	23 040	16 024	24 855	18 875	28 246	19 579	29 090	20 471	30 096	21 275	31 014
136	24 480	16 313	25 257	19 229	28 733	19 950	29 596	20 876	30 643	21 709	31 595
144	25 920	16 597	25 654	19 576	29 210	20 311	30 092	21 272	31 178	22 135	32 167
152	27 360	16 882	26 044	19 922	29 679	20 672	30 579	21 667	31 702	22 559	32 729
160	28 800	17 418	26 902	20 592	30 719	21 395	31 672	22 408	32 836	23 320	33 884
168	30 240	17 715	26 981	20 953	30 805	21 769	31 765	22 816	32 932	23 759	33 979
176	31 680	18 015	27 059	21 311	30 891	22 140	31 858	23 222	33 027	24 192	34 074
184	33 120	18 308	27 263	21 665	31 164	22 508	32 148	23 623	33 354	24 623	34 434
192	34 560	18 602	27 450	22 016	31 422	22 874	32 420	24 019	33 662	25 051	34 773
200	36 000	18 892	27 621	22 369	31 660	23 240	32 673	24 422	33 950	25 482	35 093
208	37 440	19 144	27 726	22 727	31 831	23 624	32 858	24 846	34 168	25 944	35 343
216	38 880	19 388	27 808	23 074	31 979	23 996	33 022	25 257	34 367	26 391	35 573
224	40 320	20 034	28 153	23 922	32 386	24 901	33 443	26 203	34 824	27 361	36 059
232	41 760	20 311	28 492	24 310	32 789	25 316	33 862	26 659	35 275	27 853	36 545
240	43 200	20 578	28 831	24 686	33 190	25 718	34 276	27 101	35 727	28 333	37 025
248	44 640	20 836	29 165	25 053	33 591	26 111	34 691	27 535	36 175	28 802	37 505
256	46 080	21 088	29 432	25 408	33 967	26 495	35 093	27 959	36 619	29 262	37 987
264	47 520	21 327	29 687	25 754	34 329	26 865	35 483	28 369	37 050	29 708	38 454
272	48 960	22 198	30 768	26 825	35 617	28 012	36 851	29 554	38 456	30 925	39 893
280	50 400	22 485	31 085	27 226	36 052	28 440	37 313	30 023	38 960	31 430	40 436
288	51 840	22 764	31 392	27 617	36 474	28 860	37 762	30 484	39 453	31 928	40 969
296	53 280	23 039	31 689	28 002	36 886	29 270	38 202	30 936	39 936	32 416	41 487
304	54 720	23 303	31 978	28 378	37 288	29 675	38 634	31 378	40 407	32 896	41 998
312	56 160	23 562	32 256	28 745	37 682	30 070	39 054	31 813	40 867	33 367	42 495
320	57 600	23 815	32 527	29 107	38 062	30 458	39 462	32 242	41 318	33 832	42 983

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	13 117	22 628	15 029	24 651	15 530	25 181	15 937	25 612	16 309	26 006
16	2 880	13 469	22 847	15 443	24 944	15 956	25 487	16 404	25 965	16 808	26 401
24	4 320	13 819	23 065	15 853	25 237	16 381	25 795	16 868	26 317	17 310	26 796
32	5 760	14 169	23 282	16 266	25 528	16 806	26 101	17 334	26 669	17 811	27 190
40	7 200	14 521	23 500	16 679	25 819	17 234	26 407	17 799	27 024	18 311	27 584
48	8 640	14 871	23 719	17 091	26 112	17 658	26 714	18 263	27 375	18 812	27 977
56	10 080	15 221	23 938	17 503	26 404	18 082	27 019	18 730	27 728	19 312	28 373
64	11 520	15 572	24 236	17 915	26 779	18 509	27 410	19 194	28 163	19 814	28 849
72	12 960	15 703	24 886	18 031	27 663	18 624	28 338	19 305	29 149	19 919	29 886
80	14 400	15 835	25 365	18 147	28 273	18 740	28 979	19 416	29 844	20 024	30 634
88	15 840	16 143	25 828	18 501	28 859	19 103	29 590	19 810	30 510	20 446	31 348
96	17 280	16 602	26 084	19 150	29 148	19 789	29 905	20 534	30 803	21 205	31 621
104	18 720	16 912	26 340	19 535	29 437	20 193	30 221	20 974	31 096	21 676	31 894
112	20 160	17 215	26 770	19 910	29 961	20 584	30 768	21 401	31 681	22 136	32 519
120	21 600	17 514	27 189	20 278	30 471	20 970	31 297	21 818	32 252	22 585	33 128
128	23 040	17 810	27 604	20 641	30 973	21 345	31 815	22 230	32 813	23 028	33 726
136	24 480	18 112	28 026	21 006	31 479	21 725	32 342	22 646	33 379	23 474	34 325
144	25 920	18 408	28 444	21 366	31 975	22 100	32 858	23 055	33 933	23 911	34 918
152	27 360	18 704	28 854	21 722	32 466	22 471	33 364	23 458	34 480	24 345	35 499
160	28 800	19 272	29 774	22 424	33 568	23 227	34 519	24 232	35 673	25 137	36 715
168	30 240	19 584	29 859	22 796	33 660	23 614	34 618	24 651	35 775	25 587	36 816
176	31 680	19 899	29 943	23 169	33 752	23 997	34 717	25 069	35 878	26 033	36 917
184	33 120	20 206	30 147	23 535	34 024	24 380	35 008	25 485	36 203	26 477	37 275
192	34 560	20 512	30 334	23 901	34 279	24 758	35 276	25 895	36 508	26 918	37 613
200	36 000	20 815	30 501	24 266	34 515	25 135	35 527	26 308	36 794	27 360	37 929
208	37 440	21 069	30 596	24 625	34 674	25 521	35 701	26 731	37 001	27 822	38 167
216	38 880	21 311	30 667	24 971	34 809	25 891	35 851	27 142	37 184	28 266	38 382
224	40 320	21 994	31 030	25 853	35 233	26 831	36 288	28 121	37 660	29 269	38 885
232	41 760	22 272	31 388	26 242	35 655	27 246	36 727	28 579	38 128	29 762	39 388
240	43 200	22 541	31 746	26 619	36 075	27 652	37 159	29 023	38 597	30 244	39 886
248	44 640	22 802	32 096	26 986	36 490	28 044	37 589	29 455	39 061	30 712	40 379
256	46 080	23 051	32 364	27 341	36 867	28 425	37 992	29 877	39 504	31 169	40 862
264	47 520	23 291	32 618	27 686	37 229	28 794	38 380	30 285	39 934	31 613	41 327
272	48 960	24 218	33 778	28 813	38 594	29 997	39 825	31 527	41 419	32 884	42 843
280	50 400	24 508	34 100	29 215	39 034	30 427	40 292	31 996	41 927	33 392	43 391
288	51 840	24 791	34 413	29 610	39 462	30 849	40 748	32 459	42 424	33 893	43 926
296	53 280	25 066	34 716	29 994	39 878	31 260	41 192	32 911	42 910	34 380	44 450
304	54 720	25 334	35 008	30 372	40 283	31 667	41 625	33 356	43 383	34 859	44 961
312	56 160	25 593	35 287	30 740	40 675	32 063	42 045	33 790	43 843	35 330	45 459
320	57 600	25 847	35 559	31 101	41 056	32 448	42 454	34 220	44 295	35 795	45 947

REGION 6

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 965	20 726	13 877	22 751	14 378	23 279	14 785	23 711	15 156	24 107
16	2 880	12 302	20 947	14 277	23 046	14 789	23 588	15 239	24 066	15 643	24 502
24	4 320	12 640	21 165	14 676	23 340	15 204	23 898	15 691	24 421	16 134	24 900
32	5 760	12 977	21 385	15 077	23 633	15 617	24 206	16 145	24 776	16 623	25 297
40	7 200	13 316	21 604	15 477	23 925	16 031	24 514	16 599	25 131	17 112	25 692
48	8 640	13 654	21 825	15 878	24 220	16 445	24 824	17 052	25 485	17 602	26 089
56	10 080	13 993	22 043	16 277	24 513	16 857	25 131	17 505	25 840	18 092	26 487
64	11 520	14 331	22 339	16 678	24 883	17 270	25 517	17 960	26 271	18 581	26 961
72	12 960	14 449	22 964	16 780	25 744	17 372	26 422	18 056	27 235	18 672	27 974
80	14 400	14 567	23 429	16 882	26 341	17 474	27 048	18 152	27 916	18 763	28 708
88	15 840	14 860	23 877	17 224	26 913	17 826	27 645	18 535	28 568	19 173	29 410
96	17 280	15 304	24 111	17 857	27 180	18 495	27 938	19 242	28 838	19 915	29 659
104	18 720	15 603	24 344	18 233	27 447	18 890	28 232	19 673	29 108	20 378	29 909
112	20 160	15 897	24 755	18 597	27 954	19 273	28 760	20 091	29 678	20 829	30 518
120	21 600	16 187	25 159	18 956	28 448	19 649	29 274	20 500	30 232	21 270	31 110
128	23 040	16 473	25 556	19 310	28 933	20 016	29 776	20 903	30 778	21 704	31 694
136	24 480	16 766	25 963	19 667	29 423	20 387	30 287	21 309	31 328	22 140	32 277
144	25 920	17 052	26 364	20 017	29 906	20 752	30 789	21 709	31 868	22 571	32 856
152	27 360	17 339	26 760	20 364	30 379	21 114	31 279	22 104	32 399	22 994	33 422
160	28 800	17 883	27 634	21 043	31 435	21 845	32 386	22 855	33 547	23 763	34 592
168	30 240	18 186	27 715	21 405	31 523	22 223	32 482	23 266	33 644	24 205	34 689
176	31 680	18 488	27 795	21 767	31 611	22 596	32 578	23 672	33 742	24 639	34 785
184	33 120	18 785	27 997	22 123	31 883	22 967	32 866	24 077	34 067	25 075	35 142
192	34 560	19 080	28 186	22 479	32 139	23 336	33 138	24 478	34 373	25 505	35 483
200	36 000	19 374	28 354	22 834	32 377	23 706	33 390	24 881	34 662	25 939	35 801
208	37 440	19 626	28 456	23 191	32 542	24 088	33 571	25 303	34 876	26 398	36 046
216	38 880	19 869	28 536	23 538	32 687	24 459	33 731	25 714	35 069	26 845	36 272
224	40 320	20 525	28 884	24 393	33 097	25 372	34 154	26 668	35 530	27 823	36 760
232	41 760	20 802	29 228	24 781	33 505	25 787	34 578	27 124	35 985	28 313	37 251
240	43 200	21 068	29 571	25 156	33 910	26 191	34 998	27 566	36 440	28 794	37 735
248	44 640	21 327	29 909	25 523	34 315	26 583	35 415	28 000	36 893	29 262	38 218
256	46 080	21 577	30 176	25 879	34 690	26 964	35 817	28 422	37 336	29 720	38 699
264	47 520	21 816	30 429	26 224	35 053	27 333	36 205	28 829	37 764	30 165	39 165
272	48 960	22 701	31 531	27 309	36 361	28 495	37 593	30 029	39 192	31 394	40 624
280	50 400	22 990	31 849	27 709	36 797	28 922	38 055	30 498	39 697	31 900	41 167
288	51 840	23 270	32 158	28 101	37 220	29 343	38 507	30 959	40 191	32 397	41 699
296	53 280	23 543	32 456	28 485	37 632	29 753	38 947	31 411	40 673	32 885	42 218
304	54 720	23 808	32 746	28 860	38 035	30 158	39 380	31 853	41 145	33 364	42 728
312	56 160	24 067	33 024	29 228	38 426	30 553	39 799	32 287	41 603	33 834	43 226
320	57 600	24 320	33 295	29 589	38 806	30 938	40 205	32 715	42 053	34 298	43 714

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	12 541	21 678	14 453	23 702	14 954	24 230	15 362	24 662	15 733	25 058
16	2 880	12 887	21 899	14 861	23 997	15 375	24 540	15 824	25 017	16 228	25 454
24	4 320	13 231	22 117	15 268	24 291	15 796	24 849	16 283	25 372	16 726	25 851
32	5 760	13 576	22 336	15 676	24 584	16 216	25 158	16 744	25 728	17 221	26 248
40	7 200	13 921	22 555	16 081	24 877	16 636	25 466	17 204	26 082	17 718	26 644
48	8 640	14 267	22 776	16 490	25 172	17 056	25 775	17 663	26 436	18 213	27 040
56	10 080	14 611	22 994	16 895	25 465	17 476	26 082	18 124	26 792	18 710	27 438
64	11 520	14 956	23 293	17 303	25 839	17 895	26 471	18 585	27 226	19 206	27 916
72	12 960	15 080	23 931	17 411	26 712	18 004	27 389	18 688	28 202	19 303	28 941
80	14 400	15 205	24 405	17 520	27 317	18 113	28 024	18 791	28 891	19 400	29 684
88	15 840	15 505	24 859	17 869	27 896	18 471	28 628	19 181	29 550	19 818	30 393
96	17 280	15 958	25 104	18 511	28 174	19 150	28 932	19 897	29 832	20 570	30 653
104	18 720	16 262	25 349	18 891	28 452	19 549	29 236	20 332	30 113	21 038	30 913
112	20 160	16 562	25 770	19 262	28 968	19 938	29 774	20 755	30 692	21 493	31 532
120	21 600	16 857	26 182	19 627	29 471	20 320	30 297	21 171	31 255	21 941	32 133
128	23 040	17 148	26 589	19 985	29 964	20 691	30 809	21 578	31 810	22 380	32 725
136	24 480	17 446	27 004	20 346	30 464	21 067	31 328	21 990	32 369	22 819	33 318
144	25 920	17 737	27 412	20 702	30 953	21 438	31 836	22 394	32 917	23 256	33 904
152	27 360	18 030	27 817	21 055	31 436	21 806	32 337	22 795	33 456	23 686	34 479
160	28 800	18 586	28 715	21 745	32 516	22 549	33 467	23 557	34 627	24 466	35 673
168	30 240	18 894	28 797	22 114	32 606	22 931	33 565	23 974	34 727	24 914	35 772
176	31 680	19 203	28 880	22 482	32 696	23 311	33 663	24 387	34 827	25 354	35 871
184	33 120	19 505	29 082	22 844	32 969	23 688	33 952	24 797	35 153	25 795	36 229
192	34 560	19 807	29 270	23 205	33 224	24 062	34 223	25 204	35 458	26 230	36 568
200	36 000	20 104	29 439	23 565	33 462	24 436	34 475	25 613	35 746	26 669	36 886
208	37 440	20 359	29 538	23 924	33 624	24 822	34 652	26 037	35 958	27 131	37 128
216	38 880	20 602	29 613	24 270	33 764	25 192	34 809	26 447	36 148	27 576	37 350
224	40 320	21 272	29 970	25 140	34 183	26 120	35 241	27 415	36 616	28 570	37 846
232	41 760	21 550	30 321	25 528	34 598	26 535	35 671	27 871	37 078	29 060	38 344
240	43 200	21 817	30 671	25 906	35 011	26 940	36 098	28 316	37 540	29 543	38 835
248	44 640	22 076	31 016	26 272	35 421	27 332	36 522	28 749	38 000	30 011	39 325
256	46 080	22 328	31 285	26 631	35 799	27 715	36 925	29 172	38 444	30 470	39 807
264	47 520	22 569	31 539	26 976	36 161	28 085	37 315	29 582	38 874	30 917	40 274
272	48 960	23 475	32 669	28 081	37 499	29 267	38 731	30 802	40 330	32 167	41 762
280	50 400	23 764	32 990	28 485	37 937	29 698	39 195	31 274	40 837	32 675	42 307
288	51 840	24 046	33 300	28 877	38 362	30 119	39 651	31 736	41 334	33 174	42 842
296	53 280	24 320	33 602	29 262	38 778	30 531	40 094	32 188	41 819	33 663	43 365
304	54 720	24 588	33 894	29 639	39 183	30 937	40 528	32 632	42 293	34 143	43 876
312	56 160	24 847	34 173	30 007	39 574	31 332	40 948	33 067	42 751	34 614	44 375
320	57 600	25 101	34 444	30 370	39 957	31 719	41 355	33 495	43 203	35 079	44 863

REGION 8

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 136	19 367	13 047	21 391	13 548	21 920	13 955	22 350	14 326	22 744
16	2 880	11 464	19 585	13 437	21 682	13 951	22 225	14 397	22 701	14 803	23 138
24	4 320	11 790	19 802	13 825	21 973	14 351	22 531	14 837	23 053	15 279	23 531
32	5 760	12 116	20 019	14 211	22 264	14 753	22 836	15 279	23 405	15 755	23 923
40	7 200	12 442	20 236	14 599	22 554	15 153	23 142	15 720	23 756	16 230	24 317
48	8 640	12 769	20 454	14 989	22 847	15 555	23 447	16 160	24 108	16 706	24 709
56	10 080	13 095	20 671	15 376	23 136	15 955	23 753	16 600	24 459	17 184	25 103
64	11 520	13 422	20 959	15 764	23 498	16 356	24 129	17 041	24 880	17 660	25 566
72	12 960	13 531	21 564	15 857	24 339	16 449	25 014	17 129	25 824	17 742	26 559
80	14 400	13 640	22 016	15 950	24 920	16 542	25 625	17 217	26 490	17 824	27 278
88	15 840	13 923	22 451	16 279	25 479	16 880	26 208	17 586	27 127	18 220	27 963
96	17 280	14 355	22 670	16 899	25 731	17 539	26 488	18 282	27 384	18 952	28 200
104	18 720	14 643	22 889	17 265	25 984	17 922	26 768	18 702	27 640	19 403	28 436
112	20 160	14 929	23 287	17 621	26 476	18 295	27 281	19 111	28 195	19 845	29 031
120	21 600	15 209	23 676	17 970	26 956	18 661	27 781	19 510	28 733	20 275	29 607
128	23 040	15 487	24 060	18 315	27 426	19 020	28 268	19 903	29 265	20 699	30 175
136	24 480	15 771	24 454	18 661	27 902	19 381	28 765	20 299	29 801	21 124	30 744
144	25 920	16 050	24 842	19 004	28 371	19 739	29 253	20 690	30 326	21 544	31 307
152	27 360	16 327	25 223	19 342	28 829	20 091	29 728	21 075	30 842	21 960	31 858
160	28 800	16 852	26 061	20 002	29 849	20 802	30 800	21 806	31 953	22 709	32 992
168	30 240	17 145	26 140	20 353	29 936	21 168	30 893	22 205	32 049	23 139	33 087
176	31 680	17 437	26 218	20 704	30 022	21 531	30 986	22 602	32 146	23 562	33 182
184	33 120	17 724	26 417	21 050	30 290	21 892	31 273	22 996	32 467	23 986	33 536
192	34 560	18 012	26 603	21 396	30 543	22 251	31 540	23 386	32 770	24 407	33 872
200	36 000	18 295	26 773	21 741	30 780	22 611	31 792	23 781	33 057	24 829	34 188
208	37 440	18 544	26 877	22 094	30 950	22 991	31 975	24 198	33 274	25 287	34 436
216	38 880	18 786	26 961	22 439	31 097	23 359	32 139	24 606	33 469	25 729	34 665
224	40 320	19 421	27 297	23 274	31 496	24 251	32 551	25 540	33 918	26 685	35 140
232	41 760	19 693	27 631	23 656	31 890	24 660	32 961	25 990	34 361	27 171	35 617
240	43 200	19 957	27 962	24 029	32 284	25 060	33 369	26 428	34 803	27 646	36 088
248	44 640	20 213	28 288	24 392	32 676	25 448	33 775	26 857	35 243	28 110	36 558
256	46 080	20 461	28 552	24 743	33 048	25 827	34 173	27 275	35 683	28 564	37 036
264	47 520	20 699	28 804	25 088	33 409	26 195	34 558	27 684	36 108	29 007	37 498
272	48 960	21 553	29 860	26 141	34 670	27 326	35 900	28 849	37 490	30 205	38 911
280	50 400	21 837	30 172	26 538	35 099	27 749	36 357	29 313	37 988	30 705	39 447
288	51 840	22 112	30 476	26 923	35 518	28 163	36 803	29 770	38 476	31 197	39 974
296	53 280	22 383	30 771	27 303	35 925	28 569	37 239	30 215	38 953	31 679	40 488
304	54 720	22 646	31 056	27 676	36 324	28 969	37 665	30 655	39 420	32 156	40 993
312	56 160	22 901	31 331	28 039	36 711	29 362	38 082	31 086	39 875	32 622	41 486
320	57 600	23 152	31 600	28 399	37 088	29 744	38 484	31 510	40 323	33 081	41 970

REGION 9

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	10 641	18 551	12 552	20 575	13 053	21 103	13 460	21 534	13 831	21 929
16	2 880	10 963	18 770	12 935	20 867	13 450	21 409	13 896	21 886	14 301	22 322
24	4 320	11 283	18 986	13 317	21 157	13 845	21 715	14 331	22 237	14 773	22 715
32	5 760	11 604	19 204	13 699	21 448	14 240	22 020	14 766	22 588	15 242	23 108
40	7 200	11 924	19 420	14 081	21 739	14 635	22 327	15 201	22 941	15 712	23 501
48	8 640	12 246	19 638	14 464	22 030	15 031	22 632	14 636	23 292	16 182	23 893
56	10 080	12 566	19 856	14 846	22 321	14 425	22 936	16 071	23 644	16 653	24 288
64	11 520	12 887	20 141	15 228	22 679	15 820	23 311	16 505	24 062	17 124	24 749
72	12 960	12 989	20 735	15 315	23 509	15 906	21 184	16 587	24 994	17 199	25 729
80	14 400	13 091	21 181	15 401	24 085	15 993	24 790	16 668	25 655	17 274	26 443
88	15 840	13 369	21 608	15 725	24 636	16 327	25 366	17 032	26 285	17 667	27 121
96	17 280	13 793	21 819	16 337	24 880	16 977	25 637	17 721	26 533	18 391	27 349
104	18 720	14 078	22 029	16 699	25 124	17 356	25 907	18 136	26 781	18 837	27 576
112	20 160	14 358	22 418	17 051	25 608	17 725	26 413	18 540	27 328	19 275	28 163
120	21 600	14 636	22 801	17 396	26 080	18 087	26 905	18 935	27 858	19 700	28 731
128	23 040	14 908	23 177	17 736	26 543	18 441	27 385	19 324	28 382	20 120	29 292
136	24 480	15 186	23 562	18 078	27 012	18 797	27 874	19 715	28 910	20 541	29 854
144	25 920	15 461	23 943	18 416	27 473	19 150	28 354	20 101	29 427	20 956	30 408
152	27 360	15 734	24 318	18 749	27 924	19 498	28 823	20 482	29 937	21 367	30 953
160	28 800	16 249	25 137	19 398	28 926	20 198	29 875	21 203	31 028	22 106	32 067
168	30 240	16 537	25 213	19 745	29 010	20 561	29 966	21 597	31 123	22 531	32 160
176	31 680	16 825	25 290	20 092	29 094	20 918	30 058	21 990	31 217	22 950	32 254
184	33 120	17 107	25 488	20 434	29 361	21 276	30 343	22 378	31 538	23 369	32 606
192	34 560	17 388	25 674	20 773	29 614	21 628	30 611	22 763	31 841	23 784	32 942
200	36 000	17 668	25 844	21 113	29 850	21 983	30 863	23 153	32 128	24 202	33 258
208	37 440	17 916	25 950	21 467	30 023	22 363	31 048	23 571	32 347	24 659	33 509
216	38 880	18 156	26 038	21 810	30 174	22 730	31 216	23 977	32 548	25 100	33 742
224	40 320	18 782	26 368	22 634	30 567	23 613	31 622	24 900	32 989	26 045	34 211
232	41 760	19 052	26 693	23 016	30 954	24 019	32 025	25 349	33 424	26 530	34 682
240	43 200	19 315	27 019	23 387	31 342	24 418	32 426	25 786	33 861	27 005	35 147
248	44 640	19 570	27 340	23 749	31 728	24 805	32 827	26 215	34 295	27 468	35 611
256	46 080	19 817	27 604	24 100	32 099	25 183	33 224	26 632	34 733	27 920	36 087
264	47 520	20 054	27 855	24 443	32 459	25 550	33 609	27 038	35 159	28 362	36 549
272	48 960	20 890	28 886	25 478	33 696	26 663	34 926	28 187	36 516	29 542	37 937
280	50 400	21 172	29 195	25 872	34 121	27 084	35 380	28 649	37 011	30 041	38 471
288	51 840	21 446	29 497	26 258	34 538	27 497	35 824	29 103	37 497	30 532	38 994
296	53 280	21 715	29 791	26 636	34 945	27 901	36 258	29 548	37 972	31 012	39 508
304	54 720	21 978	30 074	27 008	35 341	28 302	36 683	29 987	38 436	31 488	40 010
312	56 160	22 231	30 348	27 371	35 728	28 694	37 098	30 416	38 892	31 952	40 502
320	57 600	22 482	30 614	27 729	36 104	29 075	37 499	30 841	39 337	32 412	40 984

REGION 10

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	10 868	18 926	12 779	20 950	13 280	21 479	13 688	21 909	14 059	22 303
16	2 880	11 193	19 144	13 165	21 241	13 680	21 784	14 126	22 260	14 531	22 697
24	4 320	11 516	19 361	13 551	21 532	14 078	22 090	14 564	22 612	15 006	23 090
32	5 760	11 839	19 578	13 935	21 823	14 476	22 395	15 003	22 964	15 478	23 482
40	7 200	12 163	19 795	14 320	22 113	14 873	22 701	15 440	23 316	15 951	23 876
48	8 640	12 485	20 013	14 705	22 406	15 271	23 006	15 876	23 667	16 423	24 268
56	10 080	12 809	20 230	15 089	22 696	15 668	23 312	16 314	24 018	16 897	24 662
64	11 520	13 133	20 515	15 474	23 055	16 066	23 686	16 752	24 437	17 371	25 123
72	12 960	13 238	21 115	15 564	23 890	16 155	24 565	16 836	25 375	17 449	26 109
80	14 400	13 343	21 563	15 653	24 467	16 245	25 173	16 920	26 037	17 526	26 825
88	15 840	13 624	21 995	15 979	25 022	16 582	25 753	17 287	26 670	17 921	27 507
96	17 280	14 051	22 209	16 595	25 270	17 235	26 027	17 978	26 923	18 648	27 739
104	18 720	14 337	22 424	16 958	25 519	17 616	26 301	18 396	27 175	19 097	27 971
112	20 160	14 620	22 816	17 313	26 006	17 987	26 811	18 802	27 726	19 536	28 561
120	21 600	14 899	23 202	17 659	26 481	18 351	27 307	19 198	28 259	19 963	29 132
128	23 040	15 174	23 582	18 003	26 948	18 707	27 791	19 589	28 787	20 386	29 698
136	24 480	15 455	23 972	18 346	27 422	19 066	28 284	19 983	29 320	20 809	30 263
144	25 920	15 732	24 355	18 686	27 885	19 420	28 766	20 372	29 839	21 227	30 821
152	27 360	16 007	24 733	19 021	28 340	19 771	29 238	20 754	30 352	21 640	31 369
160	28 800	16 526	25 562	19 676	29 350	20 476	30 300	21 480	31 453	22 383	32 491
168	30 240	16 817	25 639	20 025	29 434	20 840	30 392	21 877	31 548	22 811	32 585
176	31 680	17 107	25 716	20 374	29 519	21 201	30 485	22 271	31 644	23 232	32 679
184	33 120	17 389	25 916	20 717	29 789	21 559	30 770	22 662	31 965	23 651	33 034
192	34 560	17 674	26 100	21 059	30 041	21 913	31 037	23 048	32 267	24 069	33 368
200	36 000	17 957	26 269	21 402	30 277	22 272	31 288	23 441	32 553	24 490	33 685
208	37 440	18 206	26 376	21 756	30 448	22 651	31 474	23 859	32 772	24 948	33 935
216	38 880	18 446	26 461	22 099	30 599	23 018	31 641	24 267	32 971	25 388	34 165
224	40 320	19 076	26 795	22 928	30 994	23 906	32 048	25 194	33 415	26 339	34 638
232	41 760	19 347	27 123	23 311	31 383	24 314	32 455	25 644	33 854	26 825	35 110
240	43 200	19 610	27 452	23 682	31 773	24 713	32 858	26 081	34 293	27 299	35 578
248	44 640	19 866	27 775	24 045	32 163	25 101	33 262	26 510	34 730	27 763	36 045
256	46 080	20 113	28 038	24 395	32 535	25 479	33 659	26 927	35 169	28 216	36 522
264	47 520	20 350	28 290	24 739	32 895	25 846	34 044	27 334	35 594	28 658	36 984
272	48 960	21 194	29 333	25 782	34 143	26 966	35 373	28 491	36 963	29 846	38 384
280	50 400	21 478	29 645	26 177	34 571	27 389	35 829	28 954	37 460	30 346	38 919
288	51 840	21 752	29 947	26 564	34 988	27 803	36 273	29 410	37 946	30 838	39 444
296	53 280	22 022	30 241	26 942	35 394	28 208	36 708	29 855	38 423	31 319	39 958
304	54 720	22 285	30 525	27 314	35 792	28 608	37 134	30 295	38 888	31 794	40 462
312	56 160	22 539	30 799	27 678	36 179	29 001	37 549	30 723	39 342	32 259	40 954
320	57 600	22 790	31 066	28 036	36 555	29 382	37 950	31 148	39 789	32 719	41 436

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	10 868	18 926	12 779	20 950	13 280	21 479	13 688	21 909	14 059	22 303
16	2 880	11 193	19 144	13 165	21 241	13 680	21 784	14 126	22 260	14 531	22 697
24	4 320	11 516	19 361	13 551	21 532	14 078	22 090	14 564	22 612	15 006	23 090
32	5 760	11 839	19 578	13 935	21 823	14 476	22 395	15 003	22 964	15 478	23 482
40	7 200	12 163	19 795	14 320	22 113	14 873	22 701	15 440	23 316	15 951	23 876
48	8 640	12 485	20 013	14 705	22 406	15 271	23 006	15 876	23 667	16 423	24 268
56	10 080	12 809	20 230	15 089	22 696	15 668	23 312	16 314	24 018	16 897	24 662
64	11 520	13 133	20 515	15 474	23 055	16 066	23 686	16 752	24 437	17 371	25 123
72	12 960	13 238	21 115	15 564	23 890	16 155	24 565	16 836	25 375	17 449	26 109
80	14 400	13 343	21 563	15 653	24 467	16 245	25 173	16 920	26 037	17 526	26 825
88	15 840	13 624	21 995	15 979	25 022	16 582	25 753	17 287	26 670	17 921	27 507
96	17 280	14 051	22 209	16 595	25 270	17 235	26 027	17 978	26 923	18 648	27 739
104	18 720	14 337	22 424	16 958	25 519	17 616	26 301	18 396	27 175	19 097	27 971
112	20 160	14 620	22 816	17 313	26 006	17 987	26 811	18 802	27 726	19 536	28 561
120	21 600	14 899	23 202	17 659	26 481	18 351	27 307	19 198	28 259	19 963	29 132
128	23 040	15 174	23 582	18 003	26 948	18 707	27 791	19 589	28 787	20 386	29 698
136	24 480	15 455	23 972	18 346	27 422	19 066	28 284	19 983	29 320	20 809	30 263
144	25 920	15 732	24 355	18 686	27 885	19 420	28 766	20 372	29 839	21 227	30 821
152	27 360	16 007	24 733	19 021	28 340	19 771	29 238	20 754	30 352	21 640	31 369
160	28 800	16 526	25 562	19 676	29 350	20 476	30 300	21 480	31 453	22 383	32 491
168	30 240	16 817	25 639	20 025	29 434	20 840	30 392	21 877	31 548	22 811	32 585
176	31 680	17 107	25 716	20 374	29 519	21 201	30 485	22 271	31 644	23 232	32 679
184	33 120	17 389	25 916	20 717	29 789	21 559	30 770	22 662	31 965	23 651	33 034
192	34 560	17 674	26 100	21 059	30 041	21 913	31 037	23 048	32 267	24 069	33 368
200	36 000	17 957	26 269	21 402	30 277	22 272	31 288	23 441	32 553	24 490	33 685
208	37 440	18 206	26 376	21 756	30 448	22 651	31 474	23 859	32 772	24 948	33 935
216	38 880	18 446	26 461	22 099	30 599	23 018	31 641	24 267	32 971	25 388	34 165
224	40 320	19 076	26 795	22 928	30 994	23 906	32 048	25 194	33 415	26 339	34 638
232	41 760	19 347	27 123	23 311	31 383	24 314	32 455	25 644	33 854	26 825	35 110
240	43 200	19 610	27 452	23 682	31 773	24 713	32 858	26 081	34 293	27 299	35 578
248	44 640	19 866	27 775	24 045	32 163	25 101	33 262	26 510	34 730	27 763	36 045
256	46 080	20 113	28 038	24 395	32 535	25 479	33 659	26 927	35 169	28 216	36 522
264	47 520	20 350	28 290	24 739	32 895	25 846	34 044	27 334	35 594	28 658	36 984
272	48 960	21 194	29 333	25 782	34 143	26 966	35 373	28 491	36 963	29 846	38 384
280	50 400	21 478	29 645	26 177	34 571	27 389	35 829	28 954	37 460	30 346	38 919
288	51 840	21 752	29 947	26 564	34 988	27 803	36 273	29 410	37 946	30 838	39 444
296	53 280	22 022	30 241	26 942	35 394	28 208	36 708	29 855	38 423	31 319	39 958
304	54 720	22 285	30 525	27 314	35 792	28 608	37 134	30 295	38 888	31 794	40 462
312	56 160	22 539	30 799	27 678	36 179	29 001	37 549	30 723	39 342	32 259	40 954
320	57 600	22 790	31 066	28 036	36 555	29 382	37 950	31 148	39 789	32 719	41 436

REGION 12

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	12 351	21 294	14 298	23 353	14 799	23 881	15 205	24 312	15 575	24 707
16	2 880	12 688	21 510	14 694	23 641	15 207	24 183	15 655	24 660	16 057	25 093
24	4 320	13 024	21 723	15 091	23 928	15 618	24 486	16 102	25 006	16 542	25 482
32	5 760	13 361	21 938	15 488	24 216	16 028	24 787	16 552	25 354	17 026	25 870
40	7 200	13 696	22 153	15 885	24 502	16 438	25 089	17 002	25 701	17 510	26 258
48	8 640	14 034	22 369	16 282	24 790	16 847	25 391	17 449	26 048	17 991	26 646
56	10 080	14 369	22 583	16 679	25 078	17 257	25 692	17 898	26 396	18 476	27 035
64	11 520	14 708	22 875	17 076	25 442	17 666	26 072	18 347	26 819	18 960	27 500
72	12 960	14 829	23 502	17 182	26 303	17 773	26 977	18 449	27 782	19 056	28 512
80	14 400	14 951	23 966	17 289	26 897	17 880	27 600	18 550	28 458	19 152	29 241
88	15 840	15 246	24 414	17 629	27 466	18 230	28 195	18 930	29 107	19 560	29 938
96	17 280	15 690	24 656	18 261	27 742	18 898	28 497	19 637	29 387	20 301	30 199
104	18 720	15 988	24 898	18 634	28 017	19 290	28 800	20 063	29 668	20 759	30 459
112	20 160	16 282	25 310	18 998	28 524	19 671	29 328	20 480	30 236	21 206	31 066
120	21 600	16 569	25 713	19 354	29 018	20 044	29 842	20 885	30 789	21 643	31 655
128	23 040	16 855	26 112	19 705	29 501	20 407	30 343	21 285	31 332	22 072	32 236
136	24 480	17 146	26 520	20 059	29 993	20 776	30 853	21 687	31 881	22 504	32 817
144	25 920	17 432	26 921	20 406	30 473	21 139	31 352	22 082	32 420	22 929	33 393
152	27 360	17 720	27 318	20 752	30 947	21 500	31 842	22 476	32 949	23 350	33 957
160	28 800	18 265	28 200	21 431	32 007	22 230	32 957	23 224	34 103	24 117	35 131
168	30 240	18 566	28 281	21 793	32 098	22 605	33 054	23 633	34 203	24 555	35 231
176	31 680	18 867	28 363	22 151	32 189	22 975	33 152	24 036	34 303	24 986	35 331
184	33 120	19 164	28 564	22 506	32 457	23 345	33 437	24 438	34 623	25 417	35 684
192	34 560	19 460	28 749	22 858	32 709	23 711	33 703	24 835	34 924	25 844	36 015
200	36 000	19 752	28 915	23 211	32 942	24 078	33 950	25 236	35 205	26 272	36 329
208	37 440	20 002	29 012	23 565	33 102	24 457	34 127	25 654	35 414	26 728	36 568
216	38 880	20 240	29 086	23 906	33 242	24 823	34 279	26 058	35 601	27 168	36 785
224	40 320	20 900	29 436	24 763	33 651	25 738	34 701	27 013	36 061	28 145	37 272
232	41 760	21 173	29 780	25 146	34 057	26 148	35 126	27 464	36 515	28 631	37 759
240	43 200	21 438	30 125	25 519	34 462	26 545	35 543	27 900	36 968	29 103	38 242
248	44 640	21 693	30 463	25 880	34 866	26 933	35 961	28 328	37 419	29 565	38 723
256	46 080	21 939	30 727	26 229	35 237	27 310	36 358	28 744	37 856	30 017	39 198
264	47 520	22 176	30 979	26 571	35 595	27 675	36 742	29 148	38 282	30 457	39 658
272	48 960	23 068	32 090	27 661	36 914	28 842	38 140	30 351	39 718	31 690	41 126
280	50 400	23 353	32 407	28 058	37 345	29 266	38 599	30 815	40 218	32 189	41 665
288	51 840	23 630	32 714	28 445	37 764	29 680	39 047	31 270	40 708	32 680	42 192
296	53 280	23 901	33 010	28 823	38 173	30 086	39 485	31 716	41 186	33 161	42 706
304	54 720	24 164	33 297	29 196	38 573	30 487	39 911	32 154	41 653	33 636	43 211
312	56 160	24 419	33 573	29 560	38 961	30 877	40 328	32 583	42 108	34 100	43 704
320	57 600	24 669	33 841	29 916	39 338	31 257	40 730	33 004	42 555	34 557	44 187

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 216	19 499	13 126	21 521	13 627	22 049	14 034	22 480	14 404	22 875
16	2 880	11 541	19 715	13 511	21 809	14 024	22 351	14 471	22 828	14 873	23 261
24	4 320	11 865	19 929	13 896	22 096	14 424	22 654	14 906	23 174	15 346	23 650
32	5 760	12 189	20 143	14 280	22 384	14 820	22 955	15 344	23 522	15 818	20 038
40	7 200	12 513	20 357	14 664	22 670	15 218	23 257	15 781	23 869	16 289	24 426
48	8 640	12 839	20 574	15 051	22 957	15 616	23 559	16 218	24 216	16 760	24 814
56	10 080	13 163	20 788	15 435	23 246	16 013	23 860	16 655	24 564	17 232	25 203
64	11 520	13 488	21 073	15 819	23 604	16 409	24 234	17 091	24 982	17 703	25 663
72	12 960	13 598	21 678	15 914	24 441	16 504	25 116	17 181	25 921	17 788	26 651
80	14 400	13 709	22 130	16 009	25 023	16 599	25 727	17 270	26 585	17 872	27 366
88	15 840	13 990	22 563	16 336	25 577	16 937	26 308	17 637	27 219	18 267	28 050
96	17 280	14 420	22 786	16 955	25 834	17 592	26 591	18 331	27 481	18 995	28 292
104	18 720	14 710	23 009	17 318	26 091	17 975	26 874	18 747	27 742	19 442	28 533
112	20 160	14 993	23 405	17 672	26 583	18 345	27 385	19 153	28 294	19 880	29 123
120	21 600	15 271	23 792	18 019	27 059	18 708	27 884	19 549	28 829	20 307	29 697
128	23 040	15 548	24 177	18 362	27 529	19 065	28 371	19 941	29 360	20 729	30 264
136	24 480	15 830	24 570	18 707	28 005	19 424	28 865	20 333	29 894	21 152	30 831
144	25 920	16 108	24 955	19 045	28 470	19 776	29 350	20 720	30 417	21 566	31 391
152	27 360	16 385	25 338	19 381	28 929	20 128	29 824	21 103	30 931	21 978	31 939
160	28 800	16 910	26 177	20 039	29 949	20 838	30 898	21 831	32 043	22 724	33 072
168	30 240	17 199	26 256	20 389	30 036	21 202	30 992	22 229	32 139	23 152	33 168
176	31 680	17 491	26 334	20 738	30 122	21 562	31 086	22 623	32 236	23 573	33 265
184	33 120	17 776	26 533	21 080	30 390	21 921	31 370	23 014	32 556	23 993	33 616
192	34 560	18 062	26 717	21 424	30 639	22 277	31 634	23 401	32 855	24 409	33 947
200	36 000	18 346	26 885	21 767	30 875	22 634	31 883	23 792	33 138	24 829	34 261
208	37 440	18 593	26 987	22 119	31 041	23 012	32 065	24 207	33 352	25 282	34 506
216	38 880	18 831	27 069	22 459	31 186	23 375	32 225	24 612	33 547	25 720	34 731
224	40 320	19 467	27 404	23 293	31 582	24 268	32 633	25 543	33 992	26 676	35 203
232	41 760	19 738	27 736	23 672	31 975	24 674	33 044	25 990	34 433	27 156	35 678
240	43 200	19 999	28 068	24 043	32 368	25 069	33 448	26 425	34 874	27 628	36 148
248	44 640	20 254	28 393	24 404	32 759	25 456	33 854	26 850	35 311	28 088	36 615
256	46 080	20 498	28 656	24 752	33 129	25 832	34 249	27 266	35 749	28 539	37 089
264	47 520	20 734	28 906	25 091	33 485	26 195	34 632	27 668	36 171	28 978	37 548
272	48 960	21 588	29 964	26 145	34 751	27 326	35 977	28 835	37 555	30 173	38 963
280	50 400	21 871	30 277	26 539	35 178	27 747	36 432	29 295	38 051	30 669	39 497
288	51 840	22 144	30 579	26 921	35 593	28 157	36 875	29 747	38 537	31 158	40 021
296	53 280	22 414	30 870	27 298	35 998	28 561	37 309	30 191	39 010	31 636	40 531
304	54 720	22 673	31 155	27 668	36 394	28 959	37 732	30 626	39 474	32 108	41 032
312	56 160	22 928	31 428	28 031	36 780	29 348	38 147	31 054	39 927	32 571	41 523
320	57 600	23 176	31 695	28 385	37 155	29 727	38 547	31 474	40 371	33 026	42 003

