

Regulation to amend the Safety Code

Building Act
(chapter B-1.1, ss. 175, 176, 176.1, 178 and 185, par. 38)

1. The Safety Code (chapter B-1.1, r. 3) is amended in Chapter II Electricity

(1) by replacing section 9 by the following:

“9. In this Chapter, the terms “accessible”, “electrical equipment”, “permanently connected equipment”, “approved”, “hydromassage bathtub”, “therapeutic pool”, “service”, “circuit breaker”, “ground fault circuit interrupter”, “overcurrent device”, “hazardous location”, “readily accessible”, “inaccessible”, “electrical installation”, “pool”, “dust”, “receptacle” and “alive or live” have the meaning given by Chapter V Electricity of the Construction Code (chapter B-1.1, r. 2) in force during the construction work for the electrical installation concerned.”;

(2) by replacing paragraph 5 of section 22 by the following:

“(5) receptacles located in a bathroom and installed less than 1.5 m from the bathtub or shower stall. That requirement does not apply to a receptacle combined with an isolating transformer or to an outlet for a washing machine where it is located on the wall behind the machine no more than 600 mm above the floor.”;

(3) by replacing section 24 by the following:

“24. All electrical equipment must comply with the regulatory provisions in force at the time of its installation, if the equipment is in the presence of flammable gases or vapours or dusts in sufficient quantity to constitute a fire or explosion hazard.”.

2. This Regulation comes into force on 1 October 2018.

103524

Gouvernement du Québec

O.C. 724-2018, 6 June 2018

Building Act
(chapter B-1.1)

Professional qualification of contractors and owner-builders — Amendment

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

WHEREAS, under section 84 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec may, by regulation, require security from any contractor for the purpose of compensating the contractor’s clients who sustain a loss as a result of a failure to carry out or the carrying out of construction work not covered by a guaranty plan referred to in section 80 of the Act;

WHEREAS, under paragraph 19.7 of section 185 of the Act, the Board may, by regulation, determine the cases in which it requires security from a contractor for the purposes of section 84 of the Act, and determine the terms and conditions applicable to, the amount and form of, and the manner of disposing of the security;

WHEREAS, under paragraph 20 of section 185 of the Act, the Board may, by regulation, determine the cases in which it collects fees for approval, authorization, revision, inspection, training, consultation, issuance of certificates of conformity, accreditation of recognized persons or bodies, and verifications, and fix such fees;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt any other related or supplementary provision it considered necessary to give effect to the provisions of that section and of the Act;

WHEREAS the Board made the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders on 17 April 2018;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2017 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, under section 189 of the Building Act, every code or 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

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

Building Act
(chapter B-1.1, ss. 84 and 185, pars. 19.7, 20 and 38)

1. The Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended in section 33 by replacing “and the contractor, or the syndic, and the surety” by “and the contractor or the surety”.

2. Section 34 is amended by replacing “between the client and the contractor or syndic” by “between the client and the contractor”.

3. Section 37 is amended by replacing “2 years” in paragraph 2 by “3 years”.

4. Section 40 is amended

(1) by replacing “and the contractor or the syndic and the surety” in subparagraph 1 of the first paragraph by “and the contractor or the surety”;

(2) by replacing the second paragraph by the following:

“Despite the foregoing, clients may be compensated from the security provided for in this Division for any part of their claim for which they may not obtain compensation in execution of the security related to an itinerant merchant’s permit required by the Consumer Protection Act (chapter P-40.1), or of other security issued by a person authorized to act as surety under section 29.”

