

99. Members must ensure that a partnership or joint-stock company within which they practise does not use the graphic symbol of the Order in its advertising or with its name unless all the services it provides are professional services provided by members of the Order.

In the case of a partnership or joint-stock company in which professional services are provided by members of the Order and by other persons, the graphic symbol of the Order may be used on the condition that the graphic symbol identifying each professional order or body to which those other persons belong is also used.

Despite the foregoing, the graphic symbol of the Order may always be used in connection with the name of a member.

100. All members of the Order practising within a partnership or joint-stock company are solidarily responsible for complying with the advertising rules set out in this subdivision unless the advertising clearly states the name of the member responsible for it, or unless the other members establish that the advertising was done without their knowledge and consent and despite the provisions intended to ensure compliance with those rules.

§3. Name

101. Members must not practise within a partnership or joint-stock company under a name or designation that is not distinctive or nominative, that is misleading, deceptive or contrary to the honour, dignity or reputation of the profession or that is a numerical designation.

102. Members practising within a partnership or joint-stock company must take reasonable measures to ensure that every document produced in their practice and originating from the partnership or joint-stock company is identified with the name of a member.

DIVISION X FINAL

103. This Code replaces the Code of ethics of the members of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec (chapter C-26, r. 286).

104. This Code comes into force on 1 November 2020.

104262

Gouvernement du Québec

O.C. 98-2020, 12 February 2020

Professional Code
(chapter C-26)

Travailleurs sociaux et thérapeutes conjugaux et familiaux

— Practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company

Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company

WHEREAS, under subparagraph *p* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, authorize the members of the order to carry out their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraph *g* of section 93 of the Code, the board of directors of a professional order must, by regulation, pursuant to paragraph 2 of section 187.11, impose on the members referred to therein, on the basis of the risk they represent, the obligation to furnish and maintain coverage, on behalf of the partnership or company, by means of an insurance or suretyship contract or by any other means determined by the regulation, against liabilities of the partnership or company arising from fault in the practice of their profession, or the obligation to join a group plan contract entered into by the order or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1, and determine the minimum amount of coverage;

WHEREAS, under paragraph *h* of section 93 of the Code, the board of directors of a professional order must, by regulation, fix the conditions and procedure applicable to a declaration pursuant to paragraph 3 of section 187.11;

WHEREAS, under section 95.3 of the Code, a draft of the Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company was sent to every member of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec at least 30 days before being made by the board of directors of the Order on 17 June 2016;

WHEREAS, pursuant to section 95 of the Code and subject to sections 95.0.1 and 95.2, 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, pursuant to the first paragraph of section 95.2 of the Code, a regulation made by the board of directors of a professional order under paragraph *g* or *h* of section 93 must be transmitted for examination to the Office, which may approve it with or without amendment and the same applies to any regulation under paragraph *p* of the first paragraph of section 94 if it is not the first regulation adopted by the board of directors under that paragraph;

WHEREAS the draft Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company constitutes the first regulation made by the board of directors of the Order under subparagraph *p* of the first paragraph of section 94 of the Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 5 December 2018 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 the first paragraph of section 95.2 of the Professional Code, the Office approved, on 18 October 2019, the first paragraph of section 3 concerning the documents to be provided to the Order and paragraph 1 of section 3, section 4 and Divisions II and III of the Regulation with amendments;

WHEREAS, in accordance with section 95 of the Code, the Office examined the Regulation on 18 October 2019 and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments, except the first paragraph of section 3 concerning the documents to be provided to the Order, and paragraph 1 of section 3, section 4 and Divisions II and III;

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

THAT the Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company, attached to this Order in Council, be approved, except the first paragraph of section 3 concerning the documents to be provided to the Order, and paragraph 1 of section 3, section 4 and Divisions II and III.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the practice of members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec within a partnership or a joint-stock company

Professional Code
(chapter C-26, s. 93, pars. *g* and *h*, and s. 94, 1st par., subpar. *p*)

DIVISION I

TERMS AND CONDITIONS FOR PRACTISING

1. Members of the Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec may carry on professional activities within a joint-stock company or a limited liability partnership referred to in Chapter VI.3 of the Professional Code (chapter C-26), subject to the following conditions:

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trust patrimonies or combination of persons or trusts:

