

NATIONAL ASSEMBLY

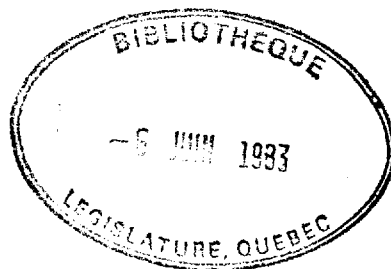
THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 24

**An Act to amend various legislative
provisions respecting housing
and consumer protection**

First reading



Introduced by
Mr Guy Tardif
Minister of Housing and Consumer Protection

Québec Official Publisher

1983

EXPLANATORY NOTES

This bill first of all amends the Act to promote housing construction so as to enable contractors who are not employers to contribute to and benefit by the fund to promote housing construction, and so as to create an offence under the Act, as well as to simplify the administration of the fund.

Secondly, it amends the Real Estate Brokerage Act and the Act respecting the Ministère de l'Habitation et de la Protection du consommateur to make the Minister of Housing and Consumer Protection responsible for the administration of the Real Estate Brokerage Act, and to simplify the administration of that Act.

Thirdly, it amends the Act respecting private education to ensure that its administration is coordinated with the Consumer Protection Act.

Lastly, it amends the Act respecting building contractors vocational qualifications in order to allow the Régie des entreprises de construction du Québec to delegate the power to renew licences to one or another of its employees, in order to authorize the Régie to issue a licence to a contractor whose record contains a previous bankruptcy that was not attributable to his own acts, and in order to require the issue of an infraction ticket as a formality in the prosecution of certain offences.

ACTS AMENDED BY THIS BILL

- Act to promote housing construction (R.S.Q., chapter C-64.01)
- Real Estate Brokerage Act (R.S.Q., chapter C-73)
- Act respecting private education (R.S.Q., chapter E-9)
- Act respecting the ministère de l'Habitation et de la Protection du consommateur (R.S.Q., chapter M-15.3)
- Act respecting building contractors professional qualifications (R.S.Q., chapter Q-1)

Bill 24

An Act to amend various legislative
provisions respecting housing
and consumer protection

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT TO PROMOTE HOUSING CONSTRUCTION

1. The Act to promote housing construction (R.S.Q., chapter C-64.01) is amended by inserting, after section 1, the following section:

“1.1 The regulations contemplated in section 1 may also, in such cases, on such conditions and according to such modalities as are determined therein, impose a contribution on contractors, within the meaning of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1), who do not hold an artisan contractor’s licence, in respect of work they carry out themselves.

On the date fixed for the filing of the monthly report contemplated in subparagraph *b* of the first paragraph of section 82 of the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20), the contractors shall give their contributions to the Office de la construction du Québec in such form and tenor as the latter may determine.”

2. Section 2 of the said Act is replaced by the following section:

“2. The Office has, for the collection of contributions from employers, employees and contractors contemplated in sections 1 and 1.1, the powers provided in the Act respecting labour relations in the construction industry for the collection of contributions or assessments imposed by decree.”

3. Section 5 of the said Act is amended by replacing the third paragraph by the following paragraph:

“At the request of the organization or of an employers’ association or of an association of employees or of a contracting party to a decree contributing to the financing of the fund and, in the latter cases, after consulting the organization, the Government may authorize the organization to use the whole or part of the fund to promote construction in a field other than housing.”

4. The said Act is amended by inserting, after section 8, the following sections:

“8.1 Every employer or building contractor, within the meaning of the Act respecting building contractors vocational qualifications, who contravenes any provision of a decree or regulation adopted under this Act or who makes a false declaration, is guilty of an offence and liable, in addition to costs, to a fine of not less than \$500 nor more than \$1 000 in the case of an individual, and of not less than \$1 000 nor more than \$2 000 in the case of a legal person, and, for every subsequent offence within two years of conviction, to a fine of not less than \$1 000 nor more than \$2 000 in the case of an individual, and of not less than \$2 000 nor more than \$4 000 in the case of a legal person.

“8.2 The court imposing a fine on a person who failed to pay a contribution required by a regulation or decree adopted under this Act may also, at the request of the Attorney General, order that person to pay the unpaid contributions.

The unpaid contributions are a fine within the meaning of paragraph *a* of section 57 of the Summary Convictions Act (R.S.Q., chapter P-15), amended by section 9 of chapter 32 of the statutes of 1982.

“8.3 Proceedings for any offence against this Act are taken in accordance with the Summary Convictions Act by the Attorney General or any person generally or specially authorized by him for that purpose.

“8.4 Unpaid contributions collected by the Attorney General are paid into the fund set up to stimulate housing construction. However, after the dissolution of the fund, they are paid into the consolidated revenue fund.”

5. Section 19 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the Government may, by proclamation published in the *Gazette officielle du Québec*,

(1) fix an earlier date for the cessation of effect of one or several sections of this Act; the proclamation must then be published 30 days before the date fixed;

(2) to ensure equal contributions between the employers and contractors on one hand and the employees on the other hand, as well as continued management of the fund to promote housing construction, fix a later date for the cessation of effect of one or several sections of Chapter I of this Act; the proclamation must then be published before 1 August 1986.”

6. The said Act is amended by inserting, after section 19, the following section:

“**19.1** After consulting the associations of employees, the employers’ associations and the contracting parties to a decree having contributed to the fund to promote housing construction, the Government shall consult the organization and indicate to it how to distribute the fund at its dissolution.”

REAL ESTATE BROKERAGE ACT

7. Section 1 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) is amended by replacing paragraph *b* by the following paragraph:

“(b) “real estate agent” means any natural person who, employed by a broker or a registered builder contemplated in section 3, carries out a real estate transaction;”.

8. Section 2 of the said Act is replaced by the following section:

“**2.** The “Service du courtage immobilier du Québec” is hereby established in the Ministère de l’Habitation et de la Protection du consommateur.”

9. The said Act is amended by inserting, after section 2, the following section:

“**2.1** The Service is composed of a Superintendent and of the employees required for its operation.

The Superintendent and the employees of the Service are appointed and remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1).

Where the Superintendent is temporarily absent or unable to act, the Minister may designate any member of the staff of the Service to take over his duties in the interim.”

10. Section 9 of the said Act is replaced by the following section:

“9. Every permit or registration certificate is valid for the period determined by regulation.”

11. The said Act is amended by inserting, after section 15, the following section:

“15.1 The signature of the Superintendent may, in accordance with the regulations, be reproduced in the following manner:

(a) by means of an automatic device;

(b) by means of an engraved, lithographed or printed facsimile. In this case, the facsimile has the same force as the signature if the document is countersigned, except in cases determined by regulation, by a person authorized by the Superintendent.”

12. Section 20 of the said Act is amended

(1) by replacing subparagraph *b* by the following subparagraph

“(b) the form and tenor of applications for permits and registration certificates or applications for renewal;”;

(2) by inserting, after subparagraph *b*, the following subparagraph:

“(b.1) the classes of permits or registration certificates, for the purposes of their renewal, as well as the renewal term and the conditions of such renewal;”;

(3) by inserting, after subparagraph *g*, the following subparagraphs:

“(h) the documents to which the signature of the Superintendent may be affixed by means of an automatic device and those on which a facsimile of his signature may be engraved, lithographed or printed and the conditions on which it may be so reproduced;

“(i) the cases where the facsimile of the Superintendent’s signature has the same force as the original without being countersigned.”

13. Section 23 of the said Act is replaced by the following section:

“23. The Minister of Housing and Consumer Protection is responsible for the administration of this Act.”

14. Sections 1, 3, 4, 6, 7, 8, 13, 14, 16, 20 and 21 of the said Act are amended by replacing the word “salesman”, wherever it appears, by the words “real estate agent”, *mutatis mutandis*.

