

QUÉBEC PORT AUTHORITY

NOTICE NQ-8 THROUGHPUT RENTAL FEE SCHEDULE FOR SHEDS AND OPEN STORAGE

Effective date

January 1, 2019

This notice is adopted and issued under the [Canada Marine Act](#), Chapter 10, 46-47 Elizabeth II, 1997-1998, pursuant to the powers granted by the latter.

Throughput rental fees for Sheds and open storage are applicable to any goods stored in Throughput storage within the Jurisdictional Boundaries of the Québec Port Authority (hereinafter referred to as “the Authority”). These fees are applied to recover the costs associated with maintaining the Sheds and the open storage and are paid by the service requester.

1. GENERAL

- a) This notice may be cited as: **Throughput Rental Fee Schedule for Sheds and Open storage.**
- b) The fees provided for in this notice are in addition to any other fees provided for in other notices or which may be due to the Authority contractually or otherwise.
- c) The Authority acts as an agent of Her Majesty in right of Canada for the purposes of this notice.
- d) The rights provided for in this notice are binding on Her Majesty in right of Canada or a province.

2. DEFINITIONS

In this notice, the expression:

- a) **“Authority”** means the Québec Port Authority as defined in the *Canada Marine Act*, its letters patent issued on May 1, 1999, and its issued or upcoming supplementary letters patent;
- b) **“Storage”** means Goods that remain on the Authority’s property without being loaded onto a ship or that have been unloaded from a ship;
- c) **“Hangar”** means a building used for the Storage of Goods and equipment.
- d) **“Goods”** means merchandise in transit that remains within the Jurisdictional Boundaries of the Authority before being loaded onto a ship or ground transportation or that has just been unloaded from a ship or ground transportation;
- e) **“Jurisdictional Boundaries of the Québec Port Authority”** refers to all navigable waters and territory under the jurisdiction of the Québec Port Authority as defined in the Authority’s letters patent and supplementary letters patent;
- f) **“Requester”** means a person, company, employee, or duly authorized representative making a usage request from an owner of the Authority;
- g) **“Stacking Area”** refers to a parcel of land owned by the Authority that the Requester has the right to use temporarily.

3. SUBJECT GOODS

Any Goods stored within the Jurisdictional Boundaries of the Authority.

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4. CALCULATION OF FEES

- a) The applicable Throughput rental fees for Sheds and Open storage are calculated according to the rates and features established and set out in Schedule 1 forming an integral part hereof.
- b) Not including Goods in Storage, the Requester may stay for five (5) business days for free after each ship is unloaded at each berth or as soon as the Goods begin to accumulate before the ship is loaded. The free stay may not be applied more than once to the same cargo.
- d) For the purposes of determining Throughput rental fees:
 - i) For Goods in Storage awaiting export or import, billing will be calculated by applying the rate set out in Schedule 1 according to the tonnage recorded by Hangar, by Goods, or by user, on a first-in, first-out (FI/FO) basis by week (Sunday 00:00 to Saturday 23:59) or part of a week;
 - ii) In all other cases, billing is based on the maximum area occupied during the month or part of the month in square metres.
- e) The Throughput rental fees for Sheds and Open storage provided for in this notice apply to activities directly related to maritime transshipment as defined by the Authority.
- f) At least five (5) business days prior to the scheduled occupancy date, the Authority will inform the Requester of their allocated space if such space is available. The Authority reserves the right to refuse to grant space, at its sole discretion.
- g) In the case of Goods awaiting export or import, the Requester must provide the Authority within ten (10) days of the ship's departure or arrival date with a manifest certified by the Canada Revenue Agency confirming the quantity of the Goods, expressed in metric tonnes, that will be leaving or will be stored in the Port. The Authority reserves the right to inspect the nature and quantity of the Goods on the premises and to examine the Requester's records wherever they may be located.
- h) In all other cases, the Authority will determine, for each maximum billing period, the quantity expressed in square metres provided by the Requester.
- i) The Requester must, before vacating the premises, restore the Authority's property to as good a condition as it was in when the Requester began using it. If the Requester fails to restore the premises, the Authority will do so at the Requester's expense, with five (5) days' prior notice.

5. ENFORCEABILITY AND PAYMENT OF FEES

- a) The fees provided for in this notice will be due and payable from the Requester when the Goods leave the Authority's property or at the end of each of the established billing periods. The fees must be paid to the Authority's Head Office within thirty (30) days in legal Canadian tender.
- b) The fees are payable in accordance with the provisions set out in the *Notice respecting payment terms and penalties for unpaid fees* (NQ-9).

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6. EXCEPTION

N/A

7. RIGHT AND RESPONSIBILITY OF THE AUTHORITY

- a) Notwithstanding gross negligence on its part, the Authority will at no time be held liable for any damage that may be caused to the Goods in storage.
- b) The Authority reserves the right to have the Goods moved, at the Requester's expense, if they exceed the limit of the first eight (8) week period.
- c) The Authority is only responsible for the normal maintenance of the Sheds and Open storage.