

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

Building Act
(R.S.Q., c. B-1.1, s. 182, 1st par., subpars. 1, 3 and 4)

1. The Regulation respecting the application of the Building Act is amended in section 3.4 by adding the following after paragraph 3:

“(4) elevators, freight elevators, dumbwaiters, escalators, moving walks and material lifts referred to in Code CAN/CSA B44-00, incorporated by section 4.02 of Chapter IV of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, and defined in that Code;

(5) lifts referred to in CSA Standard CAN/CSA B355-00, incorporated by section 4.02 of Chapter IV of the Construction Code and defined in that standard;

(6) elevating devices referred to in CSA Standard CAN/CSA B613-00, incorporated by section 4.02 of Chapter IV of the Construction Code and defined in that standard; and

(7) passenger ropeways and conveyors referred to in CSA Standard CAN/CSA Z98-01, referred to in section 7.01 of Chapter VII of the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004.”.

2. Division V is replaced by the following:

“DIVISION V APPLICATION OF CHAPTER III OF THE BUILDING ACT TO CERTAIN INSTALLATIONS OF THE STATE

3.6. The Government, its departments and bodies that are mandataries of the State are bound, with respect to their plumbing systems in a building or in facilities intended for use by the public and to their elevators, freight elevators, dumbwaiters, escalators, moving walks, material lifts and other elevating devices or lifts in a building, by Chapter III of the Act and by the regulations under that Chapter. The same applies to their facilities

intended for use by the public, their electrical installations and their installations intended to use, store or distribute gas.”.

3. This Regulation comes into force on 21 October 2004, except in respect of the provisions of Chapter IV of the Regulation to amend the Safety Code approved by Order in Council 896-2004 dated 22 September 2004, which come into force on the date of coming into force of that Chapter.

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Gouvernement du Québec

O.C. 895-2004, 22 September 2004

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

Construction Code — Amendments

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code which shall contain building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the Construction 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 Construction 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 Construction Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and may also provide that any reference they make to other standards include subsequent amendments;

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

* 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 876-2003 dated 20 August 2003 (2003, G.O. 2, 2738). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

WHEREAS, under section 192 of the Act, the contents of the Construction Code may vary according to the classes of persons, contractors, owner-builders, manufacturers of pressure installations, 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 Code applies;

WHEREAS the Board has adopted the Regulation to amend the Construction Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2004 with a notice that it could be approved by the Government without or without amendment on the expiry of 45 days following that publication;

WHEREAS the comments received have been taken into consideration;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Construction Code, attached hereto, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 1, 2.1, 3, 7, 37 and 38 and s. 192)

1. The Construction Code is amended by inserting the following after section 3.04:

* The Construction Code approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4203) was last amended by the regulation approved by Order in Council 875-2003 dated 20 August 2003 (2003, *G.O.* 2, 2730). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2003, updated to 1 September 2003.

“CHAPTER IV ELEVATORS AND OTHER ELEVATING DEVICES

DIVISION I INTERPRETATION

4.01 In this Chapter, unless the context indicates otherwise, “Code” means the “Code de sécurité sur les ascenseurs et monte-charge, CAN/CSA B44-00”, including the updates of June, November and December 2003, the “CSA Standard CAN/CSA B44-00: Safety Code for Elevators” including the updates of September 2002, May and December 2003, and “standard” means the standard “Appareils élévateurs pour personnes handicapées, CAN/CSA B355-00” including the amendments of “B355S1-02 Supplément n° 1 à CAN/CSA B355-00 Appareils élévateurs pour personnes handicapées” and the updates of March 2002 and October 2003, “CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities”, including the amendments of “B355S1-02 Supplement No. 1 to CAN/CSA-B355-00, Lifts for Persons with Physical Disabilities” and the updates of March 2002 and October 2003 or the standard “Appareils élévateurs d’habitation pour personnes handicapées, CAN/CSA B613-00”, including the update of January 2002, “CSA Standard CAN/CSA B613-00: Private Residence Lifts for Persons with Physical Disabilities”, including the update of January 2002, published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, any amendments and new editions that are published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II APPLICATION OF CODES AND STANDARDS

4.02 Subject to the amendments provided for in Division VII of this Chapter, the codes, standards and provisions of this Chapter apply to all construction work on an elevator or other elevating device referred to in the codes and standards and installed in a building or constituting facilities intended for use by the public designated by regulation made by the Government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies and that is carried out from the date of coming into force of this Chapter.

DIVISION III REFERENCES

4.03 In the Code or standards, a reference to the National Building Code of Canada is a reference to Chapter I of this Code.

DIVISION IV PLANS AND SPECIFICATIONS

4.04 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work, on an elevator or other elevating device to which Chapter IV of the Construction Code applies, unless the plans and specifications have been prepared for the work, where information is required, in respect of the work, under section 2.28 or 3.28 of the Code.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work in such manner as to establish if the work carried out complies with section 4.02.

