

CODE OF ETHICS FOR THE MEMBERS OF THE QUEBEC ASSOCIATION OF BUILDING INSPECTORS

GENERAL PROVISION

1. This code determines, the duties incumbent upon all members of the Quebec Association of Building Inspectors who engage in professional activities.

In particular, it determines the acts that are derogatory to the dignity of the profession, sets out provisions to preserve the secrecy of confidential information that becomes known to the building inspector in the practice of his profession, as well as conditions, obligations, and prohibitions in respect of advertising by an inspector.

DEFINITION

2. In this code, « client » means a person, including an employer, to whom the building inspector provides professional services.

DUTIES AND OBLIGATIONS TOWARDS CLIENTS, THE PROFESSION AND THE PUBLIC

3. In the practice of his profession, the building inspector 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.

4. The building inspector must promote measures of education and information pertinent to the field in which he practices. 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.

5. The building inspector shall express his opinion on matters dealing with inspection only if such opinion is based on sufficient knowledge and honest convictions.

6. The building inspector must not practise under conditions or in situations likely to impair the quality of his services.

7. The building inspector shall identify himself to his client as a member of the Québec Association of Building Inspectors.

8. The building inspector shall seek to establish a relationship of mutual trust between himself and his client.

COMPETENCE AND INTEGRITY

9. The building inspector must discharge his professional obligations with competence and integrity. The building inspector must provide high-quality professional services.

10. The building inspector must maintain and increase his knowledge and skills and constantly seek to improve his professional outlook.

- 11.** The building inspector must practice his profession in keeping with good practice, generally accepted standards and his code of ethics.
- 12.** The building inspector must consider the limitations of his skills, knowledge, experience, and the means at his disposal. In particular, no building inspector shall undertake or continue an inspection for which he is insufficiently qualified, without obtaining the necessary assistance.
- 13.** The building inspector shall not practice his profession or perform professional acts under conditions or in situations likely to impair the dignity of the profession or the quality of the services he provides.
- 14.** The building inspector 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.
- 15.** The building inspector shall not refuse to call upon a colleague for consultation if his client requests him to do so.
- 16.** The building inspector must refrain from expressing opinions unless he has full knowledge of the facts.
- 17.** The building inspector shall not resort nor lend himself to nor tolerate dishonest or doubtful practices in the performance of his professional activities.
- 18.** The building inspector must promptly inform his client of any detrimental error that is difficult to correct, any complication or incident resulting from the performance of professional services and, as required, take the necessary measures to rectify the situation.
- 19.** The building inspector 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.
- 20.** Before providing his professional services, the building inspector 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. The building inspector must inform his client and provide him with the explanations necessary as regards the composition, property, quality, benefits and drawbacks of services offered.
- 21.** The building inspector must indicate to the client, in writing, the professional services that will be provided, unless the context indicates otherwise.
- 22.** The building inspector must immediately stop the execution of his mandate if such mandate is cancelled.
- 23.** The building inspector must at all times acknowledge his client's right to consult another building inspector and, in such cases, he must offer his cooperation to the latter.
- 24.** The building inspector shall not pay or undertake to pay, directly or indirectly, any benefit, rebate or commission in order to obtain a contract or upon the carrying out of building inspecting work.
- 25.** The building inspector must be impartial in his relations between his client and the contractors, real estate brokers and other persons doing business with his client. The building inspector must display objectivity in giving an opinion on a contractual document linking his client or employer to a contractor, real estate brokers and other persons.

26. The building inspector must refrain from formulating opinions, giving advice or producing documents that are not based on sufficient scientific knowledge or full knowledge of the relevant facts with respect to the nature and scope of the professional services provided.

27. The building inspector must refrain from intervening in a client's personal affairs on matters not within the scope of his professional competence.

28. The building inspector will promptly disclose to his client any interest in a business which may affect the client.

29. The building inspector will not allow an interest in any business to affect the quality or results of his inspection work which he may be called upon to perform.

30. The inspection work may not be used as a vehicle by the building inspector to obtain additional work in another field deliberately.

31. The inspector will abstain from recommending or endorsing a specific company or individual for the purpose of repairs, renovations, construction or maintenance. He may however propose to his clients, a selection of companies (three or more) if requested by the client.

CONDUCT

32. The building inspector shall act with courtesy, dignity, moderation, and objectivity.

33. The building inspector shall avoid attitudes and methods likely to diminish the good repute of the profession or his ability to serve the public interest. He shall avoid discriminatory, fraudulent, or illegal practices, and must refuse to participate in such practices.

34. The building inspector shall show respect toward all commissions of inquiry, bodies, and courts, and the members thereof. No building inspector shall, directly or indirectly, broadcast or publish comments or remarks that he knows to be false or that are manifestly false, concerning a commission of inquiry, a body, or a court, or any member thereof.

35. The building inspector shall not, directly or indirectly, comment publicly in any manner whatsoever on any case that is pending before a commission of inquiry, a body, or a court, and in which he or one of his partners or employees has acted.

36. The building inspector shall not :

1° lead or attempt to lead a court into error, create doubt in favour of a client, or restrict or deform reality by his testimony;

2° prevent or try to prevent another party from being assisted by the building inspector or represented by an advocate.

AVAILABILITY AND DILIGENCE

37. In the practice of his profession, the building inspector must show reasonable availability and diligence.

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

39. The building inspector must give an account of the execution of his mandate when so requested by his client.

40. The building inspector shall cease to provide professional services to a client if the client resiliates the contract for services.

41. Unless he has sound and reasonable grounds therefore, the building inspector may not cease to act for the account of a client. The following shall, in particular, constitute sound and reasonable grounds:

1° loss of the client's confidence;

2° the fact that the building inspector is in a situation of conflict of interest or in a situation such that his professional independence could be called in question;

3° the fact of being incited by the client to perform illegal, unfair or fraudulent acts.

4° the client is deceitful or fails to cooperate;

5° the client refuses to pay the building inspector's fees;

6° it is impossible for the building inspector to communicate with his client or to obtain from the client the elements he deems necessary to perform the requested professional services;

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

43. The building inspector shall inform his client of the approximate time required for the execution of the professional service.

LIABILITY

44. The building inspector must assume full civil liability in his practice. The building inspector must not insert in a contract for professional services any clause directly or indirectly excluding his liability in whole or in part. He must not sign a contract containing such clause.

45. The building inspector shall ensure that the provisions of the law and the regulations applicable to members of the Quebec Association of Building Inspectors are respected by the persons or partners with whom he acts. In particular, every building inspector is responsible for any work he has caused to be executed by other persons. He must train and supervise such persons and review their work to ensure that it complies with the laws, regulations, and standards of practice applicable to members of the Quebec Association of Building Inspectors.

46. The building inspector must affix his signature to the original and all copies of any report, study, monitoring report, inspection report or other document he has personally prepared or that has been prepared under their responsibility.

INDEPENDENCE AND IMPARTIALITY

47. The building inspector must, in the practice of his profession, subordinate his personal interest to that of his client.

48. The building inspector must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

Without restricting the generality of the foregoing, every building inspector shall refuse any benefit, commission, or return relative to the practice of his profession that is in addition to the remuneration to which he is entitled. Similarly, no building inspector shall pay, offer to pay, or undertake to pay such benefit, commission, or return.

49. The building inspector 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, the building inspector:

1° is in conflict of interest when the interest 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;

2° is not an objective adviser if he derives a direct or indirect, real or possible benefit from any given act.

50. The building inspector must, as soon as he becomes aware that he is or may soon be in a situation of conflict of interest, notify the client and request the client's authorization to continue to provide professional services. Where the client agrees, the building inspector must record the acceptance in the client's file.

51. Generally, the building inspector shall act for only one party in any given case. In carrying out a mandate, the building inspector shall generally act only for one of the parties concerned, namely, his client. However, where his professional duties require that he act otherwise, the building inspector must notify his client thereof. He shall accept the payment of his fees only from his client or the latter's representative.

52. The building inspector shall not refuse to render professional services without reasonable cause. However, the building inspector shall not accept more contracts than are dictated by the interests of his clients and the respect of his professional obligations.

53. The building inspector shall safeguard his professional independence at all times. He shall, in particular :

1° retain his professional independence when called upon to collaborate with another person, notably, another member of the Quebec Association of Building Inspectors or a member of another professional order;

2° avoid performing a task contrary to his professional conscience, to the rules of his profession, or to generally accepted standards of practice;

3° avoid inspecting, examining, or holding a consultation on a thing in which he or his partners have an interest, whether direct or indirect, present or future;

4° refrain from sitting as a member of an adjudicatory body in a decision or recommendation relating to the rights and obligations of his client or the client of a partner;

5° refrain from acting in a situation where he could derive personal advantage, whether direct or indirect, present or future.

PROFESSIONAL SECRECY

54. The building inspector must respect the secrecy of all confidential information obtained in the practice of his profession. They must, where applicable, take reasonable measures to ensure that the employees or personnel working with them preserve professional secrecy.

55. The building inspector shall be released from professional secrecy only with the authorization of his client or whenever so ordered by law.

56. The building inspector shall not make use of confidential information to the prejudice of a client or with a view to deriving, directly or indirectly, an advantage for himself or for another person.

57. The building inspector 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.

58. The building inspector must avoid indiscreet conversations concerning a client and the services rendered to him.

FEES

59. The building inspector must charge fair and reasonable fees. Fees are considered fair and reasonable if they are warranted under the circumstances and in proportion to the services provided.

60. In determining the amount of his fees, the building inspector shall consider the following factors in particular:

1° the knowledge or skill required to perform the professional services;

2° the degree of responsibility assumed;

3° the degree of difficulty and the importance of the professional services;

4° his experience;

5° the performance of professional services that are unusual or that require exceptional speed or competence;

6° the time required to perform the professional services.

61. The building inspector shall not request payment of his fees in advance before the date of execution of the professional services; however, he may accept an advance to cover the payment of disbursements and part of his fees. He also can request the payment after the signature of the inspection service agreement.

62. The building inspector must receive fees from only one source in payment of a professional service, unless all parties concerned explicitly agree otherwise. He shall inform his client before accepting payment of his fees from another person.

The agreement contemplated in the first paragraph must also state whether the fees, payment of costs, or other amounts he may receive from another person will be deducted from the fees agreed upon.

63. The building inspector shall not share his fees with another person unless responsibilities and services are also shared.

64. The building inspector shall not collect interest on an outstanding account without first notifying his client. The interest thus charged must be at a reasonable rate.

65. Before having recourse to legal proceedings, the building inspector must have exhausted all other available means for obtaining payment of his fees.

66. The building inspector who entrusts the collection of his fees to another person must, as far as possible, ensure that that person acts with tact and moderation.

67. The building inspector must inform his client of the approximate and foreseeable cost of the professional services before they are provided.

68. The building inspector must provide the client with a clear statement of his professional fees including the cost of any goods provided, if any, and the terms and conditions of payment applicable. At the client's request, the building inspector must provide the client with all explanations necessary to an understanding of the statement.

ACCESSIBILITY AND CORRECTION OF FILES AND RELEASE OF DOCUMENTS

69. Beyond the specific rules prescribed by law, the building inspector must act, with diligence and no later than 30 days following receipt thereof, on any request made by his client for the purposes of :

1° examining documents concerning him in any record established in his respect ;

2° obtaining copies of documents concerning him in any record established in his respect.

70. The building inspector who agrees to a request contemplated in section 69 shall give the client access to the documents in his presence or in the presence of a person authorized by him.

The building inspector may, with respect to a request contemplated in subparagraph 2 of section 69, charge his client a reasonable fee not exceeding the cost of transmission, transcription or reproduction of a copy.

The building inspector charging such fees shall, before they are incurred, inform his client of the approximate amount he will be asked to pay. The building inspector has the right of retention concerning payment of such fees.

71. Beyond the specific rules prescribed by law, the building inspector must act, with diligence and no later than 30 days following receipt thereof, on any request made by his client for the purposes of :

1° correcting information that is inaccurate, incomplete or ambiguous with regard to the purposes for which it was collected, in any document concerning him that is contained in any record established in his respect ;

2° deleting any information that is outdated or not justified by the object of the record established in his respect ;

3° placing his written comments in the record established in his respect.

72. The building inspector who agrees to a request contemplated in section 71 shall give his client without charge a copy of the document or portion thereof showing the client that the information has been corrected, or, as the case may be, a certificate indicating that the written comments from the client have been placed in the record.

Upon receipt of a request in writing from the client, the building inspector shall send, without charge to the client, a copy of such information or certificate to any person from whom the building inspector received such information and to whom such information was given.

73. The building inspector agrees to act with diligence on any request in writing made by his client for the purpose of taking back a document or item which the client had left with him.

The building inspector indicates in the record established in respect of his client, as the case may be, the reasons for the client's request.

74. The building inspector may require that a request contemplated in sections 69, 71 or 73 be submitted to his professional domicile during the usual hours of work.

DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

Incompatible duties and responsibilities

75. The following is incompatible with the practice of the profession of building inspector :

1° acting as a contractor under the same firm name which he uses as building inspector ;

2° inspecting a building for the account of a client for whom he acts as contractor;

3° acting directly or indirectly as a general or specialized contractor unless he has notified his client thereof upon his engagement.

ACTS DEROGATORY TO THE DIGNITY OF THE PROFESSION

76. The following acts are derogatory to the dignity of the profession:

1° communicating with a complainant without the prior written permission of the complaints committee or the membership committee, where he is informed that he is the subject of an inquiry into his conduct or professional competence or where he has been served notice of a complaint against him;

2° refusing or neglecting to meet or communicate with the complaints committee or the membership committee , after being informed that he is the subject of an inquiry into his conduct or professional competence, or after being served notice of a complaint against him;

3° refusing or neglecting to appear at the office of the complaints committee or the membership committee or to hand over any documentation, when these committees so requests;

4° repeatedly or insistently inciting a person to have recourse to his professional services;

5° failing to notify without delay the complaints committee or the membership committee of the Quebec Association of Building Inspectors that he has reasonable cause to believe that another member of the Quebec Association of Building Inspectors is incompetent, dishonest or contravenes the Code of ethics, general regulations, standards of practice or a regulation made pursuant to the code;

6° ordering or inciting another building inspector to perform an act that contravenes the regulations of the Quebec Association of Building Inspectors;

7° conspiring with any person, in any manner whatsoever, to procure clients or business;

8° drawing up an unqualified declaration or report that he knows to be incomplete, or a report that he knows to be false or the conclusion of which has been predetermined with respect to the inspection of a thing;

9° attempting to obtain a contract that, to his knowledge, has already been awarded to a colleague.

10° participating or contributing to the illegal practice of the profession;

11° taking legal action against a colleague on a matter relative to the practice of the profession before applying for conciliation to the president of the Quebec Association of Building Inspectors;

12° deliberately delaying the performance of a professional service ;

13° taking advantage of the inexperience, ignorance, naivety of a client ;

14° performing their professional activities in a condition or in a state that may compromise the quality of their services or the dignity of the profession ;

15° altering notes entered in the client's record or replacing any part thereof with the intention of falsifying them ;

16° being verbally or physically violent or using disrespectful oral or written comments towards a client ;

17° ceasing to provide professional services to a client without giving the client reasonable notice and without taking the necessary measures so that the withdrawal of such services does not cause prejudice to the client ;

18° claiming fees for professional services not provided or falsely described or for goods that were not provided ;

19° claiming fees or remuneration from a client for payment in whole or in part of a professional service the cost of which is assumed by a third party, unless an explicit, prior written agreement to the contrary has been reached between the interested persons ;

20° intimidating a person or taking reprisals or threatening to take reprisals against any person who

i. has reported derogatory behavior or conduct or intends to do so ;

ii. has taken part or cooperated in an inquiry into derogatory behavior or conduct or intends to do so ;

21° failing to notify the Quebec Association of Building Inspectors at once without delay if they believe a person is illegally using a title reserved to the members of the Quebec Association of Building Inspectors.

22° co-operating with a person who is suspended or struck off the roll by allowing him to practise the profession or to make use of his name to do so;

23° failing to notify the Quebec Association of Building Inspectors of any objection to a candidate's admission to the practice of the profession;

24° failing to reimburse any amount paid in advance by a client which is in excess of the value of the work done in the event the building inspector ceases to act for a client before termination of his mandate;

25° voluntarily entering false information in a report ;

RELATIONS WITH THE QUEBEC ASSOCIATION OF BUILDING INSPECTORS AND OTHER BUILDING INSPECTORS

77. The building inspector shall reply as soon as possible to any correspondence from the Secretary of the Quebec Association of Building Inspectors, the complaints committee or the membership committee of the Quebec Association of Building Inspectors, or an assistant, an expert, a member or an investigator, appointed by these.

78. The building inspector shall not abuse a colleague's good faith, be guilty of breach of trust or be disloyal towards him or willfully damage his reputation. Without restricting the generality of the foregoing, the building inspector shall not, in particular:

1° take upon himself the credit for inspecting work which belongs to a colleague;

2° take advantage of his capacity of employer or executive to limit in any way the professional independence of the building inspector employed by him or under his responsibility, in particular with respect to the use of the title of building inspector or the obligation of every building inspector to commit his professional liability;

3° induce a colleague to commit an offence against the laws and regulations governing the practice of the profession.

79. The building inspector must, insofar as he is able, contribute to the development of the profession by exchanging knowledge and experience with other professional building inspectors and students.

80. The building inspector consulted by another building inspector must provide the other building inspector with his opinion and recommendations within a reasonable time.

81. The building inspector who is requested to replace another building inspector or examine or review the work of another building inspector must inform that building inspector and, if necessary, ensure that the provision of the professional services is completed.

82. The building inspector called on to collaborate with another building inspector must maintain his professional independence. If entrusted with a task that is contrary to his conscience or against his principles, they must request to be excused from performing it.

CONTRIBUTION TO THE DEVELOPMENT OF THE PROFESSION

83. The building inspector shall, as far as he is able, contribute to the development of the profession by sharing his knowledge and experience with other members of the Quebec Association of Building Inspectors and with students and trainees, and by taking part in activities and in refresher courses and training organized for members of the Quebec Association of Building Inspectors.

CONDITIONS, OBLIGATIONS AND PROHIBITIONS IN RESPECT OF ADVERTISING

84. The building inspector shall ensure that his name and professional title appear in his advertising.

85. The building inspector shall not, by whatever means, engage in or allow the use of advertising that is false, incomplete, misleading, or liable to be misleading.

86. The information that the building inspector provides in his advertising or promotion must be of a nature to help the public make an informed choice. Such advertising or promotion must be done with integrity and favor professionalism.

87. The building inspector shall not in his representation or advertising :

1° invade a person's privacy ;

2° undermine a person's reputation ;

3° compare the quality of his services with that of the services offered or rendered by other building inspectors ;

88. The building inspector shall not, in his advertising, claim to possess specific qualities or skills, particularly concerning the range or efficacy of his services or of those generally provided by other members of his profession or persons with his level of competence, unless he can substantiate such claims.

89. The building inspector shall not resort to advertising practices likely to discredit or denigrate another person with whom he has dealings in the practice of the profession.

90. The building inspector who advertises fees, rebates or prices must do it in a comprehensive manner for the public and, in particular :

1° specify the nature and extent of the services covered by the fees ;

2° indicate whether disbursements are included in the fees, rebates or prices ;

3° indicate whether additional professional services not included in the fees or prices might be required, where applicable ;

4° give as much significance to the professional services offered as to fees, prices or rebate.

Unless indicated otherwise in the advertisement, the fees, rebates or prices must remain in effect for a minimum of 90 days after the last broadcast or publication. In the case of a rebate, the building inspector must specify the validity period in the advertisement.

The building inspector may, however, agree with the client on a price lower than the price broadcast or published.

91. The particulars and indications must be sufficient to reasonably inform persons who have no particular knowledge of the professional services mentioned in the advertisement.

92. The building inspector must keep an integral copy of every advertisement for a period of three years following the date on which it was last broadcast or published. The copy must be given, on request, to a syndic of the Quebec Association of Building Inspectors, investigator or member of the professional inspection committee.

93. The building inspector who practice in a partnership is jointly responsible with the other building inspectors for compliance with the rules respecting advertising, unless the advertisement clearly indicates the name of the building inspector responsible for the advertising or the building inspector demonstrates that the advertisement was broadcast or published without his knowledge or consent, or despite measures taken to ensure compliance with the rules.

94. The Quebec Association of Building Inspectors is represented by a graphic symbol, the original of which is kept by the secretary.

95. The building inspector who reproduces the graphic symbol of the Quebec Association of Building Inspectors for advertising purposes must ensure that the symbol conforms to the original held by the secretary of the Quebec Association of Building Inspectors.

96. The building inspector shall not, by any means, engage in or allow the use of advertising intended for persons who may be emotionally or physically vulnerable as the result of a specific event.