REGION 14

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 214	19 423	13 161	21 482	13 662	22 010	14 068	22 440	14 438	22 835
16	2 880	11 537	19 638	13 545	21 770	14 058	22 312	14 504	22 788	14 906	23 223
24	4 320	11 860	19 852	13 927	22 057	14 455	22 615	14 938	23 134	15 378	23 612
32	5 760	12 183	20 067	14 311	22 344	14 850	22 917	15 375	23 482	15 848	23 998
40	7 200	12 505	20 281	14 693	22 630	15 247	23 218	15 809	23 829	16 318	24 386
48	8 640	12 829	20 497	15 078	22 919	15 642	23 520	16 245	24 176	16 786	24 775
56	10 080	13 153	20 712	15 461	23 206	16 039	23 822	16 681	24 524	17 259	25 163
64	11 520	13 477	20 996	15 845	23 563	16 435	24 194	17 116	24 941	17 729	25 622
72	12 960	13 585	21 598	15 938	24 398	16 528	25 074	17 204	25 878	17 811	26 608
80	14 400	13 693	22 047	16 031	24 977	16 621	25 681	17 292	26 540	17 894	27 321
88	15 840	13 974	22 480	16 357	25 531	16 958	26 261	17 658	27 173	18 288	28 004
96	17 280	14 403	22 701	16 973	25 786	17 610	26 542	18 350	27 432	19 013	28 243
104	18 720	14 690	22 921	17 335	26 040	17 992	26 823	18 765	27 690	19 460	28 481
112	20 160	14 973	23 314	17 689	26 529	18 362	27 332	19 171	28 240	19 897	29 070
120	21 600	15 250	23 701	18 035	27 006	18 724	27 829	19 565	28 776	20 323	29 643
128	23 040	15 525	24 083	18 376	27 473	19 078	28 313	19 955	29 303	20 743	30 207
136	24 480	15 806	24 475	18 720	27 947	19 437	28 806	20 346	29 836	21 164	30 772
144	25 920	16 083	24 859	19 057	28 411	19 789	29 290	20 732	30 358	21 580	31 331
152	27 360	16 360	25 240	19 393	28 868	20 140	29 764	21 115	30 870	21 991	31 879
160	28 800	16 882	26 075	20 048	29 883	20 847	30 832	21 840	31 976	22 734	33 005
168	30 240	17 171	26 153	20 397	29 969	21 209	30 926	22 237	32 073	23 160	33 102
176	31 680	17 460	26 230	20 744	30 056	21 570	31 020	22 629	32 170	23 580	33 199
184	33 120	17 745	26 429	21 087	30 322	21 927	31 302	23 019	32 488	23 998	33 549
192	34 560	18 030	26 614	21 428	30 574	22 281	31 568	23 406	32 789	24 414	33 880
200	36 000	18 312	26 780	21 771	30 807	22 638	31 815	23 795	33 070	24 833	34 194
208	37 440	18 560	26 885	22 122	30 974	23 015	31 999	24 211	33 286	25 286	34 440
216	38 880	18 797	26 965	22 462	31 120	23 380	32 159	24 615	33 480	25 724	34 665
224	40 320	19 429	27 301	23 293	31 516	24 268	32 567	25 543	33 926	26 676	35 137
232	41 760	19 700	27 631	23 672	31 907	24 674	32 975	25 990	34 364	27 156	35 610
240	43 200	19 962	27 961	24 043	32 298	25 069	33 379	26 425	34 804	27 628	36 078
248	44 640	20 215	28 285	24 403	32 688	25 455	33 783	26 849	35 241	28 087	36 545
256	46 080	20 460	28 547	24 751	33 057	25 830	34 178	27 265	35 676	28 538	37 018
264	47 520	20 696	28 797	25 090	33 414	26 194	34 561	27 667	36 100	28 976	37 477
272	48 960	21 548	29 849	26 141	34 673	27 320	35 899	28 829	37 477	30 169	38 886
280	50 400	21 828	30 161	26 532	35 099	27 740	36 353	29 289	37 971	30 663	39 419
288	51 840	22 101	30 463	26 916	35 514	28 151	36 797	29 741	38 457	31 151	39 941
296	53 280	22 371	30 754	27 292	35 919	28 555	37 230	30 185	38 931	31 631	40 452
304	54 720	22 630	31 039	27 663	36 316	28 953	37 654	30 621	39 395	32 101	40 954
312	56 160	22 883	31 311	28 024	36 700	29 340	38 066	31 047	39 846	32 563	41 443
320	57 600	23 132	31 578	28 379	37 075	29 720	38 467	31 467	40 291	33 020	41 924

REGION 15

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	13 694	23 578	15 606	25 602	16 106	26 131	16 514	26 562	16 886	26 956
16	2 880	14 052	23 797	16 025	25 895	16 539	26 436	16 985	26 913	17 389	27 350
24	4 320	14 409	24 014	16 444	26 184	16 969	26 742	17 456	27 265	17 898	27 743
32	5 760	14 764	24 230	16 860	26 476	17 400	27 048	17 928	27 616	18 403	28 134
40	7 200	15 122	24 448	17 279	26 765	17 831	27 354	18 399	27 968	18 910	28 528
48	8 640	15 478	24 666	17 698	27 058	18 263	27 659	18 868	28 319	19 415	28 920
56	10 080	15 835	24 882	18 115	27 349	18 694	27 964	19 340	28 671	19 923	29 315
64	11 520	16 193	25 185	18 534	27 724	19 125	28 355	19 812	29 107	20 429	29 793
72	12 960	16 331	25 847	18 657	28 621	19 249	29 297	19 929	30 106	20 541	30 841
80	14 400	16 470	26 334	18 779	29 238	19 372	29 943	20 047	30 809	20 654	31 596
88	15 840	16 783	26 803	19 139	29 831	19 741	30 561	20 446	31 479	21 080	32 316
96	17 280	17 250	27 071	19 795	30 132	20 435	30 889	21 178	31 785	21 848	32 601
104	18 720	17 564	27 339	20 185	30 434	20 843	31 216	21 623	32 090	22 323	32 886
112	20 160	17 872	27 774	20 565	30 963	21 239	31 769	22 054	32 683	22 788	33 518
120	21 600	18 177	28 203	20 938	31 484	21 629	32 308	22 478	33 261	23 243	34 135
128	23 040	18 477	28 626	21 306	31 992	22 010	32 834	22 893	33 831	23 689	34 741
136	24 480	18 783	29 056	21 675	32 506	22 394	33 368	23 312	34 404	24 138	35 347
144	25 920	19 087	29 483	22 040	33 012	22 774	33 894	23 725	34 967	24 581	35 948
152	27 360	19 385	29 901	22 399	33 508	23 150	34 406	24 133	35 520	25 018	36 537
160	28 800	19 964	30 844	23 113	34 632	23 914	35 582	24 918	36 736	25 821	37 774
168	30 240	20 283	30 931	23 491	34 727	24 308	35 684	25 343	36 841	26 277	37 878
176	31 680	20 602	31 018	23 869	34 822	24 695	35 787	25 765	36 946	26 727	37 982
184	33 120	20 913	31 221	24 240	35 094	25 082	36 076	26 185	37 271	27 175	38 339
192	34 560	21 227	31 409	24 612	35 348	25 466	36 345	26 601	37 574	27 622	38 676
200	36 000	21 535	31 576	24 981	35 583	25 850	36 595	27 019	37 861	28 069	38 991
208	37 440	21 788	31 666	25 339	35 738	26 235	36 763	27 443	38 062	28 531	39 224
216	38 880	22 031	31 731	25 686	35 868	26 605	36 910	27 853	38 241	28 975	39 435
224	40 320	22 727	32 100	26 579	36 299	27 558	37 355	28 845	38 721	29 990	39 944
232	41 760	23 006	32 466	26 970	36 727	27 974	37 798	29 303	39 197	30 485	40 453
240	43 200	23 277	32 832	27 349	37 153	28 380	38 239	29 748	39 673	30 965	40 958
248	44 640	23 537	33 188	27 716	37 576	28 772	38 675	30 182	40 142	31 435	41 458
256	46 080	23 788	33 457	28 071	37 953	29 154	39 077	30 603	40 587	31 891	41 940
264	47 520	24 026	33 712	28 416	38 316	29 522	39 466	31 011	41 016	32 335	42 405
272	48 960	24 974	34 900	29 562	39 710	30 747	40 940	32 272	42 530	33 626	43 951
280	50 400	25 267	35 225	29 966	40 151	31 179	41 410	32 743	43 041	34 135	44 501
288	51 840	25 550	35 540	30 361	40 581	31 601	41 866	33 207	43 539	34 636	45 038
296	53 280	25 827	35 844	30 748	40 998	32 014	42 310	33 661	44 025	35 125	45 560
304	54 720	26 096	36 137	31 125	41 404	32 418	42 746	34 105	44 501	35 604	46 074
312	56 160	26 355	36 417	31 494	41 798	32 816	43 268	34 539	44 962	36 076	46 572
320	57 600	26 608	36 690	31 855	42 180	33 201	43 576	34 967	45 413	36 538	47 061

REGION 16

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	10 558	18 416	12 469	20 439	12 970	20 968	13 378	21 398	13 750	21 793
16	2 880	10 879	18 634	12 851	20 731	13 365	21 273	13 811	21 750	14 217	22 186
24	4 320	11 199	18 850	13 232	21 022	13 759	21 580	14 246	22 101	14 688	22 580
32	5 760	11 516	19 068	13 612	21 312	14 153	21 885	14 680	22 454	15 155	22 972
40	7 200	11 837	19 284	13 994	26 603	14 547	22 191	15 114	22 805	15 625	23 365
48	8 640	12 157	19 502	14 377	21 896	14 943	22 496	15 547	23 156	16 094	23 758
56	10 080	12 477	19 720	14 756	22 185	15 335	22 802	15 982	23 508	16 564	24 152
64	11 520	12 796	20 004	15 137	22 542	15 730	23 174	16 415	23 925	17 034	24 612
72	12 960	12 898	20 597	15 224	23 371	15 815	24 046	16 495	24 856	17 109	25 591
80	14 400	12 999	21 040	15 310	23 944	15 901	24 649	16 576	25 514	17 184	26 301
88	15 840	13 277	21 467	15 632	24 495	16 235	25 225	16 940	26 143	17 574	26 980
96	17 280	13 699	21 676	16 244	24 737	16 883	25 493	17 627	26 390	18 295	27 206
104	18 720	13 983	21 885	16 604	24 979	17 261	25 762	18 040	26 636	18 742	27 432
112	20 160	14 263	22 272	16 956	25 461	17 630	26 267	18 445	27 181	19 179	28 016
120	21 600	14 538	22 653	17 298	25 933	17 989	26 758	18 838	27 710	19 603	28 584
128	23 040	14 810	23 028	17 639	26 394	18 344	27 237	19 227	28 234	20 023	29 144
136	24 480	15 089	23 414	17 981	26 864	18 700	27 726	19 617	28 761	20 444	29 705
144	25 920	15 363	23 792	18 316	27 321	19 051	28 203	20 003	29 277	20 858	30 258
152	27 360	15 636	24 166	18 650	27 774	19 399	28 673	20 383	29 786	21 269	30 802
160	28 800	16 148	24 982	19 298	28 770	20 098	29 720	21 101	30 873	22 004	31 911
168	30 240	16 435	25 058	19 644	28 854	20 459	29 812	21 494	30 968	22 429	32 005
176	31 680	16 723	25 134	19 989	28 938	20 816	29 904	21 887	31 063	22 848	32 098
184	33 120	17 003	25 333	20 329	29 206	21 171	30 187	22 275	31 382	23 265	32 451
192	34 560	17 284	25 518	20 669	29 457	21 524	30 454	22 658	31 684	23 679	32 785
200	36 000	17 564	25 687	21 008	29 695	21 879	30 706	23 048	31 971	24 097	33 102
208	37 440	17 811	25 795	21 362	29 867	22 257	30 892	23 465	32 191	24 553	33 353
216	38 880	18 052	25 882	21 706	30 020	22 625	31 062	23 874	32 392	24 995	33 586
224	40 320	18 675	26 213	22 527	30 412	23 504	31 466	24 792	32 833	25 938	34 056
232	41 760	18 944	26 538	22 908	30 797	23 911	31 868	25 242	33 268	26 423	34 525
240	43 200	19 208	26 863	23 279	31 184	24 311	32 269	25 679	33 703	26 897	34 989
248	44 640	19 462	27 181	23 641	31 569	24 697	32 668	26 107	34 136	27 360	35 452
256	46 080	19 709	27 445	23 992	31 940	25 076	33 065	26 523	34 574	27 813	35 928
264	47 520	19 946	27 697	24 335	32 300	25 442	33 451	26 931	35 000	28 255	36 390
272	48 960	20 778	28 722	25 366	33 532	26 551	34 762	28 076	36 352	29 431	37 773
280	50 400	21 061	29 032	25 761	33 958	26 972	35 216	28 538	36 847	29 929	38 307
288	51 840	21 334	29 332	26 147	34 373	27 385	35 659	28 992	37 332	30 421	38 830
296	53 280	21 604	29 626	26 524	34 780	27 791	36 093	29 437	37 808	30 901	39 342
304	54 720	21 866	29 909	26 896	35 177	28 190	36 518	29 875	38 272	31 375	39 845
312	56 160	22 120	30 182	27 259	35 562	28 582	36 932	30 305	38 726	31 841	40 336
320	57 600	22 370	30 449	27 616	35 939	28 962	37 335	30 728	39 172	32 299	40 820

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	10 615	18 510	12 526	20 533	13 207	21 062	13 435	21 492	13 806	21 887
16	2 880	10 936	18 728	12 909	20 825	13 422	21 367	13 870	21 844	14 274	22 280
24	4 320	11 257	18 944	13 291	21 115	13 817	21 673	14 303	22 196	14 745	22 673
32	5 760	11 576	19 162	13 671	21 407	14 211	21 978	14 738	22 548	15 215	23 066
40	7 200	11 898	19 378	14 054	21 697	14 608	22 285	15 175	22 899	15 685	23 459
48	8 640	12 218	19 597	14 437	21 990	15 004	22 591	15 608	23 250	16 154	23 851
56	10 080	12 537	19 814	14 818	22 279	15 397	22 896	16 042	23 602	16 625	24 246
64	11 520	12 858	20 099	15 199	22 638	15 792	23 269	16 477	24 020	17 095	24 707
72	12 960	12 961	20 693	15 287	23 467	15 878	24 142	16 558	24 952	17 171	25 687
80	14 400	13 063	21 138	15 374	24 041	15 965	24 746	16 640	25 612	17 247	26 400
88	15 840	13 341	21 565	15 695	24 593	16 298	25 323	17 004	26 242	17 638	27 078
96	17 280	13 764	21 775	16 309	24 836	16 947	25 593	17 691	26 489	18 361	27 305
104	18 720	14 048	21 984	16 669	25 079	17 328	25 863	18 107	26 735	18 808	27 531
112	20 160	14 330	22 373	17 023	25 563	17 697	26 368	18 511	27 282	19 245	28 118
120	21 600	14 605	22 755	17 365	26 035	18 057	26 860	18 905	27 813	19 670	28 686
128	23 040	14 877	23 131	17 705	26 497	18 409	27 339	19 292	28 336	20 089	29 246
136	24 480	15 156	23 517	18 048	26 966	18 767	27 828	19 684	28 865	20 511	29 808
144	25 920	15 430	23 897	18 384	27 426	19 119	28 308	20 070	29 381	20 925	30 362
152	27 360	15 704	24 271	18 719	27 878	19 468	28 776	20 451	29 890	21 338	30 907
160	28 800	16 218	25 089	19 367	28 877	20 167	29 827	21 171	30 981	22 073	32 020
168	30 240	16 505	25 165	19 714	28 961	20 530	29 918	21 565	31 075	22 500	32 112
176	31 680	16 794	25 242	20 061	29 045	20 887	30 010	21 957	31 169	22 919	32 205
184	33 120	17 074	25 440	20 401	29 313	21 243	30 296	22 346	31 490	23 336	32 559
192	34 560	17 356	25 625	20 741	29 565	21 596	30 562	22 731	31 792	23 752	32 894
200	36 000	17 636	25 795	21 080	29 802	21 951	30 814	23 120	32 078	24 170	33 210
208	37 440	17 884	25 902	21 435	29 975	22 330	31 001	23 538	32 299	24 626	33 462
216	38 880	18 124	25 991	21 778	30 127	22 697	31 169	23 945	32 500	25 067	33 695
224	40 320	18 749	26 320	22 601	30 519	23 578	31 574	24 867	32 941	26 012	34 163
232	41 760	19 019	26 645	22 982	30 906	23 986	31 976	25 316	33 375	26 497	34 632
240	43 200	19 282	26 971	23 353	31 294	24 385	32 378	25 753	33 812	26 971	35 098
248	44 640	19 536	27 290	23 716	31 678	24 772	32 778	26 181	34 245	27 434	35 560
256	46 080	19 784	27 554	24 066	32 051	25 150	33 175	26 597	34 685	27 887	36 038
264	47 520	20 020	27 806	24 409	32 411	25 517	33 560	27 005	35 110	28 329	36 500
272	48 960	20 856	28 836	25 443	33 646	26 628	34 876	28 152	36 465	29 508	37 887
280	50 400	21 138	29 145	25 837	34 072	27 049	35 330	28 614	36 961	30 005	38 421
288	51 840	21 412	29 446	26 223	34 487	27 461	35 773	29 069	37 446	30 497	38 944
296	53 280	21 680	29 740	26 601	34 894	27 867	36 206	29 513	37 921	30 978	39 456
304	54 720	21 943	30 024	26 972	35 291	28 266	36 633	29 952	38 387	31 452	39 960
312	56 160	22 197	30 297	27 335	35 676	28 658	37 047	30 381	38 841	31 917	40 451
320	57 600	22 447	30 563	27 694	36 053	29 039	37 448	30 806	39 286	32 377	40 934

REGION 18

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 164	19 342	13 111	21 401	13 612	21 929	14 018	22 360	14 388	22 754
16	2 880	11 486	19 557	13 494	21 689	14 007	22 230	14 453	22 708	14 856	23 141
24	4 320	11 809	19 771	13 877	21 975	14 404	22 533	14 888	23 053	15 327	23 530
32	5 760	12 131	19 985	14 258	22 262	14 798	22 835	15 322	23 401	15 796	23 918
40	7 200	12 453	20 201	14 641	22 550	15 195	23 136	15 757	23 748	16 266	24 304
48	8 640	12 777	20 416	15 026	22 837	15 590	23 438	16 193	24 095	16 734	24 693
56	10 080	13 098	20 630	15 407	23 125	15 985	23 740	16 627	24 443	17 204	25 082
64	11 520	13 421	20 913	15 789	23 481	16 381	24 111	17 061	24 858	17 674	25 540
72	12 960	13 530	21 515	15 882	24 317	16 473	24 991	17 149	25 796	17 757	26 526
80	14 400	13 638	21 964	15 975	24 895	16 566	25 597	17 237	26 456	17 839	27 238
88	15 840	13 919	22 395	16 302	25 447	16 902	26 176	17 603	27 088	18 233	27 919
96	17 280	14 345	22 615	16 916	25 701	17 553	26 456	18 292	27 347	18 956	28 158
104	18 720	14 634	22 835	17 279	25 955	17 935	26 737	18 708	27 605	19 403	28 396
112	20 160	14 915	23 227	17 631	26 443	18 304	27 245	19 113	28 153	19 839	28 983
120	21 600	15 193	23 614	17 977	26 918	18 666	27 742	19 508	28 688	20 265	29 555
128	23 040	15 468	23 995	18 318	27 384	19 020	28 225	19 897	29 215	20 684	30 119
136	24 480	15 748	24 385	18 661	27 858	19 378	28 718	20 288	29 747	21 107	30 683
144	25 920	16 025	24 769	18 998	28 320	19 730	29 200	20 673	30 267	21 520	31 241
152	27 360	16 299	25 149	19 332	28 776	20 079	29 673	21 055	30 779	21 930	31 788
160	28 800	16 821	25 982	19 987	29 790	20 787	30 739	21 781	31 884	22 673	32 912
168	30 240	17 109	26 060	20 335	29 876	21 147	30 833	22 176	31 980	23 098	33 009
176	31 680	17 399	26 138	20 682	29 963	21 508	30 927	22 569	32 077	23 519	33 106
184	33 120	17 683	26 337	21 025	30 229	21 865	31 210	22 957	32 395	23 938	33 456
192	34 560	17 967	26 521	21 366	30 481	22 219	31 475	23 343	32 696	24 351	33 788
200	36 000	18 248	26 687	21 707	30 715	22 574	31 722	23 732	32 978	24 769	34 101
208	37 440	18 497	26 792	22 060	30 881	22 952	31 906	24 149	33 193	25 223	34 347
216	38 880	18 733	26 874	22 398	31 028	23 316	32 067	24 551	33 389	25 660	34 573
224	40 320	19 366	27 208	23 229	31 423	24 204	32 474	25 479	33 833	26 612	35 044
232	41 760	19 636	27 537	23 608	31 813	24 611	32 881	25 926	34 270	27 093	35 516
240	43 200	19 897	27 866	23 977	32 203	25 005	33 284	26 360	34 709	27 563	35 983
248	44 640	20 150	28 190	24 338	32 593	25 390	33 688	26 784	35 146	28 023	36 450
256	46 080	20 395	28 453	24 686	32 963	25 765	34 084	27 200	35 582	28 473	36 924
264	47 520	20 630	28 702	25 025	33 319	26 129	34 466	27 603	36 005	28 911	37 382
272	48 960	21 480	29 752	26 074	34 575	27 253	35 802	28 763	37 380	30 101	38 789
280	50 400	21 762	30 064	26 467	35 001	27 675	36 255	29 223	37 874	30 597	39 321
288	51 840	22 035	30 365	26 848	35 416	28 084	36 699	29 674	38 360	31 085	39 844
296	53 280	22 303	30 657	27 225	35 822	28 488	37 132	30 118	38 834	31 563	40 355
304	54 720	22 563	30 940	27 595	36 217	28 886	37 555	30 553	39 296	32 035	40 855
312	56 160	22 816	31 214	27 957	36 602	29 274	37 969	30 980	39 749	32 496	41 346
320	57 600	23 065	31 479	28 311	36 976	29 653	38 368	31 400	40 192	32 952	41 824

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	12 712	21 889	14 659	23 949	15 159	24 477	15 566	24 907	15 936	25 301
16	2 880	13 053	22 106	15 060	24 236	15 573	24 779	16 019	25 255	16 423	25 689
24	4 320	13 393	22 319	15 460	24 523	15 987	25 081	16 471	25 601	16 911	26 078
32	5 760	13 734	22 533	15 862	24 811	16 402	25 383	16 925	25 949	17 399	26 466
40	7 200	14 074	22 748	16 262	25 098	16 816	25 685	17 378	26 296	17 887	26 853
48	8 640	14 416	22 964	16 665	25 385	17 230	25 986	17 831	26 643	18 374	27 242
56	10 080	14 756	23 178	17 065	25 672	17 642	26 288	18 284	26 991	18 862	27 631
64	11 520	15 099	23 472	17 467	26 039	18 057	26 669	18 739	27 417	19 351	28 098
72	12 960	15 225	24 107	17 577	26 908	18 168	27 582	18 844	28 386	19 451	29 117
80	14 400	15 351	24 576	17 688	27 507	18 279	28 211	18 950	29 069	19 552	29 850
88	15 840	15 649	25 029	18 032	28 080	18 634	28 811	19 333	29 722	19 963	30 553
96	17 280	16 099	25 278	18 670	28 364	19 307	29 120	20 046	30 010	20 709	30 821
104	18 720	16 400	25 527	19 046	28 647	19 702	29 428	20 475	30 297	21 170	31 088
112	20 160	16 698	25 943	19 414	29 159	20 087	29 961	20 894	30 869	21 622	31 699
120	21 600	16 988	26 353	19 773	29 657	20 462	30 481	21 303	31 427	22 061	32 295
128	23 040	17 278	26 758	20 128	30 147	20 830	30 988	21 707	31 978	22 494	32 881
136	24 480	17 571	27 171	20 484	30 644	21 202	31 504	22 111	32 532	22 929	33 468
144	25 920	17 861	27 576	20 835	31 128	21 566	32 007	22 510	33 075	23 357	34 048
152	27 360	18 151	27 979	21 184	31 606	21 931	32 502	22 907	33 609	23 782	34 617
160	28 800	18 704	28 875	21 871	32 683	22 670	33 632	23 664	34 778	24 556	35 806
168	30 240	19 008	28 959	22 235	32 775	23 047	33 731	24 076	34 880	24 997	35 908
176	31 680	19 313	29 043	22 597	32 867	23 422	33 831	24 482	34 982	25 433	36 010
184	33 120	19 614	29 243	22 955	33 136	23 795	34 116	24 889	35 301	25 868	36 362
192	34 560	19 913	29 427	23 312	33 388	24 164	34 382	25 289	35 602	26 297	36 694
200	36 000	20 209	29 593	23 668	33 621	24 534	34 628	25 692	35 884	26 730	37 008
208	37 440	20 459	29 688	24 022	33 779	24 914	34 803	26 110	36 090	27 185	37 244
216	38 880	20 698	29 759	24 363	33 915	25 279	34 952	26 516	36 274	27 624	37 458
224	40 320	21 366	30 115	25 229	34 329	26 204	35 381	27 479	36 739	28 612	37 950
232	41 760	21 641	30 463	25 614	34 739	26 615	35 808	27 931	37 197	29 098	38 442
240	43 200	21 907	30 813	25 987	35 150	27 014	36 231	28 370	37 656	29 572	38 930
248	44 640	22 162	31 154	26 350	35 557	27 402	36 653	28 796	38 109	30 034	39 414
256	46 080	22 408	31 420	26 699	35 929	27 779	37 051	29 213	38 549	30 486	39 891
264	47 520	22 645	31 672	27 039	36 288	28 143	37 435	29 616	38 974	30 926	40 351
272	48 960	23 551	32 802	28 144	37 624	29 324	38 851	30 834	40 429	32 172	41 838
280	50 400	23 837	33 120	28 542	38 058	29 750	39 313	31 299	40 931	32 673	42 378
288	51 840	24 114	33 428	28 929	38 479	30 164	39 762	31 753	41 423	33 164	42 907
296	53 280	24 387	33 726	29 309	38 890	30 571	40 201	32 202	41 903	33 647	43 423
304	54 720	24 650	34 014	29 683	39 290	30 973	40 629	32 641	42 370	34 121	43 928
312	56 160	24 907	34 291	30 047	39 679	31 364	41 046	33 070	42 826	34 588	44 422
320	57 600	25 156	34 559	30 403	40 056	31 744	41 449	33 491	43 273	35 044	44 905

REGION 20

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 754	20 383	13 664	22 407	14 165	22 935	14 573	23 366	14 943	23 761
16	2 880	12 089	20 602	14 061	22 699	14 574	23 243	15 021	23 720	15 427	24 155
24	4 320	12 420	20 819	14 455	22 992	14 982	23 550	15 468	24 071	15 910	24 551
32	5 760	12 755	21 038	14 850	23 282	15 390	23 856	15 916	24 425	16 392	24 944
40	7 200	13 088	21 255	15 245	23 574	15 799	24 162	16 365	24 779	16 876	25 339
48	8 640	13 422	21 473	15 641	23 868	16 207	24 470	16 813	25 130	17 358	25 732
56	10 080	13 756	21 692	16 036	24 159	16 615	24 775	17 261	25 482	17 844	26 128
64	11 520	14 089	21 984	16 430	24 527	17 023	25 158	17 708	25 911	18 325	26 597
72	12 960	14 205	22 604	16 531	25 381	17 123	26 056	17 802	26 867	18 414	27 604
80	14 400	14 321	23 065	16 631	25 972	17 223	26 678	17 897	27 543	18 503	28 333
88	15 840	14 613	23 509	16 967	26 540	17 570	27 270	18 276	28 191	18 910	29 028
96	17 280	15 052	23 739	17 596	26 803	18 235	27 560	18 978	28 458	19 648	29 276
104	18 720	15 346	23 970	17 967	27 066	18 626	27 850	19 404	28 726	20 104	29 523
112	20 160	15 638	24 377	18 330	27 569	19 004	28 375	19 818	29 289	20 552	30 127
120	21 600	15 923	24 776	18 684	28 059	19 375	28 885	20 224	29 839	20 987	30 716
128	23 040	16 206	25 171	19 034	28 540	19 739	29 382	20 622	30 380	21 417	31 294
136	24 480	16 495	25 573	19 385	29 026	20 104	29 889	21 023	30 927	21 848	31 873
144	25 920	16 779	25 971	19 733	29 502	20 467	30 385	21 418	31 462	22 273	32 445
152	27 360	17 063	26 362	20 077	29 974	20 827	30 871	21 810	31 989	22 694	33 006
160	28 800	17 603	27 225	20 749	31 018	21 551	31 970	22 553	33 123	23 456	34 165
168	30 240	17 899	27 306	21 108	31 106	21 922	32 065	22 959	33 222	23 891	34 263
176	31 680	18 198	27 386	21 465	31 194	22 292	32 160	23 362	33 321	24 321	34 360
184	33 120	18 491	27 587	21 816	31 465	22 658	32 447	23 761	33 644	24 752	34 716
192	34 560	18 785	27 774	22 167	31 719	23 023	32 716	24 158	33 948	25 177	35 053
200	36 000	19 075	27 942	22 518	31 955	23 388	32 968	24 556	34 234	25 605	35 369
208	37 440	19 325	28 044	22 875	32 121	23 770	33 149	24 977	34 448	26 065	35 614
216	38 880	19 566	28 124	23 219	32 267	24 138	33 308	25 385	34 643	26 507	35 841
224	40 320	20 215	28 470	24 067	32 674	25 045	33 729	26 332	35 100	27 477	36 325
232	41 760	20 490	28 810	24 451	33 076	25 456	34 149	26 784	35 550	27 964	36 810
240	43 200	20 755	29 150	24 826	33 479	25 856	34 564	27 224	36 001	28 443	37 290
248	44 640	21 010	29 486	25 190	33 879	26 245	34 978	27 654	36 451	28 907	37 769
256	46 080	21 260	29 751	25 542	34 254	26 625	35 380	28 074	36 892	29 361	38 248
264	47 520	21 498	30 003	25 886	34 614	26 992	35 764	28 479	37 318	29 803	38 711
272	48 960	22 374	31 092	26 961	35 910	28 144	37 141	29 670	38 734	31 024	40 159
280	50 400	22 661	31 409	27 360	36 342	28 571	37 600	30 136	39 235	31 527	40 699
288	51 840	22 936	31 716	27 748	36 763	28 986	38 051	30 592	39 727	32 020	41 229
296	53 280	23 209	32 013	28 128	37 174	29 394	38 489	31 041	40 208	32 504	41 746
304	54 720	23 475	32 300	28 502	37 576	29 796	38 918	31 481	40 676	32 980	42 254
312	56 160	23 731	32 577	28 868	37 964	30 190	39 335	31 912	41 134	33 447	42 748
320	57 600	23 981	32 847	29 225	38 344	30 571	39 741	32 337	41 582	33 907	43 234

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	13 245	22 820	15 167	24 856	15 667	25 384	16 077	25 818	16 448	26 214
16	2 880	13 603	23 047	15 589	25 159	16 102	25 701	16 553	26 183	16 961	26 621
24	4 320	13 961	23 271	16 010	25 460	16 539	26 018	17 029	26 547	17 474	27 029
32	5 760	14 316	23 497	16 431	25 762	16 972	26 335	17 504	26 912	17 986	27 436
40	7 200	14 673	23 721	16 852	26 064	17 407	26 653	17 982	27 276	18 498	27 844
48	8 640	15 032	23 946	17 277	26 366	17 842	26 970	18 457	27 640	19 010	28 250
56	10 080	15 388	24 172	17 697	26 668	18 277	27 286	18 933	28 005	19 523	28 659
64	11 520	15 746	24 481	18 118	27 055	18 711	27 688	19 408	28 454	20 036	29 151
72	12 960	15 878	25 139	18 233	27 952	18 826	28 629	19 518	29 454	20 139	30 205
80	14 400	16 009	25 627	18 349	28 573	18 941	29 281	19 627	30 163	20 242	30 968
88	15 840	16 322	26 099	18 709	29 170	19 312	29 905	20 030	30 841	20 676	31 696
96	17 280	16 787	26 352	19 365	29 454	20 006	30 216	20 763	31 128	21 444	31 962
104	18 720	17 101	26 605	19 756	29 739	20 417	30 527	21 209	31 416	21 924	32 227
112	20 160	17 410	27 039	20 141	30 273	20 817	31 080	21 647	32 013	22 394	32 865
120	21 600	17 714	27 467	20 514	30 792	21 208	31 621	22 071	32 593	22 853	33 485
128	23 040	18 016	27 888	20 885	31 301	21 593	32 148	22 492	33 164	23 304	34 095
136	24 480	18 324	28 317	21 258	31 816	21 980	32 683	22 915	33 740	23 759	34 706
144	25 920	18 625	28 742	21 624	32 323	22 362	33 210	23 331	34 306	24 205	35 310
152	27 360	18 926	29 160	21 987	32 822	22 740	33 725	23 743	34 862	24 647	35 903
160	28 800	19 500	30 089	22 697	33 933	23 503	34 890	24 527	36 068	25 450	37 131
168	30 240	19 818	30 173	23 078	34 025	23 897	34 988	24 954	36 169	25 910	37 231
176	31 680	20 135	30 256	23 456	34 116	24 288	35 086	25 381	36 269	26 363	37 330
184	33 120	20 448	30 465	23 829	34 395	24 676	35 383	25 803	36 602	26 817	37 697
192	34 560	20 762	30 656	24 203	34 657	25 064	35 659	26 223	36 915	27 267	38 043
200	36 000	21 070	30 830	24 574	34 900	25 449	35 917	26 644	37 210	27 720	38 368
208	37 440	21 328	30 927	24 939	35 064	25 840	36 096	27 075	37 422	28 189	38 614
216	38 880	21 575	31 001	25 292	35 204	26 217	36 252	27 492	37 614	28 642	38 839
224	40 320	22 262	31 370	26 181	35 637	27 164	36 699	28 480	38 097	29 655	39 350
232	41 760	22 548	31 733	26 576	36 066	27 587	37 145	28 945	38 576	30 157	39 864
240	43 200	22 820	32 097	26 961	36 494	27 998	37 585	29 397	39 053	30 647	40 371
248	44 640	23 083	32 455	27 334	36 918	28 397	38 024	29 837	39 526	31 122	40 877
256	46 080	23 340	32 727	27 697	37 303	28 786	38 433	30 267	39 979	31 589	41 368
264	47 520	23 583	32 986	28 047	37 671	29 162	38 829	30 683	40 415	32 042	41 842
272	48 960	24 518	34 156	29 183	39 048	30 373	40 287	31 933	41 914	33 323	43 372
280	50 400	24 813	34 483	29 592	39 495	30 812	40 761	32 412	42 431	33 840	43 929
288	51 840	25 100	34 801	29 993	39 929	31 239	41 222	32 883	42 935	34 348	44 474
296	53 280	25 381	35 108	30 383	40 351	31 658	41 674	33 342	43 430	34 845	45 007
304	54 720	25 654	35 404	30 769	40 763	32 070	42 115	33 794	43 909	35 333	45 526
312	56 160	25 917	35 689	31 142	41 163	32 473	42 543	34 235	44 380	35 812	46 033
320	57 600	26 173	35 967	31 509	41 551	32 864	42 957	34 670	44 838	36 284	46 530

REGION 22

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	14 294	24 553	16 215	26 586	16 714	27 113	17 124	27 547	17 494	27 941
16	2 880	14 662	24 775	16 645	26 884	17 157	27 425	17 608	27 905	18 013	28 340
24	4 320	15 028	24 995	17 074	27 177	17 599	27 736	18 090	28 260	18 532	28 741
32	5 760	15 394	25 216	17 503	27 474	18 044	28 046	18 573	28 617	19 051	29 139
40	7 200	15 761	25 436	17 932	27 769	18 486	28 357	19 056	28 976	19 568	29 538
48	8 640	16 129	25 657	18 362	28 065	18 929	28 667	19 539	29 332	20 088	29 937
56	10 080	16 494	25 877	18 791	28 360	19 370	28 976	20 021	29 689	20 607	30 337
64	11 520	16 860	26 187	19 219	28 745	19 812	29 376	20 503	30 136	21 124	30 825
72	12 960	17 005	26 865	19 348	29 658	19 940	30 344	20 626	31 151	21 243	31 891
80	14 400	17 150	27 363	19 477	30 289	20 069	30 995	20 750	31 867	21 361	32 662
88	15 840	17 473	27 843	19 847	30 892	20 449	31 625	21 161	32 552	21 799	33 395
96	17 280	17 951	28 119	20 514	31 202	21 154	31 960	21 904	32 865	22 578	33 687
104	18 720	18 272	28 396	20 913	31 511	21 573	32 296	22 359	33 178	23 065	33 979
112	20 160	18 587	28 843	21 302	32 055	21 976	32 860	22 799	33 783	23 538	34 625
120	21 600	18 899	29 283	21 682	32 585	22 374	33 412	23 229	34 373	24 001	35 254
128	23 040	19 207	29 717	22 059	33 108	22 763	33 951	23 655	34 957	24 458	35 875
136	24 480	19 521	30 159	22 437	33 634	23 157	34 498	24 083	35 543	24 917	36 496
144	25 920	19 830	30 593	22 808	34 150	23 544	35 033	24 504	36 117	25 367	37 107
152	27 360	20 138	31 024	23 177	34 659	23 928	35 558	24 922	36 683	25 814	37 709
160	28 800	20 731	31 994	23 906	35 810	24 709	36 762	25 721	37 927	26 634	38 976
168	30 240	21 057	32 081	24 295	35 905	25 110	36 865	26 158	38 032	27 100	39 080
176	31 680	21 384	32 169	24 680	36 001	25 508	36 968	26 590	38 138	27 560	39 184
184	33 120	21 703	32 377	25 060	36 278	25 903	37 263	27 018	38 469	28 018	39 548
192	34 560	22 025	32 565	25 439	36 538	26 297	37 536	27 444	38 777	28 475	39 888
200	36 000	22 341	32 736	25 817	36 776	26 688	37 787	27 870	39 064	28 931	40 208
208	37 440	22 597	32 825	26 180	36 929	27 077	37 958	28 299	39 267	29 397	40 443
216	38 880	22 843	32 888	26 529	37 058	27 452	38 102	28 712	39 446	29 846	40 653
224	40 320	23 553	33 268	27 442	37 500	28 421	38 558	29 722	39 938	30 880	41 173
232	41 760	23 837	33 642	27 836	37 938	28 842	39 011	30 185	40 424	31 379	41 694
240	43 200	24 112	34 016	28 219	38 376	29 253	39 462	30 635	40 912	31 867	42 210
248	44 640	24 374	34 382	28 591	38 806	29 650	39 908	31 074	41 392	32 341	42 722
256	46 080	24 628	34 654	28 950	39 189	30 035	40 315	31 499	41 841	32 803	43 209
264	47 520	24 870	34 912	29 298	39 555	30 407	40 707	31 911	42 274	33 252	43 678
272	48 960	25 840	36 132	30 467	40 982	31 654	42 215	33 196	43 821	34 567	45 257
280	50 400	26 135	36 462	30 878	41 429	32 091	42 691	33 674	44 338	35 082	45 813
288	51 840	26 424	36 782	31 277	41 864	32 519	43 154	34 142	44 844	35 588	46 359
296	53 280	26 706	37 089	31 668	42 286	32 937	43 603	34 602	45 337	36 083	46 888
304	54 720	26 977	37 387	32 051	42 697	33 348	44 043	35 052	45 816	36 569	47 407
312	56 160	27 240	37 671	32 423	43 096	33 748	44 469	35 490	46 283	37 044	47 911
320	57 600	27 496	37 947	32 788	43 483	34 138	44 882	35 922	46 738	37 513	48 405

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	16 124	27 561	18 045	29 593	18 544	30 120	18 953	30 553	19 323	30 947
16	2 880	16 512	27 781	18 494	29 887	19 006	30 428	19 456	30 907	19 860	31 342
24	4 320	16 898	28 000	18 942	30 180	19 469	30 737	19 957	31 260	20 399	31 738
32	5 760	17 284	28 217	19 392	30 471	19 931	31 044	20 460	31 614	20 936	32 133
40	7 200	17 672	28 435	19 840	30 764	20 394	31 351	20 963	31 969	21 475	32 529
48	8 640	18 059	28 655	20 290	31 057	20 856	31 658	21 465	32 321	22 013	32 923
56	10 080	18 446	28 873	20 739	31 350	21 318	31 965	21 967	32 675	22 552	33 320
64	11 520	18 833	29 192	21 187	31 743	21 780	32 274	22 469	33 129	23 089	33 815
72	12 960	18 999	29 908	21 338	32 695	21 930	33 370	22 614	34 182	23 229	34 920
80	14 400	19 166	30 428	21 489	33 347	22 081	34 052	22 760	34 920	23 369	35 709
88	15 840	19 509	30 931	21 880	33 972	22 481	34 704	23 191	35 625	23 828	36 464
96	17 280	20 013	31 243	22 574	34 317	23 212	35 075	23 961	35 974	24 633	36 793
104	18 720	20 351	31 555	22 988	34 663	23 645	35 446	24 429	36 322	25 133	37 121
112	20 160	20 682	32 030	23 392	35 233	24 066	36 037	24 885	36 956	25 622	37 793
120	21 600	21 009	32 496	23 787	35 790	24 479	36 614	25 332	37 571	26 100	38 447
128	23 040	21 333	32 956	24 179	36 336	24 882	37 178	25 772	38 178	26 572	39 092
136	24 480	21 664	33 423	24 572	36 888	25 291	37 750	26 215	38 791	27 044	39 736
144	25 920	21 987	33 884	24 960	37 429	25 693	38 310	26 651	39 389	27 512	40 373
152	27 360	22 309	34 339	25 342	37 962	26 091	38 861	27 082	39 979	27 971	40 999
160	28 800	22 941	35 382	26 108	39 187	26 910	40 137	27 920	41 295	28 827	42 336
168	30 240	23 285	35 477	26 513	39 289	27 329	40 246	28 373	41 407	29 311	42 447
176	31 680	23 628	35 571	26 917	39 391	27 744	40 356	28 822	41 519	29 787	42 559
184	33 120	23 967	35 780	27 314	39 670	28 157	40 651	29 267	41 851	30 264	42 923
192	34 560	24 304	35 969	27 711	39 926	28 568	40 923	29 710	42 157	30 737	43 262
200	36 000	24 637	36 135	28 105	40 161	28 975	41 171	30 152	42 442	31 209	43 577
208	37 440	24 896	36 213	28 469	40 303	29 364	41 329	30 582	42 632	31 675	43 800
216	38 880	25 143	36 263	28 820	40 418	29 740	41 458	30 996	42 796	32 125	43 994
224	40 320	25 895	36 664	29 771	40 881	30 749	41 935	32 046	43 308	33 200	44 535
232	41 760	26 183	37 061	30 170	41 340	31 176	42 412	32 514	43 817	33 701	45 078
240	43 200	26 459	37 457	30 557	41 799	31 589	42 884	32 967	44 325	34 193	45 614
248	44 640	26 726	37 844	30 930	42 251	31 989	43 349	33 406	44 825	34 667	46 146
256	46 080	26 981	38 119	31 290	42 634	32 374	43 759	33 833	45 275	35 130	46 634
264	47 520	27 223	38 376	31 638	42 999	32 747	44 150	34 245	45 707	35 579	47 103
272	48 960	28 259	39 688	32 875	44 520	34 059	45 751	35 595	47 347	36 959	48 774
280	50 400	28 561	40 028	33 289	44 975	34 501	46 232	36 078	47 872	37 478	49 336
288	51 840	28 853	40 353	33 693	45 416	34 932	46 702	36 550	48 382	37 988	49 886
296	53 280	29 138	40 667	34 087	45 843	35 356	47 157	37 013	48 879	38 487	50 420
304	54 720	29 413	40 969	34 473	46 256	35 768	47 600	37 465	49 361	38 976	50 942
312	56 160	29 677	41 256	34 846	46 659	36 170	48 029	37 906	49 831	39 451	51 448
320	57 600	29 936	41 534	35 212	47 044	36 561	48 442	38 338	50 287	39 920	51 942

REGION 24

km per day	km per year	Rows of seats									
		4-5		6-7		8-9		10-11		12 +	
		min.	max.	min.	max.	min.	max.	min.	max.	min.	max.
8	1 440	11 605	20 105	13 527	22 141	14 030	22 669	14 439	23 103	14 811	23 500
16	2 880	11 944	20 334	13 933	22 447	14 449	22 991	14 901	23 474	15 309	23 912
24	4 320	12 286	20 562	14 338	22 752	14 869	23 311	15 361	23 840	15 808	24 325
32	5 760	12 626	20 789	14 745	23 058	15 288	23 633	15 821	24 209	16 304	24 739
40	7 200	12 965	21 015	15 151	23 363	15 708	23 953	16 284	24 579	16 804	25 151
48	8 640	13 306	21 243	15 557	23 670	16 127	24 274	16 744	24 949	17 303	25 564
56	10 080	13 647	21 470	15 962	23 975	16 546	24 595	17 206	25 317	17 803	25 979
64	11 520	13 988	21 773	16 368	24 354	16 966	24 990	17 668	25 760	18 302	26 464
72	12 960	14 100	22 402	16 463	25 223	17 060	25 902	17 755	26 732	18 384	27 489
80	14 400	14 210	22 870	16 557	25 826	17 155	26 535	17 842	27 423	18 466	28 234
88	15 840	14 504	23 321	16 900	26 403	17 509	27 141	18 230	28 085	18 880	28 947
96	17 280	14 953	23 545	17 541	26 660	18 185	27 422	18 947	28 341	19 634	29 182
104	18 720	15 256	23 769	17 921	26 917	18 584	27 702	19 383	28 597	20 101	29 417
112	20 160	15 552	24 183	18 292	27 426	18 972	28 237	19 808	29 174	20 562	30 033
120	21 600	15 841	24 585	18 655	27 921	19 351	28 753	20 220	29 731	21 008	30 623
128	23 040	16 132	24 985	19 014	28 411	19 723	29 262	20 633	30 283	21 448	31 221
136	24 480	16 425	25 391	19 374	28 907	20 101	29 775	21 043	30 837	21 893	31 814
144	25 920	16 714	25 793	19 729	29 391	20 471	30 280	21 447	31 383	22 330	32 395
152	27 360	17 004	26 192	20 082	29 869	20 839	30 778	21 850	31 920	22 763	32 969
160	28 800	17 552	27 063	20 764	30 927	21 574	31 885	22 605	33 069	23 540	34 142
168	30 240	17 855	27 140	21 133	31 011	21 955	31 976	23 023	33 164	23 986	34 236
176	31 680	18 156	27 218	21 499	31 095	22 333	32 068	23 435	33 259	24 430	34 329
184	33 120	18 458	27 427	21 858	31 378	22 709	32 364	23 844	33 593	24 870	34 697
192	34 560	18 755	27 619	22 217	31 639	23 082	32 645	24 251	33 910	25 307	35 045
200	36 000	19 049	27 796	22 576	31 886	23 456	32 907	24 659	34 206	25 749	35 374
208	37 440	19 310	27 905	22 944	32 063	23 847	33 097	25 093	34 432	26 219	35 635
216	38 880	19 556	27 994	23 297	32 220	24 226	33 269	25 513	34 642	26 677	35 875
224	40 320	20 219	28 342	24 162	32 632	25 148	33 696	26 477	35 104	27 666	36 370
232	41 760	20 500	28 689	24 558	33 044	25 572	34 124	26 943	35 566	28 168	36 865
240	43 200	20 773	29 032	24 940	33 452	25 983	34 546	27 394	36 024	28 658	37 355
248	44 640	21 038	29 370	25 318	33 856	26 382	34 966	27 838	36 479	29 139	37 843
256	46 080	21 296	29 643	25 681	34 241	26 773	35 377	28 268	36 935	29 606	38 336
264	47 520	21 540	29 904	26 034	34 612	27 152	35 773	28 690	37 373	30 065	38 814
272	48 960	22 433	31 004	27 129	35 925	28 327	37 167	29 899	38 804	31 309	40 279
280	50 400	22 727	31 329	27 538	36 367	28 762	37 637	30 376	39 317	31 822	40 831
288	51 840	23 012	31 642	27 937	36 798	29 190	38 097	30 847	39 820	32 329	41 375
296	53 280	23 290	31 946	28 329	37 216	29 608	38 546	31 309	40 313	32 828	41 905
304	54 720	23 565	32 244	28 715	37 629	30 023	38 984	31 763	40 797	33 320	42 424
312	56 160	23 832	32 528	29 091	38 031	30 426	39 412	32 207	41 266	33 802	42 934
320	57 600	24 089	32 804	29 460	38 420	30 824	39 831	32 644	41 726	34 279	43 433

SCHEDULE G

(ss. 286, 292, 352 and 360)

FORM 1**CONTRACT FOR THE TRANSPORT OF PUPILS**

Name of school board
contract

The school commissioners or trustees for the municipal-
ity of

in the county of

hereinafter designated under the name of SCHOOL
BOARD, represented by

(chairman)

andduly
(director general)

authorized for this purpose under resolution no
adopted on party of the first part,

OR

(name of private institution or college)

AND

Mr.,

of
(name of corporation or partnership, where applicable, or firm name)

of
(address)

county of , hereinafter
(county)

called CONTRACTOR, party of the second part,

agree to and shall abide by the following :

A. Obligations of the contractor

1. The contractor undertakes to transport, at no other
cost than that prescribed in the contract, for the entire du-
ration of these presents, on each school day, and according
to the schedules fixed by the

(school board, private institution or college)

all pupils designated by the latter.