DIVISION V INSTALLATION

4.05 A contractor or owner-builder may not install an elevator or other elevating device unless it meets the design and manufacturing requirements of the Code or standards referred to in section 4.01, as the case may be.

4.06 A contractor or owner-builder may not install a lift for persons with physical disabilities unless the prototype has been approved by an engineer who is a member of the Ordre des ingénieurs du Québec, or by the holder of a temporary licence issued under the Engineers Act (R.S.Q., c. I-9), whose professional activities are related to the field of elevators or other elevating devices. The approval must certify that the prototype complies with the standards referred to in section 4.01 and that the approval has been sent to the Régie du bâtiment du Québec.

The type, trademark, model number and features of the approved prototype and the name of the manufacturer shall be entered on the list of the approved prototypes of lifts for persons with physical disabilities that is made public by the Board.

DIVISION VI DECLARATION OF WORK

4.07 A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on an elevator or other elevating device referred to in section 4.02, declare the work to the Board with the following information:

(1) the components that were subject to tests and inspections provided for the elevating device when required under 8.10 of the Code or Appendix A “Inspection and Testing” of “CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities”;

(2) the name, address and telephone number of the person for whom the work is carried out;

(3) the name, address and telephone number of the person who prepared the plans and specifications related to the construction work;

(4) the address of the site and nature of the work;

(5) the type, trademark and model of the device, the name of the manufacturer and the technical features of the device; and

(6) the date and place where the tests and inspections were conducted together with the name and title of the person by whom they were performed.

The declaration must be sent to the Board no later than on the twentieth day of the month that follows the completion of the work or the re-use of the elevator or elevating device, as the case may be. The declaration must be made on the form provided for that purpose by the Board or on any other document drawn up for that purpose.

DIVISION VII AMENDMENTS TO THE CODE

4.08 Code CSA B44-00 is amended

(1) by replacing the definition of “authority having jurisdiction” in 1.3 by the following:

“authority having jurisdiction: Régie du bâtiment du Québec”;

(2) by adding “The term also includes a funicular railway.” at the end of the definition of “elevator, inclined” in 1.3;

(3) by replacing the definition of “regulatory authority” in 1.3 by the following:

“regulatory authority”: Régie du bâtiment du Québec”;

(4) by replacing “inspection”, “inspector” and “inspecté” wherever those words appear in the French text by “vérification”, “vérifier” and “vérifié”, with the necessary modifications;

(5) by replacing “possible” in 2.11.6.2 of the French text by “impossible”;

(6) by replacing “MAINTENIR” in figure 2.27.7.2 of the French text by “ATTENTE”;

(7) by replacing “c8.6.12.1.1” in c8.6.12.1.1 of the French text by “c8.6.12”;

(8) by replacing “c8.6.12.1.2” in c8.6.12.1.2 of the French text by “c8.6.12”;

(9) by replacing “the contractor” in c8.6.12.4.1.1 by “the contractor or owner-builder”;

(10) by replacing “contractor” in c8.6.12.2.5 by “contractor or owner-builder”;

(11) by striking out “by an inspector employed by the authority having jurisdiction, or” in 8.10.1.1.1;

(12) by striking out “in the presence of the inspector specified in 8.10.1.1.1” in 8.10.1.1.2;

(13) by adding “NOTE: 8.11 becomes the first part of Appendix N.” in 8.11.

DIVISION VIII

PENAL

4.09 Any contravention of any of the provisions of this Chapter constitutes an offence.”

2. The Code is amended by adding the following after section 5.05:

“CHAPTER VII

PASSENGER ROPEWAYS

DIVISION I

INTERPRETATION

7.01 In this Chapter, unless the context indicates otherwise, “standard” means the standard “Remontées mécaniques, CAN/CSA Z98-01, Avril 2002” including the amendments in the standard “Z98S1-02 Supplément n° 1 à la norme CAN/CSA-Z98-01 Remontées mécaniques, Février 2003” and the updates of July 2002 and October 2003 or “CSA Standard CAN/CSA Z98-01: Passenger Ropeways, June 2001” including the amendments in “Z98S1-02 Supplement No. 1 to CAN/CSA-Z98-01 Passenger Ropeways, December 2002” and the updates of July 2002 and October 2003, published by the Canadian Standards Association, as well as such subsequent amendments and editions as may be published by that organization.

However, the amendments and new editions published after the date of coming into force of this Chapter apply to construction work only from the date that corresponds to the last day of the sixth month following the month of publication of the French text of those amendments or editions.

DIVISION II

APPLICATION OF STANDARDS

7.02 Subject to the amendments provided for in Division V of this Chapter, the standards and provisions of this Chapter apply to all construction work on a passenger ropeway referred to in the standard and constituting facilities intended for use by the public designated by regulation made by the government under subparagraph 4 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1) to which the Act applies, including its vicinity, and that is carried out from the date of coming into force of this Chapter.

