

34. Section 19 of Schedule 1 is amended in the column "Class 1" by substituting the amount "\$29" for the amount "\$25" and in the column "Class 2" by substituting the amount "\$52" for the amount "\$45".

35. The following is inserted after section 19 of Schedule 1:

	Class 1	Class 2
"19.1. Draw up a scheme of collocation:	\$40	\$40
Apportion the proceeds of the sale:	\$20	\$20
19.2. Certify the copy of the minutes of seizure and of a notice of sale or of a scheme of collocation:	\$2	\$2".

36. The following is substituted for section 20 of Schedule 1:

	Class 1	Class 2
"20. (a) Transportation fees per kilometre travelled:	55¢/km	55¢/km
(b) Compensation for transportation expenses:	58¢/km	58¢/km".

37. Section 21 of Schedule 1 is amended in the columns "Class 1" and "Class 2" by substituting the amount "\$12" for the amount "\$10".

38. Section 23 of Schedule 1 is amended

(1) in the columns "Class 1" and "Class 2" of subsection 1 by substituting the amount "\$50" for the amount "\$45";

(2) in the columns "Class 1" and "Class 2" of subsection 2 by substituting the amount "\$50" for the amount "\$35".

39. 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. 917-99, 18 August 1999**

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

**Town planners**  
**— Code of ethics**

Code of ethics of the members of the Ordre des urbanistes du Québec

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS under the same section of the Professional Code, the code of ethics must contain, *inter alia*:

(1) provisions determining which acts are derogatory to the dignity of the profession;

(2) provisions defining, if applicable, the professions, trades, industries, businesses, offices or duties incompatible with the dignity or practice of the profession;

(3) provisions to preserve the secrecy of confidential information that becomes known to the members of the order in the practice of their profession;

(4) provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6, and provisions concerning a professional's obligation to release documents to his client;

(5) provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the Order;

WHEREAS at its meeting held on 18 September 1998, the Bureau of the Ordre des urbanistes du Québec adopted the Code of ethics of the members of the Ordre des urbanistes du Québec as a replacement to the Code currently in force, that is, the Code of ethics of town planners (R.R.Q., 1981, c. C-26, r. 192);

WHEREAS under section 95.3 of the Professional Code, the secretary of the Order sent a draft Regulation to every member of the Order at least 30 days before the adoption of the Regulation by the Bureau;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 9 December 1998 with a notice indicating in particular that it could be submitted to the Government for approval, with or without amendment, at the expiry of 45 days following its publication;

WHEREAS in accordance with section 95 of the Professional Code, the Regulation was transmitted to the Office, which examined it and made its recommendation;

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 Code of ethics of the members of the Ordre des urbanistes du Québec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Code of ethics of the members of the Ordre des urbanistes du Québec

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

### DIVISION I GENERAL

1. This Code, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), determines the duties towards the public, the clients and the profession that a member of the Ordre des urbanistes du Québec must discharge.

It determines, in particular, which acts are derogatory to the dignity of the profession, the provisions to preserve the secrecy of confidential information that becomes known to a town planner in the practice of his profession, the conditions and procedures applicable to the exercise of the rights of access and correction provided for in section 60.5 and 60.6 of the Professional Code as well as the conditions, obligations and prohibitions in respect of advertising by a town planner.

2. In this Regulation, "client" means any natural or legal person who has entrusted a town planner with the mandate of providing him with professional services.

3. A town planner must discharge his professional duties with integrity.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

4. A town planner shall take into account the equilibrium of the human, socioeconomic and physical environments that are affected; he shall always view the natural and man-made environment as a resource of public concern, which is limited, fragile and irreplaceable.

5. A town planner shall take into account past actions and their consequences, projects and work in progress and the foreseeable consequences of his work and recommendations on the territory and population directly or indirectly affected.

6. A town planner shall contribute to the development and promotion of any measure intended to improve the quality, availability and reliability of professional services in the field in which he practises.

