

in by persons other than dentists was published in Part 2 of the *Gazette officielle du Québec* of 28 September 2016 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation on 4 August 2017 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting the professional activities that may be engaged in by persons other than dentists, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by persons other than dentists

Professional Code
(chapter C-26, s. 94, par. h)

1. This Regulation determines, among the professional activities that may be engaged in by members of the Ordre des dentistes du Québec, those that, on the terms and conditions set out herein, may be engaged in by

(1) a person enrolled in a program of studies in dentistry leading to a diploma giving access to the permit of the Order;

(2) a person enrolled in a host or exchange program approved or entered into by the educational institution that issues a diploma giving access to the permit or the specialist's certificate of the Order;

(3) a person who has completed a program of studies in dentistry leading to a diploma giving access to the permit of the Order;

(4) a person who must complete a training period for the recognition of an equivalence under the Regulation respecting the standards for equivalence of diplomas and training for the issue of a permit or a specialist's certificate by the Ordre des dentistes du Québec (chapter D-3, r. 10).

2. A person referred to in paragraphs 1, 2 and 4 of section 1 may, among the activities that may be engaged in by members of the Order, engage in the activities required to complete the program or the training period, as the case may be, on the following conditions:

(1) be entered in the register kept for that purpose by the Order containing the information provided for in subparagraph 3 of the first paragraph of section 108.8 of the Professional Code (chapter C-26);

(2) engage in the activities under the supervision of a dentist available to intervene on short notice and present in the training setting recognized by the educational institution that issues a diploma giving access to the permit or the specialist's certificate of the Order or in the centre operated by a health institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5);

(3) engage in the activities in keeping with the rules applicable to members of the Order, in particular those regarding ethics, and standards recognized for the practice of dentistry.

3. A person referred to in paragraph 3 of section 1 may, during the month following the date on which the person completed a program of studies and on the conditions provided for in section 2, engage in the activities that may be engaged in by members of the Order that are required to complete clinical cases begun as part of that program.

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

103258

Gouvernement du Québec

O.C. 1244-2017, 13 December 2017

Consumer Protection Act
(chapter P-40.1)

Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

WHEREAS, under paragraphs *l*, *n* and *x* of section 350 of the Consumer Protection Act (chapter P-40.1), the Government may make regulations determining, in particular, the terms and conditions and amount of the

security required of any person applying for a permit, the information and documents a person applying for a permit must furnish and the duties to be paid by that person or by a person requesting an exemption;

WHEREAS the Government made the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Consumer Protection Act was published in Part 2 of the *Gazette officielle du Québec* of 10 May 2017, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and Housing:

THAT the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350)

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by replacing section 7 by the following:

“7. Despite section 57 of the Act, a contract entered into by a merchant the object of which is the sale, installation or repair of a door, window, thermal insulation, roofing or exterior wall covering, constitutes a contract entered into by an itinerant merchant even if it was entered into at the address of the consumer upon the latter’s express request.”

2. Section 8 is amended

(1) by replacing “new automobile” in paragraphs *b* and *b.1* by “new road vehicle”;

(2) by replacing “\$25” in paragraph *m* by “\$100”.

3. Section 15.1 is amended by adding the following paragraph at the end:

“The first paragraph also applies, with the necessary modifications, to a contract of service or for the lease of goods referred to in section 207 of the Act.”

4. Section 15.2 is amended by inserting “between 30 to 60 days” in paragraph *a* after “merchant sends the consumer.”

5. The following is inserted after section 25.9:

“**25.10.** A stipulation having the effect of renewing, otherwise than in the manner provided for in section 15.2, a service contract involving sequential performance entered into by a merchant who operates a physical fitness studio is prohibited.”

6. Section 94 is amended

(1) by replacing subparagraph *b* of the first paragraph by the following:

“(b) the merchant’s name and the names under which the merchant does business which must appear on the permit;”

(2) by striking out “, if the application is for that person,” in subparagraph *d* of the first paragraph;

(3) by striking out subparagraphs *f*, *h* and *j* of the first paragraph.

7. Section 94.01 is amended

(1) by replacing paragraph *b* by the following:

“(b) if applicable, a statement that the consideration for the applicant’s contracts will always be below \$500 for the term of the permit requested;”

(2) by adding the following at the end:

“(g) the fact that the person holds a licence issued by the Régie du bâtiment du Québec under the Building Act (chapter B-1.1), the licence number and the amount of security furnished in accordance with the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).”

8. Section 94.03 is amended

(1) by replacing subparagraph *b* of the second paragraph by the following:

“(b) vehicles with a net weight of less than 5,500 kg other than the vehicles listed in subparagraph *c* of the second paragraph and other than trailers and semi-trailers with a net weight of less than 1,300 kg;”;

(2) by replacing subparagraph *c* of the second paragraph by the following:

“(c) motorcycles, mopeds, half-tracks, snowmobiles, other off-highway vehicles within the meaning of the Act respecting off-highway vehicles (chapter V-1.2) and farm machines.”.

9. Section 94.1 is amended by replacing “and audited according to generally accepted auditing standards” in paragraph *a* by “and including an auditor’s report or a review engagement report”.

10. Section 104 is replaced by the following:

“**104.** The security that an applicant for an itinerant merchant’s permit must furnish is, until 30 April 2020, \$50,000 and, thereafter, \$100,000.

Despite the first paragraph, if the contracts entered into by the applicant are always lower than \$500, the security that the applicant must furnish is \$25,000.

The duties that must be paid by the applicant are fixed according to the following classes:

(a) if the applicant has less than 50 representatives (Class 1), the duties are fixed as follows:

Periods	Duties
Until 30 April 2019	\$450
From 1 May 2019 to 30 April 2021	\$600
From 1 May 2021 to 30 April 2023	\$750
From 1 May 2023 to 30 April 2025	\$900
From 1 May 2025	\$1,072

(b) if the applicant has 50 representatives or more (Class 2), the duties are fixed as follows:

Periods	Duties
Until 30 April 2019	\$2,725
From 1 May 2019 to 30 April 2021	\$3,500
From 1 May 2021 to 30 April 2023	\$4,250
From 1 May 2023 to 30 April 2025	\$4,975
From 1 May 2025	\$5,715

11. Section 105 is replaced by the following:

“**105.** Despite section 104, where the permit applicant must provide security of \$100,000 and the applicant also holds a licence issued by the Régie du bâtiment du Québec, the security to be furnished by the applicant to the president is reduced by the amount of the security furnished in accordance with the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).”.

12. Section 106 is replaced by the following:

“**106.** If, during the term of the permit, the consideration for the permit holder’s contract increases to \$500 or more, the permit holder must, without delay, make up the difference in the security required by the first paragraph of section 104.

If, during the term of the permit, the number of representatives of a permit holder increases to 50 or more, the permit holder must, without delay, make up the difference in the duties payable for Class 2 under the third paragraph of section 104.”.

13. Section 107 is replaced by the following:

“**107.** The duties that must be paid by an applicant for a money lender’s permit are fixed as follows:

Periods	Duties
Until 30 April 2019	\$600
From 1 May 2019 to 30 April 2021	\$1,000
From 1 May 2021 to 30 April 2023	\$1,500
From 1 May 2023 to 30 April 2025	\$2,000
From 1 May 2025	\$2,509

”.

14. Section 108 is replaced by the following:

“**108.** The security that an applicant for a physical fitness studio operator’s permit must furnish is \$25,000 per establishment used as a physical fitness studio. The duties that must be paid by the applicant per establishment used as a physical fitness studio are fixed as follows:

Periods	Duties
Until 30 April 2019	\$449
From 1 May 2019 to 30 April 2021	\$798
From 1 May 2021 to 30 April 2023	\$1,025
From 1 May 2023 to 30 April 2025	\$1,250
From 1 May 2025	\$1,495

”.

15. Section 108.1 is amended by replacing the part preceding subparagraph *a* of the first paragraph by the following:

“**108.1.1.** The duties that must be paid by an applicant for a merchant’s permit to offer or make a contract of additional warranty are fixed as follows:

Periods	Duties
Until 30 April 2019	\$600
From 1 May 2019 to 30 April 2021	\$1,000
From 1 May 2021 to 30 April 2023	\$1,500
From 1 May 2023 to 30 April 2025	\$2,000
From 1 May 2025	\$2,509

The security to be furnished by the applicant is:”

16. Section 108.1 is amended

(1) by replacing subparagraph *b* of the second paragraph by the following:

“(b) an amount of \$100,000 for the trade of vehicles with a net weight of less than 5,500 kg other than the vehicles listed in subparagraph *c* of the second paragraph and other than trailers and semi-trailers with a net weight of less than 1,300 kg;”;

(2) by replacing subparagraph *c* of the second paragraph by the following:

“(c) an amount of \$25,000 for the trade of motorcycles, mopeds, half-tracks, snowmobiles, other off-highway vehicles within the meaning of the Act respecting off-highway vehicles (chapter V-1.2) and farm machines.”.

17. Section 112 is amended by adding the following paragraph at the end:

“An applicant who furnishes security in the manner provided for in subparagraph *d* of the first paragraph of section 110 must pay duties of \$278 to cover the costs for opening a file.”.

18. Section 123 is amended by adding the following paragraphs at the end:

“In the case of an itinerant merchant who also holds a licence issued by the Régie du bâtiment du Québec, where the security furnished in accordance with the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is reduced or cancelled, the merchant must make up the difference in the security furnished so that the amount of the security always meets the requirements of sections 104 and 105.

Where the security furnished in accordance with that Regulation is increased, the president releases, on request by the merchant, the amount representing the difference between that security and the security furnished to the president after the time periods provided for in section 119.”.