2. The contractor undertakes to follow the routes as de-
scribed in the schedule and at the price mentioned therein
in respect of each vehicle and to accept any change of
route which may be established at any time by the

(school board, private institution or college)

if the latter so deems expedient and necessary, subject to a
change in price in accordance with the terms of the con-
tract, where applicable.

However, the
(school board, private institution or college)

cannot bind the contractor to effect transport during the
noon lunch period by means of a vehicle subject to this
contract and by which the said contractor undertook to ef-
fect only morning and evening transport.

3. The contractor undertakes to use for the execution of
these presents

(number of vehicles)

the capacities of which comply with the specification.

4. The contractor undertakes to maintain, at all times,
every vehicle in excellent mechanical condition and in
conformity with the Act and regulations.

5. The contractor undertakes to add or withdraw, upon
the request of the

(school board, private institution or college)

any vehicle in accordance with the service adjustment
clauses requested. In the event that the

(school board, private institution or college)

requests the contractor to withdraw a vehicle, the latter
may withdraw the vehicle of his choice subject to this con-
tract, the capacity of which is identical to that whose with-
drawal is requested.

6. The contractor undertakes to remit to the

(school board, private institution or college)

in the 10 days following the signing of this contract, either
a certified cheque for an amount equal to 20% of the an-
nual price of the contract or a performance bond in due
and proper form issued by a company authorized to issue
such surety in Québec for an amount equal to 20% of the
annual price of the contract.

7. The contractor undertakes, moreover, to remit to the

(school board, private institution or college)

not later than 30 June each year, for the ensuing year fol-
lowing the term of the contract, a new performance bond
in due and proper form coming into force on 1 September
of the same year and issued by a company authorized to is-
sue such surety in Québec for an amount equal to 20% of

the annual price of the contract or a new certified cheque for an amount equal to 20% of the annual price of the contract.

8. The contractor undertakes to maintain permanently for the entire duration of this contract, for each vehicle, an insurance policy covering property damage for an amount of 200 000 \$.

9. The contractor undertakes to remit, before the beginning of the execution of this contract, a copy of the said insurance policy stipulating that the insurance company itself shall inform at once, by registered or certified letter, the

.....
(school board, private institution or college)

of the cancellation or non-renewal of the said policy.

10. The contractor undertakes to adhere to the provisions of the Highway Code (R.S.Q., c. C-24) and to comply with the provincial and municipal by-laws and regulations.

11. The contractor undertakes neither to cede nor to transfer his contract, in whole or in part, without permission from the

.....
(school board, private institution or college)

12. The contractor undertakes to allow the pupils to board and alight from his vehicle at the points fixed by the

.....
(school board, private institution or college)

and to carry out, in the vehicle, supervision of their discipline and behaviour.

13. The contractor undertakes, with respect to the

.....
(school board, private institution or college)

to place at the disposal of the latter at all times, for purposes of the daily transport of pupils, upon request, any vehicle for which he is remunerated or indemnified under this contract.

14. The contractor undertakes, in the event that the

.....
(school board, private institution or college)

decides to allow for the recuperation of school days lost or the extension of the school year to more than 180 days, to maintain his transport service for pupils during such days of recuperation or such supplementary school days.

B. Obligations of the

.....
(school board, private institution or college)

15. The
(school board, private institution or college)

undertakes to provide the contractor, not later than 15 days prior to the opening of classes, with a detailed description of the schedules and routes for each vehicle subject to this contract.

16. The
(school board, private institution or college)

undertakes to pay to the contractor a total amount ofdollars (..... \$)

for 1 year for a period
(duration of contract)

the payment of which shall be apportioned over a period of
(10 months)

payable fortnightly not later than the 15th and last days effective from the first month of operation.

17. The
(school board, private institution or college)

undertakes to add to or subtract from the total amount determined in clause 16, any amount resulting from the application of the adjustment clauses of this contract as well as any amount determined by the Commission des transports du Québec, where applicable.

18. The
(school board, private institution or college)

undertakes to pay to the contractor, for any delay in the fortnightly payments, interest on arrears according to the current bank interest rate on the short-term loans.

19. The
(school board, private institution or college)

undertakes to remit to the contractor, upon receipt of the certified cheque or the performance bond prescribed in clause 7, the certified cheque or the performance bond for the preceding year unless recourse has been had to clause 21 hereinafter.

C. General provisions

20. Upon default by the contractor to remit within the stipulated period the certified cheque or the performance bond provided for in clause 6 or 7, the

.....
(school board, private institution or college)

may, within the 7 days following written notice given thereto, terminate this contract without the contractor having the right to claim any indemnity or damages whatsoever.

21. In the event of non-execution of a provision of this contract, the

.....
(school board, private institution or college)

must, in writing, serve notice upon the contractor to comply with the terms and conditions of the contract within 7 days of receipt of such notice, starting the breach involved, and must immediately send a copy of the said notice to the surety, where applicable : if the contractor fails to comply with the terms and conditions of the contract within the specified time, the

.....
(school board, private institution or college)

may either annul the contract within the 3 days following the expiry of the specified time, require payment of the surety, or confiscate the certified cheque.

22. The contractor or the driver, as the case may be, shall not refuse on his own authority to transport pupils for reasons of insubordination or lack of discipline. He must report thereupon to the

.....
(school board, private institution or college)

whose right it shall be to make a decision on this subject. However, in the case where the safety of passengers is threatened by the conduct of a pupil, the contractor or driver may refuse to transport such pupil on condition that he send a report to the

.....
(school board, private institution or college)

on the said refusal as soon as possible.

In such case, the driver or the contractor must ensure that the pupil in question is returned to his home.

23. In the case of death, or interdiction or bankruptcy of the contractor, the estate, curator or trustee may terminate the contract, if it so seems necessary by giving 60 days' notice thereto.

24. The

.....
(school board, private institution or college)

may, effective upon the 16th day of the beginning of transport operations for each year, impose a fine of 25 \$ per offence for any delay in the schedule, any route not effected or any pupil left on the highway or at a school, on condition that such offence be due to negligence on the driver's or contractor's part and have occurred twice before ; this amount may be deducted by the

.....
(school board, private institution or college)

from the fortnightly payments provided for in clause 16.

25. The

.....
(school board, private institution or college)

shall provide the contractor with the identification card of the vehicle which must be affixed to the said vehicle at the place it shall determine. A contractor who fails to comply with this directive shall be liable, for each breach, to a fine of 25 \$ which the

.....
(school board, private institution or college)

may withhold from the fortnightly payments prescribed in clause 16.

26. Upon failure by the

.....
(school board, private institution or college)

to conform to clause 16 of this contract, the contractor may, 60 days after such default, advise by registered or certified mail the

.....
(school board, private institution or college)

that he will discontinue his service on the 5th day following upon the mailing of the said notice.

27. The parties to this contract reserve the right to add, by common consent, to the provisions of these presents, clauses concerning the discipline and safety of pupils.

D. Adjustment clauses

28. In all cases where suspension of the execution of this contract is attributable to the contractor and, without restricting such cases, the suspension is due to strikes and mechanical failure, the

.....
(school board, private institution or college)

shall withhold, for the duration of non-fulfillment and as indemnity, from the amount prescribed in clause 16, an amount determined according to the following formula :

$$R : \frac{C \times n}{180}$$

R = retained or withheld ;

C = annual price prescribed in the contract for that vehicle ;

n = number of days of suspension of service.

Any delay as a result of a breakdown or any other uncontrollable circumstance shall not constitute a suspension of execution under the terms and conditions of this contract.

29. Suspension of transport not attributable to the contractor.

In the case, where the responsibility for the suspension of execution of the contract is not attributable to the con-

tractor and, without restricting such cases, the suspension is due to snow storms, teaching personnel strikes, delays in the opening of a school, the

.....
(school board, private institution or college)

shall withhold, effective upon the 11th day of suspension, the regular payments ; the

.....
(school board, private institution or college)

shall pay as indemnity to the contractor per day of suspension, an amount equal to that determined according to the following formula, without the contractor having the right to claim regular payments or any other indemnity :

$$I : 60\% \times \frac{C}{180} \times n$$

I = indemnity ;

C = annual price prescribed in the contract for that vehicle ;

n = number of days of suspension.

30. Mode of payment for school days recuperated when the responsibility for days lost is attributable to the contractor according to clause 28.

In the event that the

.....
(school board, private institution or college)

decides to have the pupils recuperate the school days lost during a suspension of execution of the contract attributable to the contractor, it shall remit to the contractor as remuneration for the transport effected during the school days recuperated the amount it had withheld under clause 28.

31. Mode of payment for school days recuperated when the responsibility for days lost is not attributable to the contractor and mode of payment for school days additional to 180 days.

In the event that the

.....
(school board, private institution or college)

decides to have the pupils recuperate the school days lost during a suspension of execution of the contract not attributable to the contractor and in the event that the

.....
(school board, private institution or college)

decides to extend the school year to more than 180 days, it shall remit to the contractor as remuneration for the transport effected during the school days recuperated or during

the additional days, an amount established in accordance with one of the following formulas :

(a) Where the additional school days or the school days recuperated are held in July or August :

$$P : \frac{C}{180} \times n$$

P = payment ;

C = annual price prescribed in the contract for that vehicle ;

n = number of additional school days or number of school days recuperated.

(b) Where the additional days or the days of recuperation are held from September to June :

$$P : 40\% \times \frac{C}{180} \times n$$

P = payment ;

C = annual price prescribed in the contract for that vehicle ;

n = number of additional school days or number of school days of recuperation.

32. Where the
(school board, private institution or college)

asks the contractor for a change in the service provided by a vehicle, or if it alters the total number of route-kilometres, it shall remit to the contractor as remuneration for that vehicle, effective upon the day when the new service is provided or effective upon the day when the school board advised the contractor, in writing, of the alteration of the number of route-kilometres, an amount established :

(a) By calculating the new price for the use of that vehicle according to the following formula :

$$NP : C \times \frac{Sn}{Sa}$$

NP = the new price for the use of that vehicle during a school year ;

C = the price prescribed in the contract for that vehicle ;

Sn = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the new service asked for or to the alteration of the total number of route-kilometres ;

Sa = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the former service.

(b) And by applying that new price to the number of days during which the new service is to be provided according to the following formula :

$$P : \frac{NP \times n}{180}$$

P = new remuneration for that vehicle ;

NP = the new price for the use of that vehicle during a school year ;

n = the number of days during which the new service is to be provided, or in accordance with the alteration of the total number of route-kilometres.

33. Mode of payment for additional school days and days of recuperation which are held on Saturday or Sunday as a result of a change requested by the school board.

In the event that the days of recuperation or additional school days are held on Saturday or Sunday, as a result of a change requested by the

.....
(school board, private institution or college)

it shall remit to the contractor, as remuneration for the transport effected during such days, an amount established in accordance with the following formula :

$$P : C \times \frac{140\% \times n}{180}$$

P = payment ;

C = annual price prescribed in the contract for that vehicle ;

n = number of additional days and days of recuperation.

34. When, as a result of a change in schedule not attributable to the contractor, the latter must effect during the week daily transport after 18 h 30 the

.....
(school board, private institution or college)

shall remit to the contractor as additional remuneration for the transport effected during such days an amount established in accordance with the following formula :

$$P : 20\% \times \frac{C \times n}{180}$$

P = payment ;

C = annual price prescribed in the contract for that vehicle ;

n = number of days where transport must be effected after 18 h 30.

35. Definitive suspension of operation of a vehicle.

(a) When, upon the request of the

.....
(school board, private institution or college)

the contractor must withdraw a vehicle, the

.....
(school board, private institution or college)

must suspend the regular payment for that vehicle and pay to the contractor fortnightly an indemnity corresponding to 50% of the payment prescribed in clause 16.

(b) The indemnity paid for the withdrawal of a vehicle shall cover the remainder of the school days of a school year in progress, where applicable.

(c) Every indemnity paid for the withdrawal of a vehicle ceases immediately upon the contractor yielding possession of the said vehicle or upon the contractor using that vehicle to effect daily transport in accordance with this contract or another contract for the transport of pupils.

(d) No indemnity shall be paid to the contractor for the withdrawal of a vehicle if such withdrawal is due to the diverting of pupils to the use of the public transport service which the said contractor operates.

36. When, upon the request of the

.....
(school board, private institution or college)

the contractor must add a vehicle, the

.....
(school board, private institution or college)

shall remit to the contractor an amount established according to the following formula :

$$P : \frac{C \times \frac{S_n}{S_a} \times n}{180}$$

P = the remuneration for the additional vehicle ;

C = the annual price prescribed in the contract for a vehicle of the same capacity and whose number of route-kilometres most closely approximated the number of route-kilometres which the additional vehicle must effect ;

S_n = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the service of the additional vehicle ;

S_a = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the service of the vehicle of the same capacity for which the annual price (C) is indicated in the contract ;

n = the number of days during which the additional vehicle will be used.

(b) If another vehicle of the same capacity is not mentioned in the contract, the remuneration for the additional vehicle shall be calculated by using as a reference the price of the contractor's tender and by taking into account the capacity of the additional vehicle provided as well as the number of route-kilometres which such vehicle must effect.

(c) If the additional vehicle provided upon the request of the

.....
(school board, private institution or college)

is already subject to the application of clause 35 or is of the same capacity as a vehicle which is already subject to clause 35, the

.....
(school board, private institution or college)

shall suspend the indemnity which is provided for therein and shall remit to the contractor as remuneration for the number of days during which such additional vehicle will be used an amount established according to the following formula :

$$P : \frac{C \times \frac{S_n}{S_a}}{180} \times n$$

P = the remuneration for the additional vehicle ;

C = the annual price prescribed in the contract for the vehicle is already subject to the application of clause 35 ;

S_n = the sum of the 2 amounts given in the table of rates and tariffs and corresponding to the description of the new service requested ;

S_a = the sum of the 2 amounts given in the table of rates and tariffs and corresponding to the description of the service which that vehicle effected before its withdrawal ;

n = the number of days during which the additional vehicle will be used.

37. When, upon the request of the

.....
(school board, private institution or college)

the contractor must increase the capacity of a vehicle during a school year, the

.....
(school board, private institution or college)

shall pay to the contractor an indemnity in conformity with clause 35 and shall remit to the contractor a remuneration which conforms to clause 36.

38. Every payment attributable to the application of an adjustment clause prescribed in this contract shall cease upon maturity of the said contract or upon its termination.

39. Annual adjustment of contract.

The price prescribed in clause 16 of this contract may be adjusted once a year for the ensuing year, according to the duration of the contract, if the Government enacts by regulation, new standards of rates and tariffs for such years ; such an adjustment may, however, modify the price of the contract only in the same proportion as the modification of standards of the rates and tariffs now in force.

40. Every modification of service for the transport of pupils not prescribed in the adjustment clauses of this contract and due to the application of a new transport law or regulation by the Government shall be the subject of negotiation between the parties.

41. In this contract, the expressions and words mean :

(a) "school year" : a period of 10 consecutive months from 1 September to 30 June of the following year to which may be added the months of July and August where transport of pupils must be effected during additional school days or to recuperate days lost ;

(b) "route" : the itinerary which a vehicle must follow to cover the distance between :

i. the first boarding point and the last alighting point whether or not such last alighting point is the final destination, and

ii. the last alighting point and the first boarding point provided that last alighting point is not the final destination ;

(c) "first boarding point" : the place where, on a route, the first pupil boards the vehicle ;

(d) "last alighting point" : the place where, on a route, the last pupil alights from a vehicle ;

(e) "final destination" : the place where the last pupil alights at the end of the daily utilization of a vehicle ;

(f) "adjustment" : means a written document duly signifying any modification, whether as an addition or reduction, to the original contract, and whose duration may not exceed 1 year ;

(g) "vehicle" : a school bus or a minibus ;

(h) "daily transport" : means regular transport for the transportation of pupils to and from school.

42. The contractor acknowledges having taken cognizance of the SPECIFICATIONS for the transport of pupils and considers himself bound by that document as forming in integral part of his obligations which he agrees to respect.

43. The
(school board, private institution or college)

considers itself similarly bound by the SPECIFICATIONS for the transport of pupils as forming an integral part of this contract.

Made in TRIPLICATE at

this day of

..... 19...

..... (witness) (contractor)

..... (witness) (authorized representative of the school board, private institution or college)

ADJUSTMENT TO INITIAL CONTRACT FOR EACH VEHICLE

Date :

Year of application :

Adjustment No :

Reg. No. of the year at the beginning of school year :

Reg. No. of the year at the end of school year :

1. Price stipulated in initial contract :

2. Modification(s) to initial contract :

Identify the route(s) affected by a modification.

3. Application of clause of the contract :

4. New price of modified initial contract $(\frac{C \times S_n}{S_a})$:
Sa

5. Daily cost according to the price stipulated in the initial contract : $\frac{\text{Price}}{180}$

6. Daily price according to the new price of the modified initial contract : $\frac{\text{New price}}{180}$

7. Amount of adjustment (No. 6 — No. 5) \times number of days during which such adjustment applied.

8. Total cost for this vehicle for the current school year :

Price stipulated in the initial contract plus or minus the adjustment to such vehicle under contract for the current year.

Price stipulated in the initial contract = adjust.

() = () : \$

..... (director-general of S.B.) (contractor)

USE OF VEHICLE REQUIRED BY THE TENDER

Contract No.

Award date :

Name of contractor

Address :

Year :

License No :

Number of rows of seats :

Make : Year :

No of route	Number of pupils	In or out schedule	School	Number of route-kilometres	Total kilo-metres travelled	Price of tender

Total

SCHEDULE G

(a. 286)

FORM 2

CONTRACT FOR THE TRANSPORT OF PUPILS BY BERLIN OR STATION WAGON TYPE VEHICLE

.....
(name of school board, private institution or college)

CONTRACT :

The commissioner or school trustees for the municipality of

in the county of

hereinafter designated under the name of SCHOOL BOARD, represented by

.....
(president)

and
(director-general)

duly authorized for this purpose pursuant to resolution number

adopted on, party of the first part,

OR

.....
(name of private institution or college)

AND

Mr., of

.....
(address)

county of, hereinafter called

CONTRACTOR, party of the second part,

agree to and shall abide by the following :

A. Obligations of carrier

1. The contractor agrees to transport, for the duration of this contract and at no other cost than that prescribed herein, each school day and according to the schedule fixed by the

.....
(school board, private institution or college)

all pupils designated by the latter.

2. The contractor undertakes to follow the routes determined by the

.....
(school board, private institution or college)

3. The contractor undertakes to use and maintain, in excellent mechanical condition, at all times (number)

vehicle(s) of the berlin type and (number)

vehicle(s) of the station wagon type which must travel a total of

..... kilometres.
(number)

4. The contractor undertakes to accept, upon increase or decrease in the original price, according to the terms and conditions agreed upon in the general provisions, any modification to schedules of routes or number of days of transport requested by the

.....
(school board, private institution or college)

5. The contractor undertakes to maintain in force during the entire duration of this contract and for each vehicle

used, an insurance policy covering property damage for an amount of 200 000 \$.

6. The contractor undertakes to advise the

.....
(school board, private institution or college)

immediately, by registered or certified letter, of the cancellation or non-renewal of his insurance policy.

7. The contractor undertakes to fulfill all his obligations with due diligence, to comply with the provisions of the Highway Code (R.S.Q., c. C-24) and with the provincial and municipal by-laws and regulations.

8. The contractor undertakes neither to transfer nor to cede his contract, in whole or in part, without the written consent of the

.....
(school board, private institution or college)

B. Obligations of the

.....
(school board, private institution or college)

9. The
(school board, private institution or college)

undertakes to provide the contractor, not later than 7 days before the beginning of transport operations, with a detailed description of the schedules and routes for each vehicle used, as well as with a list of the pupils to be transported, indicating their names and addresses.

10. The
(school board, private institution or college)

undertakes to advise the contractor, at least 12 hours in advance, of any change in route schedule or in the number of pupils to be transported.

11. The
(school board, private institution or college)

undertakes for a period of months to
(number)

pay to the contractor a total amount of dollars (..... \$), by fortnightly payments of dollars (..... \$).

12. The fortnightly payments must be made not later than the last day of each month effective from the first month of operation.

13. The
(school board, private institution or college)

undertakes to pay to the contractor, for any delay in the fortnightly payments, interest on arrears according to the current bank interest rate on short-term loans.

C. General provisions

14. In the event of non-fulfillment by the contractor of a provision of this contract, the

.....
(school board, private institution or college)

must, in writing, serve notice upon the contractor to comply with the terms and conditions of the contract within the 7 days of receipt of the notice, stating the breach invoked ; if the contractor fails to comply with the said notice, the

.....
(school board, private institution or college)

may annul the contract within the 3 days following the expiry of the delay.

15. In the event of lack of discipline on the part of a pupil, the contractor shall advise the

.....
(school board, private institution or college)

thereof which must then take the necessary measures to remedy the situation.

16. In the case of the death, interdiction, or bankruptcy of the contractor, the estate curator or trustee may terminate the contract, if they so deem expedient and upon prior notice of 30 days thereto.

17. The
(school board, private institution or college)

may, effective from the 16th day from the beginning of transport operations in each year, impose a fine of 25 \$ per offence for any delay in the schedule, any route not effected or any pupil left on the highway or at a school, on condition that such offence be due to the negligence of the driver or contractor and has occurred twice before ; this amount may be deducted by the

.....
(school board, private institution or college)

from the fortnightly payments prescribed in clause 12.

18. In the event that a change of services entails a change in the number of route-kilometres which the contractor must follow, the amount established in clause 11 shall be increased or decreased in proportion to the total number of kilometres covered.

19. In this contract, the following expressions and words mean :

(a) "route" : the itinerary which a vehicle must follow to cover the distance between :

i. the first boarding point and the last alighting point, whether or not such last alighting point is the final destination ; and

ii. the last alighting point and the first boarding point, provided that the last alighting point is not the final destination ;

(b) "first boarding point" : the place where, on a route, the first pupil boards a vehicle ;

(c) "last alighting point" : the place where, on a route, the last pupil alights from a vehicle ;

(d) "final destination" : the place where the last pupil alights at the end of the daily utilization of a vehicle.

Made in TRIPLICATE at

this day of

19...

..... (witness) (contractor)

..... (witness) (authorized representative of the school board, private institution or college)

SCHEDULE G (ss. 292 and 294)

FORM 3

SPECIAL CONTRACT FOR THE TRANSPORT OF PUPILS

Name of school board

and contract No.

The school commissioners or trustees for the municipality of

in the county of

hereinafter designated under the name of SCHOOL BOARD, represented by

..... chairman and

director-general, duly authorized for this purpose under resolution No adopted on

party of the first part,

.....
(name of private institution or college)

AND

Mr, of

.....
(name of corporation or partnership, where applicable, or firm name)

of
(address)

county of, hereinafter
(county)

called CONTRACTOR, party of the second part,
agree to and shall abide by the following :

A. Preliminary provision

1. This contract constitutes a special contract within the meaning of section 291 to 294 of the Regulation respecting the transport of pupils (R.R.Q., c. T-12, r.19).

2. The parties agree that this contract for the transport of pupils shall be for a maximum duration of 10 months without possibility of prolongation, renewal, indexing or increase other than that resulting from the adjustments provided for in this contract.

3. This contract begins on
and ends on
at the latest.

B. Obligations of the contractor

4. The contractor undertakes to transport, at no other cost than that prescribed in the contract, for the entire duration of these presents, each school day and according to the schedules fixed by the

.
(school board, private institution or college)

all pupils designated by the latter.

5. The contractor undertakes to assure service for the prescribed price for the routes described in the schedule, and to accept any change of route which may be requested at any time by the

.
(school board, private institution or college)

if the latter so deems necessary, subject to an adjustment in the total amount provided for in clause 17.

However, the
(school board, private institution or college)

cannot bind the contractor to effect transport during the noon lunch period by means of a vehicle subject to this contract where the said contractor undertook to effect only morning and evening transport.

6. The contractor undertakes to use for the execution of this contract

.
(number of vehicles)

the capacities of which comply with the specifications that he recognizes as being an integral part of the obligations he undertakes to respect.

7. The contractor undertakes to maintain, at all times, every vehicle in excellent mechanical condition and in conformity with the Act and regulations.

8. The contractor undertakes to add, upon the request of the

.
(school board, private institution or college)

any vehicle in accordance with the adjustment clauses of this contract.

9. The contractor undertakes to remit to the

.
(school board, private institution or college)

in the 10 days following the signing of this contract, either a certified cheque for an amount equal to 20% of the annual price of the contract or a performance bond in due and proper form issued by a company authorized to issue such bonds in Québec and for an amount equal to 20% of the annual price of the contract.

10. The contractor undertakes to remit, before the beginning of the execution of this contract, a certificate of automobile liability insurance which must cover property damage for an amount of 200 000 \$ and an attestation from his insurer stipulating that the latter shall inform at once, by registered or certified letter, the

.
(school board, private institution or college)

of the cancellation or non-renewal of the contractor's automobile liability insurance.

11. The contractor undertakes to adhere to the provisions of the Highway Code (R.S.Q., c. C-24) and to comply with the provincial and municipal by-laws and regulations.

12. The contractor undertakes to affix to his vehicle the identification card supplied by the

.
(school board, private institution or college)

13. The contractor undertakes neither to cede nor to transfer his contract in whole or in part, without permission from the

.
(school board, private institution or college)

14. The contractor undertakes to allow the pupils to board and alight from his vehicle at the points fixed by the

.
(school board, private institution or college)

and to carry out, in the vehicle, supervision of their discipline and behaviour.

15. The contractor undertakes, in the event that the

.....
(school board, private institution or college)

decides to allow for the recuperation of school days lost or the addition of supplementary school days, during the school year, to maintain his transport service for pupils.

C. Obligations of the
(school board, private institution or college)

16. The
(school board, private institution or college)

undertakes to provide the contractor, not later than 15 days prior to the opening of classes, with a detailed description of the schedules and routes for each vehicle subject to this contract.

17. The
(school board, private institution or college)

undertakes to pay to the contractor a total amount of dollars(..... \$) for the school year 198 /8 , the payment of which shall be apportioned over a period of 10 months, payable fortnightly not later than the 15th and the last days of each month, effective from the first month of operation.

18. The
(school board, private institution or college)

undertakes to add to or subtract from the total amount determined in clause 17, any amount resulting from the application of the adjustment clauses of this contract.

19. The
(school board, private institution or college)

undertakes to pay to the contractor, for any delay in the fortnightly payments, interest on arrears at the current bank interest rate on short-term loans.

D. General provisions

20. Upon the default by the contractor to remit within the stipulated period the certified cheque or the performance bond provided for in clause 9, the

.....
(school board, private institution or college)

may, within the 7 days following written notice given thereto, terminate this contract without the contractor having the right to claim any indemnity or damages whatsoever.

21. In the event of non-execution of a provision of this contract, the

.....
(school board, private institution or college)

must, in writing, serve notice upon the contractor to comply with the terms and conditions of the contract within 7 days of receipt of such notice, stating the breach involved, and must immediately send a copy of the said notice to the

surety, where applicable : if the contractor fails to comply with the terms and conditions of the contract within the specified time, the

.....
(school board, private institution or college)

may either annul the contract within the 3 days following the expiry of the specified time, require payment by the surety, or confiscate the certified cheque.

22. The contractor or the driver, as the case may be, shall not refuse on his own authority to transport pupils for reasons of insubordination or lack of discipline. He must report thereupon to the

.....
(school board, private institution or college)

whose right it shall be to make a decision on this subject. However, in the case where the safety of passengers is threatened by the conduct of a pupil, the contractor or driver may refuse to transport such pupil on condition that he send a report to the

.....
(school board, private institution or college)

on the said refusal as soon as possible.

In such case the driver or the contractor must ensure that the pupil in question is returned to his home.

23. The
(school board, private institution or college)

may, effective upon the 16th days of the beginning of transport operations for each year, impose a fine of 25 \$ per offence for any delay in the schedule, any route not effected or any pupil left on the highway or at a school, on condition that such offence be due to negligence on the driver's or contractor's part and have occurred twice before ; this amount may be deducted by the

.....
(school board, private institution or college)

from the fortnightly payments provided for in clause 17.

24. The
(school board, private institution or college)

shall provide the contractor with the identification card of the vehicle which must be affixed to the said vehicle at the place it shall determine. A contractor who fails to comply with this directive shall be liable, for each breach, to a fine of 25 \$ which the
(school board, private institution or college)

may withhold from the fortnightly payments prescribed in clause 17.

25. The parties to this contract reserve the right to add, by common consent, to the provisions of these presents, clauses concerning the discipline and safety of pupils.

E. Adjustment clauses**E.1 Situation attributable to the carrier**

26. In all cases where suspension of the execution of this contract is attributable to the contractor and, without restricting such cases, the suspension is due to strikes and mechanical failure, the

.....
(school board, private institution or college)

shall withhold, for the duration of non-fulfillment and as indemnity, from the amount prescribed in clause 17, an amount determined according to the following formula :

$$R : \frac{C}{180} \times n$$

R = retained or withheld ;

C = annual price prescribed in the contract for that vehicle ;

n = number of days of suspension of service.

Any delay as a result of a breakdown or any other uncontrollable circumstance shall not constitute a suspension of execution under the terms and conditions of this contract.

27. In the event that the

.....
(school board, private institution or college)

decides to have the pupils recuperate, during the school year, the school days lost during a suspension of execution of the contract attributable to the contractor, it shall remit to the contractor as remuneration for the transport effected during the school days recuperated the amount it had withheld under clause 26.

E.2 Situation not attributable to the carrier

28. In the case where the responsibility for the suspension of execution of the contract is not attributable to the contractor and, without restricting such cases, the suspension is due to snow storms, teaching personnel strikes and delays in the opening of a school, the

.....
(school board, private institution or college)

shall withhold, effective upon the 11th day of suspension, the regular payments ; the

.....
(school board, private institution or college)

shall pay as indemnity to the contractor per day of suspension, an amount equal to that determined according to the following formula, without the contractor having the right to claim regular payments or any other indemnity :

$$I : 60\% \times \frac{C}{180} \times n$$

I : indemnity ;

C = annual price prescribed in the contract for that vehicle ;

n = number of days of suspension.

29. In the event that the

.....
(school board, private institution or college)

decides to have the pupils recuperate the school days lost during a suspension of execution of the contract not attributable to the contractor and in the event that the

.....
(school board, private institution or college)

decides to extend the school year to more than 180 days, it shall remit to the contractor as remuneration for the transport effected during the school days recuperated or during the additional days, an amount established from the following formula :

$$P : 40\% \times \frac{C}{180} \times n$$

P = payment ;

C = annual price prescribed in the contract for that vehicle ;

n = number of additional school days or number of school days of recuperation.

The additional days of transport of pupils or the days of recuperation may only occur during the period specified in clause 3 of this contract.

30. In addition to the remuneration prescribed in clause 29, in the event that the days of recuperation or additional school days are held on Saturday or Sunday, as a result of a change requested by the

.....
(school board, private institution or college)

the latter shall remit to the contractor, as additional remuneration for the transport effected during such days, an amount established in accordance with the following formula :

$$P : 40\% \times \frac{C}{180} \times n$$

P = payment ;

C = annual price prescribed in the contract for that vehicle ;

n = number of additional days and days of recuperation.

31. Where, as a result of a change in schedule not attributable to the contractor, the latter must effect during the week daily transport after 18h30, the

.....
(school board, private institution or college)

shall remit to the contractor an additional remuneration for the transport effected during such days an amount established in accordance with the following formula :

$$P = 20\% \times \frac{C}{180} \times n$$

P = payment ;

C = annual price prescribed in the contract for the vehicle ;

n = number of days where transport must be effected after 18h30.

A contractor may not claim the indemnity prescribed in this clause where days of recuperation or additional school days end after 18h30 on Saturday or Sunday.

E.3 Change in service or kilometres travelled

32. Where the

.....
(school board, private institution or college)

asks the contractor for a change in the service provided by a vehicle, or alters the total number of route-kilometres, it shall remit to the contractor as remuneration for that vehicle, effective from the day when the new service is provided or effective from the day when the school board, private institution or college advised the contractor, in writing, of the alteration of the number of route-kilometres, an amount established :

(a) By calculating the new price for the use of that vehicle according to the following formula :

$$NP : C \times \frac{Sn}{Sa}$$

NP = the new price for the use of that vehicle during a school year ;

C = the price prescribed in the contract for that vehicle ;

Sn = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the new service asked for or to the alteration of the total number of route-kilometres ;

Sa = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the former service.

(b) And by applying that new price to the number of days during which the new service is to be provided according to the following formula :

$$P : \frac{NP}{180} \times n$$

P = new remuneration for that vehicle ;

NP = the new price for the use of that vehicle during a school year ;

n = the number of days during which the new service is to be provided, or in accordance with the alteration of the total number of route-kilometres.

33. Where, upon the request of the

.....
(school board, private institution or college)

the contractor must add a vehicle, the

.....
(school board, private institution or college)

shall remit to the contractor an amount established according to the following formula :

$$P : \frac{C \times \frac{Sn}{Sa}}{180} \times n$$

P = the remuneration for the additional vehicle ;

C = the annual price prescribed in the contract for a vehicle of the same capacity and whose number of route-kilometres most closely approximates the number of route-kilometres which the additional vehicle must effect ;

Sn = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the service of the additional vehicle ;

Sa = the sum of the 2 amounts given in the table of standards of rates and tariffs and corresponding to the description of the service of the vehicle of the same capacity for which the annual price (C) is indicated in the contract ;

n = the number of days during which the additional vehicle will be used.

If another vehicle of the same capacity is not mentioned in the contract, the remuneration for the additional vehicle shall be calculated by using a reference the price of the contractor's tender and by taking into account the capacity of the additional vehicle provided as well as the number of route-kilometres which such vehicle must effect.

34. In this contract, the following expressions and words mean :

(a) "school year" : a period of 10 consecutive months from 1 September to 30 June of the following year ;

(b) "route" : the itinerary which a vehicle must follow to cover the distance between :

i. the first boarding point and the last alighting point, whether or not such last alighting point is the final destination ; and

ii. the last alighting point and the first boarding point, provided that the last alighting point is not the final destination ;

(c) "first boarding point" : the place where, on a route, the first pupil boards the vehicle ;

(d) "last alighting point" : the place where, on a route, the last pupil alights from a vehicle ;

(e) "final destination" : the place where the last pupil alights at the end of the daily utilization of a vehicle ;

(f) "adjustment" : means a written document duly signifying any modification, whether as an addition or reduction, to this contract ;

(g) "vehicle" : a school bus or a minibus ;

(h) "daily transport" : means regular transport for the transportation of pupils to and from school.

35. Any other agreement between the

.....
(school board, private institution or college)

and the contractor concerning, in particular, transport at noon, must be reproduced in a schedule to this contract.

Made in TRIPLICATE at

this day of 19...

.....
(witness) (contractor)

.....
(witness) (authorized representative of the school board, private institution or college)

SCHEDULE H

(s. 287)

FORM 1

CONTRACT

TRANSPORT OF PUPILS

.....
(name of school board, private institution or college)

contract :

The school commissioners or trustees for the municipality of
..... in the county of

hereinafter designated by the name of SCHOOL BOARD, represented by chairman and

..... director-general

duly authorized for such purpose under resolution number

adopted on

OR

.....
(name of private institution or college)

PARTY OF THE FIRST PART,

AND

Mr., of

.....
(name of corporation or partnership where applicable, or firm name)

..... county of
(address)

hereinafter called CONTRACTOR,

PARTY OF THE SECOND PART,

agree to and shall abide by the following :

A. Obligations of the contractor

1. The contractor undertakes to transport, each school day, and in accordance with the schedules fixed by the

.....
(school board, private institution or college)

all pupils who hold a ticket therefor.

2. The contractor undertakes to transport not more than one pupil standing per row of seats in his buses.

3. The contractor shall ensure the transport of the pupils designated by the

.....
(school board, private institution or college)

at the same time as the other users of his public transport.

4. The contractor undertakes to transport the said pupils between 7h and 10h and between 15h and 18h, in respect of daily transport, and between 11h and 13h in respect of noon transport, every school day, for the period from 1 September 19... to 30 June 19...

.....
(school board, private institution or college)

of any change in the schedule or of the number of pupils to be transported, in accordance with the agreement concluded between the 2 parties.

5. The contractor undertakes to transport the said pupils in the buses normally used for the public transport system and serving

.....
(names of municipalities)

6. The contractor shall so ensure the transport of pupils that the latter shall not be kept waiting for a period of more than 20 minutes at the beginning or end of school and that they shall not have to make more than one transfer either going to or coming from school.

7. The contractor, in cooperation with the

.....
(school board, private institution or college)

may change his regular public transport routes, outside of peak hours, in order to assign his buses exclusively to the transport of pupils.

8. The contractor undertakes to observe the provisions of the Highway Code (R.S.Q., c. C-24) and to comply with the provincial and municipal by-laws and regulations.

9. The contractor undertakes neither to cede nor to transfer his contract, in whole or in part, without the written permission of the agency for which the transport is effected.

B. Obligations of the

.....
(school board, private institution or college)

10. The
(school board, private institution or college)

undertakes to provide the contractor, not later than 15 days before the opening of classes, with the list of all pupils who are to use the regular public transport system.

11. The
(school board, private institution or college)

undertakes by this contract to purchase
(number)

bus tickets which shall be given to the pupils it designates and to remit therefor to the contractor an amount of \$ for a period of months.
(number)

12. The
(school board, private institution or college)

undertakes to advise the contractor, at least 24 hours in advance, of any change in schedule or of any change in the number of pupils to be transported.

13. The payment of the amount due in accordance with clause 11 shall be apportioned over a period of 10 months and shall be made in 20 equal instalments each representing 5% of the annual amount, beginning from
..... 19... to 19...

14. The payments contemplated in clause 13 shall be made not later than the 15th and the last days of each month.

15. The
(school board, private institution or college)

undertakes to remit to the contractor for any delay in the fortnightly payments interest on the arrears at the current bank interest rate on short-term loans.

16. In the case of an increase in the number of pupils transported or in the number of trips which the students may effect daily, the

.....
(school board, private institution or college)

may ask the contractor to sell it additional tickets at the same price.

17. In cases where all tickets purchased by the

.....
(school board, private institution or college)

have not been used at the end of the school year, the contractor undertakes to remit to the

.....
(school board, private institution or college)

an amount equal to the price of the remaining tickets on condition that the

.....
(school board, private institution or college)

return the said tickets to him.

18. In the event that the contractor does not ensure the transport of pupils in accordance with this contract, the

.....
(school board, private institution or college)

may terminate it within the 10 days following a written notice thereto.

19. This contract is made for a period of
(number of months)

from 19... to 19...

Made in TRIPLICATE at

this day of 19.
 (witness) (contractor)
 (witness) (authorized representative of the school
 board, private institution or college)

SCHEDULE H

(s. 287)

FORM 2**CONTRACT****TRANSPORT OF PUPILS**

.
 (name of school board, private institution or college)

contract :

The school commissioners or trustees for the municipality
 of
 in the county of

hereinafter designated by the name of **SCHOOL BOARD**,
 represented by

chairman and

director-general duly authorized for such purpose under
 resolution number

. adopted on

OR

.
 (name of corporation or partnership, where applicable, or firm name)

PARTY OF THE FIRST PART,**AND**

Mr.
 of
 (name of private institution or college)

of
 county of
 hereinafter called **CONTRACTOR**,
PARTY OF THE SECOND PART,
 agree to and shall abide by the following :

A. Obligations of the contractor

1. The contractor undertakes to transport, each school
 day and in accordance with the schedules fixed by the

.
 (school board, private institution or college)

all pupils designated by it and holding passes therefor.

2. The contractor undertakes to transport not more than
 one pupil standing per row of seats in his buses.

3. The contractor shall ensure the transport of pupils
 designated by the

.
 (school board, private institution or college)

at the same time as that of the other users of his public
 transport.

4. The contractor undertakes to transport the said pupils
 between 7h and 10h and between 15h and 18h, in respect
 of daily transport and between 11h and 13h in respect of
 noon transport, every school day, during the period from 1
 September 19. . . to 30 June 19. . .

.
 (school board, private institution or college)

of any change in the schedule or in the number of pupils to
 be transported, in accordance with the agreement con-
 cluded between the 2 parties.

5. The contractor undertakes to transport the said pupils
 in the buses normally used for the public transport system
 and serving

.
 (names of municipalities)

6. The contractor shall so ensure the transport of pupils
 that the latter shall not be kept waiting for a period of
 more than 20 minutes at the beginning or end of school
 and that they shall not have to make more than one trans-
 fer going to or coming from school.

7. The contractor, in cooperation with the

.
 (school board, private institution or college)

may change his regular public transport routes, outside of
 peak hours, in order to assign his buses exclusively to the
 transport of pupils.

8. The contractor undertakes to adhere to the provisions
 of the Highway Code (R.S.Q., c. C-24) and to comply with
 the provincial and municipal by-laws and regulations.

9. The contractor undertakes neither to cede nor to trans-
 fer his contract, in whole or in part, without the written
 permission of the school board.

B. Obligations of the
 (school board, private institution or college)

10. The
 (school board, private institution or college)

undertakes to provide the contractor, not later than 15
 days prior to the beginning of classes, with the list of all
 pupils who are to use the regular public transport system.

11. The
(school board, private institution or college)

undertakes to pay to the contractor, for each pass issued to pupils, an annual amount of \$ per pupil transported.

12. The
(school board, private institution or college)

undertakes to advise the contractor, at least 24 hours in advance of any change in schedule or of any change in the number of pupils to be transported.

13. The payment of the amounts prescribed in clause 11 shall be apportioned over a period of 10 months and shall be made on the 15th and the last days of each month.

14. The
(school board, private institution or college)

undertakes to remit to the contractor, for any delay in the fortnightly payments interest on the arrears at current bank interest rates on short-term loans.

15. In the case of an increase in the number of users of the contractor's public transport service, the latter undertakes to ensure, in accordance with the schedule, the transport of pupils holding a pass, in default of which the

.....
(school board, private institution or college)

may withhold from the fortnightly payments an amount of \$.

16. The amount prescribed in clause 11 of the contract shall be reviewed, upon the ending of the said contract, in accordance with the actual use by the pupils of the public transport service.

17. In the event that the carrier does not ensure the transport of pupils in accordance with this contract, the

.....
(school board, private institution or college)

may terminate the contract within the 10 days following a notice given thereto.

18. This contract is made for a period of
(number)

months from 19... to 19...

Made in TRIPLICATE at

this day of 19...

.....
(witness) (contractor)

.....
(witness) (authorized representative of the school board, private institution or college)

SCHEDULE I

(s. 312)

Maximum percentage of fixed costs referred to in subsection 2 of section 312 and subsection 2 of section 333 :

Region 1 : 31,5 ;	Region 13 : 35,0 ;
Region 2 : 31,5 ;	Region 14 : 35,0 ;
Region 3 : 34,0 ;	Region 15 : 31,0 ;
Region 4 : 34,0 ;	Region 16 : 36,0 ;
Region 5 : 31,5 ;	Region 17 : 36,0 ;
Region 6 : 33,0 ;	Region 18 : 35,0 ;
Region 7 : 32,0 ;	Region 19 : 32,5 ;
Region 8 : 34,5 ;	Region 20 : 34,0 ;
Region 9 : 35,5 ;	Region 21 : 31,5 ;
Region 10 : 35,5 ;	Region 22 : 30,0 ;
Region 11 : 35,5 ;	Region 23 : 28,5 ;
Region 12 : 33,0 ;	Region 24 : 34,0 ;

SCHEDULE J

(ss. 314 and 335)

Maximum percentage of variable cost referred to in subsection 2 of section 314 and subsection 2 of section 335 :

Route-kilometres (annual) Region	Region		
	3, 4, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20, 21, 24	1, 2, 5, 6, 7, 8, 15, 19	22, 23
0 to 11 520	26,0	25,0	24,0
11 521 to 15 840	28,0	27,0	26,0
15 841 to 20 160	31,0	30,0	29,0
20 161 to 24 480	34,0	33,0	32,0
24 481 to 28 800	36,0	35,0	34,0
28 801 to 33 120	36,5	35,5	34,6
33 121 to 37 440	37,0	36,5	35,5
37 441 and over	41,0	40,0	38,5

SCHEDULE K

(s. 341)

**DECLARATION CONCERNING FINANCIAL
STATEMENTS FOR THE FISCAL YEAR ENDING
30 JUNE 1982**

I hereby certify that I have forwarded to the Minister of Transport and to the Commission des transports du Québec the financial statements required in accordance with subsection 3 of section 341 of the Regulation respecting the transport of pupils (R.R.Q., c. T-12, r.19) and that the information provided is true, exact and complete in all respects, knowing that this declaration has the same force and effect as if it were made under oath within the meaning of the Canada Evidence Act (R.S.C., 1970, c. E-10).

..... (signature) (date)

SCHEDULE L

(s. 365)

The following institutions are designated for the purposes of grants under this Regulation :

- Centre académique Fournier Inc. ;
- Centre de l'enseignement vivant ;
- Centre d'intégration scolaire ;
- Centre François-Michelle ;
- Centre psycho-pédagogique de Québec ;
- Clinique pédagogique de Montréal ;
- École Myriam pour l'enfance exceptionnelle ;

- École orale de Montréal pour les sourds Inc. ;
- École Peter Hall Inc. ;
- École Val Marie ;
- École Vanguard.

SCHEDULE M

(s. 246)

**TRIPS FOR ADDITIONAL AND INTER-SCHOOL
TRANSPORT**

19 -19

School year

Name of agency providing transport :

Name of institution attended by the pupils transported :

Reason for trip :

Destination : (to)

..... (from)

Departure : (place) (day) (hour)

Return :
(place) (day) (hour)

Number of pupils :

Carrier :
(name)

(address)

(telephone No.)

Expected length of trip in kilometres :
(to and from)

Cost of transport :

The cost of such trip is paid in full by the aforementioned agency providing for the transport, and the passengers or their parents shall incur no fees attributable to such transport.

Authorized by :
(name of person designated by the agency)

Address :

Telephone number :

- O.C. 1693-74, (1974) 106 O.G.II, 2359 and 3021 ; (1978) 110 G.O., 2345
O.C. 2183-74, (1974) 106 O.G.II, 2979
O.C. 2780-74, (1974) 106 O.G.II, 3739
O.C. 2817-74, (1974) 106 O.G.II, 3741
O.C. 3062-74, (1974) 106 O.G.II, 4041
O.C. 4356-74, (1974) 106 O.G.II, 5245
O.C. 2596-75, (1975) 107 O.G.II, 3473
O.C. 2597-75, (1975) 107 O.G.II, 3487
O.C. 3927-75, (1975) 107 O.G.II, 4889 and 6129 ; (1976) 108 O.G.II, 605
O.C. 4991-75, (1975) 107 O.G.II, 5735
O.C. 2032-76, (1976) 108 O.G.II, 4621
O.C. 2619-76, (1976) 108 O.G.II, 4985 and (1978) 110 G.O., 2345
O.C. 80-77, (1977) 109 O.G.II, 291
O.C. 2081-77, (1977) 109 O.G.II, 3575
O.C. 2635-77, (1977) 109 O.G.II, 3961
O.C. 1784-78, (1978) 110 G.O., 4977
O.C. 2623-78, (1979) 111 G.O., 2171
O.C. 985-79, (1979) 111 G.O., 4447
O.C. 2540-79, (1979) 111 G.O., 6429
O.C. 2175-80, (1980) 112 G.O.II, 3485
O.C. 3376-80, (1980) 112 G.O.II, 4487 and 4719
O.C. 521-81, (1981) 113 G.O.II, 873
O.C. 1034-81, (1981) 113 G.O.II, 1321
O.C. 2129-81, (1981) 113 G.O.II, 2879



c. T-12, r.20

Regulation respecting the transport of explosives and other dangerous substances through the tunnels in the Montréal region

Transport Act
(R.S.Q., c. T-12)

1. Subparagraph *a* of the first paragraph of section 5 of the Transport Act (R.S.Q., c. T-12), which provides that the Government may, by regulation, establish standards, conditions or modes of construction, use, safe-keeping, upkeep, ownership, possession or rent of any means of transport or transport system which he indicates, is the enabling legislative provision governing the making of this Regulation.

2. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “explosive” : any explosive to which the Act respecting explosives (R.S.Q., c. E-22) applies ;

(b) “dangerous substance” : any substance other than an explosive, which is designated in section 72.5, General Order 0.29 of the Canadian Transport Commission entitled Transportation of Dangerous Commodities by Rail (DORS. 456-74), and also empty containers such as boxes, cases, drums, tanks and other of the same type previously used for the shipment of flammable liquids, poisons, oxidizing materials, radioactive materials or corrosive materials ;

(c) “vehicle” : any means of transport which, most frequently, is self-propelled.

3. The tunnels designated under this Regulation are :

(a) the Louis-Hippolyte Lafontaine tunnel (A-20) ;
and

(b) the in-tunnel sections of the Ville-Marie autoroute (A-20).

4. Explosives and dangerous substances are classified as follows :

(a) “explosives” : any chemical compound, mixture or device the primary purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas or heat. These include the primary explosives, those

which function by rapid combustion, ammunitions, fire-works and others listed in Schedule 1 to the Regulation respecting the Act respecting explosives (c. E-22, r.1) ;

(b) “flammable compressed gas” : any flammable material having in the container an absolute pressure exceeding 40 psi at 38°C ;

(c) “nonflammable compressed gas” : any nonflammable material or mixture having in the container an absolute pressure exceeding 40 psi at 21°C, or 104 psi at 54°C ;

(d) “flammable liquid” : any liquid which gives off flammable vapours as determined by Tagliabue’s open cup test below 35°C, or any pyroforic liquid that becomes self-igniting when exposed to normal atmospheric conditions incident to transportation ;

(e) “flammable solid” : any solid material, other than an explosive, which is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes, retained heat, or which can be ignited readily and when ignited burns vigorously and persistently ;

(f) “oxidizing material” : any substance that yields oxygen readily to stimulate the combustion of organic matter ;

(g) “poisons” : any substance which is lethal, or so toxic or presumed to be toxic to man as to afford a hazard to health, tear gas, irritating substances or any substance which, upon contact with fire or when exposed to air, gives off dangerous or irritating fumes ;

(h) “radioactive materials” : any material that emits ionizing radiation, and having a specific activity greater than 0,002 microcuries per gram ;

(i) “corrosive materials” : any substance that causes destruction of living tissue, any liquid that has a severe corrosion rate on steel or any substance liable to cause fire when in contact with organic matter or certain chemicals.

5. For the purposes of this Regulation, the fuel contained in the tank and used to operate the vehicles, propane gas-bottles forming an integral part of trailers or other camping vehicles, and inert compressed gas, shall not be considered explosives and dangerous substances.

6. No person shall use a vehicle to transport explosives or other dangerous substances through a tunnel designated in section 3.

7. Whoever contravenes any provision of this Regulation is liable to the penalties prescribed in the Transport Act (R.S.Q., c. T-12), and its amendments.



c. T-12, r.21

Regulation respecting public transport

Transport Act
(R.S.Q., c. T-12, s. 36)

DIVISION I GENERAL PROVISIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

(a) “permit” : a permit issued by the Transportation Board prior to 15 February 1973, a permit issued by the Commission des transports du Québec prior to 9 January 1974 or a permit issued under this Regulation ;

(b) “airport transportation, to and from” : the transport of persons and their baggage, where applicable, for a *per capita* remuneration by means of an autobus or a pleasure vehicle between an airport and unloading points or vice versa ;

(c) “public transport” : the transport for direct or indirect remuneration of persons and their baggage, where applicable, by motor vehicle, on a regular route and according to a definite schedule, with the exception of :

i. the transport of persons to whom the Regulation respecting transport by taxicab (c. T-12, r.22) and amendments thereto apply ;

ii. transport by means of a pleasure vehicle intended to be leased together with chauffeur and owned by a permit holder for such purpose ;

iii. the transport of persons effected by a funeral director where such transport is effected for a funeral under his direction ;

iv. transportation to and from an airport ;

v. transport by chartered or special trip ;

vi. the transport of pupils effected under a contract granted by a school board, a general and vocational college, a private institution or any other teaching establishment ;

vii. the seasonal transport contemplated in the Regulation respecting the seasonal transport of persons (c. T-12, r.23).

2. (1) A trip shall be a “chartered trip” where the service of an autobus is leased for the exclusive transport of a

group of persons, according to a determined schedule and route, on a fixed date and for a single remuneration for the outward and inward trip, irrespective of the number of passengers.

(2) A trip shall be “special” where the service of an autobus is leased for the transport of passengers for a remuneration fixed *per capita* :

(a) on a route served by the operator but at hours not provided in his regular schedule ;

(b) on a route which the operator is not authorized to serve.

3. This Regulation is a transport regulation and, unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12), in section 1 of the Highway Code (R.S.Q., c. C-24) and in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7) are part of this Regulation and have the meaning indicated in the said Acts or Regulation each time they are used in this Regulation.

DIVISION II PUBLIC TRANSPORT

4. No person may provide a public transport service unless he is the holder of a permit for such purpose and such permit is in force.

5. The public transport permit shall authorize and bind its holder to effect, in accordance with its terms, a public transport service between defined loading points and unloading points, for a *per capita* remuneration and according to a determined route and schedule.

6. No person may obtain a new public transport permit except for the purpose of serving a territory formerly served under another permit ; the Commission may, however, change the terms of a permit already issued or authorize the transfer of such permit.

7. (1) Every application for the modification of a public transport permit shall be accompanied by the following documents, submitted in duplicate :

(a) a detailed description of the service or schedules whose modification is requested and, in the case of a change of route, a cartographic description of the route to be modified ;

(b) a detailed description of the modifications requested and, in the case of an application for the modification of a route, a cartographic description of such modification ; and

(c) a statement of the grounds in support of such application.

(2) Every application for the transfer of a public transport permit shall be accompanied by the following documents, submitted in duplicate :

(a) the statements of the last fiscal year of the permit holder and those of the person in favour of whom the transfer is requested or their opening balance sheet, as the case may be, unless they have already been furnished to the Commission ; and

(b) a detailed description of the vehicles used by the permit holder to effect the service described therein and of the vehicles which shall be used, where applicable, by the person in favour of whom the transfer is requested.

8. (1) On or before the last day of March of each year, without any notice or request being given to that effect, every holder of a public transport permit contemplated in this Regulation must prepare, certify and submit to the Commission, on the form prescribed therefor by the president, a detailed operations report for the fiscal year ending between 1 January and 31 December of the preceding year.

(2) A carrier who does not submit the report contemplated in subsection 1 shall not, for as long as he has not fulfilled this condition, obtain any change in his permit or increase in his rates.

9. No person shall obtain the modification of an existing permit for the purpose of obtaining the right to serve an airport which he is not already authorized to serve under such permit.

DIVISION III **AIRPORT TRANSPORTATION, TO AND FROM**

§1. General provisions

10. No person shall provide a transportation service to and from an airport unless he holds a permit for such purpose and the permit is in force.

11. The permit for the transportation to and from an airport shall authorize and bind its holder to provide, in accordance with its terms, a transportation service to and from an airport in accordance with the tariff fixed by the Commission.

12. No person may obtain a permit for a transportation service to and from an airport permitting him to effect a service to or from an airport situated within the Mirabel Airport zone.

However, the Commission may issue an airport transportation service permit to the Commission de transport de la ville de Laval permitting it to effect a service with stops, from Mirabel International Airport to the Henri-Bourassa metro station in Montréal and return.

13. (1) The Commission may issue a permit for transportation to and from an airport to a person who applies therefor and who is :

(a) a physical person who :

i. is of the age of majority ;

ii. is a Canadian citizen or a person legally admitted to Canada to reside permanently therein as a "landed immigrant" and who has been assigned a social insurance number ; and

iii. is domiciled in Québec ; or

(b) a corporation which is incorporated in Canada and whose head office is situated in Québec.

(2) Every application for a permit for transportation to and from an airport shall be accompanied by the following documents, submitted in duplicate :

(a) the statements of the last fiscal year of the applicant or his opening balance-sheet, as the case may be, unless it has already been furnished to the Commission ;

(b) a detailed description of the proposed service, including a cartographic description of the routes ;

(c) a detailed description of the vehicle which the applicant intends to use for such purpose.

14. Notwithstanding section 13, no airport transportation permit may be issued by the Commission for service from Dorval International Airport to Laval and return, except to Autobus Mille-Îles (1967) Inc.

15. The Commission may authorize the transfer of a permit for transportation to and from an airport to a person who fulfills the requirements of subsection 1 of section 13 and who furnishes to the Commission the documents contemplated in subsection 2 of the said section.

§2. *Service to the airports of Matane, Mont-Joli, Baie-Comeau (Pointe Lebel), Rouyn and Val d'Or*

16. Any person who is the holder of a permit issued by the Transportation Board under the name of "taxibus" for the purpose of providing, in whole or in part, a transportation service to and from an airport may obtain a permit issued under this Regulation.

17. The Commission may, *proprio motu*, or upon application to that effect, issue the permits contemplated in section 16 and such, without costs or duties.

18. Any person who is the holder of a taxicab owner's permit issued pursuant to the Regulation respecting transport by taxicab (c. T-12, r.22) may obtain a transportation to and from an airport permit issued under this Regulation for the purpose of providing a service to one or other of the airports of Matane, Mont-Joli, Baie-Comeau (Pointe Lebel), Rouyn or Val d'Or.

19. The transportation to and from an airport permit contemplated in section 18 shall be issued for the vehicle to which the taxicab owner's permit is attached.

20. Where a person provides transportation service to and from an airport pursuant to the permit issued in accordance with sections 18 and 19, it may not provide a transport by taxicab service on a route which he is authorized to follow pursuant to transportation to and from an airport permit.

21. Where a person provides a transportation service to and from an airport pursuant to the permit issued in accordance with sections 18 and 19, he must :

(a) remove the dome light indicating that vehicle on which he is riding is a taxicab and replace it by a poster bearing the inscription "Airport" or "Transportation service to and from airport" ; and

(b) maintain posted up, at all times within this vehicle, the tariff applicable to this service in a place where it may be read conveniently by all passengers.

22. The holder of a transportation by taxicab permit who has obtained a transportation to and from an airport permit issued pursuant to sections 18 and 19 shall not thereafter transfer one of these permits without transferring the other at the same time, nor give up one of these permits without giving up the other at the same time.

23. (1) The suspension, revocation or cancellation of a taxicab owner's permit issued pursuant to the Regulation respecting transport by taxicab shall entail the suspension,

revocation or cancellation of the transportation to and from an airport permit issued under sections 18 and 19.

(2) Likewise, the suspension, revocation or cancellation of a transportation to and from an airport permit issued pursuant to sections 18 and 19 shall entail the suspension, revocation or cancellation of the taxicab owner's permit issued pursuant to the Regulation respecting transport by taxicab.

DIVISION IV TRANSPORT OF PUPILS

24. No permit shall be required nor shall be issued to effect the transport of pupils under a contract granted by a school board, a general and vocational college, a private institution or any other teaching establishment.

DIVISION V SPECIAL OR CHARTERED TRIPS

25. No permit shall be issued for the purpose of providing services of special or chartered trips to or from Mirabel Airport.

O.C. 4762-73, (1974) 106 O.G.II, 65
O.C. 690-74, (1974) 106 O.G.II, 727
O.C. 1285-74, (1974) 106 O.G.II, 1611
O.C. 1630-76, (1976) 108 O.G.II, 3083
O.C. 1979-77, (1977) 109 O.G.II, 3425



c. T-12, r.22

Regulation respecting transport by taxicab

Transport Act
(R.S.Q., c. T-12, ss. 5, 32, 37, 38, 42 and 48)

CHAPTER I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (1) “conglomeration” : an urban conglomeration described in Schedule A ;
- (2) “service association” : a corporation or a cooperative association whose object is to furnish certain services to its members or subscribers who are exclusively taxicab owners holding permits for such purposes ;
- (3) “baggage” : baggage carried by a passenger when travelling and which may be placed inside a taxicab ;
- (4) “berlin” : a type of motor vehicle with 4 lateral doors, a hard top, a baggage trunk and 2 seats equipped by the manufacturer with at least 4 safety belts ;
- (5) “chauffeur” or “taxicab chauffeur” : a physical person who holds a taxicab chauffeur’s permit issued under the Regulation respecting drivers’ permits (c. C-24, r.26), and amendments thereto ;
- (6) “conurbation” : the conurbations of Québec and Montréal each constitute a group of contiguous urban conglomerations as described in Schedule A ;
- (7) “trip” : a trip made for consideration by means of a taxicab in service operated by a chauffeur who is not the hirer ;
- (8) “Régie” : the Régie de l’assurance automobile du Québec ; such expression also comprises every person designated by the latter for the purposes of a function which he assigns to him ;
- (9) “dome light” : the device designed to be placed on the roof of a taxicab and by means of which a person may, from outside, ascertain whether it is a taxicab and whether or not it is available for hire ;
- (10) “station wagon” : a type of motor vehicle with 4 lateral doors, a rear door, a hard top, an interior space for baggage and 2 seats equipped by the manufacturer with at least 4 safety belts, the top of the doors of which is less than 1,45 metres from the ground ;
- (11) “false request” : a request for service which, due to the fault of the hirer, does not give rise to the carrying out of a trip ;
- (12) “street guide” : the handbook listing, in alphabetical order, the names of all the streets in the conurbation of Montréal ;
- (13) “street locator” : the handbook showing, on maps, the names of all the streets in the conurbation of Montréal ;
- (14) “league” : the group which, in a conglomeration, must group all the holders of taxicab owner’s permits of such conglomeration ;
- (15) “limousine” : a type of motor vehicle with 4 lateral doors, a hard top, a baggage trunk, 2 seats equipped by the manufacturer with at least 6 safety belts and 2 folding seats ;
- (16) “permit” : a permit issued by the Commission des transports du Québec ;
- (17) “taxi stand” : the space reserved exclusively for stationing a limited number of taxicabs for hire ;
- (18) “public taxi stand” : a taxi stand established by the Gouvernement du Québec or by a municipality ;
- (19) “owner” : a person who acquired a motor vehicle, who owns it under an absolute title, or a conditional title which entitles him to become the owner thereof or to use it as the owner under the obligation to render, and who holds a permit to carry on transport by taxicab by means of such vehicle ;
- (20) “region” : every municipality not included in a conglomeration or a group of such contiguous municipalities, or every locality established under the James Bay Region Development Act (R.S.Q., c. D-8) or under the Act respecting the municipality of the North Shore of the Gulf of St. Lawrence (S.Q., 1963, c. 97), not included in a conglomeration or a group of such contiguous localities designated by the Commission and indicated in a permit ;

(21) “hirer” : an applicant for service of transport by taxicab ;

(22) “request for service” or “requisition” : the act by which a hirer expresses his request for service ;

(23) “service” : the act of making a trip, or the availability of a chauffeur and his taxicab to make a trip ;

(24) “base of operations” :

(a) in a region, the place where the service may be principally required ;

(b) in a conglomeration, the place where a taxicab is ordinarily stationed for purposes of garaging or maintenance ;

(25) “identification holder” : the device in which are placed the permits identifying the owner and the chauffeur ;

(26) “taximeter” : the device by means of which the price of the trip is computed according to a minimum departure tariff, the distance travelled and its duration, or these 3 factors simultaneously ;

(27) “taxicab” : a motor vehicle of the berlin, limousine or station wagon type, for which an owner’s permit has been issued ;

(28) “closed area” : a place or territory described as such in Schedule E ;

(29) “a good standing member” : every taxicab owner who complies with the prescriptions of the by-law of the taxicab league of which he is a member and who has paid his membership dues.

2. This Regulation is a transport regulation and, unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12), and in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7), have the meaning indicated in the said Act or Regulation each time they are used in this Regulation.

CHAPTER II TAXICAB AND TRANSPORT

DIVISION I CONSTRUCTION STANDARDS

§1. Vehicles

3. No person shall change or alter the transmission of a taxicab without the approval of the Régie or of the person whom it designates for such purpose.

4. Every taxicab must bear on the right front and on the left rear a marker issued by the Régie on which shall be indicated :

(a) the word “taxi” ;

(b) the name of the conglomeration or, as the case may be, of the region to which the permit refers ;

(c) the number of such permit.

5. The tariff in force shall be posted up in such a way that all the occupants of a taxicab may read it.

6. Every taxicab shall have a roof of a rigid material and be equipped with a spare wheel and tire which are readily mounted on such taxicab, and the tools necessary for such purpose.

§2. Taximeters

7. In a conglomeration of more than 25 000 persons, every owner shall equip his taxicab with a taximeter in accordance with this Regulation ; elsewhere, a taxicab may be equipped with a taximeter.

8. No person shall use a taximeter which does not comply with this Regulation and is not approved and sealed by the Régie or by a person specially designated by the latter.

9. The taximeter shall be affixed to the interior of the taxicab in such a way that every person carried may readily read it.

10. The taximeter shall be at all times connected to the transmission gear in such a way that it may compute the cost of the trip according to the distance travelled.

11. The taximeter shall at all times be connected to a clocking system so that the cost of the transport service may be computed according to its duration.

12. Except in case of normal wear, the circumference of the tires shall not be changed unless the taximeter is recalibrated.

§3. *Dome lights*

13. (1) Every owner shall equip his taxicab with a dome light which must be constructed of translucent material ; such dome light shall be affixed to the forward part of the roof ; it shall be extinguished when the vehicle makes a trip and illuminated when it is available for hire.

(2) No person shall use, other than on his taxicab, a dome light whose appearance might lead a person to believe that the vehicle on which it is affixed is a taxicab.

§4. *Identification holders*

14. The owners shall, at all times, equip his taxicab with an identification holder in accordance with the standards of the Bureau de normalisation du Québec, if any ; such holder shall always contain the owner's permit and that of the chauffeur in service.

DIVISION II STANDARDS OF USE

§1. *Vehicles*

15. No person shall carry out a service by virtue of a permit issued for such purpose other than by taxicab in accordance with this Regulation, approved by the Régie, and whose taximeter and transmission are duly sealed and were certified in good operating condition by the Régie or by a person specially designated by the latter.

16. When the service is furnished for the purpose of a christening, wedding, funeral or a parade authorized by the competent authority, the dome light and signs bearing the indications contemplated in section 4 may be removed.

17. Subject to section 18, no person shall, during the service, carry at one time in a taxicab :

- (a) more than 5 adult passengers in a vehicle of the berlin or station wagon type, nor more than 7 adult passengers in a vehicle of the limousine type ;
- (b) more than one passenger on each folding-seat ;
- (c) a passenger other than the one which the hirer agrees to take with him on his trip ; or
- (d) goods that are not part of the baggage of the hirer or passenger.

18. No person shall, during service, while he is carrying children under 10 years of age solely, carry at the same time in a taxicab :

- (a) more than 6 children in a vehicle of the berlin or station wagon type, nor more than 8 children in a vehicle of the limousine type ;
- (b) more than 4 passengers in the rear seat.

§2. *Service*

19. The chauffeur of a taxicab in service shall act in accordance with the rules of hygiene, good citizenship, courtesy and decency ; he shall dress properly, soberly and suitably ; his clothes shall not be stained or torn ; he must in particular, wear long trousers, a shirt or a long-sleeved sweater, shoes and socks. Where the chauffeur is a woman, she may replace such clothes by any other appropriate feminine clothes.

§3. *Trip*

20. As soon as possible, upon receipt of a request for taxicab service, a chauffeur shall :

- (a) immediately depart for the point of origin of the trip requested, if he is not already there ;
 - (b) upon arrival at the boarding point, station his vehicle at the side of the public highway, along the sidewalk or at curbside, if any ;
 - (c) switch on all front and rear flashing indicators of his vehicle, except those of the dome light ;
 - (d) where :
 - i. baggage has to be picked up ;
 - ii. it is obvious that the hirer or passenger whom he desires to take with him is blind or otherwise handicapped, or an old person, a pregnant woman or a young child ; or
 - iii. the hirer explicitly requests it ;
- alight from his vehicle and open the doors on the side where his vehicle is stationed so that the hirer and the persons he desires to take with him may enter ;
- (e) allow the hirer and the persons whom he desires to take with him enter the vehicle and pick up, where applicable, their baggage on the sidewalk and place it inside his vehicle ;
 - (f) close the doors or ensure that they are closed ;

(g) unless the hirer chooses a charter fare according to subparagraph 3 of paragraph VI of section 48, ensure that the taximeter is in the "vacant" position and start it at the applicable tariff ; and

(h) unless the hirer requests that he wait, stop the operation of the flashing indicators and start the vehicle towards the final or intermediate destination according to the hirer's instructions.

21. The chauffeur shall, unless the hirer indicates otherwise, follow the itinerary for which the total cost will be lowest, taking into consideration the tariff, destinations and circumstances of time and place.

22. Upon arrival at a destination, unless the hirer indicates otherwise, the chauffeur shall :

- (a) station his vehicle at the alighting point ;
- (b) switch on all rear and front flashing indicators of his vehicle, except those of the dome light ;
- (c) where :
 - i. baggage has to be unloaded ;
 - ii. it is obvious that the passenger who wishes to alight from the vehicle is blind, otherwise handicapped, or an old person, a pregnant woman or a young child ; or
 - iii. the hirer explicitly requests it ;
 alight from his vehicle and open the doors to allow passengers to alight ;
- (d) place the baggage, if any, on the sidewalk ;
- (e) ensure that the doors are closed ; and
- (f) i. in the case of an intermediate destination, unless the hirer requests that he wait, stop the operation of the flashing system and start the vehicle towards the final destination or another intermediate destination according to the hirer's directions ;
- ii. in the case of a final destination, reset, where applicable, the taximeter at the "vacant" position and upon request, give a receipt in Form 1 of Schedule B.

23. During the trip, the chauffeur shall ensure that passengers are comfortable and safe, in particular by driving his taxicab at an appropriate speed according to the circumstances of time and place and by accelerating, slowing down and turning easily and with due care ; he shall also

maintain the inside of the vehicle at a suitable temperature according to the hirer's wishes.

24. When the hirer requests the taxicab chauffeur to pick up upon departure, or to take upon arrival, baggage from or to a place further than the immediate side of the road, and chauffeur complies with the request, the cost of the trip shall be increased in accordance with subparagraph 4 of paragraph VI of section 48 ; in such case, the chauffeur shall not however be bound for such increase to pick up or take the baggage from or to a place distant more than 30 metres from the taxicab.

25. (1) Subject to contrary or inconsistent provisions in an Act, he may refuse any payment made with a bank-note exceeding 20 \$ unless the total cost of the trip exceeds such amount ; he shall however remit the exact change to the person who makes total payment.

(2) Subject to an explicit agreement to the contrary, no hirer for service shall refuse to pay cash for the cost of a trip where, at the end of such trip, the chauffeur or owner in service requests such payment from him.

(3) Where an agreement contemplated in subsection 2 is in force, the chauffeur or owner in service shall maintain a statement of account for the hirer.

(4) No person shall conclude an agreement contemplated in subsection 2 which would contain a stipulation contrary to sections 44 to 47.

26. When a taximeter ceases to function properly during a trip, the chauffeur shall immediately notify the hirer thereof and, even if the final destination has not been reached, he shall there and then settle upon an agreed sum with the hirer which shall correspond approximately to the amount which would have been computed by the taximeter ; in such an event, the chauffeur shall cease any service with that vehicle as soon as payment of the total cost is made to him until the taximeter is duly repaired or replaced.

DIVISION III SAFETY STANDARDS

27. (1) No owner or chauffeur shall put a taxicab in service unless :

(a) such vehicle and its equipment are in accordance with the standards established by the Federal Department of Transport ;

(b) such vehicle is equipped :

- i. with tires marked with the letters DOT or MOT, duly stamped by the manufacturer of such tires ;
- ii. between the last day of October and the last day of March, with tires designed for driving on snow-covered roads.

(2) No owner or chauffeur shall put a taxicab in service whose wheels, including the spare wheel, are not simultaneously equipped with tires :

- (a) either of the radial ply type ; or
- (b) of another type not prohibited by this Regulation ;
- (c) whose grooves in the tire tread are not less than 2/32 of an inch deep.

(3) Every taxicab owner shall, as often as necessary and at least every 12 months, clean or cause to be cleaned by means of an appropriate process the outer surfaces of the motor of the vehicle in order to remove oil or other matter likely to cause fire or emit an unpleasant, foul or noxious odour inside or outside the vehicle.

(4) The owner of chauffeur shall not put a taxicab in service without first inspecting such vehicle and ensuring that the vehicle complies with the pertinent provisions of the Highway Code, (R.S.Q., c. C-24), of this Regulation or of any other transport regulation.

DIVISION IV OPERATING STANDARDS OF THE VEHICLE

28. Every taxicab owner shall, at his own expense, every 6 months and at the time and place determined by the Régie or at any time upon request by the latter, submit the taximeter and the transmission of his vehicle for inspection by the Régie or by a person specially designated by the latter for such purpose who, after such inspection while the tires are inflated at the pressure indicated by the manufacturer, shall adjust the taximeter in accordance with the tariffs in force, seal the taximeter and the transmission and certify thereto in the register kept for such purpose.

29. Every taxicab owner shall cause the taximeter and transmission of his vehicle to be re-adjusted, re-inspected and re-sealed :

- (a) within 30 days after the coming into force of any tariff amendment enacted by the Commission ;
- (b) immediately after any replacement, repair or alteration to the taximeter or transmission ; or

(c) except in case of normal wear of the tires, or where summer tires are replaced by winter tires or vice-versa, after every modification to the circumference of the tires.

30. No chauffeur or owner of a taxicab which is available for service shall station his vehicle other than at a taxi stand or at his base of operations.

31. No chauffeur or owner of a taxicab who is authorized, under this Regulation, to provide transport service to the Montréal International Airports at Dorval or Mirabel, shall station his vehicle other than at a taxi stand.

32. Every chauffeur or owner of a taxicab available for service may station his vehicle at any public taxi stand in the conglomeration for which the owner's permit of such taxicab was issued ; every permit holder of the "region" category or his chauffeur shall enjoy the same privilege in the municipalities indicated in his permit.

33. Every public taxi stand shall be designated by means of a sign in accordance with Schedule D.

34. Every chauffeur or owner in service who arrives at a public taxi stand shall station his taxicab at the end of the line and advance progressively as places in front of him become vacant.

35. Every owner or chauffeur in service who is waiting at a taxi stand located in front of the exit at Montréal International Airport at Dorval must remain seated inside his vehicle unless he is assisting the hirer or transporting his baggage.

36. Irrespective of the position of the owner or chauffeur requested by a hirer in person for the service of a taxicab that is stationed at a public taxi stand, the owner or chauffeur in service occupying the first position shall immediately perform such request.

37. Where a chauffeur or owner in service is driving in the proximity of a taxi stand and is hailed by a person who is within 60 metres of a public taxi stand already occupied by a taxicab, he shall not perform such request ; he shall instead notify the hirer that he may hail an owner or

chauffeur who is available for hire on such taxi stand or make his request to such taxi stand.

DIVISION V SERVICING STANDARDS

38. Every owner or chauffeur of a taxicab shall :

- (a) as often as necessary, wash or cause to be washed the exterior of his taxicab so that it is always clean ;
- (b) ensure that the printed signs which appear on his vehicle are at all times readable, clean and complete ;
- (c) refrain from putting into service a taxicab whose exterior surfaces are run down, particularly through damage, wear, rust or other corrosive ;
- (d) maintain or cause to be maintained the interior of his taxicab comfort of passengers ; he shall, in particular, disinfect it or cause it to be disinfected with an appropriate product as often as necessary and at least once every 6 months.

39. Every taxicab owner shall, every 6 months and at the time and place determined by the Régie or a person specially designated for such purpose, or at any time upon request by the latter, submit his vehicle for inspection by the Régie or a person specially designated by the latter for such purpose, in order to ensure that it is in good operating condition and that it provides all the safety and comfort requirements called for in its use as a taxicab.

40. Every peace officer or any officer of the Department authorized for such purpose shall, in the performance of his duties, stop or cause to be stopped every taxicab which is not in accordance with this Regulation and order the chauffeur or owner of such vehicle to withdraw it from service until it complies with this Regulation.

DIVISION VI STANDARDS OF OWNERSHIP

§1. Standards of ownership of vehicle

41. The ownership of a taxicab shall be certified by the registration and certificate attesting thereto ; the application for the registration of a vehicle as a taxicab shall be accompanied by documentary evidence that the applicant is the holder, for the registration year, of an owner's permit for such vehicle.

42. (1) The Régie, upon payment of the required fees, may register a vehicle as a taxicab, where :

- (a) the owner holds a taxicab owner's permit ;
- (b) the owner holds a valid civil liability insurance policy for a coverage of at least 100 000 \$ for material damage to other persons resulting from the use of his vehicle for the transport of persons for a remuneration ;
- (c) the insurer who issued such insurance policy furnishes the Régie with a signed document attesting to such liability insurance policy on behalf of the owner, describing the contemplated vehicle, and promising that such policy will remain in force indefinitely and without change unless written notice to this effect is given at least 10 days in advance ; and
- (d) following upon examination, it appears that the person is the owner of a vehicle which complies with this Regulation, the Act and any other applicable regulation.

(2) The registration of a taxicab shall become null and void from the date on which any one of the provisions of this section is no longer complied with, or on which an insurance policy is cancelled, expires or is amended whereby the policy coverage is reduced.

(3) In the case contemplated in subsection 2, the Régie shall withdraw or cause to be withdrawn by reason thereof the registration markers and certificate.

§2. Standards of ownership of a taxi system

43. (1) Every owner shall, for each vehicle for which he holds a permit, have and keep a register in which he shall enter :

- (a) the permit number of the vehicle to which such register refers and its make and serial number ;
- (b) the date of every inspection of the vehicle or of the taximeter and cause to be stamped therein by the Régie or the person specially designated for such purpose by the latter an acknowledgement thereof ;
- (c) a note of the date and nature of every repair of more than 100 \$ made to the vehicle ;
- (d) a note of the date of every accident in which such vehicle was involved and of every insurance settlement resulting therefrom, where applicable.

(2) Every owner shall, even if the taxicab is withdrawn from service, retain the register contemplated in subsection 1 for a period of 2 years after such vehicle is withdrawn from service.

DIVISION VII STANDARDS OF POSSESSION

44. The holder of a taxicab owner's permit may use a motor vehicle which does not belong to him, but which he rents, provided that such rental be made for a duration of at least 12 months and that it be certified in a written contract, a copy of which shall be transmitted to the Commission and to the Régie immediately following its drawing up. In such case, the permit holder shall be deemed, for the purposes of this Regulation and of other transport regulations, to be the owner of the rented vehicles, and notwithstanding any provision to the contrary or inconsistent with a transport regulation, the Régie may register the rented vehicle as if it belonged to such permit holder who shall not, however, use it as a taxicab unless it is registered in accordance with this Regulation.

CHAPTER III RATES AND TARIFFS STANDARDS

45. Rates and tariffs for transport by taxicab shall be fixed by the Commission :

(a) in accordance with the standards prescribed in this Chapter ;

(b) in terms of :

- i. a basic tariff ;
- ii. a rate according to the distance travelled ;
- iii. a rate according to the duration of the trip ; or
- iv. the tariff contemplated in subparagraph i and the 2 factors contemplated in subparagraphs ii and iii together.

46. The rates and tariffs fixed by the Commission in accordance with this Chapter shall permit every taxicab owner to derive a sufficient and reasonable income from the operation of his vehicle.

47. No person shall, for transport by taxicab, pay or receive, as the case may be, a *per capita* remuneration from the passengers transported.

48. The Commission fixes the rates and tariffs for transport by taxicab in accordance with the following standards :

(I) for permits of the "conglomeration" category :

From To

(1) minimum departure tariff :

(a) for permits relating to one of the conglomerations of Group

I 0,60 \$ 1,00 \$;

(b) for permits relating to one of the conglomerations of Group
II 0,70 \$ 1,10 \$;

(c) for permits relating to one of the conglomerations of Group
III 0,80 1,20 ;

(d) for permits relating to one of the conglomerations of Group
V 1,00 1,60 ;

(e) for permits relating to one of the conglomerations of Group
VI 0,60 1,20 ;

(2) for each kilometre travelled .. 0,40 0,80 ;

(3) for each minute of waiting ... 0,10 0,25 ;

(II) for permits of the "region" category where a vehicle is equipped with a taximeter :

From To

(1) minimum departure tariff 0,60 \$ 1,60 \$;

(2) for each kilometre travelled .. 0,40 0,80 ;

(3) for each minute of waiting ... 0,10 0,25 ;

(III) for permits of the "region" category when a vehicle is not equipped with a taximeter :

From To

for each mile travelled with the hirer and computed with the odometer 0,65 \$ 1,30 \$;

or

for each kilometre travelled with the hirer and computed with the odometer 0,40 0,80 ;

(IV) for permits of the "closed area" category :

From To

(1) for a trip of one mile or 1,6 kilometres or under 1,50 \$ 2,25 \$;

(2) for a trip of more than one mile, for each mile travelled with the hirer and computed with the odometer 1,00 1,45 ;

or

for a trip of more than 1,6 kilometres, for each kilometre travelled with the hirer and computed with the odometer 0,60 0,90 ;

(V) service outside limits :

(1) for a trip whose point of origin or final destination is situated 10 miles or 16 kilometres or more from the limits of the region or conglomeration to which the permit relates, or more than 10 miles or 16 kilometres from the conurbation of which the conglomeration to which the permit relates is part :

	From	To
for each mile travelled with the hirer and computed with the odometer	0,65 \$	1,30 \$;
or		

for each kilometre travelled with the hirer and computed with the odometer	0,40	0,80 ;
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(2) despite subparagraph 1, for a trip whose point of origin is situated in a conglomeration which is part of the conurbation of Montréal and whose final destination is the Montréal International Airport at Mirabel, such trip is not considered as being a service outside limits ;

(VI) general provisions :

(1) if the duration of the trip exceeds 10 consecutive hours in service outside limits, the stay-over expenses of the chauffeur must be paid in addition, at a rate of 35 \$ per day ;

(2) for the purposes of this section, the following terms mean :

(a) "service outside limits" :

i. service outside the conurbation for a conglomeration which is part of a conurbation ;

ii. service outside a conglomeration for a conglomeration which is not part of a conurbation, or outside a region for a region ;

(b) "waiting" : the time during which, on a trip, a vehicle is stationary or travels at less than 8 kilometres per hour ;

(c) "minute of waiting" : 60 seconds of waiting ;

(3) for a christening, wedding or funeral and where the transport required is for local service, the rates and tariffs prescribed for the service provided pursuant to a permit of the "ordinary" category are replaced by the following charter fares :

	From	To
(a) for a christening (per hour)	10,00 \$	22,00 \$;

(b) for a wedding (per hour) 13,00 \$ 28,00 \$;

(c) for a funeral (per hour) 13,00 28,00 ;

(4) where the taxicab chauffeur handles baggage at the beginning and at the end of the same trip upon the consent or request of the hirer, the increase in the fare in the case prescribed in section 24 is fixed at not less than 0,20 \$ and not more than 0,30 \$ starting with the second piece of baggage carried by such taxicab chauffeur ;

(5) within the meaning of subparagraph 4, the handling of baggage does not solely consist in the handling of the baggage to place it in the trunk or inside the taxi-cab, but also consists in its handling from the place where the hirer deposited it ;

(6) where the owner or chauffeur must pay a fee or the parking cost in a waiting line at the Montréal International Airport at Dorval, the fare showing on the taximeter is increased by an amount equal to that fee or parking cost ;

(7) (a) for a transport by taxicab service started from any conglomeration or region, as the case may be, to the Montréal International Airport at Mirabel, the total fare for the trip includes :

i. the fare showing on the taximeter, where the taxicab is equipped with one, or the fare computed under this Regulation ; and

ii. the amount representing toll costs, where applicable ; and

iii. the amount representing the cost for crossing a bridge, where applicable ;

(b) for a transport by taxicab service starting from the Montréal International Airport at Mirabel to any conglomeration or region, as the case may be, the total fare includes :

i. the fare showing on the taximeter ; and

ii. the amount representing toll costs where applicable ; and

iii. the amount representing the cost for crossing a bridge, where applicable ;

(c) where the owner or chauffeur provides a transport by taxicab service starting from any conglomeration or region, as the case may be, to the Montréal International Airport at Mirabel and where he must return empty to his starting point, the total fare pursuant to subparagraph a must include the double of the fees prescribed in subparagraphs ii and iii ;

(8) every owner or chauffeur of a taxicab must now post up, so that it can be easily read by any passenger within his vehicle, the tariff in force for the transport carried out at the Montréal International Airport at Mirabel under this Regulation.

49. (1) The tariff of remuneration of a chauffeur on commission shall not be less than 35% nor more than 50% of the gross receipts.

(2) In the case contemplated in subsection 1, maintenance and repair costs shall be charged to the owner who shall also furnish the gas required for the service.

CHAPTER IV OWNER'S PERMIT

DIVISION I GENERAL PROVISIONS

50. No person shall utilize a vehicle as a taxicab in service unless the Commission has issued an owner's permit for such purpose for the said vehicle and such permit is in force.

51. No person shall hold an owner's permit issued by the Commission, unless :

- (a) he is a physical person who :
 - i. is of the age of majority ;
 - ii. is a Canadian citizen or a person legally admitted to Canada to reside permanently therein as a landed immigrant and who has been assigned a social insurance number ;
 - iii. is domiciled in Québec ;
 - iv. in the case of a "region" category permit, has his place of business in the region for which the permit is requested or at a distance of not more than 40 kilometres from such region or, in the case of a "conglomeration" category permit, in the region for which the permit is requested or in the conurbation of which the conglomeration is part, or at a distance of not more than 80 kilometres from the limits of such conglomeration or conurbation, if any ;
 - v. derives or shall principally derive his living from the operation of a taxicab, in the case of a permit for a conglomeration of more than 25 000 persons ;
 - vi. has not been convicted, during the preceding 2 years, of an offence under the Criminal Code (R.S.C., 1970, c. C-34) punishable by imprisonment of 2 years or more or of one of the offences enumerated in Schedule C

and according to the number of times determined in the said Schedule for such offence ; and

vii. has not, during the preceding 5 years, transferred for a consideration an owner's permit which he held ; this provision shall not however prevent him from obtaining a renewal of the other permits which he holds ; or

(b) a corporation which is incorporated in Canada and which fulfills the conditions contemplated in subparagraphs iv and v of paragraph a ;

(c) a person who :

i. in the case of the obtaining of a permit of "conglomeration" category becomes a member in good standing of the recognized taxicab owners' league of the conglomeration for which the permit is issued, either within 30 days from the issuance of such permit or 30 days following the recognition of such league ;

ii. in the case of the renewal of a permit of the "conglomeration" category, and subject to subparagraph i was, during the whole period for which the permit was in force, a member in good standing of the recognized taxicab owners' league for the conglomeration to which such permit relates.

