

(1) maintain the amount of such fees in force for the duration of the period specified in the advertising, which period shall not be less than 90 days following the last authorized broadcast or publication thereof;

(2) specify the services included in the fees.

A member may, however, agree with the client on an lesser amount than that broadcast or published.

5.01.05. A member may not, in any manner whatsoever, in his advertising, place greater importance on fees than on the professional services rendered.

5.01.06. In any advertising with respect to fees, a member shall specify the period during which such fees shall be in force, as the case may be. Such duration shall not be less than 90 days.

5.01.07. A member shall not resort to a method of soliciting clients which is of such nature as to be injurious to the dignity of the profession. He shall not induce any person in a pressing or repeated manner to resort to his professional services.

5.01.08. A member shall not, in his advertising, imply that certain results may be achieved.

5.01.09. A member may not, in his advertising, use or cause to be used an endorsement or testimonial concerning him.

5.01.10. A member shall keep a complete copy of any advertising in its original form, for a period of 12 months following the date of its last broadcast or publication. Upon request, such copy shall be delivered to the Syndic or to the Assistant Syndic.

DIVISION VI **GRAPHIC SYMBOL**

6.01.01. The Order is represented by a graphic symbol that is in compliance with the original held by the secretary of the Order.

6.01.02. Where the member or the accounting firm reproduces the graphic symbol of the Order for advertising purposes and on his or its stationary, he or it shall ensure that this symbol shall comply with the original held by the secretary of the Order.

6.01.03. A member who publishes an article, an opinion, a commentary or participates in the drafting thereof, and who uses the graphic symbol of the Order, shall include the following warning: "This is not a docu-

ment issued by the Ordre des comptables généraux licenciés du Québec and the liability of the Order cannot be incurred in connection therewith."

5. This regulation replaces the Regulation respecting advertising by certified general accountants (R.R.Q., c. C-26, r.37) which shall cease to be in force upon the date of the coming into force of this Regulation, in accordance with 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).

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

6106

Draft Regulation

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

Notaries

— Terms and conditions for the issuance of permits

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 respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec*, adopted by the Bureau of the Chambre des notaires du Québec, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to collect all the rules for admission to the Chambre des notaires du Québec, with the exception of the list of diplomas giving access to the Chambre permit and determined by government regulation, into one corpus, to create a coherent whole informing all candidates about the steps that must be taken to become a member of the Order. The draft regulation combines, with some amendments, two regulations containing the present rules respecting training equivalence standards and supplementary conditions for access to the Order, and adds new rules respecting diploma equivalence and training period equivalence.

Further information may be obtained by contacting Mre. Nathalie Provost, notary, at Direction des services juridiques, Chambre des notaires du Québec, tour de la Bourse, 800 Place-Victoria, P.O. Box 162, Montréal, QC, H4Z 1L8. Telephone no.: (514) 879-1793 or 1 800 668-2473. Fax no.: (514) 879-1923.

Any person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800 Place d'Youville, 10th Floor, Québec, QC, G1R 5Z3. The comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

*President of the Office des
professions du Québec,*
GAÉTAN LEMOYNE

Regulation respecting terms and conditions for the issuance of permits by the Chambre des notaires du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, par. *c* and 94, par. *h* and *i*)

DIVISION I GENERAL

1. A candidate for a permit to practice the notarial profession must apply to the Administrative Committee and

(1) possess the character, conduct, competence, and qualities required to practise the notarial profession;

(2) hold a diploma determined by the government, pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q. c. C-26), as giving access to the permit issued by the Order, or hold diploma or training equivalence recognized by the Administrative Committee pursuant to Division II;

(3) have successfully completed the training period or obtained the training period equivalence recognized by the Administrative Committee pursuant to Division IV;

(4) have paid the fees prescribed in subparagraph (8) of section 86.0.1 of the Professional Code.

