

Draft Regulations

Draft Regulation

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

Exemption from the application of the Act — 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 exemption from the application of the Building Act, the text of which appears below, may be made by the Government, with or without amendments, upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure concordance with the proposed Building Code. Its purpose is essentially to specify the building categories, facilities and installations covered by Chapter I of the said Code.

More specifically, the draft Regulation proposes to exempt from the application of Chapter I of the Building Code buildings which by their usage are not presently considered as public buildings within the meaning of the Public Buildings Safety Act (R.S.Q., c. S-3), as well as establishments covered by the Act respecting occupational health and safety (R.S.Q., c. S-2.1) when the safety of the public is not in question. With the exception of residential condominiums having more than two storeys and more than eight dwellings, this constitutes the continuance of the current scope of application as regards buildings.

The draft Regulation also proposes to designate certain facilities such as bleachers, tents, circus tents, inflatable structures and belvederes as facilities for public use once they meet certain construction criteria. These criteria refer to notions of the area of the facilities (belvederes), the density of the number of users (bleachers) or the use of these facilities for the purposes of shows (circus tents). With the exception of belvederes, this constitutes the continuance of the current scope of application as regards facilities.

Lastly, the draft Regulation proposes to subject buildings and facilities for public use which are owned by the Government, its departments and agencies that are manda-

taries of the Government to the application of Chapter II of the Building Act and to the Regulations of application under that chapter and to Chapter I of the Building Code. Thus, as is presently the case under the Public Buildings Safety Act, construction work with respect to governmental public buildings will be subject to the same building standards as public buildings in the private sector.

Except as regards certain condominiums and belvederes, the draft Regulation has shown no particular impact since it amends very slightly, on the whole, the categories of buildings, facilities and installations covered by the Regulations.

As regards owners of condominiums, they are, in most cases, already subject to municipal regulations similar to those proposed by the Building Code. As for belvederes, they are, in most cases, the property of governmental agencies that customarily ensure the respect of applicable building standards or that leave the responsibility of this to the professionals charged with their conception and design. Other owners of these facilities shall assume the impact of the new regulations for facilities built or transformed after the coming into force of the Building Code.

Further information may be obtained by contacting Yvon Migneault, architect, Régie du bâtiment du Québec, 800, place d'Youville, 14^e étage, Québec (Québec) G1R 5S3 (telephone: (418) 643-9906; fax: (418) 646-9280).

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Alcide Fournier, Chairman of the Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

DIANE LEMIEUX,
*Minister of State for Labour
and Employment and Minister of Labour*

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

Building Act

(R.S.Q., c. B-1.1, ss. 4.1, 5, 10 and 182, 1st par., subpars. 1°, 3° and 4°; 1998, c. 46)

1. The French title of the Règlement sur l'exemption de l'application de la Loi sur le bâtiment is amended by substituting "d" for "sur l'exemption de l".

2. The Regulation is amended by inserting the following immediately before section 1:

“DIVISION I EXEMPTION FROM THE APPLICATION OF CHAPTER IV OF THE BUILDING ACT”.

3. The Regulation is amended by adding the following at the end:

“DIVISION II EXEMPTION OF CERTAIN BUILDINGS FROM THE APPLICATION OF CHAPTER I OF THE BUILDING CODE

3.3 The following buildings, which are used solely for the purposes provided for in the Code, are exempted from the application of Chapter I of the Building Code, approved by Order in Council (*enter the number and date of the Order in Council*):

(1) a meeting facility not covered by paragraphs 6 and 10 and having a capacity of no more than nine persons;

(2) a health care or detention establishment which constitutes:

(a) a prison;

(b) a supervised education centre with or without detention facilities used to shelter or receive no more than nine persons;

(c) a supervised residence used to shelter or receive no more than nine persons; or

(d) a convalescence home used to shelter or receive no more than nine persons;

(3) a dwelling which constitutes:

(a) a building used for housing having

i. no more than two storeys within the meaning of Chapter I of the Building Code;

ii. no more than eight dwellings;

(b) a rooming house, an outfitter offering no hostelry services or a boarding house where such a building has no more than nine rooms;

(c) a hotel having no more than two storeys within the meaning of the Regulation respecting safety in public buildings (R.R.Q., 1981, c. S-3, r.4) operated by a natural person in a single family dwelling, which is also used as his residence, having no more than six bedrooms and housing less than 15 guests;

(d) a monastery, a convent or novices' quarters owned by a religious corporation incorporated under a special act of Québec or by the Religious Corporations Act (R.S.Q., c. C-71), where that building or part of the building divided by a fire division wall is occupied by no more than 30 persons and having no more than three storeys within the meaning of the Regulation respecting safety in public buildings; or

(e) a shelter used to shelter or receive no more than nine persons;

(4) a business establishment having no more than two storeys within the meaning of Chapter I of the Building Code;

(5) a commercial establishment having a total floor area of no more than 300 sq. m when that building is used as a store;

(6) a childcare centre used to shelter or receive no more than nine persons;

(7) a subway station;

(8) an agricultural usage;

(9) an industrial establishment where that building is not accessible to the public;

(10) all uses included in a family-type building within the meaning of paragraph 7.2 of section 1 of the Regulation respecting safety in public buildings and complying with paragraph 1.1 of section 6 of the Regulation.

* The Regulation respecting exemption from the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, G.O. 2, 1100), was last amended by the Regulation made by Order in Council 758-98 dated 3 June 1998 (1998, G.O. 2, 2218). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

DIVISION III DESIGNATION OF FACILITIES FOR PUBLIC USE

3.4 The following facilities are facilities for public use for the purposes of section 10 of the Act:

(1) bleachers, grandstands or exterior terraces whose highest point, relative to the ground, exceeds 1.2 m and whose load capacity exceeds 60 persons;

(2) tents or exterior inflatable structures covered in Chapter I of the Building Code approved by Order in Council (*enter the number and date of the Order in Council*) and used

(a) as dwellings or health care or detention facilities; or

(b) as meeting facilities or commercial establishments whose floor area exceeds 150 sq. m and whose load capacity exceeds 60 persons;

(3) belvederes built with materials other than backfill and constituted of horizontal platforms linked by their construction elements whose total area exceeds 100 sq. m or whose load capacity exceeds 60 persons including access facilities.

DIVISION IV SUBJECTION OF GOVERNMENTAL BUILDINGS TO CHAPTER II OF THE BUILDING ACT

3.5 The Government, its departments and agencies which are the mandataries of the Government are bound, for their buildings and facilities for public use by Chapter II of the Act and by the Regulations of application under that Chapter.”.

4. This Regulation comes into force on (*enter the date corresponding to the ninetieth day following the date of its publication in the Gazette officielle du Québec*).

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Draft Regulation

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

Building Code

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Building Act”, the text of which appears below, may be approved by the Government, with or without amendments, upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish, for the entire territory of Québec, basic standards applicable to building work and to facilities intended for use by the public in order to insure the quality of such work and thus the safety of the public.

These standards make up Chapter 1 of the Building Act which is essentially composed of the National Building Code, 1995 edition, to which amendments have been made in order to facilitate its application and adapt it to the specific needs of Québec. Moreover, a specific section governing the transformation of existing buildings as well as a mechanism for the continual updating of standards and materials has been added.

The most important modifications concern;

— the obligation relating to the installation of sprinklers in certain types of buildings heretofore exempted;

— specific details regarding the standards relating to mechanical ventilation in order to palliate the imperviousness of buildings;

— the improvement of standards relating to the accessibility and adaptability of buildings for disabled persons;

— the updating of reference standards contained in the National Building Code in order to take into account technological evolution;

— to render the standards more supple for a new category of buildings, that being supervised residences, so as to take into account the needs of the clientele housed therein.

Certain financial ramifications of the draft Regulation affect the owners of buildings. They have been the object of an impact study.

In other respects, the adoption of basic standards for the entire territory of Québec implies that municipalities will no longer have the power to adopt identical or equivalent standards, nor to enforce them. Agreements of Delegation concerning their enforcement are however possible.

The adoption of standards solely for Québec will also have the advantage of facilitating the work of designers and contractors. The lessening of the administrative obligations relating to the submitting and the systematic verification of plans and specifications, to the completion of work and to the production of certificates of conformity is consistent with governmental orientations in matters of regulatory reduction.