52. Within the meaning of the provisions of this Division and notwithstanding the Regulation respecting the interpretation of transport regulations (c. T-12, r.7), the place of business of the physical person shall be the place of his domicile ; the place of business of a corporation shall be the place of its corporate seat.

53. No person shall obtain or hold a taxicab owner's permit issued by the Commission, unless :

- (a) the vehicle for which the permit is requested fully complies with the pertinent provisions of this Regulation, of the Act and of every pertinent regulation enacted thereunder ;
- (b) he furnishes a contract by an insurer authorized to carry on business in Québec in accordance with article 2479 of Civil Code, providing for :
 - i. the issuance, for such vehicle, of a civil liability insurance policy of a coverage of at least 100 000 \$ for material damage to other persons resulting from the use of such vehicle in the transport of persons for a remuneration ;
 - ii. the putting into force of the insurance policy contemplated in subparagraph i during the whole duration of the permit ; and

iii. the keeping in force of the policy contemplated in subparagraph i for the entire duration of such permit.

54. Every corporation which holds an owner's permit issued by the Commission shall notify the Commission in writing :

(a) of any change of name, address, or social insurance number of every shareholder, director, officer or manager, within 10 days from the date of such change ; and

(b) of every transfer of shares, within 30 days from the date of such transfer.

55. Every physical person who holds an owner's permit in his own name shall notify the Commission in writing of any change of name, address or social insurance number within 3 days from the date of such change.

56. The Commission may cancel a permit if it is used for purposes contrary to public order, to the Act or to the regulations.

57. (1) The Commission may also cancel a permit where :

(a) there is a change in one of the conditions contemplated in Division I or II ;

(b) the owner fails to :

i. put his taxicab in service for a period of 30 consecutive days, unless he proves to the Commission that he was on annual vacation, that he was unable to operate such taxicab because of illness or that, during all such period, the vehicle was undergoing repairs ;

ii. replace his vehicle by a new one put in service within 90 days following the date on which his vehicle was retired or stolen ; or

iii. keep the insurance policy in force in accordance with paragraph b of section 53 during the period stipulated.

(2) Where the Commission cancels an owner's permit for a reason contemplated in section 56 or in subsection 1, the holder may validly transfer such permit within 3 months of the decision of the Commission.

58. (1) Every owner who replaces his taxicab shall, as soon as he acquires a new taxicab, cause the change to be registered at the Régie de l'assurance automobile du Québec ; in such case, the Régie shall remit to the owner who replaces his taxicab a document attesting to the registered change.

(2) The Régie must, within 5 days of the registration of a change of taxicab at the Régie de l'assurance automobile du Québec, notify the administrator of the Commission of such change.

(3) Upon receipt of a notice of change of taxicab, the administrator of the Commission shall forward to the owner who caused such change to be registered an amendment to the attestation or permit held by the owner ; such amendment must be annexed to the attestation or permit to which it refers.

59. On or before the last day of March of each year, without receiving any notice or request to that effect, every holder of a transport permit contemplated in this Regulation must prepare, certify and submit to the Commission on the form prescribed for such purpose by the president, a detailed operations report for his fiscal year ending in the preceding year between the first day of January and the thirty-first day of December.

DIVISION II NATURE OF OWNER'S PERMIT

60. (1) The owner's permit shall relate to a taxicab and be issued for a region or for a conglomeration.

(2) A permit of the "ordinary" category, in a region or conglomeration, may relate to a berlin, station wagon or limousine.

(3) Each owner's permit shall bear a number which must be part of a series of numbers determined by the Commission after consultation with the Régie, and shall be preceded by the pertinent prefixes determined in section 70.

61. (1) The Commission may, upon joint request by the transferor and transferee of a taxicab, authorize the transfer of the permit relating thereto provided that the transferee fulfill all the conditions for obtaining and holding such permit.

(2) No owner's permit shall be the object of a right to revendicate or of a contract under which the transferor would remain the owner of such permit until full payment of the price of the transfer of the permit.

(3) The Commission may, if the holder of an owner's permit dies, authorize the transfer of such permit to his heirs.

(4) In the case contemplated in subsection 3, the permit shall remain valid even if the heirs, or the testamentary executor, do not fulfill all the conditions for obtaining or holding such permit, provided that they negotiate, within 6 months from the death, the transfer of such per-

mit to a person who fulfills the conditions for obtaining and holding such permit.

(5) The Commission may, where the holder of a permit is a corporation and such corporation winds up, authorize the transfer of such permit to a person who fulfills the conditions for obtaining and holding the permit.

(6) In the case contemplated in subsection 5, the permit shall remain valid even if the liquidator, administrator or trustee does not fulfill all the conditions for obtaining and holding such permit, provided that he negotiate, within 6 months from the winding-up of such corporation, the transfer of such permit to a person who fulfills the conditions for obtaining and holding the permit.

(7) The taxicab owner's permit shall be attested to by a certificate issued by the Commission and displayed on the identification holder; upon proof that such certificate has been lost or destroyed, the Commission may, upon request and against payment of the applicable fees, issue a duplicate of such certificate.

DIVISION III CATEGORIES OF OWNER'S PERMIT

§1. Group of categories according to territory

62. An owner's permit shall, with reference to territory :

(a) be either of the "conglomeration" category, and in such case the permit number shall bear, *inter alia*, the prefix A ;

(b) be of the "region" category, and in such case the permit number shall bear, *inter alia*, the prefix R ; or

(c) or of the "closed area" category, and in such case the permit number bear, *inter alia*, the prefix K.

The categories contemplated in this section shall constitute a group of categories established according to the territory to which the owner's permit relates.

63. Every permit of the "conglomeration" category shall authorize and bind its holder to operate the taxicab to which such permit relates for the purpose of ensuring service exclusively :

(a) from a point of origin situated within the conglomeration for which the permit is issued to a final destination situated within or outside of such conglomeration, irrespective of the intermediate destinations ;

(b) upon receiving a telephone or radiophone call, from a point of origin situated outside the conglomeration for which the permit is issued to a destination situated within such conglomeration ; and

(c) subject to section 84, from a point of origin situated within the airport conglomeration forming part of the conglomeration for which such permit is issued to a final destination situated within or outside the conglomeration to which the said permit relates.

64. Every permit of the "region" category shall authorize and bind its holder to operate the taxicab to which such permit relates for the purpose of ensuring service exclusively from a point of origin situated within the region to which such permit relates to a final destination situated within or outside of such region, whatever may be the intermediate destinations, or, upon receiving a telephone or radiophone call, from a point of origin situated outside such region to a final destination situated within the said region.

65. The permit of the "closed area" category shall authorize and bind its holder to operate the taxicab to which such permit relates for the purpose of ensuring service in the closed area for which it is issued.

§2. Group of categories according to service

66. The owner's permit shall, with regard to service :

(a) be either of the "ordinary" category, and in such case the permit number shall bear, *inter alia*, the prefix O ; or

(b) be of the "specialized" category, and in such case, the permit number shall bear, *inter alia*, the prefix S.

The categories contemplated in this section constitute a group of categories according to the service to which such owner's permit relates.

67. Every permit of the "ordinary" category shall authorize and bind its holder to operate the taxicab to which such permit relates for the purpose of ensuring service exclusively in accordance with this Regulation, except for "specialized" service.

68. Every permit of the "specialized" category shall authorize and bind its holder to operate the taxicab to which such permit relates for the purpose of ensuring service exclusively to not more than 6 passengers at one time where :

(a) passengers may, because of their state of health, be more suitably transported by a vehicle of the berlin or modified limousine type ; or

(b) in the counties of Lac-Saint-Jean-Ouest, Abitibi-Est, Abitibi-Ouest, Duplessis and Saguenay, passengers may, with regard to their need or to road conditions, be more suitably transported by a vehicle other than a vehicle of the berlin or limousine type.

§3. Permit categories : general

69. Every owner's permit must be of 2 categories simultaneously, each of which shall belong to one of the groups contemplated in sections 62 and 66 ; no permit, however, shall belong to more than one category of the same group.

70. The number of every owner's permit shall be composed in the order of :

- (a) the letter T ;
- (b) the letter A, R or K in accordance with section 62 ;
- (c) the letter O or the letter S in accordance with section 66 ;
- (d) the appropriate figures in accordance with subsection 3 of section 60.

For the purposes of this section, the permit number includes the prefixes preceding such number.

DIVISION IV
NUMBER OF OWNERS' PERMITS

71. The total number of owners' permits of all categories issued for a given territory shall fall within the range indicated as follows :

A : Conglomerations

For the following conglomeration :

Owner's permit
per number of
inhabitants :

From To

A.1	Conglomeration of Boucherville	1 400	1 500
A.2	Conglomeration of Longueuil	1 100	1 200
A.3	Conglomeration of Candiac-Laprairie	800	900
A.4	Conglomeration of Cowansville	750	800
A.5	Conglomeration of East of Montréal	800	900
A.6	Conglomeration of Joliette	1 000	1 100
A.7	Conglomeration of Lachute	700	800
A.8	Conglomeration of Laval	1 400	1 500
A.9	Conglomeration of Matane	500	600
A.10	Conglomeration of Mont-Joli	400	500
A.11	Conglomeration of Montréal	400	500

A.12	Conglomeration of West of Montréal	900	1 000
A.13	Conglomeration of Rivière-du-Loup	600	650
A.14	Conglomeration of Saint-Eustache	800	900
A.15	Conglomeration of Saint-Jérôme	700	800
A.16	Conglomeration of Sorel	1 200	1 300
A.17	Conglomeration of Terrebonne	1 000	1 100
A.18	Conglomeration of Thetford-Mines	900	1 000
A.19	Conglomeration of Victoriaville	550	600
A.20	Conglomeration of Alma	1 200	1 250
A.21	Conglomeration of the North Shore	750	800
A.23	Conglomeration of Beloeil	1 200	1 300
A.24	Conglomeration of Saint-Bruno	1 600	1 700
A.25	Conglomeration of Charlesbourg-Orsainville	1 650	1 700
A.26	Conglomeration of Château-guay	1 100	1 200
A.27	Conglomeration of La Baie	1 300	1 400
A.28	Conglomeration of Dolbeau-Mistassini	650	750
A.29	Conglomeration of Drummondville	1 100	1 200
A.30	Conglomeration of East of Québec	1 100	1 200
A.31	Conglomeration of Gaspé	450	500
A.33	Conglomeration of Granby	700	750
A.34	Conglomeration of Hull	1 150	1 250

For the following conglomeration :	Owner's permit per number of inhabitants :	
	From	To
A.35 Conglomeration of Lévis-Lauzon	700	800
A.36 Conglomeration of Québec	500	600
A.37 Conglomeration of Rimouski	550	600
A.38 Conglomeration of Sainte-Foy-Sillery	1 100	1 200
A.39 Conglomeration of Saint-Hyacinthe	800	900
A.40 Conglomeration of Trois-Rivières	1 100	1 200
A.41 Conglomeration of Saint-Jean	500	600
A.42 Conglomeration of Shawinigan	1 000	1 100
A.43 Conglomeration of Sherbrooke	1 200	1 300
A.44 Conglomeration of Valleyfield	750	800
A.45 Conglomeration of Amos	550	600
A.46 Conglomeration of Chibougamau	1 150	1 200
A.47 Conglomeration of Matagami	350	400
A.48 Conglomeration of Rouyn-Noranda	650	700
A.49 Conglomeration of Val d'Or	600	700
A.50 Conglomeration of La Tuque	850	900
A.51 Conglomeration of West of Saguenay	1 350	1 450
A.52 Conglomeration of Saguenay	1 200	1 300
A.53 Conglomeration of Sept-Îles	850	900
A.54 Conglomeration of Sainte-Thérèse	1 100	1 200
A.55 Conglomeration of Gatineau	1 400	1 500.

B : Regions

One owner's permit shall be issued per 1 000 to 1 500 inhabitants in each region ; however, as much as possible, at least one owner's permit shall be issued for each region.

For the purposes of this Regulation, the population of a conglomeration or region is the total of the population indicated in the *Répertoire des municipalités du Québec* pub-

lished by the Ministère des Affaires municipales for each municipality, as such, in the case of a region and, in the case of a conglomeration, for each municipality forming part of the conglomeration.

C : Closed areas for the following closed area :

S.1 — closed area of Fermont, from 8 to 12 permits.

72. The Commission may *proprio motu* convert a permit of the region category into a permit of the "conglomeration" category where a region has become a part of the territory of a conglomeration or itself become a conglomeration.

73. (1) Despite section 71, the largest number of permits in each urban centre (conglomeration) is established as the number of permits already issued by the Commission in that urban centre on 25 April 1979.

(2) The largest number of permits, established in subsection 1, is reduced by one each time a permit is cancelled or revoked by the Commission for a reason other than the issuing of a "temporary" or "special" permit.

(3) Subsection 1 does not apply to the cases described in section 72, the cases described in sections 41 and 44 of the Transport Act (R.S.Q., c. T-12), the case described in subsection 4 of section 55 of the Rules of practice and rules for the internal management of the Commission des transports du Québec (c. T-12, r.14), or the issuing of a special or temporary permit.

74. (1) The total number of permits of the "ordinary" category that may be held in a conglomeration shall not exceed 97% of the total number of owners' permits which the Commission issues for such conglomeration. In the Québec and Montréal conglomerations, this total number shall not exceed 90%.

(2) With the exception of the counties of Lac-Saint-Jean-Ouest, Abitibi-Est, Abitibi-Ouest, Duplessis and Saguenay, the total number of permits of the "specialized" category that may be held in a conglomeration shall not exceed 3% of the total number of owners' permits which the Commission issues for such conglomeration.

75. Notwithstanding this Division, the maximum number of permits :

(a) of the "ordinary" category that may be held in a conglomeration shall not be less than one ; and

(b) of the "specialized" category that may be held in a conglomeration shall not be less than one.

76. No person shall obtain or hold, directly or indirectly, more than 20 owners' permits.

CHAPTER V TAXICAB OWNERS' LEAGUES AND TAXI CONFERENCES

DIVISION I CONSTITUTION OF A LEAGUE

77. (1) A league of taxicab owners shall be constituted for each conglomeration, if any ; the goals and objectives of a taxicab owners' league shall be to organize, coordinate and generally improve taxicab transport services in a conglomeration.

(2) In any application for incorporation, the name of a league shall include in particular the words "Taxicab Owners' League" preceded by the name of the conglomeration to which it relates and followed by the abbreviation Inc.

78. (1) In the pursuit of its goals and objectives, every taxicab owners' league shall :

(a) take the necessary steps to provide its employees, its members and their employees, especially taxicab chauffeurs, with social and economic benefits including a pension plan, a life insurance policy and a guaranteed income policy ;

(b) establish a professional ethics committee as well as an advisory and liaison committee ; and

(c) establish an office whose main purpose shall be to receive complaints and suggestions from the public and to collect and return, if in its possession, lost objects to their owners.

(2) Taxicab owners' leagues for the conglomerations of Québec and Montréal shall provide their employees, their members and employees, especially taxicab chauffeurs, with a pension plan as well as a life insurance policy and guaranteed income policy.

DIVISION II OBLIGATIONS OF A LEAGUE

79. (1) Every taxicab league recognized by the Commission must, within 180 days following its recognition, transmit to the Commission a certified copy of its by-laws and the certificate of approval of the said by-laws by the Minister.

(2) Every taxicab league recognized by the Commission must, before 1 May of each year, transmit to the Commission any amendments that have been made to its by-laws together with a certificate of approval by the Minister, or a certificate from the secretary-treasurer of that

league attesting that there have been no changes in the by-laws during the year, where such is the case.

(3) Every taxicab league recognized by the Commission must, within 180 days following its recognition, and then before 1 March of each year, transmit to the Commission a list of its members in good standing on that date.

DIVISION III MEMBERS OF A LEAGUE

80. (1) Every taxicab league recognized by the Commission must admit as a member a person who is the holder of an owner's permit for the conglomeration to which that league refers and conforms to the by-laws of the said league where these have been approved by the Minister.

(2) The directors elected by the general meeting shall include at least 2 representatives of member corporations, if any.

DIVISION IV ADVISORY COMMITTEE AND LIAISON AND PROFESSIONAL ETHICS COMMITTEE

81. The following shall be created within any taxicab owners' league :

(a) a professional ethics committee which shall have the responsibility of promoting the observance by each member of this Regulation in respect of the quality of the taxicab transport service, as well as of other rules of ethics that may be adopted in the league's by-laws and that are not inconsistent with this Regulation, and of making warranted recommendations to the Commission regarding the behaviour of any member who, in its opinion, is undesirable ; and

(b) an advisory and liaison committee which shall have the responsibility of making warranted recommendations to the Commission regarding the general taxicab operation in the conglomeration, the members' welfare or that of the taxicab chauffeurs, as well as the quality of service to the population.

DIVISION V RECOGNITION OF A LEAGUE

82. (1) The Commission may recognize a taxicab owners' league as the representative group of owners' permit holders to which it refers, where such league applies therefor and proves it is able to comply with this Regulation.

(2) The recognition granted by the Commission to a taxicab owners' league shall be valid for one year. It shall

be renewed only if the league fulfills the conditions prescribed in this Regulation.

(3) When a taxicab league no longer fulfils the conditions prescribed in this Regulation, the Commission may withdraw the recognition it had granted. However the Commission may not withdraw recognition previously granted on the sole grounds that the league has not fulfilled the obligations contemplated in section 79 within the time limit allowed.

DIVISION VI

TAXI CONFERENCES

83. (1) In each conurbation of Montréal and Québec, the taxicab service associations of the conglomerations included in one or other of these conurbations must group themselves into a taxi conference.

(2) The name of the said taxi conference shall be composed of only the words "Taxi Conference", preceded by the name of the conurbation for which it is constituted and ending with the abbreviation Inc.

(3) The object of the said taxi conferences shall be to establish and manage, at the Montréal International Airports at Dorval and Mirabel, and of that of Sainte-Foy respectively, the means and systems for assigning taxicabs holding a permit relating to one of the conglomerations included in the conurbation of which the airport conglomeration is part.

CHAPTER VI

SERVICE TO OR FROM AN AIRPORT

84. (1) The taxicab service from the Montréal International Airports at Dorval and Mirabel is provided exclusively by the taxicabs of the urban centres (conglomerations) of the conurbation of Montréal.

(2) When taxicabs are waiting in order to provide the service mentioned in subsection 1, they form one line only, and comply with the following provisions :

(a) only the first taxicab in line may serve the hirer who presents himself, no matter what the destination may be ;

(b) the driver must have in his possession the most recent edition of the street locator or street guide for the conurbation of Montréal.

(3) The assignment of taxicabs to the Montréal International Airports at Dorval and Mirabel is made in accordance with the directives of the authorities of these airports or with the agreement concluded between them and

the person or partnership that obtained the assignment of taxicabs to those airports.

(4) A taxicab owner or driver must refuse to make a trip from the Montréal International Airport at Dorval or Mirabel to one of the urban centres (conglomerations) of the conurbation of Montréal when the request for service is made to him by telephone.

(5) The taxi service from the Sainte-Foy Airport is provided exclusively by the taxicabs of the urban centres (conglomerations) of the conurbation of Québec city, and the assignment of taxicabs to the airport is made in accordance with the directives of the authorities of the airport or with the agreement concluded between them and the person or partnership that obtained the assignment of taxicabs to the airport.

(6) The taxi service to the Montréal International Airports at Dorval and Mirabel and to the Sainte-Foy Airport starting from an urban centre (conglomeration) or region is provided by taxicabs from that urban centre or region.

85. The service to or from an airport not included in a conurbation is ensured exclusively by the holders of an owner's permit who have concluded an agreement with the authorities of such airport.

CHAPTER VII

TRANSITIONAL AND FINAL PROVISIONS

86. (1) Notwithstanding section 76, the Commission may issue to every person who holds in his own name and on his own behalf one or several taxicab owners' permits issued him prior to 9 July 1972 under a municipal by-law or acquired by him under a transfer duly authorized from and after 9 July 1972 but before 1 November 1973 by the competent municipal authority an equal number of similar permits provided such person otherwise fulfills the conditions prescribed in this Regulation.

(2) Notwithstanding section 76, the Commission may issue to every person who is the owner of one or several taxicabs whose registration number for the year 1973 includes the prefix TV, an equal number of owners' permits authorizing and binding such person to ensure a service similar to that he provided before 1 November 1973 or in the conglomeration including the territory in which he ensured service before 1 November 1973, provided such person otherwise fulfills the conditions prescribed in this Regulation.

(3) If a person who holds more than 20 owners' permits transfers a permit, he shall not thereafter increase the

number of permits he holds to the number of permits that he held prior to such transfer.

(4) Where a person who holds more than 20 permits dies, his heirs must, within 3 months of his death, relinquish the number of permits in excess of 20 which such person held before his death.

(5) In the case of a change in the actual control of a corporation holding more than 20 permits, such corporation must, within 3 months, relinquish the number of permits in excess of 20 which it held before such change in the actual control.

87. This Regulation shall not apply to :

(a) a service for the transport of persons provided by means of a pleasure vehicle intended to be leased together with chauffeur and owned by the holder of a permit for such purpose, issued prior to 1 November 1973 ;

(b) the transport of persons effected by an undertaker when such transport is effected during a funeral under the direction of such undertaker.

SCHEDULE A

(a. 1)

The reference numbers and letters assigned to each municipality listed in this Schedule are those given for that municipality in the *Répertoire des municipalités du Québec* published by the Ministère des Affaires municipales.

DIVISION I

The following urban conglomerations are constituted by the territories described hereinafter :

GROUP I

- A.1 Conglomeration of Boucherville : the territory of the municipality of Boucherville (5612 V).
- A.2 Conglomeration of Longueuil : the territory of the municipalities of Brossard (6610 V), Greenfield Park (5916 V), Lemoyne (5621 V), Longueuil (5615 C), Saint-Hubert (5610 C) and Saint-Lambert (5623 C).
- A.3 Conglomeration of Candiac-Laprairie : the territory of the municipalities of Candiac (6612 V) and Laprairie (6608 V).
- A.4 Conglomeration of Cowansville : the territory of the municipality of Cowansville (5416 V).
- A.5 Conglomeration of the East of Montréal : the territory of the municipalities of Anjou (6552 V), Montréal-Est (6556 V), Montréal-Nord (6554 C), Pointe-aux-Trembles (6558 C), Saint-Léonard (6551 C), and

the sector previously known by the name of Rivière-des-Prairies.

- A.6 Conglomeration of Joliette : the territory of the municipalities of Crabtree Village (5808 VL), Joliette (5815 C), Notre-Dame-de-Lourdes (5818 P), Notre-Dame-des-Prairies (5816 P), Saint-Charles Borromée (5811 P), Saint-Paul (5802 SD) and Saint-Pierre (5804 VL).
- A.7 Conglomeration of Lachute : the territory of the municipalities of Brownsburg (7412 VL) and Lachute (7407 C).
- A.8 Conglomeration of Laval : the territory of the municipality of Laval (6424 C).
- A.9 Conglomeration of Matane : the territory of the municipalities of Matane (0622 V), Petite-Matane (0619 SD) and Saint-Jérôme-de-Matane (0621 P).
- A.10 Conglomeration of Mont-Joli : the territory of the municipalities of Mont-Joli (0721 V), Sainte-Flavie (0731 P) and Saint-Jean-Baptiste (0719 SD).
- A.11 Conglomeration of Montréal : the territory of the municipalities of Côte Saint-Luc (6508 C), Hampstead (6528 V), Montréal-Ouest (6504 V), LaSalle (6502 C), Montréal (6546 V), Mont-Royal (6531 V), Outremont (6529 C), Saint-Jean-de-Dieu (6549 P), Saint-Laurent (6534 C), Saint-Pierre (6506 V), Verdun (6501 C) and Westmount (6526 C).
- A.12 Conglomeration of the West of Montréal : the territory of the municipalities of Baie-d'Urfé (6519 V), Beaconsfield (6518 C), Dollard-des-Ormeaux (6538 V), Dorval (6512 C), Kirkland (6516 V), Lachine (6509 C), Pierrefonds (6542 V), Pointe-Claire (6514 C), Roxboro (6539 V), Sainte-Anne-de-Bellevue (6521 V), Sainte-Geneviève (6541 V), Saint-Raphaël-de-l'Île-Bizard (6544 P) and Senneville (6524 VL) with the exception of that of the territory of the Montréal International Airport at Dorval.
- A.13 Conglomeration of Rivière-du-Loup : the territory of the municipalities of Rivière-du-Loup (0834 C) and Saint-Patrice-de-la-Rivière-du-Loup (0832 P).
- A.14 Conglomeration of Saint-Eustache : the territory of the municipalities of Deux-Montagnes (7304 C), Saint-Eustache (7303 V) and Sainte-Marthe-sur-le-Lac (7306 V).
- A.15 Conglomeration of Saint-Jérôme : the territory of the municipalities of Bellefeuille (6326 P), Lafontaine (6329 VL), Saint-Antoine (6324 V) and Saint-Jérôme (6328 C).
- A.16 Conglomeration of Sorel : the territory of the municipalities of Sainte-Anne-de-Sorel (5016 P),

Saint-Joseph-de-Sorel (5019 V), Saint-Pierre-de-Sorel (5022 P), Sorel (5018 C) and Tracy (5021 V).

- A.17 Conglomeration of Terrebonne : the territory of the municipalities of Lachenaie (6201 V), Mascouche (6208 V), Saint-Louis-de-Terrebonne (6301 P) and Terrebonne (6302 V).
- A.18 Conglomeration of Thetford-Mines : the territory of the municipalities of Thetford-Mines south part (2708 CT) and Thetford-Mines (2709 C).
- A.19 Conglomeration of Victoriaville : the territory of the municipality of Victoriaville (3431 V).
- A.54 Conglomeration of Sainte-Thérèse : the territory of the municipalities of Blainville (6308 V), Boisbriand (6312 V), Bois-des-Filion (6306 VL), Lorraine (6304 V), Rosemère (6311 V) and Sainte-Thérèse (6309 C).

GROUP II

- A.23 Conglomeration of Beloeil : the territory of the municipalities of Beloeil (5701 V), McMasterville (5704VL), Otterburn Park (5224V) and Mont-Saint-Hilaire (5227 V).
- A.24 Conglomeration of Saint-Bruno : the territory of the municipalities of Saint-Basile-le-Grand (5601 V) and Saint-Bruno-de-Montarville (5608 V).
- A.25 Conglomeration of Charlesbourg : the territory of the municipalities of Charlesbourg (2037 V) and Saint-Dunstan-du-Lac-Beauport (2042 P).
- A.26 Conglomeration of Châteauguay : the territory of the municipalities of Beauharnois (7006 C), Châteauguay (6917 V), Léry (6912 V), Maple Grove (7008 V) and Melocheville (7009 VL).
- A.28 Conglomeration of Dolbeau-Mistassini : the territory of the municipalities of Dolbeau (9038 V) and Mistassini (9035 V).
- A.29 Conglomeration of Drummondville : the territory of the municipalities of Drummondville (4135 C) and Drummondville-Sud (4131 V).
- A.30 Conglomeration of the East of Québec : the territory of the municipality of Beauport (2007 V).
- A.31 Conglomeration of Gaspé : the territory of the municipality of Gaspé (0230 C).
- A.33 Conglomeration of Granby : the territory of the municipality of Granby (3912 C).
- A.34 Conglomeration of Hull : the territory of the municipalities of Hull (7911 C) and Hull west part (7808 CT).
- A.35 Conglomeration of Lévis-Lauzon : the territory of the municipalities of Lauzon (2109 C), Lévis (2119 V) and Saint-David-de-l'Auberivière (2121 V).
- A.36 Conglomeration of Québec : the territory of the municipalities of Loretteville (2132 C), Québec (2014 V) and Vanier (2021 V).
- A.37 Conglomeration of Rimouski : the territory of the municipalities of Rimouski (0739 C), Rimouski-Est (0741 V) and Sainte-Anne-de-la-Pointe-au-Père (0736 P).
- A.38 Conglomeration of Sainte-Foy-Sillery : the territory of the municipalities of Ancienne-Lorette (2041 V), Saint-Augustin-de-Desmaures (2901 P), Saint-Félix-du-Cap-Rouge (2019 P), Sainte-Foy (2017 V) and Sillery (2016 C), with the exception of the territory of the Sainte-Foy Airport.
- A.39 Conglomeration of Saint-Hyacinthe : the territory of the municipalities of la Présentation (5119 P), Saint-Hyacinthe (5110 V), Sainte-Rosalie (4019 P), Sainte-Rosalie (4021 VL) and Saint-Thomas (5118 P).
- A.40 Conglomeration of Trois-Rivières : the territory of the municipalities of Cap-de-la-Madeleine (3211 C), Sainte-Marthe-du-Cap-de-la-Madeleine (3209 SD), Trois-Rivières (4302 C) and Trois-Rivières Ouest (4301 V).
- A.41 Conglomeration of Saint-Jean : the territory of the municipalities of Iberville (5318 V) and Saint-Jean (5513 C).
- A.42 Conglomeration of Shawinigan : the territory of the municipalities of Baie-de-Shawinigan (4322 VL), Grand'Mère (3240 C), Saint-Boniface-de-Shawinigan (4326 VL), Saint-Georges (3239 VL), Saint-Théophile (3236 P), Shawinigan (4319 C) and Shawinigan-Sud (3234 V).
- A.43 Conglomeration of Sherbrooke : the territory of the municipality of Sherbrooke (3608 C).
- A.44 Conglomeration of Valleyfield : the territory of the municipalities of Salaberry-de-Valleyfield (7016 C), Saint-Timothée Village (7012 VL), Saint-Timothée Paroisse (7011 P) and Grande Île (7018 SD).
- A.55 Conglomeration of Gatineau : the territory of the municipality of Gatineau (7905 V).

GROUP III

- A.45 Conglomeration of Amos : the territory of the municipalities of Amos (8430 V) and Amos-Est (8424 SD).

- A.46 Conglomération de Chibougamau : the territory of the municipality of Chibougamau (9904 V).
- A.47 Conglomération de Matagami : the territory of the municipality of Matagami (9911 V).
- A.48 Conglomération de Rouyn-Noranda : the territory of the municipalities of Noranda (8338 C) and Rouyn (8331 C).
- A.49 Conglomération de Val d'Or : the territory of the municipality of Val d'Or (8403 V).

GROUP IV**GROUP V**

- A.53 Conglomération de Sept-Îles : the territory of the municipalities of Moisie (9709 SD) and Sept-Îles (9711 C).

GROUP VI

- A.20 Conglomération of Alma : the territory of the municipality of Alma (9325 V).
- A.21 Conglomération of Côte-Nord : the territory of the municipalities of Baie-Comeau (9718 V), Haute-Rive (9716 V) and Pointe Lebel (9723 VL).
- A.27 Conglomération of La Baie : the territory of the municipality of La Baie (9410 V).
- A.50 Conglomération of La Tuque : the territory of the municipality of La Tuque (3270 V).
- A.51 Conglomération of West of Saguenay : the territory of the municipality of Jonquière (9425 V).
- A.52 Conglomération of Saguenay : the territory of the municipality of Chicoutimi (9420 V).

DIVISION II**CONURBATIONS OF QUÉBEC AND MONTRÉAL**

The conurbation of Québec is composed of the conglomerations of Québec, Sainte-Foy and the territory of the Sainte-Foy Airport.

The conurbation of Montréal is composed of the conglomerations of Montréal, West Island Montréal, East Island Montréal and the territory of the Montréal International Airport at Dorval.

SCHEDULE B

(s. 22)

FORM I**Receipt**

Date

I have received the sum of

..... \$ from

for transport by taxicab

in

chauffeur No.

owner No.

SCHEDULE C

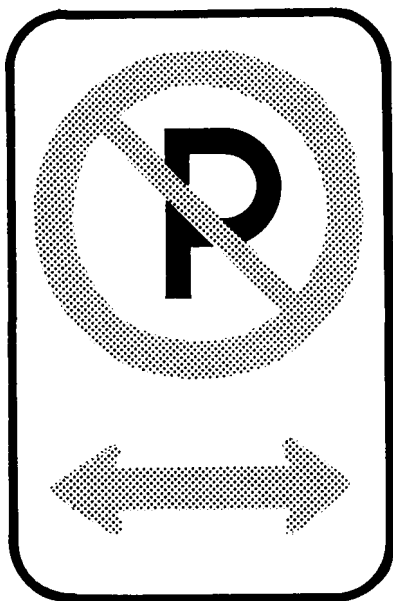
(s. 51)

The following offences are designated for the purposes of subparagraph vi of paragraph a of section 51 :

offences under sections	number of time
3	2
7	2
10	2
13	3
14	3
20	3
21	3
22	3
25, subsection 1	2
25, subsection 4	2
26	2
27	2
28	2
29	2
32	3
36	3
37	3
38, paragraph a	2
38, paragraph b	3
38, paragraph c	3
38, paragraph d	3
39	2
48	2
54	2
55	2
58	2
84	2
85	2.

SCHEDULE D

(s. 33)

TAXI STAND SIGNS**Description**

The letter P and the sides shall be black.

The arrow, circle and stripe crossing the letter P shall be red.

The panel shall be white.

The dimensions and material of the panel shall be the same as those of panel A-31 described in General Instructions for the Québec Road Signs Systems (Ministère des Transports).

**Description**

The colour of letters and signs, the dimensions and material of the panel shall be the same as those of panel A-35 described in General Instructions for the Québec Road Signs System (Ministère des Transports).



Indicates the number of taxicabs

SCHEDULE E*(s. 1)*

The area of Fermont composed of the townships of Basset, Esmenville, Normandville, Lislois, Saint-Castin, Gueslis, Desjourdy, Malapart, Bergeron, Leduc, Courchesne, Beaudoin, Cabanac, Hind, Legal, Guillimin, Tilly, Noré, Racicot, Stagni, Falaise, in the electoral township of Duplessis, shall be designated a closed area.

O.C. 3495-73, (1973) 105 O.G.II, 5583
O.C. 3906-73, (1973) 105 O.G.II, 5795
O.C. 3907-73, (1973) 105 O.G.II, 5797
O.C. 4760-73, (1974) 106 O.G.II, 55
O.C. 4761-73, (1974) 106 O.G.II, 57
O.C. 549-74, (1974) 106 O.G.II, 581
O.C. 2064-74, (1974) 106 O.G.II, 3065
O.C. 2182-74, (1974) 106 O.G.II, 3121
O.C. 2691-74, (1974) 106 O.G.II, 3691
O.C. 193-75, (1975) 107 O.G.II, 805
O.C. 5226-75, (1975) 107 O.G.II, 6003
O.C. 118-76, (1976) 108 O.G.II, 1183
O.C. 2330-77, (1977) 109 O.G.II, 3823
O.C. 85-78, (1978) 110 G.O., 821
O.C. 2532-78, (1979) 111 G.O., 2367
O.C. 2622-78, (1979) 111 G.O., 421
O.C. 3780-78, (1979) 111 G.O., 2921
O.C. 984-79, (1979) 111 G.O., 6385
O.C. 1208-81, (1981) 113 G.O.II, 1483



c. T-12, r.23

Regulation respecting the seasonal transport of persons

Transport Act
(R.S.Q., c. T-12, s. 36)

DIVISION I GENERAL PROVISIONS

1. In this Regulation, unless the context indicates otherwise, the following words and expressions mean :

- (a) “permit” : a permit issued under this Regulation ;
- (b) “seasonal transport” : the regular or irregular transport of persons and their baggage, during a period of the year determined by the Commission des transports du Québec, to enable such persons to participate in group activities, in particular religious, educational, cultural, athletic or recreational activities, excluding pupil transport effected under a contract granted by a school board, a general and vocational college, a private institution or any other teaching establishment.

2. This Regulation is a transport regulation and, unless the context indicates otherwise, the words and expressions defined in section 1 of the Transport Act (R.S.Q., c. T-12), in section 1 of the Highway Code (R.S.Q., c. C-24) and in the Regulation respecting the interpretation of transport regulations (c. T-12, r. 7), are part of this Regulation and have the meaning indicated in the said Acts or Regulation each time they are used in this Regulation.

DIVISION II SEASONAL TRANSPORT PERMITS

§1. General provisions

3. No person may provide a seasonal transport service unless he is the holder of a permit for that purpose and such permit is in force.

4. The Commission may issue a permit in the name of a person domiciled in Québec or who has had in Québec for at least 12 months a place of business determined as such by the Government.

5. (1) No person may obtain a permit unless his application is accompanied by the following documents :

- (a) the statements of the applicant’s last fiscal year or his opening balance-sheet, as the case may be, unless it has already been furnished to the Commission ;
- (b) a copy of the agreement or contract made with the applicant for effecting such transport, where applicable ; and
- (c) a detailed description of the motor vehicles the applicant intends to use for such purpose.

(2) Every permit holder who replaces a motor vehicle contemplated in paragraph c of subsection 1 must cause the change to be registered at the Commission.

6. No permit may be issued for a period of less than one month or for less than 10 trips.

7. The General Order respecting special or chartered trips (c. T-12, r.25), including amendments shall not apply to a permit holder when acting under such permit.

8. Every holder of a public transport permit who carries on a public transport service in the region in which the seasonal transport permit is required may object thereto and may request by his opposition that such permit be issued in preference to him, provided he is able to furnish the same service on the same conditions and at a price acceptable to the Commission.

9. The Commission may determine the routes or timetables according to which a seasonal transport service must be provided.

10. Every permit holder must submit to the Commission, within 30 days from the date of expiry of the permit, a report on its operations in the form prescribed for such purpose.

11. The Commission may authorize the transfer of a seasonal transport permit to a person who fulfills the conditions for obtainment and holding of such permit.

12. No person may obtain or hold a permit authorizing him to provide a seasonal transport service to or from an airport terminal.

§2. Classes of permits

13. The seasonal transport permit is a permit of the “economy class”, a permit of the “regular class” or a permit of the “specialized class”.

14. The seasonal transport permit of the “economy class” shall authorize and bind its holder to provide, in accordance with its terms, a seasonal transport service by means of a bus mounted on a truck chassis. For the purposes of this section, the expression “bus mounted on a truck chassis” means school buses and mini-buses.

15. The seasonal transport permit of the “regular class” shall authorize and bind its holder to provide, in accordance with its terms, a seasonal transport service by means of a bus which is not a bus contemplated in sections 14 and 16 and in which at least 24 passengers may be seated.

16. The seasonal transport permit of the “specialized class” authorizes and binds its holder to provide, in accordance with its terms, a seasonal transport service by means of a bus designed for the transport of handicapped persons.



c. T-12, r.24

Regulation respecting foreign carriers

Transport Act
(R.S.Q., c. T-12, ss. 5 and 36)

1. (1) No permit is prescribed for the transporting of the goods referred to in subsection 2, for direct or indirect remuneration, from a point on the boundaries of the territory of Québec, along the Québec-Maine border, to another point within this territory, and vice-versa, where :

(a) the vehicle used for the transporting is duly registered in Québec or Maine ;

(b) the point of origin of the transported goods is in Maine, within a 160-kilometre radius of the Québec-Maine border, and their final destination is in Québec, within a 160-kilometre radius of the Québec-Maine border, or vice-versa for the point of origin and destination ;

(c) the carrier is authorized, by permit or otherwise, to do such transporting in the place where his vehicle is registered ;

(d) the person in charge of the vehicle used for the transporting holds proof of having liability insurance for at least 50 000 \$ from either Québec or Maine.

(2) Subsection 1 applies to sawed lumber, pulpwood, and logs.



c. T-12, r.25

General Order respecting special or chartered trips

Transport Act
(R.S.Q., c. T-12)

1. Definitions : For the purpose of this Order, the terms used shall be defined as follows :

(a) a trip is described as a “chartered-trip” when an autobus service is hired for the exclusive use by a group, travelling on a specified route, at a pre-determined time and date, at a flat rate for the round-trip, regardless of the number of passengers ;

(b) a trip is described as a “special” trip when an autobus service is hired for the transportation of travellers, at a fixed rate per passenger :

i. on a route served by the operator, but at times not scheduled in its regular time-table ;

ii. on a route which the operator is not authorized to serve ;

(c) “terminal point” : the locality where a distinct route service ends ;

(d) “common terminal point” : the locality where bus services operated by different carriers end ;

(e) “urban service” : an autobus service operated within the limits of a municipality ;

(f) “route” : the route which the permit holder has the right to follow, when transporting passengers by autobus, on a regular basis, between 2 terminals. These 2 terminals are included in the route ;

(g) “local service” : a service for the conveyance of passengers, on a specified route, or between localities situated on part of a route, provided the permit is not restricted accordingly ;

(h) “operator” : the permit holder of the Commission des transports du Québec, authorized to transport passengers by autobus ;

(i) “point” : the territory of a municipality with the exception of the territory of an airport comprised in such municipality, if any, or the territory of such airport.

2. Chartered trip : Unless prohibited from doing so by his permit from the Commission, an operator who gives a

public service for the transportation of passengers by autobus, on a regular route and according to time-tables filed with the Commission, and which service is not restricted to the transportation of a particular group of passengers but authorizes the conveyance of the general public, may hire an autobus service, to give a chartered trip, provided said trip is effected on the following conditions :

(a) from a point on a route which he is authorized to serve in virtue of a local service, to any other point on the said route ;

(b) from a point on a route, which he is authorized to serve in virtue of a local service, except from a common terminal point, to any point ;

(c) from a terminal point on a route which he is authorized to serve, when said point is a common terminal point, or from a point which he serves in virtue of an urban service, to whatever point, provided the point of origin and point of destination of the trip are not directly connected by the regular autobus service of another operator, on a route authorized by the Commission ;

(d) from a point at least 10 miles distant from any authorized autobus route, to any point whatever ;

(e) from a point which he is authorized to serve, to any other point, with the written consent of the operator who has the right to accomplish the trip, in accordance with section 8 ;

(f) to another operator, for a return trip, when exceptionally, in case of emergency or *force majeure*, the latter has no vehicle available to transport passengers on his route, in accordance with his regular scheduled services ;

(g) to another operator, in order to complete a trip, when because of mechanical breakdowns on a vehicle, this operator is unable to transport his passengers to destination.

3. Special Trip : Unless prohibited from doing so by his permit from the Commission, an operator who is authorized to give a public service, for the transportation of passengers by autobus, on a regular route and according to time-tables filed with the Commission, and which service is not restricted to the transportation of a particular group of passengers but authorizes the conveyance of the general public, may hire an autobus service, for a special trip, provided said trip is accomplished on the following conditions :

(a) on a route or between points which he serves, in order to comply with a special request from the users of the regular service ;

(b) from a point which he serves in virtue of a local service, including a common terminal point, and from a point which he serves in virtue of an urban service, to any point whatever, provided the point of origin and the point of destination of the trip are not directly connected by the regular autobus service of another operator, according to a route authorized by the Commission.

4. Permit of the Commission des transports du Québec : In all cases not mentioned in sections 2 and 3, no special or chartered trips shall be accomplished by an operator, unless he has previously obtained a permit from the Commission, to that effect.

Any request for a permit for a chartered or special trip shall be deposited with the Commission, within a reasonable delay, before the date fixed for said trip and shall include the following details :

- (a) the point of origin and point of destination of the trip ;
- (b) the time and date of departure and return ;
- (c) the number of passengers carried ;
- (d) the name of charterer (in the case of a chartered trip) ;
- (e) the number of vehicles used and registration of each vehicle ;
- (f) the price charged ;
- (g) the name of operator or operators on whose route the trip is accomplished, in whole or in part ;
- (h) the reason why the operator authorized to accomplish the trip is unable to do so.

When a special or chartered trip is effected in virtue of an authorization granted by the Commission, a certified copy of said authorization shall remain in the possession of the driver of the vehicle during the entire time of the special or chartered trip.

5. General regulations : All special or chartered trips accomplished by an operator, whether in virtue of this Order or following a special authorization from the Commission, shall be subject to the following conditions :

(a) the hiring of an autobus service for a special or chartered trip shall not be repetitive, so as to constitute a regular service ;

(b) passengers shall complete the round-trip without stop-over, except for refreshment and rest on the road and, at destination, for the purposes of the trip ;

(c) a copy of the contract or a report of the trip shall be filed with the Commission, within a period of 7 days after completion of the trip. Said report shall include the following information :

- i. the name of operator ;
- ii. the name of charterer ;
- iii. the point of origin and point of destination of the trip ;
- iv. the number of autobus hired and registration of each vehicle ;
- v. the number of passengers carried ;
- vi. the number of miles covered ;
- vii. the time and date of departure and return ;
- viii. the price charged per vehicle or per passenger transported, as the case may be.

6. Contract : When a chartered trip is effected in virtue of the general provisions of this Order, the contract covering the leasing of the autobus service shall always be made in writing and shall be signed by both parties. A certified copy of said contract shall be filed with the Commission, in accordance with section 5, and another certified copy shall remain in the possession of the driver of the autobus, during the entire chartered trip.

7. Tarif : The price charged by an operator for a special or a chartered trip shall be in conformity with the rates which he has deposited with the Commission or which have been fixed by the Commission, in accordance with the Transport Act (R.S.Q., c. T-12).

8. Appointment of an agent : When a chartered trip is effected with the written consent of the operator authorized to give such a service, in accordance with paragraph e of section 2, the operator wishing to accomplish this trip shall proceed in the following manner.

When an operator receives a request for the leasing of an autobus service for a special or a chartered trip, originating at a point which he serves but for which trip, according to the terms of this Order, he has not the right to act as the lessor of the service, he may, nevertheless, sign the contract as the agent of the operator who will have the exclusive right to accomplish the trip, on the following conditions :

(a) he shall sign the contract for the leasing of the autobus service at the rates filed by the operator who has the right to effect such a trip ;

(b) he shall offer to the operator, who has the exclusive right to accomplish the proposed trip, to execute the contract ;

(c) if the operator who has the right to execute the contract agrees to do so, he shall pay to the operator who has signed it a 10% commission and shall agree to fulfill the conditions laid down by the operator who has signed the contract, towards the charterer of the service ;

(d) if the operator who has exclusive right to effect the trip refuses to execute the contract, the operator who has signed it will then be able to execute it, in the terms stipulated therein.

9. Terminal : For the purpose of this Order :

(a) Montréal shall include : Montréal, Westmount, Outremont, Verdun, Montréal-Ouest, Saint-Laurent, Montréal-Est, Mont-Royal, Hampstead and Côte Saint-Luc ;

(b) Trois-Rivières shall include : Trois-Rivières, Trois-Rivières-Ouest, Cap de la Madeleine ;

(c) Lévis shall include : Lévis, Lauzon, Saint-Romuald ;

(d) Chicoutimi shall include : Chicoutimi and Rivière du Moulin ;

(e) Kénogami shall include : Kénogami and Jonquière ;

(f) Rouyn shall include : Rouyn, Noranda ;

(g) Bourlamaque shall include : Bourlamaque and Val d'Or ;

(h) Shawinigan shall include : Shawinigan, Shawinigan-Sud and La Baie ;

(i) Drummondville shall include : Drummondville, Drummondville-Sud, Drummondville-Nord and Grantham-Ouest ;

(j) Saint-Hyacinthe shall include : Saint-Hyacinthe, La Providence, Notre-Dame de Saint-Hyacinthe, Saint-Joseph, Village Casavant and Douville ;

(k) Sherbrooke shall include : Sherbrooke and Lennoxville.

10. The said Order shall not apply to an express transport of persons by autobus when such transport is carried out by virtue of a contract agreed upon between the Société des Traversiers du Québec and a carrier, for the pur-

pose of temporarily replacing the transport service ordinarily provided by the Société des Traversiers du Québec.

11. Notwithstanding any provision contrary to or inconsistent with the Regulation respecting motor vehicle registration (c. C-24, r.16), the fee payable for the registration of an autobus engaged in the transportation contemplated in section 10 shall be the same as that payable for the registration of an autobus engaged in the transportation of pupils.

12. The said Order shall not apply to charter-party trips from a place situated at the limits of Québec to another place situated in Québec where :

(a) the vehicle used for such transport is duly registered in a state or a province other than Québec ;

(b) the carrier responsible for such trip is authorized, under a permit or otherwise, to make such transport in the state or province in which his vehicle is registered ; and

(c) the place of origin and the final destination of the persons transported are situated outside Québec.

13. No security or duty is prescribed for providing the transport service contemplated in section 12.

14. This Order is a transport regulation and unless the context indicates otherwise, the words and expressions defined in the Regulation respecting the interpretation of transport regulations (c. T-12, r.7) and its amendments have the meaning indicated in that Regulation each time they appear in this Order.

15. (1) For the purposes of this section "chartered trips" includes outward trips, inward trips and return trips.

(2) Every person to whom this Order applies may carry out chartered trips to or from or to and from the Montréal International Airport at Mirabel regularly or irregularly provided that such trips originate from a place which he is authorized to serve by regular service or by chartered trip, or terminate at such a place.

(3) Subsection 2 applies to every transport commission constituted under a law of Québec as if that commission were the holder of a permit authorizing it to furnish public transport services.

(4) This section remains in force until 1 September 1982.

General Order 17 of 19.03.70

O.C. 4379-73, (1973) 105 O.G.II, 6459
O.C. 4762-73, (1974) 106 O.G.II, 65
O.C. 2425-75, (1975) 107 O.G.II, 3117
O.C. 5227-75, (1975) 107 O.G.II, 6009
O.C. 606-76, (1976) 108 O.G.II, 1917
O.C. 1886-76, (1976) 108 O.G.II, 3487
O.C. 3399-76, (1976) 108 O.G.II, 6293
O.C. 3530-77, (1977) 109 O.G.II, 5719
A.C. 2981-79, (1979) 111 G.O.II, 6983



c. T-16, r.1

**Règlement sur les allocations de frais de
voyages des juges**

Courts of Justice Act
(R.S.Q., c. T-16)

See French Edition



c. T-16, r.2

Regulation respecting the application of the retirement plan and pension plan prescribed in Part VI of the Courts of Justice Act

Courts of Justice Act
(R.S.Q., c. T-16, s. 246)

1. In this Regulation, the following words mean :

(a) “plan” : the retirement plan and pension plan prescribed in Part VI of the Courts of Justice Act (R.S.Q., c. T-16) ;

(b) “Commission” : the Commission administrative du régime de retraite established under section 15 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) ;

(c) “Act” : the Courts of Justice Act.

2. The payment of a pension granted under the plan is made every 14 days, in the same manner and on the same dates as those provided for in the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11).

3. The payment of the contributory amount provided for by the plan is made by deducting an amount of each payment of the judge’s salary.

The Ministère de la Justice remits to the Commission every month, no later than the 15th of each month, the contributory amounts of each judge for the preceding month in order that they be paid into the consolidated revenue fund.

4. The rate for the computation of interest in the cases contemplated in sections 231, 240, 242 and 244 of the Act is fixed at 6% compounded annually.

5. The payment of the amounts provided for in the second paragraph of section 244 of the Act may be made over a period of not more than 10 years following an agreement between the judge and the Commission ; in such case, the debt contracted by the judge shall bear interest at a rate of 6% per year.

6. For the application of section 236 of the Act,

(a) the expression “teaching institution” means :

i. an institution contemplated in paragraph *a* of section 1 of the Act respecting the Teachers Pension Plan ;

ii. an institution declared to be of public interest or recognized for purposes of grants by the Minister of Education, under the Act respecting private education (R.S.Q., c. E-9), and an institution holding a permit under the said Act ;

iii. the University of Québec, its constituent universities and higher educational and research establishments under the University of Québec Act (R.S.Q., c. U-1) ;

iv. any university establishment within the meaning of subparagraphs 1, 2 and 3 of paragraph *a* of section 1 of the University Investments Act (R.S.Q., c. I-17) ;

v. any institution located outside Québec and offering regular courses similar to the courses offered by the institutions mentioned in subparagraphs i, ii, iii and iv ;

(b) the expression “disability” means a state of disablement resulting from illness or accident, requiring medical care and rendering the child totally incapable of carrying out any work.

O.C. 73-79, (1979) 111 G.O., 4411
O.C. 577-79, (1979) 111 G.O., 4425



c. T-16, r.3

Regulation respecting the attendance allowance and reimbursement of justifiable expenses incurred in the performance of their duties by the members of the Conseil de la magistrature who are not judges

Courts of Justice Act
(R.S.Q., c. T-16, s. 250)

1. The attendance allowance applicable to members of the Conseil de la magistrature who are not judges is set at 150 \$ for each day of sitting in which they participate or at 75 \$ for each half-day of sitting in which they participate.

2. Accommodation and travelling expenses incurred by members of the Conseil de la magistrature who are not judges in the performance of their duties shall be reimbursed in accordance with the *Règles sur les frais de déplacement du personnel engagé à honoraires* (c. A-6, r. 17).



c. T-16, r.4

Regulation respecting fringe benefits for judges of the Court of the Sessions of the Peace, the Youth Court and the Provincial Court

Courts of Justice Act
(R.S.Q., c. T-16)

- 1.** This Regulation is adopted pursuant to section 108.3 of the Courts of Justice Act (R.S.Q., c. T-16).
- 2.** The life, sickness, accident, and salary insurance protection plan for senior staff of the civil service described in the *Règlement sur les conditions de travail des cadres supérieurs et des adjoints aux cadres supérieurs* (c. F-3.1, r.6) shall apply to judges of the Court of the Sessions of the Peace, the Youth Court and the Provincial Court.
- 3.** The contribution of the judges shall be fixed in accordance with the standards applied to senior staff of the civil service.



c. T-16, r.5

Regulation respecting the procedure for the selection of persons apt for appointment as judges

Courts of Justice Act
(R.S.Q., c. T-16)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise, the following words mean :

(a) “court” : the Provincial Court, the Court of the Sessions of the Peace, the Youth Court or the Municipal Court of Laval, Montréal or Québec ;

(b) “co-ordinator” : the co-ordinator for the application of this Regulation designated by the Minister ;

(c) “Minister” : the Minister of Justice.

DIVISION II NOTICE OF POSITIONS TO BE FILLED

2. When a judge must be appointed, the Minister shall publish then or during the 6 months preceding the vacancy that must be filled, a notice in the journal of the Barreau du Québec or in a national, regional or local newspaper inviting interested persons to submit their candidacy for the selection procedure and informing all persons that they may propose the candidacy of a person that they consider apt to perform a judge's duty.

However, when a new vacancy occurs less than 3 months after being filled, the Minister is not obliged to publish a new notice if there are persons apt for appointment as judges to that court under section 22.

3. The notice shall indicate :

(a) the court where there is a vacancy ;

(b) the judicial district and place where the residence of the judge will be established ;

(c) the date before which a person must submit his candidacy to the co-ordinator.

The notice may also indicate the fact that the judge will perform his duties as a member of an agency or an administrative court, in particular the Labour Court.

4. The notice shall be forwarded by the co-ordinator to the chief judge and to the senior associate chief judge of the court where there is a vacancy, to the Conseil de la magistrature as well as to the Bâtonnier of the Province of Québec.

DIVISION III CANDIDACY FOR SELECTION PROCEDURE

5. A person who satisfies the requirements established by the Act submits his candidacy for the selection procedure by forwarding to the co-ordinator his curriculum vitae accompanied by a recent photograph and containing the following information :

(a) his name as well as the address and telephone number of his office and of his residence ;

(b) his date of birth ;

(c) the date of his admission to the Bar ;

(d) the proof of his entry on the roll of the Barreau du Québec and the section to which he belongs or, where applicable, the reasons why he is not entered on the roll ;

(e) the number of years that he has practised law and the principal areas of law in which he has concentrated his practice ;

(f) if he has not practised law for at least 10 years, the nature of the professional activities that he considers to have enabled him to acquire pertinent legal experience after obtaining his certificate of competence to practise the profession of advocate and the number of years that he has exercised those activities ;

(g) where applicable, any disciplinary decision rendered against him by a competent agency of the Bar or by the Professions Tribunal as well as the nature of and reasons for such decision ;

(h) where applicable, the name of his employers for the last 10 years ;

(i) the court and, where applicable, the position for which he is submitting his candidacy ;

(j) a statement summarizing the reasons why he wishes to be appointed judge.

6. All persons and in particular each section of the Bar may submit in writing to the Minister or to the co-ordinator the name of any person that they consider apt to perform a judge's duties.

The co-ordinator shall accept such candidacy only after having obtained the consent of that person. The latter must then satisfy the requirements of section 5.

The co-ordinator may not disclose to the candidate the name of the person who proposed him without the written consent of the latter.

7. A candidate is deemed to have accepted that an investigation be carried out with respect to him with the Bar and with police authorities.

8. If the file of the candidate is complete, the co-ordinator forwards it to the selection committee contemplated in Division IV and informs the candidate thereof.

DIVISION IV SETTING UP OF SELECTION COMMITTEE

9. Following publication of the notice contemplated in section 2, the Minister shall set up a selection committee.

However, for the judicial districts of Montréal and Québec, the Minister may set up on 1 January of each year a selection committee that replaces the committee referred to in the first paragraph with respect to notices published during the year to fill judges' positions whose residence will be established in those judicial districts.

Except where the Minister requests it to do so, a committee set up under the second paragraph does not deal with cases where the judges to be appointed will perform their duties as members of an agency or an administrative court. Such cases are then dealt with by a committee set up under the first paragraph and section 10.

10. A selection committee is composed of 3 persons appointed by the Minister including a chairman :

(a) a judge of the court where there is a vacancy, on the recommendation of the chief judge or the senior associate chief judge as the case may be ;

(b) an advocate appointed after consultation with the Barreau du Québec ;

(c) a person who is neither a judge nor an advocate.

The Minister may appoint, in accordance with the procedure set out in the first paragraph, a person to act as substitute for each of the members of the committee when the member is absent or disqualifies himself.

11. A member of a committee must disqualify himself with respect to a candidate :

(a) if he is a relative of or related to the degree of cousin-german inclusively with such candidate ; or

(b) if that candidate is or was an associate, an employer or an employee.

12. Each member of the committee and the co-ordinator must take the oath of discretion provided in Schedule A.

13. A person may be appointed member of several committees simultaneously.

DIVISION V FUNCTIONING OF THE COMMITTEE

14. The co-ordinator forwards to the chairman of the committee the list of candidates and their files.

15. The committee calls each of the candidates to an interview.

If an interview cannot be arranged, the committee must indicate this in its report to the Minister and give the reasons why.

16. The chairman decides the date and place where the meetings of the committee will be held. He informs the candidate or requests the co-ordinator to do so.

17. The meetings of the committee with the candidates must be held without any publicity and at a location and at times such that the meetings are held with discretion.

DIVISION VI SELECTION CRITERIA

18. The committee determines the competence of the candidate for appointment as a judge. For that purpose, it assesses the personal and intellectual qualities of the candidate as well as his experience.

The committee assesses, in particular, the candidate's degree of legal knowledge in the areas of law in which the judge will perform his duties, as well as his capacity for judgment, his insight, his ability for evaluation, his sense of decision and his concept of a judge's duty.

DIVISION VII REPORT OF THE COMMITTEE

19. The committee submits its report to the Minister as soon as possible.

20. Such report indicates the names of the candidates that the committee has interviewed and that it considers apt for appointment as judges.

It also contains any comment that the committee deems advisable to make in particular with respect to the special characteristics of the persons who qualify.

In addition, the report notes, where applicable, the fact that the committee has reasons to doubt that the state of health of a candidate permits him to occupy the office of judge.

21. A member may dissent from all or part of the committee's report.

22. The decision of a committee on the competence of a person for appointment as judge of a court is valid for any other position in that court for which a notice is given within 12 months following publication of the notice to which that person has responded.

A candidate may not apply again to that court during such period.

23. The co-ordinator keeps up-to-date the list of persons who have been declared apt for appointment as judges of a court.

24. When a committee has reported to the Minister, the co-ordinator writes to the persons who have been called by the committee to inform them of such fact and to specify until what date the decision of the committee in their respect will be valid, in accordance with section 22.

DIVISION VIII

COMPETENCE OF A JUDGE OF ONE COURT FOR APPOINTMENT AS JUDGE OF ANOTHER COURT

25. Despite the other provisions of this Regulation, a judge of one court is apt for appointment as judge of another court when the chief judges of each of those courts forward a notice to such effect to the Minister.

DIVISION IX

GENERAL PROVISIONS

26. If the Minister is of the opinion, after having received the report of a committee and having taken into account the list of persons apt for appointment as judges of a court, that he cannot, in the best interest of justice, recommend an appointment, he may publish another notice in compliance with the one contemplated in Division II.

The committee that made a report following the first notice then calls the persons who have submitted their candidacy following the second notice and reports to the Minister in accordance with this Regulation.

27. The names of candidates for the selection procedure, the report of a committee as well as the documents attached to a registration are confidential. Such documents are kept by the co-ordinator.

In particular, the decision and the comments of a committee with regard to a candidate are not communicated to the latter.

DIVISION X

INDEMNITIES AND ALLOWANCES OF MEMBERS OF A COMMITTEE

28. A member of a committee, except if he is a judge or he occupies an office or position within the fonction publique or an agency for which the appointment of members is the responsibility of the Government, receives fees of 100 \$ per one-half day of sitting that he attends.

29. A member of a committee is compensated for what it costs him to attend sittings of his committee, in accordance with the provisions applicable to judges.

However, even if he resides within the boundaries of the judicial district where that committee holds its sittings, a member of a committee sitting the whole day is entitled to payment of his noon meal. This rule applies also to evening meals in the case where a committee sits for a period of at least 1 hour and 30 minutes in the evening after having sat in the afternoon.

SCHEDULE A

(s.12)

OATH(OR DECLARATION) OF DISCRETION

I,
(name)

swear (or solemnly declare) that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in the discharge of my duties.

.....
(signature)

Sworn (or solemnly declared) before me, at

.....
this



c. T-16, r.6

Rules of practice of the Court of the Sessions of the Peace of Québec, penal and criminal jurisdiction

Courts of Justice Act

(R.S.Q., c. T-16)

Criminal Code

(R.S.C., 1970, c. C-34, s. 438)

DIVISION I

RULES OF PRACTICE APPLICABLE TO ALL JUDICIAL DISTRICTS IN QUÉBEC

§1. Definitions

1. A word or expression used in these Rules has the same meaning as that given in a definition contained in the Criminal Code or the Courts of Justice Act, where applicable.

2. Unless the context indicates otherwise, the following words mean :

(a) “parties” : the Queen, the prosecutor, the accused, the defendant or their representatives ;

(b) “Court” : the Court of the Sessions of the Peace ;

(c) “judge” : a judge of the Sessions or a judge of the Provincial Court.

§2. Access to records

3. The office of the clerk of the Court shall be open on all juridical days.

4. A record or an exhibit may be consulted only in the presence of the clerk or his authorized representative.

5. A record may only be withdrawn from the office of the clerk upon the request or authorization of a judge.

§3. Rolls for hearings

6. A general roll for hearings is drawn up under the authority of the Chief Judge or his representative as well as a special roll for hearings where the nature and duration of the enquiry or the trial can be estimated.

7. A roll shall mention the name of the judge who will preside at the hearing, the number of the record, the names of the parties and their counsel, the nature of the offence, and the date and place of the hearing.

8. On the day before the hearing, copies of the roll shall be made available for the use of the parties and at least 2 copies shall be given to the presiding judge.

9. The Chief Judge or his representative, the clerk or the master of the rolls under his authority, may add a case to a roll for hearing.

10. The master of the rolls shall see to the posting, in the Court House, of copies of the roll for each courtroom.

§4. Distribution of cases and sittings of the Court

11. The sittings of the Court are fixed by the Chief Judge or his representative.

12. The Chief Judge or his representative distributes the cases among those judges under his supervision and control.

§5. Postponements

13. Where a party anticipates that he will be unable to proceed on the date fixed by the Court, he must immediately notify the opposite party and the Chief Judge or his representative and apply for a postponement in writing, stating the reasons therefor, unless dispensed therefrom by the judge.

14. The application for postponement is presented to the judge with reasonable notice to the opposite party.

15. When an application for postponement is granted, the judge shall give the reasons for his decision which shall be entered in the minutes.

§6. The hearing

16. Sittings of the Court begin at the hour fixed by the Chief Judge or his representative.

17. All persons present rise when the judge enters the courtroom and remain standing until the judge is seated. When the hearing is suspended or adjourned, they again rise and remain standing until the judge has retired.

18. Every person addressing the Court or addressing a witness must rise unless dispensed therefrom by the judge.

19. A sitting of the Court begins with the calling of the roll by the clerk of the hearing upon the request of the judge.

20. While the Court is in session, it is forbidden to talk to anyone or to address the clerk of the hearing or to consult a record, except by leave of the judge.

21. During the conduct of the enquiry or the trial, the accused must remain at the prisoner's bench, except by leave of the judge.

22. The accused must rise during the reading of the charge against him and remain standing while the judge renders his judgment or pronounces sentence.

23. Anyone who requires the transfer of a case to another trial judge must first show to the satisfaction of the Court that the judge concerned accepts the case in question.

24. Only the clerk of the hearing may, with leave of the Court or the judge, see to it that a case which is not on the roll be brought before the Court.

25. The Court staff must be in the courtroom at the opening of each sitting and remain there during the time of the hearing.

26. Except in the case of a postponement, the clerk of the hearing must make a report to the Chief Judge of any other reason why a case has not been proceeded with.

27. The stenographer, stenotypist or court secretary must record the depositions, the admissions which are dictated to him, objections to evidence, the arguments and the decisions.

28. Where the judge requires that the notes be transcribed, the stenographer, stenotypist or the court secretary must provide the transcription within 30 days, unless the judge decides otherwise according to the circumstances.

§7. Order and dress

29. Anything which is derogatory to the decorum and good order of the Court is forbidden.

30. The reading of newspapers, the taking of photographs, sketching, cinematography and radio and television broadcasting are prohibited in Court.

31. No one may appear in Court unless he is suitably dressed.

32. During a preliminary hearing or a trial, unless the judge otherwise orders, no advocate shall address the Court unless wearing either :

(a) black gown, black jacket and dark trousers with white shirt, collar and bands ; or

(b) black gown and dark suit with white shirt and dark tie.

A woman advocate shall wear black gown over a dark long-sleeved garment, with or without bands.

Articled students shall wear black gown and dark suit.

§8. Divisions of the Court

33. The Chief Judge or his representative shall fix the divisions of the Court and determine the number of court-rooms.

34. The Chief Judge or his representative shall designate the judge who is to preside over a division of the Court.

§9. Appearance and withdrawal of attorney

35. The attorney of record may be represented by one of his partners or by another duly authorized attorney.

36. An attorney who is aware that his client will fail to be present in the courtroom upon the calling of his name must present himself before the Court.

37. An attorney who has appeared on behalf of an accused who is awaiting trial may not withdraw unless he obtains leave of the judge upon filing an application therefor.

§10. Motions

38. Every motion shall be made in writing and shall set forth the facts and the grounds invoked in support thereof and be supported by an affidavit.

39. Unless the judge otherwise decides, a motion shall be served on the opposite party or his attorney with a notice of presentation of at least 3 clear days.

40. Any motion which is not filed at the office of the Court at least one clear day before the date provided for its presentation may have its entry on the roll refused by the judge.

41. Every service on an attorney shall, in the case of the prosecution, be made at the office of the Attorney-General's representative for the district concerned and, in the case of the attorney for the accused, at his elected domicile.

§11. Applications to the Court

42. Whenever a provision of law stipulates that a party may, upon application to the Court, require that the latter rule upon an order after hearing the accused and the prosecutor, the application must be heard and decided in a courtroom during the sitting of the Court.

43. In the case provided in section 664 of the Criminal Code, the application is made in the form of a motion filed in the Court that issued the order. The applicant consults the office of the judge concerned for the date and hour of filing of the application.

Immediately a motion is contested, the clerk of the Court notifies the parties of the date, hour and place of the hearing fixed by the Court, unless the parties can be heard during that sitting.

44. In the case provided in section 665 of the Criminal Code, the application is made by motion filed in the Court.

DIVISION II

ADDITIONAL RULES OF PRACTICE, APPLICABLE TO THE JUDICIAL DISTRICTS OF MONTRÉAL AND QUÉBEC

§1. General

45. The rules of practice in this Division apply to the judicial districts of Montréal and Québec and complete those provided in Division I.

§2. Cancellation of witnesses

46. Only the Attorney-General's representative, the accused or his attorney, may request the cancellation of witnesses in a case entered on the roll for trial or enquiry.

47. Notwithstanding sections 39 and 40, such request shall be made by motion filed in the Practice Division at least 8 clear days before the date fixed for the trial or enquiry, with a copy of the motion deposited at the office of

the Chief Judge or his representative within the same time limit.

§3. Appearance and withdrawal of the attorney of record

48. An attorney, to be entitled to speak for and on behalf of an accused, must file a written appearance in the record unless dispensed therefrom by the judge at the time of the appearance.

49. A motion to withdraw from a case must be served on the accused and the Attorney-General's representative together with a notice of presentation of at least 10 days, unless the judge decides otherwise.

50. A copy of every motion must be sent to the Chief Judge or his representative, unless the judge to whom it is to be presented decides otherwise.

51. No postponement of a case shall be granted by the judge upon the simple consent of the parties.



c. T-16, r.7

Rules of practice of the Youth Court in civil matters and in adoption matters

Courts of Justice Act
(R.S.Q., c. T-16, ss. 98 and 113)

DIVISION I INTERPRETATION

1. In these Rules, unless the context indicates a different meaning :

- (a) “judge” : means a judge of the Youth Court ;
- (b) “judgment” : means an order, a decision or an order for execution of one or more measures ;
- (c) “civil matters” : mean as the case may be, but not limited to, with the exclusion however of the Adoption Act (R.S.Q., c. A-7), include : the Civil Code, the Code of Civil Procedure (R.S.Q., c. C-25), the Youth Protection Act (R.S.Q., c. P-34.1), the Mental Patients Protection Act (R.S.Q., c. P-41), the Public Health Protection Act (R.S.Q., c. P-35), the Act respecting health services and social services (R.S.Q., c. S-5) and the Education Act (R.S.Q., c. I-14) ;
- (d) “party” : means the petitioner, respondent, child, parent, intervenant or mis-en-cause ;
- (e) “Court” : means the Youth Court.

DIVISION II OFFICES AND OFFICE HOURS

2. All persons shall have access to the offices of the Court on juridical days during office hours.

DIVISION III REGISTERS AND INDEXES

3. The clerk of the Court shall keep, in the form of cards, magnetic recordings or in any other fashion authorized by the Chief Judge and the administration, the registers and indexes provided for in the following subdivisions.

§1. In civil matters

4. The clerk shall keep for every matter brought before the Court :

- (a) **an alphabetical index containing :**
 - (1) the number of the record,
 - (2) the given name and surname of the child as well as of the other parties,
 - (3) the sex of the child,
 - (4) the date of birth of the child,
 - (5) the given names and surnames of the parents of the child, his tutor, guardian or consort, if they are known ;
- (b) **a plunitif containing :**
 - (1) the number of the record,
 - (2) the date of opening of the record,
 - (3) the given name and surname of the child as well as those of the other parties,
 - (4) the civil status of the parties,
 - (5) the sex of the child,
 - (6) the date of birth of the child,
 - (7) the given names and surnames of the parents of the child, his tutor, guardian or consort, if they are known,
 - (8) the address of the residence or domicile of the child,
 - (9) the address of the residence or domicile of his parents, tutor, guardian or consort, if it is not the same as that of the child,
 - (10) the given names, surnames and address of the attorneys of the parties,
 - (11) a brief reference to the relevant section of the statute and the nature of the matter,
 - (12) the nature and date of filing of each one of the proceedings in the record,
 - (13) the date of each session of the Court,
 - (14) the date and a summary of each judgment,
 - (15) the date of filing of the notice of appeal at the office of the Court,
 - (16) when available, the number of the record of the court sitting in appeal,

(17) the date the record is transmitted to the office of the court sitting in appeal,

(18) the date the record is returned to the office of the Court ;

(c) **a register of consultation of the records relative to the Youth Protection Act indicating for each consultation :**

- (1) the number of the record,
- (2) the given name, surname and capacity of the person consulting the record,
- (3) the date of the consultation,
- (4) the signature of the person consulting the record,
- (5) the given name and surname of the person in whose presence the record is consulted.

The information required by subparagraphs 2 and 3 of this paragraph must be inscribed on the cover of the record consulted ;

(d) **a minute book of the destruction of records containing :** the originals of all minutes recording the destruction of records, indexes and plunitifs pertaining to the application of the Youth Protection Act (R.S.Q., c. P-34.1), numbered consecutively and filed in chronological order.

§2. In adoption matters

5. The clerk shall keep :

(a) **an alphabetical index under the name of each person who is the subject of a proceeding in adoption containing :**

- (1) the number of the record,
- (2) the proposed given name and surname of the person,
- (3) the given name and surname of the person, if they differ from those that are proposed,
- (4) the sex of the person,
- (5) the date of birth of the person ;
- (b) **a plunitif containing :**
 - (1) the number of the record,
 - (2) the date of the opening of the record,
 - (3) the proposed given name and surname of the person who is the subject of a proceeding in adoption,
 - (4) the given name and surname of the person, if they differ from those that are proposed,
 - (5) the sex of the person,

(6) the date of birth of the person,

(7) in the case where the person is a minor, the given names and surnames of his parents, tutor, guardian or consort, if they are known,

(8) the address of the residence or domicile of the person,

(9) the given names, surnames and addresses of the parties,

(10) the given names, surnames and addresses of the attorneys of the parties,

(11) a reference to the relevant section of the statute and the nature of the matter,

(12) the nature and date of filing of each one of the proceedings in the record,

(13) the date of each session of the Court,

(14) the date on which the record is complete and that on which it has been sent to the judge to deliberate upon,

(15) the date and a summary of each judgment,

(16) the date of filing of the notice of a proceeding in evocation at the office of the Court,

(17) when available, the number of the record of the Court sitting in evocation,

(18) the date the record is transmitted to the office of the court sitting in evocation,

(19) the date the record is returned to the office of the Court ;

(c) **a register of judgments containing :** the originals of all judgments rendered in adoption matters, filed in the same numerical order as the records, a certified copy being deposited in the record.

DIVISION IV RECORDS AND PROCEEDINGS

§1. In civil matters

6. The clerk shall open a record for each case brought before the Court and all proceedings filed therein must bear the full record number. When more than one matter is judged on the same proof, copies of all exhibits, minutes, stenographer's notes and of the judgment are deposited in the other records.

7. The clerk shall assign each record a number indicating the district and locality in which the Court sits, the nature of the proceeding, the sequential order, and the year,

the whole in accordance with the coding structure determined by the Administration.

8. Every proceeding filed in a record must be adequately fastened to it so as not to be easily removed.

9. The clerk of the Court shall inscribe the following information on the inside of the cover of the record :

- (a) a description of the proceedings filed,
- (b) the date of their filing,
- (c) the number assigned to each one, as the case may be,
- (d) on the lower portion, in a prominent position, the given names and surnames of the persons prohibited by the Court from taking cognizance of all or part of the record, in virtue of the second paragraph of section 96 of the Youth Protection Act (R.S.Q., c. P-34.1).

10. The given name and surname of the child shall be inscribed on each record.

11. Where the Court has ordered a transcription of stenographic notes, the original must be filed in the record.

12. The original of every judgment shall be deposited in the record.

13. The receipt or certificate of postal registration or any other document attesting to the transmission of a notice, *subpoena* or a copy of judgment shall be deposited in the record and attached to the appropriate proceeding.

14. The exhibits filed shall bear the number of the record and a number, preceded by an identifying letter attributed to each party, to wit :

R : Petitioner, deponent,

I : Respondent,

O : Opposing party,

P : Plaintiff,

D : Defendant,

M : Impleaded party, *mis-en-cause*,

IN : Intervenant.

15. The writings filed in support of a proceeding shall bear the number of the record, a number preceded by an identifying letter, and shall be accompanied by a list.

16. The clerk of the Court must ensure that the record is complete before it is sent to the judge for a sitting or to deliberate upon, particularly that it contains, numbered in order by date of filing, the written proceedings and exhibits as well as the studies, notes and reports required by the Court. If the record is incomplete, he must notify the attorneys in order that they may complete it, and deposit in the record a note stating that they have been so notified.

17. Every proceeding shall be legibly written on one side only of legal size paper.

18. Every proceeding of a party shall be signed by its attorney. If a party is not represented, the proceeding shall be signed by the party.

19. Each exhibit shall bear the complete case number and identify the nature of the matter. No court-back shall be required.

20. Upon receipt of a pleading or an exhibit, the clerk shall number it and inscribe the date of filing.

21. Subpoenas are issued by the clerk who certifies them by his signature.

22. The certificate of service of a proceeding shall be annexed to the original and must state the name of the person to whom a true copy has been delivered, the date and time of service and the address where the said proceeding was served.

23. At the time of filing the original of any evaluation, report, study, expert opinion or consent which is to be submitted to the Court, at least 2 copies shall be made available for the parties.

24. Subject to any provision to the contrary in these Rules or in the law, all demands directed to the Court must be made in writing by means of a sworn declaration or by way of a motion supported by the oath of the petitioner.

25. Any demand for an emergency measure, under section 47 of the Youth Protection Act, shall be made by way of a sworn declaration unless it has been dispensed with by the judge.

26. Any demand for provisional compulsory foster care, under section 79 of the Youth Protection Act, shall

be made by way of a sworn declaration separate from the demand for protective measures.

27. Where it deems it is advisable, the Court may permit a written contestation and determine the delay for filing as well as another date on which the case is to be heard.

28. No record may be consulted unless the clerk of the Court or a member of his staff designated by him for this purpose is present.

29. No record or proceeding in a record may be withdrawn from the office of the Court except by the judge seized of the matter or in the case of appeal or evocation.

30. A photocopy of an exhibit may be provided to a party requesting it when authorized in writing by a judge, the clerk or a person designated by him.

31. A party availing itself of the Youth Protection Act with respect to a child must certify, by sworn declaration, that the child is not already the subject of a petition, action or judgment before the Youth Court or another court nor of an agreement between the parties or with the director of youth protection, in a social service centre, and if such is the case, must furnish the details of such petition, action, judgment or agreement.

32. A copy of every decision rendered in appeal of a judgment of the Court, shall be sent, by the clerk, as soon as it is received, to the judge who rendered the judgment in first instance.

§2. In adoption matters

33. Sections 6, 7, 8, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 24, 27 and 28, in so far as they are applicable, also govern adoption matters.

34. The clerk of the Court shall inscribe the following information on the inside of the cover of the record :

- (a) a description of the proceedings filed,
- (b) the date of their filing,
- (c) the number assigned to each.

35. The proposed given name and surname of the child shall be inscribed on each record together with the original given name and surname, in parentheses, if they differ.

36. A certified copy of every judgment shall be deposited in the record. The original shall be deposited in the register of judgments.

37. On the back of each exhibit filed shall be indicated its nature, the number of the record, the given names and surnames of the parties, the proposed given name and surname of the child, the name and address of the attorney who filed it and the party for which he is acting.

38. No record or proceeding in a record may be withdrawn from the office of the Court, except by the judge seized of the matter or in the case of appeal or evocation. If the party who has filed an exhibit requests it, with authorization in writing by a judge, the original may be withdrawn ; a photocopy of the exhibit, certified by the clerk or by the judge, is then retained in the record.

39. A motion for adoption shall indicate by whom the child was placed for adoption.

40. A party applying for custody or the adoption of a child must certify, by sworn declaration, that the child is not already the subject of a petition, action or judgment before the Youth Court or another court nor of an agreement between the parties or with the director of youth protection in a social service centre and if such is the case, must furnish the details of such petition, action, judgment or agreement.

41. A motion for adoption shall indicate the name and address of the religious community to which it is requested the certificate of the judgment of adoption be sent, or in the case of application of article 53a of the Civil Code, the description and address of the depositary of the duplicate registers.

DIVISION V ROLLS AND HEARINGS

42. Separate rolls with respect to the hearing of cases in civil matters and adoption matters shall be drawn up by the clerk acting as master of the rolls.

§1. In civil matters

43. When the date of presentation of a motion is to be fixed, the judge or clerk acting as master of the rolls shall inscribe it in accordance with available Court time.

44. The rolls are prepared for each day of hearing by the clerk under the authority of the Chief Judge of the Court or of the judge usually sitting in the district, unless

the Chief Judge otherwise directs. The judge may nevertheless, for a given reason decide to hear a case on another date or in another order than that appearing on the roll. Copies of such rolls must be available at the office of the Court for the attorneys.

45. The Chief Judge of the Court may determine the days and times for the sessions of the Court as well as the cases that may be heard at such sessions.

46. No postponement is to be granted by the Court solely on the consent of the parties.

47. A postponement may be granted only by the presiding judge and after reasonable notice to the opposing party, unless such is dispensed with by the judge.

48. The clerk may, in the absence of the judge and in accordance with the Act, adjourn any hearing for a definite period not exceeding 10 days.

49. All rulings pertaining to motions for postponement shall be entered in the minutes.

50. Where a party believes that it will not be able to proceed on the date fixed, it shall forthwith notify the opposing party and the clerk of its motion for postponement.

51. The hearing shall start at the time set by the Chief Judge or, when circumstances require it, by the judge usually sitting in the district.

52. The Court staff shall be present in the Courtroom at the opening of the session.

53. At the crier's request, all persons present in the Courtroom shall keep silent and rise when the judge enters the room and remain standing until he has taken his seat.

54. When the hearing is adjourned or concluded, upon the same request, they shall again rise but no one shall leave his place until the judge has retired.

55. A session of the Court commences by the calling of the roll by the clerk of the Court.

56. All persons addressing the Court including witnesses shall rise and remain standing unless dispensed by the judge.

57. Any attorney or articulated student must be suitably dressed in order to address the Court; men must wear a jacket with shirt and tie.

58. The rules prescribed in section 57 shall apply to the clerks of the Court, criers and stenographers.

59. The judge, when sitting in Court, shall wear gown, jacket and bands.

60. The Chief Judge may nevertheless, for special circumstances or as a general rule, exempt a judge sitting in a judicial district or a locality from wearing gown, jacket and bands.

61. Anything that interferes with the decorum and good order of the Court is forbidden.

62. A sufficient number of constables or guardians must be present during the hearing to ensure good order and the safety of those present and to ensure that the orders and decisions of the Court are carried out.

63. No one shall come before the Court unless suitably dressed.

64. The use of tobacco, the reading of newspapers, the taking of photography or films, broadcasting, televising or taping in any manner whatever, other than as expressly permitted by these Rules, are prohibited during the hearing.

65. While the Court is sitting, no one shall converse with anyone else or speak to the clerk of the Court or consult a record without the judge's permission.

66. The clerk of the Court draws up the minutes of the hearing in which he enters :

- (a) the number of the record ;
- (b) the name of the parties in attendance and of the child, if any,
- (c) the date and time of the start and end of the sitting,
- (d) the name of the judge presiding at the hearing,
- (e) the surnames and given names of the attorneys and, their firm name,
- (f) the surnames and given names of the clerk of the Court and stenographer,
- (g) a reference to the Act under which the proceeding is brought, as well as its nature,

(h) the surnames, given names, age, capacity and domicile of the witnesses as well as the name of the party calling them to testify,

(i) the description of the exhibits filed as well as the mark assigned to each one of them,

(j) a summary of all judgments, decisions, orders or measures rendered at hearing by the judge, with the exception of rulings on objections to evidence dictated to the stenographer or recorded by mechanical means,

(k) the admissions,

(l) the different stages of the sitting,

(m) the decision made by a party not to be represented by an attorney.

67. The clerk of the Court shall use such forms of minutes as may be supplied to him by the administration, and as approved by the Chief Judge.

68. All written judgments shall be on one side only of legal size paper and shall be signed by the judge.

69. The clerk of the Court may certify all copies of judgments.

§2. In adoption matters

70. Sections 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 and 69, in so far as they are applicable, also govern adoption matters.

DIVISION VI STENOGRAPHERS

71. Every stenographer shall proceed to the designated Courtroom at which he is to fulfill his duties. He must be present at the opening and remain there until freed by the judge or be available at the judge's request.

72. The stenographer must take the depositions, the admissions which are dictated to him, the objections to the evidence, the arguments submitted and the decisions rendered during the proceedings.

73. Each of the pages upon which the deposition is reproduced shall state, at the top thereof, the given name and surname of the witness.

74. Copies of the stenographer's notes shall be preserved at the place fixed by the clerk of the Court and the original thereof deposited in the record.

DIVISION VII APPEARANCE OF ATTORNEY

§1. In civil matters

75. The appearance of an attorney who wishes to represent a party may be made at the hearing.

76. The attorney of record may be represented by another attorney. The clerk of the Court shall then mention such representation in the minutes.

77. An attorney who knows that his client will be absent when his name is called shall nevertheless appear himself before the Court, when the roll is called.

§2. In adoption matters

78. Sections 76 and 77, in so far as they are applicable, also govern adoption matters.

79. The attorney who wishes to represent a party shall file a written appearance in the record of the case.

DIVISION VIII DESTRUCTION OF RECORDS

80. Use of Court records, the destruction of which is provided for under the Youth Protection Act (R.S.Q., c. P-34.1), is prohibited from the day on which the child attains the age of 18 years or, where applicable, 21 years, excepting any case in which the delays for the appeal has not expired.

81. Those portions of the indexes and plunitifs, as well as the stenographer's notes which relates to a record shall be destroyed together with the record.

82. The records referred to in section 81, within 3 months from the date on which the use thereof has been prohibited, must be taken by 2 persons designated in writing by the clerk to an appropriate place to be incinerated or shredded.

83. The records shall be incinerated or shredded in the presence of those 2 persons and the clerk who shall then draw up a report.

84. The report of the destruction of the records shall mention :

(a) the numbers or series of numbers of the records destroyed,

(b) the date,

- (c) the place,
- (d) the means used.

DIVISION IX
DELEGATION BY THE CHIEF JUDGE

85. The Chief Judge may, from time to time, designate a judge to hear and to decide upon proceedings brought pursuant to these Rules.



c. T-16, r.8

Rules of practice of the Youth Court in criminal and penal matters

Courts of Justice Act

(R.S.Q., c. T-16, ss. 98 and 113)

Criminal Code

(R.S.C., 1970, c. C-34, s. 438)

DIVISION I INTERPRETATION

1. In these Rules, unless the context indicates a different meaning :

- (a) “judge” : means a judge of the Youth Court ;
- (b) “judgment” : means an order, a decision or an order for execution of one or more measures ;
- (c) “criminal and penal matters” : mean as the case may be, but not limited to : the Juvenile Delinquents Act (R.S.C., 1970, c. J-3) and the Summary Convictions Act (R.S.Q., c. P-15) ;
- (d) “party” : means the denunciator, the plaintiff, the accused ;
- (e) “Court” : means the Youth Court.

DIVISION II OFFICES AND OFFICE HOURS

2. All persons shall have access to the offices of the Court on juridical days during office hours.

DIVISION III INDEX AND PLUMITIF

3. The clerk of the Court shall keep, in the form of cards, magnetic recordings or in any other fashion authorized by the Chief Judge and the Administration, the indexes and plumitifs.

4. The clerk shall keep, for every matter brought before the Court :

- (a) **an alphabetical index containing :**
 - (1) the number of the record,

- (2) the given name and surname of each person who is the subject of a complaint of prosecution,

- (3) the sex of the person,

- (4) the date of birth of the person,

- (5) where a child is concerned, the given names and surnames of his parents, tutor, guardian or consort, if they are known ;

- (b) **a plumitif containing :**

- (1) the number of the record,

- (2) the date of opening of the record,

- (3) the given name and surname of the person who is subject of a complaint or prosecution,

- (4) the sex of the person,

- (5) the date of birth of the person,

- (6) where a child is concerned, the given names and surnames of his parents, tutor, guardian or consort, if they are known,

- (7) the address of the residence or domicile of the person,

- (8) where a child is concerned, the address of the residence or domicile of his parents, tutor, guardian or consort, if it is not the same as that of the child,

- (9) the name of the complainant or of the informant, as the case may be,

- (10) the given name and surname of the attorney for the person,

- (11) a reference to the relevant section of the statute and the nature of the matter,

- (12) the date of each session of the Court,

- (13) the date on which the record is complete and that on which it has been sent to the judge to deliberate,

- (14) the date and a summary of each judgment,

- (15) the date of filing of the notice of petition to appeal at the office of the Court,

- (16) when available, the number of the record of the court sitting in appeal,

- (17) the date the record is transmitted to the office of the court sitting in appeal,

(18) the date the record is returned to the office of the Court.

