

Draft Regulations

Draft Regulation

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

Land surveyors
— Code of ethics
— Amendments

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau de l'Ordre des arpenteurs-géomètres du Québec, at its meeting held on the 26 and 27 of April 2001, made the Regulation to amend the Code of ethics of land surveyors.

The Regulation, the text of which appears below, will be examined by the Office des professions du Québec under section 95 of the Professional Code. Then, it will be submitted, along with the recommendation of the Office, to the Government who, under the same section, may approve it, with or without amendments, upon the expiry of 45 days following this publication.

The purpose of this Regulation is to update the Code of ethics of land surveyors of Québec concerning the duties and obligations of land surveyors regarding the client and the profession.

This Regulation clarifies the rules applicable to land surveyors especially concerning requirements and executive provisions of the access right and rectification of the information included in the records of their clients, as well as the obligation to deliver them the documents.

According to the Ordre des arpenteurs-géomètres du Québec,

(1) concerning protection of the public, the Regulation specifies the rights of clients regarding access to records, regarding the possibility to make rectifications to a record concerning them and, to obtain documents, in compliance with sections 60.5 and 60.6 of the Professional Code.

(2) this Regulation has no impact on small or medium-sized businesses or others.

Further information may be obtained on the proposed draft Regulation by contacting Mr. Luc St-Pierre, Director General and Secretary, Ordre des arpenteurs-géomètres du Québec, 2954, boulevard Laurier, bureau 350, Sainte-Foy (Québec) G1V 4T2, by telephone at (418) 656-0730 or by fax at (418) 656-6352.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the regulation as well as to interested persons, departments and agencies.

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

Regulation to amend the Code of ethics of land surveyors*

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

1. The following is substituted for Subdivision 7 of Division III of the Code of ethics of land surveyors:

“§7. *Terms and conditions of the exercise of the rights of access and corrections provided for in section 60.5 and 60.6 of the Professional Code and obligation for a land surveyor to give documents to a client.*

3.07.01. A land surveyor may require that a request referred to in section 3.07.02, 3.07.05 or 3.07.08 be made at his place of business during his regular working hours.

3.07.02. In addition to the particular rules prescribed by law, a land surveyor shall promptly follow up, no later than 30 days after its receipt, on any request made by his client whose purpose is:

* The Code of ethics of land surveyors (R.R.Q., 1981, c. A-23, r. 4) was last amended by the Regulation made by order in Council 1415-92 dated 23 September 1992 (1992, G.O. 2, 4511).

(1) to examine documents that concern him in any record established in his respect;

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

3.07.03. A land surveyor who grants a request referred to in section 3.07.02 shall allow his client access to documents, free of charge. However, a land surveyor who receives a request referred to in paragraph 2 of section 3.07.02 may charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy.

A land surveyor charging such fees shall, before proceeding with the reproduction, transcription or forwarding of the information, inform his client of the approximate amount he will have to pay.

3.07.04. A land surveyor 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 specify to the client, in writing, that the disclosure would be likely to cause serious harm to the client or to a third party.

3.07.05. In addition to the particular rules prescribed by law, a land surveyor shall promptly follow up, no later than 30 days after its receipt, on 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;

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

3.07.06. A land surveyor who grants a request referred to in section 3.07.05 shall issue to his client, free of charge, a copy of the document or 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.

3.07.07. Upon written request from his client, a land surveyor shall forward a copy, free of charge for the client, of 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 member received the information that was subject to the correction, deletion or comments and to any person to whom the information was provided.

3.07.08. A land surveyor shall promptly follow up on any written request made by his client, whose purpose is to take back a document entrusted to him by his client.

A land surveyor shall indicate in his client's record, where applicable, the reasons in support of his client's request."

2. The words "the president, the vice-president or a person designated by the president" are substituted for the words "the administrative committee" in paragraph *i* of section 4.01.01.

3. 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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