

## Regulations and other acts

Gouvernement du Québec

### O.C. 356-2008, 16 April 2008

Professional Code  
(R.S.Q., c. C-26)

#### Land surveyors — Code of ethics — Amendments

Regulation to amend the Code of ethics of land surveyors

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des arpenteurs-géomètres du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the clients and the profession;

WHEREAS the Ordre des arpenteurs-géomètres du Québec made a Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r.4);

WHEREAS, under the aforementioned section, the Bureau of the Ordre des arpenteurs-géomètres du Québec made the Regulation to amend the Code of ethics of land surveyors;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau of the Ordre des arpenteurs-géomètres du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of land surveyors, the text of which is attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Code of ethics of land surveyors\*

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** The Code of ethics of land surveyors is amended by inserting the following after section 1.02:

“**1.03.** Every land surveyor who carries on professional activities within a partnership or joint-stock company within the meaning of the Civil Code of Québec or referred to in Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) and is a partner, shareholder, director or officer of a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the Land Surveyors Act (R.S.Q., c. A-23), the Professional Code and the regulations thereunder.

Practising the profession within a partnership or joint-stock company does not in any manner modify or reduce a land surveyor’s duties and obligations under the Land Surveyors Act, the Professional Code and the regulations thereunder.”

\* The Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r.4) was last amended by the regulation approved by Order in Council 830-2003 dated 20 August 2003 (2003, *G.O.* 2, 2707). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

**2.** Section 3.01.02 is amended by adding the following second paragraph:

“A land surveyor who foresees that essential aspects of all or a part of the services for which the land surveyor is being retained may be provided by another person must so inform the client.”.

**3.** Section 3.02.02 is amended by replacing the first sentence by the following:

“**3.02.02.** A land surveyor must avoid any misrepresentation with respect to the land surveyor’s level of competence or the efficiency of services, those generally provided by the members of the profession or, where applicable, those generally provided by the persons who carry on their professional activities within the same partnership or joint-stock company as the land surveyor.”

**4.** Section 3.02.07 is replaced by the following:

“**3.02.07.** A land surveyor must handle with care any property entrusted to him. The land surveyor may not lend it or use it for purposes other than those for which it was entrusted to him and must return it to its rightful possessor once the professional services have been performed.

A land surveyor who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when the property is entrusted to the partnership or joint-stock company in the performance of the professional services.”.

**5.** Section 3.04.01 is amended by adding the following at the end:

“or, where applicable, the liability of the partnership or joint-stock company within which he carries on professional activities or that of another person who also carries on activities within the partnership or joint-stock company.”.

**6.** Section 3.05.01 is amended by adding the following three paragraphs:

“A land surveyor may not be party to an agreement under which the nature and extent of professional expenses may influence the quality of his professional activities.

In the same manner, a land surveyor may not be party to an agreement with another professional under which the nature and extent of the latter’s professional expenses may influence the quality of the land surveyor’s professional activities.

Every agreement entered into by a land surveyor or a partnership or joint-stock company in which the land surveyor is a partner or a shareholder in the practice of his profession must be entirely in writing and include a statement by the parties that the obligations under it comply with the provisions of this Code, and include a clause authorizing the communication of the agreement to the Order on request.”.

**7.** The following is inserted after section 3.05.02:

“**3.05.02.01.** A land surveyor must subordinate his personal interests, those of the partnership or joint-stock company within which he carries on professional activities or has an interest and those of any person carrying on activities within the partnership or joint-stock company or not, to the interests of the client.”.

**8.** Sections 3.05.03 and 3.05.04 are replaced by the following:

“**3.05.03.** A land surveyor may share his fees only with a person with whom he is authorized to practise under the Regulation respecting the practice of the land surveying profession within a partnership or joint-stock company, approved by Order in Council 627-2007 dated 7 August 2007, or within a partnership within which the land surveyor is authorized to practise under that Regulation.

**3.05.04.** A land surveyor may share his fees with a person referred to in section 3.05.03 only to the extent that such sharing corresponds to an apportionment of services and liability.”.

**9.** Section 3.05.05 is amended by adding “other than customary tokens of appreciation and gifts of small value” at the end.

**10.** Sections 3.06.03, 3.06.04 and 3.06.05 are replaced by the following:

“**3.06.03.** A land surveyor may not use confidential information obtained in the practice of his profession for his benefit, for the benefit of the partnership or joint-stock company within which he carries on professional activities or for the benefit of a person other than the client.