DIVISION IV RECORDS AND PROCEEDINGS

5. The clerk shall open a record for each case brought before the Court and all proceedings filed therein must bear the full record number. When more than one matter is judged on the same proof, copies of all exhibits, minutes, stenographer's notes and of the judgment are deposited in the other records.

6. The clerk shall assign each record a number indicating the district and locality in which the Court sits, the nature of the proceeding, the sequential order, and the year, the whole in accordance with the coding structure determined by the Administration.

7. Every proceeding filed in a record must be adequately fastened to it so as not to be easily removed.

8. The given name and surname of the child shall be inscribed on each record.

9. Where the Court has ordered a transcription of stenographic notes, the original must be filed in the record.

10. The original of every judgment shall be deposited in the record.

11. The receipt or certificate of postal registration or any other document attesting to the transmission of a notice, subpoena or a copy of judgment shall be deposited in the record and attached to the appropriate proceeding.

12. The exhibits filed shall bear the number of the record and a number, preceded by an identifying letter attributed to each party, to wit :

R : Petitioner,

I : Respondent,

O : Opposing party,

P : Prosecution,

D : Accused,

M : Impleaded party, *mis-en-cause*,

IN : Intervenant.

13. The writings filed in support of a proceeding shall bear the number of the record, a number preceded by an identifying letter, and shall be accompanied by a list.

14. Every proceeding shall be legibly written on one side only of legal size paper.

15. Every proceeding of a party shall be signed by its attorney. If a party is not represented, the proceeding shall be signed by the party.

16. Each exhibit shall bear the complete case number and identify the nature of the matter. No court-back shall be required.

17. Upon receipt of a pleading or an exhibit, the clerk shall number it and inscribe the date of filing.

18. Subpoenas are issued by the clerk who certifies them by his signature.

19. The certificate of service of a proceeding shall be annexed to the original and must state the name of the person to whom a true copy has been delivered, the date and time of service and the address where the said proceeding was served.

20. No record may be consulted in the absence of the Court clerk or a member of his staff designated by him for this purpose.

21. No record or proceeding in a record may be withdrawn from the office of the Court except by the judge seized of the matter or in the case of appeal or evocation.

22. A photocopy of an exhibit may be provided, to a party requesting it when authorized in writing by a judge.

23. The clerk of the Court must ensure that the record is complete before it is sent to the judge to deliberate.

24. Subpoenas shall be issued by a justice of the peace who shall certify them under his signature.

DIVISION V ROLLS AND HEARINGS

25. Separate rolls with respect to the hearing of cases in criminal matters shall be drawn up by the clerk acting as master of the rolls.

26. The rolls are prepared for each day of hearing by the clerk under the authority of the Chief Judge of the Court or of the judge usually sitting in the district, unless the Chief Judge otherwise directs. The judge may nevertheless, for a given reason decide to hear a case on another date or in another order than appearing on the roll. Copies of such rolls must be available at the office of the Court for the attorneys.

27. The Chief Judge of the Court may determine the days and times for the sessions of the Court as well as the cases that may be heard at such sessions.

28. All rulings pertaining to motions for postponement shall be entered in the minutes.

29. Where a party believes that it will not be able to proceed on the date fixed, it shall forthwith notify the opposing party and the clerk of its motion for postponement.

30. The hearing shall start at the time set by the Chief Judge or, when circumstances require it, by the judge usually sitting in the district.

31. The Court staff shall be present in the Courtroom at the opening of the session.

32. At the crier's request, all persons present in the Courtroom shall keep silent and rise when the judge enters the room and remain standing until he has taken his seat.

33. When the hearing is adjourned or concluded, upon the same request, they shall again rise but no one shall leave his place until the judge has retired.

34. A session of the Court commences by the calling of the roll by the clerk of the Court.

35. All persons addressing the Court including witnesses shall rise and remain standing unless dispensed by the judge.

36. Any attorney or articulated student must be suitably dressed in order to address the Court; men must wear a jacket with shirt and tie.

37. The rules prescribed in section 36 shall apply by adaptation to the clerks of the Court, criers and stenographers.

38. The judge, when sitting in Court, shall wear gown, jacket and bands.

39. The Chief Judge may nevertheless, for special circumstances or as a general rule, exempt a judge sitting in a judicial district or a locality from wearing gown, jacket and bands.

40. Anything that interferes with the decorum and good order of the Court is forbidden.

41. A sufficient number of constables or guardians must be present during the hearing to ensure good order and the safety of those present and to ensure that the orders and decisions of the Court are carried out.

42. No one shall come before the Court unless suitably dressed.

43. The use of tobacco, the reading of newspapers, the taking of photography or films, broadcasting, televising or taping in any manner whatever, other than as expressly permitted by these Rules, are prohibited during the hearing.

44. While the Court is sitting, no one shall converse with anyone else or speak to the clerk of the Court or consult a record without the judge's permission.

45. The accused shall rise during the reading of the information and remain standing while the judge renders judgment.

46. The clerk of the Court draws up the minutes of the hearing in which he enters :

- (a) the number of the record,
- (b) the name of the accused,
- (c) the date and time of the start and end of the sitting,
- (d) the name of the judge presiding at the hearing,
- (e) the given names and surnames of the attorneys and their firm name,
- (f) the given names and surnames of the clerk and of the Court stenographer,
- (g) a reference to the statute under which the proceeding is brought, as well as its nature,
- (h) the given names, surnames, age, capacity and domicile of the witnesses as well as the name of the party calling them to testify,
- (i) the description of the exhibits filed as well as the mark assigned to each one of them,

(j) a summary of all judgments, decisions, orders or measures rendered at hearing by the judge, with the exception of rulings on objections to evidence dictated to the stenographer or recorded mechanical means,

(k) the admissions and consents,

(l) the different stages of the sitting,

(m) the decision made by a party not to be represented by an attorney.

47. The clerk of the Court shall use such forms of minutes as may be supplied to him by the Administration, and as approved by the Chief Judge.

48. The clerk of the Court shall have the admissions signed which are dictated to him by the parties or by their attorneys.

49. All written judgments shall be on one side only of legal size paper and shall be signed by the judge.

50. The clerk of the Court may certify all copies of judgments.

DIVISION VI STENOGRAPHERS

51. Every stenographer shall proceed to the designated Courtroom at which he is to fulfill his duties. He must be present at the opening and remain there until freed by the judge or be available at the judge's request.

52. The stenographer must take the depositions, the admissions which are dictated to him, the objections to the evidence, the arguments submitted and the decisions rendered during the proceedings.

53. Each of the pages upon which the deposition is reproduced shall mention, at the top thereof, the given name and surname of the witness.

54. Copies of the stenographer's notes shall be preserved at the place fixed by the Court clerk and the original thereof deposited in the record.

DIVISION VII APPEARANCE OF ATTORNEY

55. The appearance of an attorney who wishes to represent a party may be made at the hearing.

56. The attorney of record may be represented by another attorney. The Court clerk shall then mention such representation in the minutes.

57. An attorney who knows that his client will be absent when his name is called shall nevertheless appear himself before the Court, when the roll is called.

58. The attorney who has appeared for an accused who is awaiting trial may not withdraw from the record without authorization by the Court.

DIVISION VIII DELEGATION BY THE CHIEF JUDGE

59. The Chief Judge may, from time to time, designate a judge to hear and to decide upon proceedings brought pursuant to these Rules.



c. T-16, r.9

**Règlement sur le remboursement de
certains frais pour le déménagement des
juges**

Courts of Justice Act
(R.S.Q., c. T-16)

See French Edition



c. T-16, r.10

Tariff applicable to commissioners for oaths

Courts of Justice Act
(R.S.Q., c. T-16)

1. The commissions mentioned in sections 214 and 215 of the Courts of Justice Act (R.S.Q., c. T-16), are issued according to the following conditions :

(a) for a commissioner appointed pursuant to section 214, for a single judicial district, the commission is issued for a period of 5 years on payment of a fee of 10 \$ and may be renewable every 5 years on payment of a fee of 5 \$ for each additional period ;

(b) for a commissioner appointed pursuant to section 214, in 2 judicial districts, the commission is issued for a period of 5 years on payment of a fee of 20 \$ and may be renewed every 5 years on payment of a fee of 10 \$ for each additional period ;

(c) for a commissioner appointed pursuant to section 214, for more than 2 judicial districts without being appointed for all the judicial districts of Québec, the commission is issued for a period of 5 years on payment of a fee of 25 \$ and may be renewable every 5 years on payment of a fee of 15 \$ for each additional period ;

(d) for a commissioner appointed pursuant to section 214, for all judicial districts of Québec, the commission is issued for a period of 5 years on payment of a fee of 35 \$ and may be renewed every 5 years on payment of a fee of 20 \$ for each additional period ;

(e) for a commissioner appointed pursuant to section 215, the commission is issued for a period of 5 years on payment of a fee of 35 \$ and may be renewed every 5 years on payment of a fee of 20 \$ for each additional period.



c. T-16, r.11

Tariff of fees for the Courts having jurisdiction in civil matters (Court of Appeal, Superior Court and Provincial Court)

Courts of Justice Act
(R.S.Q., c. T-16)

1. Classes of actions :

I — Actions in which the amount or value at issue is between 1 \$ and 500 \$ only.

II — Actions in which the amount or value at issue is between 500 \$ and 3 000 \$ only.

III — Actions in which the amount or value at issue is between 3 000 \$ and 50 000 \$ only.

IV — Actions in which the amount or value is 50 000 \$ or over.

2. Actions in which the amount is not indicated shall be part of Class III.

3. On proceedings for which the tariff does not specially provide, the disbursements shall be those of analogous proceedings.

4. The amount claimed shall determine the class of action of accessory proceedings.

5. Stages of proceedings : This tariff groups all proceedings in 3 stages :

(a) introductory proceedings :

i. writ or similar proceedings ;

ii. defence or similar contestation ;

(b) inscription by the interested party up to judgment, including copy of the judgment in contested cases ;

(c) execution :

i. movables, garnishments, or both ;

ii. immovables and movables, immovables or writs of possession.

6. Subject to classes and stages, fees shall be payable as follows :

(a) introductory proceedings :

1. Demand	2. Defence
I — 5 \$	5 \$
II — 8	8
III — 15	15
IV — 50	50 ;

(b) inscription by the interested party up to judgment :

I — 5 \$
II — 8
III — 15
IV — 50 ;

(c) execution :

i. movables, garnishments, or both :

Writ	Claim
I — 5 \$	1 \$
II — 8	3
III — 15	5
IV — 50	10 ;

ii. immovables and movables, immovables or writs of possession :

Writ 1*	Opposition 2*
I — 5 \$	5 \$
II — 8	8
III — 15	15
IV — 50	50

1* Receipt of the file by the sheriff concerning immovable matters up to sale, irrespective of the amount of the judgment : 20 \$.

Receipt of the file by the prothonotary concerning immovable matters up to probate, including a copy of the judgment for the interested parties :

I — 30 \$
II — 40
III — 50
IV — 60

Upon distribution of the proceeds of sale, an amount of 1% shall be deducted from each collocation.

Amended in French A.C. 2039-79, G.O.II, 1979, p.5095.

2* If an opposition is contested, such contestation shall be the equivalent of a defence provided for in paragraph a.

If an inscription is produced after such contestation, the fees payable shall be those provided for in paragraph b.

7. Claims under the provisions respecting voluntary deposits shall be assimilated to garnishment claims for the assessment of fees.

8. Expropriation proceedings, partition and licitation shall be assimilated to an action of the Class III for tariff purposes. The order of collocation shall include the same disbursements as an execution upon immovables. Insofar as distribution is concerned, the amount awarded as indemnity shall determine the class of the action.

9. (1) Any petition, motion or contestation not included in an action already mentioned in this tariff and which does not constitute an incidental or interlocutory proceeding : 5 \$.

(2) Any contestation of proceedings mentioned in subsection 1 which cannot be assimilated to a defence in an action : 5 \$.

If an inscription is filed after issues are joined, paragraph *b* of section 6 shall apply.

10. (1) Certificate other than that of default to appear or to plead : 2 \$.

(2) Certificate of non appeal or final proceedings : 1 \$.

11. Taxation of bill of fees following upon a judgment :

- I — 1 \$
- II — 2
- III — 3
- IV — 5.

12. Tutorship and curatorship with 2 copies of a judgment :

- (a) family council : 10 \$;
- (b) homologation : 5 \$;
- (c) special authorization : 10 \$;
- (d) contestation : 15 \$.

13. Probate of testament of codicil with 2 copies of a judgment : 20 \$.

14. Registration of corporation, corporate names, partnerships and other documents, including certificate and 2 copies : 5 \$.

15. Extracts from registers of civil status, including clerical assistance : 2 \$.

16. A copy of any document not mentioned above, including clerical assistance : 0,50 \$ per page.

If a certificate of authenticity is furnished, the fees payable shall be those provided for in section 10.

However, this provision shall not apply to the authentication of registers for acts of civil status.

Amended in French D. 1600-81, G.O. II, 1981, p.2729.

17. Commissions on all deposited monies, or on the amounts of surety-bonds in lieu of deposits, except those funds collected upon garnishment or upon voluntary deposit :

- (a) up to 1 000 \$: 2% ;
- (b) upon the amounts in excess of 1 000 \$: ¼ of 1% ;
- (c) upon surety-bonds for unspecified amounts : 25 \$.

18. The fees fixed by the applicable tariff shall apply for the taking of evidence and for transcriptions where necessary.

19. The taxation of witnesses shall be in accordance with the applicable tariff.

20. Appeal proceedings :

(1) Filing of inscription in the Court, including inscription, copy, examination and preparation of file, and its transmission to the Court of Appeal :

- (a) following upon a final judgment : 30 \$;
- (b) following upon an interlocutory judgment : 10 \$.

(2) At the Court of Appeal :

- (a) appellant : 35 \$;
- (b) respondent : 30 \$.

These amounts shall include all introductory proceedings and appearances up to the final judgment, with the exception of petitions for which an amount of 10 \$ shall be charged for each ;

- (c) taxes on bill of fees :
 - i. following upon final judgments : 5 \$;
 - ii. upon judgments obtained by petition : 2 \$.

21. Appeal to the Supreme Court : Upon appearance of the appellant, including all the proceedings required by law to be filed or prepared for the Court of Appeal : 50 \$.

22.

See French Text D. 95-81, G.O. II, 1981, p. 417.

23. This tariff shall apply to all new proceedings affecting any business already begun before 1 September 1971. Any fee paid for any proceedings whatsoever in a stage shall be considered as total payment of the fees payable for such stage.



c. T-16, r.12

Tariff of court fees in divorce matters

Courts of Justice Act
(R.S.Q., c. T-16)

- 1.** Upon presentation of the petition for divorce, before being accepted for filing by the registrar : 50 \$.
- 2.** Upon the first proceeding by an interested party or *mis en cause* after presentation of an appearance : 25 \$.
- 3.** Upon an intervention : 25 \$.
- 4.** Upon the filing of a notice of appeal up to and including the transmission of the records to the office of the Court of Appeal : 25 \$.
- 5.** No other fee of the Court is exigible until after a decree absolute, even on seizures before judgment or orders of sequestration or other special proceedings, as the case may be.
- 6.** The fee of the Court includes a certified copy for each consort of the decree absolute.



c. T-16, r.13

Regulation respecting the salary of the judges of the Court of the Sessions of the Peace, the Youth Court and the Provincial Court, and the additional remuneration of the chief judges, senior associate chief judges, associate chief judges and coordinating judges of those courts

Courts of Justice Act
(R.S.Q., c. T-16, ss. 83, 113 and 133)

1. The annual salary of a judge of the Court of the Sessions of the Peace, the Youth Court or the Provincial Court, which on 31 December 1977 was 42 240 \$ shall be, from that date, increased by 2 400 \$.

2. As of 1978, on every occasion that the salary of the senior staff appointed under the Civil Service Act (R.S.Q., c. F-3.1) is adjusted, the salary of the judges of the Court of the Sessions of the Peace, the Youth Court and the Provincial Court shall also be adjusted by adding the product obtained by multiplying the salary then in effect by the percentage increase of the aggregate remuneration set aside for revision of the salary of the senior staff.

If the product of the computation contemplated in the first paragraph is not a multiple of 10, the salary scale shall be raised to the nearest multiple of 10.

3. Where applicable, shall be added to the salary of a judge an additional annual remuneration that is equal to :

- (a) 11% of salary for a chief judge and senior associate chief judge ;
- (b) 8% of salary for an associate chief judge ;
- (c) 5% of salary for a coordinating judge.

4. As of 1 November 1978, if a lump sum is paid during the year to the senior staff of the civil service, a judge of the Court of the Sessions of the Peace, the Youth Court or the Provincial Court shall receive, in a lump sum, an equivalent amount or an amount determined according to the percentage mean used for the senior staff.

O.C. 2377-78, (1979) 111 G.O., 561
O.C. 2674-78, (1979) 111 G.O., 2899
O.C. 3475-78, (1979) 111 G.O., 3273



c. V-1, r.1

Regulation respecting the application of the Securities Act

Securities Act
(R.S.Q., c. V-1, s. 101)

DIVISION I INTERPRETATION

1. The interpretative provisions of the Securities Act (R.S.Q., c. V-1) apply to this Regulation. In this Regulation, the word "Act" means the Securities Act.

DIVISION II REGISTRATION

§1. Registration

2. Granting of registration : To obtain registration as a broker, a security issuer, an investment counsel or salesman, an applicant must :

(a) establish his integrity, his solvency and his competence, in the case of an individual, and the integrity, solvency and competence of each director, officer or partner in the case of a company or partnership and also all other qualifications essential to trading in securities ; and

(b) pay the fees prescribed by this Regulation.

3. Registration not required : Transactions on options issued by Trans-Canada Options Inc. shall be withdrawn from the application of section 24 of the Act, where they are made through telephone connections joining the floors of the Montréal Stock Exchange and the Toronto Stock Exchange intended for that purpose, by persons or companies registered under the Securities Act (R.S.O., 1970, c. 426) or The Securities Act, 1978 of the Statutes of Ontario.

§2. Fees

4. The following fees shall be paid in application of the Act and the regulations :

(a) upon application for or renewal of registration as :

- i. a broker : 300 \$;
- ii. a security issuer : 250 \$;
- iii. an investment counsel :

(A) where the latter is an individual : 250 \$;

(B) where the latter is a company or a person other than an individual : 500 \$;

iv. a salesman : 100 \$;

(b) upon the filing of an application for authorization provided for in section 25 or section 26 of the Act, or renewal of the authorization, for each partner or officer of a broker : 100 \$;

(c) for a notice provided for in section 27 of the Act where a salesman has changed employer, and reinstatement of his registration : 25 \$;

(d) upon the filing of a prospectus with the Commission des valeurs mobilières du Québec for the purpose of obtaining the permission provided for in section 70 of the Act, where the number or value of the securities to be offered in Québec is determined :

i. where the prospectus involves one class of securities : 1/100 of 1% of the maximum aggregate price at which such securities are proposed to be offered in Québec or 250 \$, whichever is the greater ;

ii. where the prospectus involves more than one class of securities : 1/100 of 1% of the maximum aggregate price at which such securities are proposed to be offered in Québec or 250 \$, whichever is the greater, plus 1/4 of the foregoing fee for each additional class of securities or 125 \$, whichever is the greater ;

(e) upon the filing of a prospectus with the Commission for the purpose of obtaining the permission provided for in section 70 of the Act, where the number or value of the securities to be offered or sold in Québec is undetermined at the time of filing, the following rules apply :

i. where the prospectus involves one class of securities : an amount of 250 \$ payable upon the filing of the prospectus and an amount equal to 1/100 of 1% of the maximum aggregate price exceeding 2 500 000 \$ for securities sold in Québec, payable within 90 days of the date on which the permission provided for in section 70 of the Act is granted ; where distribution of the securities offered is not completed within 90 days of the date on which the permission is granted, the amount owing on what was sold during that period is payable upon the expiry of the

90-day period and the balance is payable upon completion of the distribution ;

ii. where the prospectus involves more than one class of security : the fee is computed in the manner prescribed in subparagraph i plus 1/4 of the foregoing fee for each class of additional securities or 125 \$, whichever is greater ;

iii. for a prospectus appearing periodically : the fee is computed in the manner prescribed in subparagraphs i and ii, except that the amount equal to 1/100 of 1% of the maximum aggregate price exceeding 2 500 000 \$ for securities sold in Québec is determined at the end of the fiscal year of the issuer and payable on the date on which the prospectus expires ;

(f) upon the filing with the Commission of a prospectus revised or replaced under section 70 of the Act or section 8 ; the fee prescribed in paragraph d or e, as the case may be ;

(g) upon the filing with the Commission of amendments to a prospectus : 25 \$;

(h) in the cases provided for in paragraph g, where the documents filed include an amended geological report or summary of such report concerning company property, or amended financial statements :

i. for each amended report or summary of such report : 25 \$;

ii. for each amended financial statement : 25 \$;

(i) upon application for exemption from registration pursuant to sections 28, 29 or 67 of the Act, and upon the filing with the Commission of the notices provided for in the fourth and fifth paragraphs of section 28 of the Act : 50 \$;

(j) upon application for the permission provided for in the first or third paragraph of section 67 of the Act, where a circular is required, the fee is that provided for in paragraph d, e, or f ;

(k) upon an application made pursuant to section 111 of the Act :

i. where, pursuant to sections 28, 29 or 67 of the Act, one or more exemptions from registration are granted or where, pursuant to one of the fourth or fifth paragraph of section 28 of the Act, one or more notices that no objection is made are given at the time of issue : 50 \$;

ii. where one or more registrations of the security issuer are granted at the time of issue : 250 \$;

(l) upon an application for designation or renewal of a designation under subparagraph g of the first paragraph of section 28 of the Act : 100 \$;

(m) upon notification of the Director pursuant to paragraph b of section 45 of the Act or paragraph b of section 46 of the Act : 25 \$;

(n) upon application to the Commission for an order under section 125 or section 167 of the Act, for one of the reasons specifically set forth in these 2 sections : 50 \$;

(o) upon application to the Commission for an order pursuant to section 124 or section 154 of the Act, or under section 125 or section 167 of the Act in cases other than those mentioned in paragraph n : 100 \$;

(p) for the issuance of a certificate provided for in section 105 of the Act : 10 \$;

(q) for copies of documents, for each page : 0,50 \$.

5. Applications for registration and other applications or documents sent to the Commission or the Director, as the case may be, must be accompanied by a cheque or money order payable to the Minister of Finance of Québec, in payment of the fees required in section 4.

Where the fees are not paid at the time specified in section 4, the notice, application or filing, as the case may be, shall be considered incomplete.

6. In section 4, "class of securities" includes 2 or more classes of securities offered for sale as a unit.

DIVISION III PROSPECTUS

§1. Contents of the prospectus

7. (1) The prospectus :

(a) of a corporation other than a mining or investment company must contain the information indicated in Schedule A ;

(b) of an investment company must contain the information indicated in Schedule B ;

(c) of a mining company must contain the information indicated in Schedule C ;

(d) of any corporation or company must contain financial statements.

(2) Each prospectus must be dated and contain at the end :

(a) a certificate to be signed by all the promoters of the company and by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any 2 directors of the company other than the foregoing, or where the company has only 3 directors including the foregoing, by all the directors, in the following form :

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by the Securities Act and the Regulation thereunder.”;

(b) a certificate to be signed by the brokers and underwriters in the following form :

“To the best of my knowledge, information and belief, the foregoing constitutes full, true and plain disclosure of all material facts relating to the securities offered by this prospectus as required by the Securities Act and the Regulation thereunder.”;

(3) (a) Any other officer may sign the certificates mentioned in paragraph *a* of subsection 2 and subsection 2 of section 8, if the chief executive officer, the chief financial officer or both, are unable to sign the certificates ;

(b) a promoter may sign the certificate mentioned in paragraph *a* of subsection 2 by his agent duly authorized in writing ;

(c) a broker or underwriter may sign the certificate mentioned in paragraph *b* of subsection 2 by his agent duly authorized in writing.

§2. Amendments or replacements

8. (1) Every prospectus shall be amended or replaced within 20 days of any material change that took place within the structure or activities of the company, the effect of which would be to render inaccurate the disclosure of facts and information contained in the prospectus.

(2) If a prospectus is amended, only the sheets on which the amendments are written or printed must be attached to each copy of the original prospectus to be remitted pursuant to the Act ; each statement of amendments must be numbered, dated, refer precisely to the original prospectus and contain, at the end, a certificate to be signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any 2 directors of the company other than the foregoing, or where the company has only 3 directors including the foregoing, by all the directors, in the following form :

“The foregoing constitutes the only material change, under the Securities Act, having taken place within the

structure or activities of (insert here the name of the company), the effect of which would be to render inaccurate the disclosure of facts and the information contained in the prospectus of (insert here the date of prospectus) or in any statement of amendments, to a prospectus.”.

(3) If a prospectus is still required at that time, according to section 70 of the Act, a prospectus must be replaced upon the expiration of the 12 month period following the date on which a company had the right to distribute copies thereof to the public.

DIVISION IV FINANCIAL DISCLOSURE

§1. Comparative financial statements

9. Contents of the comparative financial statements :

(1) The comparative financial statements required by section 115 of the Act shall be made up of :

- (a) a statement of profit and loss for each period ;
- (b) a statement of contributed surplus for each period ;
- (c) a statement of earned surplus for each period ;
- (d) subject to subsection 3, a statement of source and application of funds for each period ; and
- (e) a balance sheet as at the end of each period.

(2) However, it is not necessary to designate such financial statements as the statement of profit and loss, statement of contributed surplus, statement of earned surplus, statement of source and application of funds and balance sheet.

(3) A mutual fund or an investment company shall file a statement of changes in net assets for each period, in lieu of a statement of source and application of funds as required by paragraph *d* of subsection 1.

10. Statement of profit and loss :

(1) The statement of profit and loss shall be drawn up so as to present fairly the results of the operations of the corporation for the period covered by the statement and shall :

(a) distinguish severally :

- i. sales or gross operating revenue ;
 - ii. the operating profit or loss before including or providing for other items of income or expense that are required to be shown separately ;
 - iii. income from investments in subsidiaries whose financial statements are not consolidated with those of the company ;
 - iv. income from investments in affiliated companies other than subsidiaries ;
 - v. income from other investments ;
 - vi. non-recurring profits and losses of significant amount including profits or losses on the disposal of capital assets and other items of a special nature, to the extent that they are not shown separately in the statement of earned surplus ;
 - vii. provision for depreciation including obsolescence, and for depletion ;
 - viii. amounts written off for good will or amortization of any other intangible assets to the extent that they are not shown separately in the statement of earned surplus ;
 - ix. interest of indebtedness initially incurred for a term of more than one year, including amortization of debt discount or premium and expense ;
 - x. income tax payable and deferred ;
 - xi. the basic earnings per share for the current and preceding period for :
 - (A) income before extraordinary items ; and
 - (B) net income for the period ; and
 - xii. fully diluted earnings per share for the current period for :
 - (A) income before extraordinary items ; and
 - (B) net income for the period ; and
- (b) show the net profit or loss for the period.
- (2) Items of the natures described in subparagraphs vii and viii of paragraph a of subsection 1 may be shown by way of note to the statement of profit and loss.

(3) The statement of profit and loss of a mutual fund or an investment company shall also distinguish the average net investment income per share which may be shown by way of note to the statement of profit and loss.

11. Statements of contributed surplus and earned surplus shall be drawn up so as to present fairly the transactions reflected in the statements and shall be shown separately.

12. Statement of contributed surplus : The statement of contributed surplus shall be drawn up so as to include and distinguish the following items :

- (a) the balance of such contributed surplus at the end of the preceding period ;
- (b) the additions to and deductions from such contributed surplus during the period, including :
 - i. the amount of contributed surplus arising from the issue of shares or the reorganization of the corporation's issued capital, including :
 - (A) the amount of premiums received on the issue of shares at a premium ; and
 - (B) the amount of contributed surplus realized on the purchase for cancellation of shares ; and
 - ii. donations of cash or other property by shareholders ; and
- (c) the balance of such contributed surplus at the end of the period.

13. Statement of earned surplus : The statement of earned surplus shall be drawn up so as to distinguish the following items :

- (a) the balance of such earned surplus at the end of the preceding period ;
- (b) the additions to and deductions from such earned surplus during the period, and :
 - i. the amount of the net profit or loss for the period ;
 - ii. the amount of dividends declared on each class of shares ; and
 - iii. the amount transferred to or from reserves ; and
- (c) the balance of such earned surplus at the end of the period.

14. Statement of source and application of funds : The statement of source and application of funds referred to in paragraph *d* of subsection 1 of section 9 and paragraph *a* of subsection 1 of section 24 shall be drawn up so as to present fairly the information shown therein for the period covered by the statement and shall show separately :

- (a) funds derived from :
 - i. current operations ;
 - ii. sale of non-current assets, segregating investments, fixed and intangible assets ;
 - iii. issue of securities maturing more than one year after issue ; and
 - iv. issue of shares ; and
- (b) funds applied to :
 - i. purchase of non-current assets, segregating investments, fixed assets and intangible assets ;
 - ii. redemption or other retirement of securities or repayment of other indebtedness maturing more than one year after issue ;
 - iii. redemption or other retirement of shares ; and
 - iv. payment of dividends.

15. Statement of changes in net assets :

(1) The statement of changes in net assets referred to in subsection 3 of section 9 and subsection 2 of section 24 shall be drawn up so as to present fairly the information shown therein for the period covered by the statement and shall show separately :

- (a) net assets at beginning of the period ;
- (b) net investment income or loss ;
- (c) aggregate proceeds on sale of portfolio securities ;
- (d) aggregate cost of portfolio securities owned at beginning of the period ;
- (e) aggregate cost of purchases of portfolio securities ;
- (f) aggregate cost of portfolio securities owned at end of the period ;
- (g) aggregate cost of portfolio securities sold ;
- (h) realized profit or loss on securities sold ;

(i) distribution, showing separately the amount out of net investment income and out of realized profits ;

- (j) proceeds from shares issued ;
- (k) cost of shares redeemed ;
- (l) net increase or decrease in unrealized appreciation or depreciation of portfolio securities ;
- (m) net assets at end of the period ;
- (n) net asset value per share at end of the period ;
- (o) net asset value per share at beginning of the period ;
- (p) distribution per share out of net investment income ; and
- (q) distribution per share out of realized profits.

(2) Items of the nature described in paragraphs *n*, *o*, *p* and *q* of subsection 1 may be shown by way of note to the statement of changes in net assets.

16. Balance sheet :

(1) The balance sheet shall be drawn up so as to present fairly the financial position of the corporation as at the date to which it is made up and so as to distinguish serially the following :

- (a) cash ;
- (b) debts owing to the corporation from its directors, officers or shareholders, except debts of reasonable amount arising in the ordinary course of its business that are not overdue, having regard to its ordinary terms of credit ;
- (c) debts owing to the corporation, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the corporation ;
- (d) debts owing to the corporation, whether on account of a loan or otherwise, from affiliated companies other than subsidiaries ;
- (e) other debts owing to the corporation, segregating those that arose otherwise than in the ordinary course of its business ;
- (f) inventory, stating the basis of valuation ;
- (g) shares, bonds, debentures and other investments owned by the corporation, except those referred to in paragraphs *h* and *i*, stating their nature and the basis of

their valuation and showing separately those that are marketable with a notation of their market value ;

(h) shares or other securities of subsidiaries whose financial statements are not consolidated with those of the corporation, stating the basis of valuation ;

(i) shares or other securities of affiliated companies other than subsidiaries, stating the basis of valuation ;

(j) land, buildings, and plant and equipment, stating the basis of valuation, whether cost or otherwise, and, if valued on the basis of an appraisal, the date of appraisal, the name of the appraiser, the basis of the appraisal value and, if such appraisal took place within the 5 years preceding the date to which the balance sheet is made up, state precisely the disposition in the accounts of the corporation of any amounts added to or deducted from such assets on appraisal and also the amount or amounts accumulated in respect of depreciation including obsolescence, and, separately, in respect of depletion ;

(k) under separate headings, in so far as they are not written off :

- i. expenditures on account of future business ;
- ii. any expense incurred in connection with any issue of shares ;
- iii. any expense incurred in connection with any issue of other securities, including any discount thereon ; and
- iv. any one or more of the following : goodwill, franchises, patents, copyrights, trade marks and other intangible assets and the amount, if any, by which the value of any such asset has been written up after 1 May, 1955 ;

(l) the aggregate amount of outstanding loans to provide, in accordance with a scheme then in force, money for the purchase by trustees of fully paid shares of the corporation to be held by or for the benefit of *bona fide* employees of the corporation, whether or not they are shareholders or directors, and the aggregate amount of outstanding loans to *bona fide* employees of the corporation, other than directors, made with a view to enabling them to purchase fully paid shares of the corporation to be held by them by way of beneficial ownership ;

(m) bank loans and overdrafts ;

(n) debts owing by the corporation on loans from its directors, officers or shareholders ;

(o) debts owing by the corporation to subsidiaries whose financial statements are not consolidated with those of the corporation, whether on account of a loan or otherwise ;

(p) debts owing by the corporation to affiliated companies other than subsidiaries, whether on account of a loan or otherwise ;

(q) other debts owing by the corporation, segregating those which arose otherwise than in the ordinary course of its business ;

(r) liability for taxes, including the estimated liability for taxes in respect of the income of the period covered by the statement of profit and loss ;

(s) dividends declared but not paid ;

(t) deferred income ;

(u) deferred income tax credits ;

(v) securities, other than shares, issued by the corporation, stating the interest rate, the maturity date, the amount outstanding and the existence of sinking fund, redemption requirements and conversion rights, if any ;

(w) the authorized capital, giving the number of each class of shares and a brief description of each such class, and indicating therein any class of shares that is redeemable and the redemption price thereof ;

(x) the issued capital, giving the number of shares of each class issued and outstanding and the amount received therefor that is attributable to capital, and showing :

i. the number of shares of each class issued since the date of the latest balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued for services and shares issued for other consideration ; and

ii. where any shares have not been fully paid :

(A) the number of shares in respect of which calls have not been made and the aggregate amount that has not been called ; and

(B) the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid ;

(y) contributed surplus ;

(z) earned surplus ; and

(aa) reserves, showing the amounts added thereto and the amounts deducted therefrom during the period.

(2) Explanatory information or particulars of any item referred to in subsection 1 may be shown by way of note to the balance sheet.

17. Changes in accounting principle or practice : There shall be stated by way of note to the financial statements, particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice made during the period covered that affects the comparability of any of the statements with any of those for the preceding period, and the effect, if material, of any such change upon the profit or loss for the period.

18. For the purpose of section 17, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period, even though it did not have a material effect upon the profit or loss for the period.

19. Other matters : Where applicable, the following matters shall be referred to in the financial statements or by way of note thereto :

(a) the basis of conversion of amounts from currencies other than the currency in which the financial statements are expressed ;

(b) foreign currency restrictions that affect the assets of the corporation ;

(c) contractual obligations that will require abnormal expenditures in relation to the corporation's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts ;

(d) material contractual obligations in respect of long-term leases, including, in the period in which the transaction was effected, the principal details of any sale and lease transaction ;

(e) contingent liabilities, stating their nature and, where practicable, the approximate amounts involved ;

(f) any liability secured otherwise than by operation of Act on any asset of the corporation, stating the liability so secured ;

(g) any default of the corporation in principal interest, sinking fund or redemption provisions with respect to any issue of its securities, other than shares or credit agreements ;

(h) the gross amount of arrears of dividends on any class of shares and the date to which such dividends were last paid ;

(i) where a corporation has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date for issue of the shares or exercise of the option ;

(j) the aggregate direct remuneration paid or payable by the corporation and its subsidiaries whose financial statements are consolidated with those of the corporation, to the directors and the senior officers of the corporation, and, as a separate amount, the aggregate direct remuneration paid or payable to such directors and senior officers by the subsidiaries of the corporation whose financial statements are not consolidated with those of the corporation ;

(k) where the corporation is a holding company, the aggregate of any shares in and the aggregate of any securities, other than shares, of such corporation held by subsidiary companies whose financial statements are not consolidated with those of the holding company ;

(l) the amount of any loans by the corporation or by a subsidiary company, otherwise than in the ordinary course of business, during the corporation's financial period, to the directors or officers of the corporation ;

(m) any restriction by the documents of incorporation or any by-law, or by contract on the payment of dividends that is significant in the light of the corporation's financial position ;

(n) any event or transaction, other than one in the normal course of business operations, between the date to which the financial statements are made up and the date of the auditor's report thereon that materially affects the financial statements ;

(o) the amount of any obligation for pension benefits arising from service prior to the date of the balance sheet, whether or not such obligation has been provided for in the accounts of the corporation, the manner in which the corporation proposes to satisfy such obligation and the basis on which it has charged or proposes to charge the related costs against operation ;

(p) a statement of the proportions in which the amount of sales or gross revenue for a financial period, so far as stated in the financial statements in respect of that period, is divided among classes of business where the corporation has :

i. in the course of that period, carried on business of 2 or more classes that, in the opinion of its directors, differ substantially from each other and the corporation is not one that has any subsidiaries at the end of that financial

period, or if it has one or more subsidiaries, does not prepare its financial statements in consolidated form in respect of any subsidiary ; or

ii. one or more subsidiaries at the end of its financial period and prepares its financial statements in consolidated form in respect of any of the subsidiaries, if the corporation and any of the subsidiaries carried on between them in the course of the period business of 2 or more classes that, in the opinion of the directors of the corporation, differ substantially from each other, but for the purposes of subparagraphs i and ii :

(A) classes of business that, in the opinion of the directors, do not differ substantially from each other shall be treated as one class ; and

(B) a corporation having gross sales and revenues exceeding 25 000 000 \$ need only report in respect of a class of business that contributes 10% or more of the total gross revenue of the corporation and a corporation having gross sales and revenues of 25 000 000 \$ or less need only report in respect of a class of business that contributes 15% or more of the total gross revenue of the corporation ;

(q) where there has been a business combination or acquisition arrived at through private agreements, statutory amalgamations, statutory arrangements or statutory procedures, a take-over bid as defined in the Act, asset purchases or other methods of materially adding to or combining with an existing business, the details thereof in accordance with the acquisition equation prescribed by section 33 ;

(r) where securities have been issued to acquire assets, the proportion of the total securities outstanding, expressed as a percentage, represented by the securities issued to make the acquisition ; and

(s) where the pooling of interest method is used to account for a business combination or acquisition, an earnings history for at least 2 years as though the companies were pooled for the years covered by such history, set out alongside the earnings history of the acquiring company.

20. For the purposes of sections 17, 18 and 19, a note to the financial statements is a part of such financial statements.

21. Exclusion : It is not necessary to state in the financial statements any matter that in all circumstances is of relative insignificance.

22. Holding company :

(1) A holding company may include in the financial statements referred to in section 9 the assets and liabilities and income and expenses of any one or more of its subsidiaries, making due provision for minority interests, if any, and indicating in such financial statements that they are presented in consolidated form.

(2) Where the assets and liabilities and income and expenses of any one or more subsidiaries of the holding company are not so included in the financial statements of the holding company :

(a) the financial statements of the holding company shall include a statement setting forth :

i. the reason why the assets and liabilities and income and expenses of such subsidiary or subsidiaries are not included in the financial statements of the holding company ;

ii. if there is only one such subsidiary, the amount of the holding company's proportion of the profit or loss of such subsidiary for the financial period coinciding with or ending in the financial period of the holding company, or, if there is more than one such subsidiary, the amount of the holding company's proportion of the aggregate profits less losses, or losses less profits, of all such subsidiaries for the respective periods coinciding with or ending in the period of the holding company ;

iii. the amount included as income from such subsidiary or subsidiaries in the statement of profit and loss of the holding company and the amount included therein as a provision for the loss or losses of such subsidiary or subsidiaries ;

iv. if there is only one such subsidiary, the amount of the holding company's proportion of the undistributed profits of such subsidiary earned since the acquisition of the shares of such subsidiary by the holding company to the extent that such amount has not been taken into the accounts of the holding company, or, if there is more than one such subsidiary, the amount of the holding company's proportion of the aggregate undistributed profits of all such subsidiaries earned since the acquisition of their shares by the holding company less its proportion of the losses, if any, suffered by any such subsidiary since the acquisition of its shares to the extent that such amount has not been taken into the accounts of the holding company ; and

v. any qualifications contained in the report of the auditor of any such subsidiary on its financial statements for the period ending as aforesaid, and any note or reference contained in the financial statements to call attention to a matter that, apart from the note or reference, would properly have been referred to in such a qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the holding company's financial statements and is material from the point of view of its shareholders ;

(b) if for any reason the directors of the holding company are unable to obtain such information as is necessary for the preparation of the statement that is to be included in the financial statements of the holding company, the directors who sign the financial statements of the holding company shall so report in writing, and their report shall be included in the financial statements of the holding company in lieu of such statement ; and

(c) the auditor shall state in his report the additional amount that, in his opinion, is necessary to make full provision therefor if adequate provision has not been made in the financial statements of the holding company for the holding company's proportion :

i. where there is only one such subsidiary, of the loss suffered by such subsidiary since the acquisition of its shares by the holding company ; or

ii. where there is more than one such subsidiary, of the aggregate losses suffered by such subsidiaries since the acquisition of their shares by the holding company in excess of its proportion of the undistributed profits, if any, earned by any of such subsidiaries since such acquisition.

23. Reserve : In the financial statements, the term "reserve" shall be used to describe only :

(a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred ;

(b) amounts appropriated from earned surplus pursuant to the documents of incorporation, statutes of by-law of the corporation for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred ; and

(c) amounts appropriated from earned surplus in accordance with the terms of a contract and that can be restored to the earned surplus when the conditions of the contract are fulfilled.

§2. Comparative interim financial statements

24. Contents of the comparative interim financial statements :

(1) The comparative interim financial statements required by section 116 of the Act shall be made up of :

(a) a statement of source and application of funds for each period that complies with section 14 ; and

(b) sufficient relevant financial information in summary form to present fairly the results of the operations of the corporation for each period, including :

i. a statement of sales or gross operating revenue ;

ii. extraordinary items of income or expense ;

iii. net income before taxes on income ;

iv. income tax payable and deferred ;

v. net profit or loss ;

vi. the basic earnings per share for income before extraordinary items and for net income for the period ; and

vii. fully diluted earnings per share for income before extraordinary items and for net income.

(2) A mutual fund or an investment company shall file a statement of changes in net assets for each period that complies with section 15 in lieu of a statement of source and application of funds as required by paragraph a of subsection 1.

25. Changes in accounting principle or practice : There shall be stated by way of note to the interim financial statements required by section 116 of the Act the particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice made during the period covered that affects the comparability of such statements with the statements for the preceding period or with the interim financial statements for a part of the preceding period, and the effect, if material, of any such change upon the profit or loss for the period covered by the interim financial statements.

26. For the purpose of section 25, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period or part thereof, even though it did not have a material effect upon

the profit or loss for the period covered by the interim financial statements.

27. Forwarding of interim financial statements : The interim financial statements required by section 116 of the Act shall be sent, within 60 days of the date to which they are made up, to each shareholder whose latest address as shown on the books of the corporation is in Québec.

§3. Instructions relating to financial disclosure

28. Definitions :

(1) For the purpose of this section and sections 29 to 31, the terms :

(a) “ordinary share” : means those shares of a company which represent the residual equity in the earnings of the company ;

(b) “senior share” : means any share of a company other than the ordinary shares ;

(c) “fully diluted earnings per share” : means the amount of income attributable to each share that would, if all potential conversions, exercises and contingent issuances had occurred during the period, be outstanding and have as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by section 30 ;

(d) “basic earnings per share” : means the amount of income attributable to each outstanding share that carries as an incident of ownership the right to participate in earnings to an unlimited degree, calculated in the manner prescribed by section 29 ; and

(e) “potential dilutive factor” : includes potential conversions of senior shares or debt obligations, exercises of rights, warrants and options and contingent issuances existing at the end of the period that would be dilutive, if they occurred.

(2) In determining whether shares are ordinary shares or senior shares, it is the rights and privileges of the shares in relation to the earnings of the company rather than their corporate designation which shall govern.

29. Basic earnings per share :

(1) The calculations of basic earnings per share shall be based on the ordinary shares outstanding during the period and on earnings available to the holders of ordinary shares, and prior claims on income shall be deducted for purposes of the calculations.

(2) Income figures used in the calculation of basic earnings per share shall be the reported amounts reduced by :

(a) as to non-cumulative senior shares, the dividends declared, payable in cash or otherwise, during the period ; and

(b) as to cumulative senior shares, the prescribed dividend, payable in cash or otherwise, whether or not declared.

(3) Where ordinary shares have been issued during the period, the basic earnings per share shall be calculated using a weighted average of shares outstanding during the period.