DIVISION II DIPLOMA AND TRAINING EQUIVALENCE

2. A candidate for diploma or training equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in subparagraph (4) of section 1, and furnish the following documents:

(1) the candidate's academic record, including a description of courses taken, the number of credits or hours relating thereto, and results obtained;

(2) proof of all diplomas;

(3) a document attesting to the candidate's participation in any training period or other continuing or refresher activity;

(4) a document attesting to and describing the candidate's relevant work experience.

3. Documents in support of an application for diploma or training equivalence written in a language other than French or English must be accompanied by a French translation certified under oath by an official translator.

§1. *Diploma equivalence*

4. A candidate who holds a diploma that is awarded by an educational establishment outside Québec and does not give access to a permit issued by the Order pursuant to section 184 of the Professional Code may be granted diploma equivalence under the following conditions:

(1) The diploma was obtained within five years prior to the application, upon completion of university studies equivalent to those giving access to a permit issued by the Order.

(2) The university studies as a whole must have comprised at least 120 credits or the equivalent, 75 credits of which must have been obtained in the following subjects:

- (a) law of persons
- (b) family law
- (c) successions and gifts
- (d) property
- (e) obligations
- (f) security on property
- (g) nominate contracts
- (h) civil evidence
- (i) publication of rights
- (j) civil procedure
- (k) company law
- (l) private international law
- (m) tax law
- (n) administrative law
- (o) notarial practice
- (p) title examination

5. Where the diploma that is the subject of the application for equivalence has been obtained more than five years prior to the application, equivalence may be granted if the training or relevant work experience acquired by the candidate since that time has allowed the candidate to attain the level of legal knowledge possessed by a holder of a diploma giving access to a permit issued by the Order.

§2. *Training equivalence*

6. A candidate may be granted training equivalence where he demonstrates that he has the knowledge and skill of a holder of a diploma giving access to a permit issued by the Order.

§3. *Recognition of equivalence*

7. The secretary of the Order shall send the documents listed in section 2 to the Admissions Committee formed by the Bureau pursuant to subparagraph (2) of section 86.0.1 of the Professional Code.

8. The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 10.

9. The following factors must be taken into account in the determination of a candidate's training equivalence:

- (1) the nature and number of years of the candidate's experience;
- (2) the fact that the candidate holds one or more diplomas obtained in Quebec or elsewhere;
- (3) the nature, content, and number of courses taken or training periods served, the number of credits involved, and results obtained.

Where the documents furnished pursuant to section 2 are insufficient to allow for an adequate appreciation of the candidate's training equivalence, the candidate shall be required to take an examination.

10. The Administrative Committee shall, upon the Admissions Committee's recommendation,

- (1) recognize diploma or training equivalence;
- (2) recognize partial training equivalence and determine the courses that must be successfully completed by the candidate; or

(3) refuse to recognize diploma or training equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to subparagraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

11. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

12. The Administrative Committee shall recognize a candidate's training equivalence where it is established that the candidate has successfully completed the courses required under a decision rendered under subparagraph (2) of the first paragraph of section 10. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

DIVISION III PROFESSIONAL TRAINING PERIOD

13. A candidate who wishes to register for the professional training period must meet the conditions set out in subparagraphs (1), (2), and (4) of section 1 and apply in writing to the Administrative Committee at least 90 days prior to the anticipated training period commencement date.

§1. *Objectives and conditions of the training period*

14. The objectives of the training period are as follows:

- (1) assimilation of theoretical knowledge;
- (2) acquisition of the skills required for the practice of the notarial profession;
- (3) development of professional competence;
- (4) integration of the preventive aspect into the practice of the notarial profession.

15. The training period, administered by the Admissions Committee, shall consist of 32 consecutive weeks, on a full-time basis, in an environment that offers learning possibilities compatible with the objectives set out in section 14, and shall include compulsory participation in the professional program activities described in section 23.

No training period may begin before the date determined by the Admissions Committee.

16. An eligible candidate must successfully complete the training period within two years after obtaining the diploma or recognition of equivalence contemplated in Division II.

