

chapter A-21, r. 4

**Regulation respecting the cessation of practice of a member of the Ordre des architectes du Québec**

Architects Act  
(chapter A-21, s. 3).

Professional Code  
(chapter C-26, s. 91).

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## DIVISION I

### SCOPE

**1.** This Regulation applies to the disposal of the records, books, registers, products, substances, apparatus and equipment of a member of the Ordre des architectes du Québec who ceases to practise.

Notwithstanding the foregoing, this Regulation does not apply to a member who is employed by a natural person, a legal person, a partnership or a government and who ceases to practise.

O.C. 1354-93, s. 1.

**2.** An architect, a Québec university, Bibliothèque et Archives nationales du Québec or, subject to approval by the board of directors, any other person or organization may act as a transferee of the items referred to in section 1 for an architect who permanently ceases to practise.

O.C. 1354-93, s. 2.

## DIVISION II

### PERMANENT CESSATION OF PRACTICE

**3.** A member who decides to permanently cease to practise shall, within 30 days before the date on which the cessation is to take effect, notify the secretary by registered mail of the date of cessation and of the name, address and telephone number of the transferee of the items referred to in section 1, and shall send a copy of the transfer agreement to the secretary.

Where the member has not been able to arrange for a transfer, the notice to the secretary shall indicate the date on which the member will hand over the items referred to in section 1 to the secretary.

O.C. 1354-93, s. 3.

**4.** Where a member dies or is permanently struck off the roll, or where a member's permit is revoked, the secretary shall take possession of the items referred to in section 1 within 30 days following the event, unless the member had arranged for a transfer, a copy of which shall be sent by the member to the secretary within the same time.

O.C. 1354-93, s. 4.

**5.** Where a transfer had been arranged for but cannot be carried out, the secretary shall take possession of the items referred to in section 1.

O.C. 1354-93, s. 5.

**6.** Where a member permanently ceases to practise, the transferee or the secretary, as the case may be, shall, within 30 days following the date on which the transferee or secretary takes possession of the items referred to in section 1,

(1) have a notice published twice, at a 10-day interval, in a newspaper serving the region in which the member practised; the notice shall state

(a) the date of taking of possession and the reasons therefor;

(b) the time that clients have to accept the transfer, to take back from the records the items that belong to them or to request that the items be transferred to another professional; and

(c) the address and telephone number of the transferee or the secretary and the office hours during which that person can be reached; or

(2) send a notice in writing to each client of the member who has ceased to practise, stating the information prescribed in subparagraph 1.

Where the notice has been published, a notice in writing stating the information prescribed in subparagraph 1 shall also be sent to any client whose interests so warrant.

Where the notice is sent by the transferee, a copy shall likewise be sent to the secretary.

O.C. 1354-93, s. 6.

**7.** Where a transferee or the secretary is in possession of the items referred to in section 1, that person shall take the necessary measures to safeguard the interests of the member's clients.

O.C. 1354-93, s. 7.

**8.** A transferee or the secretary, as the case may be, shall respect a person's right to consult and obtain copies of documents concerning the person and contained in a record made in the person's regard.

O.C. 1354-93, s. 8.

**9.** Where a transferee or the secretary takes possession of the items referred to in section 1, that person shall keep the items for a period of not less than 5 years. Furthermore, the transferee or the secretary shall remit any sums collected as royalties on the plans to the architect, who signed and sealed the plans, or to the architect's heirs and successors.

During that period, the secretary may transfer the items referred to in section 1 to a transferee, in which case the transferee is bound by the requirements of section 6.

For the purposes of this section, the conservation period begins on the date of the final service rendered by the architect, or, if the project has been completed, on the date of completion of the work.

O.C. 1354-93, s. 9.

### **DIVISION III**

#### **TEMPORARY CESSATION OF PRACTICE**

**10.** A member who decides to temporarily cease to practise shall, within 15 days before the date on which the cessation is to take effect, notify the secretary by registered mail of the date of cessation, of the name, address and telephone number of the member who has agreed to be the provisional custodian of the items referred to in section 1, and shall send a copy of the provisional custodianship agreement to the secretary.

Where the member has not been able to arrange for provisional custodianship, the member shall so inform the secretary, who shall then notify the member of the date on which the secretary or the provisional custodian appointed for that purpose by the board of directors will take possession of the items referred to in section 1.

O.C. 1354-93, s. 10.

**11.** In the case of a member temporarily struck off the roll or under permit suspension, the secretary shall take possession of the items referred to in section 1 within 15 days of the event, unless the member had arranged for provisional custodianship, a copy of which shall be sent by the member to the secretary within the same time.

Where the member has not been able to arrange for provisional custodianship within that time, the secretary shall take possession of the items referred to in section 1, unless a provisional custodian has been appointed for that purpose by the board of directors.

O.C. 1354-93, s. 11.

**12.** Where provisional custodianship has been arranged for but cannot be carried out, the secretary shall take possession of the items referred to in section 1.

O.C. 1354-93, s. 12.

**13.** Sections 7 and 8 apply to a provisional custodian or to the secretary where that person takes possession of the items referred to in section 1 pursuant to this Division.

O.C. 1354-93, s. 13.

**14.** Where a member is temporarily struck off the roll or is under practice suspension for at least 6 months, the provisional custodian or the secretary is bound by the requirements of section 6.

O.C. 1354-93, s. 14.

**15.** Where the secretary is the provisional custodian of an architect's records, the secretary shall remit any sums collected as royalties on the plans signed and sealed by the architect, to the architect.

O.C. 1354-93, s. 15.

**16.** The secretary or the provisional custodian, as the case may be, shall remit the records to the architect immediately following the termination of the temporary cessation of practice.

O.C. 1354-93, s. 16.

**17.** Sections 3 to 9 apply to an architect who no longer wishes to practise during or after the expiry of the period during which he temporarily ceased to practise.

O.C. 1354-93, s. 17.

## DIVISION IV

### RESTRICTION OF THE RIGHT TO PRACTISE

**18.** Where a decision is made against a member restricting the member's right to practise and determining the professional acts that the member is not authorized to perform, the member shall find a provisional custodian within 15 days of the date on which the restriction is to take effect for the items referred to in section 1 that relate to such unauthorized acts.

Where the member has not been able to arrange for provisional custodianship within that time, the provisional custodian appointed for that purpose by the board of directors or the secretary shall take possession of the items referred to in section 1 that relate to such unauthorized acts.

O.C. 1354-93, s. 18.

**19.** Sections 7 and 8 apply to a provisional custodian or to the secretary where that person takes possession of the items referred to in section 1 pursuant to this Division.

O.C. 1354-93, s. 19.

**20.** Where the restriction of the right to practise is for a period of at least 6 months, the secretary or the provisional custodian is bound by the requirements of section 6.

O.C. 1354-93, s. 20.

**21.** This Regulation replaces the Regulation respecting the records of an architect who ceases to practise (R.R.Q., 1981, c. A-21, r. 5).

O.C. 1354-93, s. 21.

**22.** *(Omitted).*

O.C. 1354-93, s. 22.

#### UPDATES

O.C. 1354-93, 1993 G.O. 2, 5375

S.Q. 2004, c. 25, s. 70

S.Q. 2008, c. 11, s. 212

