
Draft Regulations

Draft Regulation

Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)

Environment Quality Act (chapter Q-2)

Act mainly to ensure effective governance of the fight against climate change and to promote electrification (2020, chapter 19)

Oil heaters

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

The draft Regulation prohibits, as of 31 December 2021 in certain new residential buildings and as of 31 December 2023 in certain existing residential buildings, the installation of boilers, furnaces and water heaters powered in whole or in part by oil. It also prohibits, in certain existing residential buildings, the replacement of such appliances with other appliances powered in whole or in part by fossil fuel. In addition, it prohibits, as of 31 December 2023, certain repairs to certain appliances, based on their date of manufacture.

The draft Regulation also provides for the requirement to declare to the Minister any installation or replacement of boilers, furnaces and water heaters powered in whole or in part by oil.

Lastly, the draft Regulation provides for monetary administrative penalties in case of non-compliance and penal sanctions in case of contravention.

The regulatory impact analysis shows that the draft Regulation will impact demand for many energy sources, including oil, electricity and biomass. Oil refineries and distributors will see a decrease in the demand for oil estimated at 370 million dollars between 2021 and 2030. However, the increase in the demand for electricity and biomass will generate 367.4 million dollars in additional revenue for the same period. The draft Regulation will

create a shortfall evaluated at slightly over 2.6 million dollars for the energy sector. In addition, heating appliance installation and maintenance enterprises would see a shortfall evaluated at slightly over 2.1 million dollars. Consequently, the impact on enterprises will represent a shortfall of 4.8 million dollars. The draft Regulation will also have a positive impact on the environment between 2021 and 2030. Greenhouse gas and other air pollutant emissions from oil combustion will be reduced. Those net benefits are evaluated at 173.2 million dollars between 2021 and 2030. In short, the draft Regulation will have a net positive impact evaluated at 168.4 million dollars between 2021 and 2030.

Further information on the draft Regulation may be obtained by contacting Annie Roy, Direction de l'expertise en réduction des émissions de gaz à effet de serre, Direction générale de la transition climatique, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 31, Québec (Québec) G1R 5V7; email: annie.roy@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Carl Dufour, Director, Direction de l'expertise en réduction des émissions de gaz à effet de serre, Direction générale de la transition climatique, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 31, Québec (Québec) G1R 5V7; email: carl.dufour@environnement.gouv.qc.ca.

BENOIT CHARETTE
*Minister of the Environment and
the Fight Against Climate Change*

Regulation respecting oil heaters

Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001, s. 15.4, par. 8.1)

Environment Quality Act (chapter Q-2, s. 95.1, 1st par., subpars. 3, 7, 21 and 29, ss. 115.27, 115.34 and 124.1)

Act mainly to ensure effective governance of the fight against climate change and to promote electrification (2020, chapter 19, s. 8, par. 4)

DIVISION I OBJECT AND SCOPE

1. The objective of this Regulation is to reduce man-made greenhouse gas emissions attributable to domestic heating by gradually prohibiting the installation and repair of certain space and water heaters powered by certain forms of energy.

2. For the purposes of this Regulation, “residential building” means any building that meets the following requirements:

- (1) the building area is not more than 600 m²;
- (2) the building height is not more than 3 storeys;
- (3) the major occupancy of the building is Group C – Housing and it houses only dwellings.

A building is qualified as a residential building in accordance with the National Building Code of Canada 2015 (NRCC 56190) and the Code national du bâtiment - Canada 2015 (CNRC 56190F), second printing, published by the National Research Council of Canada and prepared by the Canadian Commission on Building and Fire Codes. Subsequent amendments to those documents by that organization do not apply, except errata.

In addition, for the purposes of this Regulation,

(1) “existing residential building” means any residential building for which a building permit was issued before 31 December 2021 by the local municipality having jurisdiction in the territory in which the construction took place;

(2) “new residential building” means any residential building for which a building permit was issued on or after 31 December 2021 by the local municipality having jurisdiction in the territory in which the construction took place;

(3) “boiler” means pressure equipment equipped with a direct power source used to heat a heat-carrying liquid or transform it into steam;

(4) “water heater” means a pressure vessel equipped with a direct energy source in which water destined for exterior use is heated to a temperature of 99°C or less and to a pressure of 1,100 kPa or less. The heat source and control devices are an integral part of the water heater;

(5) “furnace” means a heating appliance that distributes heated air through a system integrated into a building;

(6) “Minister” means the Minister responsible for the administration of the Environment Quality Act (chapter Q-2).

3. Where this Regulation applies, it covers every immovable, including immovables in a reserved area and an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

DIVISION II PROHIBITIONS

4. This Division applies, to the extent provided for in that Division, to any residential building connected to a municipal or private electric power system governed by the Act respecting municipal and private electric power systems (chapter S-41), to the electric power system of the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives (1986, chapter 21), or to the Hydro-Québec electric power distribution system when carrying on electric power transmission activities, except for residential buildings connected to an independent electric power distribution system.

5. As of 31 December 2021, it is prohibited to install or have installed boilers, furnaces and water heaters powered in whole or in part by oil in new residential buildings.

