

16. Section 34 is replaced by the following:

“34. Every chartered appraiser must, in the practice of the profession, hold himself out as a member of the Order. A chartered appraiser must in particular sign and indicate his capacity as a chartered appraiser on any report or other document produced in the practice of the profession.”

17. Section 41 is amended by replacing “He must present his report in accordance with generally accepted standards, and in particular, he must describe the methodology used and the extent of research carried out” by “The report must conform to the standards of practice of the profession and, in particular, must describe the methodology used and the extent of research carried out in order to perform the required professional services”.

18. Section 47 is amended:

(1) by replacing “a contract for services” in the first paragraph by “his professional services”;

(2) by inserting “or any other person who undertook to pay his fees” in subparagraph 3 of the second paragraph after “client”;

(3) by striking out “from the client” in subparagraph 4 of the second paragraph;

(4) by replacing subparagraph 6 of the second paragraph by the following:

“(6) loss of confidence between the chartered appraiser and the client.”

19. The heading of Division VIII is amended by striking out “ACTS DEROGATORY TO THE”.

20. Section 50 is amended by replacing the part preceding paragraph 1 by the following:

“Every chartered appraiser must refrain from performing any of the following acts:”.

21. The heading of Division IX is amended by striking out “PROTECTION OF”.

22. The heading of Division XI is amended by striking out “CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF”.

23. Section 60 is amended in the French version by inserting “quant” after “notamment”.

24. The Code is amended by replacing the word “appraiser”, wherever it appears, by “chartered appraiser”.

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

102578

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Superior Court

— Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Notice is hereby given of the publication by the Chief Justice of the Superior Court, in accordance with article 64 of the Code of Civil Procedure (chapter C-25.01) and after taking the observations of the Minister of Justice into consideration, of the draft “Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal”, appearing below. Considering that the Code of Civil Procedure came into force on 1 January, 2016, the draft regulation may be made on or after 20 May 2016

Any person wishing to comment on the draft Regulation is requested to submit written comments within the same period to Mtre. Guillaume Bourgeois, executive assistant to the Chief Justice of the Superior Court of Québec, 1, rue Notre-Dame Est, Bureau 17.60, Montréal (Québec), H2Y 1B6; e-mail: guillaume.bourgeois@judex.qc.ca

THE HONOURABLE JACQUES R. FOURNIER,
Chief Justice of the Superior Court

Regulation of the Superior Court of Québec in civil and family matters for the district of Montréal

Code of Civil Procedure
(chapter C-25.01, a. 63)

DIVISION I PRELIMINARIES

1. The rules set out in the Regulation of the Superior Court of Québec in Civil Matters (chapter C-25.01, (*enter the number of the Regulation*)) are replaced, amended or completed, as the case may be, by the rules set out in this Regulation, which apply in the district of Montréal.

More specifically, rules 22 and 25 of the Regulation of the Superior Court of Québec in Civil Matters are replaced, for the district of Montréal, by the rules in this Regulation.

DIVISION II ROLLS FOR HEARING

2. Under the authority of the Chief Justice, the master of the rolls distributes the cases among the available judges according to the nature of each case and the anticipated duration of the trial.

The roll for hearing thus prepared shows the name of the judge, the number of the case, the name of the parties and their lawyers, the date and hour of hearing and the number of the court room.

3. At least two months before the opening of the term, the master of the rolls posts the roll for hearing on the website or otherwise and notifies, by messenger or by mail, an extract of the roll relating to their cases to each of the lawyers of record or to the parties if they have no lawyer.

The transmission to the lawyers by the clerk of an extract of the roll relating to their cases constitutes the notice to lawyers required by article 178 of the Code of Civil Procedure (chapter C-25.01).

DIVISION III HEARING OF CASES

4. If a case cannot be heard in the court room where it has been fixed for hearing, the master of the rolls, under the authority of the Chief Justice, refers it to another judge who is available, in such manner as will assure the greatest efficiency; if there is no judge available for either sitting on that day, the master of the rolls fixes the case as soon as possible on a subsequent roll.

5. The trial of a case which has been started must continue until it has been completed without adjournment to a subsequent session of the Court. If it cannot be completed, the master of the rolls must fix it as soon as possible on a subsequent roll.

DIVISION IV POSTPONEMENTS

6. Any request for a postponement is made within 30 days of the publication of the roll for hearing, by written application presented before the judge in chambers; the judge disposes of the application at discretion and may, if granting the postponement, fix the case for hearing as soon as possible on a subsequent roll or ask the clerk to place it on the roll for the fixing of another date.

7. Subject to article 265 of the Code of Civil Procedure, no later application for postponement may be taken into consideration unless there are truly exceptional circumstances which have been alleged by written application presented to the Chief Justice, who decides the matter at discretion.

8. An advocate who is unable, for serious reasons, to make a written application for postponement before the case is called may communicate orally or in writing with the Chief Justice or the presiding judge.

DIVISION V SUMMARY ROLL

9. Applications to have a case fixed on the summary roll may be presented to the officer appointed by the Chief Justice on Mondays and Tuesdays of each week between 2:00 p.m. and 4:00 p.m. or at such other time as may be fixed by the Chief Justice.

DIVISION VI PRACTICE CHAMBER

10. The Chief Justice determines the number of sections of the Practice Chamber. The distribution of cases therein is made according to the instructions of the Chief Justice.

11. Unless the Chief Justice decides otherwise, notice of presentation of any proceeding is given for 9:15 a.m. in the rooms designated respectively for civil matters, family matters or for the special clerk.

12. Any proceeding in respect of which no interested lawyer appears before the final daily adjournment is struck from the roll.

13. Any proceeding which has already been adjourned twice and with respect to which the parties are not ready to proceed is struck from the roll.

DIVISION VII DELEGATION OF POWERS BY THE CHIEF JUSTICE

14. The Chief Justice may designate a judge to hear and dispose of applications made under any of these rules of practice.

DIVISION VIII FINAL PROVISIONS

15. This Regulation replaces the Rules of practice of the Superior Court of the district of Montréal in Civil Matters and Family Matters (chapter C-25.01, r. 11) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102587