(a) a member of the Order, of another order or of a social work or marital and family therapy regulatory body of another Canadian province or territory;

(b) a joint-stock company where 100% of the voting rights attached to the shares are held by at least one of the persons referred to in subparagraph *a*;

(c) a trust where all trustees are persons referred to in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company or, as the case may be, the partners of the limited liability partnership or its directors are persons referred to in subparagraph *a* of paragraph 1;

(3) to constitute a quorum for a meeting of the board of directors of a partnership or joint-stock company, a majority of the members present must be persons referred to in subparagraph *a* of paragraph 1;

(4) The articles of the joint-stock company or the contract of the limited liability partnership must provide

- (a) the conditions listed in paragraphs 1 to 3;
- (b) a statement that the joint-stock company is established in order to carry on professional activities; and
- (c) the conditions to transfer company shares or partnership units in the event of the death, disability, striking off, or bankruptcy of one of the persons referred to in subparagraph *a* of paragraph 1.

2. A member who is struck off the roll for more than 3 months or whose permit has been revoked may not, during the period of the striking off or revocation, directly or indirectly hold any share or unit in the partnership or joint-stock company.

The member may also not be a director, officer or representative of the partnership or joint-stock company during that period.

3. To carry on professional activities within a partnership or joint-stock company, a member must provide the Order with the following documents, accompanied by the fees payable prescribed by the Order's board of directors:

(1) a sworn declaration completed on the form provided by the Order containing the following information:

- (a) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the member carries on professional activities, and the registration number assigned to it by the competent authority;
- (b) the legal form of the partnership or joint-stock company;
- (c) in the case of a joint-stock company:
 - i. the address of the head office of the company and the addresses of its establishments in Québec;
 - ii. the names of the shareholders referred to in paragraph 1 of section 1, their percentage of shares with voting rights, the Order or the regulatory body of which they are members, if applicable, and their permit number;

iii. the names of the directors of the joint-stock company and, if applicable, the Order or the regulatory body of which they are members, and their permit number;

(d) in the case of a limited liability partnership:

- i. the addresses of the establishments of the partnership in Québec, specifying the address of its principal establishment;
- ii. the names of the partners referred to in paragraph 1 of section 1, their percentage of partnership units, the Order or the regulatory body of which they are members, if applicable, and their permit number;
- iii. the names of the partnership's managers, and, if applicable, the Order or the regulatory body of which they are members, and their permit number;

(e) the member's name, permit number, and status within the partnership or joint-stock company;

(f) an attestation that the holding of shares or units, the rules of administration of the partnership or joint-stock company, and the articles of the joint-stock company or the contract of the limited liability partnership comply with the conditions set out in this Regulation;

(2) an insurance certificate indicating that the partnership or joint-stock company has complied with the security requirements as provided in Division III;

(3) an irrevocable written authorization from the partnership or joint-stock company within which the member carries on professional activities allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 9 from a person or a copy thereof.

4. Members must

(1) update and provide the Order with the declaration provided for in paragraph 1 of section 3, accompanied by an insurance certificate indicating that the partnership or joint-stock company has complied with the security requirements as provided in Division III and by the fees payable prescribed by the Order's board of directors, before March 31 of each year; and

(2) promptly notify the Order of any change in the security prescribed in Division III or in the information given in the declaration provided for in paragraph 1 of section 3 that would compromise compliance with the conditions set out in this Regulation.

5. If members become aware that one of the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, they must, within 15 days, take the necessary measures to comply, failing which members are no longer authorized to carry on their activities within the partnership or joint-stock company.

DIVISION II **REPRESENTATIVE**

6. If number of members carry on professional activities within the same partnership or joint-stock company, a representative must be designated to act on their behalf in order to comply with the terms and conditions provided for in sections 3 and 4.

The representative must ensure the accuracy of the information provided to the Order.

The representative must reply to requests made by a representative of the Order and provide, where applicable, the documents that the members are required to submit.

The representative must be a member of the Order who carries on professional activities in Québec within the partnership or joint-stock company and be a partner or a director and shareholder.

DIVISION III **PROFESSIONAL LIABILITY COVERAGE**

7. In order to practise within a partnership or joint-stock company, members must furnish and maintain, for that partnership or joint-stock company, by an insurance contract or by participating in a group insurance contract entered into by the Order, security against the liability that the partnership or joint-stock company may incur as the result of a fault on the part of the members committed while carrying on the profession.