6. As of 31 December 2023, it is prohibited to install or have installed boilers, furnaces and water heaters powered in whole or in part by oil in existing residential buildings.

As of that same date, it is also prohibited to install or have installed boilers, furnaces and water heaters powered in whole or in part by fossil fuel for the purpose of replacing appliances powered in whole or in part by oil in existing residential buildings.

7. As of 31 December 2023, it is prohibited to repair or have repaired boilers, furnaces and water heaters powered in whole or in part by oil in existing residential buildings in the case of

- (1) boilers and furnaces manufactured over 20 years before; and
- (2) water heaters manufactured over 10 years before.

For the purposes of this Regulation, “repairs” means any work done on an appliance referred to in the first paragraph in order to refurbish it and that does not constitute maintenance under Annex L of the most recent version of CSA Standard B139, Installation Code for Oil-Burning Equipment.

Nothing in this section prevents anyone from taking the measures necessary to stop the release of contaminants.

DIVISION III DECLARATION

8. Any person who installs, in a residential building, a boiler, furnace or water heater powered in whole or in part by oil, or a boiler, furnace or water heater powered in whole or in part by fossil fuel for the purpose of replacing appliances powered in whole or in part by oil, must, within 30 working days after the installation, send electronically to the Minister a declaration containing

- (1) their name, address and telephone number;
- (2) if applicable, the number of the licence issued to them under the Building Act (chapter B-1.1);
- (3) in respect of each appliance installed,
 - (a) the name, address and telephone number of the owner of the building where the appliance is located;
 - (b) the address of the building where the appliance is located;
 - (c) the date of installation;
 - (d) the type, brand and model; and
 - (e) the date of manufacture or serial number; and
- (4) a description of the procedure followed when removing the tank that supplied fuel to the appliance that was replaced, if applicable.

9. Any person who replaces, in a residential building, a boiler, furnace or water heater powered in whole or in part by oil with an appliance powered by a different form of energy must, within 30 working days after the replacement, send electronically to the Minister a declaration containing

- (1) their name, address and telephone number;
- (2) if applicable, the number of the licence issued to them under the Building Act (chapter B-1.1); and
- (3) in respect of each appliance installed to replace another appliance powered in whole or in part by oil,
 - (a) the name, address and telephone number of the owner of the building where the appliance is located;
 - (b) the address of the building where the appliance is located;
 - (c) the date of installation; and
 - (d) the type and form of energy powering the appliance.

DIVISION IV PENALTIES

§I. Monetary administrative penalties

10. A monetary administrative penalty of \$350 in the case of a natural person and \$1,500 in other cases may be imposed on any person who fails to send to the Minister a declaration containing the information prescribed or to comply with the time or terms and conditions of transmission, in contravention of section 8 or 9.

11. A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in other cases may be imposed on any person who

- (1) installs or has installed, in a new residential building, a boiler, furnace or water heater powered in whole or in part by oil, in contravention of section 5;
- (2) installs or has installed, in an existing residential building, a boiler, furnace or water heater powered in whole or in part by fossil fuel, in contravention of section 6;
- (3) repairs or has repaired a boiler, furnace or water heater powered in whole or in part by oil, in contravention of section 7.

§II. Penal sanctions

12. Every person who contravenes section 8 or 9 is liable to a fine of \$2,000 to \$100,000 in the case of a natural person or \$6,000 to \$600,000 in other cases.

13. Every person who contravenes section 5, 6 or 7 is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$24,000 to \$3,000,000.

§III. Common provision

14. The amounts from the imposition of monetary administrative penalties and from the fines paid pursuant to this Regulation are credited to the Electrification and Climate Change Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001), as amended by section 7 of the Act mainly to ensure effective governance of the fight against climate change and to promote electrification (2020, chapter 19).

DIVISION V

FINAL

15. This Regulation comes into force on 31 December 2021.

104996

Draft Regulation

Parks Act
(chapter P-9)

Parks

—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 Parks Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the boundaries of Parc national de Frontenac. Lot 6 377 320 of the cadastre of Québec will be removed from the national park, thereby reducing its area by about 1.47 ha.

To that end, the draft Regulation amends the Parks Regulation (chapter P-9, r. 25) by replacing Schedule 16 to update the zoning map of Parc national de Frontenac.

Further information on the draft Regulation may be obtained by contacting Geneviève Brunet, Direction des parcs nationaux, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, 2^e étage, local 2.50, Québec (Québec) G1S 4X4; telephone: 418 627-6356, extension 7168; email: genevieve.brunet@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Élise Paquette, Acting Associate Deputy Minister of Wildlife and Parks, Ministère des Forêts, de la Faune et des Parcs, 880, chemin Sainte-Foy, RC 120, Québec (Québec) G1S 4X4.

PIERRE DUFOUR

Minister of Forests, Wildlife and Parks

Regulation to amend the Parks Regulation

Parks Act
(chapter P-9, s. 9, par. b)

1. The Parks Regulation (chapter P-9, r. 25) is amended by replacing Schedule 16 by Schedule 16 attached.

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