

by the Superior Court cancelling the Leasing of dwelling in low-rental housing, enacted by Order in Council 159-90 of February 1990;

3° sums paid as compensation for reductions applied to social aid beneficiaries under subparagraph *b* of section 46 of the Regulation respecting social aid (R.R.Q., 1981, c. A-16, r. 1).

This increase shall be applied as of the date of the payment of the amounts provided for in the first paragraph and solely with regard to the beneficiary concerned.

**20.** This Regulation comes into force on 1 September 1992.

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Gouvernement du Québec

### O.C. 1145-92, 5 August 1992

Securities Act  
(R.S.Q., c. V-1.1)

#### Regulation — Amendment

Regulation to amend the Regulation amending the Regulation respecting securities

WHEREAS the Regulation amending the Regulation respecting securities was made by Order in Council 980-92 dated 30 June 1992;

WHEREAS it is expedient to postpone the coming into force of that Regulation from 17 August 1992 to 1 September 1992;

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

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

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and

such coming into force shall be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

— to have effect, it is imperative for the Regulation to come into force before 17 August 1992;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the joint recommendation of the Minister of Finance and the Minister for Finance:

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

BENOÎT MORIN,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation amending the Regulation respecting securities

Securities Act  
(R.S.Q., c. V-1.1, s. 331)

**1.** The Regulation amending the Regulation respecting securities, made by Order in Council 980-92 dated 30 June 1992, is amended by substituting the date "September 1, 1992" for the date "August 17, 1992" in section 2.

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

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## Draft Regulations

### Draft Regulation

Dairy Products and Dairy Products Substitutes Act  
(R.S.Q., c. P-30)

**Composition, packing and labelling of dairy products**  
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any interested person having comments to make is asked to send them in writing to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12<sup>e</sup> étage, Québec (Québec), G1R 4X6.

YVON PICOTTE,  
*Minister of Agriculture,  
Fisheries and Food*

### Regulation to amend the Regulation respecting the composition, packing and labelling of dairy products

Dairy Products and Dairy Products Substitutes Act  
(R.S.Q., c. P-30, s. 42, pars. g, i and n)

1. The Regulation respecting the composition, packing and labelling of dairy products (R.R.Q., 1981, c. P-30, r. 2), amended by the regulations made by Orders in Council 1325-83 dated 22 June 1983, 961-84 dated 25 April 1984, 691-87 dated 6 May 1987, 1935-88 dated 21 December 1988, 457-89 dated 29 March 1989, 277-90 dated 7 March 1990 and 1038-91 dated 24 July 1991 is further amended in section 11:

(1) by substituting the words "In the case of pre-packed dairy products, only" for the word "Only" in that part preceding paragraph 1;

(2) by inserting the number "250" after the number "200" in paragraph 12;

(3) by inserting the number "225" after the number "175" in paragraph 16.

2. The following is substituted for the second paragraph of section 17:

"The name of the dairy products pasteurized according to the ultra-high temperature process must be accompanied by the expression "UHT"."

3. The words "yogourt à boire" are substituted for the words "yogourt boisson" in the French version of section 17.1.

4. The following is substituted for the heading of Division V:

"STANDARDIZATION OF MILK OR CREAM".

5. The following is substituted for section 21:

"21. An operator of a factory or a milk dealer may standardize the proportion of fat and other milk or cream solids intended for human consumption in its natural state.

Standardization must be carried out only by the removal or adding of wholly or partly-skimmed milk or of cream derived from the milk or cream to be standardized."

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

6805

### Draft Regulation

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

**Forms and statements of fees**  
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting

forms and statements of fees under the Health Insurance Act made by the Régie de l'assurance-maladie du Québec on 23 June 1992, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Secretary of the Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7.

DENIS MORENCY,  
Secretary of the Régie de  
l'assurance-maladie du Québec

### Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act

Health Insurance Act  
(R.S.Q., c. A-29, s. 72, 1<sup>st</sup> par., subpars. *a* and *h*;  
1991, c. 42, s. 585)

**1.** The Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 2), amended by the Regulations made by Orders in Council 56-82 dated 13 January 1982 (Suppl., p. 123), 1126-82 dated 12 May 1982 (Suppl., p. 126), 3017-82 dated 21 December 1982, 2284-83 dated 16 November 1983, 794-84 dated 4 April 1984, 413-85 dated 6 March 1985, 2331-85 dated 7 November 1985, 655-86 dated 14 May 1986, 1178-86 dated 30 July 1986, 553-87 dated 8 April 1987, 761-88 dated 18 May 1988 and 859-90 dated 20 June 1990, is further amended by deleting paragraph *b* of section 1.

**2.** The following is substituted for section 2:

"2. In this Regulation, the following expressions and words have the same meaning as that given to them in the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1):

(*a*) resident of Québec or person deemed to be a resident of Québec;

(*b*) dependent person;

(*c*) consort."

**3.** Section 4 is revoked.

**4.** The words "or person deemed to be a resident of Québec" are inserted after the words "every resident of Québec" in section 7.

**5.** Section 8 is amended:

(1) by inserting the words "or person deemed to be a resident of Québec" after the words "a resident of Québec";

(2) by substituting the word "spouse" for the word "husband" in paragraph *c*.

