

(4) the members have solidarily undertaken to carry out, on the same conditions, any school busing or transportation contracts that other group members fail to carry out.”

11. Section 33 is amended by replacing “according to the variation of the consumer price index” by “on the basis of the average change in the monthly consumer price indexes”.

12. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 8 which comes into force on that date or on the date of coming into force of section 11 of the Act respecting contracting by public bodies (2006, c. 29), whichever date is later.

8631

Gouvernement du Québec

O.C. 314-2008, 2 April 2008

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

Contractors and owner-builders — Professional qualification

Regulation respecting the professional qualification of contractors and owner-builders

WHEREAS, under paragraphs 8 to 18, 19.7, 20 and 38 of section 185 and section 192 of the Building Act (R.S.Q., c. B-1.1), amended by section 63 of chapter 10 of the Statutes of 2005 and by section 45 of chapter 22 of the Statutes of 2005, the Régie du bâtiment du Québec may, by regulation, determine the requirements for the professional qualification of contractors and owner-builders;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the professional qualification of contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS the comments received have been examined;

WHEREAS, under section 189 of the Building Act, a 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 respecting the professional qualification of contractors and owner-builders, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the professional qualification of contractors and owner-builders

Building Act
(R.S.Q., c. B-1.1, s. 185, 1st par., subpars. 8 to 18, 19.7, 20 and 38 and s. 192; 2005, c. 10, s. 63; 2005, c. 22, s. 45)

CHAPTER I INTERPRETATION

1. In this Regulation, “guarantor” means a natural person doing business alone or an officer who, following examinations under this Regulation or any other method of evaluation considered appropriate by the Régie du bâtiment du Québec under subparagraph 1 of the first paragraph of section 58 of the Building Act (R.S.Q., c. B-1.1), unless the person or officer is exempt therefrom under the Act or one of its regulations, has demonstrated having the knowledge or experience relevant to managing a building undertaking and carrying out construction work, or has been recognized or holds an attestation issued by the Board under section 58.1 of the Act.

2. A member of a partnership, or in the case of a legal person, a director, officer or shareholder holding 20% or more of the voting shares is deemed to be an officer within the meaning of section 45 of the Act; a full-time manager and, for construction work on an owner-builder’s electrical installation, a journeyman electrician who has carried on the trade of electrician for at least two years, is a full-time employee of the owner-builder and supervises such work on behalf of the owner-builder, are also deemed to be officers and are authorized to apply for a licence on behalf of a partnership or legal person.

CHAPTER II LICENCES

DIVISION I LICENCE CLASSES

3. The licence classes are as follows:

- (1) general contractor;
- (2) general owner-builder;
- (3) specialized contractor;
- (4) specialized owner-builder.

4. A general contractor's licence is required of any contractor whose main activity consists in organizing, coordinating, carrying out or having carried out, in whole or in part, construction work in the licence subclasses in the general contractor class, or in making or submitting tenders personally or through an intermediary for the purpose of carrying out or having such work carried out in whole or in part.

5. A general owner-builder's licence is required of any owner-builder whose main activity consists in organizing, coordinating, carrying out or having carried out, in whole or in part, construction work in the licence subclasses in the general owner-builder class.

6. The licence that qualifies the holder in a subclass in the general contractor or general owner-builder class authorizes the holder to carry out or have construction work carried out in that subclass.

Despite the foregoing, a general contractor's or general owner-builder's licence authorizes its holder to carry out construction work in a licence subclass in Schedule II only if that licence subclass is mentioned in a subclass of the licence held.

7. A specialized contractor's licence is required of any contractor whose main activity consists in carrying out or having carried out, in whole or in part, construction work in the licence subclasses in the specialized contractor class, or in making or submitting tenders, personally or through an intermediary, for the purpose of carrying out or having such work carried out in whole or in part.

8. A specialized owner-builder's licence is required of any owner-builder whose main activity consists in carrying out or having carried out, in whole or in part, construction work in the licence subclasses in the specialized owner-builder class.

9. The licence subclasses in the general contractor class are those in Schedule I.

The licence subclasses in the general owner-builder class are those in Schedule I, except subclasses 1.1.1 and 1.1.2, with "general contractor" and "contractor" replaced wherever they appear and with the necessary modifications by "general owner-builder" and "owner-builder" respectively.

10. The licence subclasses in the specialized contractor class are those in Schedules II and III.

The licence subclasses in the specialized owner-builder class are those in Schedule II, with "specialized contractor" and "contractor" replaced wherever they appear and with the necessary modifications by "specialized owner-builder" and "owner-builder" respectively.

11. Related construction work authorized by a licence subclass in Schedule I, II or III must be carried out at the same time as work in that licence subclass.

The holder of a licence subclass may carry out construction work that is similar or related to work in the licence subclass, except work reserved exclusively for master pipe-mechanics and electrical contractors.

DIVISION II ISSUE, AMENDMENT OR MAINTENANCE OF A LICENCE

12. A natural person applying for the issue or amendment of a licence must provide the Board with the following information and documents:

(1) for a contractor's licence:

(a) the person's name, home address, date of birth, telephone number and, where applicable, the business number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(b) if the application is made on behalf of a partnership or legal person, the person's name, the address and telephone number of its head office and, where applicable, the business number assigned under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons and the name, title, home address, date of birth and telephone number of every officer and, if the partnership or legal person is constituted for the purpose of carrying out construction work on only one construction project, the name of the project;

(c) in the absence of the registration required by subparagraph *b*, a copy of the constituting act or shareholders agreement, in the case of a legal person, and a copy of the contract of partnership in the case of a partnership;

(d) a statement indicating that the person is applying for the licence on behalf of the partnership or legal person or that the person is a guarantor or wishes to qualify as such for that partnership or legal person and is designated to sign the application;

(e) the number or title of each licence subclass for which the person or any officer of the partnership or legal person on whose behalf the application is made wishes to qualify;

(f) if applicable, proof of the person's participation in a guaranty plan or proof of participation of the partnership or legal person on whose behalf the licence application is made in a guaranty plan, in accordance with sections 77 and 78 of the Act;

(g) the security required by Division V or proof of issue pursuant to an agreement between the Board and the surety;

(h) a statement that the person, partnership or legal person on whose behalf the application is made or any of its officers has not, in the five years preceding the application, been convicted of an offence under a fiscal law or of an indictable offence triable only on indictment and connected with the business the contractor intends to carry on in the construction industry or, in the opposite case, a statement giving the title of the Act under which the person was convicted, or proof of pardon;

(i) in case of bankruptcy, a copy of the order releasing the person or any officer of the partnership or legal person on whose behalf the licence application is made, and any information concerning the person's involvement or that of any officer as an officer of a partnership or legal person that went bankrupt less than three years before the date of the application;

(j) a statement that the person or any of the officers of the partnership or legal person on whose behalf the licence application is made was not an officer of a partnership or legal person in the 12 months preceding the termination of the contractor activities of that partnership or legal person or, in the opposite case, a statement giving the reason for the termination;

(k) a statement that the person or any of the officers of the partnership or legal person on whose behalf the licence application is made was not an officer of a partnership or legal person that was liquidated by a court

of competent jurisdiction because of insolvency within the meaning of the Winding-up and Restructuring Act (R.S.C. 1985, c. W-11) or, in the opposite case, a copy of the winding-up order;

(l) a statement that the person or any of the officers of the partnership or legal person on whose behalf the licence application is made was not an officer for a contractor who terminated its activities because the contractor was insolvent within the meaning of the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3); and

(m) a statement that the person or the partnership or legal person on whose behalf the licence application is made has not been convicted of an offence under the Consumer Protection Act (R.S.Q., c. P-40.1), the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20) or the Act respecting occupational health and safety (R.S.Q., c. S-2.1) or, in the opposite case, a statement giving the title of the Act under which the person was convicted; and

(2) for an owner-builder's licence:

(a) the information and documents required by subparagraphs *a* to *e*, *j* and *m* of subparagraph 1;

(b) the location of each site where the owner-builder intends to carry out activities referred to in section 5 or 8; and

(c) if the licence application is for a person or partnership other than a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), a statement attesting to the rights of the person or those of the partnership or legal person on whose behalf the licence application is made in the immovable involved in the proposed construction work.

Every licence application must include the fees and charges payable under section 53 and an attestation that the information provided under the first paragraph is true, and be signed by the natural person making the application.

Despite the first paragraph of section 89 of the Regulation respecting the guarantee plan for new residential buildings, approved by Order in Council 841-98 dated 17 June 1998, a licence holder's participation in a guaranty plan is presumed to be renewed for the purposes of this Regulation for the term of the licence, unless written notice to the contrary is given to the Board by the administrator of the plan or by the licence holder.

13. An application for the issue or amendment of a licence is deemed to be received only if it contains all the required information and documents and the fees and charges payable under this Regulation.

14. The holder of a licence must notify the Board immediately of any change in the information or documents provided under section 12.

15. The fees and charges under section 53 to maintain a licence are payable once a year, on the anniversary date of its issue or, in the case of a licence issued on 25 June 2008 pursuant to section 53 of chapter 22 of the Statutes of 2005, on the anniversary of the expiry date of the replaced licence.

DIVISION III CONTENT OF A LICENCE

16. A licence contains

(1) the name of the contractor or owner-builder who holds the licence and any other firm name the contractor or owner-builder is legally authorized to use in Québec that is related to the functions of contractor or owner-builder;

(2) the address of the contractor or owner-builder;

(3) the names of the guarantors and their capacity;

(4) in the case of a partnership or legal person constituted for the purpose of carrying out construction work on only one construction project, the name of the project;

(5) the date of issue;

(6) the yearly deadline for payment of the fees and charges under section 53 to maintain the licence;

(7) the restriction period, if any, as regards the obtention of a public contract as provided in section 65.1 of the Act;

(8) in the case of a licence issued to a trustee in bankruptcy or a liquidator in accordance with section 76 of the Act, the validity period of the licence;

(9) the classes and subclasses of construction work that the holder of the licence is authorized to carry out or have carried out;

(10) in the case of an owner-builder's licence, the location of each site referred to in subparagraph *b* of subparagraph 2 of the first paragraph of section 12; and

(11) the signature of the president and chief executive officer or a vice-president and that of the secretary of the Board.

DIVISION IV EXAMINATION OF KNOWLEDGE

§1. *Conditions for admission to and passing of examinations*

17. A person is eligible, for each application for the issue or amendment of a licence, for the examination for the licence class or subclass applied for.

To pass the examination, the person must obtain the passing mark for each examination module; that mark remains valid for a five-year period for an application for the issue or amendment of a licence, or for a three-year period in the case provided for in the first paragraph of section 58.1 of the Act.

18. A person who fails an examination or examination module may register for only one supplemental examination within 30 days of the date of the Board's ruling regarding the failure.

A person who fails a supplemental examination or examination module may not sit for another examination or examination module for a period of six months after the date of the Board's ruling regarding the failure.

19. The examination of a person who is admitted to an examination sitting under false pretenses or who disrupts the examination proceedings by committing fraud, plagiarizing or cheating or by cooperating in such acts is cancelled and that person may not be admitted to any examination or examination module for a period of one year after the date of cancellation by the Board.

§2. *Exemption from examination*

20. A person is exempt from an examination under subdivision 3 if the person has successfully completed a training program in the subject-matter of the examination related to the licence subclass applied for that is recognized by the Board.

A person is also exempt from an examination under subdivision 3 or an examination module if the person meets any of the following conditions:

(1) if the examination is under section 21, the person has acted, in the five years preceding the licence application, as an administration guarantor for the licence class or subclass applied for, to the extent that the examination takes into account that class or subclass;

(2) if the examination is under section 22, the person has acted, in the five years preceding the licence application, as a construction site safety management guarantor for the licence class or subclass applied for, to the extent that the examination takes into account that class or subclass;

(3) if the examination is under section 23, the person has acted, in the five years preceding the licence application, as a project and site management guarantor for the licence class or subclass applied for, to the extent that the examination takes into account that class or subclass; or

(4) if the examination is under section 24, the person has acted, in the five years preceding the licence application, as a construction work guarantor for the licence subclass applied for.

An examination exemption granted to a person under false pretenses is cancelled and the person may not be admitted to any examination or examination module for a period of one year after the date of cancellation by the Board.

§3. Examinations

— Management of a building undertaking

21. The examination of knowledge in administration is established by the Board in relation to the licence class or subclass applied for. It may deal with the subjects listed below and be divided into modules:

- (1) financial management;
- (2) management;
- (3) labour relations; and
- (4) statutes and regulations.

22. The examination of knowledge in safety management on construction sites is established by the Board in relation to the licence class or subclass applied for. It may deal with the subjects listed below and be divided into modules:

- (1) prevention management;
- (2) compensation files management;
- (3) assessment management; and
- (4) statutes and regulations.

23. The examination of knowledge in project and site management is established by the Board in relation to the licence class or subclass applied for. It may deal with the subjects listed below and be divided into modules:

- (1) management of construction activities;
- (2) reading and interpreting plans and specifications;
- (3) assessment of costs and tenders;
- (4) quality control activities; and
- (5) statutes and regulations.

— Carrying out of construction work

24. The examination of knowledge in the carrying out of construction work is established by the Board in relation to the licence subclass applied for. It may deal with the subjects listed below and be divided into modules:

- (1) knowledge of the standards, regulations and construction techniques specific to construction work in the licence subclass; and
- (2) reading and interpreting plans and specifications specific to construction work in the licence subclass.

DIVISION V SECURITY

25. Every contractor must provide the security required by section 84 of the Act to compensate clients who sustain a loss following non-performance or performance of construction work if the loss results directly from instalments paid, failure to carry out construction work or faulty work or defects discovered in the year following completion of the work. The security does not cover the claims of persons who took part in the construction work, damages resulting from delays in construction work, damages for moral injury or punitive damages.

26. Despite section 25, security is not required if licences in subclasses 1.1.1 and 1.1.2 in Schedule I only are applied for.

27. The amount of security required is established as follows:

- (1) \$20,000 if a licence in a subclass in the general contractor class is applied for; and

(2) \$10,000 if licences only in the subclasses in the specialized contractor class are applied for.

28. Security is to be provided in the form of

(1) an individual or group surety insurance policy issued in favour of the Régie du bâtiment du Québec;

(2) a certified cheque or a bank draft to the order of the Minister of Finance; or

(3) an irrevocable and unconditional letter of credit issued in favour of the Régie du bâtiment du Québec.

29. The security referred to in paragraph 1 of section 28 may be issued only by a legal person authorized to act as surety under the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (R.S.Q., c. C-67.3), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01) or the Act respecting insurance (R.S.Q., c. A-32) and, in the case of a group surety insurance policy, an association of contractors may offer the security to its members solidarily with a legal person authorized under this section.

The security referred to in paragraphs 2 and 3 of section 28 may be issued only by a bank, a savings and credit union or a trust company referred to in one of the Acts mentioned in the first paragraph.

30. The security referred to in paragraph 2 of section 28 may be provided only by the contractor for itself; in such case, the contractor must fulfil the same obligations as the surety, in addition to the contractor's obligations as principal debtor.

31. The security must be drawn up on the form containing the elements required by sections 32 to 37 that is made public by the Board. It must indicate the issue date and be signed by the surety or by the contractor if the security is provided by the latter and, at the surety's request, by the principal debtor.

In the case of a group surety insurance policy, the policy must be filed with the Board and the association of contractors must, at the Board's request, provide the Board with the information required for acceptance of the policy.

32. The surety is required to fulfil its obligation up to the amount required by section 27.

Despite the foregoing, in the case of security provided by a group surety insurance policy for the members of an association of contractors, the total amount of the policy is established as follows:

(1) \$250,000 if the association has fewer than 1,000 members;

(2) \$500,000 if the association has a minimum of 1,000 members but fewer than 5,000 members; and

(3) \$1,000,000 if the association has 5,000 members or more.

33. The surety must undertake to be solidarily liable with the contractor towards the Board, in the case of individual security, or with every member of the group in the case of a group surety insurance policy, to compensate in principal, interest and costs, up to the amount of security required, any client who has a liquidated claim related to a loss referred to in section 25 that is evidenced by a final judgment rendered against the contractor or surety otherwise than on an acquiescence in the demand under articles 457 to 461 of the Code of Civil Procedure (R.S.Q., c. C-25), or by an agreement or a transaction to settle the dispute made between the client and the contractor, or the syndic, and the surety. That undertaking must bind the administrators, heirs and legal representatives of the surety.

