

same data found on the form provided by the Régie appear there and on the condition that the equipment and software used be compatible with those used by the Régie.

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

SCHEDULE

BUILDING CLASSIFICATION

- A Meeting Hall
- B Care or Detention Institution
- C Dwelling
 - C1 Apartment
 - C2 Divided coownership
 - C3 Boarding of all kind
 - C4 House
 - C4.1 Single family
 - C4.2 Duplex
 - C4.3 Triplex
 - C4.4 Multifamily (other)
 - C4.5 Semi-detached
 - C4.6 Row housing
 - C5 Cottage
 - C6 Other sleeping accommodation
- D Business establishment
- E Commercial establishment
- F Industrial establishment

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Draft Regulation

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

Engineers

— Procedure for conciliation and arbitration of accounts

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation amending the Regulation respecting the

procedure for conciliation and arbitration of accounts of engineers, adopted by the Bureau of the Ordre des ingénieurs du Québec, the text of which appears below, may be submitted to the Government, which may approve it, with or without amendment, at the end of the 45-day period that starts with the date of this publication.

According to the Ordre des ingénieurs du Québec, the object of the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers is to ensure that a client with a dispute with a member of the OIQ concerning the amount of an account for professional services may, subject to certain conditions, seek conciliation with a conciliator of the OIQ. An arbitration procedure is also offered to the client.

The draft regulation will ensure the same confidentiality of conciliation records now given to arbitration records, so that the parties will feel free to make whatever offers they wish, in order to settle their dispute.

Furthermore, the client must obtain the consent of the engineer before withdrawing a request for arbitration. This draft also provides an increase in the amount in dispute for a council of three arbitrators to be formed. From now on, the amount in dispute must be \$10,000 or more (currently \$3,000) for an arbitration council of three arbitrators to be formed. Thus, a single arbitrator may hear requests for an amount in dispute less than \$10,000. This amendment will reduce arbitration fees.

Another amendment will be used to shorten the time inherent in the arbitration process by allowing the president of the OIQ to select the arbitrator(s) who will serve on the arbitration council from among a bank of names designated by the Bureau or the Administrative Committee. Likewise, forty-five (45) days will be allowed from the end of the hearing for an arbitration award to be issued, rather than six months from the request for arbitration.

This regulation will have no impact on companies.

Additional information may be obtained from M^e Louise Laurendeau, of the Ordre des ingénieurs du Québec, 2020, University, 18th floor, Montréal (Québec) H3A 2A5, Tel.: (514) 845-6141 or 1-800-461-6141, fax: (514) 845-1833.

Any person wishing to express comments is asked to send them before the expiration of this 45-day period to the President of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be transmitted by the Office

to the minister responsible for the application of professional laws; they may also be sent to the professional corporation which has adopted the regulation and to interested parties, departments and agencies.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation amending the Regulation respecting the procedure for conciliation and arbitration of accounts of engineers

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

1. The Regulation respecting the procedure for conciliation and arbitration of accounts of engineers (R.R.Q., 1981, c. I-9, r. 8) amended by the regulation approved by Order in Council 813-84 of April 4, 1984 and by the regulation approved by Order in Council 822-95 of June 14, 1995, is again amended by replacing the words “executive director” with the word “secretary” in paragraph *a* of section 1.02.

2. Section 2.02 of this regulation is amended by replacing the first two paragraphs with the following two paragraphs:

“**2.02.** A client or person who has a dispute with a member about the amount of an account, paid or not, may file a written application for conciliation with the conciliator within sixty (60) days of the date of receipt of the account.

The above paragraph applies also to a client or person who, upon receiving the member’s account, has already paid some or all of it”.

3. The first paragraph of section 2.04 of this regulation is amended by replacing the word “three” by the word “five” in the first line and by replacing the word “firm” with the word “employer” in the fourth line.

4. Section 2.07 of this regulation is amended by replacing the last paragraph by the following:

“The conciliator also sends the client the form provided in Schedule 1, indicating the procedure and the time allowed for submitting the dispute to arbitration.”.

5. This regulation is also amended by the addition of section 2.08 as follows:

“**2.08.** The conciliation record is filed with the conciliator who, unless explicitly authorized by the parties, may not give a copy of any part or all of the record to anyone but the parties or their counsel. This record includes the application for conciliation and the conciliator’s report; it must be kept for at least one year but not more than five years.”.

6. Section 3.01.01 of this regulation is amended by adding the words “and its schedules” before the words “to the conciliator”.

The second paragraph of this section is replaced by the following paragraph:

The application for arbitration may be withdrawn by the client only in writing and with the consent of the member.”

7. Section 3.01.02 of this regulation is amended by replacing the word “firm” by the word “employer” in the last line.

8. Section 3.01.03 of this regulation is amended by replacing the word “put” by the word “recorded” in line three.

This section is also amended by deleting the words “filed with the conciliator or, where an agreement is reached after a council of arbitration has been formed” and by replacing the words “in the arbitration award” with the words “by the arbitrator.”

9. Section 3.02.01 of this regulation is amended by replacing wherever it occurs in the first paragraph the number 3,000 with the number 10,000.

This section is also amended by replacing the second paragraph with the following:

“The administrative committee designates members of the Ordre to act as arbitrators.

The president of the Ordre selects from among the members designated as provided in the previous paragraph the member or the three members of a council of arbitration and, if it consists of three arbitrators, he designates the chairman and the secretary thereof.”.

10. The first paragraph of section 3.04.01 of this regulation is amended by replacing the words “six months of the application for arbitration” by the words “forty-five (45) days of the end of the hearing.”.

11. Section 3.04.02 of this regulation is replaced by the following:

3.04.02 The award is submitted to the conciliator. It is sent to each of the parties or their counsel by registered mail within ten days of being submitted.”.

12. Section 3.04.04 of this regulation is amended by deleting the last sentence of the first paragraph.

13. The first paragraph of section 3.04.06 of this regulation is amended by adding the word “or” after the word “latter” in the fourth line and deleting the words “the syndic and the members of the Bureau” in the fourth and fifth lines.

The second paragraph of this section is amended by adding the words “At the request of either of the parties” to the start of this paragraph and by adding the words “within sixty (60) days of the receipt of the award” after the word “hearing” at the end of this paragraph.

14. Schedule I of this regulation is amended by adding the words “or mandatary’s” after “client’s” in the parenthesis below the words, “I the undersigned”.

15. This regulation is amended by adding, at the end, “DIVISION IV – TRANSITIONAL PROVISIONS and sections 4.01 and 4.02 as follows:

4.01 This regulation applies to any application for conciliation sent to the conciliator after the date it comes into force.

4.02 This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.