

Erratum

O.C. 111-97, 29 January 1997

Public Buildings Safety Act
(R.S.Q., c. S-3)

Elevators and lifts for persons with physical disabilities — Safety Code

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 129, number 6, 12 February, 1997, page 827.

The text that appears on page 827 is replaced by the following text:

“Gouvernement du Québec

O.C. 111-97, 29 January 1997

Public Buildings Safety Act
(R.S.Q., c. S-3)

Elevators and lifts for persons with physical disabilities — Safety Code

Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities

WHEREAS section 39 of the Public Buildings Safety Act (R.S.Q., c. S-3) provides that the Government may, by regulation, make prescriptions applying to public buildings relating to precautions to be taken in respect of elevators and their safety appliances;

WHEREAS the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons was made by Order in Council 1009-88 dated 22 June 1988;

WHEREAS it is expedient to make a new regulation, entitled Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, in particular for the purposes of

— updating the requirements for such apparatuses and taking into account technological changes;

— recognizing that elevators and related apparatuses installed in accordance with the 1990 edition of the Safety Code for Elevators and its 1992 Supplement (No. 1), where applicable, comply with the requirements of the new regulation;

— introducing more appropriate rules to govern the installation of new apparatuses; and

— insuring better application of the Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities was published in Part 2 of the *Gazette officielle du Québec* of 14 February 1996 with a notice that it could be submitted for approval by the Government at the expiry of 45 days following that publication;

WHEREAS the comments received have been evaluated;

WHEREAS it is expedient to approve the Draft Regulation with amendments, as it appears attached to this Order in Council;

WHEREAS section 39 of the Public Buildings Safety Act provides that every regulation relating to an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) shall be made on the joint recommendation of the Minister and the Minister of Health and Social Services;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour and the Minister of Health and Social Services:

THAT the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif,

Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities

Public Buildings Safety Act
(R.S.Q., c. S-3, s. 10, pars. 3 and 8, and s. 39)

DIVISION I SCOPE

1. This Regulation applies to elevators, escalators, dumbwaiters, moving walks, freight platform lifts and lifts for persons with physical disabilities, installed in a public building within the meaning of the Public Buildings Safety Act (R.S.Q., c. S-3) or, where public safety must be ensured, in an establishment within the meaning of the Act respecting occupational health and safety (R.S.Q., c. S-2.1).

DIVISION II INSPECTOR'S POWERS

2. An inspector may prohibit the operation of an elevator, escalator, dumbwaiter, moving walk, freight platform lift or lift for persons with physical disabilities, and may affix a seal thereto, if he finds that an offence against this Regulation is of a nature to directly endanger a person's life or health.

3. An inspector may require of the owner of an apparatus covered by section 1 that he perform, or cause to be performed, a test, analysis or verification of a material, a piece of equipment or the installation of such apparatus in order to ensure that it complies with the requirements of this Regulation.

4. Where an apparatus covered by section 1 is put into service for the first time or where such apparatus is put back into service following an alteration, the owner of the apparatus shall so notify the inspector in writing within 30 days.

The notice shall contain the following information:

- (1) the name and address of the owner, the manufacturer and the installer of the apparatus;
- (2) the address of the building in which the apparatus is installed; and
- (3) the type, make and model of apparatus, and its technical features.

DIVISION III NEW INSTALLATIONS

§1. Definitions

5. In this Division, unless otherwise indicated by the context,

“Code” means the Safety Code for Elevators: Escalators, Dumbwaiters, Moving Walks, and Freight Platform Lifts, Public Safety, A National Standard of Canada CAN/CSA-B44-94, published in September 1994 by the Canadian Standards Association, as amended by this Regulation; and

“Standard” means Standard CAN/CSA-B355-94, Lifts for Persons with Physical Disabilities, Public Safety, A National Standard of Canada, published in January 1994 by the Canadian Standards Association, as amended by this Regulation.

§2. Amendments to the Code

6. In the Code, a reference to

(1) Standard CSA C22.1 is a reference to the electrical code that serves as a basis in applying the Act respecting electrical installations (R.S.Q., c. I-13.01), as prescribed and amended by the Bureau des examinateurs électriciens du Québec under section 29 of that Act in force at the time of installation of an apparatus or of an alteration thereto; and

(2) the National Building Code of Canada or the Building Code is a reference to the National Building Code of Canada adopted under the Public Buildings Safety Act (R.S.Q., c. S-3), as amended, in force at the time of installation of an apparatus or of an alteration thereto.

7. The Code is amended

(1) by deleting the notes, wherever they occur in sections 1 to 15;

(2) in the French text, by substituting *mutatis mutandis* the words “vérification”, “vérifier” and “vérifié” for the words “inspection”, “inspecter” and “inspecté”, wherever they occur;

(3) by substituting the words “devices approved by a person appointed by the Minister,” for the words “approved devices” in section 7.3.8.5, the words “type approved by a person appointed by the Minister,” for the words “approved type” in paragraph *b* of section 3.7.5, and the words “means approved by a person appointed

by the Minister” for the words “approved means” in paragraph *h* of clause 3.14.9.3.3;

(4) by substituting *mutatis mutandis* the words “inspector responsible for the application of the Public Buildings Safety Act” for the words “regulatory authority” in clauses 2.3.5.3, 2.7.1.4, 2.7.4, 2.9.6 and 3.6.2.2 and in paragraph *b* of clause 3.12.15.5;

(5) by substituting *mutatis mutandis* the words “person appointed by the Minister” for the words “regulatory authority” or “regulatory authorities” in clauses 1.2.1, 1.2.2, 3.2.7.2, 3.6.5.1, 3.14.5.1, 7.2.4.1, 8.3.11.1, 8.3.11.2, 8.4, 10.4.1, 14.2.3.2 and 14.2.8.2, subparagraphs *i* and *ii* of paragraph *c* of clause 3.5.7 and paragraph *c* of clauses 3.14.9.3.3 and 8.3.3.7.1, respectively;

(6) in clause 1.3,

(1) by substituting the following for the introductory paragraph:

“This Standard refers to the following publications:”;
and

(2) by deleting the following publications:

“C22.1-94
Canadian Electrical Code, Part I;”; and
“National Building Code of Canada–1990;”;

(7) by deleting the following definitions in section 1.4:

“Accessible”;
“Weatherproof”;
“Approved”;
“Private residence elevator”;
“Existing installation”;
“New installation”;
“Private residence”; and
“Shall”;

(8) by deleting the word “directly” in paragraph *a* of clause 2.7.1.5;

(9) by deleting subparagraph *d* of the second paragraph of clause 3.6.2.5;

(10) by revoking clause 9.1.2;

(11) by revoking section 12;

(12) by revoking clause 13.2;

(13) by revoking clause 14.6;

(14) by revoking clause 14.9.1.2;

(15) by revoking clause 14.9.2.2; and

(16) by deleting the second sentence in clause 15.3.1.

§3. Amendments to the Standard

8. Any reference in the Standard

(1) to Standard CAN/CSA-B44 is a reference to the Code; and

(2) to Standard CSA C22.1 is a reference to the electrical code that serves as a basis in applying the Act respecting electrical installations (R.S.Q., c. I-13.01), as prescribed and amended by the Bureau des examinateurs électriciens du Québec under section 29 of that Act in force at the time of installation of an apparatus or of an alteration thereto.

9. The Standard is amended

(1) by deleting the notes, wherever they occur in sections 1 to 9;

(2) in the French text, by substituting *mutatis mutandis* the words “vérification”, “vérifier” and “vérifié” for the words “inspection”, “inspector” and “inspecté”, wherever they occur;

(3) by deleting the second sentence in clause 1.4;

(4) by adding the following after clause 1.4:

“1.5 Any person wishing to use a material, device, piece of equipment, construction method or installation method that is not specifically covered in this Standard shall so inform the inspector. Such use shall be approved by a person appointed by the Minister where it is demonstrated that the level of safety procured is at least equivalent to that required under this Standard.

1.6 Where it would be difficult to apply any of the provisions of this Standard because of the impact thereof, the owner may propose compensatory measures to the inspector, which may be accepted by a person appointed by the Minister where it is demonstrated to that person that the measures render the apparatus safe.”;

(5) in clause 2,

(1) by substituting the following for the introductory paragraph:

“This Standard refers to the following publications:”;
and

(2) by deleting the following publications:

“CAN/CSA-B44-M90
Safety Code for Elevators;” and
“C22.1-1994
Canadian Electrical Code, Part I;”;

(6) by deleting the word “directly” in subparagraph *i* of paragraph *g* of clause 5.4.2; and

(7) by deleting clause 6.1.1.2.

§4. General

10. An elevator, escalator, dumbwaiter, moving walk or freight platform lift that is not covered by Division IV shall comply with the Code.

11. A lift for persons with physical disabilities that is not covered by Division IV shall comply with the Standard.

DIVISION IV EXISTING INSTALLATIONS

12. An elevator, escalator, dumbwaiter, moving walk or freight platform lift whose installation is completed by 27 August 1997 shall comply with the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons, made by Order in Council 1009-88 dated 22 June 1988 and amended by the Regulations made by Orders in Council 1836-88 dated 7 December 1988, 927-90 dated 27 June 1990 and 1331-92 dated 9 September 1992.

Notwithstanding the foregoing, an apparatus that, at the time of installation or alteration, complies with the Safety Code for Elevators: Escalators, Dumbwaiters, Moving Walks, and Freight Platform Lifts, Public Safety, A National Standard of Canada CAN/CSA-B44-94, published in May 1990 by the Canadian Standards Association, as amended, excluding section 12, is deemed to comply with the requirements of this section.

13. A lift for persons with physical disabilities whose installation is completed by 27 August 1997 shall comply with the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons, made by Order in Council 1009-88 dated 22 June 1988 and amended by the Regulations made by Orders in Council 1836-88 dated 7 December 1988, 927-90 dated 27 June 1990 and 1331-92 dated 9 September 1992.

14. Any alteration to an existing elevator or escalator shall comply with Division 10 of the Code referred to in section 5.

15. 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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M.O., 1997

Minister’s Order 97-01 of the Minister of Health and Social Services dated 26 February 1997

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 129, number 10, 12 March 1997, pp. 1016-1026.

On page 1021, article 31, should read as follows: “not later than 30 days” instead of “not later than 40 days”.

Article 57 on page 1023 should read as follows:

“**57.** This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.”

instead of:

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

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