DIVISION III

PLANS AND SPECIFICATIONS

7.03 A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work on a passenger ropeway to which Chapter VII of the Construction Code applies, unless the plans and specifications have been prepared for the work.

The plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work to establish if the work carried out complies with section 7.02.

The plans and specifications must contain information on the following:

- (1) towers;
- (2) upper and lower stations;
- (3) sheaves and sheave assemblies;
- (4) counterweight sheaves;
- (5) deropement equipment and switches;
- (6) main drive;
- (7) rope grips;
- (8) hangers and spring boxes;
- (9) hangers and chairs, or cars, or cabins;
- (10) brakes and backstops;

- (11) tensioning systems and details ;
- (12) foundations of all structures ;
- (13) electric power and lightning protection ;
- (14) electric controls and safety schematics ;
- (15) communication systems ;
- (16) hydraulic schematic systems ;
- (17) haul and counterweight rope details ;
- (18) structures or buildings ;
- (19) evacuation equipment (seats, ropes) ;
- (20) service and inspection platforms ;
- (21) ramps ; and
- (22) elevation plan.

DIVISION IV **CERTIFICATE OF CONFORMITY**

7.04 A contractor or owner-builder shall, after construction work, except maintenance, repair or demolition work on a passenger ropeway, provide the Régie du bâtiment du Québec with a certificate of conformity with this Chapter produced and signed by a recognized person stating that

- (1) the passenger ropeway is installed in accordance with this Chapter ;
- (2) the tests and inspections that are provided for the passenger ropeway have been performed and their results are satisfactory ; and
- (3) the information required from the manufacturer pursuant to the standard has been provided by the latter.

The certificate shall also specify the components inspected, the means used and the data used as the basis for drawing up the certificate, the type, trademark, model, address of the site where the construction work on the passenger ropeway was performed, the nature of the work, the date of the tests and inspections and the name and title of the person by whom they were performed, the date of signature, name, address and telephone number of the engineer who produced the certificate and

the date of completion of the construction work. The certificate of conformity may be made on the form provided for that purpose by the Board.

7.05 An engineer who is a member of the Ordre des ingénieurs du Québec, or the holder of a temporary license issued under the Engineers Act (R.S.Q., c. I-9), whose professional activities are related to the field of elevators or other elevating devices, is a person recognized for producing and signing the certificate of conformity required under section 7.04.

7.06 A person is no longer recognized when the person ceases to be a member of the Ordre des ingénieurs du Québec or is no longer the holder of a temporary license.

DIVISION V **AMENDMENTS TO THE STANDARD**

7.07 Standard CSA Z98-01 is amended

- (1) by revoking Clause 1.5 ;
- (2) by replacing Clause 1.6 by the following :

“**1.6.** For the purposes of this standard, a self-powered reversible above-surface ropeway means a passenger ropeway.”;

- (3) by replacing “The owner” in Clause 11.25.3 by “The owner or owner-builder” ;

- (4) by replacing “It shall be the responsibility of the owner to ensure that the following conditions have been met:” in Clause 11.25.4 by “The owner or owner-builder shall ensure that the following conditions have been met:”.

DIVISION VI **PENAL**

7.08 Any contravention of any of the provisions of this Chapter constitutes an offence.”.

3. Despite sections 4.02 and 7.02, for construction work other than maintenance, repair or demolition work, for which contracts were signed before 21 October 2004, a contractor may meet the requirements of either the Regulation respecting the application of a safety code for elevators and a standard for lifts for persons with physical disabilities, made by Order in Council 111-97 dated 29 January 1997, or the Regulation respecting passenger ropeways, made by Order in Council 2476-82 dated 27 October 1982, provided the construction work begins before 19 April 2005.

4. Despite section 4.02, for maintenance work for which contracts were signed before 21 October 2004, contractors have until 31 December 2005 to revise the provisions of their maintenance programs according to the maintenance requirements of the Construction Code provided for in this Regulation. In the absence of contracts, contractors have the same period to comply with those maintenance requirements.

Owner-builders also have until 31 December 2005 to meet the maintenance requirements of the Construction Code provided for in this Regulation.

5. This Regulation comes into force on 21 October 2004.

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Gouvernement du Québec

O.C. 896-2004, 22 September 2004

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 which shall contain 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 draw up such standards and may also provide that any reference they make 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, manufacturers of pressure installations, 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 Code applies;

WHEREAS the Board has adopted the Regulation to amend the Safety Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2004 with a notice that it could be approved by the Government without or without amendment on the expiry of 45 days following that publication;

WHEREAS the comments received have been taken into consideration;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Safety Code, attached hereto, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif
