

Gouvernement du Québec

O.C. 251-2018, 14 March 2018

Professional Code
(chapter C-26)

Évaluateurs agréés
— Code of ethics of the members of the Ordre
des évaluateurs agréés du Québec
— Amendment

Regulation to amend the Code of ethics of the members
of the Ordre des évaluateurs agréés du Québec

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des évaluateurs agréés du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec at its meeting of 9 March 2016;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting such an 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 (chapter R-18.1), a draft of the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 4 May 2016 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, on 13 November 2017, the Office examined the Regulation and then submitted it to the Government with its recommendation in accordance with section 95 of the Professional Code;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of recommendation of the Minister of Justice:

THAT the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

**Regulation to amend the Code of ethics of
the members of the Ordre des évaluateurs
agréés du Québec**

Professional Code
(chapter C-26, s. 87)

1. The Code of ethics of the members of the Ordre des évaluateurs agréés du Québec (chapter C-26, r. 123) is amended by replacing “of the members of the Ordre des évaluateurs agréés du Québec” in the title by “of chartered appraisers”.

2. Section 1 is replaced by the following:

“**1.** This Code determines the duties of chartered appraisers towards the public, their clients and their profession, in carrying on their professional activities.”

3. Section 1.1 is replaced by the following:

“**1.1.** Every chartered appraiser must take reasonable measures to ensure that persons who collaborate with him in the practice of the profession and any partnership or joint-stock company within which the chartered appraiser carries on professional activities comply with the Professional Code (chapter C-26) and its regulations, including this Code.”

4. Section 3 is amended by replacing “outlook” by “skills”.

5. Section 4 is replaced by the following:

“**4.** Every chartered appraiser must carry on professional activities in accordance with the standards of practice of the profession.”

6. Section 6 is replaced by the following:

“6. Every chartered appraiser must refrain from carrying on professional activities if attendant conditions are likely to compromise the quality of his professional services or the dignity of the profession.”

7. Section 12 is amended by replacing “has acted” by “is involved”.

8. Section 15 is amended by replacing “duplication” by “multiplication”.

9. Section 16 is amended in the second paragraph:

(1) by inserting “or records” after “contracts”;

(2) by replacing “the interests of his clients and the respect of his professional obligations” by “the laws and regulations and the standards of practice of the profession”.

10. Section 17 is amended:

(1) by replacing paragraph 1 by the following:

“(1) ignore any intervention by a person with whom he establishes a relationship in the practice of the profession and who could incite him to depart from his professional duties, in particular the duty to act with objectivity;”;

(2) by striking out “, to the rules of his profession,” in paragraph 3;

(3) by replacing “generally accepted standards of practice” by “the standards of the profession”.

11. Section 24 is amended by striking out the second paragraph.

12. The following is inserted after section 24:

“24.1. Subject to a decision of a tribunal or another authority, no chartered appraiser may agree to conditional fees, that is, fees whose amount depends on the results of the professional services obtained, except in respect of the following professional consultation services:

(1) verification of the value of an immovable for entry on the municipal assessment roll;

(2) negotiations to determine the amount of indemnities in case of expropriation;

(3) verification and negotiations of the operating expenses of an immovable under lease.

Despite the first paragraph, when a chartered appraiser appears before a member of a tribunal or of a quasi-judicial body, he may not in any case determine or accept conditional fees in respect of professional consultation services, including acting as an expert witness.

24.2. No chartered appraiser may undertake professional services for which conditional fees have been agreed upon, unless the terms and conditions for determining the fees have also been agreed upon in writing.

24.3 When undertaking professional services referred to in subparagraphs 1 and 2 of the second paragraph of section 24.1 and regardless of the method of remuneration agreed upon, a chartered appraiser must, in accordance with the standards of practice of the profession, prepare and file in the client’s record a preliminary analysis of the value or, as the case may be, of the indemnities to which the services pertain.”

13. Section 25 is revoked.

14. Section 28 is amended by replacing “shall collect interest on an outstanding account without first notifying his client” by “may collect interest on an outstanding account unless the rate of interest has been agreed upon with the client or any other person who undertook to pay the fees to the appraiser” and by replacing “interest thus charged must be at a reasonable rate” by “rate must be reasonable”.

15. Section 31 is amended by inserting “and any other person who undertook to pay his fees” after “client”.

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:

“**50.** 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*.