

(3) authorize a person who no longer contributes to the plan as an employee to submit an application to the Commission for the redemption of past service, where that person demonstrates that he has a reasonable reason therefor;

(4) extend the validity period of a redemption proposal forwarded by the Commission to a participating employee where the latter demonstrates that he has a reasonable reason therefor.

2. This Regulation comes into force on the day it is made but has effect from 22 March 1997.

3924

Gouvernement du Québec

O.C. 1282-2000, 1 November 2000

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

**Évaluateurs agréés
— Code of ethics**

Code of ethics of the members of the Ordre des évaluateurs agréés 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 clients;

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

WHEREAS the Bureau of the Ordre des évaluateurs agréés du Québec made, at its meeting of 30 September 1999, the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec to replace the Code of ethics of chartered appraisers (R.R.Q., 1981, c. C-26, r. 91) currently in force;

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

WHEREAS in accordance with 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 26 January 2000 with a notice that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Regulation was sent to the Office des professions 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 évaluateurs agréés 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 évaluateurs agréés du Québec

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

CHAPTER 1 GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties incumbent upon all members of the Ordre des évaluateurs agréés du Québec who engage in professional activities.

In particular, it determines the acts that are derogatory to the dignity of the profession, sets out provisions to preserve the secrecy of confidential information that becomes known to an appraiser in the practice of his profession, and establishes the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Professional Code as well as conditions, obligations, and prohibitions in respect of advertising by an appraiser.

CHAPTER II DUTIES TOWARD CLIENTS, THE PROFESSION, AND THE PUBLIC

DIVISION I COMPETENCE AND INTEGRITY

2. Every appraiser must discharge his professional obligations with competence and integrity.

The appraiser must provide high-quality professional services.

3. An appraiser must maintain and increase his knowledge and skills and constantly seek to improve his professional outlook.

4. An appraiser must practice his profession in keeping with good practice and generally accepted standards.

5. An appraiser must consider the limitations of his skills, knowledge, experience, and the means at his disposal. In particular, no appraiser shall undertake or continue an appraisal for which he is insufficiently qualified, without obtaining the necessary assistance.

6. In addition to the provision of section 54 of the Professional Code, no appraiser shall practise his profession or perform professional acts under conditions or in situations likely to impair the dignity of the profession or the quality of the services he provides.

7. An appraiser must consider the general effect that his research and work could have on society.

8. An appraiser must promote all measures likely to improve the availability and quality of professional services in his field of practice.

The appraiser must, among other things, promote all training or information designed to make such services known to the public and, at the request of the Order, participate in the implementation of such measures, unless he has serious cause not to do so.

DIVISION II CONDUCT

9. An appraiser's conduct must be irreproachable.

The appraiser shall, in particular, act with courtesy, dignity, moderation, and objectivity.

10. Every appraiser shall avoid attitudes and methods likely to diminish the good repute of the profession or his ability to serve the public interest. He shall avoid discriminatory, fraudulent, or illegal practices, and must refuse to participate in such practices.

11. Every appraiser shall show respect toward all commissions of inquiry, bodies, and courts, and the members thereof.

No appraiser shall, directly or indirectly, broadcast or publish comments or remarks that he knows to be false or that are manifestly false, concerning a commission of inquiry, a body, or a court, or any member thereof.

12. No appraiser shall, directly or indirectly, comment publicly in any manner whatsoever on any case that is pending before a commission of inquiry, a body, or a court, and in which he or one of his partners or employees has acted.

13. No appraiser shall

1° lead or attempt to lead a court into error, create doubt in favour of a client, or restrict or deform reality by his testimony;

2° prevent or try to prevent another party from being assisted by an appraiser or represented by an advocate.

DIVISION III IMPARTIALITY AND INDEPENDENCE

14. An appraiser must subordinate his personal interests to those of his client.

For the purposes of this Regulation, the word “client” means the person requiring the services of the appraiser.

15. No appraiser shall agree to render professional services where he knows that a contract for the same services has already been concluded with another appraiser, unless he advises his client of a possible duplication of costs and services.

16. No appraiser shall refuse to render professional services without reasonable cause.

However, no appraiser shall accept more contracts than are dictated by the interests of his clients and the respect of his professional obligations.