5. Section 41 is amended

(1) by replacing the first paragraph by the following:

“Where the Board receives a claim calling into question the security, the Board verifies whether the requirements of this Division are complied with, whether the claim includes any document or information necessary to determine compliance and, in the case where the claim is not accompanied by a final judgment referred to in subparagraph 1 of the first paragraph of section 40, whether the surety agrees to enter into the agreement or transaction referred to in that subparagraph. If so, the claim is considered to comply with this Division and the Board immediately opens, subject to the third paragraph of this section, a claim file on the contractor concerned, so notifies the surety and, in the case of an agreement or transaction, the syndic, if applicable. Every copy of a judgment, agreement or transaction received or entered into thereafter must be entered in the file provided that the Board considers that the claim complies with this Division.”;

(2) by inserting “issued in favour of the Board” in the second paragraph after “one surety”;

(3) by adding the following paragraph after the second paragraph:

“If the contractor concerned by the claim was the holder of an itinerant merchant’s permit required by the Consumer Protection Act (chapter P-40.1) at the time the contract was entered into or the construction work was carried out, the Board sends to the Office de la protection du consommateur, in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), a copy of the documents referred to in the first paragraph, upon receipt. If the Board considers that the claim complies with this Division and the Office informs the Board that it is opening a claim file provided for in section 121 of the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3), the Board opens the claim file provided for in the first paragraph at the same time as the Office.”.

6. Section 43 is amended

(1) by replacing the part preceding subparagraph 1 of the first paragraph by the following:

“At the end of each 6-month period following the opening of a claim file, the Board must verify with the Office de la protection du consommateur whether a client has been compensated from the security related to an itinerant merchant’s permit required by the Consumer Protection

Act (chapter P-40.1) or whether a claim file is open at the Office in respect of the client's claim. The Board must also require from any client who has filed a claim a statement attesting that the client may not be compensated, in whole or in part, from security other than the security related to the itinerant merchant's permit.

If the Board realizes that a client has been fully compensated for the loss sustained, it must deny the claim. In the other cases, the Board must,";

(2) by adding the following paragraph after the last paragraph:

"Having received the amount necessary for paying the claims and subject to section 44, the Board pays, in principal, interest and costs, the claims received during the 6-month period following the opening of the claim file. In the case of a client who is partly compensated from a security referred to in the second paragraph of section 40, the amount paid by the Board is reduced so that it cannot exceed the balance of the client's claim."

7. Section 44 is replaced by the following:

"**44.** If, on the date of the notice or request made under the second paragraph of section 43, the total amount of the claims exceeds the sums available to pay them, the Board pays as a priority the claims for which no claim file is open at the Office de la protection du consommateur.

In such case, the Board is to pay in full all the claims from natural persons, if the sums available are sufficient; otherwise, the Board is to pay their claims on a pro rata basis. Then, if sums are still available, the Board pays the claims from the other clients for which no claim file is open at the Office, on a pro rata basis.

If, after the payments provided for in the preceding paragraphs, sums are still available, the Board pays the claims from clients for which a claim file is open at the Office, by giving priority to the full compensation of claims from natural persons, in accordance with the second paragraph of this section, and the Board so informs the Office."

8. Section 53 is amended by replacing "under section 58.1 of the Act" in paragraph 8 by "under the security required by section 84 of the Act".

9. The provisions of this Regulation apply to claims received by the Board before 1 October 2018.

Despite the foregoing, the provisions of Division V of Chapter II of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9), as they read before 1 October 2018, continue to apply in the following cases:

(1) where the Board has received a claim that is not accompanied by a final judgment and has verified, before 1 October 2018 and in accordance with the first paragraph of section 41 of the Regulation respecting the professional qualification of contractors and owner-builders, whether the surety agrees to enter into an agreement or a transaction;

(2) where a claim file has been opened by the Board, in accordance with section 41 of the Regulation respecting the professional qualification of contractors and owner-builders, before 1 October 2018.

10. This Regulation comes into force on 1 October 2018.

103525

M.O., 2018

Order number AM 2018-005 of the Minister of Forests, Wildlife and Parks

An Act respecting the conservation and development of wildlife
(chapter C-61.1)

CONCERNING the Regulation to amend the Regulation respecting hunting

THE MINISTER OF FORESTS, WILDLIFE AND PARKS,

CONSIDERING subparagraph 2 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides that the Minister may make regulations limiting the number of licences or leases of each class for a zone, territory or place the Minister specifies, and determining the number of licences or leases of each class that a person is authorized to issue under section 54 for that zone, territory or place;

CONSIDERING the first paragraph of section 164 of the Act, which provides that a regulation made under subparagraphs 1 to 3 of the first paragraph of section 163 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);