**3.06.04.** A land surveyor may not agree to provide professional services if doing so entails or may entail the disclosure or use of information or confidential documents obtained from a client without the client’s written consent, unless ordered by law.

**3.06.05.** A land surveyor must take reasonable measures to ensure that any employee or person who works with the land surveyor or carries on activities within the partnership or joint-stock company within which the land surveyor carries on professional activities preserves the secrecy of confidential information received in the practice of the land surveyor's profession.”.

**11.** The following is inserted after section 3.08.04:

“**3.08.04.01.** A land surveyor who carries on professional activities within a partnership or joint-stock company must ensure that the fees and expenses for professional services provided by land surveyors are always indicated separately on any invoice or statement of fees sent by the partnership or joint-stock company to a client, except if a lump sum payment was agreed upon in writing with the client. However, in the latter case, the statement or invoice must detail the professional services provided by the land surveyor.”.

**12.** The following is inserted after section 3.08.05:

“**3.08.05.01.** If a land surveyor carries on professional activities within a joint-stock company constituted for the purposes of such activities, the fees and expenses related to the professional services the land surveyor provided within and on behalf of the joint-stock company belong to it, unless otherwise agreed.”.

**13.** Section 4.01.01 is amended

(1) by replacing “and 58” in the part preceding paragraph *a* by “, 58, 59.1, 59.2 and those that may be determined under the second paragraph of section 152”;

(2) by adding “with whom he is not authorized to practise within a partnership or joint-stock company” at the end of paragraph *h*;

(3) by adding the following paragraph at the end:

“(p) carrying on professional activities within a partnership or joint-stock company with other persons while knowing that one or more of the conditions, terms or restrictions under which he is authorized to so carry on professional activities are not satisfied or complied with.”.

**14.** Section 4.02.03 is replaced by the following:

“**4.02.03.** A land surveyor must reply to any communication from a syndic, an assistant syndic and an inspector, investigator or member of the professional inspection committee or a member of an accounts arbitration council, and the land surveyor must do so within the time and using the method of communication determined by them.”.

**15.** Section 5.01.04 is amended by adding the following paragraph:

“A land surveyor who carries on professional activities within a partnership or joint-stock company in which persons other than land surveyors also practise must, in any advertising, describe separately the professional services of the land surveyor included in a lump sum fee.”.

**16.** Section 5.01.07 is replaced by the following:

“**5.01.07.** A land surveyor who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that advertising by the partnership or joint-stock company or by any other person carrying on activities within it complies, as regards land surveyors, with the rules set out in this Division.”.

**17.** The Code is amended by inserting the following sections after section 6.02:

“**6.03.** When using the graphic symbol of the Order in advertising, a land surveyor must not mislead the public into believing that the advertising originates from the Order.

**6.04.** A land surveyor who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that any use of the graphic symbol of the Order within the partnership or joint-stock company complies with sections 6.02 and 6.03.

**6.05.** A land surveyor must take reasonable measures so that a partnership or joint-stock company within which he carries on professional activities uses the graphic symbol of the Order in connection with advertising or its name only if all the services provided by the partnership or joint-stock company are the professional services of land surveyors.

In the case of a partnership or joint-stock company providing professional services of land surveyors and services of persons other than land surveyors with whom land surveyors are authorized to carry on their professional activities, the graphic symbol of the Order may be used in connection with the name or in the advertising of the partnership or joint-stock company on the condition that the graphic symbol identifying each professional order to which those persons belong is also used.

The graphic symbol of the Order may, however, always be used in connection with the name of a land surveyor.”.

**18.** The title of Division VII is replaced by “NAME OF THE PARTNERSHIP OR JOINT-STOCK COMPANY”.

**19.** Sections 7.01 and 7.02 are replaced by the following:

“**7.01.** A land surveyor may not carry on professional activities within a partnership or joint-stock company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.

**7.02.** A land surveyor who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that any document produced by the partnership or joint-stock company in connection with the professional activities of land surveyors is identified in the name of a land surveyor.”.

**20.** Section 7.03 is revoked.

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

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Gouvernement du Québec

**O.C. 357-2008**, 16 April 2008

Professional Code  
(R.S.Q., c. C-26)

**Physiotherapist and physical rehabilitation therapist  
— Standards for equivalence of diplomas and training for the issue of a permit**

Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist’s permit or a physical rehabilitation therapist’s permit

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist’s certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre professionnel de la physiothérapie du Québec made the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist’s permit or a physical rehabilitation therapist’s permit;

WHEREAS, under section 95 of the Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist’s permit or a physical rehabilitation therapist’s permit, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*