

Regulation respecting professional acts that may be performed by persons other than members of the Barreau du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. h)

1. A person other than a member of the Barreau du Québec may give advice and consultations on legal matters providing the following conditions are respected:

1) this person is legally authorized to exercise outside of Quebec the same profession as members of the Barreau du Québec;

2) this person acts as counsel or advocate before an international arbitration tribunal;

3) this person gives advice and consultations on legal matters regarding the case for which said person is acting as counsel or advocate before an international arbitration tribunal.

2. 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. 50-2000, 19 January 2000

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

Chartered appraisers — Standards for a diploma or training equivalence for the issue of a permit

Regulation respecting the standards for a diploma or training equivalence for the issue of a permit by the Ordre des évaluateurs agréés du Québec

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 the Bureau of the Ordre des évaluateurs agréés du Québec duly adopted the Regulation respect-

ing the standards for a diploma or training equivalence for the issue of a permit by the Ordre des évaluateurs agréés du Québec;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published, as a draft Regulation, in Part 2 of the *Gazette officielle du Québec* of 17 March 1999, with a notice that it could be submitted to the Government for approval, upon the expiry of 45 days following its publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec 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 standards for a diploma or training equivalence for the issue of a permit by the Ordre des évaluateurs agréés du Québec, attached to this Order in Council, be approved.

Le greffier du Conseil exécutif,
MICHEL NOËL DE TILLY

Regulation respecting the standards for a diploma or training equivalence for the issue of a permit by the Ordre des évaluateurs agréés du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. c)

DIVISION I GENERAL

1. The secretary of the Ordre des évaluateurs agréés du Québec shall forward a copy of this Regulation to those who signify their wish to have a diploma issued by a teaching establishment outside Québec or training recognized as equivalent.

In this Regulation,

“diploma equivalence” means the recognition by the administrative committee that a diploma issued by an educational establishment outside Québec certifies that the candidate has attained a level of knowledge equivalent to the level attained by the holder of a diploma recognized by regulation of the Government, made un-

der the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), as meeting the requirements for the permit;

“training equivalence” means the recognition by the administrative committee that a candidate’s training demonstrates that he has attained a level of knowledge equivalent to the level attained by the holder of a diploma recognized by regulation of the Government, made under the first paragraph of section 184 of the Professional Code, as meeting the requirements for the permit.

DIVISION II EQUIVALENCE STANDARDS

§1. *Diploma equivalence*

2. A person holding a diploma issued by an educational establishment outside Québec shall be granted a diploma equivalence if the following conditions are met:

(1) the diploma was conferred upon completion of university studies comprising at least 1 350 hours, including 585 hours distributed as follows:

(a) business administration: a minimum of 225 hours pertaining in particular to business law, marketing, financial management, economic analysis or macro-economics and management accounting;

(b) the basics of appraisal: a minimum of 90 hours pertaining in particular to concepts, theories, laws, principles of value, processes, methods and analysis;

(c) the elements surrounding the appraisal activity: a minimum of 135 hours pertaining in particular to architecture, construction costs, depreciation, immovable development, urban planning, case study, the preparation of reports and testimony in court;

(d) real estate law: a minimum of 90 hours; and

(e) real estate finance: a minimum of 45 hours.

3. An application for equivalence in respect of a diploma acquired five years earlier or more shall be denied if the knowledge gained no longer corresponds, considering the developments in the profession, to the knowledge currently being taught in a program of study leading to diploma recognized by regulation of the Government as meeting the requirements for the permit.

In such a case, a training equivalence may be granted under section 4.

§2. *Training equivalence*

4. A person shall be granted a training equivalence if he demonstrates that his level of knowledge is equivalent to the level attained by a person holding a diploma recognized under the first paragraph of section 184 of the Professional Code, particularly by reason of relevant work experience in the carrying out of a chartered appraiser’s professional activities.