7. For each option, each policy, each action or each project, a town planner shall identify the advantages, disadvantages and potential risks for the environment and the population involved including, where applicable, damage or nuisance mitigation measures.

8. It is a town planner's social responsibility to promote measures of education and information in the field in which he practises.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE CLIENTS

#### §1. *General*

9. A town planner shall inform the client of his duties and obligations towards the public, in accordance with Division II, while taking into account the nature of the mandate entrusted to him.

10. Before accepting a mandate from a client, a town planner shall take into account his own abilities and the resources at his disposal, as well as the availability of the required information and data.

11. A town planner shall define the scope of the mandate entrusted to him with his client in particular by making sure that they have an understanding as to the format of the actions and documents resulting from the professional services to be rendered.

12. A town planner shall inform his client as soon as possible of any change to the mandate that could be required in the course of its fulfilment and obtain his consent to it.

13. A town planner shall express opinions and draw up documents in compliance with the orientations and parameters defined in the mandate entrusted to him by a client.

14. A town planner shall not interfere with a client's right to consult another member of the Order, a member of another professional order or another qualified person. Where a client's interest so requires, he shall even, with the client's permission, consult another member of the Order, a member of another professional order or any qualified person, or refer his client to one of these persons.

15. A town planner shall not interfere in the affairs of his client that are not related to the mandate entrusted to him.

16. A town planner shall notify his client as soon as possible of any error he has made while carrying out the mandate entrusted to him and that is potentially detrimental to the client and difficult to rectify.

17. In addition to the provisions of section 54 of the Professional Code, a town planner shall carry on his activities with dignity and shall refrain from practising his profession in a state or in conditions liable to compromise the dignity of the profession or the quality of his services.

18. A town planner shall avoid any misrepresentation as regards his level of qualification or the efficiency of his own services.

19. A town planner shall be meticulous in the contents and presentation of his work.

20. A town planner may not cease to act on behalf of a client, unless he has just and reasonable grounds for doing so. Such grounds are just and reasonable where, in particular:

- (1) the client has lost confidence in the town planner;
- (2) the client attempts to induce the town planner to commit illegal, unfair, fraudulent or derogatory acts;
- (3) the town planner is in a situation of conflict of interest or appears to be in such a situation or one where his professional independence could be questioned;

(4) the client fails to systematically fulfil the obligations stipulated in the mandate entrusted to the town planner; or

(5) the town planner's state of health renders him incapable of carrying out his duties.

21. A town planner who, on just and reasonable grounds, intends to unilaterally terminate a mandate shall give his client advance, notice specifying the reasons for his withdrawal and at what moment he will terminate the mandate.

He shall give notice within a reasonable period of no less than ten working days and, insofar as possible, make sure that such termination of service is not prejudicial to his client.

## §2. *Liability*

22. A town planner may not evade civil liability. He may not insert in a contract for professional services a clause that directly or indirectly excludes all or part of that liability. Moreover, he may not sign a contract that contains such a clause.

23. A town planner shall make sure that he is identified as such in all documents prepared by himself or under his immediate supervision or in the documents on which he worked in cooperation.

## §3. *Diligence and availability*

24. A town planner shall demonstrate reasonable diligence and availability when carrying out a mandate entrusted to him by a client.

## §4. *Independence and conflict of interest*

25. A town planner shall avoid any situation where he could be in a conflict of interest, in particular, any situation which would lead him to favour his own interests over those of a client or to favour the interests of one client over those of another client.

26. When deciding on any question relating to a conflict of interest, consideration shall be given to:

- (1) the respect of the duties and obligations towards the public and the profession;
- (2) the explicit or implicit consent of the clients;
- (3) the interrelationships between different mandates entrusted to the same town planner;

(4) the fact that the different mandates entrusted to the same town planner are simultaneous and their territorial or organizational concomitance;

(5) the parties' good faith.

27. For each case where a town planner is entrusted, by different clients, with interrelated mandates or concerning the same territory or part of territory, he shall inform each client of the subject and the duration of the mandates entrusted to him by the other clients and obtain their consent to the carrying out of the mandates.

The agreement does not exempt a town planner from the obligation to not prefer his own interests over those of a client or the interests of one client over those of another client.

28. In the appraisal of any situation that may give rise to a conflict of interest, a town planner may consult a committee whose members are appointed therefor by the Bureau of the Order.

29. A town planner shall refrain from receiving, other than the remuneration to which he is entitled, any benefit, discount or commission relating to the practice of his profession. He shall likewise refrain from paying or undertaking to pay any such benefit, discount or commission

#### §5. Fees

30. A town planner shall charge and accept only fair and reasonable fees.

31. A town planner may share his fees with another person on the condition that such sharing corresponds to an apportionment of the services, responsibilities or risks.

32. A town planner may sell his accounts only to another member of the Order.

#### §6. Professional secrecy

33. For the purposes of preserving the secrecy of confidential information brought to his knowledge in the practice of his profession, a town planner shall:

(1) refrain from using such information to the prejudice of his client or with a view to obtaining a direct or indirect benefit for himself or for another person;

(2) take the necessary measures to prevent his colleagues and the persons under his authority or supervision from disclosing or making use of such information that becomes known to them in the performance of their duties; and

(3) avoid holding or participating in indiscreet conversations concerning a client and the services provided to him.

§7. *Conditions and procedures applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code and a town planner's obligation to release documents to the client*

34. A town planner may require that a request covered by section 35, 38 or 41 be made at his office during his regular working hours.

35. In addition to the particular rules prescribed by law, a town planner shall promptly follow up, at the latest 30 days after its receipt, any request made by the client whose purpose is:

(1) to examine the documents concerning him in any record established in his respect;

(2) to obtain a copy of the documents concerning him in any record established in his respect.

36. A town planner who grants a request covered by section 35 shall allow his client access to the documents, free of charge. Notwithstanding the foregoing, the town planner may only charge reasonable fees not exceeding the cost for reproducing or transcribing documents or for forwarding a copy, in respect of a request covered by paragraph 2 of section 35.

A town planner requesting such fees shall, before proceeding with reproducing, transcribing or forwarding the information, inform the client of the approximate amount to be paid.

37. A town planner who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow his client access to the information contained in a record established in his respect shall inform his client in writing that the disclosure would be likely to cause serious harm to his client or to a third person.

38. In addition to the particular rules prescribed by law, a town planner shall promptly follow up, at the latest within 30 days after its receipt, any request made by his client whose purpose is:

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record established in his respect;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in his respect; or

(3) to file in the record established in his respect the written comments that he prepared.

39. A town planner who grants a request covered by section 38 shall issue to his client, free of charge, a copy of the document or the part of the document so that his client may see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by his client were filed in the record.

40. Upon written request from his client, a town planner shall forward a copy, free of charge for his client, of the corrected information or an attestation that the information was deleted or, as the case may be, that written comments were filed in the record to any person from whom the town planner received the information that was the subject of the correction, deletion or comments, as well as to any person to whom the information was provided.

41. A town planner must promptly follow up any written request made by his client, whose purpose is to take back a document entrusted to him by his client.

A town planner shall indicate in his client's record, where applicable, the reasons in support of his client's request.

#### **DIVISION IV DUTIES AND OBLIGATIONS TOWARDS THE OTHER MEMBERS OF THE ORDER**

42. A town planner shall respect the other members of the Order as professionals. In judging a colleague, he shall display objectivity, fairness and moderation.

43. A town planner shall not abuse the good faith of another member of the Order or be guilty of a breach of trust or of unfair practices towards him.

