

chapter A-21, r. 5

Code of ethics of architects

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

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

Replaced, O.C. 901-2011, 2011 G.O. 2, 2600; eff. 2011-10-06; see c. A-25, r. 5.1

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DIVISION I

GENERAL PROVISION

1.01. *The Interpretation Act (chapter I-16 applies to this Regulation.*

R.R.Q., 1981, c. A-21, r. 3, s. 1.01.

DIVISION II

DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

2.01. *In the practice of his profession, the architect must take into account his obligations towards man and his environment and the consequences that the carrying out of his work may produce on life, health and the property of any person.*

R.R.Q., 1981, c. A-21, r. 3, s. 2.01.

2.02. *An architect must support every measure likely to improve the quality of the professional services in the field in which he practises.*

R.R.Q., 1981, c. A-21, r. 3, s. 2.02.

2.03. *The architect must promote measures of education and information pertinent to the field in which he practises. He must also, in the practice of his profession, perform the necessary acts to ensure such education and information. In particular, he must promote the hiring of trainees where circumstances so allow.*

R.R.Q., 1981, c. A-21, r. 3, s. 2.03; O.C. 750-98, s. 1.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

§ 1. — General provisions

3.01.01. *Before accepting a mandate, an architect must bear in mind the extent of his proficiency, knowledge and the means at his disposal. Without restricting the generality of the foregoing, he shall not:*

(a) undertake work for which he is not sufficiently prepared unless he obtains the necessary assistance;

(b) undertake work unless he is able to exercise the personal intervention which such work calls for in regard to its particular nature and the place where it is being carried out.

R.R.Q., 1981, c. A-21, r. 3, s. 3.01.01.

3.01.02. *An architect must not practise under conditions or in situations likely to impair the quality of his services.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.01.02.

§ 2. — Integrity

3.02.01. *An architect must discharge his professional duties with integrity.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.01.

3.02.02. *An architect must avoid any false representation with respect to his level of competence or the efficiency of his own services and of those generally provided by the members of his profession.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.02.

3.02.03. *An architect shall not lead his client to believe that the budget at the latter's disposal is sufficient for the work planned, unless he himself is reasonably certain that it is.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.03.

3.02.04. *An architect shall not refuse to call upon a colleague for consultation if his client requests him to do so.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.04.

3.02.05. *An architect must refrain from expressing opinions unless he has full knowledge of the facts.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.05.

3.02.06. *An architect must notify his client as early as possible of any error he has made while rendering a professional service which could be prejudicial to the latter and which cannot be easily rectified.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.06.

3.02.07. *An architect must take reasonable care of the property entrusted to him by a client and he shall not lend or use it for purposes other than those for which it was entrusted to him.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.07.

3.02.08. *An architect must display objectivity in giving an opinion on a contractual document linking his client or employer to a contractor.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.08.

3.02.09. *Unless otherwise formally agreed upon, an architect must not, before obtaining his client's authorization, proceed from the sketch stage to the preliminary studies stage, or from the preliminary studies stage to that of the working drawings, detail drawings and specifications.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.09.

3.02.10. *Before providing his professional services, the architect must come to an agreement with his client relative to the extent and the terms and conditions of the services required and the conditions of their remuneration.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.10.

3.02.11. *An architect must immediately stop the execution of his mandate if such mandate is cancelled.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.02.11.

§ 3. — Availability and diligence

3.03.01. *In the practice of his profession, an architect must show reasonable availability and diligence.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.03.01.

3.03.02. *In addition to opinion and advice, the architect must provide his client with any explanation necessary for the understanding and evaluation of the services rendered to him.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.03.02.

3.03.03. *An architect must give an account of the execution of his mandate when so requested by his client.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.03.03.

3.03.04. *Unless he has sound and reasonable grounds therefor, an architect may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds:*

(a) loss of the client's confidence;

(b) the fact that the architect is in a situation of conflict of interest or in a situation such that his professional independence could be called into question;

(c) the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

R.R.Q., 1981, c. A-21, r. 3, s. 3.03.04.

3.03.05. *Before he ceases to exercise his functions for the account of a client, the architect must forward an advance notice of withdrawal within a reasonable time and ensure that such termination of services is not prejudicial to his client.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.03.05.

§ 4. — Liability

3.04.01. *An architect must identify by means of his signature and seal all plans, preliminary or working specifications, work supervision reports, payment certificates, change orders, work completion certificates and expert reports, prepared for architectural work by himself or under his immediate control and supervision.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.04.01.

§ 5. — Independence and impartiality

3.05.01. *An architect must subordinate his personal interest to that of his client.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.01.

3.05.02. *An architect must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.02.

3.05.03. *An architect must at all times safeguard his professional independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, an architect:*

(a) is in conflict of interest when the interests in question are such that he might tend to favour certain of them over those of his client or his judgment and loyalty towards the latter might be unfavorably affected;

(b) is not an objective adviser if he derives a direct or indirect, real or possible personal benefit from any given act.

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.03.

3.05.04. *As soon as he ascertains that he is in a situation of conflict of interest, the architect must notify his client thereof and ask him for authorization to continue his mandate.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.04.

3.05.05. *An architect shall accept fees or remuneration only from his client or employer, unless otherwise explicitly agreed upon between all the parties concerned.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.05.

3.05.06. *An architect must not share his fees with a person who is not a member of the Ordre des architectes du Québec or remit such fees to him.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.06.

3.05.07. *Subject to the remuneration to which he is entitled, an architect shall not pay or receive any advantage, benefit or commission relative to the practice of his profession.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.07.

3.05.08. *An architect shall make any agreement for his professional services related to his exclusive area of practice directly with the owner.*

An architect may make an agreement for his professional services directly with:

(a) any person for whom he prepares plans or specifications for buildings or structures intended for the use of that person or owned by him;

(b) any architect, partnership of architects or legal person controlled by architects;

(c) any person offering a building or structure under the terms of a turnkey agreement, offering elements of buildings or structures or offering systems for the construction of buildings or structures;

(d) any person furnishing services for carrying out construction where no human activities are carried on, in particular, constructions that are accessory to engineering works and those intended to shelter such works;

(e) any person using an architect's skills for services other than those related to his exclusive area of practice.

R.R.Q., 1981, c. A-21, r. 3, s. 3.05.08; O.C. 820-91, s. 1.

§ 6. — Professional secrecy

3.06.01. *An architect must respect the secrecy of confidential information obtained in the practice of his profession.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.06.01.

3.06.02. *An architect may be released from professional secrecy only with the authorization of his client or when so ordered by law.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.06.02.

3.06.03. *An architect shall not make use of confidential information which may be prejudicial to a client or with a view to obtaining a direct or indirect benefit for himself or for another person.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.06.03.

3.06.04. *An architect must avoid indiscreet conversations concerning a client and the services rendered to him.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.06.04.

3.06.05. *An architect shall not accept a mandate which entails or may entail the disclosure or use of confidential information or documents obtained from another client without the latter's consent.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.06.05.

§ 7. — *Accessibility of records*

3.07.01. *An architect must respect the right of his client to consult the documents that he prepared for him and to obtain a copy thereof.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.07.01.

§ 8. — *Determination and payment of fees*

3.08.01. *An architect must provide his client with all the explanations necessary to the understanding of his statement of fees and the terms and conditions of payment.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.08.01.

3.08.02. *An architect must refrain from demanding advance full payment for his services; he may, however, demand payment on account.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.08.02; O.C. 750-98, s. 2.

3.08.03. *An architect may collect interest on outstanding accounts only after having duly notified his client. The interest thus charged must be at a reasonable rate.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.08.03.

3.08.04. *Before having recourse to legal proceedings, an architect must have exhausted all the other means at his disposal for obtaining payment of his fees.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.08.04.

3.08.05. *When an architect entrusts the collection of his fees to another person, he must make sure that the latter will act with tact and moderation.*

R.R.Q., 1981, c. A-21, r. 3, s. 3.08.05.

DIVISION IV

DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

§ 1. — *Incompatible duties and responsibilities*

4.01.01. *The following is incompatible with the practice of the profession of architect:*

- (a) acting as a contractor under the same name which he uses as an architect;*
- (b) supervising the carrying out of work for the account of a client for whom he acts as contractor; and*

(c) acting directly or indirectly as a general or specialized contractor unless he has notified his client thereof upon his engagement.

R.R.Q., 1981, c. A-21, r. 3, s. 4.01.01.

§ 2. — *Derogatory acts*

4.02.01. *In addition to those referred to in sections 57 and 58 of the Professional Code (chapter C-26), the following acts are derogatory to the dignity of the profession of architect:*

(a) affixing his seal and signature on plans, specifications or on any other document relating to the practice of his profession when these have not been prepared in his office, either by himself or under his immediate direction and supervision;

(b) communicating with the plaintiff without the prior written permission of the syndic or his assistant when he is informed that an investigation into his professional conduct or competence will be held or when he has received the service of a complaint against him;

(c) offering his professional services to a third party towards whom his employer has contractual obligations;

(d) taking advantage of a permanent office, for which he receives a salary, to offer his professional services to persons with whom his employer does business;

(e) publicly endorsing a product, system or service which he has not designed or developed, or allowing the use of his name or photograph for the purpose of suggesting such endorsement;

(f) soliciting, or allowing another person to solicit on his behalf, advertisements for a publication presenting his work;

(g) allowing an employer to mention his name on his stationery unless he is a regular employee and his name is accompanied by the word “architect” and a description of his function in the organization; and

(h) participating in or contributing to the illegal practice of his profession.

R.R.Q., 1981, c. A-21, r. 3, s. 4.02.01.

§ 3. — *Relations with the Order and colleagues*

4.03.01. *An architect whose participation in a council for the arbitration of accounts, a disciplinary council or a professional inspection committee is requested by the Order, must accept that duty unless he has exceptional reasons for refusing it.*

R.R.Q., 1981, c. A-21, r. 3, s. 4.03.01.

4.03.02. *An architect must, as soon as possible, answer all correspondence addressed to him by the syndic of the Order, investigators or members of the professional inspection committee.*

R.R.Q., 1981, c. A-21, r. 3, s. 4.03.02.

4.03.03. *An architect shall not abuse a colleague’s good faith or be guilty of breach of trust or disloyal practices towards him. He shall not, in particular take credit for architectural work done by a colleague.*

R.R.Q., 1981, c. A-21, r. 3, s. 4.03.03.

4.03.04. *An architect shall not refuse, without justification, to provide a colleague with plans and specifications in his possession and which are required by that colleague to carry out or continue works relative to a building.*

R.R.Q., 1981, c. A-21, r. 3, s. 4.03.04.

4.03.05. *An architect shall neither solicit nor accept a mandate from a client if he knows or has reason to believe that such client has retained the services of a colleague for the same purpose. However, if the client notifies him in writing that the mandate of his colleague has terminated, he may accept the mandate after having informed his colleague in writing of his intention.*

R.R.Q., 1981, c. A-21, r. 3, s. 4.03.05.

§ 4. — *Contribution to the advancement of the profession*

4.04.01. *An architect must, as far as he is able, contribute to the development of his profession through the exchange of his knowledge and experience with his colleagues and students and by his participation in courses and continuous training periods.*

R.R.Q., 1981, c. A-21, r. 3, s. 4.04.01.

DIVISION V

ADVERTISING

O.C. 750-98, s. 3.

5.01. *(Replaced).*

R.R.Q., 1981, c. A-21, r. 3, s. 5.01; O.C. 750-98, s. 3.

§ 1. — *Restrictions and obligations respecting advertising*

O.C. 750-98, s. 3.

5.01.01. *An architect may mention in his advertising all information likely to help a person who has no particular knowledge of architecture to make an enlightened choice on the services that may be useful or necessary for him. The advertising must promote access to those services, as well as the maintenance and development of professionalism.*

O.C. 750-98, s. 3.

5.01.02. *No architect may, in any way whatsoever, engage in false or misleading advertising or advertising that is likely to mislead, or allow anyone else to do so.*

O.C. 750-98, s. 3.

5.01.03. *An architect who mentions the name of a project in which he has participated must also mention, where applicable, that other architects' offices have participated in the project and must specify his role and his participation in the project.*

O.C. 750-98, s. 3.

5.01.04. *An architect may claim specific qualities or skills only if he can justify them.*

O.C. 750-98, s. 3.

5.01.05. *No architect may advertise in a manner that is likely to denigrate or disparage a colleague.*

O.C. 750-98, s. 3.

5.01.06. *Any advertising concerning prices must give sufficient information on the extent of the services offered and the corresponding remuneration. The advertising must specify the period during which it is in force and must indicate whether disbursements are included in the remuneration. Notwithstanding the above, nothing shall prevent an architect from agreeing with a client on a price lower than the one published or broadcast.*

O.C. 750-98, s. 3.

5.01.07. *An architect must retain a complete copy of any advertising in its original form for a period of 1 year following the date on which it last appeared. Upon request, that copy must be submitted to the syndic.*

O.C. 750-98, s. 3.

§ 2. — Graphic symbol of the Order

O.C. 750-98, s. 3.

5.02.01. *The Ordre des architectes du Québec is represented by a graphic symbol, the original of which is kept by the secretary.*

O.C. 750-98, s. 3.

5.02.02. *An architect who reproduces the Order's graphic symbol for advertising purposes must ensure that it is identical to the original.*

O.C. 750-98, s. 3.

§ 3. — Name of partnerships of architects

O.C. 750-98, s. 3.

5.03.01. *This Division also applies to architects who practise alone.*

O.C. 750-98, s. 3.

5.03.02. *The name of a partnership of architects shall include the names of members of the Order who practise together.*

O.C. 750-98, s. 3.

5.03.03. *When an architect withdraws from a partnership, his name must be removed from the partnership name except in the cases provided for in section 5.03.04.*

O.C. 750-98, s. 3.

5.03.04. *When an architect withdraws from a partnership to practise alone, to join another partnership or to perform duties that are incompatible with the practice of his profession, his name must be removed from the partnership name within 6 months from his withdrawal, unless there is an agreement to the contrary.*

O.C. 750-98, s. 3.

5.03.05. *Notwithstanding section 5.03.02, a partnership of architects may retain in its name the name of a deceased or retired architect for 1 year following the death or retirement, provided that the architect was a member of that partnership at the time of his death or retirement.*

O.C. 750-98, s. 3.

5.03.06. *Notwithstanding section 5.03.05, the name of a partnership of architects may include the name of a deceased or retired architect provided that the architect was a member of that partnership during the 5 years preceding his death or retirement and provided that the architect, his heirs or his successors have concluded an agreement to that effect. Such agreement may be revoked for cause.*

O.C. 750-98, s. 3.

UPDATES

R.R.Q., 1981, c. A-21, r. 3

O.C. 820-91, 1991 G.O. 2, 1954

O.C. 750-98, 1998 G.O. 2, 2214

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