



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 186

An Act to amend the Building Act and other legislation

Introduction

**Introduced by
Mr Normand Cherry
Minister of Labour**

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EXPLANATORY NOTES

The object of this bill is to amend the Building Act. It introduces amendments to the field of application of the Act, in particular by extending its scope to include new technical installations and by introducing new definitions. It also provides that any difficulties of application and interpretation of the field of application will be referred to the Labour Court.

The Régie du bâtiment du Québec will replace the Commission du bâtiment du Québec. This governmental agency will exercise powers in respect of inspection, standardization and the professional qualification of building contractors. Provisions are also made for the creation of an advisory committee composed of persons chosen for their involvement in the construction sector whose function is to advise the Régie du bâtiment on any matter submitted by the Régie or coming under its authority.

The bill completes the provisions respecting financial guaranties and certificates of conformity relating to the purchase of buildings by consumers or to construction work carried out for them.

The bill entrusts the Régie du bâtiment with responsibility for the professional qualification of building contractors. It increases the requirements in this matter, in particular by providing that a contractor must merit public trust in order to obtain or maintain a licence. It empowers the Régie du bâtiment to establish by regulation rules of conduct and a demerit points system of a public nature.

The bill replaces the provisions which impose the setting up of quality control programs by new requirements concerning certificates of conformity and the obtaining of permits.

Appeals from decisions of the Régie du bâtiment concerning the qualification of building contractors and the safety of buildings will be referred to the Labour Court.

The bill simplifies the wording of certain offences, introduces new offences and increases the amounts of fines.

In addition, the bill contains consequential amendments.

Lastly, the bill provides that certain provisions of the Building Act will come into force on 1 January 1992, including those relating to the qualification of building contractors. It also provides that the remaining provisions will come into force at a later date fixed by the Government and that the Régie du bâtiment will be entrusted with the enforcement of certain Acts from 1 January 1992 until their replacement.

ACTS AMENDED BY THIS BILL:

- (1) Architects Act (R.S.Q., chapter A-21);
- (2) Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- (3) Gas Distribution Act (R.S.Q., chapter D-10);
- (4) Engineers Act (R.S.Q., chapter I-9);
- (5) Master Electricians Act (R.S.Q., chapter M-3);
- (6) Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- (7) Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- (8) Tourist Establishments Act (1987, chapter 12);
- (9) Charter of the city of Québec (1929, chapter 95).

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Building Act (R.S.Q., chapter B-1.1) is amended by adding, at the end, the following paragraph:

“In the pursuit of those purposes, the Act provides in particular for the professional qualification of contractors and owner-builders.”

2. Section 2 of the said Act is amended

(1) by replacing subparagraph *b* of paragraph 3 by the following subparagraph:

“(b) installations intended to use, store or distribute gas;”;

(2) by adding, after subparagraph *c* of paragraph 3, the following subparagraphs:

“(d) plumbing installations;

“(e) installations for protection against lightning;”;

(3) by adding, at the end, the following paragraphs:

“(4) to the vicinity of such buildings, facilities and installations;

“(5) to any other civil engineering structure, but only for the purposes of Chapters IV and V.”

3. The said Act is amended by inserting, after section 4, the following section:

“4.1 The Government may, by regulation, exempt from the application, in whole or in part, of this Act, categories of persons, contractors, owner-builders, pressure vessel manufacturers, owners of buildings, facilities intended for use by the public or installations independent of a building, and categories of buildings, pressure vessels, facilities, installations or construction work.”

4. Section 5 of the said Act is amended by adding, at the end, the words “to the extent provided by government regulation”.

5. Section 7 of the said Act is amended

(1) by replacing the definition of “pressure vessel” by the following definition:

“**“pressure vessel”** means a receptacle intended to contain gas whether inflammable or not, or a liquid under pressure, or a boiler, and the equipment necessary to their operation;”;

(2) by inserting, after the definition of “gas”, the following definition:

“**“pressure installation”** means a pressure vessel and any equipment or pipes connected thereto.”

6. Section 8 of the said Act is amended in the French text

(1) by replacing the word “présumé” in the part preceding paragraph 1 by the word “présumée”;

(2) by replacing the words “qu’il” in the second line of paragraph 1 by the words “qu’elle”.

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

“10. Every bathing place, mechanical amusement device, stand, mechanical lift, elevator, elevating platform, funicular, lookout, tent or inflatable structure designated by government regulation is a facility intended for use by the public. The same applies to any other facility designated by government regulation.

The Government shall, by regulation, establish criteria to determine whether or not a facility is intended for public use.”

8. The said Act is amended by adding, after section 11, the following sections:

“11.1 The Labour Court has sole jurisdiction for hearing any matter relating to the interpretation or application of sections 2, 4, 4.1, 9, 10, 29, 41 and 42 and the regulations adopted under paragraphs 1 to 5 of section 182.

“11.2 A decision by the court must give in writing the reasons on which it is based; such decision is final and no appeal shall lie therefrom.

“11.3 The provisions of Chapters VI and VIII of the Labour Code (R.S.Q., chapter C-27), to the extent that they are applicable, shall apply in the case of any decision rendered under section 11.1.”

9. Section 12 of the said Act is amended by adding, at the end, the words “, including their vicinity”.

10. Section 13 of the said Act is replaced by the following section:

“13. The Régie du bâtiment du Québec shall adopt a building code establishing standards for construction work on buildings, facilities intended for use by the public and installations independent of a building, including their vicinity.”

11. Sections 16 and 17 of the said Act are replaced by the following sections:

“16. Every contractor contracting with a person other than a contractor or selling or exchanging a building that he has built or has caused to be built shall, in the cases prescribed by regulation of the Board, not later than 10 days after the completion of construction work or at the time the building is sold or exchanged, forward to the other contracting party or to the purchaser a certificate of the work's conformity with those standards of the building code that are determined by regulation of the Board as requiring certification.

The contractor shall, within the same time, forward to the other contracting party or to the purchaser a certificate of conformity as provided in section 17.

“17. Every sub-contractor shall, in the cases prescribed in the regulations of the Board, not later than 5 days after the completion of the construction work, forward to the contractor a certificate of the work's conformity with those standards of the building code that the Board determines by regulation as requiring certification.

“17.1 Every certificate of conformity shall be signed by the person who established, in accordance with paragraph 1 of section 58,

that he had the technical knowledge or experience in carrying out construction work and, in the cases prescribed in sections 70, 72, 73 and 76, the certificate shall be signed and forwarded by a person recognized by the Board in accordance with its regulations.

“17.2 The Board may, for a period it determines, require that the certificate of conformity that must be produced by a contractor or sub-contractor be signed and forwarded by a person recognized by the Board in accordance with its regulations, where the contractor or sub-contractor has omitted or refused to produce a certificate or has produced an inaccurate certificate or a certificate that he knew to contain false or inaccurate information.

“17.3 No contractor or sub-contractor may claim any amount for the production of a certificate of conformity under sections 16 and 17.”

12. Section 19 of the said Act is replaced by the following section:

“19. No person may, in the cases prescribed by regulation of the Board, sell, rent, exchange or purchase a prefabricated building which is not approved or certified by a body determined by regulation of the Board.”

13. Section 20 of the said Act is amended

(1) by replacing the words and figures “section 16, 18 or 19” in the first and second lines of the first paragraph by the words and figures “sections 16 to 18 and 128.1”;

(2) by adding the words “and, in such a case, upon payment of the fees prescribed by regulation of the Board” at the end of the second paragraph.

14. Sections 21 to 23 of the said Act are replaced by the following sections:

“21. The Board shall refer to the syndic of the professional corporation for investigation the case of any member of that corporation it considers to have signed a false certificate of conformity with the building code where that certificate leads to a denial of conformity or to penal proceedings against the corporation member.

“22. Every contractor or owner-builder shall, in the cases prescribed by regulation of the Board, report to the Board any construction work which he has carried out or intends to carry out.”

15. Section 24 of the said Act is amended by adding, at the end, the following paragraph:

“The undertaking shall notify the Board, as soon as possible, of any refusal to connect an installation to its system and of the reasons for that refusal and, at the request of the Board, of any connection made to its system.”

16. Section 25 of the said Act is amended by adding, at the end, the following paragraph:

“The undertaking shall notify the Board, as soon as possible, of any refusal to supply a new installation and of the reasons for that refusal and, at the request of the Board, of any supply made to such an installation.”

17. Section 28 of the said Act is repealed.

18. The said Act is amended by adding, after section 28, the following division:

“DIVISION IV

“AGREEMENTS WITH MUNICIPALITIES

“28.1 No person may obtain a building permit from a municipality without first filing with it a declaration certifying that the construction work will be carried out by a licensed contractor or owner-builder and indicating the number of the licence.

For the purposes of this section, “construction work” means work to which Chapter IV applies.

“28.2 Section 28.1 shall apply in the territory of a municipality only to the extent that a written agreement has been entered into between the Board and the municipality.

“28.3 A municipality may enter into an agreement with the Board for the purposes of this division.

“28.4 The agreement shall fix the conditions and modalities of application of this division.