8. The security must include the following minimum conditions:

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault on the part of the member committed while carrying on the profession;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any legal claim against it and to pay, in addition to the amounts covered by the security, all legal costs against the

partnership or joint-stock company, including the costs of the inquiry and defence, and the interest on the amount of the security;

(3) an undertaking by the insurer that the security extends to all claims submitted against the partnership or joint-stock company in the 5 years following the year the members cease to maintain it;

(4) an amount of security, regardless of the number of members of the Order in the partnership or joint-stock company, of at least \$2,000,000 per claim and at least \$2,000,000 for all claims filed against the partnership or joint-stock company during a 12-month coverage period;

(5) an undertaking by the insurer to provide the secretary of the Order with a 30-day notice prior to any cancellation or amendment to the insurance contract if the amendment affects a condition set out in this section or to any non-renewal of the contract.

DIVISION IV **ADDITIONAL INFORMATION**

9. The documents that may be required pursuant to paragraph 3 of section 3 are the following:

(1) if the member carries on professional activities within a joint-stock company:

(a) an attestation from a competent authority that the joint-stock company exists;

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

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

(d) an up-to-date register of the shareholders of the joint-stock company;

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

(f) any shareholders' agreement and voting agreement and amendments;

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

(h) a complete and up-to-date list of the joint-stock company's principal officers and their home addresses;

(2) if the member carries on professional activities within a limited liability partnership:

(a) where applicable, a certified true copy of the declaration from the competent authority indicating that the general partnership has been continued as a limited liability partnership;

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

(c) the partnership agreement and amendments;

(d) an up-to-date register of the partners of the partnership;

(e) where applicable, an up-to-date register of the directors of the partnership;

(f) a complete and up-to-date list of the partnership's principal officers and their home addresses;

(3) an attestation that the partnership or joint-stock company is registered in Québec;

(4) an attestation that the partnership or joint-stock company maintains an establishment in Québec.

DIVISION V FINAL PROVISIONS

10. This Regulation comes into force on 1 November 2020.

104263

M.O., 2020

Order of the Minister of Municipal Affairs and Housing

An Act respecting municipal taxation
(chapter F-2.1)

Regulation respecting the form and minimum content of various documents relative to municipal taxation

WHEREAS, under subparagraph 1 of the first paragraph of section 263 of the Act respecting municipal taxation (chapter F-2.1), the Minister of Municipal Affairs and Housing may by regulation in particular refer to a manual containing matters contemplated by the Act, as it exists at the time that the assessor must apply it, provided that the Minister gives notice in the *Gazette officielle du Québec* of each updating of the manual made after the coming into force of the regulations under the paragraph;

WHEREAS, under subparagraph 2 of the first paragraph of section 263 of the Act, the Minister may in particular prescribe the form or content of notices of assessment, municipal tax accounts, assessor's certificates, forms for applications for review and notices contemplated in section 153 or 180 of the Act respecting municipal taxation;

WHEREAS the Minister made the Regulation respecting the form and minimum content of various documents relative to municipal taxation (chapter F-2.1, r. 6);

WHEREAS it is expedient to replace the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the form and minimum content of various documents relative to municipal taxation was published in Part 2 of the *Gazette officielle du Québec* of 19 June 2019 with a notice that it could be made on the expiry of 45 days following that publication;

WHEREAS comments were received and it is expedient to make the Regulation with amendments;

THEREFORE, the Minister of Municipal Affairs and Housing orders:

THAT the Regulation respecting the form and minimum content of various documents relative to municipal taxation, attached to this Order, is hereby made.

ANDRÉE LAFOREST,
Minister of Municipal Affairs and Housing

Regulation respecting the form and minimum content of various documents relative to municipal taxation

An Act respecting municipal taxation
(chapter F-2.1, s. 263, 1st par. subpars. 1 and 2)

DIVISION I INTERPRETATION

1. In this Regulation,

“Act” means the Act respecting municipal taxation (chapter F-2.1); (Loi)

“Manual” means the Manuel d'évaluation foncière du Québec published by Les Publications du Québec. (Manuel)

2. Any reference to the Manual means that the assessor must comply with the instructions set out therein.