



Part 2

LAWS AND REGULATIONS

21 August 2024 / Volume 156

Summary

Table of Contents
Draft Regulations

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2024

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

Rates*

1. Publication of a document in Partie 1:
\$2.03 per agate line.
2. Publication of a document in Part 2:
\$1.35 per agate line.

A minimum rate of \$295 is applied, however, in the case of a publication of fewer than 220 agate lines.

* **Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec

Email: gazette.officielle@servicesquebec.gouv.qc.ca
425, rue Jacques-Parizeau, 5^e étage
Québec (Québec) G1R 4Z1

Table of Contents

Page

Draft Regulations

Consumer Protection Act — Regulation (Amend.)	3436
Maximum appropriation to cover the expenditures relating to office staff.	3438
Monetary administrative penalties with respect to the Consumer Protection Act	3440

Draft Regulation

Consumer Protection Act
(chapter P-40.1)

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the objectively observable failures to comply with a provision of the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) that may give rise to the imposition of a monetary administrative penalty and the amounts of the penalties. The draft Regulation determines, among the provisions of the Regulation, those whose contravention constitutes an offence and sets for each offence the minimum and maximum amounts of the fines to which the offender is liable.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting M^{re} Valérie Roy, advocate, Direction des affaires juridiques, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: consultationOPC@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Denis Marsolais, President, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: presidenceOPC@opc.gouv.qc.ca.

SIMON JOLIN-BARRETTE
Minister of Justice

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

Consumer Protection Act
(chapter P-40.1, s. 350, pars. z.7 and z.8).

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21, s. 32, par. 2).

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by adding the following after section 178:

“CHAPTER XI MONETARY ADMINISTRATIVE PENALTIES

DIVISION I STIPULATIONS PROHIBITED IN A CONTRACT

179. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to anyone who contravenes any of the provisions of Chapter II.1.

DIVISION II FORM OF WRITINGS

180. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to anyone who contravenes a provision of any of the third paragraph of section 26 and sections 27 and 28.

DIVISION III COMPULSORY CLAUSES

181. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 29, 32 and 43 to 45.1.

DIVISION IV PRESENTATION STANDARDS

182. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 50.1.

DIVISION V
CONTRACTS OF CREDIT

183. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 61.0.9.

184. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 57, 58, 60, 61 and 62 to 64.

DIVISION VI
LONG-TERM CONTRACTS OF LEASE

185. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 69.4.

DIVISION VII
AUTOMOBILES, MOTORCYCLES AND
HOUSEHOLD APPLIANCES

186. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant who contravenes section 76.

DIVISION VIII
CONTRACTS RELATING TO A LOYALTY
PROGRAM

187. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 79.6.5 and 79.6.6.

DIVISION IX
CONTRACTS MADE BY A DEBT SETTLEMENT
SERVICE MERCHANT

188. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 79.15.

DIVISION X
SECURITY AND DUTIES

189. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

- (1) to a permit holder who contravenes section 106;
- (2) to a merchant who contravenes a provision of any of the first and second paragraphs of section 123.

DIVISION XI
EXEMPTION FROM THE RULES RELATING TO
CERTAIN AMOUNTS TRANSFERRED TO A
TRUST

190. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 165.

DIVISION XII
ADDITIONAL WARRANTY

191. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first paragraph of section 168.1 and sections 171 and 173.1 to 175.

CHAPTER XII
PENAL PROVISIONS

192. Every person who contravenes section 25.4 to 25.10, 57, 58, 60, 61, 62 to 64, 69.4, 79.6.5 to 79.6.7, 79.15, 106, 123, 165, 168.1, 171, 173.1, 174 or 175 is liable

(a) to a minimum fine of \$2,500 in the case of a natural person and \$5,000 in any other case; or

(b) to a maximum fine of \$62,500 in the case of a natural person and \$125,000 in any other case, or of an amount equal to 5% of worldwide turnover for the preceding fiscal year, whichever is greater, without exceeding the amount of \$175,000.

193. Every person who contravenes section 26 to 29, 32, 43 to 45.1, 50.1 or 61.0.9 is liable, in the case of a natural person, to a fine of \$1,500 to \$37,500 and, in any other case, to a fine of \$3,000 to \$75,000.

194. Every person who contravenes a provision of this Regulation not referred to in sections 179 and 180 is liable, in the case of a natural person, to a fine of \$600 to \$15,000 and, in any other case, to a fine of \$1,200 to \$30,000.”

