



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 118

An Act to amend the Public Buildings Safety Act

Introduction

**Introduced by
Mr Yves Séguin
Minister of Labour**

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EXPLANATORY NOTES

This bill proposes certain amendments to the Public Buildings Safety Act with a view to facilitating its application.

Therefore, the bill grants to inspectors responsible for supervising the Act and its regulations more appropriate means of dealing with the diverse situations they may encounter.

Similarly, it proposes certain amendments to the penal provisions in the Act, in particular, that the amount of the fines prescribed in the case of contravention of the Act and its regulations be increased significantly.

Finally, certain technical amendments are made in order to take into account the technological developments which have occurred since the passage of the said Act in 1908.

Bill 118

An Act to amend the Public Buildings Safety Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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”.

2. Section 11 of the said Act is repealed.

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.

4. Section 21 of the said Act is repealed.

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

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

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

“(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.

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.”

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” in the second paragraph of subsection 2 by the words “the municipal police force”;

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

“(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.”

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

“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.

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.

“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.”

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”.

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

“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.

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

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 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.”

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

“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.

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

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”.

13. This Act comes into force on *(insert here the date of assent to this Act)*.