34. If the security is provided by the contractor for itself, the contractor must undertake to pay, up to the amount of security required, the principal, interest and costs awarded by a final judgment rendered against the contractor or agreed upon in an agreement or a transaction between the client and the contractor or syndic and settling a dispute arising from the compensation of a client who sustained a loss referred to in section 25. The undertaking must bind the directors, heirs and legal representatives of the contractor.

35. The surety must waive the benefits of discussion and division and is subrogated to the rights of the client compensated up to the amount paid by the surety.

36. The security must be valid for the term of the licence and must be provided without an expiry date.

The surety or contractor may terminate the security only on written notice of at least 60 days to the Board.

If the contractor's licence ceases to have effect because the contractor did not pay the fees and charges required to maintain the licence when they became due, the security remains valid for any new licence issued to the contractor provided that the new licence is issued within 60 days of the due date.

37. Even if the security has expired, the obligations of the surety continue to apply in respect of construction work if

(1) the work pertains to a contract entered into while the security was in force or the work was performed while the security was in force; and

(2) no more than two years have elapsed since the cause of action arose before a civil lawsuit is filed or an agreement or transaction is made.

38. Each licence holder covered under a group surety insurance policy must be identified by a member certificate stating

(1) the name of the surety;

(2) the name of the group for which the surety is to act;

(3) the number of the certificate of the group member;

(4) the amount of security required under section 27;

(5) the number of the group surety insurance policy and its date of issue;

(6) an attestation that the licence holder is a member of the group and is covered by the group surety insurance policy; and

(7) the signature of a duly authorized representative of the surety or the association of contractors and the date of issue.

39. Subject to subparagraph *g* of paragraph 1 of the first paragraph of section 12, the security forms for an individual or group surety insurance policy, an irrevocable and unconditional letter of credit, an undertaking provided by the contractor for itself and member certificates are kept by the Board.

The security referred to in paragraph 2 of section 28 must be forwarded by the Board to the Minister of Finance who receives it on deposit under the Deposit Act (R.S.Q., c. D-5) until the expiry date and, thereafter, for a five-year period or until the 90th day after the expiry of the time for appealing a final judgment disposing of a civil remedy declared to the Board and for which the security could guarantee payment, whichever is the longer period.

40. The security to which this Division applies is required to guarantee, for the term of the security,

(1) first, the compensation in principal, interest and costs of any natural person having a liquidated claim related to a loss referred to in section 25 and evidenced by a final judgment rendered against the contractor or

the surety, or by an agreement or transaction made between the client and the contractor or the syndic and the surety to settle a dispute; and

(2) second, the compensation of any other client, on the conditions mentioned in subparagraph 1.

Despite the foregoing, clients may not be compensated from the security to which this Division applies for any part of their claim for which they may obtain compensation under other security issued by a person authorized to act as surety under the first paragraph of section 29; every claim for compensation from the security must be accompanied by a statement from the client attesting that the client cannot obtain compensation from other security.

41. Where the Board receives a copy of a final judgment, agreement or transaction referred to in section 40 that settles a dispute, the Board is to open a claim file on the contractor concerned and so notify the surety. Every copy of a judgment, agreement or transaction received thereafter must be entered in the file.

In the case of more than one surety, the claim is made to the surety having issued the security that was in force at the time the contract was entered into, evidenced by a written document or the payment of an instalment. Otherwise, the claim is made to the surety having issued the security that was in force at the commencement of the work.

42. Where the surety receives from a person other than the Board a copy of a final judgment, agreement or transaction referred to in section 40 that settles a dispute, the surety must forward the copy to the Board without giving effect to the claim.

43. At the end of each six-month period following the opening of a claim file, the Board is to pay, in principal, interest and costs, the claims received during the six preceding months. To that end, the Board must,

(1) if the security was provided by means of an individual or group surety insurance policy or an irrevocable and unconditional letter of credit, notify the surety by sending the surety a copy of the judgments, agreements or transactions with instructions to remit to the Board the sums necessary to satisfy the claims; or

(2) if the security was provided by means of a certified cheque or bank draft, request the Minister of Finance to remit to the Board the sums necessary to satisfy the claims.

The surety or the Minister of Finance is to remit to the Board the sums necessary to satisfy the claims within 30 days of receipt of a notice or request to that effect.

44. If the total amount of the claims exceeds the sums available to satisfy the claims on the date of the notice or request made under the first paragraph of section 43, the Board is to satisfy in full all the claims from natural persons, if the sums available are sufficient; otherwise, the Board is to satisfy the claims on a pro rata basis.

If sums are still available once the claims from natural persons have been satisfied, the Board is to satisfy the claims from the other clients on a pro rata basis.

45. Where a judgment, agreement or transaction is executed in accordance with section 43, the contractor must replenish the security provided so that it meets the requirements of section 27 at all times.

In the case of a group surety insurance policy, the total amount of the policy must be replenished by the surety every six months after the date on which the policy is filed with the Board.

CHAPTER III SPECIAL CASES OF LICENCE APPLICATION

46. A natural person, whether or not the person holds a licence, may apply for a licence on behalf of more than one partnership or legal person if the person holds 50% of the shares of those partnerships or 50% of the voting shares of those legal persons and the person has not waived the rights attaching to the person's participation or shares.

Despite the first paragraph, a natural person who, on 30 June 1992, held a contractor's licence and was the guarantor for a partnership or legal person as an officer may, for the same licence subclasses, remain the guarantor for that partnership or legal person.

Despite the first paragraph, a natural person who, on 30 June 1992, did not hold a contractor's licence but was the guarantor for more than one partnership or legal person as an officer may, for the same licence subclasses, remain the guarantor for those partnerships or legal persons.

47. A natural person who is the guarantor for a legal person holding a licence and holding 50% of the voting shares of one or more legal persons, and who has not waived the rights attaching to the voting shares may apply for a licence on behalf of those legal persons.

Despite the first paragraph, a natural person who, on 30 June 1992, was a guarantor for more than one legal person as an officer may, for the same licence subclasses, remain the guarantor for those legal persons.

48. A natural person who is the guarantor for a legal person holding a licence may apply for a licence on behalf of a legal person controlled by or affiliated with that legal person.

Legal persons are affiliated if one is controlled by the other.

A legal person is controlled by another legal person if the latter owns 50% of the voting shares and has not waived the rights attaching to those shares.

49. A natural person who holds a contractor's licence may apply for a contractor's licence on behalf of a partnership or legal person constituted for the purpose of construction work on a single construction project and for the same licence subclasses the person already holds, if the person is a member of the partnership or a shareholder holding voting shares of the legal person and the person has not waived the rights attaching to the person's participation or shares.

A natural person may make such an application on behalf of more than one partnership or legal person thus constituted, provided that the person meets the conditions mentioned in the first paragraph in respect of each partnership or legal person.

50. A natural person who is the guarantor for a partnership or legal person that holds a contractor's licence and is a member of one or more partnerships or a shareholder holding voting shares of one or more legal persons constituted for the purpose of construction work on a single construction project may, for the same licence subclasses held, apply for a contractor's licence on behalf of those partnerships or legal persons. That partnership or legal person must not have waived the rights attaching to its participation or shares.

51. A partnership or person may hold a contractor's licence and an owner-builder's licence concurrently.

52. A natural person may apply for a contractor's licence and an owner-builder's licence on behalf of the same partnership or legal person.

CHAPTER IV FEES AND CHARGES

53. The fees and charges payable as regards the professional qualification of building contractors and owner-builders are as follows:

| | Fees | Charges | | Fees | Charges |
|--|-------|---------|---|-------|---|
| (1) application for the issue of a licence: | | | (4) application for an amendment of a licence without the addition or replacement of a licence class | | |
| (a) for one or more licence subclasses in Schedule I: | \$630 | \$290 | (a) with the addition or replacement of a guarantor: | None | \$75 per guarantor |
| (b) for one or more licence subclasses in Schedules II and III, with one or more licence subclasses in Schedule I: | \$630 | \$290 | (b) with the addition or replacement of one or more licence classes: | None | \$75 |
| (c) for one or more licence subclasses in Schedules II and III, without any licence subclass in Schedule I: | \$315 | \$290 | (5) maintenance of a licence: | | |
| (2) application for an amendment of a licence comprising only licence subclasses in Schedules II and III, to provide for an addition or replacement of one or more licence subclasses in Schedule I, with or without the addition or replacement of a guarantor: | \$315 | \$290 | (a) for one or more licence subclasses in Schedule I: | \$630 | \$75 |
| (3) application for an amendment of a licence comprising only licence subclasses in Schedules II and III, to provide for an addition or replacement of one or more licence subclasses in Schedules II and III, with or without the addition or replacement of a guarantor: | None | \$290 | (b) for one or more licence subclasses in Schedules II and III, with one or more licence subclasses in Schedule I: | \$630 | \$75 |
| | | | (c) for one or more licence subclasses in Schedules II and III, without any licence subclass in Schedule I: | \$315 | \$75 |
| | | | (6) examination under subparagraph 1 of the first paragraph of section 58 of the Act concerning an application for the issue or amendment of a licence or an exemption from an examination provided for in the first paragraph of section 20: | | \$75 per person, per examination or per exemption granted |
| | | | (7) any other means of evaluation referred to in subparagraph 1 of the first paragraph of section 58 of the Act concerning an application for the issue or amendment of a licence: | | |

| | Fees | Charges |
|--|------|--------------------------------------|
| (a) in the management of a building undertaking: | | |
| i. knowledge in administration: | | \$625 per person |
| ii. knowledge in safety management on construction sites: | | \$625 per person |
| iii. knowledge in project and site management: | | \$625 per person |
| (b) in the carrying out of construction work: | | \$625 per person, per subclass |
| (8) application for the review of a ruling of the Board concerning the issue, amendment, suspension or cancellation of a licence or of a ruling under section 58.1 of the Act: | | \$290 |

54. The fees set out in paragraph 2 of section 53 for a licence amendment application are reduced by 50% if the due date of the payment of the licence maintenance fees and charges occurs within six months of the application.

55. The charges payable under paragraphs 1 to 4 of section 53 are doubled if priority processing is requested.

56. The fees payable under section 53 are not reimbursed by the Board following the suspension, cancellation or relinquishment of a licence.

The charges payable under section 53 are not reimbursed by the Board, except if the Board allows an application for a review of a ruling.

Despite the foregoing, the Board reimburses the holder for the licence fees and charges paid under section 53 in relation to a licence obtained under section 49 or 50 for construction work on a single construction project if the holder's tender is rejected, on receipt by the Board, on or before the thirtieth day following the date on which the tender rejection notice is received, of a document from the holder requesting the licence be relinquished and attest-

ing that the tender was rejected and that no construction work was carried out after the licence was issued. The reimbursement does not, however, include additional charges paid under section 55 for a priority processing request.

CHAPTER V TRANSITIONAL AND FINAL

57. Licences issued pursuant to section 53 of chapter 22 of the Statutes of 2005 specify the licence classes and subclasses which, under Schedule IV, correspond to those mentioned on the replaced licence, as well as the capacity of the guarantors, as provided in sections 65 to 68.

58. If a licence valid on 24 June 2008 contains a public contract restriction under section 65.1 of the Act, the Board is to indicate on the replacement licence it issues pursuant to section 53 of section 22 of the Statutes of 2005 the period for which the restriction remains in effect, where applicable, based on data respecting the licence holder transmitted to it by the Commission de la construction du Québec under section 123.4.4 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20).

If a licence valid on 24 June 2008 does not contain a public contract restriction but would have contained such a restriction on its renewal under the regulation replaced by section 78 of this Regulation, the Board is to indicate the expiry date for payment to maintain the licence, that the licence contains such a restriction and the period for which the restriction applies, based on the data transmitted by the Commission de la construction du Québec.

59. Despite section 25, a contractor holding a licence issued on 25 June 2008 pursuant to section 53 of chapter 22 of the Statutes of 2005 and whose replaced licence would have expired before 25 September 2008, must provide the security required by Division V of Chapter II on or before 25 September 2008.

60. Despite section 25, a contractor holding a licence issued on 25 June 2008 pursuant to section 53 of chapter 22 of the Statutes of 2005 and whose replaced licence would have expired on or after 25 September 2008, must provide the security required by Division V of Chapter II not later than the expiry date for payment to maintain the licence.

61. Until the security required by Division V of Chapter II has been provided, a contractor to which section 59 or 60 applies must provide the security referred to in section 297.2 of the Act and continue to meet the solvency conditions that applied under the regulation replaced by section 78 of this Regulation.

62. The deposit with the Board of the security required by Division V of Chapter II terminates, for the future, the security provided pursuant to section 297.2 of the Act, without the surety having to give the 60-day prior notice required by the third paragraph of section 85 of the Regulation of the Régie des entreprises de construction du Québec (R.R.Q., 1981, c. Q-1, r.2).

63. Despite the second paragraph of section 6, a general contractor that, on 24 June 2008, was authorized to carry out construction work referred to in Schedule II is authorized to carry out the work until 24 June 2010.

64. In the case of an owner-builder's licence issued before 25 June 2008 that became void on that date because it does not contain any of the licence subclasses in Schedule I or Schedule II, the Board is to reimburse the owner-builder for the fees paid on the basis of the number of full months between 25 June 2008 and the expiry date of the licence.

The Board is also to reimburse the holder of a licence issued before 25 June 2008 containing only licence subcategory 4230.2 in Schedule B to the Regulation respecting the professional qualification of building contractors and owner-builders.

65. A person who, on 24 June 2008, is a guarantor in administrative management becomes an administration guarantor.

66. A person who, on 24 June 2008, is a guarantor in safety management on building sites becomes a construction site safety management guarantor.

67. A person who, on 24 June 2008, is a guarantor in construction work management becomes a project and site management guarantor.

68. A person who, on 24 June 2008, is a guarantor in construction work management for a licence subclass which, under Schedule IV, corresponds to a licence subclass in Schedule I or Schedule II, becomes a construction work guarantor in the corresponding licence subclass.

69. A person who, on 24 June 2008, holds a recognition or attestation in administrative management issued by the Board under section 58.1 of the Act may, during the validity period of the recognition or attestation, be an administration guarantor.

A person who, before 25 June 2008, obtained a passing mark for all the modules of the examination of skills related to management described in section 20 of the Regulation respecting the professional qualification of building contractors and owner-builders may, in the

period during which the marks are granted pursuant to the first paragraph of section 21 of that Regulation, be an administration guarantor.

70. A person who, on 24 June 2008, holds a recognition or attestation in safety management on construction sites issued by the Board under section 58.1 of the Act may, during the validity period of the recognition or attestation, be a construction site safety management guarantor.

A person who, before 25 June 2008, obtained a passing mark for all the modules of the examination of skills related to managing safety on construction sites described in section 16 of the Regulation respecting the professional qualification of building contractors and owner-builders may, in the period during which the marks are granted pursuant to the first paragraph of section 17 of that Regulation, be a construction site safety management guarantor.

71. A person who, on 24 June 2008, holds a recognition or attestation in construction work management issued by the Board under section 58.1 of the Act may, during the validity period of the recognition or attestation, be a project and site management guarantor.

A person who, before 25 June 2008, obtained a passing mark for all the modules of the examination of skills related to managing construction work described in section 12 of the Regulation respecting the professional qualification of building contractors and owner-builders may, in the period during which the marks are granted pursuant to the first paragraph of section 13 of that Regulation, be a project and site management guarantor.

72. A person who, on 24 June 2008, holds a recognition or attestation in construction work management issued by the Board under section 58.1 of the Act may, during the validity period of the recognition or attestation, be a construction work guarantor for a licence subclass in Schedule I or Schedule II which, under Schedule IV, corresponds to a licence subcategory for which the person held a recognition or attestation.

A person who, before 25 June 2008, obtained a passing mark for all the modules of the examination of skills related to managing construction work described in section 12 of the Regulation respecting the professional qualification of building contractors and owner-builders may, in the period during which the marks are granted pursuant to the first paragraph of section 13 of that Regulation, be a construction work guarantor for a licence subclass in Schedule I or Schedule II which, under Schedule IV, corresponds to a licence subcategory for which the person passed all the examination modules.

73. A person is exempt from the examination under section 21 if, in the five years preceding the person's application for a licence but before 25 June 2008, the person was a guarantor in administrative management.

