

## Draft Regulation

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

### Architects

#### — Conciliation and arbitration procedure for 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 to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec, made by the Bureau of the Ordre des architectes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to simplify the application of the current regulation and to reduce the costs and time periods related to the conciliation and arbitration procedure for the accounts of the Ordre des architectes du Québec.

The Ordre des architectes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-Pierre Dumont, Secretary, Ordre des architectes du Québec, 1825, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 1R4; telephone: 514 937-6168; fax: 514 933-0242.

Any person wishing to comment on the draft Regulation may submit written comments to the Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3, within the 45-day period. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

## Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec \*

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

**1.** The Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec is amended by replacing section 1 by the following:

“**1.** A client who has a dispute with an architect concerning the amount of an account for professional services that has been paid in whole or in part may file a written application for conciliation with the secretary of the Order within 120 days of the date of receipt of the account.

On receiving an application for conciliation, the secretary of the Order shall send a copy of this Regulation to the client and designate a conciliator.

The conciliator shall be designated from among the persons registered on a list drawn up for that purpose by the Bureau.”.

**2.** Section 2 is replaced by the following:

“**2.** Where an architect has withdrawn or withheld sums as payment of an account from funds the architect holds or has received for or on behalf of the client, the time limit to apply for conciliation of the account runs from the time the client becomes aware that such sums have been withdrawn or withheld.”.

**3.** Section 3 is amended by replacing “the member and his” by “an architect and the architect’s”.

**4.** Section 4 is amended

(1) by replacing “A member” by “An architect”;

(2) by replacing “45-day period” by “120-day period”.

\* The Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des architectes du Québec, approved by Order in Council 164-93 dated 10 February 1993 (1993, *G.O.* 2, 832), has not been amended since.

**5.** Section 5 is replaced by the following:

“5. Within 10 days of receiving an application for conciliation, the secretary of the Order shall notify the architect concerned in writing. If the architect cannot be informed personally, a notice sent to the architect’s office is deemed to have been given to the architect.

Once the secretary of the Order has received the application for conciliation, the architect may not institute proceedings to recover the account so long as the dispute may be settled by conciliation or arbitration.

Despite the foregoing, an architect may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).”

**6.** Section 7 is amended by replacing “the member” by “the architect”.

**7.** Section 8 is amended

(1) by replacing “member” wherever it appears by “architect”;

(2) by striking out “by registered or certified mail” in the first paragraph;

(3) by replacing “a settlement” in subparagraph 3 of the second paragraph by “settlement”;

(4) by adding the following paragraph at the end:

“The conciliation report referred to in this section is confidential. The conciliation report may not be invoked in connection with a judicial proceeding or arbitration, including arbitration under Division II initiated for the recovery of an account, unless both parties consent.”

**8.** Section 9 is amended

(1) by adding “together with the amount that the client acknowledges owing, if any” at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

“Where the application for arbitration is filed after the expiry of the period referred to in the first paragraph, arbitration may be held under this Regulation if both parties consent in writing and not more than 90 days have elapsed since the receipt of the conciliation report.”

**9.** Section 10 is replaced by the following:

“10. The secretary of the Order shall, within 10 days of receiving an application for arbitration, notify the architect concerned in writing and send a copy of the application for arbitration to the architect. If the architect cannot be informed personally, a notice sent to the architect’s office is deemed to have been given to the architect.”

**10.** Section 11 is replaced by the following:

“11. An application for arbitration may not be withdrawn unless it is withdrawn in writing with the consent of the architect.”

**11.** Section 12 is amended

(1) by replacing “A member” in the first paragraph by “An architect” and by striking out “, who shall then remit it to the client”;

(2) by striking out the second paragraph.

**12.** The following is inserted after section 12:

“12.1. The amount deposited pursuant to section 9 or 12 shall be remitted by the secretary of the Order to the party in whose favour the acknowledgment has been made.

In that case, the arbitration shall proceed and pertain only to the amount still in dispute.”

**13.** Section 14 is amended

(1) by replacing “\$2 500” wherever it appears by “\$10,000”;

(2) by adding the following paragraph at the end:

“In the first case, the dispute may also be heard by a single arbitrator, at the request of all the parties.”

**14.** Section 15 is replaced by the following:

“15. The administrative committee shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of three arbitrators, shall designate the chair of the council.

Despite the first paragraph, where the council of arbitration is composed of three arbitrators, one of them may be a person other than an architect.”

**15.** Section 16 is replaced by the following:

“**16.** Before acting, the members of the council of arbitration shall take the oath in Schedule II to the Professional Code (R.S.Q., c. C-26).”

**16.** Section 27 is replaced by the following:

“**27.** In its award, the council of arbitration may uphold or reduce the amount of the account in dispute, and may also determine the reimbursement, if any, to which a party may be entitled. For those purposes, the arbitration council may take into consideration the quality of services rendered.”

**17.** Section 28 is replaced by the following:

“**28.** In its award, the council of arbitration shall award arbitration expenses, which are the expenses incurred by the Order for the arbitration. Despite the foregoing, the total amount of the arbitration expenses may in no case exceed 15% of the amount to which the arbitration pertains.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code from the date of the application for conciliation.

Where an agreement is reached between the parties before the arbitration award, the council shall nevertheless award arbitration expenses in accordance with this section.”

**18.** Section 29 is replaced by the following:

“**29.** The arbitration award is final, without appeal, is binding on the parties and is subject to compulsory execution in accordance with articles 946 to 946.6 of the Code of Civil Procedure.”

**19.** Section 30 is replaced by the following:

“**30.** The arbitration award shall be filed with the secretary of the Order who shall send it to each party or to their advocates and to the syndic within 10 days after being filed.”

**20.** Schedule I is amended

(1) by replacing “member’s name” and “name of member” by “architect’s name”;

(2) by striking out paragraph 2.

**21.** Schedule II is revoked.

**22.** The provisions that this Regulation replaces, amends or revokes continue to apply to an application for conciliation received by the conciliator or to an application for arbitration received by the secretary of the Order before (*insert the date of coming into force of this Regulation*).

**23.** 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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## Draft Regulation

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

### Certified management accountants — Legal authorizations to practise the profession outside Québec that give access to the permit issued by the Ordre professionnel

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 legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec, adopted by the Bureau of the Ordre des comptables en management accrédités du Québec, may be submitted to the Government, which may approve it with or without amendment on the expiry of 45 days following this publication.

The Regulation determines, pursuant to paragraph *q* of section 94 of the Professional Code (R.S.Q., c. C-26), the legal authorizations to practise as a certified management accountant outside Québec that give access to the permit issued by the Ordre professionnel des comptables en management accrédités du Québec.

The Ordre des comptables en management accrédités du Québec advises that the Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Isabelle F. LeBlanc, Secretary General of the Ordre des comptables en management accrédités du Québec, 715, rue du Square-Victoria, 3<sup>e</sup> étage, Montréal (Québec) H2Y 2H7; telephone: 514 849-1155 or 1 800 263-5390; fax: 514 849-9674; e-mail: i.leblanc@cma-quebec.org