

(1) if the veterinary surgeon carries on professional activities within a joint-stock company,

(a) the up-to-date register of the articles and by-laws of the joint-stock company;

(b) the up-to-date register of the shares of the joint-stock company;

(c) the up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement, and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) the complete and up-to-date list of the names and home addresses of the company's principal officers;

(2) if the veterinary surgeon carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement, and amendments;

(c) the up-to-date register of the partners;

(d) where applicable, the up-to-date register of the directors; and

(e) the complete and up-to-date list of the names and home addresses of the partnership's principal officers.

DIVISION V INCOME

14. If a veterinary surgeon practises within a partnership or joint-stock company, the income derived from professional services performed by the veterinary surgeon within and on behalf of the partnership or joint-stock company belong to it, unless agreed otherwise.

DIVISION VI FINAL

15. 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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Gouvernement du Québec

O.C. 689-2008, 25 June 2008

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

Architectes — Conciliation and arbitration procedure for the accounts of members of the Ordre — Amendments

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

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS the Bureau of the Ordre des architectes du Québec made 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;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the Bureau;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of 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 12 March 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

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, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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”.

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

* 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.

(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 24 July 2008.

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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Gouvernement du Québec

O.C. 691-2008, 25 June 2008

An Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3)

Application of the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act to the police force of the Naskapi Village of Kawawachikamach

WHEREAS, under paragraphs 1 and 2 of section 9 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3), the duties of the Minister of Public Security are, among other things, to administer the laws respecting the police and to further the coordination of police activities;

WHEREAS, under paragraph 13.1.6 of section 13 of the Northeastern Quebec Agreement, the Naskapi local authority shall establish by by-law the requirements and standards for the appointment of special constables and for the creation of a community police force, in accordance with special legislation that will be adopted by Québec permitting the establishment and operation of such police force;

WHEREAS, pursuant to that Agreement, the Police Act (1968, c. 17) was amended by the Act respecting the police force of Cree villages and of the Naskapi village (1979, c. 35) to authorize the Naskapi Village of Kawawachikamach to establish by by-law and to maintain a police force on its territory;

WHEREAS, on 17 July 1997, at a duly called meeting held in the territory of that municipality, the council of the Naskapi Village of Kawawachikamach made by-law No. 10 to establish, in Category IA-N lands, the Naskapi police force composed of special constables in accordance with section 79.1 of the Police Act (R.S.Q., c. P-13);

WHEREAS, under section 351 of the Police Act (R.S.Q., c. P-13.1), the provisions of sections 79.1 to 79.9 and 99 of the Police Act (R.S.Q., c. P-13), as they read on 15 June 2000, continue to apply to a police force that the Naskapi Village is authorized to establish until the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act are made applicable to it by government order;

WHEREAS the Gouvernement du Québec and the Naskapi Village of Kawawachikamach agree that that police force should be governed by the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security and the Minister responsible for Canadian Intergovernmental Affairs, Aboriginal Affairs, Francophones within Canada, the Reform of Democratic Institutions and Access to Information:

THAT the provisions of Division V of Chapter I of Title II and of section 354 of the Police Act (R.S.Q., c. P-13.1) be applicable to the police force of the Naskapi Village of Kawawachikamach.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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