2. This Regulation comes into force on 5 January 2025.

106991



Draft Regulation

Cities and Towns Act
(chapter C-19)

Maximum appropriation to cover the expenditures relating to office staff

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation setting the maximum appropriation to cover the expenditures relating to office staff, appearing below, may be made by the Minister of Municipal Affairs, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation sets the maximum appropriation that municipalities with a population of 50,000 or more may provide for in their budget to cover the expenditures relating to office staff pursuant to sections 114.4 to 114.12 of the Cities and Towns Act (chapter C-19). The appropriation is set by the Minister of Municipal Affairs under section 114.11 of the Act.

Further information may be obtained by contacting Hana Zemni, 10, rue Pierre-Olivier-Chauveau, Aile Chauveau, 3^e étage, Québec (Québec), G1R 4J3; telephone: 418 691-2015, extension 83827; email: Hana.Zemni@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Hana Zemni using the contact information above.

ANDRÉE LAFOREST
Minister of Municipal Affairs

Regulation setting the maximum appropriation to cover the expenditures relating to office staff

Cities and Towns Act
(chapter C-19, s. 114.11, 2d par.).

1. The appropriation to cover the expenditures relating to office staff referred to in section 114.4 of the Cities and Towns Act (chapter C-19) may not exceed the following:

(1) 0.10% of the total of the other appropriations for operating expenses provided for in the city's budget in the case of Ville de Montréal;

(2) in the case of the other municipalities with a population of 50,000 or more,

(a) 0.33% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are less than \$200,000,000;

(b) 0.32% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$200,000,000 and less than \$400,000,000;

(c) 0.31% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$400,000,000 and less than \$600,000,000;

(d) 0.30% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$600,000,000 and less than \$800,000,000;

(e) 0.29% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$800,000,000 and less than \$1,000,000,000;

(f) 0.28% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$1,000,000,000 and less than \$1,200,000,000;

(g) 0.27% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$1,200,000,000 and less than \$1,400,000,000;

(h) 0.26% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$1,400,000,000 and less than \$1,600,000,000;

(i) 0.25% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$1,600,000,000 and less than \$1,800,000,000;

(j) 0.24% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$1,800,000,000 and less than \$2,000,000,000;

(k) 0.23% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$2,000,000,000 and less than \$2,200,000,000;

(l) 0.22% of the total of the other appropriations for operating expenses provided for in the municipality's budget if they are at least \$2,200,000,000 and less than \$2,400,000,000;

(3) in the case of every borough of Ville de Montréal, the higher of \$100,000 and the amount that corresponds to 0.32% of the total of the other appropriations for operating expenses provided for in the borough's budget.

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

106989



Draft Regulation

Consumer Protection Act
(chapter P-40.1)

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21)

Monetary administrative penalties with respect to the Consumer Protection Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Acts (chapter R-18.1), that the Regulation respecting monetary administrative penalties with respect to the Consumer Protection Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the objectively observable failures to comply with a provision of the Consumer Protection Act (chapter P-40.1) or with a voluntary undertaking which may give rise to the imposition of a monetary administrative penalty and the amounts of the penalties.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting M^{re} Valérie Roy, advocate, Direction des affaires juridiques, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: consultationOPC@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Denis Marsolais, President, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: presidenceOPC@opc.gouv.qc.ca.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation respecting monetary administrative penalties with respect to the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 350, par. z.7).

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21, s. 32, par. 2).

CHAPTER I

FAILURES TO COMPLY WITH a PROVISION OF THE CONSUMER PROTECTION ACT

DIVISION I

CONTRACTS REGARDING GOODS AND SERVICES

§1. General

1. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to anyone who contravenes a provision of any of sections 10 and 11, the first paragraph of section 11.1, the first and second paragraphs of section 11.2, the first paragraph of section 11.3, sections 11.4 and 12, the first paragraph of section 13 and section 19 of the Consumer Protection Act (chapter P-40.1).

§2. Rules governing the making of certain contracts in respect of which title I requires a writing

2. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and fourth paragraphs of section 26 and section 28 of the Act.

§3. Warranties

3. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant or a manufacturer who contravenes a provision of any of sections 48, 49 and 52.1 of the Act.

4. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant or a manufacturer who

(a) contravenes a provision of any of paragraph *b* of section 38.5, made by section 3 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods (2023, chapter 21), section 39.6, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, and section 41 of the Act;

(b) in contravention of section 39.3 of the Act, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, omits to make available free of charge information necessary to maintain or repair goods, other than automobile data referred to in section 39.4, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, when it is accessible on a technological medium;

(2) to a manufacturer who contravenes section 39.1 of the Act, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods;

(3) to a merchant who contravenes a provision of any of sections 38.9, made by section 3 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, and section 39.2 of the Act, made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods;

(4) to anyone who

(a) contravenes a provision of any of sections 40 and 46 of the Act;

(b) in contravention of section 44 of the Act, provides for an exclusion in a conventional warranty when the exclusions are not indicated in separate and successive clauses;

(c) fails to indicate in a writing evidencing a warranty information prescribed by section 45 of the Act.

§4. *Distance contracts*

5. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of section 54.3, the first paragraph of section 54.4 and sections 54.5 and 54.6 of the Act;

(2) fails to send a copy of the contract to the consumer within 15 days after the contract is entered into, in contravention of section 54.7 of the Act.

6. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant who contravenes the first paragraph of section 54.13 of the Act;

(2) to a credit card issuer who contravenes section 54.16 of the Act.

§5. *Contracts entered into by itinerant merchants*

7. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant who contravenes a provision of any of the first paragraph of section 58 and section 60 of the Act;

(2) to anyone who contravenes the third paragraph of section 62 of the Act.

8. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and third paragraphs of section 63 and section 64 of the Act.

§6. *Contracts of credit*

9. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant who

(1) fails to assume the costs of restitution, in contravention of section 77 of the Act;

(2) contravenes a provision of any of sections 84, 86, 87 and 96 of the Act.

10. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant who contravenes a provision of any of sections 71, 80, 81 and 94, the first paragraph of section 98, section 99, the first and second paragraphs of section 100.2, sections 101, 103.4, 105 and 111, the first paragraph of section 112, sections 113 to 115, 115.2, 119.1 and 120, the second paragraph of section 121, sections 122, 125 and 125.2, the first paragraph of section 126, section 126.3, the first paragraph of section 127, the second paragraph of section 128, the first

paragraph of section 128.1, the second paragraph of section 129, sections 130, 134, 139, 142, 147, 148 and 150 of the Act;

(2) to anyone who contravenes section 102 of the Act.

11. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant who contravenes a provision of any of sections 73, 78, 83, 90, 91, 92 and 97, the second paragraph of section 122.1, the third paragraph of section 123, the second paragraph of section 124, the first paragraph of section 126.1, the first paragraph of section 127.1, sections 128.3, 136 and 138 and the second paragraph of section 140 of the Act;

(2) to a credit card issuer who contravenes the third paragraph of section 124 of the Act.

§7. Long-term contracts of lease of goods

12. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 150.4 to 150.7, 150.13, 150.14, 150.17.1, 150.20, 150.22 and 150.25, the first paragraph of section 150.30 and the first paragraph of section 150.32 of the Act.

13. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 150.9, 150.9.1, 150.21 and 150.26 of the Act;

(2) imposes costs or a penalty for the cancellation of a contract, in contravention of section 150.23 of the Act.

§8. Contracts relating to automobiles and motorcycles

14. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a merchant or a manufacturer who contravenes paragraph *b* of section 151 of the Act;

(2) to a merchant who

(a) contravenes a provision of any of section 155, the first paragraph of section 156, section 158, the first paragraph of section 162 and sections 168 and 170 to 173 of the Act;

(b) fails to post in the establishment the sign prescribed by section 180 of the Act.

15. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 179 of the Act.

§9. Repair of household appliances

16. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and third paragraphs of section 183 and sections 184 and 185 of the Act.

§10. Contracts for the sale of prepaid cards

17. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 187.2 of the Act.

18. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 187.3 to 187.5 of the Act.

§11. Contracts relating to loyalty programs

19. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 187.7 of the Act.

20. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 187.8 of the Act.

§12. Contracts relating to timeshare accommodation rights

21. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of the first and second paragraphs of section 187.14, sections 187.16, 187.17 and 187.19, the first and second paragraphs of section 187.20, the third paragraph of section 187.24 and section 187.27 of the Act.

22. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 187.15 and 187.18 and the first and third paragraphs of section 187.25 of the Act;

(2) imposes costs or a penalty for the resiliation of a contract, in contravention of section 187.26 of the Act.

§13. Service contracts involving sequential performance for instruction, training or assistance

23. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 190 to 192, 199 to 201, 203, 205, 206 and section 208 of the Act.

24. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) imposes costs or a penalty for the cancellation of a contract, in contravention of sections 194 and 202 of the Act;

(2) contravenes a provision of any of sections 195, 196 and 211 of the Act.

§14. Contracts involving sequential performance for a service provided at a distance

25. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a merchant who contravenes section 214.5 of the Act.

26. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of section 214.2, the first paragraph of section 214.4 and sections 214.9 to 214.11 of the Act.

27. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 214.3, 214.7 and 214.8 of the Act.

§15. Contracts entered into by debt settlement service merchants

28. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 214.15, 214.16 and 214.25 of the Act.

29. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of section 214.14, the first and third paragraphs of section 214.20, section 214.21, the third paragraph of

section 214.23, the first, second and fourth paragraphs of section 214.26, the first paragraph of section 214.27 and section 214.28 of the Act.

DIVISION II
BUSINESS PRACTICES

30. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to anyone who contravenes section 241 of the Act.

31. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant, a manufacturer or an advertiser who

(a) makes false representations to a consumer, in contravention of section 219 of the Act;

(b) contravenes a provision of any of paragraph *c* of section 220, section 221, paragraphs *a*, *d*, *f* and *g* of section 222, subparagraphs *b* and *c* of the first paragraph of section 224, paragraph *c* of section 230, section 238 and paragraph *b* of section 239 of the Act;

(2) to a merchant who

(a) omits to indicate the sale price of goods, in contravention of section 223 of the Act;

(b) contravenes a provision of any of section 227.0.2, made by section 14 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods (2023, chapter 21), the second paragraph of section 228.3, made by section 15 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods, the first paragraph of section 236.1 and sections 242, 244.3 and 244.5 of the Act;

(c) omits to inform the consumer in writing of the existence and nature of the warranty provided for in sections 37 and 38, in contravention of the first paragraph of section 228.1 of the Act;

(d) makes representations to directly promote time-share accommodation rights without indicating that the merchant is engaged in such business, in contravention of section 229.2 of the Act;

(e) at the time of the entering into of a debt settlement service contract with a consumer or at the time of the performance of such a contract, offers to enter into or enters into a credit contract with the consumer, in contravention of section 244.4 of the Act;

(3) to a merchant or a manufacturer who contravenes a provision of any of sections 226 and 243 of the Act;

(4) to a manufacturer who contravenes section 227.0.1 of the Act, made by section 14 of the Act to protect consumers from planned obsolescence and to promote the durability, reparability and maintenance of goods;

(5) to anyone who

(a) makes false representations concerning the existence, charge, amount or rate of duties payable under a federal or provincial statute, in contravention of section 227.1 of the Act;

(b) contravenes a provision of any of sections 232.1, 234, 236.2 to 236.4, 237.1, 244 and 245.1, subparagraph *a* of the first paragraph of section 246, sections 247, 247.1, 250 and 251, the first paragraph of section 251.1 and section 251.2 of the Act;

(c) makes, directly, in a contract made with a consumer, the grant of a rebate, payment or other benefit dependent upon the making of a contract of the same nature between that person or consumer and another person, in contravention of section 235 of the Act;

(d) in any advertisement concerning credit, illustrates goods or services, in contravention of section 245 of the Act;

(6) to a credit broker who contravenes the first paragraph of section 230.1 of the Act.

DIVISION III SUMS TRANSFERRED IN TRUST

32. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes a provision of any of sections 254 to 258 of the Act.

DIVISION IV ADMINISTRATION OF SUMS COLLECTED IN RESPECT OF ADDITIONAL WARRANTIES

33. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed

(1) to a merchant who

(a) contravenes a provision of any of section 260.7, the first paragraph of section 260.8, sections 260.9 to 260.11 and the first paragraph of section 260.24 of the Act;

(b) in contravention of section 260.13 of the Act, omits to keep separate accounting records of all operations affecting the reserve account or keep and update a register of all consumers having entered into a contract of additional warranty with the merchant, stating in respect of each contract the date of signing, the date of expiry and the price, the sum deposited in trust, and any amount used or withdrawn;

(2) to a trust company who contravenes section 260.12 of the Act;

(3) to anyone who contravenes a provision of any of sections 260.21 and 260.22 of the Act.

DIVISION V SPECIAL PROVISIONS RESPECTING ROAD VEHICLE DEALERS AND RECYCLERS

34. A monetary administrative penalty of \$300 in the case of a natural person and \$600 in other cases may be imposed to a holder of a road vehicle dealer's or recycler's permit who fails to keep the permit posted in the establishment, in contravention of section 260.30 of the Act.

35. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a road vehicle dealer or recycler who contravenes a provision of any of the first paragraph of section 260.27 and section 260.28 of the Act;

(2) to a holder of a road vehicle dealer's or recycler's permit who contravenes section 260.29 of the Act.

DIVISION VI PROOF AND PROCEDURE

36. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who contravenes section 268 of the Act.

DIVISION VII ADMINISTRATION

§1. Powers of the president

37. A monetary administrative penalty of \$1,750 in the case of a natural person and \$3,500 in other cases may be imposed to anyone who,

(1) in contravention of section 307 of the Act, refuses to give the president or a person authorized by the president any information or document which the president or person is entitled to obtain under any Act or regulation the application of which is under the supervision of the Office;

(2) does not comply with a voluntary undertaking made under section 314 or the application of which has been extended by order made under section 315.1 of the Act.

§2. *Permits*

38. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed

(1) to a road vehicle dealer or recycler who contravenes the first paragraph of section 329.3 of the Act;

(2) to a permit holder who contravenes a provision of any of the first paragraph of section 330 and section 331 of the Act.

39. A monetary administrative penalty of \$1,750 in the case of a natural person and \$3,500 in other cases may be imposed to a merchant who contravenes the first paragraph of section 321 of the Act.

CHAPTER II

FAILURES TO COMPLY WITH A PROVISION OF THE ORDER IN COUNCIL RESPECTING THE POLICY ON ACCURATE PRICING FOR MERCHANTS WHO USE OPTICAL SCANNER TECHNOLOGY

40. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 1, 3 and 4 of the Order in Council respecting the Policy on accurate pricing for merchants who use optical scanner technology (chapter P-40.1, r. 2);

(2) in contravention of section 2 of the Order, omits to post in the establishment the accurate pricing policy in dark letters on the white background of a sign measuring at least 387 cm² and on which only the policy appears, or where the area of the establishment open to the consumers is 697 m² or more, omits to post the policy in the establishment in dark letters on the white background of a sign measuring at least 0.56 m² and on which only the policy appears.

CHAPTER III

FAILURES TO COMPLY WITH A PROVISION OF THE ORDER IN COUNCIL RESPECTING THE APPLICATION OF RULES OF CONDUCT TO USED AUTOMOBILE MERCHANTS

41. A monetary administrative penalty of \$750 in the case of a natural person and \$1,500 in other cases may be imposed to a merchant who

(1) contravenes a provision of any of sections 1, 2, 6, 7 and 15 of the Schedule to the Order in council respecting the application of rules of conduct to used automobile merchants (chapter P-40.1, r. 4);

(2) omits to state, in all advertising of a used automobile, the selling price or retail value, excluding the Québec Sales Tax (QST) and the Goods and Services Tax (GST), and the number of kilometres actually travelled, in contravention of section 3 of the Schedule to the Order;

(3) omits to state, if the merchant advertises used automobiles for sale or long-term lease by lot, the highest asking price, excluding the Québec Sales Tax (QST) and the Goods and Services Tax (GST), or, as applicable, the highest asking retail value among all the automobiles in the lot, in contravention of section 4 of the Schedule to the Order;

(4) omits to state the highest number of kilometres actually travelled among all the automobiles in a lot, if the merchant advertises used automobiles for sale or long-term lease by lot, in contravention of section 5 of the Schedule to the Order.

42. A monetary administrative penalty of \$1,250 in the case of a natural person and \$2,500 in other cases may be imposed to a merchant who contravenes section 16 of the Schedule to the Order.

CHAPTER IV

FINAL

43. This Regulation comes into force on 5 January 2025, except

(1) the provisions of section 4, to the extent that they refer to sections 39.1 to 39.3 and 39.6 of the Consumer Protection Act (chapter P-40.1), made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), which come into force on 5 October 2025;

(2) the provisions of section 4, to the extent that they refer to sections 38.5 and 38.9 of the Consumer Protection Act, made by section 3 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods, and the provisions of section 31, to the extent that they refer to sections 227.0.1 and 227.0.2, made by section 14 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods, and the second sentence of the second paragraph of section 228.3 of the Act, made by section 15 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods, which come into force on 5 October 2026.

106992

