

1989, chapter 8
**AN ACT TO AMEND THE PUBLIC
BUILDINGS SAFETY ACT**

Bill 118

Introduced by Mr Yves Séguin, Minister of Labour

Introduced 23 March 1989

Passage in principle 4 April 1989

Passage 10 May 1989

Assented to 5 June 1989

Coming into force: 5 June 1989

Act amended:

Public Buildings Safety Act (R.S.Q., chapter S-3)





CHAPTER 8

An Act to amend the Public Buildings Safety Act

[Assented to 5 June 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-3,
s. 10, am.

1. Section 10 of the Public Buildings Safety Act (R.S.Q., chapter S-3) is amended by replacing the words “any member of the municipal or” in the sixth line of subsection 5 by the words “the municipal police force or the”.

c. S-3,
s. 11,
repealed

2. Section 11 of the said Act is repealed.

c. S-3,
s. 13, am.

3. Section 13 of the said Act is amended by striking out the words “shall be built within thirty days after the order has been given, and each of them” in the eight and ninth lines.

c. S-3,
s. 21,
repealed

4. Section 21 of the said Act is repealed.

c. S-3,
s. 22,
replaced

5. Section 22 of the said Act is replaced by the following section:

Stage
curtain

“22. Every theatre shall be provided with a fireproof stage curtain operated by a mechanism approved by the inspector.”

c. S-3,
s. 35, am.

6. Section 35 of the said Act is amended by replacing subsection 1 by the following subsection:

Offence and
penalty

“(1) Every owner of a public building who infringes any provision of this Act or the regulations thereunder or whose building does not comply with any of the provisions thereof is guilty of an offence and is liable, in addition to costs, to a fine of \$250 to \$575 in the case of a natural person, and \$575 to \$1 150 in the case of a legal person.

Subsequent
offence

In case of a subsequent offence in respect of the same provision within two years of conviction, the offender is liable, in addition to

costs, to a fine of \$500 to \$1 150 in the case of a natural person, and \$1 150 to \$2 300 in the case of a legal person.”

c. S-3,
s. 36, am.

7. Section 36 of the said Act is amended

(1) by replacing the words “the fine mentioned in section 35, to a penalty not exceeding \$60 and costs, for every day that such building so remains open”, in the fourth, fifth and sixth lines of subsection 1, by the words “costs, to the fine prescribed in section 35”;

(2) by replacing the words “a constable of the municipal or” in the second paragraph of subsection 2 by the words “the municipal police force or the”;

(3) by replacing subsection 3 by the following subsection:

Owner of
a public
building

“(3) Every owner of a public building who hinders the work of an inspector or obstructs him in the exercise of his functions is guilty of an offence and is liable, in addition to costs, to the fine prescribed in section 35.”

c. S-3,
ss. 36.1 to
36.3, added

8. The said Act is amended by adding, after section 36, the following sections:

Safety of
residents
endangered

“**36.1** Every owner of a public building who directly and seriously endangers, whether by act or omission, the safety of the persons residing in, frequenting or having access to a public building is guilty of an offence and is liable, in addition to costs, to a fine of \$750 to \$1 725 in the case of a natural person, and \$1 725 to \$3 450 in the case of a legal person.

Subsequent
offence

In case of a subsequent offence in respect of the same provision within two years of conviction, the offender is liable, in addition to costs, to a fine of \$1 500 to \$3 450 in the case of a natural person, and \$3 450 to \$6 900 in the case of a legal person.

Separate
offences

“**36.2** Where an offence under section 35 or 36.1 continued for more than one day, a separate offence shall be counted for each day during which the offence continued. Separate offences may, however, be described in a single count.

Legal
person

“**36.3** Where an offence is committed under section 35 or 36.1, any director, executive officer, officer, employee or representative of the legal person who authorized, permitted or acquiesced in the commission of the offence is guilty of an offence, if he knew or should have known that his action would probably result in the commission of the offence, and is liable to the fine prescribed for a natural person under section 35 or 36.1, as the case may be.”

c. S-3,
s. 37, am.

9. Section 37 of the said Act is amended by replacing the words “six months” in the second line of subsection 3 by the words “one year”.

c. S-3,
s. 38,
replaced

10. Section 38 of the said Act is replaced by the following section:

Notice to
the offender

“38. The prosecutor may serve a prior notice on the offender by registered or certified mail. The notice shall indicate, in particular, the nature of the offence, the minimum fine prescribed for such offence, the amount of the costs fixed by government regulation and the place where the fine and costs may be paid.

Payment of
fine

The fine and costs are payable within ten days after service of the notice.

Penal
proceedings

Payment of the fine and costs shall preclude penal proceedings against the person, who is then considered to have been found guilty of the offence.

Omission
of notice

Omission of the prior notice cannot be invoked against the prosecutor. However, an offender who, at the time of his appearance, pleads guilty and shows that such notice was not served on him cannot be condemned to pay an amount greater than that which he would have been required to pay by virtue of a notice.”

c. S-3,
s. 41,
replaced

11. Section 41 of the said Act is replaced by the following section:

Defects

“41. An inspector may, if he considers it appropriate, issue a notice indicating to the owner of the public building the defects he has noted, and fix a period of time to enable the owner to comply with this Act or the regulations.

Suppletory
measures

Moreover, the inspector may in such notice require that the owner take during such period any suppletory measure he thinks necessary to render the building safe for the persons residing therein, frequenting it or having access thereto.”

c. S-3,
s. 42, am.

12. Section 42 of the said Act is amended by replacing the word “act” in the first line of the first paragraph by the words “Act and the regulations thereunder”, and by replacing the words “the law” in the last line of the first paragraph by the words “this Act and the regulations thereunder”.

Coming into
force

13. This Act comes into force on 5 June 1989.