(4) In the case of business combinations or acquisitions involving the issue of ordinary shares, the calculation of the weighted average of ordinary shares outstanding during the period shall consider the ordinary shares as having been issued at the date from which the results of operations of the acquired business are included in the statement of profit and loss.

(5) In the case of ordinary shares issued on conversion of senior shares or debt obligations, the calculation of the weighted average of ordinary shares outstanding during the period shall consider the ordinary shares as having been issued as at the date of termination of the dividend or interest obligations.

(6) Where ordinary shares have been issued in connection with a stock dividend on ordinary shares or there has been a stock split or reverse split during the period or subsequent to the date of the balance sheet, the basic earnings per share shall be calculated recognizing the new share structure as though it had existed from the beginning of the period.

(7) In calculating basic earnings per share where ordinary shares have been issued as a stock dividend on senior shares, the ordinary shares shall be recognized only from the date of issue.

30. Fully diluted earnings per share :

(1) For the purpose of calculating fully diluted earnings per share, the income figures shall be those determined in accordance with subsections 1 and 2 of section 29 increased by the following :

(a) the amount of dividends applicable to convertible senior shares for the period ;

(b) the amount of interest expended for the period, after income taxes, on convertible debt obligations ; and

(c) imputed earnings, after income taxes, on the cash which would have been received on the exercise of rights, warrants and options and contingent issuances at an appropriate rate of return.

(2) The rate of return used for imputing earnings in subsection 1 shall be disclosed together with the dollar amount of imputed earnings after income taxes.

(3) Fully diluted earnings per share figures for the period shall be calculated as though all ordinary shares related to potential dilutive factors had actually been issued at the beginning of that period or date of issuance of the convertible or other security, if later.

(4) Where the basis of conversion or the exercise price will change from time to time, the calculation of fully diluted earnings per share shall be based on the conversion or the exercise of rights which have the most dilutive effect on earnings per share.

(5) The calculation of fully diluted earnings per share shall exclude any potential conversion of senior shares or debt obligations, exercise of rights, warrants and options and contingent issuances that would increase earnings per share or decrease a loss per share.

(6) Conversions or exercises of rights that do not become effective within 10 years following the date of the balance sheet shall not be considered as a dilutive factor.

(7) Fully diluted earnings per share figures of a holding company shall reflect any dilutive factors which exist in subsidiaries which are consolidated or carried on an equity basis.

31. Holding company accounting for investments by the cost method : Where unconsolidated subsidiaries are carried by a holding company on a cost basis, the note to the financial statements which discloses the increase or decrease in the holding company's interest in the undistributed income of the subsidiaries during the period shall be supplemented by disclosing basic earnings per share, and, where applicable, fully diluted earnings per share computed as if the investment in subsidiaries had been carried on an equity basis.

32. Definition : For the purpose of this section and sections 33 to 35, the terms :

(a) "purchase accounting" : includes accounting in the financial statements of an acquiring economic unit for the net assets acquired at their cost to that economic unit on the date of acquisition ;

(b) "common share" : means the shares of a company to which there is attached no preference, right, condition, restriction, limitation or prohibition set out in the instrument of incorporation of the company other than a restriction on the allotment, issue or transfer ;

(c) "special share" : means all shares of a company other than common shares ;

(d) "economic unit" : includes a business or any unit of business conducted by any person or company or any combination of persons or companies regardless of the form in which the business or unit of business is carried on ; and

(e) "pooling" and "pooling of interests accounting" : include accounting in the financial statements of the combined company for the net assets acquired at the value at which they are carried in the books of the combining companies and the restatement of the comparative financial statements as though the companies had been combined for that period.

33. Acquisition equation :

(1) The acquisition equation referred to in paragraph 9 of section 19 shall be :

(a) net assets acquired in the transaction, comprised of the amount of :

i. net assets, other than goodwill, at the book value of the seller ;

ii. adjustment of net assets, other than goodwill, if necessary :

(A) on purchase, at fair value ;

(B) on pooling of interest, to conform with the accounting practices of the acquiring company ;

iii. any goodwill on the books of the seller ; and

iv. on purchase, the premium or discount ascribed to goodwill ; or on pooling of interests, the excess, if any, of consideration given over total net assets on the books of the seller ;

(b) equated to consideration given, at fair value, for net assets acquired, comprised of the amount of :

i. cash, bank loans and other working capital payments ;

- ii. long term debt obligations ;
- iii. common shares ;
- iv. special shares ; and
- v. any other consideration, direct or indirect, indicating the nature thereof.

(2) Where part of the assets mentioned in paragraph *a* of subsection 1 includes net assets, other than goodwill, on the books of the seller, or includes goodwill on the books of the seller, the notes to the financial statements which contain the acquisition equation shall also disclose the amount, if any, by which those values have been written up on the books of the seller within 5 years preceding the acquisition date.

(3) Where part of the consideration mentioned in paragraph *b* of subsection 1 is given by way of long term debt obligations, common shares or special shares, the notes to the financial statements which contain the acquisition equation shall also disclose, as the case may be :

- (a) the terms of the debt obligations, including interest payable thereon, convertible features, if any, terms of repayment and other material conditions ; or
- (b) the number, description and book value of the shares issued or exchanged.

34. Purchase accounting :

(1) Where the purchase method is used in accounting for a business combination, there shall also be disclosed by way of notes to the financial statements :

- (a) the name and a brief description of each economic unit acquired, and where shares are acquired, the percentage of outstanding voting shares acquired ;
- (b) a statement that purchase accounting was used ;
- (c) the legal method by which the acquisition took place ;
- (d) the date of acquisition and the period for which results of the operations of the acquired economic unit are included in the statement of profit and loss of the acquiring economic unit ; and
- (e) whether it is proposed to amortize any goodwill arising as a result of the purchase and, if so, an outline of the plan of amortization.

(2) Where the purchase method is used in accounting for a number of relatively minor acquisitions, information may be combined for disclosure.

35. Pooling and pooling of interests accounting : Where the pooling method is used in accounting for a business combination, there shall also be disclosed by way of notes to the financial statements :

(a) the name and a brief description of each company brought into the combination, the percentage of voting shares of each company entering into the combination, and the percentage of the total securities outstanding represented by the securities issued, if any, in the combination ;

(b) a statement that pooling of interests accounting was used ;

(c) the date of the combination ; and

(d) the legal method by which the combination took place.

DIVISION V TAKE-OVER BIDS

§1. Contents of take-over bid circulars

36. Take-over bid circular : Every take-over bid circular required by section 143 of the Act shall contain the following information :

(a) the number, without duplication, and designation of any securities of the offeree company beneficially owned, directly or indirectly :

- i. by the offeror ;
- ii. by a person related to the offeror ;
- iii. by each director and each senior officer of the offeror and persons related to them ; and
- iv. where known to the directors or senior officers of the offeror, by a person or company who beneficially owns, directly or indirectly, voting shares of the offeror carrying more than 10% of the voting rights attached to all voting shares of the offeror then outstanding ; or
- v. if none are so owned, a statement to that effect ;

(b) where known to the directors or senior officers of the offeror, the number and designation of any voting shares of the offeree company traded by the persons or companies referred to in paragraph *a* during the 6 month period preceding the date of the take-over bid, including the purchase or sale price and the date of each such transaction ;

(c) where the obligation of the offeror to take up and pay for shares under a take-over bid is conditional upon a

minimum number of shares being deposited pursuant thereto, the particulars of such condition ;

(d) the particulars of the method and time of payment of the cash or other consideration to be paid for the shares of the offeree company ;

(e) a statement that any shares deposited pursuant to the take-over bid may be withdrawn by or on behalf of the offeree at any time until the expiration of 7 days from its date ;

(f) where the shares in the offeree company sought to be acquired pursuant to the take-over bid are to be paid for in whole or in part in cash, details of the arrangements that have been made by the offeror to ensure that the required funds are available to take up and pay for the shares of the offeree company deposited pursuant to the take-over bid ;

(g) where reasonably ascertainable, a summary showing in reasonable detail the volume of trading and price range of the shares of the offeree company sought to be acquired pursuant to the take-over bid in the 6 month period preceding the date of the take-over bid ;

(h) the particulars of any arrangement or agreement made or proposed to be made between the offeror and any of the directors or senior officers of the offeree company, including particulars of any payment or other benefit proposed to be made or given by way of compensation for loss of office or as to their remaining in or retiring from office, if the take-over bid is successful ; and

(i) the particulars of any information known to the offeror that indicates any material change in the financial position or prospects of the offeree company since the date of the last published interim or annual financial statements of the offeree company.

37. Certificate :

(1) Subject to subsection 2, where a take-over bid is made by or on behalf of a company, the take-over bid circular shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any 2 directors of the company other than the foregoing, duly authorized to sign :

“The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid made by this circular as required by sections 131 to 156 of the Securities Act, and the regulations thereunder.”

(2) Where the company has only 3 directors, 2 of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

(3) Where a take-over bid is made by a person, the circular shall contain the certificate signed by the person making the offer.

(4) Subject to section 145 of the Act, where the take-over bid is made on behalf or for the benefit of a person or company, such certificate may be signed by the agent making the offer.

§2. Contents of take-over bid circulars where consideration is securities

38. (1) A take-over bid circular required by section 144 of the Act shall contain :

(a) the information prescribed by the appropriate form of prospectus set out in Division III which provides the most significant information concerning the affairs of the company whose securities are being offered in exchange for the shares of the offeree company ;

(b) the financial statements of the company whose securities are offered in exchange for the shares of the offeree company ; and

(c) the particulars of any information known to the offeror that indicates any material change in the financial position or prospects of the company whose securities are offered in exchange for the shares of the offeree company since the date of the last published interim or annual financial statements of such company.

(2) The financial statements referred to in paragraph b of subsection 1 shall comply *mutatis mutandis* with the requirements of Division IV.

§3. Contents of directors' circulars

39. (1) A directors' circular required by section 147 of the Act shall contain the following information :

(a) the number, without duplication, and designation of any securities of the offeree company beneficially owned, directly or indirectly, by each director and each senior officer of the offeree company and persons related to them and, where known to the directors or senior officers, by each person or company who beneficially owns, directly or indirectly, voting shares of the offeree company

carrying more than 10% of the voting rights attached to all voting shares of the offeree company then outstanding or, in each case, if none are so owned, a statement to that effect ;

(b) a statement as to whether each director and senior officer of the offeree company and persons related to them, and, where known to the directors or senior officers, each person or company who beneficially owns, directly or indirectly, voting shares of the offeree company carrying more than 10% of the voting rights attached to all voting shares of the offeree company then outstanding, has accepted or intends to accept the offer in respect of any shares of the offeree company sought to be acquired ;

(c) where a take-over bid is made by or on behalf of a company, the number, without duplication, and designation of any securities of the offeror beneficially owned, directly or indirectly, by each director and each senior officer of the offeree company and persons related to them and, where known to the directors or senior officers, by each person or company who beneficially owns, directly or indirectly, voting shares of the offeree company carrying more than 10% of the voting rights attached to all voting shares of the offeree company then outstanding ;

(d) the particulars of any arrangement or agreement made or proposed to be made between the offeror and any of the directors or senior officers of the offeree company, including particulars of any payment or other benefit proposed to be made or given by way of compensation for loss of office or as to their remaining in or retiring from office if the take-over bid is successful ;

(e) whether any director or senior officer of the offeree company and persons related to them and, where known to the directors or senior officers, whether any person or company who beneficially owns, directly or indirectly, voting shares of the offeree company carrying more than 10% of the voting rights attached to all voting shares of the offeree company then outstanding has any interest in any material contract to which the offeror is a party, and, if so, particulars of the nature and extent of such interest ;

(f) where reasonably ascertainable, a summary showing in reasonable detail the volume of trading and the price range of the shares sought to be acquired pursuant to the take-over bid in the 6 month period preceding the date

thereof if such information is not disclosed in the take-over bid circular or if, in the opinion of the directors of the offeree company, such information is not adequately disclosed therein ;

(g) the particulars of any information known to any of the directors or senior officers of the offeree company that indicate any material change in the financial position or prospects of the offeree company since the date of the last published interim or annual financial statements of the offeree company ; and

(h) the particulars of any other material facts not disclosed in the foregoing.

(2) A circular required under section 150 of the Act shall contain *mutatis mutandis* the information mentioned in subsection 1.

40. (1) Subject to subsection 2, where a directors' circular is sent to offerees under section 147 of the Act it shall contain a certificate in the following form, signed by the chief executive officer, the chief financial officer and, on behalf of the board of directors, by any 2 directors of the company other than the foregoing, duly authorized to sign :

"The foregoing constitutes full, true and plain disclosure of all material facts relating to the take-over bid as required by sections 147 to 153 of the Securities Act, and the regulations thereunder."

(2) Where the company has only 3 directors, 2 of whom are the chief executive officer and the chief financial officer, the certificate may be signed by all the directors of the company.

(3) Where a circular is sent out to offerees under section 150 of the Act, it shall contain such certificate signed by the individual director or officer.

DIVISION VI INSIDER TRADING

§1. Form and content of the reports

41. (1) The reports required to be filed under sections 159, 160, 161 and 163 of the Act, shall be prepared in accordance with Schedule D.

(2) Those required to be filed under sections 162 and 164 of the Act, shall be prepared in accordance with Schedule E.

§2. Special cases

42. For the purposes of sections 159 and 164 of the Act :

(a) a report filed by a company which includes capital securities beneficially owned by a subsidiary or deemed to be beneficially owned by such subsidiary by virtue of subsection 6 of section 2 of the Act or which includes changes in such subsidiary's beneficial ownership of capital securities, shall be deemed to be a report filed by such subsidiary and such subsidiary need not file a separate report ; and

(b) a report filed by a person which includes capital securities beneficially owned or deemed to be beneficially owned by virtue of subsection 5 of section 2 of the Act by a company controlled by such person or by an affiliate, if any, of such controlled company or which includes changes in the beneficial ownership of such capital securities by such controlled company or affiliate, shall be deemed to be a report filed by such controlled company or by such affiliate and such controlled company and affiliate need not file a separate report.

§3. Rules of general application

43. Where the Act or the regulations require the disclosure of the number or percentage of securities beneficially owned :

(a) by a person and where, by virtue of subsection 5 of section 2 of the Act, one or more companies would also have to be shown as beneficially owning such securities, a statement disclosing all the securities beneficially owned by such person or deemed to be beneficially owned, and indicating whether such ownership is direct or indirect and, if indirect, indicating the name of the controlled company or company affiliated with such controlled company through which such securities are indirectly owned and the number or percentage of such securities so owned by such company, shall be deemed sufficient disclosure without disclosing the name of any other company which is deemed to beneficially own the same securities ; or

(b) by a company and where, by virtue of subsection 6 of section 2 of the Act, one or more other companies would also have to be shown as beneficially owning such securities, a statement disclosing all such securities beneficially owned or deemed to be beneficially owned by the

first-mentioned company and indicating whether such ownership is direct or indirect and, if indirect, indicating the name of the other company through which such securities are indirectly owned and the number or percentage of such securities so owned, shall be deemed sufficient disclosure without disclosing the name of any other company which is deemed to beneficially own the same securities.

DIVISION VII EXEMPTION

44. Any security other than a share is removed from the application of the second paragraph of section 123 of the Act.

45. An insider of a corporation, other than a company incorporated under the laws of Québec, is exempted from the requirements of sections 159 to 162 of the Act, if :

(a) the laws of the jurisdiction in which the corporation is incorporated or the laws of the jurisdiction to which the corporation is subject contain requirements, dealing with the reporting of insider interests, substantially similar to those contained in the Act ;

(b) the report is filed in accordance with said laws ; and

(c) the information disclosed is published.

SCHEDULE A

(s. 7)

PROSPECTUS OF A CORPORATION OTHER THAN A MINING OR INVESTMENT COMPANY

1. Such prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth :

(1) the full name of the company and the address of the head office ;

(2) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof ;

(3) the general nature of the business actually transacted or to be transacted ;

(4) the officers and directors giving in each case the name in full, present occupation and home address in full ;

(5) the names and address of the auditors ;

(6) the name and address of every registrar or transfer agent ;

(7) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating and, if any, the privileges and restrictions relating to the shares ;

(8) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with, or out of the proceeds of the issue of the shares offered, nor any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered ;

(9) the particulars in respect of any bonds or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead or *pari passu* with the securities offered ;

(10) the amount and general description of any substantial indebtedness to be created or assumed, which is not shown in the balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness ;

(11) the particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which, and the date or dates by which, the options must be exercised, showing the name of the original grantee of the option, and where the original grantee is a company, syndicate or partnership, the names of all persons having more than a 5% interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then, to the extent that the options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the course of a primary distribution to the public it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter ;

(12) the number of securities of each class offered, which in the case of obligations, shall bear an appropriate and correct descriptive title and the issue price and the terms thereof, and in the case of a second or subsequent offer of securities, the amount offered for subscription on each previous offer within the 2 preceding years and the amount actually issued and the amount paid up thereon, specifying the amounts received in cash or other consider-

ation respectively and the commission, if any, paid or payable ;

(13) the estimated net proceeds to be derived from the securities offered on the basis of such securities being fully taken up and paid for ;

(14) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds, and if the funds are to be raised in part from other sources, the amount thereof and the sources thereof shall be stated, and particulars of any provision made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions ;

(15) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, or if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for each of the following purposes :

(a) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue ;

(b) any preliminary expenses payable by the company ;

(c) any commission payable by the company to any person in consideration of his agreeing to subscribe for, or who has procured or agrees to procure subscriptions for any shares in the company ;

(d) the repayment of any moneys borrowed by the company in respect of the foregoing matters ; and

(e) the repayment of bank loans, if any ;

(16) the particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered ;

(17) (a) the aggregate remuneration paid or payable by the issuer and its subsidiaries to the directors and senior officers of the issuer during its last financial year and the subsequent period up to 30 days of the filing of the prospectus with the Commission, showing separately the amounts paid or payable for each period, and the amounts paid or payable by subsidiaries whose financial statements are not consolidated with those of the issuer ;

(b) the aggregate remuneration estimated to be paid or payable in the future by the issuer or its subsidiaries to the persons referred to in subparagraph a or if approximate estimation is not possible, the basis for determining it ;

(18) the amount, if any, paid within the 2 preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares in or obligations of the company, or the rate of any such commission ;

(19) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of the preliminary expenses ;

(20) the particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue, or is to be paid in whole or in part in securities of the company, or purchase of acquisition of which has not been completed upon the date of the statement and the nature of the title or interest therein acquired or to be acquired by the company, provided that this paragraph shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company ;

(21) the names and addresses of the vendors of any property under paragraph 20 and the amount, specifying separately the amount, if any, for goodwill paid or payable in cash or securities of the company to the vendors for the property and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than 25 separate vendors, it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than 10% of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired ;

(22) the number and amount of securities which, within the 2 preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued ;

(23) where obligations are offered, particulars of the security, if any, which has been or will be created for such obligations, specifying the property, if any, comprised or

to be comprised in the security and the nature of the title to the property, and if more than 25% in value of the property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations ;

(24) the particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been paid within the last 2 preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under subparagraph c of paragraph 15 and the amount included under paragraphs 18 and 22 ;

(25) the amount paid within the 2 preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment ;

(26) the dates of and the parties to and the general nature of every material contract entered into within the 2 preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company ;

(27) full particulars of the nature and extent of the interest, if any, of every director in the promotion of, or in any property acquired by the company within the preceding 2 years or proposed to be acquired by the company, or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this paragraph shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company ;

(28) in the case of a company which has been carrying on business for less than 3 years the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than 3 years, also the length of time during which such business has been carried on ;

(29) where shares are offered, the names and addresses of the persons, if known, who, by means of beneficial own-

ership of securities of the company or any agreement in writing, are in a position to or entitled to, elect or cause to be elected a majority of the directors of the company ;

(30) where any securities of the company of the same class as those offered are held in escrow, particulars of the number and description thereof, the name of the trustee, the date on which and the conditions, if any, governing the release of such securities from escrow ;

(31) where shares are offered, particulars of dividends, if any, paid during the 5 years preceding the date of the statement ;

(32) any other material facts not disclosed in the foregoing.

SCHEDULE B

(s. 7)

PROSPECTUS OF AN INVESTMENT COMPANY

1. Such prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth :

(1) the full name of the company and the address of the head office ;

(2) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof ;

(3) the general nature of the business actually transacted or to be transacted giving all particulars of investment powers and duties ;

(4) the officers and directors giving in each case the name in full, present occupation and home address in full ;

(5) the names and home addresses in full of the persons constituting any investment advisory committee or similar body together with a concise statement of powers duties, and giving the business experience of such persons for the preceding 5 years, and where such persons are officers or directors of other companies, so stating, giving the names of such companies ;

(6) the names and addresses of the auditors ;

(7) the name and address of every registrar or transfer agent ;

(8) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating and, if any, the privileges and restrictions relating to the shares ;

(9) where shares are offered, a description of respective voting rights, preferences, conversion and exchange rights, rights to dividends, profits or capital of each class of shares, including redemption rights, and rights on liquidation or distribution of capital assets, provided that it shall not be necessary to set out such description in respect of any class of shares which will be wholly redeemed or cancelled prior to, contemporaneously with, or out of the proceeds of the issue of the shares offered, not any provisions relating to any shares which will have ceased to be effective prior to or contemporaneously with the issue of the shares offered ;

(10) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued, and of any other securities issued or proposed to be issued, which if issued will rank ahead of or *pari passu* with the securities offered ;

(11) the names and addresses in full of any trustees and the particulars of any trustee agreements where assets are held to protect the liability to the public in respect of securities sold to the public and if not applicable so stating ;

(12) the amount and general description of any substantial indebtedness to be created or assumed which is not shown in the balance sheet filed with the Commission, and also particulars of the security, if any, given or to be given for such indebtedness ;

(13) the particulars of the securities, if any, covered by options outstanding or proposed to be given by the company and the price or prices at which, and the date or dates, by which, the options must be exercised, showing the name of the original grantee of the option, and where the original grantee is a company, syndicate or partnership, the names of all persons having more than 5% interest therein, provided that where options are evidenced by instruments in bearer or transferable form capable of being freely bought and sold, then, to the extent that the options have been or are to be made available to a class of holders of securities of the company, or have been or are to be offered in the course of a primary distribution to the public, it shall not be necessary to disclose the names of the grantees except where the grantee is an underwriter ;

(14) a brief description of the method by which the securities offered will be sold to the public ;

(15) the number of securities of each class offered, which in the case of obligations shall bear an appropriate and correct descriptive title, and the issue price and the terms thereof, and in the case of a second or subsequent offer of securities, the amount offered for subscription on each previous offer within the 2 preceding years and the amount actually issued and the amount paid up thereon,

specifying the amounts received in cash or other consideration respectively and the commission, if any, paid or payable ;

(16) the estimated net proceeds to be derived from the securities offered on the basis of such securities being fully taken up and paid for ;

(17) the specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the securities offered are to supply funds, and if the funds are to be raised in part from other sources, the amount thereof and the sources thereof shall be stated, and particulars of any provisions made for the holding in trust of the proceeds of the issue of the securities offered pending or subject to the fulfilment of any conditions ;

(18) where shares are offered by the company or an underwriter, the minimum amount, if any, which in the opinion of the directors must be raised by the issue of those shares in order to provide the sums, of, if any part thereof is to be defrayed in any other manner, the balance of the sum required to be provided for the following matters :

(a) the purchase price of any property purchased or to be purchased which is to be defrayed in whole or in part out of the proceeds of the issue ;

(b) any preliminary expenses payable by the company ;

(c) any commission payable by the company to any person in consideration of his agreeing to subscribe for, or who has procured or agrees to procure subscriptions for any shares in the company ;

(d) the repayment of any moneys borrowed by the company in respect of the foregoing matters ; and

(e) the repayment of bank loans, if any ;

(19) the particulars showing the date of and the parties to the agreement, if any, with an underwriter in respect of the securities offered and the remuneration of or price payable by the underwriter for the securities offered ;

(20) (a) the aggregate remuneration paid or payable by the issuer and its subsidiaries to the directors and senior officers of the issuer during its last financial year and the subsequent period up to 30 days of the filing of the prospectus with the Commission showing separately the amounts paid or payable for each period and the amounts paid or payable by subsidiaries whose financial statements are not consolidated with those of the issuer ;

(b) the aggregate remuneration estimated to be paid or payable in the future by the issuer or its subsidiaries to the persons referred to in subparagraph a or if approximate estimation is not possible, the basis for determining it ;

(21) the amount, if any, paid within the 2 preceding years or payable as a commission by the company for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any securities of the company, or the rate of any such commission ;

(22) in the case of a company which has not been carrying on business for more than one year the amount or estimated amount of the preliminary expenses ;

(23) the particulars of any property purchased or acquired by the company, or proposed to be purchased or acquired, the purchase price of which is to be defrayed in whole or in part out of the proceeds of the issue, or has been paid within the last 2 preceding years, or is to be paid in whole or in part in securities of the company, or the purchase or acquisition of which has not been completed upon the date of the statement and the nature of the title or interest therein acquired, or to be acquired by the company, provided that this paragraph shall not apply to transactions entered into in the ordinary course of operations or on the general credit of the company ;

(24) the names and addresses of the vendors of any property under paragraph 23 and the amount, specifying separately the amount, if any, for goodwill, paid or payable in cash or securities of the company to the vendors for the property and, where there is more than one separate vendor or the company is sub-purchaser, the amount so payable to each vendor, provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors, and provided further that where the property consists of securities of any other company purchased or acquired or proposed to be purchased or acquired by the company on substantially similar terms from more than 25 separate vendors it shall be sufficient to state the nature and terms of the transaction with particulars of the name and address of each person who is the vendor of securities aggregating more than 10% of the total amount of the securities so purchased or acquired or proposed to be purchased or acquired ;

(25) the number and amount of securities which, within the 2 preceding years, have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash and in the latter case the extent to which they are so paid up, and in either case the consideration for which those securities have been issued or are proposed or intended to be issued ;

(26) where obligations are offered, particulars of the security, if any, which has been or will be created for such

obligations, specifying the property, if any, comprised or to be comprised in the security and the nature of the title to the property and, if more than 25% in value of the property consists or is to consist of shares or obligations, particulars of the rights, if any, of the company to substitute other shares or obligations ;

(27) the particulars of any services rendered or to be rendered to the company which are to be paid for by the company wholly or partly out of the proceeds of the securities offered or have been paid within the last 2 preceding years or are to be paid for by securities of the company exclusive of commissions to be disclosed under subparagraph c of paragraph 18 and the amount included under paragraphs 21 and 25 ;

(28) the amount paid within the 2 preceding years or intended to be paid to any promoter with his name and address and the consideration for such payment ;

(29) the dates of and the parties to and the general nature of every material contract entered into within the 2 preceding years, and a reasonable time and place at which any such material contract or a copy thereof may be inspected, but this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company ;

(30) full particulars of the nature and extent of the interest, if any, of every director in the promotion of or in any property acquired by the company within the preceding 2 years or proposed to be acquired by the company or, where the interest of such director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or securities or otherwise by any person either to induce him to become, or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company, but this paragraph shall not apply in the case of a statement issued more than one year after the date at which the company commenced business, except as to the particulars relating to property proposed to be acquired by the company ;

(31) in the case of a company which has been carrying on business for less than 3 years, the length of time during which the business of the company has been carried on, and, if the company has acquired or proposes to acquire, either by direct acquisition or indirectly by ownership of shares or otherwise, a business which has been carried on for less than 3 years, also the length of time during which such business has been carried on ;

(32) where shares are offered, the names and addresses of the persons, if known, who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to or entitled to elect or cause to be elected a majority of the directors of the company ;

(33) the particulars of dividends, if any, paid during the 5 years preceding the date of the statement ;

(34) any other material facts not disclosed in the foregoing.

SCHEDULE C

(s. 7)

PROSPECTUS OF A MINING COMPANY

1. Such prospectus shall contain a full, true and plain disclosure relating to the security issued and shall set forth :

(1) the full name of the company and the address of the head office ;

(2) the laws under which the company was incorporated and stating whether incorporated by letters patent or otherwise and the date thereof, and if supplementary letters patent or a similar authority for variation of the letters patent or otherwise has been issued so stating with the date thereof ;

(3) the officers, directors and promoters giving in each case the name in full, present occupation and home address in full ;

(4) the names and addresses of the auditors ;

(5) the name and address of every registrar or transfer agent ;

(6) the particulars of the share capital authorized, issued and paid up, the number and classes of shares and the par value thereof, or if without par value so stating and, if any, the privileges and restrictions relating to the shares ;

(7) the particulars in respect of any bonds, or debentures outstanding or proposed to be issued ;

(8) the number of shares or other securities held in escrow, the name of the trustee and a summary of the provisions of the escrow agreement including the proposed plan of release from escrow ;

(9) the shares sold for cash to date tabulated under each class of shares as follows :

(a) the number of shares sold, separately listed as to price ;

(b) the total cash received for the shares sold ; and

(c) the commission paid on the sale of the shares ;
 (10) the particulars of securities, other than shares, sold for cash to date as follows :

- (a) the securities sold ;
- (b) the total cash received for the securities sold ; and
- (c) the commissions paid on the sale of the securities ;

(11) the number of shares issued or to be issued or cash paid or to be paid to any promoter with his name and address and the consideration for the payment ;

(12) particulars as follows :

(a) the official designation and location of all properties, showing whether owned, leased or held under option or intended to be acquired by the company and all material facts relating to leases or options ;

(b) the names and addresses of all vendors of property purchased or intended to be purchased by the company, showing the consideration paid or intended to be paid to each vendor, and the property acquired from each ; and

(c) the names and addresses in full of every person or company who has received or is to receive from any vendor a greater than 5% interest in the shares or other consideration received or to be received by the vendor ;

(13) the particulars relating to all properties as follows :

(a) the means of access thereto ;

(b) the character, extent and condition of any underground exploration and development and any underground plant and equipment, and if none so state ;

(c) the character, extent and condition of any surface exploration and development and any surface plant and equipment, and if none so state ;

(d) the known history of the property ; and

(e) a description of any work done and improvements made by the present management, and if none so state ;

(14) the particulars of the securities, if any, covered by option agreements or underwriting agreements outstanding or proposed to be given, and particulars of sub-option agreements or sub-underwriting agreements outstanding or proposed to be given and particulars of any assignments or proposed assignments of any such agreements and the price or prices at which, and the date or dates by which, the option agreements or underwriting agreements must be exercised, showing the name of the optionee and where the optionee is a company, syndicate or partnership, the names of all persons having more than 5% interest therein, and the name and address of the person for, or on

whose behalf, the option agreement or underwriting agreement has been entered into ;

(15) the details of future development and exploration plans of the management showing how it is proposed to expend the proceeds from current sales of securities ;

(16) where a company has not been incorporated for more than one year prior to the date of the statement, the amount or estimated amount of preliminary expenses showing administrative and development expenses separately, including the amount already expended and the estimated future expenditures in each case ;

(17) the amount and general description of any indebtedness to be created or assumed, which is not shown in a balance sheet filed with the Commission and also particulars of the security, if any, given or to be given for such indebtedness ;

(18) particulars as follows :

(a) the principal business in which each director or officer has been engaged during the past 3 years and giving the length of time, position held and name of company or firm ;

(b) the nature and extent of the interest, direct or indirect, which any director or officer of the company, whether personally or as a partner in a firm, has ever had in any property acquired or to be acquired by the company ; and

(c) the aggregate remuneration paid by the company during the last financial year, and estimated to be paid or payable during the current financial year to directors, and the portion of such amount payable to officers ;

(19) the particulars of dividends, if any, paid during the last 5 years ;

(20) the names and addresses of the persons who, by reason of beneficial ownership of securities of the company or any agreement in writing, are in a position to or entitled to elect or cause to be elected a majority of the directors of the company ;

(21) a complete and up-to-date report, or a summary by a mining engineer, geologist or other qualified expert concerning the property or properties of the company. This report or summary must be accompanied by a certificate of the said mining engineer, geologist or other expert indicating his address, his technical qualifications, his personal interest, if any, and the circumstances under which such report was prepared ;

(22) any other material facts not disclosed in the foregoing.

(s. 41)

1. Name of corporation of which the undersigned is inside

.....

2. Full name of the undersigned

3. Business address of the undersigned

4. Indicate in what capacity or capacities the undersigned qualifies as an insider

..... (See instruction 3)

5. Insider interest in the corporation :

(a) capital securities beneficially owned directly or indirectly by the undersigned on

day. month. year

(b) capital securities over which the undersigned is in a position to exercise control or direction over, as at

day. month. year

(See instruction 4)

Designation of security

(See instruction 5)

Amount or number

(See instruction 6)

Nature of insider interest

(See instruction 7)

6. Additional remarks

The undersigned hereby certifies that the information given in this report is true and complete in every respect.

.....
date of report and signature (See instruction 9)

It is an offence under the Securities Act (R.S.Q., c V-1) to file a false or misleading report.

Instructions

(1) File 2 signed copies of the report with the Commission des valeurs mobilières du Québec as and when provided for by sections 159, 160, 161 and 163 of the Securities Act (R.S.Q., c. V-1).

(2) File a separate report with respect to each corporation of which you are an insider.

(3) Indicate in what capacity you qualify as an insider, for example, "director", "senior officer", "beneficial owner of such number of voting shares as carry more than 10% of the votes attached to all voting shares of the corporation", or "person or company who exercises control or direction over the voting shares of a corporation carrying more than 10% of the voting rights attached to all voting shares of the corporation for the time being outstanding". If you qualify in more than one capacity, so state. In connection with the meaning of the word "insider", see subsections 1 to 6 of section 2 and section 157 of the Securities Act.

(4) State separately your beneficial ownership of capital securities of the corporation as of the date referred to in sections 159, 160, 161 and 163 of the Securities Act as may be applicable, and state the capacity in which control or direction over the capital securities may be exercised.

(5) Under "Designation of security", identify each class of capital security beneficially owned or over which control or direction may be exercised, for example, "common shares", "first preference shares", "5% debentures due 1975", etc.

(6) In reporting the amount or number of capital securities beneficially owned or over which control or direction may be exercised, in the case of debt securities, give the principal amount thereof and in the case of shares give the number thereof.

(7) Under "Nature of insider interest", state whether and to what extent your beneficial ownership of capital securities is direct or indirect. To the extent your ownership is indirect indicate in a footnote or some other appropriate manner the name or identity of the medium through which such capital securities are indirectly owned and state the amount or number so owned by such medium. Report capital securities owned indirectly on separate lines from capital securities owned directly. State also, whether you may exercise control or direction over capital securities and report the amount or number on a separate line. To the extent that you may exercise control or direction over capital securities indicate the means by which such control or direction is exercised and state the amount or number of the capital securities.

(8) You may include any additional information or explanation that you consider relevant.

(9) If the report is filed on behalf of a company, partnership, trust or other entity, the name of the company or other entity shall appear in printed form and the name and office of the signee shall be in printed form immediately following the signature and there shall be filed with the Commission a certified copy of the resolution or by-law authorizing such person or persons to file, and the resolution or by-law shall show all directors and officers present when the resolution or by-law was passed. If the report is filed by an individual it shall be signed by him ; if signed on his behalf by an agent, there shall be filed with the Commission a duly completed power of attorney.

(10) If space provided in any item is insufficient, additional sheets may be used and must be cross-referred to the item and properly identified and signed.

SCHEDULE E

(s. 41)

REPORT OF CHANGES IN INSIDER INTEREST

1. Name of corporation of which the undersigned is insider

.....
.....

2. Full name of the undersigned

.....

3. Business address of the undersigned

.....

4. Indicate in what capacity or capacities the undersigned qualifies as an insider

..... (See instruction 3)

5. Information given for calendar month of

.....

6. Changes in insider interest :

(a) changes during month in the undersigned's direct or indirect beneficial ownership of capital securities of corporation ; or

(b) changes during month in the undersigned's control or direction over capital securities of corporation :

Designation of security
(See instruction 5)

.....

Date of purchase or sale transaction
(See instruction 6)

.....

Amount or number purchased or otherwise acquired
(See instruction 7)

.....

Amount or number sold or otherwise disposed of
(See instruction 7)

.....

Price per share or unit at which sold or purchased or otherwise acquired or disposed of

.....

Nature of insider interest
(See instruction 8)

.....

7. Insider interest at the end of the month :

(a) capital securities of corporation beneficially owned directly or indirectly by the undersigned ; and

(b) capital securities of corporation over which the undersigned exercised control or direction :

Designation of security
(See instruction 5)

.....

Amount or number
(See instruction 7)

.....

Nature of insider interest
(See instruction 8)

.....

8. Additional remarks

.....

The undersigned hereby certifies that the information given in this report is true and complete in every respect.

.....

date of report and signature

(See instruction 11)

It is an offence under the Securities Act to file a false or misleading report.

Instructions

(1) File 2 signed copies of the report with the Commission des valeurs mobilières du Québec as and when provided by sections 162 and 164 of the Securities Act (R.S.Q., c. V-1).

(2) File a separate report with respect to each corporation of which you are an insider.

(3) Indicate in what capacity you qualify as an insider, for example, "director", "senior officer", "beneficial owner of such number of shares as carry more than 10% of the votes attached to all voting shares of the corporation". If you qualify in more than one capacity, so state. In connection with the meaning of the word "insider", see subsections 1 to 6 of section 2 and section 157 of the Securities Act.

(4) State all changes in your beneficial ownership of, or control or direction over, capital securities of the corporation during the calendar month for which you are reporting and also your beneficial ownership of or control or direction over capital securities as of the end of the month. Report every transaction involving a change in your beneficial ownership of, or change in control or direction over, capital securities during the month even though purchases and sales or other changes during the month are equal or the change involves only the nature of ownership, for example, from direct to indirect ownership.

(5) Under "Designation of security", identify each class of capital security beneficially owned, or over which control or direction is exercised, for example, "common shares", "first preference shares", "5% debentures due 1975", etc.

(6) Show the date (day, month and year) of each security transaction opposite the amount or number of securities involved in the transaction and the price per unit or share at which the capital securities were sold or purchased.

(7) In reporting the amount or number of capital securities acquired, beneficially owned or over which control or directions may be exercised, on the case of debt securities give the principal amount thereof and in the case of shares give the number thereof.

(8) Under "Nature of insider interest" state whether and to what extent your beneficial ownership of capital securities is direct or indirect. To the extent your ownership is indirect indicate in a footnote or some other appropriate manner the name or identity of the medium through which such capital securities are indirectly owned and state the amount and number so owned by each such medium. Report capital securities owned indirectly on separate lines from capital securities owned directly. State also whether you may exercise control or direction over capital securities and report the amount or number on a separate line. To the extent that you exercise control or direction over capital securities indicate the means by which such control or direction may be exercised and state the amount or number of the capital securities.

(9) If you acquired from or sold to the corporation of which you are an insider any of its capital securities, so state. If the acquisition of securities was through the exercise of an option, so state and give the price per share or unit paid. If any purchase or sale was effected otherwise than in the open market, so state giving particulars. If the transaction was not a purchase or sale, indicate its character, for example, "gift", "stock dividend", etc., as the case may be. (This information may be set out in item 8 of this form).

(10) You may include any additional information or explanation that you consider relevant.

(11) If the report is filed on behalf of a company, partnership, trust or other entity, the name of the company or other entity shall appear in printed form and the name and office of the signee shall be in printed form immediately following the signature and there shall be filed with the Commission a certified copy of the resolution or by-law authorizing such person or persons to file and the resolution or by-law shall show all directors and officers present when the resolution or by-law was passed. If the report is filed by an individual it shall be signed by him; if signed on his behalf by an agent, there shall be filed with the Commission a duly completed power of attorney.

(12) If space provided in any item is insufficient, additional sheets may be used and must be cross-referred to the item and properly identified and signed.

O.C. 2745-73, (1973) 105 O.G. II, 4425
 O.C. 3963-73, (1973) 105 O.G. II, 5813
 O.C. 1260-74, (1974) 106 O.G. II, 1609
 O.C. 4002-77, (1977) 109 O.G. II, 6867
 O.C. 1161-78, (1978) 110 G.O., 1817
 O.C. 3822-78, (1978) 111 G.O., 2629
 O.C. 116-80, (1980) 112 G.O. II, 497
 O.C. 980-80, (1980) 112 G.O. II, 1649, 1656



c. V-1, r.2

Regulation excepting certain transactions from the application of section 24 of the Securities Act

Securities Act
(R.S.Q., c. V-1, s. 101)

1. The transactions described hereinafter are exempted from the application of section 24 of the Securities Act (R.S.Q., c. V-1) :

(a) money deposits as defined by the Deposit Insurance Act (R.S.Q., c. A-26) and the regulations made under the authority thereof and received by an institution registered with the Régie de l'assurance-dépôts du Québec ;

(b) subscription of common shares by members of a savings and credit union governed by the Savings and Credit Unions Act (R.S.Q., c. C-4) or persons desirous of becoming members of such a union, except for :

i. subscription of common shares solicited or received by salaried recruiting agents ;

ii. subscription of common shares for which no cash payment is made ;

iii. subscription of common shares of a savings and credit union not registered with the Régie de l'assurance-dépôts du Québec ;

(c) subscription of common or preferred shares by the members of a cooperative association governed by the Cooperative Associations Act (R.S.Q., c. A-24) or persons desirous of becoming members of such an association ; and

the allotment of common or preferred shares to the members or patrons of a cooperative association under subsection *a* of section 19, and subparagraph *a* of the first paragraph of section 91 of the Cooperative Associations Act ;

(d) subscription of common or preferred shares by the members of a cooperative agricultural association governed by the Act respecting cooperative agricultural associations (R.S.Q., c. S-24) or persons desirous of becoming members of such an association ;

the allotment of common or preferred shares to the members or patrons of a cooperative agricultural association under paragraph *b* of section 9 and paragraph *a* of

section 26 of the Act respecting cooperative agricultural associations ; and

the conversion of ordinary shares into preferred shares as referred to in section 14 of the above mentioned Act.

2. For the purposes of this Regulation, the expression "savings and credit union" also includes a federation of savings and credit unions ; the expression "cooperative association" a federation of cooperative associations and the expression "cooperative agricultural society" the Québec Federated Cooperative.



c. V-5, r.1

**Règlement d'application de la Loi sur la
vente du métal brut**

Unwrought Metal Sales Act
(R.S.Q., c. V-5, s. 5)

See French Edition



c. V-6.1, r.1

**Regulation respecting the remuneration
of members of the council of Northern
village municipal corporations**

An Act respecting Northern villages and the Kativik
Regional Government
(R.S.Q., c. V-6.1, s. 40)

1. A northern village municipal corporation pays to the mayor, as remuneration for all his services in every capacity to the municipal corporation, a minimum annual sum equal to the total of the following amounts :

(a) 0,70 \$ per inhabitant included in the population bracket, of the municipality not exceeding 5 000 inhabitants ;

(b) 0,63 \$ per inhabitant included in the bracket exceeding 5 000 inhabitants.

2. For the same purposes, the municipal corporation pays to each councillor a minimum annual sum equal to 1/3 of the sum paid to the mayor.

3. In no case may the mayor receive an annual sum of less than 1 500 \$.

4. In no case may a councillor receive an annual sum of less than 500 \$.



c. V-6.1, r.2

**Règlement sur la rémunération des
membres du conseil et du comité
administratif de l'Administration
régionale Kativik**

An Act respecting Northern villages and the Kativik
Regional Government
(R.S.Q., c. V-6.1, ss. 259, 260 and 281)

See French Edition



c. V-8, r.1

Regulation respecting old car dumps and dumps along roadsides

Roads Act

(R.S.Q., c. V-8, s. 16)

1. All old car dumps and dumps visible from roadsides maintained by the Minister of Transport shall be surrounded by one of the following fences :

(a) a complete fence made of wood and painted or dyed "redwood" ; or

(b) a perforated wooden fence, made of vertical or horizontal boards, at least 15 centimetres wide, and separated by at least 3 centimetres, painted or dyed "redwood" ; or

(c) a complete fence of corrugated and galvanized sheet metal panels, painted aluminum ; or

(d) a complete fence of fiber glass ; or

(e) a complete fence of asbestos panels.

2. The top of the fence will be at least 2,40 metres above the natural land, and the bottom at a maximum height of 30,50 centimetres.

3. No gate or opening will be set in that part of the fence which lies along the road maintained by the Minister of Transport.

4. In the sense of this Regulation, the word "fence" includes any hedge in a good state, of spruce, cedar or pine as well as any other natural barrier which effectively conceals a dump which might be visible from a road maintained by the Minister of Transport. These hedges or natural barriers must conform, with respect to height, to the standards set forth in section 2.

5. The fences, hedges or barriers must be maintained in good state.

O.C. 1729-68, (1968) 100 O.G., 3456

O.C. 435-79, (1979) 111 G.O., 2797, 2804