

chapter R-13

WATERCOURSES ACT

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REPEAL SCHEDULE

1. The Minister of Sustainable Development, Environment and Parks shall have charge of the carrying out of this Act, with the exception of section 3 and of Division VIII, which are under the jurisdiction of the Minister of Natural Resources and Wildlife.

R. S. 1964, c. 84, s. 1; 1979, c. 49, s. 16; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 1994, c. 17, s. 61; 1999, c. 36, s. 158; 2003, c. 8, s. 6; 2006, c. 3, s. 35.



The Minister of Economy, Innovation and Energy exercises the functions of the Minister of Natural Resources and Wildlife. Order in Council 1641-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6515.

DIVISION I

GENERAL PROVISIONS

R. S. 1964, c. 84, Div. I; 2017, c. 4, s. 217.

2. It has always been lawful, before 16 March 1916, whatever may have been the system of government in force, for the authority which has had the control and administration of lands in the domain of the State in the territory now forming Québec, or any part thereof, to alienate or lease to such extent as was deemed advisable, the beds and banks of navigable rivers and lakes, the bed of the sea, the sea-shore and lands reclaimed from the sea, comprised within the said territory and forming part of the domain of the State.

From and after 16 March 1916 until 4 December 1974, every alienation or lease of one or more of the properties mentioned in the first paragraph may be effected solely with the express authorization of the Government, and on such conditions and under such restrictions as it may determine.

The Government may, from 4 December 1974 until 22 December 1978, on the joint recommendation of the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife, make regulations to authorize the Minister of Sustainable Development, Environment and Parks to grant sales, locations, leases or occupation licences on the banks and beds of rivers and lakes forming part of the domain of the State, as well as on the bed and foreshore of the sea. The above mentioned expression “banks” means the strip of land bounded by the natural low and high water marks, excluding any overflow.

From 22 December 1978, the Government may make a regulation to authorize the Minister of Sustainable Development, Environment and Parks, on such conditions as it may determine, to grant an alienation, lease or occupation licence on a property mentioned in the preceding paragraph and agree on a limit. In the cases not provided for in that regulation, the Government may authorize, on such conditions as it may determine in each case, the alienation, exchange, lease or occupation and the limits of such property.

It may also, in the same manner, authorize the Minister to agree on a limit of such property with the owner of the adjacent land.

R. S. 1964, c. 84, s. 2; 1974, c. 24, s. 1; 1978, c. 40, s. 1; 1979, c. 49, s. 37; 1979, c. 81, s. 20; 1987, c. 23, s. 76; 1994, c. 13, s. 15; 1994, c. 17, s. 61; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

2.1. The Government may, by regulation, generally authorize, according to the conditions it determines, the occupation of property contemplated in the third paragraph of section 2, by every category of minor works it indicates.

1982, c. 25, s. 22.

2.2. The Minister of Sustainable Development, Environment and Parks may, by order,

(1) determine the places where the use of part of the shore or bed of waters in the domain of the State to affix or deposit any gear or installations intended for commercial fishing is prohibited;

(2) determine the gears or installations intended for commercial fishing the affixing or depositing of which on any part of the shore or bed of waters in the domain of the State is prohibited.

The order shall be published in the *Gazette officielle du Québec*.

1994, c. 17, s. 62; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

3. The transfer of hydraulic power vested in the domain of the State is prohibited subject to section 32 of the Hydro-Québec Act (chapter H-5).

The lease of hydraulic power vested in the domain of the State is permitted only

(1) where the hydraulic power is necessary for the operation, at a specific place along a watercourse, of a hydro-electric power plant generating more than 50 megawatts attributable to the domain of the State, such lease being, in every case, authorized by law;

(2) where hydraulic power is necessary for the operation, at a specific place along a watercourse, of a hydro-electric power plant generating 50 megawatts attributable to the domain of the State or less or where the lessee is a municipality, such lease being authorized by the Government and made subject to the conditions it determines.

Before recommending to the Government the lease of hydraulic power under subparagraph 2 of the second paragraph, the Minister may consult with the regional county municipality concerning the implications of a hydro-electric project in its territory.

The lessee shall pay into the Generations Fund any rent and other fees or charges payable under subparagraph 2 of the second paragraph.

Ownership of hydraulic power in the domain of the State is and always has been attached to ownership of the bed of the watercourses in the domain of the State. This paragraph is declaratory.

R. S. 1964, c. 84, s. 3; 1977, c. 5, s. 14; 1977, c. 60, s. 1; 1978, c. 41, s. 28; 1988, c. 53, s. 1; 1999, c. 12, s. 1; 1999, c. 40, s. 251; 2000, c. 22, s. 66; 2006, c. 46, s. 58; 2006, c. 24, s. 17.

3.1. No person may construct, maintain or operate any work on a lake or watercourse in the domain of the State or any work that affects such a lake or watercourse without having obtained from the Government an express concession of the lands and public rights which are or will be taken, occupied or affected by the work.

The power mentioned in the first paragraph is exercised by the minister or ministers exercising the rights and powers inherent in the right of ownership for the lands and public rights concerned.

2017, c. 4, s. 218.

DIVISION II

RIGHT OF ACTION OF LESSEE

4. The lease granted under the provisions of this Act shall entitle the lessee to take possession of the lands described therein and, in his own name, to institute any action or suit against the person possessing same illegally or against any one trespassing, and to recover damages in respect of the damage which he may have suffered.

R. S. 1964, c. 84, s. 4; 1999, c. 40, s. 251.

DIVISION III

USE OF WATERCOURSES AND PREVENTION OF FLOODING

1982, c. 25, s. 23.

5. Every owner of land may improve any watercourse bordering upon, running along or passing across his property, and may turn the same to account by the construction of mills, manufactories, works and machinery of all kinds, and for such purpose may erect and construct, in and about such watercourse, all the works necessary for its efficient working, such as flood-gates, flumes, embankments, dams, dykes and the like.

R. S. 1964, c. 84, s. 5.

6. A court may order, upon an ordinary action instituted by the Attorney General, the demolition of any work and the restoration of the premises to their original condition or to a condition approaching as nearly as possible thereto, where a person constructs or maintains any work on the banks and beds of rivers and lakes forming part of the domain of the State, as well as on the bed and foreshore of the sea, without obtaining beforehand the sale or lease of or an occupation licence for the immovable concerned.

R. S. 1964, c. 84, s. 6; 1982, c. 25, s. 24; 1999, c. 40, s. 251.

7. *(Repealed).*

R. S. 1964, c. 84, s. 7; 1968, c. 34, s. 1; 1979, c. 49, s. 37; 1982, c. 25, s. 24; 1994, c. 17, s. 63; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 219.

8. In no case may a local municipality issue a permit to build in a floodplain recognized by government regulation until a by-law prohibiting or governing construction in that floodplain, passed by the municipality under paragraph 16 of the second paragraph of section 113 and section 118 of the Act respecting land use planning and development (chapter A-19.1), is in force.

Where no land use planning and development plan adopted under the Act respecting land use planning and development is in force in the territory of the municipality, the by-law referred to in the first paragraph that is passed by the municipality shall be approved by the Minister of Sustainable Development, Environment and Parks.

R. S. 1964, c. 84, s. 8; 1979, c. 49, s. 37; 1982, c. 25, s. 24; 1994, c. 17, s. 63; 1996, c. 2, s. 861; 1999, c. 36, s. 158; 2002, c. 68, s. 52; 2006, c. 3, s. 35.

9. *(Repealed).*

R. S. 1964, c. 84, s. 9; 1982, c. 25, s. 25.

10. *(Repealed).*

R. S. 1964, c. 84, s. 10; 1982, c. 25, s. 25.

11. *(Repealed).*

R. S. 1964, c. 84, s. 11; 1982, c. 25, s. 25.

12. *(Repealed).*

R. S. 1964, c. 84, s. 12; 1982, c. 25, s. 25.

13. (1) The owner or operator of any work constructed in a watercourse, or of a plant, a mill, a manufactory, works or machinery of any kind contemplated in section 5, is liable for any damage resulting therefrom to any person, whether by excessive elevation of the flood-gates or otherwise.

(2) The damage shall be assessed and the damages shall be determined by the Administrative Tribunal of Québec.

R. S. 1964, c. 84, s. 13; 1973, c. 38, s. 94; 1982, c. 25, s. 26; 1986, c. 61, s. 66; 1988, c. 21, s. 66; 1997, c. 43, s. 637; 1999, c. 40, s. 251.

14. In assessing damage and fixing the compensation to be paid, the Administrative Tribunal of Québec may, whenever proper, set off against the whole or any part of such compensation any increased value which the property of the claimant has acquired by reason of the erection of such works, mills, manufactories or machinery.

R. S. 1964, c. 84, s. 14; 1973, c. 38, s. 95; 1986, c. 61, s. 66; 1988, c. 21, s. 66; 1997, c. 43, s. 638; 1999, c. 40, s. 251.

15. In default of payment of the damages in respect of the damage and the compensation so awarded, within six months from the date of the award of the Administrative Tribunal of Québec, together with legal interest to be computed from the said date, the party by whom the payment is due shall demolish the works which he shall have erected, or they shall be so demolished at his expense, upon judgment to that effect rendered, the whole without prejudice to the damages already determined.

R. S. 1964, c. 84, s. 15; 1973, c. 38, s. 96; 1986, c. 61, s. 66; 1988, c. 21, s. 66; 1997, c. 43, s. 639; 1999, c. 40, s. 251.

DIVISION IV

EXPROPRIATION OF LANDS REQUIRED FOR THE DEVELOPMENT AND UTILIZATION OF CERTAIN WATER-POWERS

16. Every water-power formed by a lake, pond, watercourse or river, whether floatable or not, belonging to any person, is declared to be a matter of public interest, and the owner thereof may proceed to expropriate the required lands so as to allow him to utilize such water-power in the manner and subject to the conditions mentioned in this division.

R. S. 1964, c. 84, s. 16.

17. The following alone shall be subject to expropriation under this division:

(1) immovable properties or any part thereof, and riparian rights necessary for the establishment of factories, manufactories and their dependencies, or for the construction and maintenance of dams, dikes, canals, pipes and sluices, and all immovable properties or any part thereof susceptible of being affected by such establishment, construction or maintenance;

(2) immovable properties or any part thereof, necessary for roads communicating with the most convenient highway, as well as for the posts, wires, conduits and apparatus used for the transmission of power, light or heat, subject to the approval of the municipal council of the locality when such posts, wires, conduits and apparatus are placed on a highway;

(3) immovable properties or any part thereof, necessary for the establishment therein and use, pending the duration of the construction work mentioned in paragraph 1 of this section, of branch lines connecting with a railway line.

R. S. 1964, c. 84, s. 17.

18. No expropriation under this division shall take place except in the case of a water-power of an average natural force of at least 150 KW and large enough for industrial purposes, nor shall such right in any case be exercised to the prejudice of an industry already established or of water-works supplying the territory of a municipality wholly or in part.

R. S. 1964, c. 84, s. 18; 1977, c. 60, s. 2; 1996, c. 2, s. 862.

19. In every case where the expropriation of any lot or part thereof is permitted, it may be confined to the portion of a lot strictly required for the installation of poles, towers, transformers and other apparatus with, in addition, a servitude giving the right to install on such poles or towers the wires and apparatus necessary for the transmission of power, light and heat, together with a right of way over the neighbouring lands for the purpose of repairing and maintaining the transmission line.

The expropriation may also be limited to the servitudes required for establishing a transmission line, giving in particular the right to put up on the land, without acquiring ownership of the land, poles, towers, transformers, apparatus and wires, and the right of way over such land and neighbouring lands, for the purpose of repairing and maintaining the transmission line.

In every case the expropriation implies the right to require a sufficient cleared space, on each side of the line, for the protection of the public and of the transmission line, and for the repair and maintenance of the latter.

For the purposes of the servitudes contemplated in this section, the transmission line shall be deemed a dominant land with respect to the lands subject to such servitudes.

R. S. 1964, c. 84, s. 19.

20. When the poles or towers are put up, it shall be the duty of the party expropriating the land to put it back in good order so that the owner or occupant thereof may use it, as before, as conveniently as possible.

R. S. 1964, c. 84, s. 20.

21. In no case may any proceedings be had to expropriate any lot or part thereof, or the servitude mentioned in section 19, until a plan prepared by a Québec land-surveyor, mentioning the land to be expropriated, with a sufficient description thereof, has been served by a bailiff upon the owner of such land.

R. S. 1964, c. 84, s. 21.

22. The expropriation cannot take place unless the Government has first approved the area of the land or the servitude to be expropriated, upon application of one of the parties after notice to the other.

R. S. 1964, c. 84, s. 22.

23. The application for approval must be made to the Minister of Sustainable Development, Environment and Parks, accompanied by plans of the land to be expropriated and by reasons in support of the application.

R. S. 1964, c. 84, s. 23; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1997, c. 43, s. 640; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

24. The expropriation proceedings must be completed within two years from the date of the approval contemplated by section 22, without which the right of expropriation shall lapse *pleno jure*.

In the case where a right has lapsed through the application of this section, the Government may, upon such conditions as it deems fit to impose, revive such right for such period of time as it may fix, after notice by the interested parties in the form decided upon by the Minister of Sustainable Development, Environment and Parks.

R. S. 1964, c. 84, s. 24; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 220.

25. In the case provided for by paragraph 3 of section 17, the indemnity shall include a fixed annual sum payable in advance each year up to and including the year in which the works are completed and, in addition, a sum representing the damages caused by the changed state of the place, payable, after the completion of the works, within a time fixed by the Administrative Tribunal of Québec, unless the party benefitting from the servitude shall have restored the place to its original state before the expiry of such time.

R. S. 1964, c. 84, s. 25; 1973, c. 38, s. 97; 1986, c. 61, s. 66; 1988, c. 21, s. 66; 1997, c. 43, s. 641; 1999, c. 40, s. 251.

DIVISION V

EXPROPRIATION OF THE RIGHT OF WAY REQUIRED FOR THE LAYING OF PIPES FOR BRINGING WATER TO A PULP OR PAPER MILL

26. The owner or tenant of a pulp or paper mill whose site has no direct connection with any water supply which he has the right to use and the water of which he has the right to divert, may expropriate an underground right of way across any land so as, by doing the necessary digging to lay pipes, to bring the water necessary for the operation of his pulp or paper mill.

The right of way must be had on the side where the crossing is shortest from his land to such water supply. It should however be established over the part where it will be least injurious to him upon whose land it is granted.

R. S. 1964, c. 84, s. 26.

27. As soon as the laying of the pipes underground is finished, it shall be the duty of the expropriating party to level the earth in such a manner that the owner or occupant may make use of his land as before, in the most convenient way possible.

R. S. 1964, c. 84, s. 27.

28. The right of way for the laying of underground pipes shall include also a servitude in favour of the expropriating party to make any repairs which may afterwards be necessary, while compensating the owner or occupant of the land for any actual damage suffered.

R. S. 1964, c. 84, s. 28; 1999, c. 40, s. 251.

29. The provisions of sections 21 to 25 of this Act shall apply to the expropriation authorized by this division.

R. S. 1964, c. 84, s. 29.

DIVISION VI

DRIVING OF TIMBER

§ 1. — *Right of Driving Timber down Watercourses, and of Constructing Works for such Purpose*

30. (1) This division shall not apply to dams, weirs or bridges erected in or over rivers, streams or creeks, nor to anything done *bona fide* in or for erecting such dams, weirs or bridges, nor to any obstruction caused by trees cut down or felled for the purpose of being used as bridges, unless the flow of water or the passing of rafts be impeded.

(2) Nothing in this division shall affect the rights of joint stock companies for driving timber.

(3) The work “timber” means saw logs, timber for building purposes and all other kinds of timber.

R. S. 1964, c. 84, s. 30.

31. Subject to the provisions of this division, any person or partnership may, during the spring, summer and autumn freshets, drive or float timber, rafts and craft down any river, lake, pond, stream or creek in Québec.

R. S. 1964, c. 84, s. 31; 1999, c. 40, s. 251.

32. It shall be and always has been lawful to erect and maintain dams, slides, aprons, booms, gate-locks or other necessary works to facilitate the floating or transmission of timber, rafts or craft down such rivers,

streams, lakes, ponds or creeks, to blast rocks, dredge or remove sand-banks, or to remove trees, shrubs or other obstacles, without, however, doing any damage to such rivers, lakes, ponds, streams or creeks.

If it be absolutely necessary for the construction of such improvements to take and occupy any private property, expropriation proceedings shall be taken for the land strictly required for such purpose.

No work to which this division applies shall be carried on in rivers to which salmon resort, unless previously authorized by the Government, which shall determine how the work is to be done and the conditions to which it shall be subject.

R. S. 1964, c. 84, s. 32.

33. *(Repealed).*

R. S. 1964, c. 84, s. 33; 1999, c. 40, s. 251; 2017, c. 4, s. 221.

34. *(Repealed).*

R. S. 1964, c. 84, s. 34; 1968, c. 34, s. 2; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 221.

35. Any person or partnership intending to construct any work referred to in section 32 must

(1) deposit, at the Land Registry Office, a copy of the plans and specifications for the work; and

(2) make the project public by applying for publication of a notice in the *Gazette officielle du Québec*, in accordance with the model provided for in form 2, and in a newspaper circulated in the region where the project is to be carried out.

R. S. 1964, c. 84, s. 35; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1997, c. 43, s. 642; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 222; 2020, c. 17, s. 113.

36. *(Repealed).*

R. S. 1964, c. 84, s. 36; 2017, c. 4, s. 223.

37. *(Repealed).*

R. S. 1964, c. 84, s. 37; 1987, c. 23, s. 76; 1999, c. 40, s. 251; 2017, c. 4, s. 223.

38. *(Repealed).*

R. S. 1964, c. 84, s. 38; 2017, c. 4, s. 223.

39. *(Repealed).*

R. S. 1964, c. 84, s. 39; 2017, c. 4, s. 223.

40. *(Repealed).*

R. S. 1964, c. 84, s. 40; 1979, c. 49, s. 37; 1979, c. 81, s. 20; 1994, c. 13, s. 15; 1994, c. 17, s. 63; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 223.

41. If any person construct or execute any work necessary to facilitate the driving or floating of timber, rafts or craft down a river, creek or stream which was not navigable or floatable before such work, or improve the floatability of such river, stream or creek, even if the improvement be on private property, he shall not thereby have the exclusive right to the use of such river, stream or creek or of such work or improvement; but any other person may use the same to drive or float timber, rafts or craft, doing no unnecessary damage to the works or improvements or to the banks of such river, stream or creek, and further paying, to the person who

has made such construction or improvements, the tolls determined by order of the Government upon a petition to that effect presented by the owner or other parties interested, upon the report of the Minister of Sustainable Development, Environment and Parks, after inspection of the works or improvements by an engineer or any other competent person. The tariff shall be based on the value of the works or improvements, the amount required for their maintenance, and any other consideration that may be found just and equitable.

Notice of such inspection shall be given in the *Gazette officielle du Québec* and in one or two newspapers published in the district, and, if there be no newspapers published in the district, then in one or two newspapers published in a neighbouring district, at least 15 days before it is begun.

All the costs incurred in fixing such tolls shall be borne by the person who applied for the fixing thereof.

The tolls so fixed may be amended and shall remain in force until replaced or abolished.

The Minister of Sustainable Development, Environment and Parks may order an investigation to establish the nature, value and costs of works so executed and constructed in rivers, lakes, ponds, creeks or streams to facilitate the driving of timber, or the tariff of tolls that should justly be established, to be made by any court, person or commission he may indicate, and which shall report to him.

R. S. 1964, c. 84, s. 41; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

42. *(Repealed).*

R. S. 1964, c. 84, s. 42; 1992, c. 57, s. 689.

43. *(Repealed).*

R. S. 1964, c. 84, s. 43; 1965 (1st sess.), c. 80, a. 1; 1992, c. 57, s. 689.

44. No person may exercise the rights and privileges conferred by this division without being liable for all damages caused by his operations on rivers, streams, creeks, lakes or ponds, or on the banks thereof.

R. S. 1964, c. 84, s. 44.

§ 2. — *Logs on Lakes, Rivers and Streams*

45. Unless the person claiming or detaining them proves his exclusive right of ownership or possession, all unmarked logs or logs from which the marks are effaced, on lakes, rivers or streams or on their shores or banks or in the sorting booms, shall belong to all the persons who have driven or floated logs on such lake, river or stream during the same season, in proportion to the number of logs which such persons have respectively manufactured, put into the water and driven.

R. S. 1964, c. 84, s. 45.

46. Every person manufacturing logs intended to be driven on any lake, river or stream shall, on demand of any person who is himself engaged in manufacturing logs intended to be driven on the same lake, river or stream, furnish to such person, before the driving season begins, a statement of the logs so manufactured, verified by solemn declaration; and, on failure so to do within a reasonable time, the person so in default shall not be entitled to claim, under section 45, any unmarked logs or logs from which the marks have been effaced.

R. S. 1964, c. 84, s. 46.

47. Whenever logs or other timber belonging to more than one person, and which are being driven or floated down any stream, are stopped in their descent by any obstruction or by any other cause or by coming into contact with other logs themselves stopped in their descent, the same under such circumstances that during a period of at least ten days such logs cannot be further driven without the agency of man, then, in

such case, if all the owners of the said logs or timber do not, within ten days, agree as to the manner of carrying out the driving thereof, the same may be driven as provided in sections 48 to 50.

R. S. 1964, c. 84, s. 47.

48. (1) When any one of such owners, in order to continue the driving of his logs or timber, is obliged to drive also the logs or timber of one or more of the other owners, and the latter refuse or neglect to lend their assistance, he may send them a notice under his signature, addressed to each one of them by registered mail, notifying them that on the day and at the hour mentioned in the notice, he will recommence the driving of the logs or other timber, indicating in the notice where the logs or timber are situated, and informing them that he will hold each one of them responsible for a share of the expenses proportional to the quantity of logs or timber he has to drive.

(2) The day indicated in the notice for the recommencement of the driving shall not be less than seven clear days from the date when, in the usual course of the post, all notices should have reached the post-office of their destination.

(3) Several owners whose driving of logs or timber is so stopped may act together and proceed in conformity with the provisions of this section.

R. S. 1964, c. 84, s. 48; 1975, c. 83, s. 84; I.N. 2016-01-01 (NCCP).

49. If more than one notice be sent, the person or persons who sent the notice which was first put into the post-office shall have the prior right to drive the said logs.

R. S. 1964, c. 84, s. 49.

50. At the day and hour specified in his or their notice, the person or persons sending the first or the only notice may proceed to drive the said logs or timber, doing the same as promptly, efficiently and economically as possible; and the cost thereof, except as otherwise agreed, shall be borne by each owner of such logs or timber in proportion to the quantity thereof belonging to him.

R. S. 1964, c. 84, s. 50.

§ 3. — *Offences and Recovery of Damages*

1990, c. 4, s. 770.

51. Subject to any jurisdiction of the Dominion of Canada in this respect and to the provisions of any acts passed in the exercise of such jurisdiction, any person who throws into any river, stream, creek or brook, any bark, slabs, waste stuff or other refuse of any saw mill, or stump, root, shrub, tan-bark or leached ashes, and allows the same to remain and to obstruct such river, stream, creek or brook, shall incur a penalty of not more than \$20 nor less than \$0.20 for each day during which such obstruction remains there, over and above all damages resulting therefrom.

Nevertheless, if the obstruction be caused without malicious intent, in good faith or in the exercise of a right, the person causing the same shall not be liable to any fine or damages unless upon failure to remove the obstruction after notice and within a reasonable time.

R. S. 1964, c. 84, s. 51.

52. Whosoever injures, damages or destroys any dam, slide, apron, boom, gate-lock or other work intended to facilitate the driving or passage of timber shall be liable to a fine of not more than \$20 nor less than \$2.

R. S. 1964, c. 84, s. 52; 1969, c. 21, s. 35; 1990, c. 4, s. 771.

53. *(Repealed).*

R. S. 1964, c. 84, s. 53; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1990, c. 4, s. 772.

§ 4. — *Protection of Bridges*

54. Every owner of logs or other merchantable timber who drives the same has it driven down the floatable rivers of Québec, shall station a sufficient number of men at every bridge, built one metre or less than one metre above highwater mark, under which the said timber must pass, or shall take other precautions necessary to prevent any damage which might be caused.

If no such precautions be taken, the owner of the timber the driving or floating down of which has damaged or carried away such bridge shall, in addition to whatever recourse there may be against him, be liable to a penalty of not less than \$10 nor more than \$50.

R. S. 1964, c. 84, s. 54; 1977, c. 60, s. 3; 1990, c. 4, s. 773.

55. *(Repealed).*

R. S. 1964, c. 84, s. 55; 1965 (1st sess.), c. 17, s. 2; 1988, c. 21, s. 66; 1990, c. 4, s. 774; 1992, c. 61, s. 524.

DIVISION VII

THE CONSTRUCTION AND MAINTENANCE OF RESERVOIRS FOR THE STORAGE OF THE WATER OF LAKES, PONDS, RIVERS AND STREAMS

56. Subject to the provisions of this division, of other special and general acts and to any conditions the Government may be pleased to determine, it shall be allowed to keep stored up, in all seasons, the waters of lakes, ponds, rivers and streams, with the object of conserving them so as to regulate their flow, either by their natural outlets or by a deviation therefrom, and thus to ensure a uniform supply to water-works systems and mills, and a constancy of hydraulic power, and, for that object, to construct and maintain dams, dikes, embankments and accessories and other necessary or useful works.

R. S. 1964, c. 84, s. 56.

57. *(Repealed).*

R. S. 1964, c. 84, s. 57; 1999, c. 40, s. 251; 2017, c. 4, s. 223.

58. *(Repealed).*

R. S. 1964, c. 84, s. 58; 1968, c. 34, s. 3; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 223.

59. Any person or partnership intending to construct any work referred to in section 56 must send the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife a document showing

- (1) the location of the land where the work will be constructed;
- (2) the area, location and nature of the land and other rights which are or will be taken, occupied or affected, upstream and downstream, by the backing up of water caused by the work;
- (3) the area of the basin drained by the lake, the pool, the river or the stream and the tributaries thereof which will be affected;
- (4) *(paragraph repealed)*;
- (5) the increase in the volume of water which will result therefrom;

(6) the total quantity of the flow, and of the volume of water which such lake, pool, river or stream so improved will produce.

R. S. 1964, c. 84, s. 59; 1972, c. 49, s. 130; 1979, c. 49, s. 17; 1994, c. 17, s. 63; 1997, c. 43, s. 643; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 224.

60. Any person or partnership intending to construct any work referred to in section 56 must also

(1) deposit, at the Land Registry Office, a copy of the plans and specifications of the work; and

(2) make the project public by applying for publication of a notice in the *Gazette officielle du Québec*, in accordance with the model provided in form 2, and in a newspaper circulated in the region where the project is to be carried out.

R. S. 1964, c. 84, s. 60; 2017, c. 4, s. 225; 2020, c. 17, s. 113.

61. *(Repealed).*

R. S. 1964, c. 84, s. 61; 2017, c. 4, s. 226.

62. If it be indispensable, for the construction and maintenance of any such work, to take or occupy any part whatever of a private property, or if such work must have the effect of flooding or otherwise prejudicially affecting such property or any other private right, proceedings must be taken, failing an agreement, for the expropriation of the land absolutely necessary, and, in every case, for the appraisal of the damages caused by the construction or the maintenance of the work.

No expropriation may be held under this section, save for the construction or maintenance of a work which is intended, either alone or with other works, to supply a fall or a rapid giving a natural power of at least 150 KW, or a water-works system for domestic or industrial purposes, and may not, in any case, be held to the prejudice of any industry already established, of a water-works system supplying, either wholly or partially, the territory of a municipality, nor of any privilege granted by a special Act.

R. S. 1964, c. 84, s. 62; 1977, c. 60, s. 4; 1996, c. 2, s. 863.

63. *(Repealed).*

R. S. 1964, c. 84, s. 63; 1987, c. 23, s. 76; 1999, c. 40, s. 251; 2017, c. 4, s. 226.

64. *(Repealed).*

R. S. 1964, c. 84, s. 64; 1999, c. 40, s. 251; 2017, c. 4, s. 226.

65. The Government may, on the report of the Minister of Sustainable Development, Environment and Parks, on the application of any person or partnership owning, possessing or operating a reservoir formed by any work coming within the scope of section 56, establish a tariff fixing the amount which any other person or partnership must pay periodically to the said owner or possessor of or person operating such reservoir, for the use it may make of any quantity of water stored in excess of the volume which such lake, pool, river or stream would have furnished if such work had not been constructed.

Such tariff shall be based on the total value of the work and improvements, on the cost of maintenance and on any other consideration which may be deemed just and equitable.

All expenses incurred with a view to arrive at and fix the said tariff shall be at the charge of the person applying therefor.

R. S. 1964, c. 84, s. 65; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1997, c. 43, s. 644; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35.

66. *(Repealed).*

R. S. 1964, c. 84, s. 66; 2017, c. 4, s. 226.

67. The Government may, at any time, when it deems it in the public interest, acquire by agreement any work coming within the scope of this division.

The purchase price of such work, as well as the costs of such purchase, shall be taken out of the funds which are voted for that purpose by Parliament.

R. S. 1964, c. 84, s. 67.

DIVISION VIII

CHARGES

1999, c. 12, s. 2.

68. Every holder of hydraulic powers in Québec shall pay into the Generations Fund referred to in the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1), per 1,000 kilowatt-hours of electricity generated during the year and derived from such hydraulic powers, a charge of

- (1) \$2.31 for the period extending from 10 May 1995 to 31 December 1995;
- (2) \$2.01 for the period extending from 1 January 1996 to 31 December 1996;
- (3) \$2.16 for the period extending from 1 January 1997 to 31 December 1997;
- (4) \$2.31 for the period extending from 1 January 1998 to 31 December 2000.

From 1 January 2001, the rate of the charge shall be adjusted on 1 January each year according to the percentage of increase, in relation to the preceding year, in the Consumer Price Index for Canada, as published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). For such purpose, the Consumer Price Index for a year is the average monthly index for the 12 months ending on 30 September of the preceding year.

Where an annual average or the percentage computed under the second paragraph or where the rate of the charge thus adjusted has more than two decimals, only the first two decimals are kept and the second decimal is increased by a unit if the third decimal is 5 or over.

The Minister of Natural Resources and Wildlife shall publish, in the *Gazette officielle du Québec*, the rate of the charge thus adjusted.

The charge provided for in this section is in addition to any other contractual charge that the holder may be obligated to pay.

R. S. 1964, c. 84, s. 68; 1977, c. 60, s. 5; 1978, c. 39, s. 1; 1979, c. 81, s. 20; 1982, c. 62, s. 143; 1984, c. 47, s. 144; 1990, c. 6, s. 1; 1994, c. 13, s. 15; 1996, c. 37, s. 1; 1999, c. 12, s. 3; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2006, c. 24, s. 18.



For 2024, every holder of hydraulic powers shall pay a charge of \$3.90 per 1,000 kilowatt-hours of gross electricity generated. (2023) 155 G.O. 1, 839.

68.1. The operator of a private electric power system governed by the Act respecting municipal and private electric power systems (chapter S-41) that provides electric power it produces to a person that is not part of the system must pay the Minister of Natural Resources and Wildlife the charge fixed by government regulation.

This section does not apply to a Hydro-Québec electric power purchase program approved by the Régie under section 74.3 of the Act respecting the Régie de l'énergie (chapter R-6.01).

This section does not apply to an operator that, before 13 December 2006, was authorized by the Government to provide electric power to a person that is not part of its system.

2006, c. 46, s. 59.

69. *(Repealed).*

R. S. 1964, c. 84, s. 69; 1978, c. 39, s. 1; 1979, c. 81, s. 20; 1982, c. 22, s. 1; 1984, c. 47, s. 145.

69.1. *(Repealed).*

1978, c. 39, s. 1; 1979, c. 81, s. 20; 1982, c. 22, s. 2; 1984, c. 47, s. 146.

69.2. Section 68 does not apply to Hydro-Québec or to a municipality, an electricity cooperative established under the Rural Electrification Act (1945, chapter 48) or to a mandatory of the State.

However, the exemption provided in the first paragraph does not apply to Hydro-Québec or to a regional county municipality that is a partner in a limited partnership pursuant to section 111 of the Municipal Powers Act (chapter C-47.1).

1978, c. 39, s. 1; 1996, c. 2, s. 864; 1999, c. 40, s. 251; 2000, c. 22, s. 67; 2005, c. 6, s. 228; 2006, c. 24, s. 19.

69.3. Every person subject to this division shall, for each year, pay into the Generations Fund the following amounts:

(1) on or before the last day of each month of the year, an amount equal to one-twelfth of the charge payable for the preceding year or of the charge estimated for the year; or

(2) on or before the last day of each of the first two months of the year, an amount equal to one-twelfth of the charge payable for the year preceding the year preceding that for which the instalments are computed and, on or before the last day of each of the following 10 months, an amount equal to one-tenth of the excess of the charge payable for the preceding year, over the total of the amounts computed in respect of those first two months.

On or before the last day of the period ending two months after the end of the year, he shall pay the remainder of the charge payable for that year.

1978, c. 39, s. 1; 1982, c. 22, s. 3; 1994, c. 13, s. 15; 1999, c. 12, s. 4; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2006, c. 24, s. 20.

69.4. Where the amount paid by a person subject to this division, as the charge payable for a year, before the expiry of the time allowed for the filing of the report, is less than the amount of the charge payable for that year, the person liable to pay the charge shall pay interest at the rate fixed in section 28 of the Tax Administration Act (chapter A-6.002), on the difference between those two amounts, for the period extending from the date of expiration of the time for filing the report to the day of payment; if no amount has been paid by that person, such interest is exigible, for the same period, on the total amount of the charge payable for that year.

1982, c. 22, s. 3; 1999, c. 12, s. 4; 2010, c. 31, s. 175.

69.5. In addition to the interest payable under section 69.4, the person liable to make a payment under section 69.3 shall pay interest, on every payment or part of a payment which he has not made, at the rate fixed under section 28 of the Tax Administration Act (chapter A-6.002), for the period extending from the date of expiry of the time for making the payment to the day of payment or to the date of expiry of the time for filing the report, whichever is earlier.

For the purposes of this section, a person required to make a payment under section 69.3 is deemed to have been liable to pay instalments based on that one of the methods contemplated in paragraphs 1 and 2 of section 69.3 that gives the lowest amount to be paid not later than the dates contemplated in those paragraphs by reference to:

(1) his charge payable for the year or for the preceding year; or

(2) his charge payable for the year preceding the year preceding that for which the instalments are computed, and his charge payable for the year preceding that for which the instalments are computed.

1982, c. 22, s. 3; 1999, c. 12, s. 4; 2010, c. 31, s. 175.

69.6. Every person required to pay an instalment under section 69.3 must, in addition to the interest payable under sections 69.4 and 69.5, pay additional interest at the rate of five per cent per annum on any unpaid instalment or part of an instalment for the period for which interest is payable under section 69.5.

1982, c. 22, s. 3.

70. Every person required to pay an instalment under section 69.3, or the person's mandatary, must send to the Minister of Natural Resources and Wildlife and to the Minister of Finance a report, supported by an affidavit from the declarant, establishing the total kilowatt-hours of electricity generated during the year in his plants situated in Québec.

The Minister of Natural Resources and Wildlife is responsible for the collection of the charges. The Minister may, by himself or by any person whom he designates and by all means he deems proper, inquire into the accuracy of such reports and, for such purpose, he, as well as the persons delegated by him, have a right of free access to the books, invoices, estimates, accounts and other records of such holders and owners, and may demand from their officers and employees all the information necessary to establish the accuracy of the reports.

R. S. 1964, c. 84, s. 70; 1979, c. 81, s. 20; 1982, c. 22, s. 4; 1994, c. 13, s. 15; 1999, c. 12, s. 5; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2006, c. 24, s. 21; I.N. 2016-01-01 (NCCP).

DIVISION IX

CONSTRUCTION AND MAINTENANCE OF OTHER DAMS AND SIMILAR WORKS

71. *(Repealed).*

1968, c. 34, s. 4; 2017, c. 4, s. 226.

72. *(Repealed).*

1968, c. 34, s. 4; 1999, c. 40, s. 251; 2017, c. 4, s. 226.

73. *(Repealed).*

1968, c. 34, s. 4; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 226.

74. Any person or partnership intending to construct a dam, dike, causeway, sluice, embankment or any other work retaining the water of a lake, pond, river or stream that is not subject to a provision of this Act must send the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife a document showing

(1) the location of the land where the work will be constructed;

(2) the area, location and nature of the land and other rights which are or will be taken, occupied or affected, upstream and downstream, by the backing up of water caused by the work;

(3) The area of the basin drained by the lake, the pond, the river or the stream and the tributaries thereof which will be affected;

(4) *(paragraph repealed)*;

(5) The increase in the volume of water which will result therefrom;

(6) The total quantity of the flow, and of the volume of water which such lake, pond, river or stream so improved will produce.

1968, c. 34, s. 4; 1972, c. 49, s. 131; 1979, c. 49, s. 18; 1994, c. 17, s. 63; 1997, c. 43, s. 645; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 227.

75. *(Repealed)*.

1968, c. 34, s. 4; 2017, c. 4, s. 228.

76. *(Repealed)*.

1968, c. 34, s. 4; 1987, c. 23, s. 76; 1999, c. 40, s. 251; 2017, c. 4, s. 228.

77. *(Repealed)*.

1968, c. 34, s. 4; 2017, c. 4, s. 228.

78. *(Repealed)*.

1968, c. 34, s. 4; 2017, c. 4, s. 228.

79. *(Repealed)*.

1968, c. 34, s. 4; 1990, c. 4, s. 775; 2017, c. 4, s. 228.

DIVISION X

ORDERS

1968, c. 34, Div. X; 2017, c. 4, s. 229.

80. In this division, the word “work” includes any dam, dike, causeway, sluice, embankment or other construction, even if made in conformity with the plans and specifications approved by the Government, and at whatever time made.

1968, c. 34, s. 4.

81. *(Repealed)*.

1968, c. 34, s. 4; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1999, c. 40, s. 251; 1999, c. 36, s. 158; 2006, c. 3, s. 35; I.N. 2016-01-01 (NCCP); 2017, c. 4, s. 228.

82. *(Repealed)*.

1968, c. 34, s. 4; 1977, c. 5, s. 229; 1994, c. 40, s. 457; I.N. 2016-01-01 (NCCP); 2017, c. 4, s. 228.