5. Notwithstanding section 4, an application for equivalence in respect of training acquired five years earlier or more shall be denied if the knowledge gained no longer corresponds, considering the developments in the profession, to the knowledge currently being taught in a program of study leading to a diploma recognized by regulation of the Government as meeting the requirements for the permit.

6. To determine whether a candidate’s training is equivalent under section 4, the following factors shall be taken into account:

(1) the nature and duration of his experience;

(2) the diplomas awarded in Québec or elsewhere;

(3) the nature, content, duration and relevancy of the courses taken to obtain those diplomas, in relation to the practice of the profession;

(4) the training periods completed and other continuing education or skill upgrading activities;

(5) the total number of years of schooling; and

(6) relevant work experience.

7. Where assessing a person’s training present difficulties such that a judgment cannot be made on his level of knowledge, the person may be called for an interview or required to pass an examination, or both.

8. A candidate shall be granted a training equivalence under section 4 if that person

(1) holds an assessor’s permit issued by the Commission municipale du Québec;

(2) holds the title of accredited appraisal conferred by the Appraisal Institute of Canada and holds a university diploma issued less than ten years before the date of receipt of the application for a training equivalence that would have been recognized equivalent without the requirement in section 3;

(3) holds the title of accredited appraisal conferred by the Appraisal Institute of Canada and holds an undergraduate university diploma in a field related to appraisal, such as architecture, urban planning or civil engineering, issued by a Québec educational establishment less than ten years before the date of receipt of the application for a training equivalence;

(4) holds an undergraduate university diploma in a field related to appraisal, such as architecture, urban planning or civil engineering, and a university certificate in appraisal issued by a Québec educational establishment less than ten years before the date of receipt of the application for a training equivalence and has at least one year's relevant experience; or

(5) holds a collegial diploma in building assessment and appraisal techniques and an undergraduate university diploma in a field related to appraisal, such as architecture, urban planning, civil engineering or business administration, issued by a Québec educational establishment less than ten years before the date of receipt of the application for a training equivalence and has at least one year's relevant experience.

DIVISION III PROCEDURE FOR GRANTING EQUIVALENCES

9. A candidate who wishes to be granted an equivalence shall provide the secretary of the Order with the following documents in support of his application, in addition to the documents he deems relevant, together with the processing fees prescribed under paragraph 8 of section 86.0.1 of the Professional Code;

(1) his academic record, including an official transcript of his marks sent directly to the Order by the registrar of the educational establishments, a description of the courses taken with the number of related hours and credits;

(2) copies of his diplomas certified as true by the educational establishment;

(3) an attestation that he has participated in a professional training period or any other continuing education or skill upgrading activity in the field of appraisal, where applicable, and a description thereof; and

(4) a detailed description of his relevant work experience and attestations of that experience from his employers.

Any document sent in support of an application for equivalence and not written in French or English shall be accompanied by a French translation certified by the translator's oath.

10. The secretary of the Order shall forward the documents mentioned in section 9 to the admission committee formed by the Bureau under paragraph 2 of section 86.0.1 of the Professional Code and in charge of the application of this Regulation.

The committee shall make its recommendation to the administrative committee as soon as possible.

11. At the first meeting following the receipt of the committee's recommendation, the administrative committee shall decide whether it will grant a diploma or training equivalence and shall notify the candidate in writing within 30 days of its decision.

12. If it does not recognize a diploma or training as equivalent, the administrative committee shall indicate in its decision the programs of study, training periods or examinations whose successful completion would make that person, given his current level of knowledge, eligible for equivalence.

13. A candidate whose application for equivalence is turned down by the administrative committee may apply to the Bureau for a hearing and review of that decision, provided that the person sends a written application stating reasons to the secretary of the Order within 30 days following the date on which the administrative committee's decision is mailed.

Within 60 days following receipt of such application, the Bureau shall hear the candidate and, where expedient, shall review the decision. At least ten days before the date of the hearing, the secretary of the Order shall convene the candidate by means of a written notice sent by registered mail.

14. The decision of the Bureau on the application for review is final and without appeal and it shall be sent to the candidate in writing within 30 days of the date of the hearing.

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