However, a candidate who demonstrates to the Admissions Committee that he was unable to complete the training period within the prescribed time due to illness, accident, graduate studies, pregnancy, or superior force shall be granted additional time equal to the time during which he was unable to complete the training period, up to a maximum of three years.

17. The training period must be completed under the supervision of a tutor, who must

(1) have been entered on the roll of the Order for no fewer than five years and have practised the profession on a full-time basis for the previous five years in a position compatible with the objectives of the training period set out in section 14;

(2) not have been the subject of a penalty imposed by the committee on discipline of the Order or by the Professions Tribunal, within the previous five years, other than the penalty provided for in subparagraph (a) of the first paragraph of section 156 of the Professional Code;

(3) not have been required by the Bureau to take a course or serve a period of refresher training or have been suspended or limited in his right to practise pursuant to the Professional Code in the five years preceding the date of his application; and

(4) have paid all duties, fees, or assessments due to the Order.

18. A notary who wishes to act as a tutor must apply in writing to the Admissions Committee.

Authorization to act as a tutor is granted by the Admissions Committee for three years and may be withdrawn at any time if the tutor no longer meets the conditions set out in section 17 or if the committee considers that the tutor does not perform his duties in accordance with section 19.

19. The tutor shall contribute to the training of the trainee for whom he is responsible and shall adequately supervise the trainee in the work environment. The tutor shall, in particular,

(1) facilitate the trainee's integration into the work environment;

(2) inform the trainee of the functioning of the work environment and of available resources;

(3) determine the trainee's duties, specifying work methods to be used and the deadlines to be met;

(4) help the trainee organize his work and introduce him to office management;

(5) gradually allow the trainee to perform certain professional acts;

(6) carry out periodic assessments of the work performed by the trainee, jointly with the supervisor if necessary;

(7) contribute to the assessment of the trainee's attainment of his training objectives.

20. A candidate must obtain the Admissions Committee's approval of his training plan before beginning his period of training. The committee shall assess the submitted project on the basis of the objectives set out in section 14, and may require certain modifications where it considers that the objectives will not otherwise be met.

21. The Admissions Committee shall appoint a supervisor for each trainee and tutor. Several trainees and tutors may be under the supervision of the same supervisor.

22. The supervisor shall, in particular,

(1) support the trainee in his integration into the work environment;

(2) provide the pedagogical support needed by the trainees and tutors for whom he is responsible;

(3) prepare and conduct some of the professional program activities.

23. The training period shall include a professional program comprising the following activities:

(1) at least three integration seminars consisting of group sessions lasting one day or less and completed, according to the trainee's needs, with activities by corre-

spondence aimed at aiding trainees to assimilate their training and practical experience through discussion and collective consideration of problems in the practice of the notarial profession;

(2) at least 10 analysis and synthesis sessions consisting of group sessions scheduled over at least 15 days and completed, according to the trainee's needs, with activities by correspondence aimed at developing the professional conduct and skills required in the practice of the notarial profession.

24. Upon a reasoned application in writing by the trainee or his supervisor, the Admissions Committee may authorize, subject to the conditions it deems appropriate,

- (1) a change of tutor;
- (2) an interruption in the training period lasting more than 10 business days;
- (3) modifications to the training period;
- (4) cancellation of the training period, where the elapsed portion has not exceeded eight consecutive weeks.

25. A trainee may, under the responsibility and close supervision of a tutor, perform all the professional acts of a notary except acts that fall within the province of a public officer.

§2. Assessment

26. Training period assessments are designed to measure the attainment of the objectives set out in section 14. A period of training is successfully completed if the trainee attains the following levels of mastery:

- (1) For the objectives referred to in paragraphs (1) and (3) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills and be able to perform the tasks inherent thereto without help or supervision.
- (2) For the objective referred to in paragraph (2) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he periodically needs help or supervision.
- (3) For the objective referred to in paragraph (4) of section 14, the trainee must demonstrate satisfactory mastery of the required abilities and skills, even if he needs help or supervision to master the skill as a whole.

