

Gouvernement du Québec

O.C. 876-2003, 20 August 2003

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

Regulation
— **Amendments**

Regulation to amend the Regulation respecting 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 that Act, the Government may, by regulation, exempt from the total or partial application of that Act categories of owner-builders, buildings and installations;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 18 September 2002 with a notice that it could be made by the Government, with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS the comments received were studied;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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

Building Act
(R.S.Q., c. B-1.1, ss. 4.1 and 182, 1st par., subpars. 1 and 3)

1. The Regulation respecting the application of the Building Act is amended by inserting the following after section 3.3.2:

“DIVISION II.2
EXEMPTION FROM THE APPLICATION OF
CHAPTER II OF THE CONSTRUCTION CODE
AND CHAPTER III OF THE SAFETY CODE

3.3.3. Any gas installation other than the installation used to produce energy, heat or light from natural gas or liquefied petroleum gas, that is, propane, propylene, butanes and butylenes and their various blends is exempt from the application of Chapter II of the Construction Code approved by Order in Council 875-2003 dated 20 August 2003 and Chapter III of the Safety Code approved by Order in Council 877-2003 dated 20 August 2003.

The following installations are also exempt from the application of those chapters:

- (1) installations intended to store or distribute gas by tank vehicle as long as the tank is not used as a storage tank at the point of use;
- (2) installations intended to use gas to ensure the motive power of a vehicle;
- (3) installations intended to use, in a refinery, gas for refining petroleum;
- (4) installations intended to store, in a refinery, gas resulting from the refining of petroleum;
- (5) installations intended to store or use gas on boats;
- (6) installations intended to store or handle gas in a marine terminal;

* The Regulation respecting 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 1477-2002 dated 11 December 2002 (2002, *G.O.* 2, 6489). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 March 2003.

(7) installations intended to use gas as a refrigerant ;

(8) installations intended to store natural gas or propane in underground natural tanks or tanks shaped in the ground ; and

(9) installations intended to use or store on the premises gas collected from a disposal site or gas from an aerobic digester.

3.3.4. An owner-builder who keeps a register containing the information required for the declaration of work is exempt from the declaration provided for in Chapter II of the Construction Code.

3.3.5. The owner of an installation independent of a building and intended to store or distribute gas is exempt from the requirement to obtain an operation permit provided for in Chapter III of the Safety Code

(1) where butane is stored in cylinders of an individual maximum capacity of 2.645 oz. (150 g) ;

(2) where gas is stored therein in no-refill cylinders the maximum internal volume of which is 75 cubic inches (1229 ml) ; and

(3) where natural gas is distributed through pipelines.”.

2. Section 3.5 is amended by substituting “, their facilities for public use and their installations independent of a building and intended to use, store or distribute gas” for “and facilities for public use”.

3. The following is inserted after section 3.5 :

**“DIVISION V
APPLICATION OF CHAPTER III OF THE
BUILDING ACT TO GOVERNMENT PLUMBING
SYSTEMS, ELECTRICAL INSTALLATIONS
AND GAS INSTALLATIONS**

3.6. The Government, its departments and agencies, as mandataries of the State, are bound, with respect to their plumbing systems in a building or in facilities for public use, by Chapter III of the Act and by the regulations under that Chapter. The same applies to their electrical installations and their installations intended to use, store or distribute gas.”.

4. This Regulation comes into force on 2 December 2003.

Gouvernement du Québec

O.C. 877-2003, 20 August 2003

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

**Safety Code
— Amendments**

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Safety Code containing safety standards for buildings, for facilities intended for use by the public and for installations independent of a building and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene ;

WHEREAS, under section 176 of the Act, the Safety Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations ;

WHEREAS, under section 176.1 of the Act, the Safety Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act ;

WHEREAS, under section 178 of the Act, the Safety Code may require observance of a technical standard drawn up by another government or by an agency empowered to make such standards and provide that any reference it makes to other standards include subsequent amendments ;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Safety Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act ;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, of gas undertaking owners or operators and classes of buildings, pressure installations, facilities or installations to which the Safety Code applies ;

WHEREAS the Board adopted the Safety Code ;