

SIXTH SESSION

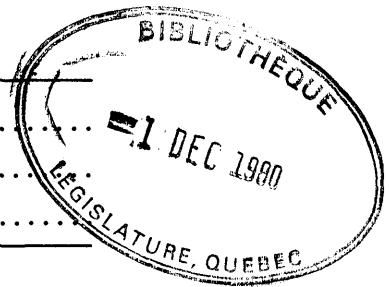
THIRTY-FIRST LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 9

An Act respecting the conservation
of energy in buildings

First reading
Second reading
Third reading



M. YVES BÉRUBÉ

Minister of Energy and Resources

L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

EXPLANATORY NOTES

The main object of this bill is the adoption of construction standards that will promote the conservation of energy in buildings constructed after its coming into force. The standards will be adopted by the Government on the joint recommendation of the Minister of Energy and Resources and the Minister of Labour and Manpower.

The application of the act and regulations will be conferred on the Minister of Labour and Manpower. The Minister will, however, be empowered to delegate, at the request of a municipal corporation, the responsibility for inspecting buildings other than public buildings in the territory of that corporation.

The architect, engineer or contractor will be required to transmit to the owner of the building a statement certifying that the plans and specifications have been prepared or, as the case may be, the construction work has been executed, in conformity with the construction standards enacted by the Government.

Bill 9

An Act respecting the conservation of energy in buildings

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

DIVISION I

INTERPRETATION AND APPLICATION

1. In this act, unless the context indicates otherwise,

“building” means any structure intended for lodging persons, sheltering animals or storing things and equipped or intended to be equipped with a heating system or a cooling system, except a farm building intended for sheltering animals or storing things;

“public building” means a building used for the production or distribution of goods or services, or a public building within the meaning of the Public Buildings Safety Act (R.S.Q., c. S-3) where such a public building comes under the definition of “building”;

“contractor” means a person who organizes or coordinates the construction of a building by persons under his authority or by sub-contractors.

2. This act applies to a building the construction of which begins after (*insert here the date of the coming into force of this section*), but not to a building intended for his personal use by an owner-builder who is exempt from the obligation of holding a licence under sections 55 and 56 of the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1) or to buildings excluded by regulation.

It applies also, and with the same exclusions, to an addition made to a building and on which construction work begins after (*insert here the date of the coming into force of this section.*)

3. This act binds the Government, government departments and the agencies that are its mandataries.

DIVISION II

ADMINISTRATION

4. The Minister of Labour and Manpower is responsible for the application of this act and the regulations.

5. The Minister may, at the request of a municipal corporation which applies a building by-law in its territory, delegate to it the whole or a part of the application of this act and the regulations in respect of buildings other than public buildings.

The Minister shall render his decision in writing; every such decision comes into force from its publication in the *Gazette officielle du Québec*.

The municipal corporation is then vested with the necessary powers to carry out the delegation.

6. Inspectors appointed for the carrying out of the Public Buildings Safety Act shall act as inspectors of public buildings; they then exercise, in addition to the powers vested in them by this act, the powers conferred on them under that act.

7. Every person responsible for supervising the application of a building by-law for a municipal corporation which has received a delegation pursuant to section 5 shall act as inspector in respect of the buildings contemplated in the delegation; he then exercises, in addition to the powers vested in him by this act, the powers conferred on him for the application of the by-law.

8. Inspectors appointed under the Electrical Installations Act (R.S.Q., c. E-4) shall act as inspectors of buildings not contemplated in section 6 or 7; they then exercise, in addition to the powers vested in them by this act, the powers conferred on them under that act.

DIVISION III

STATEMENTS AND PERMITS

9. Where the services of an architect or of an engineer are retained in view of the construction of a building, the architect or engineer must prepare plans and specifications for the building that are in conformity with the regulations under this act.

He must, in addition, transmit to the owner,

(1) before work begins, a written statement certifying that the plans and specifications are in conformity with the regulations; and

(2) not later than thirty days after completion of the work, a written statement certifying that the work has been executed in conformity with the regulations, if he was responsible for supervising the work.

10. The contractor must see to it that the construction work on a building is carried out in conformity with the regulations under this act.

He must, in addition, within thirty days after completion of the work, transmit to the owner a written statement certifying that the work has been executed in conformity

(1) with the regulations, where the plans and specifications were not prepared by an architect or an engineer, or

(2) with the plans and specifications, where they were prepared by an architect or an engineer, if the architect or engineer was not responsible for supervising the work.

11. The owner of a public building must comply with the regulations under this act. He must also require the statements of conformity provided for in section 9 or 10, as the case may be, and produce them on demand to an inspector.

12. Every person contemplated in either of sections 9 and 10 must furnish to the inspector, at his request, a copy of the statement of conformity issued by him to the owner of a building other than a public building.

13. Notwithstanding sections 9 and 10, every natural person wishing to have a building constructed for his exclusive use as a residence may require specifications different from those mentioned in the regulations, where the regulations permit.

14. Every municipal corporation that has received a delegation pursuant to section 5 and whose by-laws provide for the issuance of building permits shall issue such a permit only where the construction project is in conformity with the regulations under this act.

15. The plans and specifications of a building must contain the information prescribed by a regulation under this act, if the regulation so requires.

Every person contemplated in section 9, 10 or 11 must furnish to the inspector, at his request, a copy of the plans and specifications of the building.

DIVISION IV

REGULATIONS

16. The Government may, by regulation, adopt energy efficiency standards and energy conservation measures for buildings and, in particular,

(1) establish categories of buildings and prescribe different standards for different categories;

(2) exclude buildings from the application of this act and the regulations, in whole or in part;

(3) determine different energy conservation standards within the same category of buildings, based on the climatic data of the places where these buildings are situated;

(4) prescribe thermal resistance standards;

(5) prescribe minimum heat loss standards for openings in the outer shell of a building;

(6) prescribe quality standards and installation methods for insulation materials;

(7) prescribe measures for preventing condensation in buildings;

(8) prescribe standards for air or water heating and cooling systems, for lighting and ventilation systems and for the related control devices;

(9) prescribe fenestration standards;

(10) prescribe the additional information that must be contained in plans and specifications in certain cases or circumstances, and determine these cases or circumstances;

(11) determine the form and content of the statement of conformity that must be transmitted under section 9 or 10;

(12) prohibit the installation or require the approval of equipment or a material and designate the person or body authorized to approve it;

(13) determine the cases where a natural person wishing to have a building constructed for his exclusive use as a residence may require specifications for that building different from those prescribed by regulation.

The Government shall publish its draft regulations in the *Gazette officielle du Québec* with a notice that they will be adopted at the expiry of a period of 45 days.

Every regulation comes into force on the date of publication in the *Gazette officielle du Québec* of a notice indicating that it has been adopted by the Government or, if amended by the latter, on the date of the publication of its final text, or on a later date fixed in the notice or final text.

17. Every regulation provided for in section 16 is adopted on the joint recommendation of the Minister of Energy and Resources and the Minister of Labour and Manpower.

18. The Minister of Labour and Manpower may, on such conditions as he may determine, authorize the application of energy efficiency standards or of energy conservation measures in a building other than those prescribed by a regulation, if a person shows him that these measures or standards lead to a conservation of energy equal to or greater than what would result from the application of the regulation.

19. In no case may a municipal by-law comprise energy efficiency standards or energy conservation measures for buildings that are lower than the standards or measures provided in a regulation made under this act.

DIVISION V

OFFENCES AND PENALTIES

20. No person may hinder the action of an inspector in the performance of his duties, mislead him by concealment or false declarations, refuse to furnish him with information or a document he is entitled to require or examine under this act or the regulations, or conceal or destroy a document relevant to an inspection.

An inspector shall, on demand, exhibit an identification card attesting his office.

21. Every person who contravenes this act or the regulations is guilty of an offence and is liable, in addition to costs, to a fine of not less than \$200 nor more than \$500 and, for any subsequent offence within two years, to a fine of not less than \$500 nor more than \$3 000.

22. Where an inspector ascertains that a building or construction work is not in conformity with this act or the regulations, he must point out in writing to the contractor or owner of a public

building the corrective work that appears necessary within such time as he indicates.

No proceedings may be instituted before the time fixed in the preceding paragraph has expired.

23. Proceedings under this act or the regulations are instituted in accordance with the Summary Convictions Act (R.S.Q., c. P-15) by an inspector contemplated in section 6 or 8, by a person designated generally or specially for that purpose by the Minister or, if section 7 applies, by the delegated municipal corporation.

In the case of a delegated municipal corporation, fines belong to the municipal corporation.

24. Proceedings must be instituted within one year after the offence has come to the knowledge of an inspector contemplated in any of sections 6, 7 and 8.

DIVISION VI

TRANSITIONAL AND FINAL PROVISIONS

25. This act does not apply to a building if the authorizations required for its construction were obtained before (*insert here the date of the coming into force of section 2 of Bill 9*) and if construction begins within six months after that date.

26. Section 4 of the Public Buildings Safety Act (R.S.Q., c. S-3) is amended by replacing the second sentence of subsection 3 by the following:

“No building permit may be issued unless the inspector confirms, after examining them, that the plans and specifications are in conformity with this act and the regulations and with the Act respecting the conservation of energy in buildings (1980, c. *insert here the chapter number of Bill 9*) and the regulations.”

27. This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date to be fixed by proclamation of the Government.