“28.5 The agreement must be approved by the Minister and has effect ten days after the date of publication in the *Gazette officielle du Québec* of notice thereof, or on any later date fixed in the notice.”

19. Section 29 of the said Act is amended

(1) by striking out the words “by reason of its use or area” in the first and second lines of paragraph 3 of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“However, this chapter applies to an electrical or gas installation located in a building excluded by subparagraphs 2 and 3 of the first paragraph.”

20. Section 30 of the said Act is amended by replacing paragraph 1 by the following paragraph:

“(1) the manager, for his own account or on behalf of another person, of a building, a facility intended for use by the public or an installation independent of a building;”.

21. Section 31 of the said Act is amended

(1) by replacing the word “Government” in the first line by the word “Board”;

(2) by adding the following paragraph:

“The Code shall also apply to the vicinity of such a building, facility or installation.”

22. Section 35 of the said Act is replaced by the following sections:

“35. The owner of a building, of a facility intended for use by the public or of an installation independent of a building shall, in the cases determined by regulation of the Board, furnish to the Board a certificate of conformity of the building, facility or installation with the safety code produced by a person recognized by the Board in accordance with its regulations.

Section 20 applies, adapted as required, to the recognized person.

“35.1 The Board shall forward to the syndic of the professional corporation for investigation the case of any member of that corporation it considers to have signed a false certificate of strength or safety or a false certificate of conformity with the Safety Code where that certificate leads to penal proceedings against the corporation member.

“35.2 The owner of a building, of a facility intended for use by the public or of an installation independent of a building shall, in the cases and on the terms and conditions determined by regulation of the Board, obtain from the Board a permit for the use or operation of his building, facility or installation.

The permit may be issued for all or part of a building, facility or installation.

The permit holder shall post his permit in the cases and at such place as may be determined by regulation of the Board.”

23. Sections 37 to 40 of the said Act are replaced by the following sections:

“37. Every manufacturer must comply with the standards prescribed by regulation of the Board for the manufacture, erection, repair, modification or reconditioning of a pressure vessel.

“37.1 Every person who manufactures, erects, repairs, modifies or reconditions a pressure vessel shall, in the cases and in accordance with the terms and conditions determined by regulation of the Board, obtain a permit from the Board.

The permit holder shall post his permit in the cases and at such place as may be determined by regulation of the Board.

Chapter IV does not apply to a manufacturer.

“37.2 Every manufacturer shall, in the cases and in accordance with the conditions prescribed by regulation of the Board, report to the Board any manufacturing, erection, repair, modification or reconditioning work which he has carried out or intends to carry out.

“37.3 Every manufacturer shall, in the cases prescribed by regulation of the Board, before having a pressure vessel approved in accordance with section 37.4, forward to the Board a certificate of conformity of the work with those standards referred to in section 37 which the Board determines by regulation as requiring certification.

“37.4 No person may market a pressure vessel or put back into service any pressure vessel that has been repaired, modified or reconditioned, unless it has first been approved by the Board in the cases and in accordance with the terms and conditions prescribed in its regulations.

Moreover, no person may market or put back into service any pressure vessel where it is to be used for a purpose other than that for which it was originally intended.

“38. An electricity distribution undertaking or gas distribution undertaking shall refuse to supply any electrical or gas installation that is defective or known by the undertaking to constitute a safety hazard.

The undertaking shall notify the Board, as soon as possible, of each refusal to supply an installation and of the reasons therefor.

“38.1 An electricity distribution undertaking or gas distribution undertaking shall refuse to supply any electrical or gas installation if the Board advises it that its authorization is required.

“39. No gas distribution undertaking may use a vehicle-mounted installation intended for the storage or distribution of gas unless the installation conforms with the standards prescribed by regulation of the Board.”

24. Section 43 of the said Act is repealed.

25. Section 44 of the said Act is replaced by the following section:

“44. For the purposes of this chapter, the issuance by a court of competent jurisdiction of a winding-up order by reason of insolvency within the meaning of the Winding-up Act (Revised Statutes of Canada, 1985, chapter W-11) has the same effect as bankruptcy.”

26. Section 49 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) for a natural person carrying out or causing to be carried out building work on a single-family dwelling, or a civil engineering structure intended for his personal use or the use of his family.

However, no natural person shall carry out building work on a gas installation or an electrical installation unless he is a contractor.”

27. Section 50 of the said Act is amended by adding, at the end, the following paragraph:

“No application for the cancellation of a contract or privilege will be granted where it is established that the applicant was aware that the contractor did not hold the proper licence.”

28. Section 57 of the said Act is amended by replacing the first paragraph by the following paragraph:

“57. A licence shall be issued upon payment of such fees and, where necessary, additional fees, and for such period, as the Board may determine by regulation.”

29. Section 58 of the said Act, amended by section 95 of chapter 4 of the statutes of 1990, is again amended

(1) by adding, at the end of paragraph 1, the words “for meriting the public’s trust”;

(2) by replacing paragraph 2 by the following paragraph:

“(2) he establishes his solvency according to the conditions and criteria determined by regulation of the Board;”;

(3) by replacing paragraphs 6 and 7 by the following paragraphs:

“(6) he has joined a guaranty plan, where applicable, in accordance with sections 77 and 78;

“(7) he has furnished the security payable under section 84, where applicable;

“(7.1) he has furnished the security payable under section 85, where applicable;

“(7.2) he has paid his contribution to the compensation fund referred to in section 86, where applicable;”;

(4) by inserting, after paragraph 8, the following paragraphs:

“(8.1) he demonstrates that he has paid to the Commission de la construction du Québec the security payable under subparagraph *h* of the first paragraph of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), where applicable;

“(8.2) he establishes, in cases where under the Master Electricians Act (R.S.Q., chapter M-3) or Master Pipe-Mechanics Act (R.S.Q., chapter M-4) he must be a member of the Corporation des maîtres électriciens du Québec or the Corporation des maîtres mécaniciens en tuyauterie du Québec, that the entry dues and annual contribution required under those Acts have been paid;”.

30. Section 60 of the said Act, amended by section 96 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing paragraph 1 by the following paragraph:

“(1) it demonstrates its solvency in accordance with the conditions and criteria determined by regulation of the Board;”;

(2) by replacing paragraphs 4 and 5 by the following paragraphs:

“(4) it has joined a guaranty plan, where applicable, in accordance with sections 77 and 78;

“(5) it has furnished the security payable under section 84, where applicable;

“(5.1) it has furnished the security payable under section 85, where applicable;

“(5.2) it has paid its contribution to the compensation fund referred to in section 86, where applicable;”;

(3) by inserting, after paragraph 6.1, the following paragraphs:

“(6.2) it demonstrates that it has paid to the Commission de la construction du Québec the security payable under subparagraph *h* of the first paragraph of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry, where applicable;

“(6.3) it establishes, in cases where under the Master Electricians Act or Master Pipe-Mechanics Act it must be a member of the Corporation des maîtres électriciens du Québec or the Corporation des maîtres mécaniciens en tuyauterie du Québec, that the entry dues and annual contribution required under those Acts have been paid;”.

31. Section 64 of the said Act is amended by replacing the words and figures “77 to 83 and section 86” in the first line of the third paragraph by the word and figures “77 to 86.7”.

32. Section 66 of the said Act is amended by inserting the words “and of the natural persons referred to in section 52,” after the word “holders” in the second line.

33. Section 67 of the said Act is amended by replacing the words “or structure” in the second line by the words “or corporate name or change to the board of directors or directors”.

34. Section 69 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: “In addition, in the case

of a partnership or corporation, the person referred to in section 52 must also inform the Board thereof in writing."

35. Section 70 of the said Act, amended by section 96 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing paragraph 1 by the following paragraph:

"(1) has been convicted of an offence under the list of offences of the demerit points system, if the serious nature or frequency of the offence justifies the suspension, cancellation or refusal to renew;"

(2) by replacing paragraph 7 by the following paragraphs:

"(7) his participation in the guaranty plan referred to in section 80 is terminated;

"(8) his participation in the security plan referred to in section 84 is terminated;

"(9) his participation in the security plan referred to in section 85 is terminated;

"(10) has not paid the contribution to the compensation fund payable under section 86, where applicable;

"(11) has carried out or caused to be carried out construction work for which compensation has been granted by the compensation fund referred to in section 86 and has not reimbursed the Board therefor;

"(12) his participation in the security plan under subparagraph *h* of the first paragraph of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry is terminated;

"(13) has acted in such a manner that, in the opinion of the Board, he no longer merits the public's trust."

36. The said Act is amended by inserting, after section 70, the following section:

"70.1 Every contractor shall pay to the Board the additional licence renewal fees and any additional levy in accordance with the demerit points system established by regulation of the Board.

Information contained in the demerit points system is public."

37. Section 71 of the said Act is amended by striking out paragraph 6.

38. Section 74 of the said Act is repealed.

39. Section 77 of the said Act is amended by replacing the word "Government" in the first line of the first paragraph by the word "Board".

40. Section 78 of the said Act is amended by replacing the word "Government" in the first line of the first paragraph by the word "Board".