17. Every appraiser shall safeguard his professional independence at all times. He shall, in particular,

1° ignore any intervention by a third party that could influence the fulfilment of his professional obligations to the detriment of his clientele;

2° retain his professional independence when called upon to collaborate with another person, notably, another member of the Order or a member of another professional order;

3° avoid performing a task contrary to his professional conscience, to the rules of his profession, or to generally accepted standards of practice;

4° avoid appraising, examining, or holding a consultation on a thing or a right in which he or his partners have an interest, whether direct or indirect, present or future;

5° refrain from sitting as a member of an adjudicatory body in a decision or recommendation relating to the rights and obligations of his client or the client of a partner;

6° refrain from acting in a situation where he could derive personal advantage, whether direct or indirect, present or future.

18. An appraiser who, without compromising his professional independence, acts for a client both as an appraiser and in another capacity or solely in another capacity, must disclose this fact and the manner in which he is remunerated, to the client in writing, and explain how his independence is maintained.

An appraiser who acts solely in another capacity must also obtain his client’s agreement that no act will be deemed a considered opinion of value.

The appraiser’s disclosure and the client’s agreement do not exempt the appraiser from his obligation to maintain professional independence at all times and to cease to act where the situation becomes irreconcilable with his duty to remain independent.

19. Every appraiser shall avoid any situation in which he could be in a conflict of interest. Without restricting the generality of the foregoing, the appraiser is in a conflict of interest

1° where he serves opposing interests, notably, where he agrees with a third party to appraise an immovable situated in the territory of a municipality for which he prepares and maintains the municipal roll;

2° where the interests in question are such that he might favour some of them over those of his client or where his judgment and loyalty toward his client could be unfavourably affected.

As soon as he becomes aware that he is in a situation of conflict of interest, or apparent conflict of interest, the appraiser must disclose this fact in writing to the clients concerned and request authorization to continue to act for them. Mention of this must be made by the appraiser in his report.

20. Generally, an appraiser shall act for only one party in any given case.

Where an appraiser’s professional duties require him to act for more than one party, such as in the capacity of arbitrator or amiable compositeur, he must specify the nature of his duties or responsibilities to all parties concerned and inform them that he will cease to act if the situation becomes irreconcilable with his duty to remain independent.

21. Every appraiser shall refuse any benefit, commission, or return relative to the practice of his profession that is in addition to the remuneration to which he is entitled. Similarly, no appraiser shall pay, offer to pay, or undertake to pay such benefit, commission, or return.

DIVISION IV DILIGENCE AND AVAILABILITY

22. An appraiser shall display reasonable availability and diligence. He shall, among other things, inform his client upon request of the approximate time required for the execution of the professional service.

**DIVISION V
FEES**

23. Every appraiser must charge fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted under the circumstances and in proportion to the services provided.

24. In determining the amount of his fees, an appraiser shall consider the following factors in particular:

1° the knowledge or skill required to perform the professional services;

2° the degree of responsibility assumed;

3° the degree of difficulty and the importance of the professional services;

4° his experience;

5° the performance of professional services that are unusual or that require exceptional speed or competence;

6° the tariff suggested by the Order for the professional services rendered;

7° the time required to perform the professional services.

No appraiser shall determine his fees, in whole or in part, as a percentage of contested taxes saved or a percentage of an expropriation indemnity surplus.

25. No appraiser shall request payment of his fees in advance; however, he may accept an advance to cover the payment of disbursements and part of his fees.

26. An appraiser must receive fees from only one source in payment of a professional service, unless all parties concerned explicitly agree otherwise.

He shall inform his client before accepting payment of his fees from another person.

The agreement contemplated in the first paragraph must also state whether the fees, payment of costs, or other amounts he may receive from another person will be deducted from the fees agreed upon.

27. No appraiser shall share his fees with another person unless responsibilities and services are also shared.

28. No appraiser shall collect interest on an outstanding account without first notifying his client. The interest thus charged must be at a reasonable rate.

29. Before having recourse to legal proceedings, an appraiser must have exhausted all other available means for obtaining payment of his fees.

30. Every appraiser who entrusts the collection of his fees to another person must, as far as possible, ensure that that person acts with tact and moderation.

31. Every appraiser shall provide the explanations required by a client to understand his statement of account and the terms and conditions of payment.

**DIVISION VI
LIABILITY**

32. Every appraiser shall fully assume civil liability. No appraiser shall include in a contract for professional services any clause directly or indirectly excluding his civil liability in whole or in part

No appraiser shall sign a contract containing such a clause.

33. Every appraiser shall ensure that the provisions of the law and the regulations applicable to members of the Order are respected by the persons or partners with whom he acts. In particular, every appraiser is responsible for any work he has caused to be executed by other persons. He must train and supervise such persons and review their work to ensure that it complies with the laws, regulations, and standards of practice applicable to members of the Order.

**DIVISION VII
ADDITIONAL DUTIES IN THE PRACTICE OF THE PROFESSION**

34. Every appraiser shall identify himself to his client as a member of the Ordre des évaluateurs agréés du Québec.

35. Every appraiser shall seek to establish a relationship of mutual trust between himself and his client.

36. No appraiser shall intervene in the personal affairs of a client on issues that are not relevant to the profession or to the reasons for which the client requested professional services.

37. Every appraiser must recognize his client's right to consult another member of the Order, a member of another professional order, or any other competent person at any time.

38. If a client's welfare so requires, the appraiser shall, with the client's authorization, consult another member of the Order, a member of another professional order, or any other competent person, or refer him to one of these persons.

39. Every appraiser shall explain to his client, in a complete and objective manner, the nature and scope of the problem as he sees it on the basis of facts presented to him by the client.

He must inform the client as soon as possible of the extent, terms, and conditions of the requested professional services, and obtain the client's agreement thereto.

If a new fact arises that could alter the extent, terms, or conditions of the requested professional services, the appraiser must inform his client as soon as possible and obtain his consent to continue.

40. Every appraiser must attempt to acquire full knowledge of the facts before giving advice or counsel to a client.

No appraiser shall give a client advice or counsel that is contradictory or incomplete.

41. Every appraiser must agree in advance with his client on the nature and form of the report. He must present his report in accordance with generally accepted standards, and in particular, he must describe the methodology used and the extent of research carried out. In the case of an appraisal, he must submit a report to his client, unless the client relieves him of this obligation in writing.

42. Every appraiser shall provide the explanations required by his client to evaluate and understand the professional services received.

Further, he shall notify his client of the approximate and foreseeable costs of his professional services, in disbursements and fees.

43. No appraiser shall perform or create professional acts that are not justified by the nature of the professional services requested by the client.

44. Every appraiser shall submit to his client all offers of settlement concerning the professional services requested by the client.

45. An appraiser shall report on progress to a client upon request.

46. An appraiser shall cease to provide professional services to a client if the client resiliates the contract for services.

47. No appraiser shall, without just and reasonable cause, unilaterally terminate a contract for services.

The following, in particular, constitute just and reasonable cause:

1° the client is deceitful or fails to cooperate;

2° the appraiser is in a conflict of interest or in a situation in which his professional independence could be questioned;

3° the client refuses to pay the appraiser's fees;

4° it is impossible for the appraiser to communicate with his client or to obtain from the client the elements he deems necessary to perform the requested professional services;

5° the client attempts to induce the appraiser to commit a discriminatory, fraudulent, or illegal act;

6° the appraiser loses his client's confidence.

48. Every appraiser who, with just and reasonable cause, intends to unilaterally terminate a contract must give prior notice to that effect, indicating when the contract will be terminated.

He must give the notice within a reasonable time and ensure, as far as possible, that it is not prejudicial to his client.

49. Every appraiser must appear in person, or be represented, at the time fixed for any proceeding relating to the practice of his profession, unless he is prevented therefrom for good and sufficient cause and, where possible, has given prior notice of his absence to his client and to the other parties involved.

DIVISION VIII

ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION

50. In addition to the acts referred to in section 59, section 59.1, and subparagraph 1 of the second paragraph of section 152 of the Professional Code, the following acts are derogatory to the dignity of the profession:

1° communicating with a complainant without the prior written permission of the syndic, or the assistant or corresponding syndic, where he is informed that he is the subject of an inquiry into his conduct or professional competence or where he has been served notice of a complaint against him;

2° repeatedly or insistently inciting a person to have recourse to his professional services;

3° failing to notify the syndic of the Order that he has reasonable cause to believe that another member of the Order is incompetent or contravenes the Professional Code or a regulation made pursuant to the Code;

4° ordering or inciting another appraiser to perform an act that contravenes the regulations of the Order;

5° conspiring with any person, in any manner whatsoever, to procure clients or business;

6° drawing up an unqualified declaration or report that he knows to be incomplete, or a report that he knows to be false or the conclusion of which has been predetermined with respect to the value of a thing or a right;

7° refusing or neglecting to meet or communicate with the syndic, or the assistant or corresponding syndic, after being informed that he is the subject of an inquiry into his conduct or professional competence, or after being served notice of a complaint against him;

8° attempting to obtain a contract that, to his knowledge, has already been awarded to a colleague.

DIVISION IX PROTECTION OF CONFIDENTIAL INFORMATION

51. To ensure the secrecy of confidential information that becomes known to him in the practice of his profession, an appraiser shall

1° refrain from using such information to the prejudice of a client or for purposes other than those for which it was given to him, such as, in particular, to obtain a direct or indirect benefit for himself or another person;

2° take all measures required to prevent persons under his authority or supervision from disclosing or making use of confidential information that becomes known to them in the performance of their duties;

3° avoid initiating or participating in indiscreet conversations concerning a client or services provided to the client;

4° refrain from revealing that a person has requested his services unless it is required by the nature of the case or the person has given written authorization to do so;

5° ensure, where he asks a client to disclose information of a confidential nature or allows such information to be confided to him, that the client is fully aware of the purpose of the interview and of the various uses that could be made of such information.

DIVISION X ACCESSIBILITY AND CORRECTION OF FILES

§1. General

52. In addition to respecting the special rules established by law, an appraiser shall respond to a client's request for access or correction in respect of any record concerning the client within 20 days after receipt of the request. If the appraiser fails to reply within this period, he shall be deemed to have refused to grant it.

§2. Terms and conditions for the exercise of the right of access provided for in section 60.5 of the Professional Code

53. An appraiser may, in respect of a request for a copy of a document, charge reasonable fees not exceeding reproduction or transcription costs and the cost of transmitting the copy.

Before reproducing, transcribing, or transmitting the information, the appraiser who requests such fees must inform the client of the approximate amount that must be paid.

54. An appraiser who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies a client access to information contained in a record established in the client's respect must indicate to the client in writing, informing him of available remedies, that its disclosure would be likely to cause serious harm to the client or to a third person.

§3. Terms and conditions for the exercise of the right of correction provided for in section 60.6 of the Professional Code

55. An appraiser who grants a request for correction shall, free of charge, give his client a copy of the document or part of document that allows the client to see for himself that the information has been corrected or deleted, or, as the case may be, written confirmation that the comments prepared by the client in writing have been filed in the record.

56. Every appraiser must, upon his client's written request and free of charge, forward a copy of the corrected information, or, as the case may be, written confirmation that the information has been deleted or that written comments have been filed in the record, to the person from whom the information was obtained and to any person to whom the information has been given.

Every appraiser who refuses his client's request for correction must notify the client in writing of his refusal, giving reasons and informing him of available remedies.

§4. The appraiser's obligation to give documents to his client

57. Every appraiser shall promptly honour a client's written request to retrieve a document entrusted to him, even if the fees for his services have not been paid in full.

**DIVISION XI
CONDITIONS, OBLIGATIONS, AND
PROHIBITIONS IN RESPECT OF ADVERTISING**

58. Every appraiser shall ensure that his name and professional title appear in his advertising.

59. No appraiser shall, by whatever means, engage in or allow the use of advertising that is false, incomplete, misleading, or liable to be misleading.

60. No appraiser shall, in his advertising, claim to possess specific qualities or skills, particularly concerning the range or efficacy of his services or of those generally provided by other members of his profession or persons with his level of competence, unless he can substantiate such claims.

61. No appraiser shall use or allow to be used, in his advertising, any endorsement or statement of gratitude in his regard, save awards for excellence and other prizes received in recognition of a contribution or achievement, the honour of which is reflected on the profession as a whole.

62. No appraiser shall resort to advertising practices likely to discredit or denigrate another person with whom he has dealings in the practice of the profession, in particular another member of the Order or a member of another professional order.

