

7. This Code will become effective 7 November 2000, except for the section 2 provisions relating to Sentence (2) of Article 2.5.1.1. of the Code, which will become effective on the date that section 27 of Chapter 93 of the Statutes of 1997 becomes effective, in conformance with section 188 of that Chapter.

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Gouvernement du Québec

O.C. 954-2000, 26 July 2000

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

Building Act

— Exemption from the application of the Act

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

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

WHEREAS under subparagraph 3 of the first paragraph of section 182 of the Act, amended by section 37 of Chapter 40 of the Statutes of 1999, the Government may determine the extent to which the Government, its departments and agencies that are the mandataries of the State are bound by the Act;

WHEREAS under subparagraph 4 of the first paragraph of section 182 of the Act, the Government may designate, for the purposes of section 10, any facility as a facility intended for use by the public and establish the criteria for determining whether a facility is intended for use by the public;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting exemption from the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 17 November 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received were analyzed;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and 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 NOËL DE TILLY,
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, ss. 4.1, 10 and 182, 1st par., subpars. 1°, 3° and 4°; 1999, c. 40, s. 37)

1. The title of the Regulation is amended by striking out the words “exemption from”.

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 after section 3.2:

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

3.3 The following buildings, if used solely for one of the main purposes provided for in the Code, are exempted from the application of Chapter I of the Building Code, approved by Order in Council 953-2000 dated 26 July 2000:

(1) a meeting facility not covered by paragraphs 6 and 10 that accommodates no more than nine persons;

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

* 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 557-2000 dated 3 May 2000 (2000, *G.O.* 2, 2208). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

(a) a prison;

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

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

(d) a convalescence home or a rehabilitation center used to shelter or accommodate 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; or

ii. no more than eight dwellings;

(b) a rooming house, an outfitter offering no lodgings or a boarding house that 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 the person's 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 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 has no more than three storeys within the meaning of the Regulation respecting safety in public buildings; or

(e) a shelter used to shelter or accommodate 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, where that building is used as a store;

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

(7) a subway station;

(8) an agricultural facility;

9) an industrial establishment;

(10) all uses for 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.

DIVISION III

DESIGNATION OF FACILITIES FOR PUBLIC USE

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

(1) bleachers, grandstands or exterior terraces whose highest point, above 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 953-2000 dated 26 July 2000 and used

(a) as dwellings or health care or detention facilities whose floor area is 100 sq. m or more; 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 back-fill 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

APPLICATION OF CHAPTER II OF THE BUILDING ACT TO GOVERNMENT BUILDINGS

3.5 The Government, its departments and agencies, as mandataries of the State, are bound, with respect to buildings and facilities for public use, by Chapter II of the Act and by the Regulations under that Chapter.”

4. This Regulation comes into force on 7 November 2000.

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