27. Upon a trainee's completion of the training period, the tutor and the supervisor shall prepare a written assessment.

The tutor shall assess the attainment of objectives in terms of the work environment. The supervisor shall assess the attainment of objectives for the training program as a whole, including the professional program.

28. The tutor and the supervisor shall each provide a copy of their report to the trainee and the Admissions Committee within 15 business days following the end of the training period.

29. After examining the report, the Admissions Committee shall recommend that the Administrative Committee issue a certificate of achievement if the trainee has attained the level of mastery required for all the objectives set out in section 14.

30. Where a candidate has not attained the required level of mastery, the Admissions Committee shall recommend that the Administrative Committee issue a notice of failure.

The recommendation of the Admissions Committee must be reasoned and must indicate any activities that must be repeated to enable the trainee to attain required levels for all the objectives.

31. The Administrative Committee shall, upon the Admissions Committee's recommendation,

- (1) issue a certificate of achievement; or
- (2) refuse to issue a certificate of achievement, and determine the training activities that must be repeated to allow the candidate to reach the required levels.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to subparagraph (2) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his file.

32. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

33. The Administrative Committee shall issue a certificate of achievement where it is established that the candidate has successfully completed the activities that must be repeated in accordance with a decision rendered under section 31. The secretary of the Order shall notify the candidate in writing within 30 days following issuance of the certificate.

DIVISION IV PROFESSIONAL TRAINING PERIOD EQUIVALENCE

34. A candidate for recognition of training period equivalence must apply in writing to the secretary of the Order, pay the fees prescribed in subparagraph (4) of section 1, and furnish the following documents:

(1) a document attesting to and describing the candidate's relevant work experience;

(2) a document attesting to the candidate's participation in any training period or other continuing or refresher activity.

35. Documents in support of an application for professional training period equivalence that are written in a language other than French or English must be accompanied by a French translation certified under oath by an official translator.

36. A candidate may be granted training period equivalence where he has attained the levels of mastery required under section 26.

37. The secretary of the Order shall send the documents listed in section 34 to the Admissions Committee.

38. The Admissions Committee shall consider the application for equivalence and recommend to the Administrative Committee one of the decisions the latter may render pursuant to section 40.

39. The following factors must be taken into account in the determination of a candidate's training period equivalence:

(1) the nature and the number of years of the candidate's work experience;

(2) the nature and content of continuing or refresher training that the candidate has received.

40. The Administrative Committee shall, upon the Admissions Committee's recommendation,

(1) recognize training period equivalence;

(2) recognize partial training period equivalence and determine the training period activities that must be successfully completed by the candidate; or

(3) refuse to recognize training period equivalence.

However, the Administrative Committee must give the candidate the opportunity to be heard prior to rendering a decision pursuant to subparagraph (2) or (3) of the first paragraph. In that event, the secretary of the Order must give notice to the candidate in writing of the Administrative Committee's intention, informing him of the reasons and of his right to be heard. The candidate shall have 30 days following receipt of the notice to avail himself of his right by sending his comments in writing, together with copies of all documents he intends to supply in support of his application.

41. The secretary of the Order shall notify the candidate in writing of the Administrative Committee's decision within 30 days. The Administrative Committee's decision is final.

42. The Administrative Committee shall recognize a candidate's training period equivalence where it is established that the candidate has successfully completed the activities required under a decision of the Administrative Committee rendered under subparagraph (2) of the first paragraph of section 40. The secretary of the Order shall notify the candidate in writing within 30 days following the date of recognition.

DIVISION V FINAL PROVISIONS

43. This regulation replaces the Regulation respecting other terms and conditions for permits to be issued by the Chambre des notaires du Québec, approved by Order in Council no. 593-98 dated April 29, 1998, and the Regulation respecting the standards for equivalence of training for the issue of a permit by the Chambre des notaires du Québec, approved by Order in Council no. 1430-92 dated September 23, 1992.

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

6108