63. Every appraiser who advertises professional fees or prices must do so in a manner easily comprehensible to the public, and in particular, must

1° set fixed fees or prices;

2° specify the services included in his fees or prices;

3° indicate whether expenses or other disbursements are included in his fees or prices;

4° indicate whether additional services incurring additional fees or costs may be required;

5° give as much significance to the professional services offered as to fees and prices.

64. In any advertising involving fees or prices, the appraiser must specify the period during which such fees or prices are valid. This period must not be less than 90 days following the last broadcast or publication.

However, the appraiser may agree with his client on an amount lower than the one broadcast or published.

65. No appraiser shall, by any means whatever, engage in or allow the use of advertising intended for persons who may be emotionally or physically vulnerable as the result of a specific event.

66. An appraiser shall conserve copies of all documents relating to every advertisement, for a period of the least five years following the date on which the advertisement was last published or broadcast and in their original form.

67. Where an appraiser uses the graphic symbol of the Order in his advertising, he must, except on a professional card, include the following warning: "This advertisement does not originate from the Ordre des évaluateurs agréés du Québec."

**DIVISION XII
RELATIONS WITH THE ORDER AND OTHER
PERSONS IN THE PRACTICE OF THE
PROFESSION**

68. An appraiser who is asked by the Bureau or the administrative committee of the Order to be a member of the professional inspection committee, the committee on discipline, the review committee constituted under section 123.3 of the Professional Code, or the council for the arbitration of accounts established pursuant to the regulation adopted under section 88 of the Code, must accept that duty unless he has reasonable cause to refuse it.

69. Every appraiser shall reply as soon as possible to any correspondence from the Secretary of the Order, the syndic of the Order, the assistant or corresponding syndic, an expert appointed by the syndic, or a member, investigator, expert, or inspector of the professional inspection committee.

70. No appraiser shall breach the trust or betray the good faith of, or voluntarily mislead or use unfair practices toward any person with whom he has dealings in the practice of his profession, and in particular, any other member of the Order or any member of another professional order.

No appraiser shall take credit for work performed by another person, particularly another member of the Order.

DIVISION XIII CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION

71. Every appraiser shall, as far as he is able, contribute to the development of the profession by sharing his knowledge and experience with other members of the Order and with students and trainees, and by taking part in activities and in refresher courses and training organized for members of the Order.

DIVISION XIV USE OF THE APPRAISER'S NAME IN A PARTNERSHIP NAME

72. No appraiser shall include his name in a partnership name unless the partnership name includes the names of other members of the Order who practise together.

No appraiser shall allow his name to appear in a partnership name that includes the expression "and associate" or any similar expression unless he has a partner and at least one partner's name does not appear in the partnership name.

An appraiser's name may appear in a partnership name even if that name includes the name of a deceased or retired partner.

73. Except as provided in the following paragraph, every appraiser who withdraws from a partnership must ensure that his name no longer appears in the partnership name or in any advertising of the partnership after one year following his withdrawal.

Where an appraiser ceases to practise or dies, his name must no longer appear in the partnership name without his written authorization or that of his successors and assigns.

DIVISION XV REPRODUCTION OF THE GRAPHIC SYMBOL OF THE ORDER

74. An appraiser who, for any purpose whatsoever, reproduces the graphic symbol of the Order must ensure that it is identical to the original held by the Secretary of

the Order and shall add the following phrase: "Member of the Ordre des évaluateurs agréés du Québec."

CHAPTER III FINAL PROVISIONS

75. This Code replaces the Code of ethics of chartered appraisers (R.R.Q. 1981, c. C-26, r. 91) and the Regulation respecting advertising by chartered appraisers (R.R.Q. 1981, c. C-26, r. 96), which latter regulation ceases to have effect, pursuant to section 10 of the Act to amend the Professional Code and various acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), on the date on which this Code comes into force.

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

3926

Gouvernement du Québec

O.C. 1284-2000, 1 November 2000

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31 ; 1999, c. 65 ; 1999, c. 83)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

Approval of the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines and Regulation respecting the implementation of the Amendment

WHEREAS Décret 1489-99 dated 22 December 1999 authorized the Minister of International Relations to sign alone the Amendment to the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines;

WHEREAS the Amendment was concluded on 14 April 2000 in Québec;

WHEREAS the main purpose of the Amendment is to broaden the scope of the Understanding on Social Security between the two governments so as to include the Philippine government employees pension plan;