19. Section 127 is amended by replacing “sections 104, 107 or 108” by “section 104 or sections 107 to 108.1.3”.

20. Section 146 is amended

(1) by inserting “The exemption is valid for 2 years and is renewable upon payment of the duties.” at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

“The duties that must be paid by an applicant for an exemption are fixed as follows:

Periods	Duties
Until 30 April 2019	\$889
From 1 May 2019 to 30 April 2021	\$1,300
From 1 May 2021 to 30 April 2023	\$1,700
From 1 May 2023 to 30 April 2025	\$2,100
From 1 May 2025	\$2,509

”.

21. Section 149 is replaced by the following:

“**149.** An itinerant merchant who meets the requirements of sections 104 and 105 is not required to deposit in a trust account the amounts referred to in sections 255 and 256 of the Act and is not required to furnish additional security.”.

22. Section 150 is amended

(1) by striking out “and on the number of establishments in operation” in the first paragraph;

(2) by striking out “on the basis of sales,” in the second paragraph;

(3) by striking out the third paragraph.

23. Section 154 is revoked.

24. Section 163 is amended by replacing “is 2 years” by “remains in force”.

25. Section 170 is amended by replacing “and audited according to generally accepted auditing standards” in the first paragraph by “and include an auditor’s report or a review engagement report”.

TRANSITIONAL AND FINAL

26. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 10 of this Regulation, the security to be furnished by the holder of an itinerant merchant’s permit issued before the date of coming into force of this section and in force on that date and who enters into contracts always lower than \$500 is, until 30 April 2019,

- (a) in the case of a Class 1 permit, \$1,000;
- (b) in the case of a Class 2 permit, \$2,500;
- (c) in the case of a Class 3 permit, \$5,000;
- (d) in the case of a Class 4 permit, \$10,000.

27. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 10 of this Regulation, the holder of a Class 7, Class 8 or Class 13 to Class 16 itinerant merchant’s permit issued before the date of coming into force of this section and in force on that date, must furnish, as soon as the first and second paragraphs of section 104 come into force, security of \$100,000, unless the permit holder always enters into contracts lower than \$500.

28. Despite section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 10 of this Regulation, the holder of an itinerant merchant’s permit issued before the date of coming into force of this section and in force on that date, must

- (a) in the case of a Class 7 permit, pay duties of \$3,776 until 30 April 2021;
- (b) in the case of a Class 8 permit, pay duties of \$7,393 until 30 April 2023, then, from 1 May 2023, pay duties of \$5,715;
- (c) in the case of a Class 12 permit, pay duties of \$823 until 30 April 2023, then, until 30 April 2025, pay duties of \$900;
- (d) in the case of a Class 14 permit, pay duties of \$3,776 until 30 April 2021;
- (e) in the case of a Class 15 permit, pay duties of \$5,795 until 30 April 2023, then, from 1 May 2023, pay duties of \$5,715;

(f) in the case of a Class 16 permit, pay duties of \$11,170 until 30 April 2023, then, from 1 May 2023, pay duties of \$5,715.

29. Itinerant merchant’s permits, issued before the date of coming into force of this section and in force on that date, are deemed to be permits issued under section 104 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 10 of this Regulation.

30. If, during the term of the itinerant merchant’s permit, the amount of security payable under section 104 of the Regulation respecting the application of the Consumer Protection Act decreases by reason of the coming into force of this Regulation, the permit holder may replace it, subject to the second paragraph of section 119 of the Regulation respecting the application of the Consumer Protection Act, by the security payable under section 104 of the Regulation as replaced by section 10 of this Regulation.

31. The increase in the amount of security payable under sections 104 and 108 of the Regulation respecting the application of the Consumer Protection Act, by reason of the replacement of those sections by this Regulation, applies at the time of an application for the renewal of a permit made by the permit holder.

32. Despite section 108 of the Regulation respecting the application of the Consumer Protection Act, as replaced by section 14 of this Regulation, the security to be furnished by an applicant for a physical fitness studio operator’s permit is, until 30 April 2021, \$20,000 per establishment used as a physical fitness studio.

33. This Regulation comes into force on 11 January 2018, except

(1) paragraph 2 of section 2, the third paragraph of section 104 of the Regulation respecting the application of the Consumer Protection Act as replaced by section 10 of this Regulation, the second paragraph of section 106 as replaced by section 12 of this Regulation, section 13, the second paragraph of section 108 as replaced by section 14 of this Regulation, sections 15, 20, 28 and 29, which come into force on 1 May 2018;

(2) section 7, the first and second paragraphs of section 104 of the Regulation respecting the application of the Consumer Protection Act as replaced by section 10 of this Regulation, section 11, the first paragraph of section 106 as replaced by section 12 of this Regulation, the first paragraph of section 108 as replaced by section 14 of this Regulation, sections 18, 21, 23, 26, 27 and 30 to 32, which come into force on 1 October 2018.