

### 3. FORESTRY

#### 3.1 Data Sources

a) Statistics Canada, Logging industry (Catalogue 25-201).

b) Forestry register of the ministère des Ressources naturelles du Québec.

3.2 **Production in the Territory** as reported by le ministère des Ressources naturelles (shipments in M m<sup>3</sup>, public forests)

| <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> | <u>Year 4</u> | <u>Year 5</u> | etc. |
|---------------|---------------|---------------|---------------|---------------|------|
| 2000          | 2001          | 2002          | 2003          | 2004          |      |

Total Production as defined as follows:

$$\sum_{t=Year 1}^{Year 5} \left( \text{Forestry Production in m}^3 \right) = \text{PFVolume}$$

#### 3.3 Average price per m<sup>3</sup> in Québec (public and private forests)

| <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> | <u>Year 4</u> | <u>Year 5</u> |
|---------------|---------------|---------------|---------------|---------------|
| 2000          | 2001          | 2002          | 2003          | 2004          |

a) Value of shipments in Québec (determined by Statistics Canada)

b) Volume of wood harvested (determined by the ministère des Ressources naturelles du Québec)

Average price per m<sup>3</sup> (3.3a ÷ 3.3b)

#### 3.4 Production value for Forestry (3.2 x 3.3)

For the Financial Year 2005/2006:  $\sum_{t=2000}^{2004} (PFVolume_t \times PFPrice_t) \div 5$

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Gouvernement du Québec

### O.C. 550-2002, 7 May 2002

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

#### Bailiffs

##### — Code of ethics

Code of ethics of bailiffs

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 6 of chapter 78 of the Statutes of 2001, 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 the Bureau of the Chambre des huissiers du Québec adopted the Code of ethics of bailiffs;

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, the Secretary of the Chambre sent the draft Regulation to every member of the Chambre at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 August 2000, with a notice that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of a 45-day period following the date of its publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions 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 Code of ethics of bailiffs, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Code of ethics of bailiffs

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

### CHAPTER 1

#### GENERAL DUTIES

- 1.** In addition to the requirement of section 12 of the Court Bailiffs Act (R.S.Q., c. H-4.1), bailiffs must act in a manner that is objective, respectful, moderate and dignified. They must refrain from using methods and attitudes likely to adversely affect the honour and the dignity of their profession.
- 2.** Bailiffs must carry out their professional activities with integrity.
- 3.** Bailiffs must practise their profession according to generally recognized standards and practices. To that end, bailiffs shall continue to update their knowledge and take the necessary means to upgrade and develop that knowledge.
- 4.** Bailiffs must, in the practice of their profession, refrain from acting in a manner that would embarrass, humiliate or offend any individual; bailiffs must abstain from making improper or inappropriate remarks.
- 5.** Bailiffs must be properly attired and must abstain from wearing clothing that could lead a person to believe that they are members of a police force or security guards.

### CHAPTER II

#### DUTIES AND OBLIGATIONS TOWARDS CLIENTS, LITIGANTS, THE PROFESSION AND THE PUBLIC

##### DIVISION I CONDUCT

- 6.** In the practice of their profession, bailiffs must consider the limits of their proficiency and knowledge as well as the available recourses. They must consult another bailiff or a qualified person before performing any act for which they are not sufficiently prepared.
- 7.** Bailiffs must recognize at all times the right of a client to do business with another bailiff.

For the purpose of this Regulation, a client is a person that has requested the services of a bailiff or given a bailiff a mandate.

**8.** In addition to the requirement of section 54 of the Professional Code (R.S.Q., c. C-26), bailiffs must refrain from practising their profession or performing professional acts under conditions or in a state likely to impair the quality of their services.

