

Regulations and other Acts

Gouvernement du Québec

O.C. 649-2021, 5 May 2021

Professional Code
(chapter C-26)

Évaluateurs agréés — Compensation procedure of the Ordre des évaluateurs agréés du Québec

Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec

WHEREAS, under the first paragraph of section 89 of the Professional Code (chapter C-26), the members of an order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation;

WHEREAS, under the first and second paragraphs of section 89.1 of the Code, a board of directors of a professional order that makes a regulation under section 89 of the Code authorizing the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the board of directors of the Ordre des évaluateurs agréés du Québec authorizes its members to hold funds in the Règlement sur la détention de sommes par les évaluateurs agréés du Québec approved by the Office des professions du Québec on 19 March 2021;

WHEREAS the board of directors of the Ordre des évaluateurs agréés du Québec made the Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec on 3 December 2020;

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 a professional order must be transmitted to the Office 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 Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 6 January 2021 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 19 March 2021 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the compensation procedure of the Ordre des évaluateurs agréés du Québec

Professional Code
(chapter C-26, s. 89.1)

1. A claimant may be compensated in accordance with this procedure following the use by a chartered appraiser of funds for purposes other than those for which they were entrusted to the chartered appraiser under a regulation of the Ordre des évaluateurs agréés du Québec made under section 89 of the Professional Code (chapter C-26).

2. The board of directors forms a committee charged with examining and deciding claims.

The committee is composed of at least 3 members, including 1 director appointed to the board of directors.

3. To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds have been used by a chartered appraiser for purposes other than those for which they were entrusted to the chartered appraiser;

(2) be accompanied by proof of the steps taken with the chartered appraiser to recover the funds;

(3) state the facts in support of the claim and be accompanied by all relevant documents; and

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the committee if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

4. A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 3.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 3 are met.

5. The secretary of the Order sends every admissible claim to the committee and the chartered appraiser within 15 days following the date on which the claim becomes admissible.

6. The secretary of the Order informs the chartered appraiser and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

7. The committee decides, within 90 days following the date on which the claim becomes admissible, whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the compensation.

The substantiated decision is final.

8. The maximum amount that may be paid for the period covering the fiscal year of the Order is

(1) \$5,000 for a claimant in respect of a chartered appraiser;

(2) \$25,000 for all the claimants in respect of a chartered appraiser;

(3) \$50,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$50,000, the amount paid to each claimant is paid in proportion to the amount of each claim.

9. Where the committee believes that a number of claims may be filed in respect of a chartered appraiser and the total of the claims may exceed \$25,000, the board of directors must suspend the payment of the compensations until it has reviewed all claims in respect of the chartered appraiser. If the circumstances allow it, the board of directors must draw an inventory of the funds received by that chartered appraiser and notify in writing the persons likely to file a claim.

10. Where the claimant is in a vulnerable situation, in particular because of age, physical or psychological state or social condition, the committee may, exceptionally and after having obtained the approval of the board of directors, pay an amount greater than those provided for in section 8.

11. 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. 662-2021, 12 May 2021

Residential Swimming Pool Safety Act
(chapter S-3.1.02)

Residential Swimming Pool Safety — Amendment

Regulation to amend the Residential Swimming Pool Safety Regulation

WHEREAS, under subparagraph 1 of the second paragraph of section 1 of the Residential Swimming Pool Safety Act (chapter S-3.1.02), the Government may, by regulation, set residential swimming pool safety standards;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Residential Swimming Pool Safety Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;