**6.** Section 11 is amended:

(1) by striking out the words "or resident of Québec" in the part preceding paragraph 1;

(2) by substituting the words "Any beneficiary" for the words "Any person who is a beneficiary or resident of Québec and" in paragraph 1;

(3) by striking out the words "or resident of Québec" in paragraph 2;

(4) by substituting the word "beneficiary" for the words "person who is a beneficiary or resident of Québec" in paragraph 3;

(5) by striking out the words "or by a resident of Québec" in the title of paragraph 4;

(6) by substituting the word "and" for the words "or resident of Québec" in paragraph 4;

(7) by striking out the words "or a resident of Québec" in paragraph 5.

**7.** Section 12 is revoked.

**8.** The word "beneficiary" is substituted for the words "person residing in Québec" in section 14.

**9.** The words "or resident of Québec" are struck out in section 34.

**10.** Forms 1 and 18 are revoked.

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

## Draft Regulation

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

### Medical technologists

#### — Conciliation and arbitration procedure for the accounts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Corporation professionnelle des technologistes médicaux du Québec", made by the Bureau of the Corporation professionnelle des technologistes médicaux du Québec, the text of which appears below, may be submitted to the Government, which may approve it, with or without amendment, upon the expiry of 45 days following this publication.

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

THOMAS J. MULCAIR,  
*Chairman of the Office  
des professions du Québec*

## Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Corporation professionnelle des technologistes médicaux du Québec

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

### DIVISION I CONCILIATION

**1.** A client who has a dispute with a member of the Corporation professionnelle des technologistes médicaux du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided

that the member has not instituted proceedings to recover the account.

**2.** A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid, in whole or in part, may also file a written application for conciliation with the syndic within a 60-day period from the date of receipt of the account.

Where the amount of the account has been withdrawn or withheld by the member from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

**3.** Where a written agreement entered into between the member and a person sets the fees or the procedure for determining them, the procedure in this Regulation may be used only to ensure that the services actually rendered conform to that agreement.

**4.** A member may not institute proceedings to recover an account for professional services before the expiry of a 60-day period from the date of receipt of the account by the client.

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

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

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

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

**7.** Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member and shall be filed with the secretary of the Corporation.

**8.** Where conciliation does not lead to an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered or certified mail.

The report shall contain the following information, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute;
- (4) the amount suggested by the syndic during conciliation as a payment to the member or as a reimbursement to the client.

The syndic shall send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

## DIVISION II ARBITRATION

### §1. *Application for arbitration*

**9.** Within 30 days of receiving the conciliation report, the client may apply for arbitration of the account by sending the form in Schedule I to the secretary of the Corporation.

A copy of the conciliation report shall accompany the client's application for arbitration.

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

**11.** A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Corporation in writing.

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

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

**13.** Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Corporation. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

### §2. *Council of arbitration*

**14.** The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$1 500 or more, and of a single arbitrator where the amount is less than \$1 500.

**15.** The administrative committee shall appoint the member or members of the council of arbitration from among the members of the Corporation and, if the council is composed of 3 arbitrators, shall designate the chairman and the secretary thereof.

**16.** Before acting, the members of the council of arbitration shall take the oath or make the solemn affirmation in Schedule II.

**17.** The secretary of the Corporation shall send written notice to the arbitrators and to the parties informing them of the formation of the council of arbitration.

**18.** A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the Corporation, to the council of arbitration and to the parties or their advocates within 20 days of receipt of the notice provided for in section 17 or of the day on which the reason for the request becomes known.

The administrative committee shall decide the request and, where applicable, shall see that the arbitrator is replaced.

### §3. *Hearing*

**19.** The secretary of the Corporation or of the council of arbitration, as the case may be, shall give the parties or their advocates and the arbitrators at least 10 days' written notice of the date, time and place of the hearing.

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

**21.** The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any failure on their part. For those purposes, it shall follow such procedure as it considers appropriate.

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

**23.** Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through.

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

#### §4. Arbitration award

**24.** The council of arbitration shall issue its award within 45 days of the end of the hearing.

**25.** The award shall be a majority award of the members of the council.

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

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

**27.** In its award, the council of arbitration may uphold or reduce the amount of the account in dispute, determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client acknowledges owing and that accompanied his application for arbitration.

**28.** In its award, the council of arbitration may decide the arbitration expenses, which are the expenses incurred by the Corporation for the arbitration. The total expenses may not exceed 10 % of the amount to which the arbitration pertains.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and an indemnity calculated in accordance with article 1078.1 of the Civil Code of Lower Canada from the date of the application for conciliation.

**29.** The arbitration award is binding on the parties but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

**30.** The arbitration award shall be filed with the secretary of the Corporation and shall be sent to each party or to their advocates within 10 days after being filed.

**31.** This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of medical technologists (R.R.Q., 1981, c. C-26, r. 171), but the latter Regulation continues to govern the procedure for conciliation and arbitration of

disputes for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

#### SCHEDULE I

(ss. 8 and 9)

#### APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned, .....  
(client's name)

.....  
(domicile)

declare that:

(1) .....  
(member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Corporation professionnelle des technologistes médicaux du Québec.

(4) I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

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

.....  
(name of member)  
the amount of the arbitration award.

.....  
Signature

#### SCHEDULE II

(s. 16)

#### OATH OR SOLEMN AFFIRMATION

I swear (or solemnly affirm) to perform all my duties and to exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my abilities and knowledge.

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

.....  
Signature

Sworn (or solemnly affirmed)  
before me at.....  
.....  
on .....

.....  
Commissioner for oaths

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