##### DIVISION II

##### AVAILABILITY AND DILIGENCE

- 9.** Bailiffs must be reasonably available and diligent in all matters entrusted to them.
- 10.** Bailiffs must give their clients, or litigants when required, all explanations necessary to understand and assess the professional services rendered.
- 11.** Bailiffs must render accounts to their clients when so requested by them.
- 12.** No bailiff shall cease or refuse to act for a client without serious cause. The following, *inter alia*, constitute serious cause:

- (1) the loss of a client's confidence;
- (2) the lack of cooperation from a client;
- (3) the bailiff is in a conflict of interest or in a situation in which the bailiff's professional independence could be questioned;
- (4) inducement by the client to perform unlawful, unfair or fraudulent acts; or
- (5) the client does not pay the bailiff's fees and disbursements on a regular basis.

**13.** Before ceasing to act on behalf of a client, the bailiff must give prior notice to the client of the reason and the time when the services will cease to be rendered. The notice must be given within a reasonable time under the circumstances and the necessary measures must be taken by the bailiff to prevent serious and foreseeable prejudice to the client.

##### DIVISION III LIABILITY

**14.** Bailiffs must not, in the practice of their profession, evade or attempt to evade liability.

##### DIVISION IV INDEPENDENCE AND IMPARTIALITY

**15.** Bailiffs must ignore any intervention by a third party that might influence the performance of their professional duties to the detriment of the parties.

**16.** Bailiffs must maintain professional independence at all times and avoid all situations where there could be a conflict of interest.

**17.** Without restricting the generality of the foregoing, bailiffs are in a situation of conflict of interest, *inter alia*,

(1) when the interests are such that bailiffs may be at risk of giving preference to interests other than those of the client, or that the bailiff's judgment or loyalty towards the client may be unfavourably affected;

(2) when the bailiff must serve proceedings on or seize the property of an enterprise in which the bailiff has a financial interest.

**18.** Bailiffs must notify the client as soon as they become aware that they are in a conflict of interest.

**19.** Bailiffs must avoid performing or multiplying professional acts without justification and abstain from rendering services that are inappropriate or disproportionate to a client's needs.

**20.** In addition to the requirements of sections 16 and 17, no bailiff shall perform professional activities in matters in which the bailiff holds an interest nor in matters that concern the bailiff's immediate family, relatives or relatives by marriage up to the degree of cousin-german inclusively.

**21.** Bailiffs must refuse to receive in addition to any remuneration to which they are entitled any benefit, commission or rebate in connection with the practice of their profession.

**22.** Bailiffs must abstain from sharing or jointly receiving professional income in any form, directly or indirectly, with a natural person, legal person, partnership, group or association that is not a member of the Chambre des huissiers de justice du Québec.

The first paragraph does not apply to fees received by a bailiff who is employed exclusively by a municipal court.

## DIVISION V PROFESSIONAL SECRECY

**23.** For the purposes of preserving the secrecy of confidential information that becomes known to them in the practice of their profession, bailiffs must, in addition to fulfilling their own obligations in that regard, take the necessary measures to prevent their colleagues and the

persons under their authority or supervision or in their employ from disclosing or making use of such information that becomes known to them in the performance of their duties.

## DIVISION VI ACCESSIBILITY OF RECORDS

*§1. Conditions and procedures applicable to the exercise of the right of access provided for in section 60.5 of the Professional Code*

**24.** In addition to the special rules prescribed by law, bailiffs must respond with diligence, or no later than 45 days after receipt thereof, to any request from a client to examine or obtain a copy of the documents concerning that client in any record established in respect of the client.

Access to those documents shall be free of charge.

**25.** Bailiffs may charge a client that exercises the right provided for in section 24 fees that may not exceed reasonable costs for reproducing or transcribing documents or for transmitting a copy of documents.

A bailiff who charges such fees shall, before reproducing, transcribing or transmitting the requested information or copies, notify the client of the approximate amount to be paid.

**26.** A bailiff who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow a client access to the information contained in a record established in respect of that client shall inform the client in writing of the refusal and the reason for the refusal. The notice must describe the nature of the possible serious harm and inform the client of all recourses.