ACT RESPECTING
PRIVATE EDUCATION

15. Section 63.1 of the Act respecting private education (R.S.Q., chapter E-9) is replaced by the following section:

“63.1 Sections 60 to 63 do not apply to contracts governed by Division VI of Chapter III of Title I of the Consumer Protection Act (R.S.Q., chapter P-40.1).”

ACT RESPECTING THE
MINISTÈRE DE L'HABITATION ET
DE LA PROTECTION DU
CONSOMMATEUR

16. Section 7 of the Act respecting the Ministère de l'Habitation et de la Protection du consommateur (R.S.Q., chapter M-15.3), replaced by section 42 of chapter 53 of the statutes of 1982, is amended by replacing the second paragraph by the following paragraph:

“He is also responsible for the administration of the Acts respecting housing, consumer protection, real estate brokerage and safety in public buildings and places.”

ACT RESPECTING
BUILDING CONTRACTORS
VOCATIONAL QUALIFICATIONS

17. The Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1) is amended by inserting, after section 17, the following section:

“17.1 The board, by by-law, may generally or specially delegate the exercise of the powers assigned to the board for the renewal of licences to the general manager or his designee.”

18. Section 19 of the said Act is amended by striking out the third and fourth paragraphs.

19. The said Act is amended by inserting, after section 19, the following section:

“19.1 The Government may designate, by regulation and in accordance with the conditions prescribed therein, in the municipalities, municipal officers who shall have power to verify whether the applicant for a building permit and the person who carries out construction work or causes it to be carried out holds a licence.

The inspectors of the Office de la construction du Québec, where the area of jurisdiction of the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20) is the same as that of this

Act, have the power to verify if a building contractor or owner-builder holds a licence.

Every person designated under this section shall have the same powers and duties as inspectors appointed under this Act.”

20. The said Act is amended by replacing the first paragraph of section 33.1 by the following paragraph:

“**33.1** Where the inability to obtain a licence results from a provision of paragraph *e* or *f* of section 31 or 33, the board may, upon application, before the lapse of three years prescribed therein, issue a licence to a natural person, partnership or corporation if it is shown to the board that the bankruptcy is not attributable to the disqualified person.”

21. Section 58 of the said Act is amended by inserting, after paragraph *a*, the following paragraph:

(“*a.1*) generally or specially delegate the exercise of the powers assigned to the board for the renewal of licences to the general manager or his designee.”

22. The said Act is amended by replacing section 72 by the following section:

“**72.** Penal actions taken under this Act are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15). However, they may also be instituted in accordance with sections 72.1 to 72.4.”

23. The said Act is amended by inserting, after section 72, the following sections:

“**72.1** Where a person commits an infraction under this Act, an inspector contemplated in section 19 or 19.1 may give him an infraction ticket. This ticket is an information.

“**72.2** The infraction ticket describes the infraction, specifies the minimum fine and the amount of the costs, and indicates to the contravener that he may pay the required amount within 10 days at the place indicated.

“**72.3** If the contravener pays the required amount in the prescribed time at the place indicated, he is considered to have pleaded guilty. In no case, however, may this payment be considered an avowal of civil liability.

If the contravener fails to make the payment, he shall be issued a summons.

“72.4 The amount of the costs provided for in section 72.2 is determined by government regulation. Sections 60 to 63 do not apply to the regulation.

The regulation comes into force on the tenth day after its publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

TRANSITIONAL AND
FINAL PROVISIONS

24. The Minister of Housing and Consumer Protection is, from 2 February 1983, without continuance of suit, a party to any proceedings related to the application of the Real Estate Brokerage Act to which the Minister of Financial Institutions and Cooperatives was a party.

25. The records and any other document of the Ministère des Institutions financières et Coopératives related to the administration of the Real Estate Brokerage Act are part of the records and documents of the Ministère de l'Habitation et de la Protection du consommateur, from 2 February 1983.

26. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

27. This Act comes into force on the day of its sanction, except section 10 and paragraph 1 of section 12, which will come into force on the date fixed by proclamation of the Government.