

**“DIVISION V.1  
REGISTRANTS EXEMPTED FROM  
DESIGNATING AN ATTORNEY**

**25.1** Registrants based in Ontario and domiciled in Canada, with the exception of limited partnerships, that are building contractors subject to the Ontario-Québec Agreement on Public Procurement and Construction Labour Mobility of 24 December 1993 or to any other subsequent agreement entered into by the Gouvernement du Québec and the Government of Ontario as regards mobility in the construction industry are exempted from the requirement to designate an attorney in accordance with section 4 of the Act.”.

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

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Gouvernement du Québec

**O.C. 669-96, 5 June 1996**

Professional Code  
(R.S.Q., c. C-26; 1994, c. 40)

**Chartered administrators  
— Conciliation and arbitration procedure  
for accounts**

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des administrateurs agréés du Québec

WHEREAS under section 88 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40), the Bureau of the Ordre des administrateurs agréés du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the Order which may be used by persons having recourse to the services of the members;

WHEREAS under section 88 of the Code, the Bureau adopted a Regulation respecting the procedure for conciliation and arbitration of accounts of chartered administrators (R.R.Q., 1981, c. C-26, r. 15);

WHEREAS it is expedient to replace that Regulation;

WHEREAS under that section of the Code, the Bureau adopted a Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des administrateurs agréés du Québec;

WHEREAS in accordance with section 95.3 of the Code, a draft of the Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 November 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des administrateurs agréés du Québec, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation respecting the conciliation  
and arbitration procedure for the  
accounts of members of the Ordre des  
administrateurs agréés de Québec**

Professional Code  
(R.S.Q., c. C-26, s. 88; 1994, c. 40)

**DIVISION I  
CONCILIATION**

**1.** A client who has a dispute with a member of the Ordre des administrateurs agréés du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided that the member has not instituted proceedings to recover the account.

**2.** A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the syndic within a 45-day period following the date of receipt of the account.

Where the payment of the account has been withdrawn or withheld by the member from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

**3.** A member may not institute proceedings to recover an account for professional services before the expiry of a 45-day period from the date of receipt of the account by the client.

**4.** Within 5 days of receiving an application for conciliation, the syndic shall notify the member concerned by registered or certified mail. The syndic shall also send the client a copy of this Regulation within the same period.

Once the syndic has received the application for conciliation, the member may not institute proceedings to recover his account so long as the dispute may be settled by conciliation or arbitration and he shall then submit to the conciliation or arbitration procedure.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

**5.** The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

**6.** Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member and shall be filed with the secretary of the Order.

**7.** Where the conciliation does not lead to an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered or certified mail.

The report shall contain the following information, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute;
- (4) the amount suggested by the syndic during conciliation as a payment to the member or as a reimbursement to the client.

The syndic shall also send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

## **DIVISION II** **ARBITRATION**

### *§1. Application for arbitration*

**8.** Within 30 days of receiving the conciliation report, the client may apply for arbitration of the account by sending the form in Schedule I to the secretary of the Order.

A copy of the conciliation report shall accompany the client's application for arbitration.

**9.** Within 5 days of receiving an application for arbitration the secretary of the Order shall notify the member concerned or his firm by registered mail.

**10.** A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

**11.** A member who acknowledges having to reimburse an amount to the client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

**12.** Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after the council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

### *§2. Council of arbitration*

**13.** The council of arbitration shall be composed of 3 arbitrators where the amount of the dispute is \$5 000 or more, and of a single arbitrator where the amount is less than \$5 000.

**14.** The administrative committee shall appoint the members of the council of arbitration from among the members of the Order and shall designate the chairman and secretary thereof.

**15.** Before acting, the members of the council of arbitration shall take the oath in Schedule II to this Regulation.

**16.** The secretary of the Order shall send written notice to the arbitrators and to the parties informing them of the formation of the council of arbitration.

**17.** A request that an arbitrator be recused may be filed only for a reason provided for in section 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or of the day on which the reason for the request becomes known.

The administrative committee shall decide the request and, where applicable, shall see that the arbitrator is replaced.

### §3. Hearing

**18.** The chairman of the council shall decide on the date, time and place of the hearing and the secretary of the council of arbitration shall give the parties or their advocates and the arbitrators at least 10 days' written notice of the date, time and place of the hearing.

**19.** The parties are entitled to be represented or assisted by an advocate.

**20.** The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any failure on their part. For those purposes, it shall follow such procedure as it considers appropriate.

**21.** A party requesting that the testimony be recorded shall assume the cost thereof.

**22.** Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through.

### §4. Arbitration award

**23.** The council of arbitration shall issue its award within 45 days of the end of the hearing.

**24.** The award shall be a majority award of the members of the council.

The award shall give reasons and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

**25.** The costs incurred by a party for arbitration shall be borne by the party.

**26.** In its award, the council of arbitration may uphold or reduce the amount of the account in dispute and determine the reimbursement or payment to which a party may be entitled.

**27.** In its award, the council of arbitration may decide that the arbitration expenses, which are the expenses incurred by the Order for the arbitration, shall be borne by either one party or both parties. The total expenses may not exceed 15 % of the amount to which the arbitration pertains.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and an indemnity determined in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

**28.** The arbitration award is binding on the parties but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

**29.** The secretary shall draw up and sign the minutes of the hearing, which shall mention whether or not the parties have requested that the testimony be recorded. The minutes constitutes *prima facie* proof of their content.

**30.** The arbitration award shall be filed with the secretary of the Order, who shall keep the file for 3 years. The secretary of the council of arbitration shall send it to each party or his advocates within 10 days after it is filed.

**31.** This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered administrators (R.R.Q., 1981, c. C-26, r. 15), but the latter Regulation continues to govern the procedure for conciliation and arbitration of disputes for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

## SCHEDULE I

(s. 7)

### APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned, .....  
(client's name)  
.....  
(domicile)

declare that:

(1) .....  
(member's name)  
is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des administrateurs agréés du Québec.

(4) I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

(5) I agree to submit to the procedure provided for in the Regulation and, where required, to pay to .....  
(member's name)  
the amount of the arbitration award.

.....  
Signature

**SCHEDULE II**  
(s. 15)

**OATH**

I solemnly affirm that I will perform all my duties and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I solemnly affirm that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

.....  
Signature

Oath taken before .....  
(name and position, profession or quality)  
at ..... on .....  
(municipality) (date)

.....  
(signature of person administering oath)

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Gouvernement du Québec

**O.C. 670-96, 5 June 1996**

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

**Bar**  
**— Standards for equivalence of diplomas and training**

Regulation respecting the standards for equivalence of diplomas and training of the Barreau du Québec

WHEREAS under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), as it read before 15 October 1994, the General Council of the Barreau du Québec was required, by regulation, to prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate;

WHEREAS under paragraph *g* of section 94 of the Code, as it read before 15 October 1994, the General Council could, by regulation, fix the standards for recognizing, for the issuing of a permit or a specialist's certificate, the equivalence of the training of a person who does not hold a diploma otherwise required for such purposes;

WHEREAS the General Council made the Regulation respecting training equivalence standards for the issuance of a permit by the Barreau du Québec, approved by Order in Council 140-83 dated 26 January 1983;

WHEREAS it is expedient to replace that Regulation;

WHEREAS under the abovementioned sections, the General Council made the Regulation respecting the standards for equivalence of diplomas and training of the Barreau du Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 11 May 1994, with a notice that it could be submitted for approval by the Government at the expiry of 45 days following that publication;

WHEREAS on 15 October 1994, the date of the coming into force of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), the provisions under which that Regulation was made were amended by sections 80 and 81 of that Act;