*§2. Conditions and procedures applicable to the right to correction provided for in section 60.6 of the Professional Code*

**27.** In addition to the special rules prescribed by law, a bailiff must respond with diligence, or no later than 45 days after receipt thereof, to any request made by a 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 any record established in respect of the client;

(2) to cause to be deleted any information that is outdated or unjustified by the object of the record established in respect of the client; or

(3) to file the client's written comments in the record established in respect of the client.

**28.** A bailiff who grants a request provided for in section 27 shall issue to the client, free of charge, a copy of the document or the part of the document that was corrected or deleted or, as the case may be, an attestation that the client's written comments have been filed in the record.

**29.** A bailiff who has information in respect of which a request for access or correction has been denied shall conserve the information until such time as the person concerned has exhausted all recourses under the law.

**30.** A bailiff shall be deemed to have refused to respond to a request under section 24 or 27 if no response has been given within 45 days following receipt of the request.

### *§3. Bailiffs' obligation to return documents*

**31.** Bailiffs must respond with diligence to any written request made by a client to take back a document entrusted to them.

## **DIVISION VII** DETERMINATION AND PAYMENT OF FEES

**32.** For the acts described in section 8 of the Court Bailiffs Act, all partners of a bailiff partnership are jointly liable in their partnership for the application of the Tariff of fees and transportation expenses established by regulation of the Government (R.R.Q., 1981, c. H-4, r.3), unless it can be demonstrated that the derogation is attributable to the personal initiative of one bailiff.

In other cases, bailiffs must charge fair and reasonable fees and they shall not perform duties free of charge.

This section does not apply to work a bailiff performs for another bailiff.

**33.** Fees are fair and reasonable when they are proportional to the services rendered and warranted under the circumstances. In determining fees, bailiffs must consider the following factors :

(1) the time required to render the professional service;

(2) the degree of difficulty and importance of the service;

(3) the performance of services that are unusual or require exceptional competence or speed;

(4) the amount of disbursements and expenses incurred; and

(5) if it is not an act described in section 8 of the Court Bailiffs Act, the tariff pursuant to paragraph 12 of section 86.0.1 of the Professional Code.

**34.** Bailiffs must give their client all the explanations necessary to understand a statement of fees, in particular when a litigant has satisfied a judgment rendered against the litigant.

**35.** Except for bailiffs who are employed exclusively by a municipal court, bailiffs shall not agree to accept or receive a fixed salary from a client for acts performed in accordance with sections 8 and 9 of the Court Bailiffs Act.

**36.** Bailiffs shall ensure that clients are informed of the approximate and foreseeable costs of the professional services rendered for the client.

**37.** No bailiff shall charge interest on outstanding accounts unless the client has been duly notified. The interests so charged must be reasonable.

**38.** Before resorting to legal proceedings, bailiffs must exhaust all other recourses to obtain payment of their fees.

## **DIVISION VIII** DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

### *§1. Incompatible responsibilities and duties*

**39.** The following are incompatible with the practice of the profession of bailiff :

(1) judicial or quasi-judicial duties including that of an employee of a court office or any other officer of the court; and

(2) the responsibilities or duties of a bankruptcy trustee, a court stenographer or stenotypist and a peace officer other than a bailiff.

### *§2. Acts derogatory to the dignity of the profession*

**40.** In addition to the derogatory acts referred to in sections 57, 58, 58.1 and 59.1 of the Professional Code, the following acts are derogatory to the dignity of the profession :

(1) collaborating or taking part in the unlawful practice of the profession;

(2) inciting or collaborating with a person in the commission of an offence against the Court Bailiffs Act, the Professional Code or a regulation under the Act or the Code;

(3) offering, giving, accepting, receiving, or demanding money, a rebate or a commission in order to obtain or after having obtained a benefit personally or for another person;

(4) urging a person repeatedly or insistently, either personally or through another natural or legal person, partnership, group or association, to retain the bailiff's professional services;

(5) conspiring, tacitly or expressly in any manner whatsoever, directly or indirectly, with a natural or legal person, partnership, group or association in order to obtain a contract for services or a mandate;

