

Draft Regulation

Building Act
(chapter B-1.1)

Safety Code — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Safety Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends Chapter VIII Buildings of the Safety Code (chapter B-1.1, r. 3) in order to add, as applicable standard for the construction or alteration of a building, the 2010 edition of the National Building Code incorporated by reference to Chapter I Building of the Construction Code (chapter B-1.1, r. 2) and to harmonize certain definitions with those appearing in the Construction Code.

Further information may be obtained by contacting Suzel Bourdeau, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7^e étage, Montréal (Québec) H2M 2V2; telephone: 514 873-3716; fax: 514 873-9929.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Stéphanie Labrie, President 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 Safety Code

Building Act
(chapter B-1.1, ss. 175 and 178)

1. Section 337 of the Safety Code (chapter B-1.1, r. 3) is replaced by the following:

“**337.** In this Chapter, unless the context indicates otherwise,

(1) the following words and expressions have the meaning given:

“building height” means the height of the building as defined by the standard in force at the time of construction or alteration of the building; (*hauteur de bâtiment*)

“façade” means the sheathing of the exterior walls of a building and all the accessories, electrical or mechanical devices and other permanent or temporary objects connected with exterior walls, such as chimneys, antenna, masts, balconies, canopies or cornices; (*façade*)

“private seniors’ residence” means a private seniors’ residence as defined in the Act respecting health services and social services (chapter S-4.2);

“residential board and care occupancy” means a care occupancy other than a hospital, a residential and long-term care centre, an infirmary, a rehabilitation centre or a rest home, providing lodging in rooms for persons requiring personal support services and who may need assistance to evacuate the building (see Appendix to NBC 2005 am. Québec) that was constructed or altered prior to (*insert here the date of coming into force of this Regulation*); (*résidence supervisée*)

“residential occupancy for the elderly” means a private seniors’ residence in which elderly persons are lodged in bedrooms or dwelling units, but that is not a residential board and care occupancy, and that was constructed or altered prior to (*insert here the date of coming into force of this Regulation*); (*habitation destinée à des personnes âgées*)

“single-family type residential occupancy for the elderly” means a single-family dwelling having a building height of no more than 2 storeys, in which a natural person who resides in that dwelling operates a private seniors’ residence and lodges no more than 9 elderly persons, that was constructed or altered prior to (*insert here the date of coming into force of this Regulation*); (*habitation destinée à des personnes âgées de type unifamilial*)

“water cooling tower installation” means the water circulation system of one or more interconnected water cooling towers, including components such as pumps, tanks and compressors; (*installation de tour de refroidissement à l’eau*)

(2) the words and expressions “floor area”, “fire resistance rating”, “smoke detector”, “closure”, “mercantile occupancy”, “business and personal services occupancy”, “industrial occupancy”, “assembly occupancy”, “residential occupancy”, “flame-spread rating”, “dwelling unit”, “means of egress”, “fire separation” and “alteration” have the meaning given to them by the National Building Code as adopted by Chapter 1 of the Construction Code (O.C. 953-2000 as amended), hereinafter referred to as the National Building Code;

(3) the words and expressions “care occupancy”, “treatment occupancy”, “detention occupancy” and “suite” have the meaning given to them by the standard applicable at the time of the construction or alteration of the building as provided for in section 344.”

2. Section 344 is replaced by the following:

“**344.** Subject to the more stringent standards provided for in Division IV, a building must conform to the standards applicable at the time of construction which, under the system of objective-based codes, target the objectives of safety, health or the protection of buildings against fire and structural damage.

Depending on the year of construction or alteration of the building, the applicable standard is the standard indicated in the following table:

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Year of construction or alteration	Standard applicable
Building constructed or altered prior to 1 December 1976	Regulation respecting safety in public buildings, except section 1, pars. 7.1, 7.2, 8.1 and 9.1, section 6, subsection 1, 2nd par., and subsections 1.1, 2, 3, 4, 4.1, 4.2 and 4.3, sections 7, 8.1, 11.1 and 16.1, section 17, subsection 4.1, section 18, subsections 2, 3 and 5.1, section 32.1, subsections 1b and 4, and sections 33, 36, 44, 45, 51 and 53 (1981, chapter S-3, r. 4)
Building constructed or altered between 1 December 1976 and 24 May 1984	Building Code (1981, chapter S-3, r. 2)
Building constructed or altered between 25 May 1984 and 17 July 1986	National Building Code 1980 “NBC 1980” , English edition No. 17303, published by the National Research Council of Canada, including January 1983 revisions and errata and January 1984 revisions, hereinafter referred to as NBC 1980 am. Québec. (O.C. 912-84, 84-04-11).
Building constructed or altered between 18 July 1986 and 10 November 1993	National Building Code of Canada 1985 “NBC 1985” , NRCC English edition No. 23174, including the errata of October 1985 and January 1986, the revisions of January 1986, except the revision relating to Sentence 9 of Article 3.1.4.5., the revisions of July and November 1986, January 1987, January and December 1988 and also January 1989, published by the National Research Council of Canada, hereinafter referred to as NBC 1985 am. Québec (O.C. 2448-85, 85-11-27)
Building constructed or altered between 11 November 1993 and 6 November 2000	National Building Code of Canada 1990 “NBC 1990” , English edition No. 30620, published by the National Research Council of Canada, including the revisions of January and July 1991 and the revisions of January and September 1992, hereinafter referred to as NBC 1990 am. Québec (O.C. 1440-93, 93-10-13)
Building constructed or altered between 7 November 2000 and 16 May 2008	Construction Code of Québec, Chapter I, Building, and National Building Code of Canada 1995 (amended) , National Building Code - Canada 1995 (NRCC 38726) including the revisions of July 1998 and November 1999 and the Code national du bâtiment - Canada 1995 (CNRC 38726F) including the revisions of July 1998 and November 1999, published by the Canadian Commission on Building and Fire Codes, hereinafter referred to as NBC 1995 am. Québec (O.C. 953-2000, 2000-07-26)

Building constructed or altered between 17 May 2008 and (*insert the date of the day preceding the date of coming into force of this Regulation*)

Construction Code of Québec, Chapter I, Building, and National Building Code of Canada 2005 (amended), National Building Code of Canada 2005 (NRCC 47666) and Code national du bâtiment - Canada 2005 (CNRC 47666F), published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, hereinafter referred to as NBC 2005 am. Québec (O.C. 293-2008, 2008-03-19)

Building constructed or altered after (*insert the date of coming into force of this Regulation*)

Construction Code of Québec, Chapter I, Building, and National Building Code of Canada 2010 (amended), National Building Code of Canada 2010 (NRCC 53301) and Code national du bâtiment - Canada 2010 (CNRC 53301F), published by the Canadian Commission on Building and Fire Codes of the National Research Council of Canada, hereinafter referred to as NBC 2010 am. Québec (*insert the number of the Order in Council concerning the Regulation to amend the Construction Code*).

However, the standards apply taking into account the fact that

(1) a previous standard may be applied for a period of 18 months following the date of coming into force of a new standard;

(2) a requirement of the code in force at the time of construction may be subject to an equivalent or different measure as provided for in sections 127 and 128 of the Act;

(3) prior to 7 November 2000, since the notion of residential board and care occupancy did not exist, the construction of a building housing the clients of a residential board and care occupancy was subject to the requirements applicable to a hospital (care occupancy) as set out in the code in force at the time of construction; a care occupancy meeting the definition of a residential board and care occupancy may conform with the requirements of NBC 2005 am. Québec subject to the more stringent provisions of Division IV;

(4) a private seniors' residence constructed or transformed prior to (*insert here the date of coming into force of this Regulation*) may be a residential occupancy for the elderly, a single-family type residential occupancy for the elderly or a residential board and care occupancy providing lodging for the elderly;

(5) a private seniors' residence constructed or transformed after (*insert here the date of coming into force of this Regulation*) is a care occupancy (Group B, Division 3).”

3. This Regulation comes into force on the forty-fifth day following the date of its publication in the *Gazette officielle du Québec*.

Draft Regulation

An Act respecting lotteries, publicity contests and amusement machines
(chapter L-6)

Lottery schemes — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Lottery Schemes Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Lottery Schemes Regulation (chapter L-6, r. 11) to authorize 50/50 activities under the licence for a drawing and to establish the related duties and costs payable.

Study of the matter has shown no impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Marie-Christine Bergeron, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2^e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23003; fax: 418 646-5204; email: marie-christine.bergeron@racj.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie-Christine Bergeron, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2^e étage, Québec (Québec) G1K 3J3.

LISE THÉRIAULT,
Minister of Public Security