41. Sections 80 and 81 of the said Act are replaced by the following sections:

"80. A guaranty plan and any guaranty contract offered under such a plan shall conform with the standards and criteria established by regulation of the Board and be approved by the Board.

"81. A guaranty plan shall be managed by a person authorized by the Board in accordance with a regulation made by the Board."

42. Section 82 of the said Act is amended by replacing the words "by the Minister in accordance with a regulation of the Government" in the eighth line by the words "by the Board in accordance with a regulation made by the Board."

43. Section 83 of the said Act is replaced by the following section:

"83. The Board may withdraw its authorization of the manager mentioned in section 81 or in section 82 where the person

(1) is no longer able to take on the obligations of the guaranty plan, owing to his financial position;

(2) no longer meets the conditions prescribed by regulation of the Board.

Until it authorizes a new manager in accordance with section 81 or section 82, the Board may designate a provisional manager."

44. Divisions II and III of Chapter V of the said Act are replaced by the following divisions:

"DIVISION II**"SECURITY**

"84. The Board may, by regulation, require security from any contractor for the purpose of compensating the contractor's clients who sustain a loss as a result of a failure to carry out or the carrying out of construction work not covered by a guaranty plan referred to in section 80.

"DIVISION III**"SECURITY AND COMPENSATION FUND**

"85. Where no guaranty plan meets, or the guaranty contract fails to meet, the standards and criteria established by regulation pursuant to paragraph 19.6 of section 185 within the twelve months following the coming into force of the regulation or where, within that time, no manager has been authorized in accordance with section 81, the Board may, by regulation, require security from any contractor for the purpose of compensating those of his clients who have sustained a loss as a result of a failure to carry out or the carrying out of construction work related to a building or civil engineering structure, in the cases and within the limits determined by regulation.

The same applies where an approved guaranty plan or guaranty contract no longer meets the standards and criteria established by regulation pursuant to paragraph 19.6 of section 185.

"86. The Board may also, for the same purposes, organize by regulation, a compensation fund whose object shall be to provide compensation in excess of the security but only where the security is insufficient.

The fund shall be managed by the Board.

"86.1 The Board shall pay compensation out of the fund to a person who applies therefor and meets the conditions prescribed by regulation of the Board.

"86.2 The Board may, by regulation, prescribe the conditions, manner, and rules according to which a claim may be admitted for compensation out of the fund and out of the security, and in particular prescribe

(1) the categories of persons who may benefit from the rights granted by this division;

(2) the categories of contractors who are required to provide security and contribute to the fund;

(3) the categories of buildings and civil engineering structures covered;

(4) categories of work or cost of work for each category of persons, buildings and civil engineering structures;

(5) the nature of claims, the amount of deductible, the maximum amounts that may be claimed and the other terms or conditions according to which compensation may be paid out of the security and out of the fund;

(6) the maximum total amount of compensation that may be paid out of the security and out of the fund in respect of all claims presented during a fiscal year in respect of the same contractor;

(7) the minimum amount of money needed to defray the operating costs of the fund;

(8) an indicator of the importance of the contractor's activities and performance which may be used as a basis for establishing contributions and the terms and conditions of payment of such contributions to the fund by a person applying for a licence or the renewal of a licence;

(9) special contributions and the terms and conditions of payment of such contributions to the fund when the amount making up the fund is less than the minimum amount fixed.

“86.3 The fund is constituted of the contributions paid by contractors required to contribute, of the revenue generated thereby and of sums recovered from a contractor pursuant to subrogation.

“86.4 The Board shall keep separate accounts for the fund and its operating costs shall be paid by the fund out of the amounts constituting it.

The assets of the fund are not part of the assets of the Board and shall not be used by the Board in the performance of its obligations.

“86.5 The fiscal year of the fund shall end on 31 March.

“86.6 Where the Board does not foresee being in immediate need of the funds remaining in the fund for the payment of compensation, the funds shall be deposited with the Caisse de dépôt et placement du Québec.

"86.7 Where compensation is paid out of the security or by the Board under this chapter, it shall be subrogated to the rights of the beneficiary up to the amount of the sums paid."

45. The heading and Division I of Chapter VI of the said Act are replaced by the following heading and divisions:

"RÉGIE DU BÂTIMENT DU QUÉBEC

"DIVISION I

"ESTABLISHMENT AND ORGANIZATION

"87. A board to be called the "Régie du bâtiment du Québec" is hereby established.

"88. The Board is a corporation.

"89. The head office of the Board shall be located at the place determined by the Government; notice of that location and of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

"90. The Board shall be administered by a board of directors of five members including a chairman and vice-chairman.

"91. The members of the board of directors are appointed by the Government for a term not exceeding five years.

At the end of his term, a director remains in office until reappointed or replaced.

"92. Any vacancy occurring among the members of the board shall be filled in the manner prescribed for the appointment of the person to be replaced.

"93. Where the chairman is absent or temporarily unable to act, the vice-chairman shall replace him and exercise all his powers.

Where a member of the board other than the chairman is absent or temporarily unable to act, the Government may appoint an interim replacement on the conditions it determines.

"94. The chairman shall see that the decisions of the board are carried out and is responsible for the management and direction of the Board within the scope of its by-laws and policies.

He is by virtue of his office the executive director of the Board.

“95. The chairman and vice-chairman shall perform their duties on a full-time basis, as shall any other member of the board designated by the Government.

“96. The Government shall fix the remuneration and other terms of employment of the full-time members of the board.

The other members of the board are not remunerated except in the cases and conditions and to the extent that the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

The sums required for the carrying out of this section shall be borne by the Board.

“97. No full-time member of the board may, on pain of forfeiture of office, have any direct or indirect interest in an undertaking that puts his personal interest in conflict with that of the Board.

However, forfeiture is not incurred where the interest is acquired by succession or gift provided that the member renounces or disposes of it with all possible diligence.

Any other member of the board having a direct or indirect interest in an undertaking that puts his personal interest in conflict with that of the Board shall, on pain of forfeiture of office, disclose his interest in writing to the chairman and refrain from sitting on the board and taking part in any debate or decision when a matter related to the undertaking in which he has the interest is under discussion.

“98. The Board may hold meetings at any place in Québec.

“99. A decision of the board signed by all members of the board has the same value as if made during a regular meeting.

“100. The quorum at meetings of the board is constituted of a majority of board members including the chairman and vice-chairman.

In case of a tie-vote, the chairman shall have a casting vote.

“101. The Board shall adopt rules for its internal management. Such rules shall come into force on the date of their approval by the Government.

“102. The secretary and members of the personnel of the Board shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

"DIVISION I.1

"ADVISORY COMMITTEE

"103. The Minister shall form an advisory committee.

"104. The advisory committee shall have as sole function to advise the Board on any matter relating to the administration of this Act submitted to it by the Board.

The Board shall seek the advice of the advisory committee prior to adopting a building code, a safety code and any regulation pursuant to paragraphs 2.3, 5.2, 17 and 18, and 20 to 36.1 of section 185, and prior to allocating its budget.

Such advice shall be forwarded to the Board within thirty days of being requested or within a shorter period of time for reasons indicated by the Board; upon failure by the advisory committee to forward its advice to the Board within the prescribed time limit, the advice is deemed to have been given within that time limit.

The advisory committee's advice shall not be binding on the Board.

"105. The advisory committee shall be composed of sixteen members.

"106. The chairman of the Board shall designate the chairman of the advisory committee from among the personnel of the Board and shall transmit his name to the Minister.

The other members of the committee shall be appointed by the Minister in the following manner:

(1) five members from among the persons proposed by the Corporation des maîtres électriciens du Québec, the Corporation des maîtres mécaniciens en tuyauterie du Québec and the most representative contractors' associations of which membership is not mandatory by law;

(2) two members from among the persons proposed by the Ordre des ingénieurs du Québec and the Ordre des architectes du Québec;

(3) two members from among the persons proposed by the most representative associations of municipal bodies;

(4) two members from among the persons proposed by the most representative associations of building owners;

(5) two members from among the persons proposed by the most representative associations of consumers or of persons living in or frequenting a building;

(6) two members from among the persons proposed by the most representative associations of employees of the construction industry.

“107. The term of office of the members shall be not more than three years.

“108. Members shall remain in office until reappointed or replaced.

“109. Any vacancy occurring among members of the advisory committee shall be filled in the manner prescribed in section 106.

Where the chairman is absent or temporarily unable to act, the chairman of the Board shall designate a replacement from among the personnel for the period of absence or incapacity.

“109.1 The quorum at meetings of the advisory committee is nine members including the chairman.

“109.2 Any advice shall be approved by a majority. The chairman shall sit without voting rights.

“109.3 Minutes of meetings shall be taken by a member of the personnel of the Board.

“109.4 The advisory committee may adopt by-laws for its internal management. Such by-laws are subject to approval by the Board. The committee may also form any sub-committee it considers necessary.

“109.5 The members of the advisory committee and its sub-committees shall not be remunerated except in the cases, on the conditions and to the extent that the Government may determine.