(6) any act or omission giving an unlawful advantage to a litigant;

(7) supplying a receipt or other document to falsely indicate that services have been rendered or performed;

(8) noting the date and hour of service illegibly under the bailiff's signature on the reverse side of a proceeding or signing illegibly without reproducing the signature in printed form;

(9) except for bailiffs who are employed exclusively by a municipal court, concluding a pact, an understanding or agreement with any person other than a bailiff for the purpose of sharing or distributing fees;

(10) hiding or voluntarily omitting to disclose that which the law requires a bailiff to disclose;

(11) using, personally or through an agent, blackmail, intimidation, threats or assault in the performance of professional duties;

(12) misleading or attempting to mislead any litigant;

(13) making a false declaration or entry, or falsifying, altering, damaging, destroying, or unlawfully disposing of or using the proof of identity as bailiff;

(14) when the proceeding is an execution, in the absence of a general or special agreement with the client,

(a) suspending the execution without a settlement between the parties; or

(b) acting within a period that is prejudicial to the parties;

(15) the direct or indirect purchase of a movable or immovable property by the serving bailiff, or the bailiff's partners or employees or by regular mandatory bailiffs of the bailiff's office in any legal sale made under the Code of Civil Procedure (R.S.Q., c. C-25);

(16) the embezzlement or use for personal purposes of any monies, securities or property entrusted to the bailiff in the practice of the profession;

(17) claiming fees for professional acts not performed or falsely described;

(18) undue multiplying of travel for the same proceeding in order to reap greater profit from the application of the tariff;

(19) departing from the provisions of the Code of Civil Procedure, or any other Act or regulation respecting the practice of the profession of bailiff;

(20) failing to immediately inform the Bureau of the Chambre when having knowledge of any impediment to the admission of a candidate to the Chambre;

(21) making a false declaration respecting the eligibility of a candidate for the practice of the profession;

(22) subject to section 10 of the Court Bailiffs Act, practising the profession in partnership with any person other than a member of the Chambre;

(23) being in possession of a restricted firearm or any prohibited substance, in particular pepper spray, during the performance of duties;

(24) failing to disclose to the secretary an intended assignment of property or that such an assignment has been made or that the bailiff is the subject of a receiving order;

(25) communicating with a person who has requested an inquiry in respect of the bailiff without the prior written permission of the syndic of the Chambre or the assistant or corresponding syndic; and

(26) failing to disclose to the syndic of the Chambre that there are reasonable grounds to believe that another member is contravening the Court Bailiffs Act, the Professional Code or a regulation under the Act or the Code.

*§3. Relations with the Chambre des huissiers de justice du Québec and with colleagues*

**41.** A bailiff whose participation on a board of arbitration of accounts or on a review, disciplinary or professional inspection committee is requested by the Chambre must accept that duty unless the bailiff has exceptional grounds for refusing.

**42.** Bailiffs must promptly reply to all correspondence from the syndic of the Chambre, or from an assistant or corresponding syndic, investigator, expert or professional inspection committee member when one of them requires information, documents, or explanations on any matter relating to the practice of the profession.

**43.** No bailiff shall betray the good faith of a colleague or commit a breach of trust or use unfair practices in respect of a colleague.

**44.** A bailiff who is consulted by a colleague shall give an opinion and recommendations as soon as possible.

**45.** No bailiff shall assign daily or regular tasks to a trainee that prevents the trainee from acquiring a general and complete training for the future practice of the profession.

**46.** A bailiff responsible for a trainee must provide the certificates or attestations prescribed by the Court Bailiffs Act, the Professional Code or any regulation under the Act or the Code.

*§4. Contribution to the advancement of the profession*

**47.** Bailiffs must, as far as possible, contribute to the development of the profession by exchanging knowledge and experiences with colleagues and students and by participating in continuing education courses and training programs.

**DIVISION IX**  
RESTRICTIONS AND OBLIGATIONS RELATING  
TO ADVERTISING

**48.** No bailiff shall, by any means whatsoever, engage in or allow advertising that is false, deceitful, incomplete or likely to be misleading.

