

**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.

6526

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*

---

## Regulation to amend the Safety Code\*

### Building Act

(R.S.Q., c. B-1.1, ss. 175, 176, 176.1, 178, 179, 185, 1st par., supbars. 20, 37 and 38, and s. 192)

**1.** The Safety Code is amended by inserting the following after section 89:

### “CHAPTER IV

#### ELEVATORS AND OTHER LIFTS

#### DIVISION I

##### INTERPRETATION

**90.** 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, or “CSA Standard CAN/CSA B44-00: Safety Code for Elevators”, including the updates of September 2002, May and December 2003, referred to in Chapter IV of the Construction Code made under the Building Act (R.S.Q., c. B-1.1), as amended by Division VII of that Chapter;

“elevator” means an elevator, a freight elevator, a dumbwaiter, an escalator, a moving walk and a material lift referred to and defined in the Code;

“lift” means a lift referred to and defined in the standard;

“standard” means the standard “Appareils élévateurs pour personnes handicapées, CAN/CSA B355-00”, including the amendments in “B355S1-02 Supplément n° 1 à CAN/CSA B355-00 Appareils élévateurs pour personnes handicapées” and the updates of March 2002 and October 2003, or “CSA Standard CAN/CSA B355-00: Lifts for Persons with Physical Disabilities”, including the amendments in “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, referred to in Chapter IV of the Construction Code.

#### DIVISION II

##### GENERAL

**91.** An elevator or other lift shall be used for the purposes for which it was designed and be maintained in safe and proper working condition.

**92.** Any required rectification shall be made to an elevator or other lift when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or alterations.

#### DIVISION III

##### MAINTENANCE STANDARDS

**93.** An elevator or other lift shall be maintained in accordance with the provisions of c8.6.12 of the Code or those of Appendix B to the standard.

**94.** A log pertaining to the maintenance provided for in c8.6.12 of the Code or Appendix B to the standard, and up-to-date wiring diagrams shall be maintained in the machine room by the owner of an elevator or other lift.

#### DIVISION IV

##### LEVIES AND FEES

**95.** A levy of \$65 per elevator or other lift shall be paid annually to the Régie du bâtiment du Québec by the owner of an elevator or other lift. However, the owner shall pay a levy of \$129 for the year during which an elevator or other lift is put into service.

**96.** The following fees shall be paid to the Board by the owner for the inspection of an elevator or other lift no later than 30 days after the invoice date:

(1) in the case of an elevator or other lift other than an inclined elevator:

(a) \$112 where the elevator or other lift serves ten landings or fewer; and

(b) \$112 plus \$10 per landing in excess of the tenth landing, where the elevator serves more than ten landings;

(2) in the case of an inclined elevator, \$112 per hour or fraction of an hour.

**97.** Every owner shall pay to the Board inspection fees of \$112 per hour or fraction of an hour for the inspection of an elevator or other lift carried out following the issue of a remedial notice provided for in section 122 of the Building Act.

**98.** The owner shall allow the Board to affix an identification plate to an elevator or other lift.

\* The Safety Code approved by Order in Council 964-2002 dated 21 August 2002 (2002, G.O. 2, 4654) has been amended once, by the regulation approved by Order in Council 877-2003 dated 20 August 2003 (2003, G.O. 2, 2739).

## DIVISION V PENAL

**99.** Any contravention of any of the provisions of this Chapter, except the provisions of sections 95 to 97, constitutes an offence.

## CHAPTER V PASSENGER ROPEWAYS

### DIVISION I INTERPRETATION

**100.** In this Chapter, unless the context indicates otherwise,

“passenger ropeway” means a passenger ropeway referred to in the standard;

“standard” means the standard “Remontées mécaniques, CAN/CSA Z98-01, Avril 2002”, including the amendments in “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, referred to in Chapter VII of the Construction Code made under the Building Act (R.S.Q., c. B-1.1), as amended by Division V of that Chapter.

### DIVISION II GENERAL

**101.** A passenger ropeway shall be used for the purposes for which it was designed and be maintained in safe and proper working condition.

**102.** The vicinity of a passenger ropeway may not be altered in such manner that the passenger ropeway no longer complies with Chapter VII of the Construction Code.

**103.** Any required rectification shall be made to a passenger ropeway when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or alterations.

### DIVISION III OPERATION AND MAINTENANCE

**104.** The inspection, periodic testing, operation and maintenance of a passenger ropeway shall be carried out in accordance with the provisions of the standard.

**105.** A new passenger ropeway or a passenger ropeway that has been altered or renovated may be put into service only if the certificate provided for in section 7.04 of the Construction Code has been sent to the Régie du bâtiment du Québec.

