

chapter D-9.2, r. 7

REGULATION RESPECTING THE ISSUANCE AND RENEWAL OF REPRESENTATIVES' CERTIFICATES

An Act respecting the distribution of financial products and services
(chapter D-9.2, s. 200 and 203)

CHAPTER I SECTORS, SECTOR CLASSES, TITLES AND TITLE ABBREVIATIONS

DIVISION 1 INSURANCE OF PERSONS

1. A representative authorized to act in the insurance of persons sector uses the title of “financial security advisor”.

The authorized sector class of this sector is “accident and sickness insurance”.

M.O. 2010-04, s. 1.

2. A representative authorized to act in the “accident and sickness insurance” sector class may only offer accident and sickness insurance products and advisory services, excluding any other insurance of persons product, even if offered as an endorsement to an accident and sickness insurance contract.

He uses the title of “accident and sickness insurance representative”.

M.O. 2010-04, s. 2.

DIVISION II GROUP INSURANCE OF PERSONS

3. A representative authorized to act in the group insurance of persons sector uses the title of “group insurance and group annuity plans advisor”.

The authorized sector classes of this sector are “group insurance plans” and “group annuity plans”.

M.O. 2010-04, s. 3.

4. A representative authorized to act in the “group insurance plans” sector class may only offer products and advisory services pertaining to group insurance plans.

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He uses the title of “group insurance plans advisor”.

M.O. 2010-04, s. 4.

5. A representative authorized to act in the “group annuity plans” sector class may only offer products and advisory services pertaining to group annuity plans.

He uses the title of “group annuity plans advisor”.

M.O. 2010-04, s. 5.

**DIVISION III
DAMAGE INSURANCE**

6. A representative authorized to act in the damage insurance sector uses the title of “damage insurance agent” or “damage insurance broker”, as applicable.

The authorized sector classes of this sector are “personal-lines damage insurance” and “commercial-lines damage insurance”.

M.O. 2010-04, s. 6.

7. A representative authorized to act in the “personal-lines damage insurance” sector class may only offer products and advisory services pertaining to:

(1) property and civil liability of a domestic nature of a natural person or an independent worker at his residence;

(2) residential buildings containing not more than 6 dwellings.

He uses the title of “personal-lines damage insurance agent” or “personal-lines damage insurance broker”, as applicable.

M.O. 2010-04, s. 7.

8. A representative authorized to act in the “commercial-lines damage insurance” sector class may only offer products and advisory services pertaining to damage insurance for commercial businesses, including in respect of independent workers.

He uses the title of “commercial-lines damage insurance agent” or “commercial-lines damage insurance broker”, as applicable.

M.O. 2010-04, s. 8.

DIVISION IV CLAIMS ADJUSTMENT

9. A representative authorized to act in the claims adjustment sector uses the title of “claims adjuster”.

The authorized sector classes of the claims adjustment sector are “claims adjustment in personal-lines damage insurance” and “claims adjustment in commercial-lines damage insurance”.

M.O. 2010-04, s. 9.

10. A representative authorized to act in the “claims adjustment in personal-lines damage insurance” sector class is only authorized to act with respect to claims pertaining to:

(1) the property and civil liability of a domestic nature of a natural person or an independent worker at his residence;

(2) residential buildings containing not more than 6 dwellings.

He uses the title of “claims adjuster in personal-lines damage insurance”.

M.O. 2010-04, s. 10.

11. A representative authorized to act in the “claims adjustment in commercial-lines damage insurance” sector class is only authorized to act with respect to claims of commercial businesses, including in respect of independent workers.

He uses the title of “claims adjuster in commercial- lines damage insurance”.

M.O. 2010-04, s. 11.

DIVISION V FINANCIAL PLANNING

12. A representative authorized to act in the financial planning sector under a certificate issued by the Authority, in accordance with section 57 of An Act respecting the distribution of financial products and services (chapter D-9.2), uses the title “financial planner” or the abbreviation “F. PI.”.

With the exception of paragraphs 4 to 6 of section 13 and sections 13.1 and 13.2, Divisions I to VI of Chapter II and section 55 hereof do not apply to financial planners.

M.O. 2010-04, s. 12; M.O. 2013-02, s. 1; M.O. 2015-14, s. 1.

DIVISION VI MORTGAGE BROKERAGE

12.1. A representative authorized to act in the mortgage brokerage sector uses the title of “mortgage broker”.

M.O. 2020-03, s. 1

CHAPTER II ISSUANCE OF CERTIFICATES

DIVISION 1 CONDITIONS OF ELIGIBILITY

13. The Authority issues a certificate to a candidate who satisfies the following conditions:

(1) he holds the minimum qualifications under Division II of this Chapter, where applicable;

(2) he has passed the examinations prescribed by the Authority in accordance with Division III of this Chapter, where applicable;

(3) he has successfully completed the probationary period under Division IV of this Chapter, where applicable;

(4) he has submitted an application for a certificate within the period specified in section 55;

(5) he has ~~complied with~~satisfied the requirements and conditions of issuance of a certificate prescribed in Divisions VII and VIII of this Chapter;

(6) in the case of a foreign national, he holds a work permit issued by a competent authority allowing him to hold employment in Québec for which a certificate from the Authority is required.

M.O. 2010-04, s. 13; M.O. 2013-02, s. 2; M.O. 2015-14, s. 2.

13.1. In addition to the conditions mentioned in paragraphs 4 to 6 of section 13 and section 57 of the Act, a candidate in the financial planning sector must have passed the examination of the *Institut québécois de planification financière* leading to the diploma referred to in section 57 of the Act in the 6 years preceding his application for a certificate.

M.O. 2013-02, s. 2.

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13.2. Where an application for a certificate is received by the Authority more than 6 years after the examination referred to in section 13.1 is passed, a candidate holding a diploma conferred by the *Institut québécois de planification financière* is exempt from having to pass the examination again, provided that he satisfies the following conditions:

(1) he held a certificate issued by the Authority in the “financial planning” sector for at least 2 years in the 6 years preceding his application for a certificate, and he satisfied the requirements pertaining to compulsory professional development;

(2) he took part in professional development activities corresponding to those provided for under the Regulation respecting the compulsory professional development of financial planners (chapter D-9.2, r. 14.1) and accumulated the equivalent of at least 40 professional development units, apportioned in the manner set out in section 3 thereof, in the 6 years preceding his application for a certificate;

(3) he was a member of a professional order with which the Authority entered into an agreement pursuant to section 59 of the Act, and he was authorized, under such agreement, to use the title of “financial planner” for at least 2 years in the 6 years preceding his application for a certificate.