**49.** No bailiff shall claim to possess specific qualities or skills, particularly in respect to level of competence or scope or effectiveness of services, unless such claims can be substantiated.

**50.** In advertising, no bailiff shall use or allow to be used any endorsement or statement of gratitude in the bailiff's regard other than awards for excellence and other prizes received in honour of a contribution or achievement that reflects on the profession as a whole.

**51.** The bailiff's name and the title of bailiff must be indicated in any statement or advertisement.

**52.** Any advertisement likely to influence persons that may be vulnerable following a specific event must be aimed only at the general public.

**53.** All the partners in a bailiff partnership are jointly and severally responsible for complying with the rules respecting advertising, unless the advertising clearly indicates the name of the bailiff who is responsible or it is established that the derogation is attributable to the personal initiative of one bailiff.

**54.** A bailiff who advertises fees for acts other than those described in section 8 of the Court Bailiffs Act must do so in a manner easily understood by the public while specifying the services included in the fees.

**55.** Bailiffs must keep a complete copy of the proof in negative, positive, reduced or enlarged form or any other reproduction of any advertisement in its original form for a period of three years. The copy must be given to the syndic, the assistant or corresponding syndic, investigator, expert or professional inspection committee member upon request.

**56.** No bailiff shall use the logo of the Ministère de la Justice in any form or for any purpose.

**DIVISION X**  
NAMES OF BAILIFF PARTNERSHIPS

**57.** The name of a bailiff partnership must include only the names of the members of the Chambre who practise together.

**58.** The name of a partnership may end with the words "and Associate(s)" when the name of at least one partner are not included in the name of the partnership.

**DIVISION XI**  
GRAPHIC SYMBOL OF THE CHAMBRE

**59.** The Chambre des huissiers de justice du Québec is represented by a graphic symbol identical to the original held by the Secretary of the Order.

**60.** A bailiff who reproduces the graphic symbol of the Chambre for advertising purposes must ensure that the symbol is identical to the original held by the Secretary of the Order.

**61.** When a bailiff uses the graphic symbol of the Chambre for advertising purposes, except on business cards, the bailiff must include the following warning: “This advertisement does not originate from, and is not binding on, the Chambre des huissiers de justice du Québec.”

### CHAPTER III FINAL PROVISIONS

**62.** This Code replaces Division VIII of the Regulation respecting the application of the Bailiffs Act (R.R.Q., 1981, c. H-4, r.2) and the Code of ethics of bailiffs (R.R.Q., 1981, c. H-4, r.1), maintained in force by section 31 of the Court Bailiffs Act (R.S.Q., c. H-4.1).

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

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Gouvernement du Québec

## O.C. 551-2002, 7 May 2002

An Act to promote good citizenship  
(R.S.Q., c. C-20)

### Decorations and distinctions — Amendments

Regulation to amend the Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship

WHEREAS, under section 16 of the Act to promote good citizenship (R.S.Q., c. C-20), the Government may make regulations to determine the decorations and distinctions that may be awarded and the procedure therefor and prescribe the form of the decorations attached to the distinctions;

WHEREAS the Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship (R.R.Q., 1981, c. C-20, r.1) was amended by the Regulation made by Order in Council 2468-82 dated 27 October 1982;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship was published in Part 2 of the *Gazette officielle du Québec* of 6 February 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship\*

An Act to promote good citizenship  
(R.S.Q., c. C-20, s. 16)

**1.** The Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship is amended by substituting “awarded” for “that may be awarded and the awards that may be granted” in the title.

**2.** Section 1 is amended

(1) by adding the words “together with a gold crest” after the word “civisme” in paragraph 1; and

\* The Regulation respecting the decorations and distinctions that may be awarded and the awards that may be granted under the Act to promote good citizenship (R.R.Q., 1981, c. C-20, r.1) was amended only once by the Regulation made by Order in Council 2468-82 dated 27 October 1982 (1982, *G.O.* 2, 3316).