74. A person is exempt from the examination under section 22 if, in the five years preceding the person's application for a licence but before 25 June 2008, the person was a guarantor in safety management on construction sites.

75. A person is exempt from the examination under section 23 if, in the five years preceding the person's application for a licence but before 25 June 2008, the person was a guarantor in construction work management.

76. A person is exempt from the examination under section 24 if, in the five years preceding the person's application for a licence but before 25 June 2008, the person was a guarantor in a licence subclass which, under Schedule IV, corresponds to the licence subclass applied for.

77. The provisions of the second paragraph of section 18 apply only if the ruling of the Board regarding the failure is made in respect of an application received by the Board after 25 June 2008.

78. This Regulation replaces the Regulation respecting the professional qualification of building contractors and owner-builders approved by Order in Council 876-92 dated 10 June 1992.

79. This Regulation comes into force on 25 June 2008.

SCHEDULE I

LICENCE SUBCLASSES IN THE GENERAL CONTRACTOR'S LICENCE CLASS REFERRED TO IN SECTION 9

1.1.1 Contractor – new residential buildings covered by a guaranty plan, Class I

This subclass authorizes construction work relating to

- a single family dwelling, duplex or town house, whether or not it is held in divided co-ownership;
- a multifamily building, from a duplex to a quintuplex, that is not held in divided co-ownership;
- a multifamily building of more than 5 units, held by a non-profit organization or a cooperative and not held in divided co-ownership.

It also authorizes construction work in subclasses 2.6, 3.1, 4.1, 5.1 and 6.1 of Schedule II, relating to a new residential building covered by this subclass.

1.1.2 Contractor – new residential buildings covered by a guaranty plan, Class II

This subclass authorizes construction work relating to a multifamily building held in divided co-ownership, of combustible construction or non-combustible construction, the latter comprising no more than 4 private portions stacked one above the other.

It also authorizes construction work in subclasses 2.6, 3.1, 4.1, 5.1 and 6.1 of Schedule II, relating to a new residential building covered by this subclass.

In this subclass,

“combustible construction” means a combustible construction within the meaning of the National Building Code – Canada 1995 (NRCC 38726E) including the revisions of July 1998 and November 1999 issued by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada;

“non-combustible construction” means a non-combustible construction within the meaning of the National Building Code – Canada 1995 (NRCC 38726E) including the revisions of July 1998 and November 1999 issued by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada.

1.2 Contractor – small buildings

This subclass authorizes construction work relating to

– buildings not referred to in subclass 1.1.1 or 1.1.2 that are referred to in Part 9 of the National Building Code – Canada 1995 (NRCC 38726E) as adopted by Chapter I of the Building Code approved by Order in Council 953-2000 dated 26 July 2000, without regard to the exemptions in Division II of the Regulation respecting the application of the Building Act, made by Order in Council 954-2000 dated 26 July 2000;

– buildings referred to in subclasses 1.1.1 and 1.1.2 and in Part 9 of the National Building Code, to the extent that the work is subcontracted on behalf of the holder of a licence in subclass 1.1.1 or 1.1.2;

– tents referred to in paragraph 2 of section 3.4 of the Regulation respecting the application of the Building Act.

It also authorizes construction work in subclasses 2.6, 3.1, 4.1, 5.1 and 6.1 of Schedule II relating to a building or a tent referred to in this subclass.

Lastly, it authorizes similar or related construction work.

1.3 Contractor – all buildings

This subclass authorizes construction work on any building, including those of subclass 1.2, and construction work on inflatable structures referred to in paragraph 2 of section 3.4 of the Regulation respecting the application of the Building Act.

It also authorizes construction work relating to a new residential building in this subclass to the extent that the work is subcontracted on behalf of the holder of a licence in subclass 1.1.1 or 1.1.2.

This subclass authorizes construction work in subclasses 2.6, 3.1, 4.1, 5.1 and 6.1 of Schedule II relating to a building or inflatable structure covered by this subclass.

Lastly, it authorizes similar or related construction work.

1.4 Contractor – roads and mains

This subclass authorizes construction work relating to roads and public thoroughfares, sewers, water mains, pipelines, railroad structures and tunnels.

It also authorizes construction work in subclasses 3.1, 4.1, 5.1 and 6.1 of Schedule II relating to civil engineering structures covered by this subclass.

This subclass also authorizes construction work in subclass 1.6, but only to have it carried out when it is related to civil engineering structures covered by this subclass.

Lastly, it authorizes similar or related construction work.

1.5 Contractor – civil engineering structures

This subclass authorizes construction work relating to civil engineering structures made of reinforced concrete, metal or other material and electric generating works.

It also authorizes construction work in subclasses 3.1, 4.1, 5.1 and 6.1 of Schedule II relating to civil engineering structures covered by this subclass.

This subclass also authorizes construction work in subclass 1.6 but only to have it carried out, when it is related to civil engineering structures covered by this subclass.

Lastly, it authorizes similar or related construction work.

1.6 Contractor – underwater civil engineering

This subclass authorizes construction work relating to underwater civil engineering structures related to water intakes, sewer outlets, bridge piers and caissons.

It also authorizes construction work in subclasses 3.1, 4.1, 5.1 and 6.1 of Schedule II, when it is related to civil engineering structures covered by this subclass.

Lastly, it authorizes similar or related construction work.

1.7 Contractor – telecommunications, transmission, transformation and distribution of electric power

This subclass authorizes construction work relating to electric power transformation and telecommunications stations and overhead and underground lines for electric power transmission, dispatching and distribution, and for telecommunications.

It also authorizes construction work in subclasses 3.1, 4.1, 5.1 and 6.1 of Schedule II when it is related to civil engineering structures covered by this subclass.

This subclass also authorizes construction work in subclass 1.6, but only to have it carried out, when it is related to civil engineering structures covered by this subclass.

Lastly, it authorizes similar or related construction work.

1.8 Contractor – petroleum equipment installation

This subclass authorizes construction work relating to installations for the use, storage or distribution of petroleum products and similar or related construction work.

1.9 Contractor – building mechanicals

Subject to the second paragraph of section 6 of this Regulation, this subclass authorizes construction work relating to building mechanicals of a building, facilities intended for use by the public or civil engineering structures, such as

heating, ventilation, refrigeration, plumbing, fire protection and their control systems, as well as insulation and emergency electrical supply systems.

It also authorizes construction work in a subclass of Schedule III that is not already authorized by the first paragraph, when such work is part of a project related to building mechanicals of buildings, facilities intended for use by the public or civil engineering structures.

Lastly, it authorizes similar or related construction work.

1.10 Contractor – mechanical lifts

This subclass authorizes construction work relating to mechanical lifts and conveyors referred to in paragraph 7 of section 3.4 of the Regulation respecting the application of the Building Act.

It also authorizes construction work in subclasses 3.1, 4.1, 5.1 and 6.1 of Schedule II, when it is related to a mechanical lift or conveyor covered by this subclass.

Lastly, it authorizes similar or related construction work.

SCHEDULE II

LICENCE SUBCLASSES IN THE SPECIALIZED CONTRACTOR'S LICENCE CLASS REFERRED TO IN SECTION 10

- | | |
|---|---|
| <p>2.1 Contractor – drilled wells</p> <p>This subclass authorizes construction work relating to the sinking of wells and water collection, and similar or related construction work.</p> | <p>It also authorizes construction work in subclass 3.2 of Schedule III.</p> <p>Lastly, it authorizes similar or related construction work.</p> |
| <p>2.2 Contractor – non-drilled water collection structures</p> <p>This subclass authorizes construction work relating to non-drilled water collection structures such as shallow wells and springwater collection, and similar or related construction work.</p> | <p>4.1 Contractor – masonry structures</p> <p>This subclass authorizes construction work relating to structural masonry and masonry outer wall.</p> <p>It also authorizes construction work in subclass 4.2 of Schedule III.</p> <p>Lastly it authorizes similar or related construction work.</p> |
| <p>2.3 Contractor – underground water pumping systems</p> <p>This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics or electrical contractors relating to underground water pumping systems, and similar or related construction work.</p> | <p>5.1 Contractor – metallic structures and prefabricated concrete elements</p> <p>This subclass authorizes construction work relating to metallic structures and steel structural elements as well as structural assembly work using prefabricated concrete elements.</p> <p>It also authorizes construction work in subclass 5.2 of Schedule III.</p> <p>Lastly, it authorizes similar or related construction work.</p> |
| <p>2.4 Contractor – private sewerage systems</p> <p>This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics relating to building sewage treatment, and similar or related construction work.</p> | <p>6.1 Contractor – wood structures</p> <p>This subclass authorizes construction work relating to wood structures.</p> <p>It also authorizes construction work in subclass 6.2 of Schedule III.</p> <p>Lastly, it authorizes similar or related construction work.</p> |
| <p>2.6 Contractor – piles and special foundations</p> <p>This subclass authorizes construction work relating to soil mechanics such as piles and caissons, cofferdams, tiebacks, underpinning or grouting of soil and rock.</p> <p>It also authorizes construction work in subclass 2.5 of Schedule III.</p> <p>Lastly, it authorizes similar or related work.</p> | <p>10. Contractor – solid fuel local heating systems</p> <p>This subclass authorizes construction work that is not exclusively reserved for master pipe-mechanics or electrical contractors relating to solid fuel local heating systems, such as stoves and prefabricated fireplaces, and similar or related construction work.</p> |
| <p>2.8 Contractor – blasting</p> <p>This subclass authorizes construction work relating to drilling, loading of holes and firing explosives and similar and related construction work.</p> | |
| <p>3.1 Contractor – concrete structures</p> <p>This subclass authorizes construction work relating to cast or precast structural concrete.</p> | |

11.1 Contractor – pressurized industrial or institutional piping

This subclass authorizes construction work that is not exclusively reserved for master pipe-mechanics relating to the installation of pressurized industrial or institutional piping, and similar or related construction work.

13.1 Contractor – lightning protection

This subclass authorizes construction work that is not exclusively reserved for electrical contractors relating to lightning protection installations, and similar or related construction work.

13.2 Contractor – fire alarm systems

This subclass authorizes construction work that is not exclusively reserved for electrical contractors relating to fire alarm systems, and similar or related construction work.

13.3 Contractor – fire extinguishing system

This subclass authorizes construction work that is not exclusively reserved for master pipe-mechanics relating to automatic water sprinkler systems, fire protection standpipe, and similar or related construction work.

13.4 Contractor – local fire extinguishing systems

This subclass authorizes construction work relating to local fire extinguishing systems using a product stored in a tank and similar or related construction work.

14.1 Contractor – passenger and freight elevators

This subclass authorizes construction work that is not exclusively reserved for electrical contractors relating to passenger and freight elevators, dumbwaiters, escalators, moving walks and material lifts governed by the current edition of CAN/CSA B44 Safety Code for Elevators and Freight Elevators, rendered applicable by Chapter IV of the Construction Code approved by Order in Council 895-2004 dated 22 September 2004 and defined in that Code, and related construction work.

14.2 Contractor – lifts for persons with physical disabilities

This subclass authorizes construction work that is not reserved exclusively for electrical contractors relating to lifts for persons with physical

disabilities governed by the current edition of standards CAN/CSA B355 Lifts for Persons with Physical Disabilities and CAN/CSA B613 Private Residence Lifts for Persons with Physical Disabilities, rendered applicable by Chapter IV of the Construction Code and defined in those standards, and related construction work.

14.3 Contractor – other types of elevators

This subclass authorizes construction work that is not reserved exclusively for electrical contractors relating to elevators not in subclass 1.10 provided for in Schedule I and in subclasses 14.1 and 14.2 and related construction work.

15.1 Contractor – warm air heating systems

This subclass authorizes construction work reserved exclusively for master pipe-mechanics under the Master Pipe-Mechanics Act (R.S.Q., c. M-4) relating to warm air heating systems.

It also authorizes, even if it is not reserved exclusively for master pipe-mechanics, construction work relating to propane gas burners part of warm air heating systems and construction work in subclass 15.1.1.

Lastly, it authorizes related construction work.

15.1.1 Contractor – warm air heating systems for certain work that is not reserved exclusively for master pipe-mechanics

This subclass authorizes maintenance work relating to warm air heating systems, including propane gas burners that are part of them.

It also authorizes construction work relating to heating systems referred to in the first paragraph that is carried out in the territory of a local municipality with fewer than 5,000 inhabitants, except if there is a public sewer system, or in an unorganized territory.

Lastly, it authorizes related construction work.

15.2 Contractor – natural gas burners

This subclass authorizes construction work that is reserved exclusively for master pipe-mechanics under the Master Pipe-Mechanics Act relating to natural gas combustion systems.

It also authorizes construction work in subclass 15.2.1.

Lastly, it authorizes related construction work.

15.2.1 Contractor – natural gas burners for certain work that is not reserved exclusively for master pipe-mechanics

This subclass authorizes maintenance work relating to natural gas combustion systems.

It also authorizes construction work relating to natural gas combustion systems that is carried out in the territory of a local municipality with fewer than 5,000 inhabitants, except if there is a public sewer system, or in an unorganized territory.

Lastly, it authorizes related construction work.

15.3 Contractor – oil burners

This subclass authorizes construction work reserved exclusively for master pipe-mechanics under the Master Pipe-Mechanics Act relating to oil combustion systems.

It also authorizes construction work in subclass 15.3.1.

Lastly, it authorizes related construction work.

15.3.1 Contractor – oil burners for certain work that is not reserved exclusively for master pipe-mechanics

This subclass authorizes maintenance work relating to oil combustion systems.

It also authorizes construction work relating to oil combustion systems that is carried out in the territory of a local municipality with fewer than 5,000 inhabitants, except if there is a public sewer system, or in an unorganized territory.

Lastly, it authorizes related construction work.

15.4 Contractor – hot water and steam heating systems

This subclass authorizes construction work reserved exclusively for master pipe-mechanics under the Master Pipe-Mechanics Act relating to hot water and steam heating systems.

It also authorizes, even if it is not reserved exclusively for master pipe-mechanics, construction work relating to propane burners that are part of hot water or steam heating systems and construction work in subclass 15.4.1.

Lastly, it authorizes related construction work.

15.4.1 Contractor – hot water and steam heating systems for certain work that is not reserved exclusively for master pipe-mechanics

This subclass authorizes maintenance work relating to hot water and steam heating systems, including propane burners that are part of the systems.

It also authorizes construction work relating to heating systems referred to in the first paragraph and that is carried out in the territory of a local municipality with fewer than 5,000 inhabitants, except if there is a public sewer system, or in an unorganized territory.

Lastly, it authorizes related construction work.

15.5 Contractor – plumbing

This subclass authorizes construction work that is reserved exclusively for master pipe-mechanics under the Master Pipe-Mechanics Act relating to plumbing systems in any building or structure, including piping and all the fixtures used for drainage, back venting of traps, hot and cold water supply or gas supply.

It also authorizes construction work in subclass 15.5.1.

Lastly, it authorizes related construction work.

15.5.1 Contractor – plumbing for certain work that is not reserved exclusively for master pipe-mechanics

This subclass authorizes maintenance work relating to plumbing systems in any building or structure, including piping and all fixtures used for drainage, back venting of traps, hot and cold water supply or gas supply.

It also authorizes construction work relating to plumbing systems referred to in the first paragraph and carried out in the territory of a local municipality with fewer than 5,000 inhabitants, except if there is a public sewer system, or in an unorganized territory.

Moreover, this subclass authorizes construction work relating to plumbing installations that are not building installations and that are outdoors.

Lastly, it authorizes related construction work.

15.6 Contractor – propane

This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics relating to installations for the use, storage or distribution of propane gas, including their components and fixtures, and similar or related construction work.

15.7 Contractor – residential ventilation

This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics relating to air circulation or distribution systems related to ventilation, exhaust, air compensation and air conditioning of single family dwellings, duplexes or town houses and private portions of multifamily buildings held in divided co-ownership.

It also authorizes construction work relating to the heating duct systems in the dwellings referred to in the first paragraph.

Lastly, it authorizes similar or related construction work.

15.8 Contractor – ventilation

This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics relating to air circulation or distribution systems related to ventilation, exhaust, air compensation and air conditioning.

It also authorizes construction work relating to the heating duct systems and construction work in subclass 15.7.

Lastly, it authorizes similar or related construction work.

15.9 Contractor – small refrigeration systems

This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics relating to air-conditioning refrigeration systems with a cooling capacity not exceeding 20 kilowatts and a refrigerant of group A1,

A2 or a mixture of both, according to the classification in Clause 3.4 of CSA B-52 Mechanical Refrigeration Code, 1999 edition, published by the Canadian Standards Association, taking into account further amendments that may be made.

It also authorizes similar or related construction work.

15.10 Contractor – refrigeration

This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics relating to any refrigeration system, including work related to air-conditioning, industrial processes and food preservation.

It also authorizes construction work in subclass 15.9.

Lastly, it authorizes similar or related construction work.

16. Contractor – electrical

Except for demolition work, this subclass authorizes construction work on an electrical installation to which Chapter V of the Construction Code applies, introduced by the Regulation to amend the Construction Code approved by Order in Council 961-2002 dated 21 August 2002, that is reserved exclusively for electrical contractors.

It also authorizes construction work relating to fixtures permanently connected to the electrical installation, if it is governed by Chapter V of the Construction Code and if it is not specifically governed by another subclass and construction work in subclasses 13.2 and 17.1.

Lastly, it authorizes related construction work.

17.1 Contractor – instrumentation and control systems

This subclass authorizes construction work that is not reserved exclusively for electrical contractors relating to instrumentation and control systems.

It also authorizes construction work in subclass 17.2 of Schedule III.

Lastly, it authorizes similar or related construction work.

SCHEDULE III**LICENCE SUBCLASSES IN THE SPECIALIZED CONTRACTOR'S LICENCE CLASS REFERRED TO IN SECTION 10****2.5 Contractor – excavation and earthwork**

Except for the work in subclasses 2.2 and 2.4 of Schedule II, this subclass authorizes construction work relating to excavating, moving, compacting and levelling of earth or granular materials, including work relating to small works of art, and similar or related construction work.

2.7 Contractor – sitework

This subclass authorizes construction work relating to the preparation and finishing of sitework, such as alignment, levelling, fencing, demolition, paving and asphaltting, laying interlocking paving stones, and similar or related construction work.

3.2 Contractor – small concrete works

This subclass authorizes construction work relating to concrete formwork for foundation walls of buildings referred to in Part 9 of the National Building Code – Canada 1995 (NRCC 38726E) as adopted by Chapter I of the Building Code, without regard to the exemptions in Division II of the Regulation respecting the application of the Building Act and to other concrete works, concreting, reinforcement and concrete finishing, and similar or related construction work.

4.2 Contractor – non-structural masonry, marble and ceramics

This subclass authorizes construction work relating to non-structural masonry, marble, granite, ceramics, terrazzo and other similar materials, refractory products, and similar or related construction work.

5.2 Contractor – metal fabrication

This subclass authorizes construction work relating to cold-formed steel and aluminium sections used in the construction of non-bearing partitions, wrought metal, welding, and similar or related construction work.

6.2 Contractor – wood and plastic work

This subclass authorizes construction work relating to wood and plastic structures such as finishing carpentry, and similar or related construction work.

7. Contractor – insulation, waterproofing, roofing and siding

This subclass authorizes construction work relating to fireproofing, waterproofing, insulation, lagging, roofing, siding other than masonry, and similar or related construction work.

8. Contractor – doors and windows

This subclass authorizes construction work relating to doors, windows, glazed curtain walls, and similar or related construction work.

9. Contractor – interior finishing

This subclass authorizes construction work relating to interior and exterior painting, interior surfaces such as flooring, wall and ceiling and their finishing, and similar or related construction work.

11.2 Contractor – special equipment and products

This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics and electrical contractors relating to all types of equipment and special products that are not already governed by a subclass in Schedule II or this Schedule, and similar or related construction work.

12. Contractor – manufactured cabinets and counter tops

This subclass authorizes construction work relating to manufactured cabinets and counter tops, and similar or related construction work.

13.5 Contractor – prefabricated or special installations

This subclass authorizes construction work that is not reserved exclusively for master pipe-mechanics and electrical contractors relating to prefabricated or special installations such as cold rooms, pools, skating rinks, excluding their heating and cooling systems, and noise and vibration protection systems.

It also authorizes similar or related construction work.

17.2 Contractor – intercommunications, telephone and surveillance

This subclass authorizes construction work that is not reserved for electrical contractors relating to intercommunications, telephone and surveillance systems, and similar or related construction work.

SCHEDULE IV**LICENCE SUBCLASS CONCORDANCE TABLE**

(ss. 57, 68, 72 and 76)

| Licence subcategories in force on 24 June 2008 | | Corresponding licence subclasses on 25 June 2008 | |
|---|--|---|---|
| Number | Title | Number | Title |
| 3031 | Contractor – new residential covered by a guaranty plan, Class I buildings | 1.1.1 10 15.7 | Contractor – new residential buildings covered by a guaranty plan, Class I Contractor – solid fuel local heating systems Contractor – residential ventilation |
| 3032 | Contractor – new residential buildings covered by a guaranty plan, plan, Class II | 1.1.2 15.7 | Contractor – new residential buildings covered by a guaranty Class II Contractor – residential ventilation |
| 4041 | Residential building contractor, Class I | 1.2 10 15.7 | Contractor – small buildings Contractor – solid fuel local heating systems Contractor – residential ventilation |
| 4042 | Residential building contractor, Class II | 1.3 15.7 | Contractor – all buildings Contractor – residential ventilation |
| 4043 | Maintenance, renovation, repair and alteration of residential buildings contractor | 1.2 10 15.7 | Contractor – small buildings Contractor – solid fuel local heating systems Contractor – residential ventilation |
| 4047 | Building removal contractor | 1.2 | Contractor – small buildings |
| 4050.1 | Public, commercial and industrial buildings contractor, Class I | 1.2 | Contractor – small buildings |
| 4050.2 | Shelters, all types, contractor | 1.2 | Contractor – small buildings |
| 4051 | Public, commercial and industrial buildings contractor, Class II | 1.3 | Contractor – all buildings |
| 4053 | Maintenance, renovation, repair and alteration of public, commercial and industrial buildings contractor | 1.3 | Contractor – all buildings |
| 4062 | Heavy industry factory complexes contractor | 1.3 | Contractor – all buildings |
| 4063 | Sports equipment contractor | 11.2 | Contractor – special equipment and products |
| 4071.1 | Roads and public thoroughfares contractor | 1.4 | Contractor – roads and mains |

| Number | Title | Number | Title |
|---------------|---|---------------|--|
| 4071.2 | Sewers, water mains, prefabricated reservoirs and pumping stations contractor | 1.4 | Contractor – roads and mains |
| 4071.3 | Railroad work contractor | 1.4 | Contractor – roads and mains |
| 4072 | Bridges and overpasses contractor | 1.5 | Contractor – civil engineering structures |
| 4073 | Underground civil engineering works contractor | 1.4 | Contractor – roads and mains |
| 4074 | Underwater civil engineering works contractor | 1.6 | Contractor – underwater civil engineering structures |
| 4092 | Electric generating works contractor | 1.5 | Contractor – civil engineering structures |
| 4093.1 | Electrical distribution substations contractor | 1.7 | Contractor – telecommunications, transmission, transformation and distribution of electric power |
| 4093.2 | Overhead lines contractor | 1.7 | Contractor – telecommunications, transmission, transformation and distribution of electric power |
| 4093.3 | Underground lines contractor | 1.7 | Contractor – telecommunications, transmission, transformation and distribution of electric power |
| 4096 | Pipelines contractor | 1.4 | Contractor – roads and mains |
| 4200 | Piles and special foundations contractor | 2.6 | Contractor – piles and special foundations |
| 4201 | Architectural structures and structural works contractor | 5.1 | Contractor – metallic structures and prefabricated concrete elements |
| 4202 | Fireproof products contractor | 4.2 | Contractor – non-structural masonry, marble and ceramics |
| 4203 | Masonry contractor | 4.1 | Contractor – masonry structures |
| 4204 | Concrete finishing work contractor | 3.2 | Contractor – concrete forms and work concrete |
| 4205 | Marble, granito, ceramic and terrazzo installation contractor | 4.2 9 | Contractor – non-structural masonry, marble and ceramics Contractor – interior finishing |
| 4206 | Chalky surfaces contractor | 7 9 | Contractor – insulation, waterproofing, roofing and siding Contractor – interior finishing |
| 4207 | Interior systems contractor | 5.2 9 | Contractor – metallic structures Contractor – interior finishing |
| 4208 | Pool contractor | 13.5 | Contractor – prefabricated or special installations |
| 4209 | Reinforcing steel contractor | 3.2 | Contractor – small concrete works |

| Number | Title | Number | Title |
|---------------|--|------------------------------|---|
| 4210.1 | Carpentry contractor | 5.2 6.1 7 8 11.2 | Contractor – metal fabrication Contractor – wood structures Contractor – insulation, waterproofing, roofing and siding Contractor – doors and windows Contractor – special equipment and products |
| 4210.2 | Woodwork contractor | 6.2 8 9 11.2 12 | Contractor – wood and plastic work Contractor – doors and windows Contractor – interior finishing Contractor – special equipment and products Contractor – manufactured cabinets and counter tops |
| 4211.1 | Formwork contractor | 3.1 | Contractor – concrete structures |
| 4211.2 | Course and foundation wall formwork contractor | 3.1 3.2 | Contractor – concrete structures Contractor – small concrete works |
| 4212 | Resilient coverings contractor | 9 | Contractor – interior finishing |
| 4213 | Flooring contractor | 6.2 9 | Contractor – wood and plastic work Contractor – interior finishing |
| 4220 | Ornamental iron contractor | 5.2 8 11.2 | Contractor – metal fabrication Contractor – doors and windows Contractor – special equipment and products |
| 4221 | Glazery contractor | 8 | Contractor – doors and windows |
| 4223 | Boilermaker contractor | 11.2 | Contractor – special equipment and products |
| 4224 | Metal siding contractor | 7 8 | Contractor – insulation, waterproofing, roofing and siding Contractor – doors and windows |
| 4225 | Tinsmithing contractor | 7 | Contractor – insulation, waterproofing, roofing and siding |
| 4226.1 | Roofing contractor | 7 | Contractor – insulation, waterproofing, roofing and siding |
| 4226.2 | Pitched roof contractor | 7 | Contractor – insulation, waterproofing, roofing and siding |
| 4227 | Welding contractor | 5.2 | Contractor – metal fabrication |
| 4230.1 | Ventilation contractor | 15.8 | Contractor – ventilation |
| 4231 | Thermal insulation contractor | 7 | Contractor – insulation, waterproofing, roofing and siding |
| 4232 | Insulation contractor | 7 13.5 | Contractor – insulation, waterproofing, roofing and siding Contractor – prefabricated or special installations |

| Number | Title | Number | Title |
|---------------|--|------------------------------|---|
| 4233 | Soundproofing contractor | 7 9 | Contractor – thermal insulation, waterproofing, roofing and siding Contractor – interior finishing |
| 4234 | Refrigeration contractor | 15.10 | Contractor – refrigeration |
| 4235 | Propane gas burner systems contractor | 15.6 | Contractor – propane |
| 4240.1 | Buildings painting contractor | 9 | Contractor – interior finishing |
| 4240.2 | Civil engineering works painting contractor | 9 | Contractor – interior finishing |
| 4250.1 | Intercommunication systems contractor | 17.2 | Contractor – intercommunications, telephone and surveillance |
| 4250.2 | Telephone systems contractor | 17.2 | Contractor – intercommunications, telephone and surveillance |
| 4250.3 | Monitoring systems contractor | 17.2 | Contractor – intercommunications, telephone and surveillance |
| 4250.4 | Instrumentation and control systems contractor | 17.1 | Contractor – instrumentation and control systems |
| 4252.1 | Anti-theft alarm systems contractor | 17.2 | Contractor – intercommunications, telephone and surveillance |
| 4252.2 | Fire alarm systems contractor | 13.2 | Contractor – fire alarm systems |
| 4253.1 | Fire protection systems contractor | 13.3 | Contractor – fire extinguishing systems |
| 4253.2 | Local fire protection systems contractor | 13.4 | Contractor – local fire systems |
| 4270 | Transportation systems contractor | 1.10 14.1 14.2 14.3 | Contractor – mechanical lifts Contractor – passenger and freight elevators Contractor – lifts for persons with physical disabilities Contractor – other types of elevators |
| 4271 | Millwright contractor | 8 11.2 | Contractor – doors and windows Contractor – special equipment and products |
| 4280 | Excavation and earthwork contractor | 2.2 2.4 2.5 | Contractor – non-drilled water collection structures Contractor – private sewerage systems Contractor – excavation and earthwork |
| 4281.1 | Paving and asphaltting contractor | 2.7 | Contractor – sitework |
| 4281.2 | Interlocking paving stones contractor | 2.7 | Contractor – sitework |

| Number | Title | Number | Title |
|---------------|---|---------------|---|
| 4283.1 | Buildings demolition contractor | 2.7 | Contractor – sitework |
| 4283.2 | Civil engineering works demolition contractor | 2.7 | Contractor – sitework |
| 4283.3 | Stripping contractor | 2.7 | Contractor – sitework |
| 4284 | Electrical contractor | 16 | Contractor – electrical |
| 4285.10 | Warm air heating systems contractor | 15.1 | Contractor – warm air heating systems |
| 4285.11 | Natural gas burner systems contractor | 15.2 | Contractor – natural gas burners |
| 4285.12 | Oil burner systems contractor | 15.3 | Contractor – oil burners |
| 4285.13 | Hot water and steam heating systems contractor | 15.4 | Contractor – hot water and steam heating systems |
| 4285.14 | Plumbing contractor | 15.5 | Contractor – plumbing |
| 4500 | Airtightness and waterproofing contractor | 7 | Contractor – insulation, waterproofing, roofing and siding |
| 4501 | Line and grade contractor | 2.7 | Contractor – sitework |
| 4502 | Signal systems contractor | 11.2 | Contractor – special equipment and products |
| 4503 | Lightning protection contractor | 13.1 | Contractor – lightning protection |
| 4504 | Blasting contractor | 2.8 | Contractor – blasting |
| 4505 | Flameproofing contractor | 7 | Contractor – insulation, waterproofing, roofing and siding |
| 4506 | Chimneys, all types, repair contractor | 4.2 11.2 | Contractor – non-structural masonry, marble and ceramics Contractor – special equipment and products |
| 4507 | Industrial piping contractor | 11.1 | Contractor – pressurized industrial or institutional piping |
| 4508 | Cutting and drilling contractor | 3.2 | Contractor – small concrete works |
| 4509 | Pneumatic control systems contractor | 17.1 | Contractor – instrumentation and control systems |
| 4510 | Central systems contractor | 11.2 | Contractor – special equipment and products |
| 4511 | Safety slides and fences contractor | 2.7 | Contractor – sitework |
| 4513 | Solid fuel secondary heating appliances installation contractor | 10 | Contractor – solid fuel local heating systems |

| Number | Title | Number | Title |
|--------|--|----------|---|
| 4514 | Documents conveyance systems contractor | 11.2 | Contractor – special equipment and products |
| 4515 | Petroleum equipment installation contractor | 1.8 | Contractor – petroleum equipment installation |
| 4516 | Restoration contractor | 4.2 9 | Contractor – non-structural masonry, marble and ceramics Contractor – interior finishing |
| 4517 | Underground water pumping systems contractor | 2.3 | Contractor – underground water pumping systems |
| 4518 | Well drilling contractor | 2.1 | Contractor – drilled wells |
| 4520 | Plumbing contractor in non-organized territories | 15.5.1 | Contractor – plumbing for certain work not reserved exclusively for master pipe-mechanics |
| 4521 | Synthetic resin work contractor | 6.2 9 | Contractor – wood and plastic work Contractor – interior finishing |

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Gouvernement du Québec

O.C. 315-2008, 2 April 2008Building 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 and subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), amended respectively by sections 27 and 61 of chapter 10 of the Statutes of 2005, the Government may, by regulation, exempt from the application, in whole or in part, of the Act, categories of contractors, owner-builders or owners of petroleum equipment installations, and categories of installations and facilities;

WHEREAS, under subparagraph 7 of the first paragraph of section 182 of the Act, the Government may, by regulation, adopt any other related or suppletory provision it judges necessary to give effect to the provisions of that section and of the Act;

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 Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2007 with a notice that it could be made by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS the comments received have been examined;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on 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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif