

Gouvernement du Québec

**O.C. 98-96, 24 January 1996**

Building Act  
(R.S.Q., c. B-1.1)

**Building contractors and owner-builders  
— Professional qualification  
— Amendments**

Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders

WHEREAS under paragraphs 8 to 18 and 38 of section 185 and section 192 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec may make regulations on the matters mentioned therein;

WHEREAS at its meeting of 10 May 1994, the Board made the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders was published in Part 2 of the *Gazette officielle du Québec* of 27 July 1994 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received have been considered;

WHEREAS under Order in Council 376-95 dated 22 May 1995, the Government approved the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders, which was partially repeating the Regulation made by the Board;

WHEREAS it is expedient to approve, with amendments, other provisions of the Regulation made by the Board, in particular those intended to clarify the limits to the qualification of more than one building undertaking by the same person;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment:

THAT the Regulation to amend the Regulation respecting the professional qualification of building contractors and owners-builders, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation  
respecting the professional qualification  
of building contractors and owner-builders**

Building Act  
(R.S.Q., c. B-1.1, s. 185, pars. 8 to 18 and 38,  
and ss. 189 and 192)

**1.** The Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 and amended by the Regulation approved by Order in Council 376-95 dated 22 March 1995, is further amended by substituting the following for the definition of “guarantor” in section 1:

““guarantor”: a natural person doing business alone or an officer who, following examinations prescribed by this Regulation, unless he is exempt therefrom, shows that he has the skills necessary for managing a building undertaking and for carrying out building work;”

**2.** Section 2 of the Regulation is amended

(1) by adding at the end of the second paragraph the words “or in making or submitting tenders personally or through an intermediary, for the purpose of carrying out or having carried out, in whole or in part, such work”;

(2) by substituting the following for the third paragraph:

“The specialized contractor category includes any contractor whose main activity consists in carrying out or having carried out, in whole or in part, construction work included in the subcategories of the specialized contractor category or in making or submitting tenders, personally or through an intermediary, for the purpose of carrying out or having carried out, in whole or in part, such work.”

**3.** Section 46 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person who holds a contractor’s licence may request a contractor’s licence on behalf of more than one partnership or legal person if he owns 50 % of

the shares of such partnership or 50 % of the voting shares of such legal person, as the case may be, and he has not renounced the rights inherent in his participation or in his shares, as the case may be.”.

**4.** Section 47 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person may request a contractor’s licence on behalf of more than one partnership or legal person if he owns 50 % of the shares of such partnerships or 50 % of the voting shares of such legal persons, as the case may be, and he has not renounced the rights inherent in his participation or in his shares, as the case may be.”.

**5.** Section 48 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person who is the guarantor for a legal person holding a contractor’s licence and owning 50 % of the voting shares of one or more legal persons and has not renounced the rights inherent in his shares may request a contractor’s licence on behalf of such legal person.”.

**6.** The Regulation is amended by inserting the following after section 48:

“**48.1** A natural person who is the guarantor for a legal person holding a contractor’s licence may request a contractor’s licence on behalf of a legal person controlled by that legal person or by a legal person affiliated with the latter.

Legal persons are affiliated if one is controlled by the other.

A legal person is controlled by another legal person where the latter owns 50 % of the voting shares and has not renounced the rights inherent in its shares.

**48.2** A natural person who holds a contractor’s licence may request a contractor’s licence on behalf of a partnership or legal person constituted for the purpose of carrying out construction work related to a single construction project and for the same licence subcategories if he is one of the members of such partnership or one of the shareholders owning voting shares of such legal person, as the case may be, and if he has not renounced the rights inherent in his participation or in his shares, as the case may be.

A natural person may make such a request on behalf of several partnerships or legal persons thus constituted, provided that he meets the conditions mentioned in the first paragraph in respect of each partnership or legal person.

**48.3** A natural person who is the guarantor for a partnership or a legal person that holds a contractor’s licence and that is also a member of one or several partnerships or a shareholder owning voting shares of one or several legal persons constituted for the purpose of carrying out construction work related to a single construction project may, for the same licence subcategories, request a contractor’s licence on behalf of those partnerships or legal persons. The partnership or legal person shall not have renounced the rights inherent in its participation or in its shares, as the case may be.”.

**7.** Section 49 of the Regulation is revoked.

**8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 99-96**, 24 January 1996

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

**Building service employees**

— Québec

— Amendments

Decree to amend the Decree respecting building service employees in the Québec region

WHEREAS the Government made the Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r. 40);

WHEREAS in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a decree upon the recommendation of the Minister of Employment;

WHEREAS contracting parties within the meaning of the Decree have petitioned the Minister of Employment that amendments to the Decree be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of a draft amending decree was published in Part 2 of the *Gazette officielle du Québec* of 2 August 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;