

Draft Regulations

Draft Regulation

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

Building contractors and owner-builders

— Professional qualification — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders, the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The purpose of the Regulation is to ensure consistency with the Regulation respecting the guaranty plan for new residential buildings.

The new provisions create subcategories of the category “general contractor” for contractors erecting new residential buildings covered by a guaranty plan.

Furthermore, the new provisions enable the contractor to establish his solvency by requiring him to join a guaranty plan so as to avoid duplication in the financial analysis of undertakings required to join a guaranty plan in order to obtain or keep their building contractor’s licence.

Finally, transitional provisions are included to ensure the carrying out of construction work already begun or for which contracts were signed before the coming into force of the Regulation respecting guaranty plans for new residential buildings by contractors holding a subcategory 4041 or 4042 licence. They exempt from certain charges otherwise exigible a contractor who requests an amendment to his licence or its renewal in order to add thereto new subcategories of contractors erecting new residential buildings covered by a guaranty plan.

The draft Regulation does not have much impact on contractors covered by that guarantee plan. These contractors will only have to ask the Régie du bâtiment du Québec to have the new subcategories added to their licence without charge.

Further information may be obtained by contacting Mr. Pierre D. Tarte, Guaranty Plans Coordinator, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 6^e étage, Montréal (Québec) H2M 2V2, tel.: (514) 864-2500; fax: (514) 873-3418.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jean-Claude Riendeau, Chairman, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 6^e étage, Montréal (Québec) H2M 2V2.

MATHIAS RIOUX,
Minister of Labour

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. 11, 16 and 17, and s. 192)

1. The following sections 28.1 and 28.2 are added after section 28 of the Regulation respecting the professional qualification of building contractors and owner-builders:

“28.1 A natural person, partnership or legal person that has joined a guaranty plan required under section 77 of the Act is deemed to meet the conditions respecting solvency prescribed by the Board in this Subdivision.

28.2 A contractor whose membership in the guaranty plan referred to in section 28.1 is ending must, within 30 days following the end of his membership, comply with the conditions respecting solvency prescribed in this Subdivision with regard to his licence for the subcategories of work not covered by the guaranty plan.”

2. The Regulation is amended by adding the following after section 51:

* The Regulation respecting the professional qualification of building contractors and owner-builders approved by Order in Council 876-92 dated 10 June 1992 (1992, *G.O.* 2, 2926) was last amended by the Regulation approved by Order in Council 7-97 dated 7 January 1997 (1997, *G.O.* 2, 189). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

“51.1 Any general contractor who, on 1 January 1999, holds a licence on which is indicated subcategory 4041 or 4042 is authorized to carry out or cause to be carried out construction work in respect of new residential buildings for which the preliminary contract or the contract of enterprise was signed before 1 January 1999 or which began before that date.

51.2 The Board shall not collect the exigible charges provided for in section 41 where a request for amendment is filed by a general contractor whose licence is still valid and who, on 31 December 1998, holds a licence on which is indicated subcategory 4041 or 4042, as long as his request is filed before the expiry of that licence and involves only the addition of subcategory 3031 or 3032.

Notwithstanding the foregoing, if that request for amendment is filed at the time of the first renewal of the licence after 1 January 1999, the fees and charges that the holder must pay to the Board are those indicated for renewal in section 41.”.

3. Schedule A to the Regulation is amended

(1) by inserting the following subcategories before subcategory “4041 Residential buildings contractor, Class I”:

“3031 Contractor — new residential buildings covered by a guaranty plan, Class I:

This subcategory includes construction work in respect of:

— a detached, semi-detached or row-type single-family dwelling, whether or not it is held in divided co-ownership;

— a multifamily building, from a duplex to a quintuplex, that is not held in divided co-ownership;

— a multifamily building of more than 5 units, held by a non-profit organization or a cooperative and not held in divided co-ownership.

3032 Contractor — new residential buildings covered by a guaranty plan, Class II:

This subcategory includes construction work in respect of a multifamily building of a building height of less than 4 stories, held in divided co-ownership.

(2) by substituting the following for subcategories “4041 Residential buildings contractor, Class I” and “4042 Residential buildings contractor, Class II”:

“4041 Residential building contractor, Class I:

This subcategory includes construction work in respect of buildings of a building height of 4 stories or less, not covered by the Regulation respecting the guaranty plan for new residential buildings, approved by Order in Council 841-98 dated 17 June 1998, and intended to be used mainly for residential purposes and similar or related construction work.

4042 Residential building contractor, Class II:

This subcategory includes construction work in respect of all types of buildings not covered by the Regulation respecting the guaranty plan for new residential buildings, and used mainly for residential purposes and similar or related construction work.”.

4. Once approved by the Government, this Regulation comes into force on 1 January 1999.

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Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Optometrists

— Equivalence standards for the issue of a permit

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting equivalence standards for the issue of a permit by the Ordre des optométristes du Québec, adopted by the Bureau of the Ordre professionnel des optométristes du Québec and whose text appears below, may be submitted to the Government for approval with or without amendment upon the expiry of 45 days following this publication.

According to the Ordre des optométristes du Québec, the main purpose of the Regulation is to establish, in accordance with the requirements of the Professional Code, equivalence standards to be used by the Bureau of the Order to recognize, for the purposes of issuing the permits of the Order, the equivalence of diplomas issued by educational institutions outside Québec and the equivalence of training received in or outside Québec, in favour of persons who do not hold a diploma recognized by government regulation as giving access to one or more permits of the Order.

In addition, the Regulation prescribes the procedures for applying for the recognition of an equivalence and for making a decision on such application.