### DIVISION IV LEVIES AND FEES

**106.** A levy shall be paid annually to the Board by the owner of a passenger ropeway no later than 30 days after the invoice date:

(1) in the case of an above-surface ropeway or a reversible passenger ropeway: \$537; or

(2) in the case another passenger ropeway: \$239.

**107.** The owner shall allow the Board to affix an identification plate to a passenger ropeway.

### DIVISION V PENAL

**108.** Any contravention of any of the provisions of this Chapter, except the provisions of section 106, constitutes an offence.”.

**2.** Subject to section 3 of the Regulation to amend the Construction Code, approved by Order in Council 895-2004 dated 22 September 2004, this Regulation replaces 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, the Regulation respecting the fees exigible from owners of elevators, approved by Order in Council 1154-99 dated 6 October 1999, the Regulation respecting Passenger Ropeways, made by Order in Council 2476-82 dated 27 October 1982 and, in respect of passenger ropeways, the Regulation respecting fees exigible from owners of passenger ropeways and amusement park rides, approved by Order in Council 941-95 dated 5 July 1995.

**3.** For the first periodic load testing, the owner has five years as of 21 October 2004 to comply with the provisions of section 104 in respect of the above-surface ropeways and reversible passenger ropeways existing on that date. However, the owner shall begin the tests provided for in that section 104 in the first year of the 5-year period with the oldest installations existing on that date and shall have at least 20% of the installations tested each year.

4. This Regulation comes into force on 21 October 2004, except for Chapter IV and section 2 as regards the application of 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 as regards the application of the Regulation respecting the fees exigible from owners of elevators, approved by Order in Council 1154-99 dated 6 October 1999, which will come into force on 1 January 2006. However, the levies and fees provided for in sections 95 to 97, introduced by section 1 of this Regulation, will be indexed in accordance with section 153 of the Building Act (R.S.Q., c. B-1.1) as of 1 January 2005.

6527

Gouvernement du Québec

### O.C. 897-2004, 22 September 2004

Publication of the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec

WHEREAS, on 7 February 2002, the Gouvernement du Québec and the Crees of Québec entered into the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec;

WHEREAS that Agreement was approved by the Gouvernement du Québec on 20 March 2002 by Order in Council 289-2002 and was published in French and English in Part 2 of the *Gazette officielle du Québec* of 22 May 2002, in accordance with Order in Council 507-2002 dated 1 May 2002;

WHEREAS, under section 13.2 of that Agreement, it may be amended from time to time with the consent of Québec and the Cree Regional Authority;

WHEREAS the parties agreed that it was expedient to make amendments to that Agreement in forest matters and in other matters;

WHEREAS the parties to the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec have negotiated an agreement amending that Agreement;

WHEREAS the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec was approved by Order in Council 1161-2003 dated 5 November 2003 and signed on 12 December 2003;

WHEREAS section 21 of the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec provides that it must be published in French and English, in Part 2 of the *Gazette officielle du Québec*;

WHEREAS, under paragraph 7 of section 3 of the Regulation respecting the *Gazette officielle du Québec* made by Order in Council 1259-97 dated 24 September 1997, that Agreement constitutes a document whose publication in the French edition of Part 2 of the *Gazette officielle du Québec* may be required by the Government;

WHEREAS, under paragraph 6 of section 4 of that Regulation, such a document may also be published in the English edition of Part 2 of the *Gazette officielle du Québec* where the Government so orders;

IT IS ORDERED, therefore, on the recommendation of the Minister for Canadian Intergovernmental Affairs and Native Affairs:

THAT the Agreement Amending the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, entered into on 12 December 2003 by the Gouvernement du Québec and the Crees of Québec, be published in the French and English editions of Part 2 of the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

AGREEMENT AMENDING THE AGREEMENT  
CONCERNING A NEW RELATIONSHIP BETWEEN  
LE GOUVERNEMENT DU QUÉBEC AND THE  
CREES OF QUÉBEC

AGREEMENT AMENDING THE AGREEMENT  
CONCERNING A NEW RELATIONSHIP

BETWEEN

LE GOUVERNEMENT DU QUÉBEC, represented here by Mr. Jean Charest, Prime Minister of Québec, by Mr. Sam Hamad, Minister of Natural Resources, Wildlife and Parks, by Mr. Pierre Corbeil, Minister for Forests, Wildlife and Parks, and by Mr. Benoît Pelletier, Minister for Canadian Intergovernmental Affairs and Native Affairs,

herein designated as “Québec”