

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

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

Building Act
(R.S.Q., c. B-1.1, ss. 4.1 and 182, 1st par., subpars. 1 and 7 and 2nd par.; 2005, c. 10, ss. 27 and 61)

1. The Regulation respecting the application of the Building Act is amended by replacing “entrepreneur en construction” wherever it appears in the French text by “entrepreneur de construction”.

2. Section 1 is amended

(1) by inserting “de construction” after “lorsque les travaux” in the French text of subparagraph 2 of the first paragraph;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) where the planned construction work is carried out by a contractor who holds a specialized contractor’s licence including the licence subclasses required for that work and listed in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders, approved by Order in Council 314-2008 dated 2 April 2008;”.

3. Section 1.1 is amended by replacing the part before paragraph 1 by the following:

“**1.1.** Subject to section 49 of the Act, a contractor and an owner-builder are exempt from the application of Chapter IV of the Act as regards the requirement to hold a “1.8 petroleum equipment installation contractor” licence listed in Schedule I of the Regulation respecting the professional qualification of building contractors and owner-builders where”.

4. Section 2 is replaced by the following:

“**2.** An owner-builder is exempt from the application of the following provisions of Chapter IV of the Act:

(1) subparagraph 1 of the first paragraph of section 58 as regards proof of knowledge or experience relevant to managing a building undertaking and section 52 to the extent that that provision renders that condition applicable, but only with respect to the examination of knowledge in administration under section 21 of the Regulation respecting the professional qualification of building contractors and owner-builders.

A specialized owner-builder is also exempt from the examination of knowledge in project and site management under section 23 of that Regulation;

(2) section 52 to the extent that that provision renders applicable the conditions prescribed by subparagraphs 5 and 8 of the first paragraph of section 58;

(3) subparagraphs 2, 5 and 8 of the first paragraph of section 58;

(4) the first paragraph of section 59;

(5) subparagraphs 1, 6 and 6.1 of the first paragraph of section 60;

(6) subparagraphs 1 and 2 of the first paragraph of section 61;

(7) subparagraphs 5 and 6 of the first paragraph of section 70; and

(8) paragraphs 1, 3 and 4 of section 71.”.

5. Section 3 is amended by replacing “urban” by “metropolitan”.

6. The first paragraph of section 3.1 is amended

(1) by replacing “Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 and amended by the Regulation approved by Orders in Council 376-95 dated 22 March 1995 and 98-96 dated 24 January 1996” by “Regulation respecting the professional qualification of contractors and owner-builders, approved by Order in Council 314-2008 dated 2 April 2008”;

(2) by replacing “Régie du bâtiment du Québec” by “Board”;

(3) by replacing subparagraph 1 by

“(1) he has been registered for at least 3 years with Tarion, a corporation designated for the application of the Ontario New Home Warranties Plan Act (R.S.O., 1990, c. O-31);”.

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, G.O. 2, 1100), was last amended by the regulation made by Order in Council 222-2007 dated 21 February 2007 (2007, G.O. 2, 1190). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

7. Section 3.1.1 is amended in the first paragraph

(1) by replacing “sections 42 and 43 of the Regulation respecting the professional qualification of building contractors and owner-builders, the Régie” by “the first and second paragraphs of section 56 of the Regulation respecting the professional qualification of contractors and owner-builders, the Board”;

(2) by replacing “41” by “53”.

8. Section 3.2 is amended by replacing “Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 and amended by the Regulations approved by Orders in Council 376-95 dated 22 March 1995, 98-96 dated 24 January 1996 and 7-97 dated 7 January 1997” by “Regulation respecting the professional qualification of contractors and owner-builders” and by replacing “Régie du bâtiment du Québec” by “Board”.

9. The Regulation is amended by inserting the following after section 3.2.1:

3.2.2. A contractor who, on request by an administrator authorized by the Board to administer an approved guaranty plan, carries out completion or correction work, is exempt from the requirement to hold licence subclass 1.1.1 or 1.1.2 if the contractor holds the licence subclass required to carry out such work respecting a building not covered by a guaranty plan.

3.2.3. A trustee in bankruptcy or a liquidator is exempt from the requirement to hold a licence if the trustee or liquidator has the construction work of a bankrupt contractor or owner-builder completed by a contractor who holds the appropriate licence.

3.2.4. A natural person applying for a building contractor licence for himself or herself or on behalf of a partnership or legal person is exempt, for the licence subclasses in Schedule III to the Regulation respecting the professional qualification of contractors and owner-builders, from the application of subparagraph 1 of the first paragraph of section 58 of the Act as regards proof of knowledge or relevant experience in the carrying out of construction work and that of section 52 of the Act to the extent that that provision renders that condition applicable.

3.2.5. A general or undeclared partnership that is constituted for the purpose of carrying out construction work on only one construction project is exempt from the application of Chapter IV of the Building Act (R.S.Q., c. B-1.1), if the following conditions are met:

(1) the proposed work is work authorized in subclasses 1.3 to 1.10 of Schedule I to the Regulation respecting the professional qualification of contractors and owner-builders;

(2) each of the members of the partnership is the holder of a general contractor’s licence authorizing the member to carry out the project work or have it carried out; and

(3) the tender documents for the construction project require the successful bidder to provide within the allotted time a contract performance guarantee and a labour, material and services payment bond.”.

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

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Gouvernement du Québec

O.C. 316-2008, 2 April 2008

Master Electricians Act
(R.S.Q., c. M-3)

Correction to the English text of the Regulation respecting the committees of the Corporation of Master Electricians of Québec, approved by Order in Council 65-2008 dated 31 January 2008

WHEREAS, by Order in Council 65-2008 dated 31 January 2008, the Government approved the Regulation respecting the committees of the Corporation of Master Electricians of Québec;

WHEREAS a section was omitted in the English text of the Regulation;

WHEREAS it is expedient to correct that omission to ensure consistency between the French and English texts of the Regulation;

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

THAT the English text of the Regulation respecting the committees of the Corporation of Master Electricians of Québec, approved by Order in Council 65-2008 dated 31 January 2008, be amended by inserting the following after section 19: