



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 132

(2000, chapter 43)

An Act to amend the Architects Act

Introduced 11 May 2000

Passage in principle 24 May 2000

Passage 30 November 2000

Assented to 5 December 2000

**Québec Official Publisher
2000**

EXPLANATORY NOTES

This bill amends the Architects Act primarily to revise the field of practice of members of the Ordre des architectes. Criteria respecting the characteristics of the building when the work is completed, including the total gross area and the number of storeys, are substituted for a financial standard and a list of public buildings.

Under the bill, the Bureau of the Order is required to make a regulation to determine, among the acts that only an architect can perform, those which may be performed by classes of persons other than architects.

Lastly, the bill specifies that in addition to a person who uses plans and specifications not in conformity with the Building Act, a person who allows such plans and specifications to be used is guilty of an offence.

LEGISLATION AMENDED BY THIS BILL :

- Architects Act (R.S.Q., chapter A-21);
- Public Buildings Safety Act (R.S.Q., chapter S-3).

Bill 132

AN ACT TO AMEND THE ARCHITECTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Architects Act (R.S.Q., chapter A-21) is amended by inserting the following section after section 5 :

“5.1. In addition to the duties imposed under sections 87 to 93 of the Professional Code (chapter C-26), the Bureau shall, by regulation, determine, among the acts referred to in section 16, those which may be performed, under certain prescribed conditions, by classes of persons other than architects.”

2. Section 15 of the said Act is amended by adding the following paragraph at the end :

“Nothing in this section shall prevent a person belonging to a class of persons to which a regulation under section 5.1 applies from performing acts reserved for a member of the Order, provided the acts are performed in accordance with the provisions of the regulation.”

3. Section 16 of the said Act, amended by section 133 of chapter 74 of the statutes of 1991, is again amended by striking out all the words that follow “Order” in the third line.

4. The said Act is amended by inserting the following sections after section 16 :

“16.1. Section 16 does not apply to plans and specifications for architectural work

(1) for the construction, enlargement, reconstruction, renovation or alteration of

(a) a detached single-family dwelling unit ; or

(b) a semi-detached or attached single-family dwelling unit, a multi-family dwelling that contains no more than four units, a mercantile occupancy, business occupancy, industrial occupancy or a combination of such dwellings or occupancies that is not more than two storeys and not more than 300 square metres in gross area after the work is completed and has a single basement level ; or

(2) for the alteration or renovation of the interior layout of any building or part of a building that will not change its occupancy or affect structural integrity, walls or firewalls, exits or access to exits or exterior cladding.

“16.2. For the purposes of section 16.1,

“business occupancy” means the occupancy or use of a building or part of a building for the transaction of business or for the provision of professional or personal services;

“dwelling unit” means a building or part of a building that provides sleeping accommodation for persons but is not used for the housing or detention of persons who require medical care or who are involuntarily detained;

“gross area” means the total area of all floors above grade measured between the outside surfaces of exterior walls;

“industrial occupancy” means the occupancy or use of a building or part of a building for assembling, fabricating, manufacturing, processing, repairing or storing products, goods or materials, but does not include medium hazard or high hazard industrial establishment occupancies, as defined in a regulation under the Building Act (chapter B-1.1);

“mercantile occupancy” means the occupancy or use of a building or part of a building for displaying or selling retail goods, wares or merchandise.”

5. Section 17 of the said Act is amended

(1) by replacing “, for work described in section 16, plans and specifications not in accordance with such section” in the first and second lines of the first paragraph by “plans and specifications not in conformity with section 16 or allowing plans and specifications not in conformity with section 16 to be used for work to which that section applies”;

(2) by adding the following paragraph at the end:

“A person who allows plans and specifications that appear to have been signed and sealed by members of the Order to be used is not liable to such a penalty.”

6. Section 2.1 of the Public Buildings Safety Act (R.S.Q., chapter S-3) is amended by striking out paragraph 1.

7. The said Act is amended by inserting the following division after Division V:

“DIVISION V.1**“REPORT CONCERNING SECTION 5.1**

“22.1. The Minister shall, not later than two years from the coming into force of section 5.1, report to the Government on the application of that provision.

The report shall be tabled in the National Assembly within the next 15 days or, if it is not in session, within 15 days of resumption.

Within three months following the date of tabling of the report, the competent committee of the National Assembly shall examine the report, in particular as concerns the application of section 5.1. The committee shall hear the representative bodies it designates on that matter.”

8. This Act comes into force on 5 December 2000.