

Gouvernement du Québec

O.C. 6-97, 7 January 1997

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

**Exemption from the application of the Act
— Amendment**

Regulation to amend the Regulation respecting exemption from the application of the Building Act

WHEREAS under section 4.1 and subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Government may, by regulation, exempt categories of contractors from the total or partial application of the Act;

WHEREAS under the second paragraph of section 182 of that Act, enacted by section 9 of Chapter 74 of the Statutes of 1996, a regulation made under subparagraph 1 of the first paragraph of section 182 of the Act may, in particular, where it is made to give effect to an intergovernmental agreement in respect of mobility or the recognition of the qualifications, skills or work experience of building contractors, provide for adjustments to the provisions of the Act and the regulations, including regulations adopted by the Board, and for special management rules applicable to the categories of persons and contractors covered by the regulation;

WHEREAS under the second paragraph of section 192, enacted by section 11 of Chapter 74 of the Statutes of 1996, the contents of the regulations may, in particular, vary to facilitate the recognition of the qualifications, skills or work experience of the building contractors covered by an intergovernmental agreement in respect of mobility or the recognition of such qualifications, skills or work experience;

WHEREAS under Order in Council 1526-96 dated 4 December 1996, the Government approved the Ontario-Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry, signed on 6 December 1996;

WHEREAS it is expedient to make the Regulation attached to this Order in Council, in order to give effect to that Agreement;

WHEREAS under the second paragraph of section 182 of the Building Act, enacted by section 9 of Chapter 74 of the Statutes of 1996, a regulation made to give effect to such an intergovernmental agreement is not subject to the requirements as to publication and the date of com-

ing into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting exemption from the application of the Building Act, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting exemption from the
application of the Building Act**

Building Act
(R.S.Q., c. B-1.1, s. 4.1, s. 182, 1st par., subpar. 1 and 2nd par., and s. 192; 1996, c. 74, ss. 9 and 11)

1. The Regulation respecting exemption from the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995, is amended by inserting the following after section 3:

“**3.1** A contractor domiciled in Ontario is exempt from the application of paragraph 1 of section 58 of the Act and from the provisions pertaining to the examination of skills in 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 Regulations approved by Orders in Council 376-95 dated 22 March 1995 and 98-96 dated 24 January 1996 and its future amendments, where he establishes, to the satisfaction of the Régie du bâtiment du Québec, that

(1) he has been registered for at least 3 years in the Ontario New Home Warranties Plan established under the Ontario New Home Warranties Plan Act (R.S.O., 1990, c. O-31);

(2) in the case of a legal person, it has been registered for at least 5 years as a building contractor within the Companies Branch of the Ministry of Consumer and Commercial Relations of Ontario; or

(3) in the case of a sole proprietorship or of a general or limited partnership, the firm name of the construction firm has been registered for at least 5 years with the Companies Branch of the Ministry of Consumer and Commercial Relations of Ontario.

The exemption referred to in the first paragraph is valid only for the categories or subcategories of licences corresponding to the fields for which the contractor is registered and for as long as he meets one of the conditions provided for in subparagraphs 1 to 3 of the first paragraph.”

2. This Regulation comes into force on 15 January 1997.
1161

Gouvernement du Québec

O.C. 7-97, 7 January 1997

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

Professional qualification of building contractors and owner-builders
— Amendments

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

WHEREAS under paragraphs 8 to 18.1 of section 185 and section 192 of the Building Act (R.S.Q., c. B-1.1), amended by sections 10 and 11 of Chapter 74 of the Statutes of 1996, the Régie du bâtiment du Québec may make regulations on the subjects stipulated therein and the contents of such regulations may vary, in particular according to the classes of persons or building contractors to whom they apply;

WHEREAS under section 55 of Chapter 74 of the Statutes of 1996, the first regulation made under section 185 of the Building Act, as amended by that Chapter, shall be made by the Government, is deemed to be a regulation of the Board and is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS pursuant to section 185 of the Building Act, as amended by Chapter 74 of the Statutes of 1996, it is expedient to make the Regulation attached hereto;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-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 18.1, and s. 192; 1996, c. 74, ss. 10, 11 and 55)

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 Regulations approved by Orders in Council 376-95 dated 22 March 1995 and 98-96 dated 24 January 1996, is further amended in section 1:

(1) by inserting, in the definition of “guarantor” and after the word “Regulation”, the words “or by any other method of evaluation”; and

(2) by inserting, at the end of that definition, the words “or who holds a recognition or attestation issued by the Board under section 58.1 of the Act”.

2. Section 5 is revoked.

3. Section 6 is amended by deleting the second paragraph.

4. Section 7 is amended:

(1) by substituting, in paragraph 1, the words “and, where applicable, the number of the declaration of registration deposited in the register of sole proprietorships, partnerships and legal persons” for the words “, his passport size photograph taken during the last six months and, as the case may be, copy of the registration of the corporate name declaration”;

(2) by substituting, in paragraph 2, the words “his name, the address and telephone number of the main business place and, where applicable, the number of the declaration of registration” for the words “the corporate name, the address of the main business place and, as the case may be, copy of the registration of the corporate name declaration”;

(3) by substituting, in paragraph 3, the words “and a statement as to the truthfulness of the information he supplies” for the words “, a statement to the truthfulness of the information he supplies and his passport size photograph taken during the last six months”;

(4) by striking out paragraph 4; and

(5) by substituting the following for paragraph 6: