

Draft Regulations

Draft Regulation

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

Regulation

— **Fight crime in the construction industry**
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Building Act, appearing below, may be made by the Government with or without amendments on the expiry of 45 days following this publication.

The draft Regulation proposes to remove exemptions with respect to the verification of judicial records of owner-builders in order to fight crime in the construction industry. The draft Regulation is a complement to the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders.

The draft Regulation has no impact on the public and should not have any negative impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Anne-Marie Gaudreau, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2; telephone: 514 873-6606; fax: 514 873-3418.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Michel Beaudoin, Chairman and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

SAM HAMAD,
Minister of Labour

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

Building Act
(R.S.Q., c. B-1.1, s. 182, 1st par., subpar. 1)

1. The Regulation respecting the application of the Building Act is amended in section 2

(1) by replacing “subparagraphs 5 and 8” in paragraph 2 by “subparagraph 5”;

(2) by replacing “2, 5 and 8” in paragraph 3 by “2 and 5”;

(3) by replacing “subparagraphs 1, 6 and 6.1” in paragraph 5 by “subparagraph 1”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

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

Professional qualification of contractors and owner-builders

— **Fight crime in the construction industry**
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders, appearing below, may be approved by the Government with or without amendments on the expiry of 45 days following this publication.

* 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 143-2009 dated 18 February 2009 (2009, *G.O.* 2, 204). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

The draft Regulation tightens the conditions for obtaining a licence in order to fight crime in the construction industry. It extends the verification of judicial records of contractors and owner-builders to all criminal offences.

The draft Regulation proposes to obtain from every legal person acting as contractor or owner-builder, that is not a reporting issuer within the meaning of the Securities Act (R.S.Q., c. V-1.1), the names, addresses, dates of birth and telephone numbers of all shareholders in order to verify if they have been convicted of an offence under a fiscal law or of a criminal offence. That obligation also applies to officers of a partnership or legal person who are shareholders of the contractor or owner-builder.

The draft Regulation also requires that contractors and owner-builders provide the names, addresses and telephone numbers of those lending them money and, if the lenders are natural persons, their dates of birth. They must also provide a statement from each lender indicating if the lender or its officers have been convicted of a criminal offence or an offence under a fiscal law and the names, addresses and dates of birth of its officers.

The draft Regulation has no impact on the public and should not have any negative impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Anne-Marie Gaudreau, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2; telephone: 514 873-6606; fax: 514 873-3418.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Michel Beaudoin, Chairman and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3^e étage, Montréal (Québec) H2M 2V2.

SAM HAMAD,
Minister of Labour

Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders*

Building Act
(R.S.Q., c. B-1.1, s. 185, pars. 8 and 38)

1. The Regulation respecting the professional qualification of contractors and owner-builders is amended in section 12

(1) by inserting “and, if the partnership or legal person is not a reporting issuer within the meaning of the Securities Act (R.S.Q., c. V-1.1), shareholders” after “officer” in subparagraph *b* of subparagraph 1 of the first paragraph;

(2) by replacing subparagraph *h* of subparagraph 1 of the first paragraph by the following:

“(h) a statement that the person, partnership or legal person on whose behalf the application is made, any of its officers or, if the partnership or legal person is not a reporting issuer within the meaning of the Securities Act (R.S.Q., c. V-1.1), any of its shareholders, has not, in the 5 years preceding the application, been convicted of an offence under a fiscal law or of a criminal offence, or proof of pardon;”;

(3) by inserting the following after subparagraph *m* of subparagraph 1 of the first paragraph:

“(n) a list including the name, address and telephone number of the lenders referred to in subparagraph 8.2 of the first paragraph of section 58 or subparagraph 8 of the first paragraph of section 60 of the Act and if the lender is a natural person, the person’s date of birth;

(o) a statement from each lender indicating for the lender and, in the case of a partnership or legal person, for its officers whose names, addresses and dates of birth are indicated, if, in the 5 years preceding the date of the loan, they have been convicted of an offence under a fiscal law or of a criminal offence, or proof of pardon;”;

(4) by inserting “to *o*” after “*m*” in subparagraph *a* of subparagraph 2 of the first paragraph;

* The Regulation respecting the professional qualification of contractors and owner-builders approved by Order in Council 314-2008 dated 2 April 2008 (2008, G.O. 2, 1115) has not been amended since its approval.

(5) by adding the following at the end:

“For the purposes of subparagraphs *b* and *h* of subparagraph 1 of the first paragraph, the word “shareholders” means the officers of the partnership or legal person that holds shares in the legal person on whose behalf the application is made.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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