

Big Changes To How Things Are Built In Quebec



The last few months of 2024 saw a wave of new legislation in Quebec that changes how projects are developed in the infrastructure, mining and construction industries. Five separate bills were adopted by the Quebec government from October to December of last year. The bills are aimed at enhancing:

- how public transit infrastructure is planned and executed;
- the acquisition strategies of public bodies in infrastructure projects;
- Quebec's *Mining Act*;
- the quality of construction and public safety; and
- the development and governance of industrial land.

This legislation creates new considerations for project developers and investors as they look to build in Quebec. Here is a recap of the key changes brought by the adoption of the five bills.

Bill 61—An Act enacting the Act Respecting Mobilité Infra Quebec and Amending Certain Provisions Relating to Shared Transportation

Bennett Jones provided a [detailed update of Bill 61](#) when it

was tabled in May 2024. The Act establishes Mobilité Infra Québec, a new legal entity dedicated to improving public transit project management. Its key functions include:

- Performing opportunity analysis, planning, and implementation of complex transportation projects as assigned by the government.
- The construction, overhaul, or repair of transportation-related buildings or civil engineering works, and the development or enhancement of intelligent transportation systems.
- Having exclusive control over the planning and execution of specified complex transportation projects.
- The agency can form partnerships or establish subsidiaries to manage these projects, with the subsidiary inheriting all powers and obligations of Mobilité Infra Québec.
- The agency is not typically responsible for the maintenance or operation of transportation infrastructure unless specified otherwise.

Bill 62—An Act Mainly to Diversify the Acquisition Strategies of Public Bodies and Increase Their Agility in Carrying Out Infrastructure Projects

Bennett Jones provided a [detailed update of Bill 62](#) when it was tabled in May 2024. It introduces significant updates to the procurement and management of major public infrastructure projects in Québec:

- New “Partnership Contracts” allow public bodies to delegate to private partners the responsibilities of designing, constructing, and potentially financing, operating, or maintaining public infrastructure.
- Partnership Contracts mandate a collaborative approach between public and private entities. This includes

shared decision-making concerning the project's risks, savings, profits, and losses.

- Each partnership will need to adhere to a standardized framework of regulatory guidance—that also allows for project-specific adaptations.
- Public bodies will have the flexibility to define the criteria and conditions for public tenders under Partnership Contracts.

Existing legislation is amended to accommodate Partnership Contracts, aligning them with the flexibility typically associated with public-private partnerships.

Bill 63—An Act to Amend the Mining Act and Other Provisions

Bennett Jones provided a [detailed update of Bill 63](#) when it was tabled in May 2024. The Act is a major reform of mining regulation in Quebec and key amendments include:

- Limiting mining exploration on private lands and preventing the creation of new claims on private lands, except under specific circumstances.
- The Quebec government may enter into agreements with Indigenous communities to determine the boundaries of land within which mineral resources will be reserved for the State or exempt such land from mining prospecting, exploration and exploitation.
- All new mining projects are now subject to environmental impact assessment procedures. Compensatory measures for environmental harm caused by mining activities are also in place.
- There are new obligations for holders of mining leases, as well as new reclamation and restoration obligations for mining sites.
- The term “claim” has been replaced by “exclusive exploration right”—creating procedural changes and cost

revisions.

Since the Bill was introduced in May, a significant amendment was made to now allow the Minister to group together exclusive exploration rights of a holder whose parcels of land are contiguous to each other and to the land that is subject to a mining lease or concession also held by that holder. The minimum cost of work to be performed on the land and the fees payable for the renewal correspond to such costs and fees that were payable for all the exclusive exploration rights before the grouping.

Bill 76—An Act Mainly to Enhance the Quality of Construction and Public Safety

The Act makes various amendments to the *Building Act* and other provisions, most importantly:

- New obligations for “owner-builders” are introduced.
- There are new requirements for owner-builders’ licences.
- Extended power for the Régie du bâtiment du Québec.
- Enhancing of the information that the Régie’s registers must contain regarding contractors’ or owner-builders licenses and building inspectors’ certificates.
- New mediation, arbitration provisions and extended power to the Minister of Labour—the Régie may recognize more bodies to conduct arbitration and mediation. Additionally, The Minister of Labour, by order, may allow for the replacement of a design, building method, material or any equipment, which has been approved by the Régie, than those usually required by a code or regulation.
- New system of monetary administrative penalties for failure to comply with Building Act.
- Scope of the *Building Act* is broadened to include installations of systems intended to produce or store energy, including renewable energy.

Bill 87—An Act Respecting Mainly the Development and Enhancement of Industrial Land and the Governance of the Société du parc industriel et portuaire de Bécancour

The bill amends the *Act respecting the Ministère de l'Économie et de l'Innovation* to allow the Minister of Economy, Innovation and Energy to acquire (subject to Government approval) any immovable and to lease or alienate an immovable acquired by the Minister to carry out the Government's projects. The Minister is also allowed to perform construction, maintenance, development or enhancement work on any immovable. All of this can be done without the intervention of the Minister of Transport or the Société québécoise des infrastructures. The bill also:

- Changes the governance of the Société du parc industriel et portuaire de Bécancour and gives this Société new powers.
- Enlarges the territory of activity of the Société to include a territory that was already managed by the Société—the ownership of that land is transferred to the Société.
- Creates a new set of rules governing the establishment and acquisition of subsidiaries by the Société.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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