83. *(Repealed)*.

1968, c. 34, s. 4; 1999, c. 40, s. 251; I.N. 2016-01-01 (NCCP); 2017, c. 4, s. 228.

83.1. The Minister of Sustainable Development, Environment and Parks may order an operator of any work to provide the Minister with legal advice as to the extent of the rights encumbering the land on which the work is located and the land that is or could be flooded as a result of the work. He may also order that the boundaries of the land so affected be defined by means of a survey.

In addition, the Minister may order the operator to open or close any apparatus for emptying water from a work and to take any other measures necessary to put an end to the flooding of land caused by the presence of the work, within the time and on the conditions determined by the Minister.

If the operator fails to comply with such orders, the Minister may enforce them at the operator's expense.

The Minister may also claim from any owner or operator the costs of making an order under this Act. If the order applies to more than one person or partnership, the debtors are solidarily liable.

A copy of any order made under this section must be sent to the Minister of Natural Resources and Wildlife. The information and documents required under such an order must also be sent to that Minister.

2017, c. 4, s. 230; 2022, c. 8, s. 138.

83.2. The Superior Court may, on a motion of the Attorney General or any interested person, order the demolition of any work constructed or operated unlawfully. It may also order the restoration to its former state of the land affected by the presence of such a work.

2017, c. 4, s. 230.

DIVISION X.1

PENAL PROVISIONS

2017, c. 4, s. 230.

83.3. Whoever

(1) fails to send a notice or provide information or documents required under this Act or fails to comply with the conditions and time limits for sending or providing them,

(2) contravenes the publication rules provided for in sections 35 and 60, or

(3) fails to comply with an obligation imposed by this Act for which no other penalty is provided under this chapter

is guilty of an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in all other cases.

2017, c. 4, s. 230.

83.4. Whoever

(1) fails to pay a tariff or charge required under this Act,

(2) fails to comply with a condition of a concession granted under this Act, or

(3) hinders the Minister or any person authorized by the Minister in carrying out the functions of office, hampers him, misleads him by concealment or misrepresentations or fails to obey an order given by him under this Act or the regulations

is guilty of an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in all other cases.

2017, c. 4, s. 230.

83.5. Whoever

(1) provides false or misleading information,

(2) constructs, maintains or operates a work on a lake or watercourse in the domain of the State or a work that affects such a lake or watercourse without first obtaining a concession of the lands and public rights concerned which are or will be taken, occupied or affected by the work, or

(3) fails to comply with an order imposed under this Act, or in any manner prevents or hinders the enforcement of such an order

is guilty of an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months or to both the fine and imprisonment, and, in all other cases, to a fine of \$15,000 to \$3,000,000.

2017, c. 4, s. 230.

83.6. The fines prescribed in sections 83.3 to 83.5 or the regulations are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

Furthermore, if an offender commits an offence under this Act or the regulations after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilty pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 83.5, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

2017, c. 4, s. 230.

83.7. If an offence under this Act or the regulations is committed by a director or officer of a legal person, partnership or association without legal personality, the minimum and maximum fines that would apply in the case of a natural person are doubled.

2017, c. 4, s. 230.

83.8. If an offence under this Act or the regulations continues for more than one day, it constitutes a separate offence for each day it continues.

Anyone who continues, day after day, to construct, maintain or operate any work without having obtained the concessions required under this Act is also guilty of a separate offence for each day and is liable to the penalties prescribed in section 83.5.

2017, c. 4, s. 230.

83.9. Whoever does or omits to do something in order to assist a person or partnership to commit an offence under this Act or the regulations, or advises or encourages or incites a person or partnership to commit such an offence, is considered to have committed the same offence.

2017, c. 4, s. 230.

83.10. In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all necessary precautions to prevent the offence.

2017, c. 4, s. 230.

83.11. If a legal person or an agent, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the regulations, its director or officer is presumed to have committed the offence unless it is established that the director or officer exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are deemed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

2017, c. 4, s. 230.

83.12. In determining the penalty, the judge may take into account aggravating factors such as

- (1) the intentional, negligent or reckless nature of the offence;
- (2) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;
- (3) the cost to society of repairing the harm or damage;
- (4) the behaviour of the offender after committing the offence, in particular whether the offender attempted to cover up the offence or omitted to take rapid measures to prevent or limit the consequences or remedy the situation;
- (5) the increase in revenues or decrease in expenses that the offender obtained, or intended to obtain, by committing the offence or by omitting to take measures to prevent it; or
- (6) the failure to take reasonable measures to prevent the commission of the offence or limit its effects despite the offender's financial ability to do so, given such considerations as the size of the offender's undertaking or the offender's assets, turnover or revenues.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

2017, c. 4, s. 230.

83.13. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has also been imposed.

2017, c. 4, s. 230.

83.14. In the judgment, the judge may order an offender found guilty of an offence under this Act or the regulations

- (1) to refrain from any action or activity that may lead to the continuation or repetition of the offence;
- (2) to carry out any action or activity to prevent the offence from being continued or repeated;
- (3) to acquire the lands and obtain the rights necessary for the construction, maintenance or operation of the offender's work or because of the effects produced by such a work;
- (4) to define, by means of a survey, the boundaries of the lands necessary for the construction, maintenance or operation of the offender's work or any land affected by the work;
- (5) to restore things to the state they were in prior to the offending act;
- (6) to restore things to a state approaching their original state;
- (7) to implement compensatory measures;
- (8) to pay compensation, in a lump sum or otherwise, for repair of the damage resulting from the commission of the offence;
- (9) to pay, as compensation for the damage resulting from the commission of the offence, a sum of money to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- (10) to provide security or consign a sum of money to guarantee performance of the offender's obligations; or
- (11) to make public the finding of guilty and any prevention or repair measures imposed, under the conditions determined by the judge.

Moreover, if the Minister, in carrying out this Act or the regulations, has taken measures at the expense of the operator, the judge may order the latter to reimburse the Minister for the direct and indirect costs of such measures, including interest.

2017, c. 4, s. 230.

83.15. The prosecutor must give the offender at least 10 days' prior notice of an application for restoration or for compensatory measures, or of any request for an indemnity or a sum of money to be paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State for the reimbursement of costs to the Minister, unless the parties are in the presence of a judge. In that case, the judge must, before rendering an order and at the request of the offender, grant the offender what the judge considers a reasonable period of time in which to present evidence with regard to the prosecutor's application or request.

2017, c. 4, s. 230.

83.16. When determining a fine higher than the minimum fine prescribed in this Act or the regulations, or when determining the time within which an amount must be paid, the judge may take into account the offender's ability to pay, provided the offender provides proof of assets and liabilities.

2017, c. 4, s. 230.

83.17. The prescription period for penal proceedings for offences under this Act or the regulations is the longer of

- (1) five years from the date the offence was committed; and

(2) two years from the date on which the inspection that led to the discovery of the offence began, if false representations were made to the Minister or a person designated to act as inspector for the purposes of this Act.

In the cases referred to in subparagraph 2 of the first paragraph, the certificate of the Minister or inspector constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the inspection began.

2017, c. 4, s. 230.

DIVISION XI

FINAL PROVISIONS

1982, c. 25, s. 36.

84. The Minister or any person authorized by the Minister may, at any reasonable time, enter land, a building or a work to examine books, registers and records, or the premises, for the purposes of this Act or the regulations.

Any person who has the care, possession or control of such books, registers or records must make them available to the Minister or authorized person and facilitate their examination.

The Minister or authorized person may also, on that occasion,

- (1) install measuring apparatus;
- (2) conduct tests and take measurements;
- (3) make analyses;
- (4) record the state of a place or natural environment by means of photographs, videos or other sound or visual recording methods;
- (5) examine, record or copy a document or data, on any medium whatsoever; or
- (6) require that something be set in action, used or started, under the conditions specified by the Minister or, as applicable, the authorized person.

The person authorized by the Minister under the first paragraph must, if so requested, produce a certificate of authorization signed by the Minister. The person may not be prosecuted for acts done in good faith in the performance of the duties of office.

1968, c. 34, s. 4; 1979, c. 49, s. 37; 1986, c. 95, s. 295; 1994, c. 17, s. 63; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 231.

84.1. The Minister may claim payment from any person or partnership of any amount owed to the Minister under this Act or the regulations.

Claims must be notified by notice to the person or partnership concerned. Such a notice of claim must set out

- (1) the amount of the claim;
- (2) the reasons for it;
- (3) the time from which the amount bears interest;

(4) the right to contest the claim and the time limit for doing so;

(5) information on the procedure for recovering the amount claimed, in particular with regard to the issue of the recovery certificate provided for in section 84.5 and its effects; and

(6) the possibility that the facts on which the claim is founded may give rise to penal proceedings.

If the notice of claim applies to more than one person or partnership, the debtors are solidarily liable.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

2017, c. 4, s. 231; 2022, c. 8, s. 139.

84.2. The directors and officers of a legal person that has defaulted on payment of an amount owed to the Minister under this Act or the regulations are solidarily liable, with the legal person, for the payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

2017, c. 4, s. 231.

84.3. The reimbursement of an amount owed to the Minister under this Act or the regulations is secured by a legal hypothec on the debtor's movable and immovable property.

2017, c. 4, s. 231.

84.4. The debtor and the Minister may enter into a payment agreement with regard to the amount owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of penal proceedings under this Act or the regulations, an acknowledgement of the facts giving rise to it.

2017, c. 4, s. 231.

84.5. If the amount owing is not paid in its entirety or the payment agreement is not adhered to, the Minister may issue a recovery certificate on the expiry of the time for contesting the decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the Minister's decision.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

2017, c. 4, s. 231.

84.6. When the Minister of Revenue allocates, after a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a person by reason of the application of a fiscal law to the payment of an amount owed by that person under this Act, the allocation interrupts the prescription provided for in the Civil Code as regards the recovery of that amount.

2017, c. 4, s. 231; 2022, c. 8, s. 140.

84.7. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

2017, c. 4, s. 231.

84.8. The debtor is required to pay a recovery charge in the cases, on the conditions and in the amount determined by the Minister by ministerial order.

2017, c. 4, s. 231.

84.9. The Minister may, by agreement, delegate to another minister or to a body all or some of the powers relating to the recovery of an amount owing under this Act or the regulations.

2017, c. 4, s. 231.

84.10. The person or partnership concerned may contest, before the Administrative Tribunal of Québec,

- (1) an order issued by the Minister under this Act; or
- (2) a notice of claim notified to recover an amount owing under this Act.

On rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to the interest accrued on the penalty while the matter was pending before the Tribunal.

2017, c. 4, s. 231.

85. *(Repealed).*

1968, c. 34, s. 4; 1990, c. 4, s. 776; 2017, c. 4, s. 232.

86. *(Repealed).*

1982, c. 25, s. 37; 1992, c. 61, s. 525; 2017, c. 4, s. 232.

87. *(Repealed).*

1982, c. 25, s. 37; 1994, c. 40, s. 457; 2017, c. 4, s. 232.

88. The Government may, by regulation,

(1) determine the general conditions and the calculation rules for the prices, rent, fees or other costs applicable to the concessions governed by this Act; and

- (2) recognize a flood plain for the purposes of section 8.

1982, c. 25, s. 37; 2017, c. 4, s. 233.

88.1. The Government may determine the regulatory provisions it makes under this Act whose violation constitutes an offence and renders the offender liable to a fine of which the minimum and maximum amounts are set by the Government.

The maximum penalties under the first paragraph may not exceed those prescribed in section 83.5. The penalties may vary according to, among other things, the importance of the standards that have been infringed.

2017, c. 4, s. 233.

89. *(Repealed).*

1982, c. 25, s. 37; 2017, c. 4, s. 234.

90. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

FORMS

FORM 1

(Repealed)

R. S. 1964, c. 84, form 1; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1996, c. 2, s. 865.

FORM 2

(Sections 35 and 60)

Notice concerning the construction of a work referred to in section 32 or 56 of the Watercourses Act (chapter R-13)

Public notice is given, in accordance with the Watercourses Act (chapter R-13), that *(name and address of person intending to carry out the work)* intends to have a work constructed on *(name of lake or watercourse concerned)* located on lots XXX in the registration division of *(name of registration division concerned)* in the municipality of *(name of municipality concerned)*. The work to be carried out consists in *(briefly describe nature of work planned)*.

Notice is also given that a copy of the plans and specifications of the work to be constructed has been deposited with the Land Registry Office and sent to the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife. If applicable, a document containing the information referred to in section 59 of the Watercourses Act has also been sent to those two ministers.

(Signature)

Petitioner.

R. S. 1964, c. 84, form 2; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1996, c. 2, s. 866; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 235 ; 2020, c. 17, s. 97.

FORM 3

(Repealed).

R. S. 1964, c. 84, form 3; 1979, c. 49, s. 37; 1994, c. 17, s. 63; 1996, c. 2, s. 867; 1999, c. 36, s. 158; 2006, c. 3, s. 35; 2017, c. 4, s. 236.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 84 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter R-13 of the Revised Statutes.