M.O. 2013-02, s. 2.

DIVISION II MINIMUM QUALIFICATIONS

§1. Insurance of persons and group insurance of persons

14. A candidate in the insurance of persons sector or the group insurance of persons sector or in a class of these sectors must complete, as minimum qualifications, the training determined by the Canadian Insurance Services Regulatory Organizations and delivered by a person or company accredited under the agreement entered into for that purpose with the Authority.

A document confirming that such training has been completed must be submitted along with the candidate’s application for registration for an examination. This training is valid for a period of 1 year as of the date it is completed.

M.O. 2010-04, s. 14; M.O. 2013-02, s. 41; M.O. 2015-14, s. 3.

§2. (Revoked)

M.O. 2010-04, Sd. 2; M.O. 2015-14, s. 4.

15. *(Revoked).*

M.O. 2010-04, s. 15; M.O. 2015-14, s. 4.

§3. Damage insurance and claims adjustment

16. A candidate in the damage insurance or the claims adjustment sector or in a class of these sectors must have, as minimum qualifications, one of the following:

(1) a diploma of collegial studies or an equivalent level of education in accordance with the system of reference established by the Authority and available on its website;

(2) an attestation of collegial studies in insurance recognized in an agreement entered into for that purpose between the Authority and a college-level institution;

(3) a university-level certificate in insurance recognized in an agreement entered into for that purpose between the Authority and a university;

(4) a secondary school diploma or an equivalent level of education in accordance with the system of reference established by the Authority and available on its website, and have worked full-time for at least ~~3 years within the past 10 years~~ 30 months.

M.O. 2010-04, s. 16; M.O. 2013-02, s. 3.

§ 3.1. Mortgage brokerage

16.1. A candidate in the mortgage brokerage sector must complete, as minimum qualifications, a mortgage brokerage training program recognized by the Authority and subject to an agreement entered into between the Authority and an educational institution or a private course provider.

A list of the educational institutions, private course providers and recognized training programs referred to in the first paragraph will be available on the Authority's website.

A document confirming that such training has been completed must be submitted along with the candidate's application for registration for an examination. This training is valid for a period of 2 years as of the date it is completed.

M.O. 2020-03, a. 2

§4. Exemptions

17. A candidate in the damage insurance sector or claims adjustment sector or in a class of these sectors may be exempt from the minimum qualifications prescribed under this Chapter in respect of this sector or sector class if, for a period of at least 1 year, he

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held a certificate that was issued or renewed after October 1, 2002 and he acted as a representative in such sector or sector class.

M.O. 2010-04, s. 17; M.O. 2013-02, s. 4; M.O. 2015-14, s. 5.

17.1. A candidate in the insurance of persons sector or the group insurance of persons sector or in a class of these sectors is exempt from the minimum qualifications prescribed under section 14, other than the minimum qualification pertaining to legislation applicable to pursuing activities as a representative, if his application for a certificate is received by the Authority within 3 years following his surrender or non-renewal of a certificate and he acted as a representative for at least 1 year in the same sector or sector class as that covered by the application.

Furthermore, a candidate in the mortgage brokerage sector is exempt from the minimum qualifications prescribed under section 16.1, subject to the same exception and conditions.

M.O. 2015-14, s. 6; M.O. 2020-03, s. 3.

18. A candidate in the insurance of persons sector or the group insurance of persons sector or in a class of these sectors is exempt from the minimum qualifications prescribed under section 14 if his application for a certificate is received by the Authority within the year following his surrender or non-renewal of a certificate held by him in the same sector or sector class as that covered by the application.

Furthermore, a candidate in the mortgage brokerage sector is exempt from the minimum qualifications prescribed under section 16.1, subject to the same conditions.

M.O. 2010-04, s. 18; M.O. 2013-02, s. 41; M.O. 2015-14, s. 7; M.O. 2020-03, s. 4.

DIVISION III EXAMINATIONS

§1. Evaluation of competencies and eligibility

19. A candidate must, for each sector or sector class for which he is applying for a certificate, pass the examinations prescribed by the Authority in order to pursue activities as a representative.

In the insurance of persons sector or the group insurance of persons sector or a class of these sectors, if a candidate has passed an examination outside Québec, he must furnish the Authority with a document confirming that he passed the examination.

M.O. 2010-04, s. 19; M.O. 2013-02, s. 5; M.O. 2015-14, s. 8.

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20. A candidate who submits applications and satisfies the following conditions may take the examinations pertaining to a sector or sector class:

- (1) he holds the minimum qualifications hereunder, as applicable;
- (2) he is not in any of the situations set out in sections 219 and 220 of the Act;
- (3) he has paid the fees prescribed under the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9).

M.O. 2010-04, s. 20; M.O. 2013-02, s. 6; M.O. 2015-14, a. 9.

§2. Exemptions

21. A candidate in the damage insurance sector or the claims adjustment sector or in a class of these sectors who is authorized under a certificate issued by the Authority to act in another sector or sector class is exempt from the examinations he has already passed for the purpose of acting in such other sector or sector class.

In the insurance of persons sector or the group insurance of persons sector or a class of these sectors, a candidate who is authorized under a certificate issued by the Authority to act in another sector or sector class is exempt from the examinations he has already passed for the purpose of acting in such other sector or sector class if his probationary period begins within 3 years following the issuance of his certificate in such other sector or sector class.

M.O. 2010-04, s. 21; M.O. 2015-14, s. 10.

22. A candidate is exempt from the examinations if his certificate application is received by the Authority within the year following his surrender or non-renewal of a certificate held by him in the same sector or sector class as that covered by the application.

M.O. 2010-04, s. 22; M.O. 2013-02, s. 7.

23. A candidate is exempt from the examinations, other than the examination that seeks to demonstrate that he is able to comply with the legislation applicable to the pursuit of activities as a representative, if his application for a certificate is received by the Authority within 3 years following his surrender or non-renewal of a certificate and he acted as a representative for at least 1 year in the same sector or sector class as that covered by the application.

M.O. 2010-04, s. 23; M.O. 2013-02, s. 8; M.O. 2015-14, s. 11.

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§3. Passing examinations

24. A candidate must score at least 60% to pass each examination prescribed by the Authority.

M.O. 2010-04, s. 24; M.O. 2013-02, s. 9.

25. In the damage insurance sector or claims adjustment sector or a class of these sectors, an examination is valid for a period of 2 years as of the date the candidate passed the examination.

In the insurance of persons sector or the group insurance of persons sector or a class of these sectors, an examination is valid for a period of 1 year as of the date the candidate passed the first examination.

In the mortgage brokerage sector, an examination is valid for a period of 2 years from the date the candidate passes the examination.

M.O. 2010-04, s. 25; M.O. 2015-14, s. 12; M.O. 2020-03, s. 5.

26. In the damage insurance sector or claims adjustment sector or a class of these sectors, a candidate who fails the initial examination is entitled to write 3 supplemental examinations.

However, a candidate who has failed an examination and who does not register for the supplemental examination within a period of 2 years as of the date he failed the examination, must register again for the initial examination.

Before submitting a registration application for a third supplemental examination, a candidate must successfully complete the courses related to the failed examination with a training body recognized by the Authority or, failing that, a privately tutored course recognized by it.

A candidate who fails the third supplemental examination must wait for a period of 2 years as of the date of this failed attempt before reapplying to write the examination.

M.O. 2010-04, s. 26; M.O. 2013-02, s. 41; M.O. 2015-14, s. 13.

26.1. In the insurance of persons sector or the group insurance of persons sector or a class of these sectors, a candidate who fails an examination is entitled to write ~~as many supplemental examinations as necessary~~ 3 supplemental examinations, provided that the minimum qualifications prescribed under section 14 are valid.

~~Registration for a third or fourth supplemental examination can only take place 3 months as of the date of the most recent failed attempt.~~

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A candidate who fails a third supplemental examination must wait for a period of 1 year as of the date of this failed attempt before registering again for an examination.~~Registration for any subsequent supplemental examination can only take place 6 months as of the date of the most recent failed attempt.~~

~~If a candidate must again complete the minimum qualifications prescribed under section 14, any subsequent examination is deemed to be a supplemental examination and the period set out in the third paragraph applies.~~

M.O. 2015-14, s. 14.

26.2. ~~(Repealed). A candidate contemplated in section 26.1 who has failed an examination and who does not register for the supplemental examination within a period of 1 year as of the date he failed the examination, must complete the minimum qualifications prescribed under section 14 before registering again for the initial examination.~~

M.O. 2015-14, s. 14.

26.3. In the mortgage brokerage sector, a candidate who fails an initial examination is entitled to write 3 supplemental examinations, provided that the minimum qualifications prescribed under section 16.1 are valid.

A candidate who fails a third supplemental exam must wait for a period of 1 year as of the date of this failed attempt before registering again for an examination.

Notwithstanding the third paragraph of section 16.1, a candidate referred to in the second paragraph must complete the minimum qualifications prescribed under that section again before registering for an examination.

M.O. 2020-03, s. 6.

27. A candidate is considered to have failed an examination if he fails to comply with the instructions given ~~during the examination session~~.

However, a failure may be cancelled by the Authority where warranted by exceptional circumstances.

M.O. 2010-04, s. 27; M.O. 2015-14, s. 15.

28. At a candidate's request, the Authority may review his examination.

This request for a review must be received by the Authority no later than the 30th day following the date of communication of examination results for which the review is being requested. However, a candidate who is able to demonstrate that he was

unable to act within the 30 days due to exceptional circumstances may submit his request to the Authority after this period.

M.O. 2010-04, s. 28; M.O. 2013-02, s. 10.

DIVISION IV PROBATIONARY PERIOD

§1. Eligibility for probationary period

29. A candidate who satisfies the following conditions may undertake a probationary period pertaining to a sector or sector class if:

(1) he has passed each of the examinations prescribed by the Authority and such examinations are valid at the time the probationary period is undertaken;

(2) he is not in any of the situations set out in sections 219 and 220 of the Act;

(3) in the case of a foreign national, he holds a work permit issued by a competent authority allowing him to hold employment in Québec for which a certificate from the Authority is required;

(4) he has paid the fees prescribed under the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9).

However, a candidate whose examinations are no longer valid at the beginning of the probationary period may undertake a probationary period where warranted by exceptional circumstances.

An application for probationary period eligibility is submitted to the Authority by the candidate or by the firm, independent representative or independent partnership with which the candidate undertakes such probationary period.

M.O. 2010-04, s. 29; M.O. 2013-02, s. 11; M.O. 2015-14, s. 16.

29.1. To be eligible for a new probationary period, a candidate who has not successfully completed his probationary period must submit in writing to the Authority the means he intends to use to correct the shortfalls noted in the supervisor's report or by the Authority. This document must be signed by the candidate and the supervisor.

After completing 2 probationary periods unsuccessfully, a candidate may only undertake a new probationary period under the responsibility of another supervisor.

M.O. 2013-02, s. 11; M.O. 2015-14, s. 17.

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30. A candidate undertaking a probationary period must present himself publicly as a trainee at all times.

M.O. 2010-04, s. 30.

§2. Probationary certificate

31. The Authority issues a probationary certificate to a candidate who meets the conditions set out in sections 29 and 29.1.

The certificate includes the information necessary to identify the candidate and the information related to the validity period of the probationary certificate.

M.O. 2010-04, s. 31; M.O. 2013-02, s. 12.

32. The trainee may, notwithstanding section 12 of the Act respecting the distribution of financial products and services (chapter D-9.2), offer financial products and services under the supervision of his supervisor and the firm or independent partnership on whose behalf he pursues activities, in which case, he must perform the following acts:

(1) in the insurance of persons sector or the group insurance of persons sector or any sector class thereof, inquire into the client's situation to assess his needs and propose to his supervisor the products or services that meet the client's needs, before proposing and selling them to the client;

(2) in the personal-lines damage insurance sector class or the damage insurance sector, where he offers products and services pertaining to personal-lines damage insurance, inquire into the client's situation to assess his needs, and propose and sell to the client the products, coverages or guarantees that meet his needs;

(3) in the commercial-lines damage insurance sector class or the damage insurance sector, where he offers products and services pertaining to commercial-lines damage insurance, inquire into the client's situation to assess his needs and propose to his supervisor the products, coverages or guarantees that meet the client's needs, before proposing and selling them to the client;

(4) in the claims adjustment sector or any sector class thereof, gather information, propose to his supervisor the components of a claims investigation, the assessment of damage or the negotiation of a settlement, present to the insured the components of the negotiation of a settlement once they are approved by his supervisor and assist his supervisor in negotiating a settlement; and

(5) in the mortgage brokerage sector, suggest to his supervisor the proposed loan and any other recommendation pertaining to the mortgage brokerage transaction before proposing the loan or making the recommendation suited to the client's situation

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and needs, and forward the mortgage loan application to the lender after it has been approved by the supervisor.~~The trainee may, notwithstanding section 12 of An Act respecting the distribution of financial products and services (chapter D-9.2), perform the following acts, under the supervision of his supervisor and the firm or independent partnership on whose behalf he pursues activities, as applicable:~~

~~—— (1) —— in the insurance of persons sector or the group insurance of persons sector or any sector class thereof, gather information, conduct needs analyses and propose to his supervisor the products or services that may be adapted to the client's needs, before proposing and selling them to the client;~~

~~—— (2) —— in the personal-lines damage insurance sector class or the damage insurance sector, where he offers products and services pertaining to personal-lines damage insurance, gather information, and propose and sell to the client the products, coverages or guarantees adapted to his needs;~~

~~—— (3) —— in the commercial-lines damage insurance sector class or the damage insurance sector, where he offers products and services pertaining to commercial-lines damage insurance, gather information and propose to his supervisor the products, coverages or guarantees that may be adapted to the client's needs, before proposing and selling them to the client;~~

~~—— (4) —— in the claims adjustment sector or any sector class thereof, gather information, propose to his supervisor the components of a claims investigation, the assessment of damage or the negotiation of a settlement, present to the insured the components of the negotiation of a settlement once they are approved by his supervisor and assist his supervisor in negotiating a settlement;~~

~~—— (5) —— in the mortgage brokerage sector, suggest to his supervisor the proposed loan and any other recommendation pertaining to the mortgage brokerage transaction before proposing the loan or making the recommendation to the client, and forward the mortgage loan application to the lender after it has been approved by the supervisor.~~

M.O. 2010-04, s. 32; M.O. 2013-02, s. 13; M.O. 2020-03, s. 7.

33. A trainee must, upon first meeting a client, give the client a document, such as a business card, which must indicate the following:

- (1) his full name;
- (2) his business address, business telephone number and electronic mail address, if any;
- (3) the sectors or sector classes in which he is authorized to act;

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(4) the name of the firm, independent partnership or independent representative on whose behalf he acts;

(5) his title as trainee.

If the trainee deals with the client other than in person, he must provide him with the information referred to in subparagraphs (1), (4) and (5) of the first paragraph and, in such case, send him, at his request, the document referred to in the first paragraph when initially sending other documents.

M.O. 2010-04, s. 33; M.O. 2013-02, s. 14.

§3. Duration of probationary period

34. The probationary period pertaining to a sector must last a minimum of 336 hours. It must be completed at a pace of no more than 40 hours a week and must last no longer than 24 weeks.~~The probationary period pertaining to a sector lasts 12 weeks. It takes place on the basis of at least 28 hours a week and lasts no more than 14 weeks.~~

M.O. 2010-04, s. 34.

35. The probationary period pertaining to a sector class must last a minimum of 168 hours. It must be completed at a pace of no more than 40 hours a week and must last no longer than 12 weeks.~~The probationary period pertaining to a sector class lasts 6 weeks. It takes place on the basis of at least 28 hours a week and lasts no more than 7 weeks.~~

M.O. 2010-04, s. 35.

36. During the probationary period, the trainee must not be in any of the situations referred to in section 56.

M.O. 2010-04, s. 36; M.O. 2013-02, s. 15.

37. The trainee must notify the Authority of any change to the information or a document that he has furnished to the Authority within 5 days of such change or, in the case of a change to information pertaining to the pursuit of an outside activity, within the meaning of the second paragraph of section 5.1 of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2, r. 10), within 30 days of such change, where such change occurs during the probationary period.

If, as a result of the change, the trainee no longer satisfies the conditions of probationary period eligibility, the Authority withdraws the probationary certificate.

M.O. 2010-04, s. 37; M.O. 2013-02, s. 16; M.O. 2023-06, s. 1.

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38. The probationary period is interrupted if the trainee is in any of the following situations:

- (1) he is no longer under the supervision of an authorized person;
- (2) he is unable to continue with the probationary period due to disability, in particular as the result of a preventive withdrawal, because he is on parental leave or where warranted by exceptional circumstances.

The probationary period is continued after it is interrupted only if the time requirements in sections 34 and 35 can be met. Otherwise, the probationary period terminates.

The firm, independent partnership or independent representative on whose behalf the trainee acts must promptly notify the trainee if the probationary period is interrupted, informing him of the conditions referred to in the second paragraph for continuation or termination of the probationary period. ~~In all other situations, the probationary period is considered to be discontinued.~~

M.O. 2010-04, s. 38; M.O. 2013-02, s. 17.

39. Where the probationary period is interrupted, the trainee must immediately cease to perform the acts referred to in section 32. ~~This interruption may not last more than 4 weeks.~~

~~— The probationary period may be extended for its remaining duration. The application for extension is submitted to the Authority by the trainee or by the firm, independent representative or independent partnership with which the trainee undertakes this period, and must be submitted along with documentation of the reason for the interruption.~~

M.O. 2010-04, s. 39; M.O. 2013-02, s. 18; M.O. 2015-14, s. 18.

40. The trainee may change supervisors during the probationary period without affecting its duration provided the Authority is informed of such change ~~at least 10 days prior to the proposed change~~ in advance and the new supervisor acts on behalf of the same firm or the same independent partnership, as applicable.

M.O. 2010-04, s. 40; M.O. 2013-02, s. 19.

§4. Exemptions from probationary period

41. A candidate is exempt from the probationary period if his certificate application is received by the Authority within the year following his surrender or non-renewal of a

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certificate previously held in the same sector or sector class as that covered by the application.

M.O. 2010-04, s. 41; M.O. 2013-02, s. 20.

42. A candidate is exempt from the probationary period if his certificate application is received by the Authority within 3 years following his surrender or non-renewal of a certificate and he has acted as a representative for at least 1 year in the same sector or sector class as that covered by the application.

M.O. 2010-04, s. 42; M.O. 2013-02, s. 21.

43. A candidate is exempt from the probationary period if he has successfully completed a training period in accordance with Division V.

M.O. 2010-04, s. 43.

§5. Required qualifications and obligations of supervisor ~~and replacement~~ supervisor

44. A supervisor is a representative authorized to act at the time of the probationary period who, for at least 24 of the 36 months preceding the probationary period, was the holder of a certificate and acted as a representative in the same sector or sector class as that covered by the probationary period applied for.

M.O. 2010-04, s. 44; M.O. 2013-02, s. 22.

45. To act as a supervisor, the representative satisfies the following conditions:

(1) in the 5 years preceding the candidate's application, has not been the subject of a disciplinary sanction imposed under An Act respecting the distribution of financial products and services (chapter D-9.2);

(2) in the 5 years preceding the candidate's application, he has never been struck off the roll by a disciplinary committee of a professional order;

(3) he does not hold a certificate carrying restrictions or conditions under sections 218, 219 or 220 of An Act respecting the distribution of financial products and services affecting his ability to act as a supervisor;

(4) where he has a family relationship with the trainee, he has disclosed it to the Authority.

Where a supervisor no longer satisfies a condition mentioned in ~~the preceding subparagraphs~~ subparagraphs 1 to 3 of the first paragraph during the probationary period, he ceases immediately to act as a supervisor.

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The application to act as a supervisor is submitted to the Authority by the representative or by the firm or independent partnership on whose behalf he acts.

M.O. 2010-04, s. 45; M.O. 2013-02, s. 23; M.O. 2015-14, s. 19; M.O. 2020-03, s. 8.

45.1. A supervisor who has received 2 written notices from the Authority for failing to fulfill the obligations prescribed in sections 46 to 50 hereof may not act as a supervisor for 1 year as of the date of the last notice.

Furthermore, such supervisor may not act as a supervisor again unless he has successfully completed a professional development activity on trainee supervision that is recognized by the Authority. Any such supervisor that completes such activity will not be eligible for any professional development units related to the activity.

M.O. 2013-02, s. 24.

46. A supervisor may not have more than five trainees under his responsibility at any time.

Notwithstanding the first paragraph, a representative who engages primarily in the supervision of trainees may, when acting as supervisor, have up to 10 trainees under his responsibility at any time.

If the representative referred to in the second paragraph will be acting as supervisor for more than 5 trainees, the firm or independent partnership on whose behalf the representative acts must inform the Authority in advance of this fact and the actions taken by the firm or independent partnership to ensure that such representative acts in accordance with sections 48 to 50.

M.O. 2010-04, s. 46.

47. ~~(Repealed) Where a supervisor is absent, he is replaced by a replacement supervisor who must have the same qualifications and fulfill the same obligations as those imposed on the supervisor.~~

~~The application to act as a replacement supervisor is submitted to the Authority in accordance with section 45 by the representative or by the firm or independent partnership on whose behalf he acts.~~

~~A supervisor registered with the Authority as an independent representative may not be replaced by a replacement supervisor unless the Authority so consents in writing.~~

M.O. 2010-04, s. 47; M.O. 2013-02, s. 25; M.O. 2015-14, s. 20.

48. Excluding the offer of products and services pertaining to personal-lines damage insurance and the mortgage brokerage sector, the supervisor must approve the products

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and services offered by the trainee before they are recommended to the client, enter this approval in the client file and countersign, where applicable, any proposal or form, in particular, notices for purposes of replacement.

For the damage insurance sector, where products and services pertaining to personal-lines damage insurance are offered, or for the personal-lines damage insurance sector class, the supervisor must, within the next business day, review the trainee's work and enter the review in the client file.

For the claims adjustment sector or any sector class thereof, the supervisor must verify the information gathered by the trainee, approve the components of a claims investigation, the assessment of damage or the negotiation of a settlement, enter the approval in the client file, accompany and assist the trainee when presenting these components to the insured and may be assisted by the trainee during the negotiation of the settlement.

For the mortgage brokerage sector, the supervisor must approve the proposed loan and any other recommendation pertaining to the mortgage brokerage transaction before the loan is proposed or recommendation is made to the client, approve the loan application before it is forwarded to the lender and record these approvals in the client record.

M.O. 2010-04, s. 48; M.O. 2013-02, s. 26; M.O. 2020-03, s. 9.

48.1. The supervisor must provide the trainee with the guidance he needs to adequately pursue activities as a representative in the sector or sector class for which he is applying.

To this effect, the supervisor must ensure that the trainee complies with the legislation, rules of ethics and rules of professional conduct and that he has the knowledge, competencies, behaviours and attitudes necessary to pursue activities as a representative.

The supervisor must also provide the trainee with a working environment conducive to learning and developing his competencies—~~and, including specific competencies for the sector or sector class covered by the probationary period, to~~ help him to gradually pursue the activities reserved for representatives, as set out in section 32.

For the purpose of sections 48.1 to 49, “specific competencies” means the competencies described in the competency profiles established by the Authority and available on its website.

M.O. 2013-02, s. 27 and 41

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48.2. The trainee's probationary period must begin with the presentation, by the supervisor, of the objectives of such a period and the tasks which the trainee and the supervisor must carry out pursuant to sections 48, 48.1 and 49.

The presentation must detail the specific competencies for the sector or sector class covered by the probationary period and detail how the supervisor intends to supervise the trainee in order to develop these competencies.

M.O. 2015-14, s. 21.

48.3. The supervisor must open a file for each trainee and enter, in particular, the tasks carried out by the trainee pursuant to section 48 and those he determines in accordance with subparagraph 1 of section 49. A summary of the supervisor's meetings with the trainee and his notes concerning the trainee's progress during the probationary period including the development of the specific competencies for the sector or sector class covered by the probationary period must be entered in the trainee's file.

The file is to be maintained for a period of 5 years as of the ~~date the probationary period is successfully completed~~end of the probationary period or discontinued, by the firm or independent partnership where the supervisor pursues his activities or by the supervisor if he is an independent representative.

M.O. 2015-14, s. 21.

49. The supervisor must personally perform the tasks set out in section 48 as well as any other task related to his role as supervisor, including the following:

(1) determine the tasks the trainee must carry out, specifying the time limits in which they must be completed, and ensure that these tasks include all the activities that a representative carries out in the sector or sector class for which he is seeking a certificate;

(2) at least once a week, evaluate and review the tasks carried out by the trainee;

(3) make a recommendation as to whether or not the probationary period has been successfully completed.

The recommendation referred to in subparagraph 3 is received by the Authority within 10 days following the end of the probationary period, along with a report containing the information required by the Authority.

The report covers, among other things, whether the expectations set out in section 48.1 were met and what shortfalls were noted, as applicable. The recommendation and report must be approved by management of the supervisor's firm or independent partnership, as applicable.

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Reasons must be given for the recommendation referred to in subparagraph 3 of the first paragraph, particularly with respect to the development by the trainee of the specific competencies for the sector or sector class covered by the probationary period.

M.O. 2010-04, s. 49; M.O. 2013-02, s. 28; M.O. 2015-14, s. 22.

49.1. In the group insurance of persons sector or a class of this sector, the report must, in addition to the information set out in the last paragraph of section 49, contain the evaluation of a case study to be completed by the trainee during the probationary period at the time determined by the Authority and specified in the model available on its website.

M.O. 2015-14, s. 23.

50. The supervisor, or the firm or independent partnership on whose behalf he acts, must notify the Authority within 5 days when the probationary period is discontinued or terminates in accordance with the second paragraph of section 38. ~~The supervisor must inform the Authority, within 5 days, if the trainee has discontinued or interrupted his probationary period.~~

M.O. 2010-04, s. 50; M.O. 2013-02, s. 29.

DIVISION V TRAINING PERIOD

§1. Agreement with a training body

51. A candidate may carry out a training period established under an agreement entered into between a training body and the Authority. Such an agreement must set out, in particular, the requirements related to minimum competencies and the number and duration of any training periods.

M.O. 2010-04, s. 51; M.O. 2013-02, s. 41.

§2. Attestation of training

52. To obtain an attestation of training, a candidate must:

(1) be enrolled in a training program recognized under the agreement referred to in section 51;

(2) be accepted as a trainee in a firm or an independent partnership or with an independent representative registered with the Authority;

(3) complete the forms prescribed for such purpose. Upon analysis of the file, the Authority may issue an attestation of training for the candidate.

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This attestation must contain the necessary information to identify the candidate and the information related to the training period the candidate is undertaking.

M.O. 2010-04, s. 52.

**DIVISION VI
EXEMPTIONS REGARDING CANDIDATES FROM NON-QUÉBEC
JURISDICTIONS**

§1. Canadian candidates

53. A candidate from another Canadian province or a Canadian territory seeking to act as a representative is exempt from the minimum qualifications set out in Division II of Chapter II, other than, as the case may be, the minimum qualification pertaining to legislation applicable to pursuing activities as a representative, and the examinations prescribed by the Authority if he satisfies the following conditions:

(1) he has furnished the Authority with a document issued by a competent authority of a Canadian province or territory while he lived outside Québec that is equivalent to a representative's certificate whereby he was authorized to act in a corresponding sector or sector class in accordance with the system of reference established by the Authority and available on its website. He must also furnish proof of residency in that province or territory, unless the second paragraph applies to him;

(2) after successfully completing any related training recognized by the Authority, he has passed the examination prescribed by the Authority to demonstrate that he has the required competencies to comply with the legislation applicable to pursuing activities as a representative. If the candidate passed this examination outside Québec, he must furnish the Authority with a document confirming that he passed this examination;

(3) he has successfully completed the probationary period in accordance with sections 30 to 40 and 44 to 50;

(4) he has submitted an application for a certificate to the Authority.

A candidate whose authorization referred to in subparagraph 1 of the first paragraph has been valid for 24 of the 36 months preceding his application for a certificate is considered to satisfy the condition referred to in subparagraph 3 of the first paragraph.

In the insurance of persons sector or the group insurance of persons sector or in a class of these sectors, a candidate referred to in the second paragraph must also furnish a detailed attestation from a company on whose behalf he has acted stating that he has pursued activities related to any of these sectors or sector class thereof. ~~The authorization referred to in subparagraph 1 must have been in effect in the year prior to the candidate's application to act as a representative.~~

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A candidate who has surrendered or has not renewed the authorization referred to in subparagraph 1 of the first paragraph must have satisfied the conditions set out in subparagraphs 2, 3 and 4 of such paragraph within 3 years following the surrender or non-renewal of such authorization.

M.O. 2010-04, s. 53; M.O. 2012-08, s. 1; M.O. 2013-02, s. 30; M.O. 2015-14, s. 24.

§2. Candidates from another country

54. A candidate who is from another country that is party to an agreement entered into with the Authority and who seeks to act as a representative in Québec is exempt, under the terms and conditions of the agreement, from:

- (1) the minimum qualifications prescribed in Division II of this Chapter;
- (2) the examinations set out in Division III of this Chapter corresponding to the candidate's competencies;
- (3) the probationary period.

M.O. 2010-04, s. 54; M.O. 2013-02, s. 41.

**DIVISION VII
OTHER CONDITIONS OF ISSUANCE**

55. A candidate's application for a representative's certificate must be received by the Authority prior to the expiry of the validity period of his examinations.

Where the validity period of the examinations expires during the probationary period, the certificate application must be received by the Authority within 30 days following the end of the probationary period.

A candidate who demonstrates that he was unable to act within the period provided for in the first paragraph due to exceptional circumstances may forward his application to the Authority on the expiry of this period.

M.O. 2010-04, s. 55; M.O. 2013-02, s. 31; M.O. 2015-14, s. 25.