He shall not, in particular:

(1) attempt to obtain from a client a mandate which, to his knowledge, has already been entrusted to another member of the Order;

(2) use his position as employer or superior to limit, in any way whatsoever, the professional independence of another town planner who is working for him or under his responsibility;

(3) prepare, free of charge, any document, other than a document to offer his services, in order to obtain a mandate from a client;

(4) use a work program or a call for proposals prepared by another member of the Order to put out a request for offers of services without the other member's formal authorization;

(5) answer to a request for offers of services, alone or in cooperation, under several proposals.

44. A town planner shall not take credit for work done by another member of the Order. He shall mention the source of works or documents that he used where he is not the author or a collaborator.

45. A town planner who is consulted by another member of the Order shall give the colleague his opinion and recommendations as promptly as possible.

46. A town planner mandated by a client to complete the work that was entrusted to another town planner or mandated by that client to re-do part of the work done by the other member of the Order shall avoid unfair and immoderate criticism with respect to the work carried out by the other member of the Order.

47. A town planner who is called upon to collaborate with another member of the Order shall maintain his professional independence.

48. A town planner who practises his profession jointly with other members of the Order or with other persons shall ensure that this practice is not prejudicial to his client.

#### **DIVISION V DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION AND THE ORDER**

49. A town planner shall respect the principles and methods governing his profession, which must be adapted to the context of action.

50. A town planner shall keep up-to-date and perfect his knowledge and professional skills.

51. A town planner shall, as much as he is able, contribute to the development, recognition and influence of his profession. Upon request of the Order, and wherever possible, he shall take part in training and in activities organized by the Order.

52. A town planner shall not perform the following acts, which, in addition to the acts mentioned in the Professional Code, are derogatory acts:

(1) taking part in or contributing to an appropriation or illegal use of the title of town planner;

(2) affixing his seal or signature to documents that have neither been prepared by him nor under his orders or immediate supervision;

(3) inducing someone, in a pressing or repeated manner, to have recourse to his professional services;

(4) communicating with a person who asked for an investigation without the prior written permission of the syndic or an assistant syndic, where he is the subject of an investigation or when a complaint has been served on him;

(5) refusing to follow the conciliation and arbitration procedure for accounts and to comply with the decision of the arbitrators;

(6) refusing or neglecting to comply with the requirements of the professional inspection committee or the syndic;

(7) not informing the syndic when he is aware that an offence against the Professional Code or the regulations made under the Code was committed by a member of the Order.

53. A town planner shall promptly answer any correspondence sent to him by the syndic, an investigator, an inspector or a member of the professional inspection committee of the Order.

#### **DIVISION VI RESTRICTIONS AND OBLIGATIONS RESPECTING ADVERTISING**

54. A town planner may not engage in advertising, in any way whatsoever, that is incomplete, false, misleading or likely to mislead, or allow such advertising to be used.

55. A town planner may not use advertising practices likely to denigrate or disparage another member of the Order.

56. A town planner who advertises his rates or professional fees shall:

(1) establish fixed rates or fees;

(2) specify the nature and extent of services included in the rates or fees;

(3) indicate whether or not disbursements or additional costs are included in the rates or fees;

(4) indicate whether additional services which are not included in the rates or fees might be required;

(5) indicate whether the taxes are included in the rates or fees.

These particulars shall be given in a manner that can be understood by persons having no particular knowledge of the field of town planning.

A town planner shall keep those rates or fees in effect for a minimum period of 90 days after the date they were last broadcast or published.

A town planner and a client may however agree upon rates or fees lower than those broadcast or published.

57. In his advertising, a town planner may not use or allow to be used an endorsement concerning him.

58. In any statement or advertisement, a town planner shall include his name and his title of town planner. He may mention any prizes and awards he has received.

59. A town planner who reproduces the graphic symbol of the Order in a statement or for advertising purposes must ensure that it is identical to the original held by the secretary of the Order.

60. A town planner shall keep a complete copy of any advertisement in its original form for one year following the date it was last broadcast or published. The copy shall be given to the syndic upon request.

61. This Regulation replaces the Code of ethics of town planners (R.R.Q., 1981, c. C-26, r. 192).

62. 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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