They are however entitled to the reimbursement of expenses incurred in the performance of their duties on the conditions and to the extent that the Government may determine.

The sums required for the carrying out of this section shall be borne by the Board.”

46. Section 111 of the said Act is amended

(1) by inserting the words “and owner-builders” after the word “contractors” in the first line of paragraph 2;

(2) by replacing paragraphs 10 and 11 by the following paragraphs:

“(10) to adopt measures to foster a greater sense of responsibility among persons working in the field of construction;

“(11) to manage guaranty plans, demand contributions and, where necessary, organize and administer a compensation fund.”

47. Section 112 of the said Act is amended by replacing paragraph 2 by the following paragraph:

“(2) examine and make copies of the books, ledgers and files of a contractor, owner-builder or owner of a building, a facility intended for use by the public or an installation independent of a building, of a manufacturer of a pressure vessel, or of a gas distribution undertaking;”.

48. Section 114 of the said Act is amended by inserting the words “a manufacturer of a pressure vessel or gas distribution undertaking,” after the word “building,” in the third line.

49. Section 116 of the said Act is amended by replacing the word “or” in the second line by the sign “,” and by inserting the words “, a manufacturer of a pressure vessel or gas distribution undertaking” after the word “building” in the fourth line.

50. Sections 120 to 122 of the said Act are replaced by the following sections:

“120. The Board may require an electricity distribution undertaking or a gas distribution undertaking to obtain the Board’s authorization before supplying an electrical or gas installation.

“121. The agents of an electricity distribution undertaking or a gas distribution undertaking, engaged in verifying electrical installations, gas installations or construction work, shall have the powers and duties prescribed in paragraph 1 of section 112 and in sections 113 to 118.

“122. The Board may, where it considers it advisable, give a remedial notice in writing indicating to a person the defects noted by the Board and fix a time limit for compliance with this Act and the regulations.

In such a notice the Board may, in addition, enjoin the person to take any suppletory measures it considers necessary in order that the

building, facility intended for use by the public or installation independent of a building be made safe for the persons living in it, frequenting it, using it or, as the case may be, having access to it.

The person must comply with the notice within the time fixed."

51. Section 123 of the said Act is amended by replacing the second paragraph by the following paragraphs:

"It may, in addition, enjoin the person to take any supplementary measures it considers necessary in order that the building, facility intended for use by the public or installation independent of a building be made safe for the persons living in it, frequenting it, using it or, as the case may be, having access to it.

The person must comply with the order within the time fixed."

52. Section 124 of the said Act is amended

(1) by replacing the words "or evacuated" in the third line of the first paragraph by the words ", evacuated or demolished";

(2) by inserting the words "or that the independent installation, equipment or installation be demolished" after the word "stopped" in the fifth line of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

"The Commission, in such a case, must as soon as possible, give the reasons in writing for its decision."

53. Section 126 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "The registration fees shall be borne by the owner of the building."

54. The said Act is amended by adding, after section 128, the following sections:

"128.1 In cases where the Board is of the opinion that construction work is not in conformity with the standards prescribed under sections 16, 17 and 37 it may, at any time, serve a denial of conformity on the person who produced the certificate of conformity and, where the case arises, on the owner concerned.

The denial of conformity shall cancel any certificate produced under section 16, 17, 17.1, 17.2 or 37.3. It may concern only a part of the certificate of conformity.

No certificate may be produced following a denial of conformity except by a person recognized by the Board in accordance with its regulations.

Section 20 applies, adapted as required, to a person so recognized.

"128.2 The inspectors of the Commission de la construction du Québec shall, where their field of jurisdiction coincides with that of this Act, ensure that the contractors and owner-builders are licence holders.

In exercising this function, the inspectors have the same powers and duties of inspection as inspectors of the Board under this Act.

"128.3 The Board may revoke a permit granted under section 35.2 or 37.1 where its holder no longer meets one of the conditions required under this Act for obtaining a permit.

"128.4 The Board may revoke recognition of a person under sections 17.1, 17.2, 35 and 128.1 on the grounds prescribed by regulation of the Board.

"128.5 The Board shall, before ordering the revocation of a permit or the recognition of a person, give the permit holder or the person an opportunity to be heard.

Every decision shall be rendered in writing and give reasons.

"128.6 The Board shall pay, in the cases prescribed by its regulations, the cost of a certificate of conformity produced by a recognized person under section 17.1, 17.2 or 128.1. It may recover such sums from the contractor who was unable to produce the certificate or the person who produced a certificate of conformity which is under a denial of conformity."

55. The said Act is amended by inserting, after section 129, the following division:

"DIVISION II.1

"COMMUNICATION OF INFORMATION

"129.1 The Board, for the purposes of this Act and of the regulations, may obtain any information or documents concerning the carrying out of construction work and the persons who carry out construction work or cause such work to be carried out which is in the possession of the Minister of Manpower and Income Security, the Minister of Labour and the Commission de la construction du Québec

and the ministers and the Commission shall furnish such information or documents in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

“129.2 No person may be prosecuted on the grounds of any information or document furnished by him in good faith to the Board under this division.”

56. Section 130 of the said Act is replaced by the following section:

“130. The Board may delegate to the chairman, the vice-chairman or a director, in writing and to the extent specified, the powers and duties assigned to it by this Act, except for those conferred by sections 132, 173 to 179 and 185.

The Board may similarly delegate the exercise of powers and duties covered by the first paragraph to a committee composed of the chairman or vice-chairman and one or more directors.

The Board may, in addition, delegate in writing and to the extent specified:

(1) the exercise of the powers and duties assigned to it by this Act, except for sections 17.2, 70, 123, 128.1, 128.3, 128.4, 132, 173 to 179 and 185 to a member of its personnel;

(2) exceptionally, the exercise of powers conferred by sections 112 to 117 to any person it may designate.”

57. Section 131 of the said Act is repealed.

58. Section 132 of the said Act is amended

(1) by inserting the figure “, 28.1” after the figure “23” in the third line of the first paragraph;

(2) by replacing the word and figure “and 6” in the fourth line of the second paragraph by the word and figures “, 6 and 7”;

(3) by replacing the word and figures “126 and 128” in the second line of the third paragraph by the word and figures “128, 129.1 and 129.2”.

59. Section 135 of the said Act is amended by striking out the words “, an association, a group of associations or a corporation” in the first and second lines.

60. Section 144 of the said Act is amended by replacing the words “except the chairman may have access” in the first and second lines by the words “except a full-time member may have access”.

61. Section 145 of the said Act is amended

(1) by striking out the words “vice-chairman,” in the first and second lines;

(2) by replacing the words and figures “section 131 or 132” in the second and third lines by the word and figure “section 132”.

62. Section 147 of the said Act is amended by replacing the words “its financial statements” in the second line of the first paragraph by the words “the financial statements of the compensation fund”.

63. Section 149 of the said Act is amended by replacing the words “its financial statements” in the third line of the second paragraph by the words “the financial statements of the compensation fund of the Board”.

[[**64.** Section 150 of the said Act is replaced by the following section:

“**150.** The sums required for the carrying out of this Act shall be paid out of the appropriations voted annually for that purpose by the National Assembly.”]]

65. Section 151 of the said Act is amended

(1) by inserting the words “, in particular,” after the word “collect” in the first line;

(2) by replacing paragraphs 2 and 3 by the following paragraphs:

“(2) registration fees and examination or evaluation fees relating to the issuance, amendment or renewal of a licence;

“(3) amounts demanded from each contractor or person holding a permit issued under section 37.1 as part of a levy based on a fixed amount determined by regulation of the Board or on an amount fixed by regulation on the basis of an indicator of the importance of the activities or performance of the contractor or permit holder or on the basis of two or all three of them;”;

(3) by inserting the words “fixed by regulation of the Board and” after the word “amount” in the fourth line of paragraph 4 and the

words “, the number of floors, capacity” after the word “volume” in the fourth line;

(4) by replacing the words “on the basis of a fixed levy as the Commission may determine by regulation or on the basis of” in the second and third lines of paragraph 5 by the words “on the basis of a levy based on an amount fixed by regulation of the Board and determined by regulation of the Commission, or on an amount based on”;

(5) by replacing paragraph 6 by the following paragraphs:

“(6) fees charged by the Board for approval, authorization, revision, inspection, training, consultation, issue of certificates of conformity, accreditation of persons recognized by the Board and verifications;

“(7) fees for the issue, amendment or renewal of a permit.”

66. Section 152 of the said Act is replaced by the following section:

“**152.** Sums collected and amounts recovered by the Board under this Act shall be paid into the consolidated revenue fund.”

67. Section 153 of the said Act is amended

(1) by inserting the words “, on manufacturers of pressure vessels” after the word “building” in the third line;

(2) by adding, at the end, the following paragraphs:

“The rate of the levy shall thereafter be indexed annually according to the percentage increase in the Consumer Price Index for Canada published by Statistics Canada under the Statistics Act (Revised Statutes of Canada (1985), chapter S-19), for the 12 months of the preceding year in relation to the 12 months of the year preceding that year.

Where an annual average or the percentage calculated under the second paragraph, or the indexed rate of levy, includes more than two decimals, the first two decimals alone shall be retained and the second shall be increased by one unit if the third is equal to or greater than 5.

The first paragraph does not apply if an annual rate of levy is equal to the indexed rate of levy pursuant to the second paragraph.

The second and third paragraphs shall apply to any duties and fees payable under this Act.

The Board shall publish in the *Gazette officielle du Québec* the results of any indexation carried out under this section."

68. Sections 154 and 156 to 158 of the said Act are repealed.

69. Section 160 of the said Act is amended

(1) by replacing that part which precedes paragraph 1 by the following:

"**160.** Any interested person may apply for review of a ruling of the Board or of a municipality referred to in section 132 where such ruling, which has not been appealed from pursuant to section 165,";

(2) by replacing the words and figures "section 123 or 124" in paragraph 1 by the words and figures "any of sections 17.2, 123, 124, 127 to 128.1, 128.3 and 128.4".

70. Section 165 of the said Act is amended

(1) by replacing the words "Court of Québec" in the part preceding paragraph 1 by the words "Labour Court";

(2) by replacing the words and figures "section 123 or 124" in paragraph 1 by the words and figures "any of sections 17.2, 123, 124, 127 to 128.1, 128.3 and 128.4".

71. Section 166 of the said Act is amended

(1) by replacing the word "authority" in the second line of the first paragraph by the word "municipality";

(2) by replacing the words "Court of Québec in the judicial district where the appellant resides, has his head office or his place of business" in the first, second and third lines of the second paragraph by the word "Court".

72. Section 167 of the said Act is amended by replacing the words "Court of Québec" in the second line by the word "Court".

73. Section 168 of the said Act is repealed.

74. Section 169 of the said Act is replaced by the following section:

“169. The Court shall render its decision on the file sent to it by the Board or the municipality after permitting the parties to be heard.”

75. Section 170 of the said Act is amended by inserting the words “permit or recognition of a person,” after the word “licence” in the second line.

76. Sections 171 and 172 of the said Act are replaced by the following sections:

“171. The ruling of the Court is final and no appeal lies therefrom.

“172. The provisions of Chapters VI and VIII of the Labour Code (R.S.Q., chapter C-27) apply, to the extent that they are applicable, in the case of an appeal under section 165.”

77. Section 173 of the said Act is amended

(1) by replacing the word “Government” in the first line of the first paragraph by the word “Board”;

(2) by inserting, after the first paragraph, the following paragraph:

“The Code shall contain building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity.”;

(3) by inserting the word “approval,” after the word “certification,” in the first line of paragraph 8, and the word “, apparatus” after the word “facilities” in the second line;

(4) by adding, after paragraph 8, the following paragraph:

“(9) the transportation, storage, handling and distribution of gas.”

78. Section 175 of the said Act is amended

(1) by replacing the word “Government” in the first paragraph by the word “Board”;

(2) by replacing the word “use” in the fourth line of the second paragraph by the words “maintenance, use, state of repair, operation”;

(3) by inserting the word “, apparatus” after the word “materials” in the first line of paragraph 4;

(4) by inserting the word “approval,” after the word “certification” in the first line of paragraph 5 and the word “, apparatus” after the word “facilities” in the second line;

(5) by inserting the word “, display” after the word “use” in paragraph 6.

79. Section 177 of the said Act is repealed.

80. Section 178 of the said Act is amended by adding, at the end, the following paragraph:

“They may also provide that any reference they make to other standards include subsequent amendments.”

81. Section 179 of the said Act is amended by replacing the word “Government” in the first line by the word “Board” and by replacing the words “which of the provisions of a code shall in case of breach be sanctioned” in the first and second lines by the words “the provisions of a code of which the infringement shall constitute an offence”.

82. Sections 180 and 181 of the said Act are repealed.

83. Sections 182 to 184 of the said Act are replaced by the following section:

“182. The Government may, by regulation,

(1) exempt from the application of this Act or certain provisions thereof, categories of persons, contractors, owner-builders, pressure vessel manufacturers, owners of buildings, facilities intended for use by the public or installations independent of a building, and categories of buildings, pressure vessels, facilities, installations or construction work;

(2) exempt from the total or partial application of this Act all or part of the territory of Québec described in the agreements referred to in section 4, with the exception of the territory of municipalities located south of the 50th parallel;

(3) determine the extent to which the Government, its departments and agencies that are the mandataries of the Government are bound by this Act;

(4) designate, for the purposes of section 10, any facility as a facility intended for use by the public and establish the criteria for determining whether a facility is intended for use by the public;

(5) exclude a category of buildings from the application of Chapter III;

(6) determine the maximum fees payable by a person wishing to obtain a permit or certificate of occupancy of an immovable under section 134;

(7) adopt, generally, any other related or supplementary provision it judges necessary to give effect to the provisions of this section and of this Act.”

84. Section 185 of the said Act is amended

(1) by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) determine the provisions of a code or regulation which require the production of a certificate of conformity prescribed by sections 16 to 17.2 and 37.3, and the form and content of such certificates;

“(2) determine the cases in which a certificate of conformity prescribed by sections 16, 17 and 37.3 must be transmitted;

“(2.1) determine the criteria allowing the Board to recognize a person for the purposes of sections 17.1, 17.2, 35 and 128.1, the conditions and requirements that such a person must meet and the grounds on which the Board may revoke its recognition;

“(2.2) determine the cases in which it is prohibited to sell, lease, exchange or purchase a prefabricated building and the bodies or agencies empowered to approve or certify such buildings;

“(2.3) determine the fees payable by a subsequent purchaser who applies for a certificate of conformity pursuant to section 20;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) determine the cases in which construction work must be reported to the Board, the time, form and manner according to which the report must be forwarded by the persons referred to in sections 22 and 37.2 and the conditions that they must fulfill;”;

(3) by striking out paragraph 4;

(4) by replacing paragraph 5 by the following paragraphs:

“(5) determine the cases in which the owner of a building, facility intended for use by the public or installation independent of a building must furnish a certificate of conformity with the safety code, and the form and content of such a certificate;

“(5.1) establish the conditions and the manner according to which a permit referred to in sections 35.2 and 37.1 is issued, amended or renewed and its period of validity;

“(5.2) fix the fees payable for the issue, amendment or renewal of a permit by a person referred to in sections 35.2 and 37.1;

“(5.3) adopt standards of manufacture, erection, repair, modification and reconditioning of a pressure vessel;

“(5.4) adopt standards of approval and registration of a method of welding a pressure vessel, including the qualifications required of a person carrying out welding work on such a vessel;

“(5.5) determine the cases in which and the terms and conditions according to which the Board may approve a pressure vessel before it is marketed or put back into service or a pressure vessel that is to be used for other purposes than those for which it was originally intended;”;

(5) by striking out paragraph 6;

(6) by inserting, before paragraph 7, the following paragraphs:

“(6.1) adopt standards relating to vehicle-mounted installations intended for the storage or distribution of gas;

“(6.2) prohibit the sale, lease or exhibiting of materials or accessories which are not certified or approved for purposes of use in construction work on buildings, facilities intended for use by the public or installations independent of a building by a person the Board designates;

“(6.3) prohibit the sale, lease or exhibition of apparatus intended to be supplied from an electrical installation, used in a plumbing installation or intended to use gas, where the apparatus is not certified or approved by a person the Board designates;

“(6.4) determine the cases in which and the place where a permit referred to in sections 35.2 and 37.1 must be posted;”;

(7) by inserting the words “the conditions and criteria of solvability and” after the word “determine” in the first line of paragraphs 10 and 11;

(8) by inserting the words “the period of validity of a licence or temporary licence and” after the word “set” in the first line of paragraph 16;

(9) by inserting the words “entry dues,” after the word “charge” in the first line of paragraph 18;

(10) by replacing the word “or” in the last line of paragraph 19 by the words “, gas installation or”;

(11) by inserting, after paragraph 19, the following paragraphs:

“(19.1) establish a system of demerit points under which the Board shall require additional fees from a contractor for the renewal of a licence and an additional levy, which system shall include a list of offences against this Act, the Act respecting labour relations, vocational training and manpower management in the construction industry, the Consumer Protection Act (R.S.Q., chapter P-40.1), and the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) specifying the corresponding number of demerit points, and determine an increase in the fees payable for the renewal of a licence and the levy in proportion to the number of demerit points entered in a contractor’s file;

“(19.2) determine the cases in which the Board shall pay the costs of a certificate produced under section 17.1, 17.2 or 128.1;

“(19.3) oblige any contractor to join a guaranty plan concerning a new residential building of a category determined by the Board or concerning renovation, repair, maintenance or alteration work on a building or civil engineering structure;

“(19.4) determine the cases, terms and conditions applicable to the guaranty offered under a plan, and in particular

(a) the legal and contractual obligations of the contractor, including any exceptions to the building code which may be subject to compensation;

(b) the amount of deductible for each claim;

(c) the minimum amount of compensation according to the nature of the construction work;

“(19.5) determine the qualifications required of a person referred to in section 81 or section 82, the conditions he must fulfill and the information he must supply, and in particular

(a) fix the standards of solvency he must meet;

(b) demand security from that person, prescribe its amount and form and prescribe the terms and conditions applicable to the collection, payment and use of such a security;

(c) determine the amount of the reserves the person must maintain to guarantee the obligations arising from the guaranty plan;

(d) determine the financial statements the person must file with the Board and prescribe their form and content;

(e) determine the investments the person is authorized to make;

(f) require, in the case of a corporation, that it have a place of business in Québec;

(g) determine the measures to be taken by the person to ensure the confidential nature of information furnished by a contractor;

(h) prescribe the information which the person is required to furnish to the Board;

“(19.6) establish the standards and criteria which apply to guaranty plans and guaranty contracts, and in particular

(a) the terms and conditions according to which a contractor may join a guaranty plan;

(b) the maximum cost payable by a contractor to provide coverage to a person under the plan;

(c) the standards of disclosure of information relating to the guaranty plan;

(d) the arbitration procedure allowing a person to contest a decision of the manager concerning a claim and allowing a contractor to contest a decision of the manager refusing or cancelling his participation in the plan;

(e) the form, minimum content and manner of delivering a guaranty contract;

“(19.7) determine the cases in which it shall require security from a contractor for the purposes of section 84, and determine the terms and conditions applicable to, the amount and form of, and the manner of disposing of the security;”;

(12) by replacing paragraph 20 by the following paragraph:

“(20) determine the cases in which it shall collect fees for approval, authorization, revision, inspection, training, consultation, issuance of certificates of conformity, accreditation of authorized persons, and verifications, and fix such fees;”;

(13) by replacing paragraph 21 by the following paragraph:

“(21) determine an indicator of the importance of the activities or performance of a contractor or holder of a licence issued under section 37.1 which may be used as a basis for a levy, establish a fixed amount or an amount based on that indicator or both or all three, and determine the minimum and maximum of that indicator for a contractor or licence holder to be subject to the levy;”;

(14) by inserting the words “, number of floors, capacity” after the word “volume” in the second line of paragraph 23 and the words “, the number of floors, the capacity” after the word “area” in the sixth line;

(15) by inserting the words “, for the purposes of paragraphs 21 and 22,” after the word “prescribe” in the first line of paragraph 24, and the words “, a person holding a permit issued under section 37.1” after the word “contractor” in the second line;

(16) by inserting the words “, for the purposes of paragraph 23,” after the word “prescribe” in the first line of paragraph 25;

(17) by replacing paragraph 26 by the following paragraph:

“(26) prescribe the time limit within which a contractor or person holding a permit issued under section 37.1 is required to transmit to the Board an estimate of the indicator of importance of the activities or performance used as the basis for a levy for each period it determines;”;

(18) by inserting the words “, number of floors, capacity” after the word “volume” in the fourth line of paragraph 27;

(19) by inserting the words “, a person holding a permit issued under section 37.1” after the word “contractor” in the second line of paragraph 29;

(20) by inserting the words “or person holding a permit issued under section 37.1” after the word “contractor” in the second line of paragraph 31;

(21) by inserting the words “, a person holding a permit issued under section 37.1” after the word “contractor” in the second line of paragraph 34;

(22) by inserting the words “each person holding a permit issued under section 37.1,” after the word “contractor,” in the second line of paragraph 36;

(23) by inserting, after paragraph 36, the following paragraph:

“(36.1) determine the rules of professional ethics applicable to contractors and owner-builders, together with sanctions;”;

(24) by replacing the words “which of the provisions of a regulation adopted under this section shall in case of breach be sanctioned” in the first and second lines of paragraph 37 by the words “the provisions of a regulation adopted under this section of which the infringement shall constitute an offence” and by adding, at the end, the words “, with the exception of provisions adopted under paragraphs 5.2, 18, 19.1, 20 and 36.1 and under paragraphs 16 and 17 with respect to fees payable”;

(25) by adding, at the end of the first paragraph, the following paragraph:

“(38) adopt, generally, any other related or supplementary provision it considered necessary to give effect to the provisions of this section and of this Act.”;

(26) by striking out the second paragraph.

85. Sections 186 to 188 of the said Act are repealed.

86. Section 189 of the said Act is replaced by the following section:

“**189.** Every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment.”

87. Section 190 of the said Act is repealed.

88. Section 192 of the said Act is amended by inserting the words “manufacturers of pressure vessels,” after the words “owner-builders,” in the second line, and by inserting the words “pressure vessels,” after the word “buildings,” in the fifth line.

89. Section 193 of the said Act, amended by section 122 of chapter 85 of the statutes of 1990, is again amended by replacing the word and figure "section 182" in the fourth line by the words and figures "sections 182 and 185".

90. Section 194 of the said Act is amended

(1) by replacing paragraph 3 by the following paragraph:

"(3) omit or refuse to produce or sign a certificate of conformity, strength or safety, produce or sign a certificate which is inaccurate, or produce or sign a certificate knowing that it contains false or inaccurate information;"

(2) by inserting, after paragraph 6, the following paragraphs:

"(6.1) connect or supply an electrical or gas installation, without obtaining the authorization of the Board in accordance with section 119 or 120;

"(6.2) contravene a suppletory measure required under section 122;"

(3) by replacing paragraph 7 by the following paragraph:

"(7) contravene any of the provisions of sections 19, 20, 22, the first paragraph of sections 24 or 25, sections 26, 27, 33 to 35, the third paragraph of section 35.2, sections 36, 37, the second paragraph of section 37.1, sections 37.2 to 37.4, the first paragraph of section 38, sections 38.1, 39, the second paragraph of paragraph 2 of section 49, section 53, the second paragraph of section 56, sections 67, 69, 79 and 82, or a regulatory provision determined under section 179 or paragraph 37 of section 185."

91. Section 195 of the said Act is repealed.

92. Section 196 of the said Act, amended by section 99 of chapter 4 of the statutes of 1990, is again amended

(1) by inserting the words and figure " , except paragraph 5," after the figure "194" in the first line of the first paragraph;

(2) by replacing the amounts "\$200" and "\$500" in the second line of the first paragraph by the amounts "\$325" and "\$700", respectively;

(3) by replacing the amounts "\$500" and "\$1 000" in the third line of the first paragraph by the amounts "\$700" and "\$1 400", respectively;

(4) by replacing the amounts "\$400" and "\$1 000" in the second and third lines of the second paragraph by the amounts "\$650" and "\$1 400", respectively;

(5) by replacing the amounts "\$1 000" and "\$2 000" in the third line of the second paragraph by the amounts "\$1 400" and "\$2 800", respectively;

(6) by replacing the amounts "\$1 200" and "\$3 000" in the third line of the third paragraph by the amounts "\$1 950" and "\$4 200", respectively;

(7) by replacing the amounts "\$3 000" and "\$6 000" in the fourth line of the third paragraph by the amounts "\$4 200" and "\$8 400", respectively.

93. Section 197 of the said Act, amended by section 100 of chapter 4 of the statutes of 1990, is replaced by the following sections:

"197. Any person who contravenes the first paragraph of section 35.2, the first paragraph of section 37.1, any of sections 46, 48 and 64 or paragraph 5 of section 194 is liable to a fine of between \$700 to \$1 000 in the case of an individual and between \$1 400 and \$2 000 in the case of a corporation.

"197.1 A contractor who uses the services of another contractor who does not hold a licence or does not hold the appropriate licence for the carrying out of construction work, knowing that the latter contractor did not hold such a licence, is liable to the fines prescribed in section 197."

94. Section 198 of the said Act, amended by section 100 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the amounts "\$500" and "\$1 000" in the second line by the amounts "\$700" and "\$1 400", respectively;

(2) by replacing the amounts "\$1 000" and "\$2 000" in the third line by the amounts "\$1 400" and "\$2 800", respectively.

95. Section 199 of the said Act, amended by section 101 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the amounts "\$1 000" and "\$2 000" in the second and third lines of the first paragraph by the amounts "\$1 625" and "\$2 800", respectively;

(2) by replacing the amounts "\$5 000" and "\$20 000" in the third line of the first paragraph by the amounts "\$7 000" and "\$28 000", respectively;

(3) by replacing the amounts "\$2 000" and "\$4 000" in the third line of the second paragraph by the amounts "\$3 250" and "\$5 600", respectively;

(4) by replacing the amounts "\$10 000" and "\$50 000" in the fourth line of the second paragraph by the amounts "\$14 000" and "\$70 000", respectively.

96. Section 200 of the French text of the said Act is amended by replacing the word "Commission" in the last line by the word "commission".

97. The said Act is amended by inserting, after section 201, the following section:

"201.1 Where an offence under section 194, 197, 197.1, 198 or 199 continues for more than one day, each day the offence continues shall be counted as a separate offence."

98. Sections 204 to 208 of the said Act are replaced by the following section:

"204. The prosecutor may serve prior notice on the offender by registered or certified mail. The notice shall include the nature of the offence, the minimum fine prescribed for the offence, the amount of costs fixed by government regulation and the place where the fine and the costs may be paid.

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

Such payment shall preclude penal proceedings against the offender who is thereupon considered to have been convicted of the offence.

Failure to serve prior notice may not be invoked against the prosecutor. However, an offender who, at the hearing, pleads guilty and proves that such notice was not served, may not be ordered to pay an amount greater than the amount he would have had to pay pursuant to the notice."

99. Section 209 of the said Act is amended by replacing the words and figures "sections 204 to 207 do not apply" in the fifth and sixth lines by the words and figure "section 204 does not apply".

100. Section 211 of the said Act is amended by striking out the words “, except the portion that the Government may allocate to the Commission,” in the second and third lines.

101. Section 212 of the said Act is amended by replacing the words “six months” in the first line by the words “one year”.

102. Section 216 of the said Act is amended by inserting the words “sections 43 to 55, 58 to 64, 78 and 86 of the Regulation respecting pressure vessels enacted by Order in Council 2519-82 dated 3 November 1982, with its present and future amendments, concerning the personal qualification of welder and the qualification of inspectors,” after the figure “215” in the first line.

103. Section 230 of the said Act is amended

(1) by replacing the word “Commission” in the first line of paragraph 3 by the word “Régie”;

(2) by replacing paragraph 4 by the following paragraph:

“(4) replacing subparagraph *g* of paragraph 7 by the following subparagraph:

“(g) holds a licence issued under the Building Act;”.

104. Section 231 of the said Act is replaced by the following section:

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

“5. Every person who, being subject thereto, complies with Chapter IV of the Building Act and with this Act is entitled to be a member of the corporation.”.

105. Sections 232, 234 and 235 of the said Act are repealed.

106. Section 245 of the said Act is amended

(1) by replacing the word “Commission” in the first line of paragraph 1 by the word “Régie”;

(2) by replacing the figure “11” in the first line of paragraph 2 by the figure “13”;

(3) by replacing the word “Commission” wherever it appears in paragraph 11 as introduced by paragraph 3 by the word “Régie”.

107. Section 247 of the said Act is replaced by the following section:

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

“5. Every person who, being subject thereto, complies with Chapter IV of the Building Act and with this Act is entitled to be a member of the corporation.”

108. Section 249 of the said Act is repealed.

109. Section 252 of the said Act is amended

(1) by replacing the words “this Act” in the first line of paragraph 1 by the words “the Building Act”;

(2) by striking out paragraph 2.

110. Sections 253, 254, paragraph 2 of section 255 and section 268 of the said Act are repealed.

111. Section 279 of the said Act is amended by replacing the word “Commission” in the second line of the first paragraph of section 78 by the word “Régie”.

112. Sections 280 and 281 of the said Act are repealed.

113. Sections 282 and 283 of the said Act are replaced by the following section:

“282. This Act replaces the Public Buildings Safety Act (R.S.Q., chapter S-3).”

114. Section 285 of the said Act is amended by replacing the words “de l’Habitation et de la Protection du consommateur charged with the administration” in the second and third lines by the words “du Travail responsible for the administration of the Act respecting pressure vessels (R.S.Q., chapter A-20.01) with regard to the personal qualification of welder and the qualification of inspectors, and the administration”.

115. Section 286 of the said Act is amended

(1) by replacing the words “de l’Habitation et de la Protection du consommateur” in the first and second lines by the words “du Travail”;

(2) by replacing the word "Commission" wherever it occurs by the word "Régie".

116. Section 287 of the said Act is amended by replacing the word "Commission" in the third line by the word "Régie".

117. Section 288 of the said Act is amended

(1) by replacing the words "de l'Habitation et de la Protection du consommateur" in the first and second lines by the words "du Travail";

(2) by replacing the word "Commission" in the seventh line by the word "Régie".

118. Section 289 of the said Act is amended

(1) by replacing the word "Commission" in the third line by the word "Régie";

(2) by adding, at the end, the following paragraph:

"The same applies to matters pending before the Régie du gaz naturel."

119. Section 292 of the said Act is amended by adding, at the end, the following sentence: "The same rules apply to any licence issued or renewed under this Act before the coming into force of a regulation adopted pursuant to paragraph 12 of section 185."

120. Section 293 of the said Act is replaced by the following section:

"293. The Régie du bâtiment du Québec shall replace the Bureau des examinateurs électriciens, the Bureau des examinateurs en tuyauterie, the Commission du bâtiment du Québec and the Régie des entreprises de construction du Québec and shall take over their rights and duties.

The Minister of Manpower and Income Security shall replace the board of examiners instituted under the Stationary Enginemmen Act (R.S.Q., chapter M-6) and shall take over its rights and duties."

121. Section 294 of the said Act is amended by replacing the word "Commission" in the first line by the word "Régie".

122. Section 295 of the said Act is amended

(1) by replacing the word "Commission" wherever it occurs by the word "Régie";

(2) by inserting the words "or in the name of the Régie du gaz naturel" after the word "Québec" in the third line of the first paragraph;

(3) by replacing the words "de l'Habitation et de la Protection du consommateur" in the second line of the second paragraph by the words "du Travail".

123. Section 296 of the said Act is amended by replacing the words "de l'Habitation et de la Protection du consommateur" in the first and second lines by the words "du Travail".

124. Section 297 of the said Act is amended

(1) by replacing the words "de l'Habitation et de la Protection du consommateur" in the first and second lines by the words "de l'Énergie et des Ressources and to the Ministère du Travail";

(2) by replacing the word "Commission" wherever it occurs by the word "Régie".

125. The said Act is amended by inserting, after section 297, the following sections:

"297.1 For the purposes of the first paragraph of section 57, the period for which a licence is issued shall be one year until a regulation is adopted pursuant to paragraph 16 of section 185.

"297.2 Until such time as a contractor joins a guaranty plan referred to in section 80 or a security becomes payable by him under section 84 or 85, the security payable under the second paragraph of section 34 of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1) shall remain in effect and shall constitute a required condition for obtaining a licence under this Act.

"297.3 Until such time as a regulation adopted under paragraph 19.1 of section 185 becomes effective, a licence issued under this Act may be suspended, cancelled or its renewal may be refused in accordance with section 70 where its holder is convicted of an offence under this Act, against the Acts referred to in section 299.1 with the exception of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1), or against the Consumer Protection Act (R.S.Q., chapter P-40.1), the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) or

the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), if the serious nature or frequency of the offences justifies such action in the opinion of the Board.

"297.4 Until such time as the Act respecting electrical installations (R.S.Q., chapter I-13.01) is replaced in accordance with section 214, section 48 does not apply to electrical installation work referred to in the second and third paragraphs of section 20 of the Act respecting electrical installations."

126. Section 298 of the said Act is amended by replacing the words "Housing and Consumer Protection" in the first line by the words "of Labour".

127. Section 299 of the said Act is amended by replacing the word "Commission" in the first line by the word "Régie" and by replacing all other occurrences of the word "Commission" by the word "Board".

128. The said Act is amended by inserting, after section 299, the following section:

"299.1 The Régie du bâtiment du Québec is responsible for the administration of the Acts referred to in section 214 until they are replaced.

It is also responsible for the administration of the Public Buildings Safety Act (R.S.Q., chapter S-3) until the date of coming into force of section 282."

129. Section 301 of the Building Act (1985, chapter 34) is replaced by the following section:

"301. The provisions of this Act shall come into force on the date or dates fixed by the Government except the provisions of sections 1, 4, 7 to 9, 11, 28, 41 to 86, 117 and 118, 129, 131, 150, 152, 155, paragraph 2 of section 160, sections 161 to 164, paragraph 2 of section 165, sections 166 to 193, paragraphs 1 and 5 of section 194, sections 195 to 197, 200 to 209, 211 to 213, 216, paragraph 4 of section 230, sections 231 and 232, 234 and 235, 238, 240, 242 and 243, paragraph 4 of section 245, sections 247, 249, 252 to 254, paragraph 2 of section 255, sections 257 and 258, 262, 268, 280 and 281, 285 to 290, 292 to 297, sections 2, 112, 115, 151, 153 and paragraphs 2, 4 and 7 of section 194 with regard to the qualification of contractors and owner-builders, section 214 concerning the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1), section 215 concerning the provisions of regulations adopted under the Act respecting

building contractors vocational qualifications, section 241 to the extent that it enacts sections 20.1 to 20.7 and 21.1, section 261 to the extent that it enacts the heading preceding section 19.1 and sections 19.1 to 19.7 and 20.1, and the first paragraph of section 291 concerning a licence issued under the Act respecting building contractors vocational qualifications, which shall come into force on 1 January 1992.

However, sections 87 to 111, 130, 140 to 149, 154, 156 to 159, 217, 220, 222 and 223, the part of section 225 that enacts Division III.2 and sections 9.14 to 9.34 of the Real Estate Brokerage Act (R.S.Q., chapter C-73), paragraph 1 of section 228, paragraph 2 of section 229, sections 233, 236, 237, the part of section 241 that enacts sections 20.8 to 21 and 21.2 to 23 of the Master Electricians Act (R.S.Q., chapter M-3), sections 244, 246, 248, 250, 251, paragraph 1 of section 255, section 256, the part of section 261 that enacts sections 19.8 to 20 and 20.2 to 21.2 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) and sections 298 and 300 have been in force since 31 October 1985, sections 226, 227 and paragraphs 2 and 3 of section 228 have been in force since 1 November 1986, section 227 has been in force since 1 January 1987, sections 269 to 273 have been in force since 15 June 1988 and section 221, the part of section 225 that enacts section 9.35 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) and paragraph 1 of section 229 have been in force since 1 February 1989."

AMENDING PROVISIONS

ARCHITECTS ACT

130. Section 16 of the Architects Act (R.S.Q., chapter A-21) is amended by inserting, at the end, the words "*as it read on (insert here the date of the day preceding the day of coming into force of section 113 of this Act)*".

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

131. Section 69 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by inserting the words "*as it read on (insert here the date of the day preceding the day of coming into force of section 113 of this Act)*" after the words "(chapter S-3)" in the second line of the first paragraph.

132. Section 71 of the said Act is amended by inserting the words "*as it read on (insert here the date of the day preceding the day of coming into force of section 113 of this Act)*" after the words "(chapter S-3)" in the fifth line of the first paragraph.

GAS DISTRIBUTION ACT

133. Section 1 of the Gas Distribution Act (R.S.Q., chapter D-10) is amended by replacing paragraph *g* by the following paragraph:

“(g) “Board”: the Régie du bâtiment du Québec;”.

134. The said Act is amended by inserting, after section 14, the following section:

“**14.1** The Minister of Labour is responsible for the administration of this Act.”

ENGINEERS ACT

135. Paragraph *e* of section 2 of the Engineers Act (R.S.Q., chapter I-9) is amended by inserting, at the end, the words “as it read on (*insert here the date of the day preceding the day of coming into force of section 113 of this Act*)”.

MASTER ELECTRICIANS ACT

136. Section 11 of the Master Electricians Act (R.S.Q., chapter M-3) is repealed.

137. Section 12 of the said Act is amended

(1) by striking out the words “, except with regard to their suspension or expulsion” in the second line of subparagraph *c* of paragraph 1;

(2) by striking out subparagraphs *j* to *q* of paragraph 1;

(3) by striking out paragraph 4.

138. Sections 12.1 and 12.2 of the said Act are repealed.

139. Section 14 of the said Act is amended

(1) in the French text by replacing the sign “, ” in the third line by the word “et”;

(2) by striking out the words “, of a person delegated by the Commission and of a person appointed by it who does not work in the construction industry” in the fifth, sixth and seventh lines.

140. Sections 14.1 to 14.4 of the said Act are repealed.

141. Section 17.2 of the said Act is amended by striking out the words “; at least one member shall be elected from among the members appointed by the Commission and its delegate” in the second, third and fourth lines.

142. Section 17.3 of the said Act is amended by striking out the words “or, in the case of vacancy in the office of the appointed member or of the delegate of the Commission, it shall be filled by the Commission” in the third, fourth and fifth lines.

143. Section 17.5 of the said Act is repealed.

144. The headings “REVIEW, APPEAL AND INQUIRY” and “ANNUAL REPORT”, together with sections 20.1 to 20.11 of the said Act, are repealed.

145. Section 21 of the said Act is amended by striking out the words “or electrical contractor” in the fourth line of paragraph 2.

146. Section 21.1 of the said Act is repealed.

147. The heading “FINAL PROVISIONS” and section 31.1 of the said Act are repealed.

MASTER PIPE-MECHANICS ACT

148. Section 9.1 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is repealed.

149. Section 11 of the said Act is amended

(1) by striking out the words “, except with regard to their suspension or expulsion” in the second line of subparagraph *c* of paragraph 1;

(2) by striking out subparagraphs *j* to *q* of paragraph 1.

150. Sections 11.1 and 11.2 of the said Act are repealed.

151. Section 12 of the said Act is amended

(1) by replacing the word “officers,” in the third line by the words “officers and”;

(2) by striking out the words “, of a person delegated by the Commission and of a person appointed by it who does not work in the construction industry” in the fifth, sixth and seventh lines.

152. Sections 12.1 to 12.4 of the said Act are repealed.

153. Sections 14.2 and 14.3 of the said Act are replaced by the following sections:

“14.2 The executive committee shall be composed of members of the council.

“14.3 Any vacancy among the members of the executive committee shall be filled by the council.”

154. Section 14.5 of the said Act is repealed.

155. The headings “REVIEW, APPEAL AND INQUIRY” and “ANNUAL REPORT” and sections 19.1 to 19.11 of the said Act are repealed.

156. Section 20 of the said Act is amended by striking out the words “or piping contractor” in the fourth line of paragraph 2.

157. Section 20.1 of the said Act is repealed.

158. The heading “FINAL PROVISIONS” and section 29.1 of the said Act are repealed.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER
MANAGEMENT IN THE CONSTRUCTION INDUSTRY

159. Section 1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by replacing the words “Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1)” in the second and third lines of paragraph k.1 by the words “Building Act (R.S.Q., chapter B-1.1)”.

TOURIST ESTABLISHMENTS ACT

160. Section 11 of the Tourist Establishments Act (1987, chapter 12) is amended by replacing the words “Public Buildings Safety Act (R.S.Q., chapter S-3)” in the third line of paragraph 2 by the words “Building Act (R.S.Q., chapter B-1.1)”.

CHARTER OF THE CITY OF QUÉBEC

161. Subparagraph 10 of paragraph 42 of section 336 of the Charter of the city of Québec (1929, chapter 95) is amended by adding, at the end, the words “as it read on (*insert here the date of the day preceding the day of coming into force of section 113 of this Act*)”.

TRANSITIONAL AND FINAL PROVISIONS

162. The first regulation adopted by the Régie du bâtiment du Québec for the implementation of Chapter IV of the Building Act (R.S.Q., chapter B-1.1) may be adopted without the publication of a draft regulation in the *Gazette officielle du Québec* and may come into force upon publication in the *Gazette officielle du Québec*.

Such regulation need not be submitted, for advice, to the advisory committee under section 104 of the Building Act introduced by section 45 of this Act.

The first paragraph applies to the first regulation made by the Régie du bâtiment du Québec for the implementation of the Gas Distribution Act (R.S.Q., chapter D-10).

163. In any Act, regulation, decree, order, proclamation, agreement, contract or other document, unless the context provides otherwise, and taking into account any necessary changes,

(1) the expression “Commission du bâtiment du Québec” is replaced by the expression “Régie du bâtiment du Québec”;

(2) the word “Commission” used to designate the Commission du bâtiment du Québec is replaced by the word “Board”;

(3) the expression “Régie du gaz naturel” is replaced by the expression “Régie du bâtiment du Québec” where it concerns a matter devolving upon the Régie du bâtiment du Québec.

164. The expression “Commission du bâtiment du Québec” and the word “Commission” shall be replaced by the phrase “Régie du bâtiment du Québec” and the word “Board”, respectively wherever they occur in sections 20, 26 and 27, 33 and 34, 51, 53 to 67, 69 to 71, 75 and 76, 110 to 119, 123 to 128, 129, 132 to 134, 139 to 143, 145 to 149, 151, 153, 155, 159, 161 to 167, 170, 185, 194 and 209 and in the heading of subdivision 2 of Division II of Chapter VIII of the Building Act (R.S.Q., chapter B-1.1).

165. Section 204 of the Building Act (R.S.Q., chapter B-1.1), introduced by section 98 of this Act, shall cease to have effect on the date of coming into force of article 144 of the Code of Penal Procedure (1987, chapter 96).

166. The provisions of this Act will come into force on the date or dates fixed by the Government except the provisions of sections 1, 3, 6, 17 and 18, 24 to 46, 55 to 57, 60 to 64, 66, 68, paragraph 1 of sections 69 and 70, sections 71 to 74, 76 to 89, 91 to 93, 96, 98 to 102, paragraph 2 of section 103, sections 104 and 105, 107 to 110, 112, 114 to 119, paragraphs 1 and 3 of section 122, sections 123 to 126, 128 and 129, 133 and 134, 136 to 159, 162 and 163, 165, sections 2, 47, 65, 67 and 97 with regard to the qualification of contractors and owner-builders, section 8 to the extent that it enacts section 11.1 with regard to the qualification of contractors and owner-builders and sections 11.2 and 11.3, section 54 to the extent that it enacts section 128.2, paragraph 3 of section 90 with regard to the qualification of contractors and owner-builders, section 120 replacing section 293 to the extent that it does not apply to the Bureau des examinateurs électriciens and the Bureau des examinateurs en tuyauterie and section 164, to the extent that it refers to sections 51, 53 to 67, 69 to 71, 75 and 76, 110 to 112, 115, 117 and 118, 129, 140 to 143, 145 to 149, 151, 153, 155, 159, 161 to 167, 170, 185, 194 and 209 and the heading of subdivision 2 of Division II of Chapter VIII of the Building Act (R.S.Q., chapter B-1.1), which will come into force on 1 January 1992.