55.0.1. The candidate must submit, in support of his application, any information as well as any document attesting to the information contained in the form. He must also, at the request of the Authority, attach documents confirming that he has the degree of honesty considered necessary to pursue activities as a representative and those concerning his integrity and solvency.

M.O. 2015-14, s. 26.

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55.1. For the purpose of section 55, the probationary certificate remains in effect for 30 days as of the end of the probationary period.

During the processing of the certificate application and if the certificate application is received by the Authority within 30 days following the end of the probationary period, the probationary certificate remains in effect ~~for up to an additional 15 days~~ until the issuance of a representative's certificate or until a decision of the Authority refusing the issuance thereof.

Upon issuance of a representative's certificate or where the probationary period was not successfully completed, the corresponding probationary certificate expires.

M.O. 2013-02, s. 32.

56. To obtain his certificate, a candidate must comply with the following conditions:

(1) he must not be the subject of a disciplinary sanction imposed under the Act respecting the distribution of financial products and services (chapter D-9.2), the Act respecting market intermediaries (chapter I-15.1), the Real Estate Brokerage Act (chapter C-73.2) or the Professional Code (chapter C-26);

(2) he must not be in default of paying any fines, administrative penalties or legal costs imposed in a disciplinary decision rendered for a failure to comply with any of the Acts referred to in paragraph 1, as well as any accrued interest at the rate established in accordance with section 28 of the Tax Administration Act (chapter A-6.002), as applicable;

(3) he must have repaid any amount in principal, interest and costs that he was ordered to pay by final judgment owing to his liability for any of the reasons referred to in section 175 of the Act respecting market intermediaries, section 258 of the Act respecting the distribution of financial products and services or section 108 of the Real Estate Brokerage Act, and have repaid any amounts that were disbursed by the Fonds d'indemnisation des services financiers or by the Real Estate Indemnity Fund and that may be recovered by these funds, as successors, by subrogation pursuant to any of those Acts.

(4) he must not be in default of paying any fine related to an offence committed under An Act respecting the distribution of financial products and services, the former Act respecting market intermediaries, the Securities Act (chapter V-1.1) or the Real Estate Brokerage Act;

(5) he must not be in default of paying the dues and annual fees payable under the Regulation respecting the dues, contributions and fees payable (chapter D-9.2, r. 9).

M.O. 2010-04, s. 56; L.Q. 2010, c. 31, a. 91; M.O. 2020-03, s. 10.

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56.1. To be issued a certificate, a candidate referred to in paragraph 6 of section 13 who is in the situation set out in paragraph u of section 186 of the Immigration and Refugee Protection Regulations (SOR/2002-227) must act on behalf of a firm or be employed by an independent partnership.

M.O. 2013-02, s. 33.

**DIVISION VIII
TERMS AND CONDITIONS OF CERTIFICATE ISSUANCE**

§1. General provisions

57. A candidate who forwards a certificate application to the Authority in the year following his surrender or non-renewal of the certificate he held in the same sector or sector class as that covered by the application must, as applicable, have remedied the failure to comply with the rules relating to compulsory professional development prescribed by regulation of the Authority or under by-laws of the Chambre de la sécurité financière or the Chambre de l'assurance de dommages.

M.O. 2010-04, s. 57; M.O. 2013-02, s. 34.

58. *(Repealed).*

M.O. 2010-04, s. 58; M.O. 2013-02, s. 35.

59. *(Repealed).*

M.O. 2010-04, s. 59; M.O. 2013-02, s. 35.

§2. Certificate particulars

60. A certificate issued by the Authority must include information relating to the certificate holder, the sectors or sector classes in which he is authorized to pursue activities, the titles he is authorized to use under the Act and, as applicable, the conditions and restrictions imposed on him by the Authority.

M.O. 2010-04, s. 60; M.O. 2013-02, s. 36.

§3. Validity period of certificate

61. A certificate is renewable on an annual basis.

M.O. 2010-04, s. 61.

62. The holder of a representative's certificate must notify the Authority of any change to the information or a document that he has furnished to the Authority within 5 days of

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such change or, in the case of a change to information pertaining to the pursuit of an outside activity, within the meaning of the second paragraph of section 5.1 of the Regulation respecting the pursuit of activities as a representative (chapter D-9.2, r. 10), within 30 days of such change.

M.O. 2010-04, s. 62; M.O. 2023-06, s. 2.

CHAPTER III RENEWAL OF CERTIFICATE

63. The Authority renews the certificate of a representative who has submitted an application to that effect and who satisfies the conditions prescribed under paragraphs 5 and 6 of section 13.

M.O. 2010-04, s. 63; M.O. 2013-02, s. 37; M.O. 2015-14, s. 27.

64. A certificate renewal application must be received by the Authority prior to expiry of the certificate, or within 30 days following its expiry, but in such case, he must demonstrate that he was unable to take action sooner.

Where a certificate renewal application is processed after the certificate expires and on receipt by the representative of a notice from the Authority to that effect, the certificate is deemed to be in effect until its renewal or until a decision of the Authority refusing the renewal.

M.O. 2010-04, s. 64; M.O. 2013-02, s. 38.

CHAPTER IV MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

§1. Miscellaneous provisions

65. To be admissible, any application referred to hereunder must be duly submitted on the form provided by the Authority and received by it within the prescribed time period. The application must be accompanied, as applicable, by the required documents and information stipulated in the form and the related fees and contributions required by the Authority under the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9).

M.O. 2010-04, s. 65; M.O. 2013-02, s. 39.

66. Where a damage insurance broker becomes a damage insurance agent, or vice versa, he must notify each client concerned in writing within 30 days of such change or ensure, as applicable, that the firm on whose behalf he was acting does so.

M.O. 2010-04, s. 66.

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§2. Transitional and final provisions

67. *(Revoked).*

M.O. 2010-04, s. 67; M.O. 2015-14, s. 28.

68. *(Revoked).*

M.O. 2010-04, s. 68; M.O. 2015-14, s. 28.

69. *(Repealed).*

M.O. 2010-04, s. 69; M.O. 2013-02, s. 40.

70. *(Repealed).*

M.O. 2010-04, s. 70; M.O. 2013-02, s. 40.

71. *(Repealed).*

M.O. 2010-04, s. 71; M.O. 2013-02, s. 40.

72. *(Repealed).*

M.O. 2010-04, s. 72; M.O. 2013-02, s. 40.

73. This Regulation replaces the Regulation respecting the issuance and renewal of representatives' certificates (Decision 99.07.08, 1999-07-06).

M.O. 2010-04, s. 73.

74. *(Omitted).*

M.O. 2010-04, s. 74.

APPENDIX I

(section 14)

(Revoked).

M.O. 2010-04, Sch. 1; M.O. 2013-02, s. 41; M.O. 2015-14, s. 29.

TRANSITIONAL

2020

(M.O. 2020-03) SECTION 11. A candidate in the mortgage brokerage sector who, on 1 May 2020, has completed the training recognized by the Organisme d'autoréglementation du courtage immobilier du Québec (the "Organization") pertaining to the skills that must be possessed by a holder of a mortgage broker's licence pursuant to subparagraph 1.1 of the first paragraph of section 1 of the Regulation respecting the issue of broker's and agency licences (chapter C-73.2, r. 3) is deemed to have completed the minimum qualifications prescribed under section 16.1 of the Regulation respecting the issuance and renewal of representatives' certificates, introduced by section 2 of this Regulation.

A document confirming that the training recognized by the Organization has been completed must be submitted along with the candidate's application for registration for an examination of the Authority.

The minimum qualifications that the candidate is deemed to have completed in accordance with the first paragraph are valid until 30 April 2022.

SECTION 12. A candidate in the mortgage brokerage sector who, on 1 May 2020, has failed the Organization's examination pertaining to the skills that must be possessed by a holder of a mortgage broker's licence or any supplemental examination must pass the examinations prescribed by the Authority in accordance with Division III of Chapter II of the Regulation respecting the issuance and renewal of representatives' certificates.

SECTION 13. For purposes of section 26.3 of the Regulation, introduced by section 6 of this Regulation, where a candidate who is deemed to have completed the minimum qualifications in accordance with section 11 of this Regulation fails an initial examination, the deadline for registering for the supplemental examinations is 30 April 2022.

SECTION 14. An applicant in the mortgage brokerage sector who, on 1 May 2020, has passed the Organization's examination pertaining to the skills that must be possessed by a holder of a mortgage broker's licence is deemed to have passed the examinations prescribed by the Authority in accordance with Division III of Chapter II of the Regulation respecting the issuance and renewal of representatives' certificates.

For purposes of the third paragraph of section 25 of the Regulation, introduced by section 5 of this Regulation, the examination that the candidate is deemed to have passed pursuant to the first paragraph is valid for a period of 1 year from the date on which the candidate passed the examination.

SECTION 15. An applicant referred to in the first paragraph of section 14 of this Regulation is exempt from the requirement to successfully complete the probationary period set out in Division IV of Chapter II of the Regulation respecting the issuance and renewal of representatives' certificates and to satisfy the condition set out in paragraph 3 of section 13 of the Regulation.

SECTION 16. For purposes of section 44 of the Regulation, until not later than 30 April 2023, when a supervisor is a representative authorized to act in the mortgage brokerage sector at the time of the probationary period, the length of time he was a holder of a licence and acted as a mortgage broker under the Real Estate Brokerage Act (chapter C-73.2) will be taken into account in calculating the minimum length of time he is required to have been a holder of a certificate and to have acted as a representative in the mortgage brokerage sector.

SECTION 17. In addition to the conditions set out in section 45 of the Regulation, until 30 April 2025, a representative authorized to act in the mortgage brokerage sector must not, in the 5 years preceding the candidate's application, be the subject of a disciplinary sanction imposed under the Real Estate Brokerage Act (chapter C 73.2).

SECTION 18. Representatives who became holders of a certificate in the sector of mortgage brokerage pursuant to the first paragraph of section 490 of An Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23) must submit, not later than 1 July 2020, an initial application to renew their certificate in the mortgage brokerage sector in accordance with section 63 of the Regulation respecting the issuance and renewal of representatives' certificates (chapter D 9.2, r. 7), with the necessary modifications.

This section applies notwithstanding section 61 of the Regulation respecting the issuance and renewal of representatives' certificates.

2015

(M.O. 2015-14) SECTION 30. Notwithstanding the second paragraph of section 25 of the Regulation respecting the issuance and renewal of representatives' certificates (chapter D-9.2, r. 7), in the insurance of persons sector or group insurance of persons sector or a class of these sectors, any examination passed before 1 January 2016 and in respect of which the Authority has granted an equivalence, based on the concordance table

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available on its website, remains valid for a period of 2 years as of the date the candidate passed the examination.

SECTION 31. Any candidate in the insurance of persons sector or the group insurance of persons sector or a class of these sectors who has not passed the prescribed examination pertaining to the pursuit of activities as a representative by 31 December 2015, must, as of 1 January 2016, complete the necessary minimum qualifications prescribed under section 14 of the Regulation respecting the issuance and renewal of representatives' certificates (chapter D-9.2, r. 7).

M.O. 2010-04, 2010 G.O. 2, 600
Decision 2010-PDG-0025, 2010-01-26
Bulletin de l'Autorité : 2010-02-26, Vol. 7, n° 8

Amendments

L.Q. 2010, c. 31, a. 91.

M.O. 2012-08, 2012 G.O. 2, 1285
Decision 2012-PDG-0058, 2012-03-26
Bulletin de l'Autorité : 2012-04-26, Vol. 9, n° 17

M.O. 2013-02, 2013 G.O. 2, 770
Decision 2013-PDG-0018, 2013-02-20
Bulletin de l'Autorité: 2013-03-28, Vol. 10, n° 12

M.O. 2015-14, 2015 G.O. 2, 2778
Decision 2015-PDG-0138, 2015-09-09
Bulletin de l'Autorité: 2015-110-15, Vol. 12, n° 41

M.O. 2020-03, 2020 G.O. 2, 839
Decision 2020-PDG-0012, 2020-02-21
Bulletin de l'Autorité: 2020-04-09, Vol. 17, n° 14

M.O. 2023-06, 2023 G.O. 2, 1012
Decision 2023-PDG-0020, 2023-04-27
Bulletin de l'Autorité : 2023-06-01, Vol. 20, n° 21