

## 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 aim of the draft Regulation is to amend Chapter IV, Elevators and other lifts, in particular to specify the regulatory requirements applicable to such equipment based on the year of their construction or alteration, and to make a maintenance control program mandatory.

The proposed measures will result in additional costs for owners of buildings equipped with elevators or other lifts. These costs are estimated at \$18 million per year.

Further information on the draft Regulation may be obtained by contacting Amar Khif, engineer, Direction de la réglementation, Régie du bâtiment du Québec, 255, boulevard Crémazie Est, Bureau 100 Montréal (Québec) H2M 1L5; telephone: 514-864-8902; email: amar.khif@rbq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Caroline Hardy, Acting Secretary General and Director of Institutional Affairs, Régie du bâtiment du Québec, 800, place D'Youville, 16<sup>e</sup> étage, Québec (Québec) G1R 5S3; email: projet.reglement.commentaires@rbq.gouv.qc.ca.

JEAN BOULET  
*Minister of Labour*

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## Regulation to amend the Safety Code

### Building Act

(chapter B-1.1, s. 175, 1st par., 2nd par., subpars. 1 to 6, ss. 176, 176.1, 178, 179, 185, pars. 0.1, 2.1.1, 20, 37 and 38, and s. 192)

1. The Safety Code (chapter B-1.1, r. 3) is amended by replacing Chapter IV by the following:

### **“CHAPTER IV ELEVATORS AND OTHER LIFTS**

#### **DIVISION I GENERAL**

90. In this Chapter, unless the context indicates otherwise,

“Code” means ASME A17.1-2019/CSA B44:19, Safety Code for Elevators and Escalators, as adopted by Chapter IV of the Construction Code (chapter B-1.1, r. 2), amended by section 1 of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 September 2023;

“standard” means CSA B355:19, Platform lifts and stair lifts for barrier-free access, as adopted by Chapter IV of the Construction Code, amended by section 1 of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 September 2023;

“lift” means a lift referred to and defined in the standard.

In addition, in this Chapter,

(1) a freight elevator, a dumbwaiter, an escalator, a moving walk and a material lift referred to and defined in the Code, except a wind turbine tower elevator, is deemed to be an elevator;

(2) the term “alteration” has the meaning given in the Code or standard, as the case may be;

(3) the term “private residence” has the meaning given in the Code or standard, as the case may be.

90.1. This Chapter applies to every elevator or other lift in a building or constituting a facility intended for use by the public under section 4.05 of the Construction Code (chapter B-1.1, r. 2) made by section 1 of the Regulation to amend the

Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the *Gazette officielle du Québec* of 13 September 2023.

Despite the first paragraph, this Chapter does not apply to a wind turbine tower elevator.

**90.2.** A reference in this Chapter to a standard, including a code, is a reference to the standard as adopted by a chapter of the Construction Code (chapter B-1.1, r. 2), the Safety Code or another regulation made under the Building Act (chapter B-1.1) that refers to it.

Despite paragraph 13 of section 5.05 of the Construction Code, Section 38 of the Canadian Electrical Code, Part I, CSA C22.1, published by CSA Group, applies for the purposes of this Chapter.

**90.3.** For the provision of a certificate of safety referred to in sections 33 and 34 of the Building Act (chapter B-1.1), every engineer who is a member of the Ordre des ingénieurs du Québec and every holder of a temporary permit issued under the Engineers Act (chapter I-9) whose professional activities are connected with the field of elevators and other lifts are recognized *ex officio*.

## **DIVISION II**

### **REQUIREMENTS APPLICABLE BY YEAR OF CONSTRUCTION OR ALTERATION**

**91.** Every elevator shall be maintained in a safe and proper working condition in accordance with the regulatory requirements applicable at the time of its construction. If subsequently altered, it must meet the regulatory requirements applicable at the time of its alteration. In addition, it shall be maintained in accordance with section 8.6 of the Code.

Based on the date of construction or alteration, the regulatory requirements applicable to an elevator are deemed to be those indicated in the table below.

<b>Date of construction or alteration</b>	<b>Regulatory requirements applicable</b>
Work completed not later than 2 August 1990 or, with regard to moving walks, not later than 4 August 1988:	Part II of the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons (chapter S-3, r. 1.1) (O.C. 1009-88, 1988-06-22; O.C. 1836-88, 1988-12-07; O.C. 927-90, 1990-06-27; O.C. 1331-92, 1992-09-09), except sections 13, 16 and 17, the second and third paragraphs of section 19, sections 19.1 to 21 and 43.
Work performed between 3 August 1990 and 27 August 1997:	CSA Standard CAN3-B44-M85, Safety Code for Elevators, dated March 1986, including Supplement No.1-1987 and Appendix A, Private Residence Elevators and Inclined Lifts (O.C. 1009-88, 1988-06-22).
Work performed between 28 August 1997 and 20 October 2004:	CSA Standard CAN/CSA-B44-94, Safety Code for Elevators, published in October 1994 and its Appendix A, Private Residence Elevators (O.C. 111-97, 1997-01-29).
Work performed between 21 October 2004 and 31 May 2006:	CAN/CSA B44-00, Safety Code for Elevators, including the updates of June, November and December 2003 (O.C. 895-2004, 2004-09-22).
Work performed between 1 June 2006 and 31 January 2007:	CSA B44-04, Safety Code for Elevators and Escalators (O.C. 895-2004, 2004-09-22).
Work performed between 1 February 2007 and 28 February 2007:	CSA B44-04, Safety Code for Elevators and Escalators and Supplement No.1 – 2006, B44S1-06 (O.C. 895-2004, 2004-09-22; O.C. 635-2012, 2012-06-13).

Date of construction or alteration	Regulatory requirements applicable
Work performed between 1 March 2007 and 30 August 2008:	CSA B44-04, Safety Code for Elevators and Escalators, Supplement No. 1 – 2006, B44S1-06, and update No. 1-B44-04 - May 2006 (O.C. 895-2004, 2004-09-22; O.C. 635-2012, 2012-06-13).
Work performed between 31 August 2008 and <i>(indicate the date preceding the date of coming into force of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the Gazette officielle du Québec of 13 September 2023:</i>	ASME A17.1-2007/CSA B44-07, Safety Code for Elevators and Escalators (O.C. 895-2004, 2004-09-22; O.C. 635-2012, 2012-06-13).
Work performed after <i>(indicate the date of coming into force of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the Gazette officielle du Québec of 13 September 2023:</i>	ASME A17.1-2019/CSA B44:19, Safety Code for Elevators and Escalators, <i>(indicate the number of the Order in Council concerning the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the Gazette officielle du Québec of 13 September 2023).</i>

The regulatory requirements apply taking into account the fact that

- (1) an earlier regulatory requirement may be applied for a period of 6 months following the date of coming into force of a new requirement;
- (2) a regulatory requirement in force at the time of construction or alteration of an elevator may be subject to an equivalency measure or different measures as provided for in sections 127 and 128 of the Building Act (chapter B-1.1);
- (3) an elevator installed before 27 August 1997 and last altered before that date, if applicable, and that is still compliant with CAN/CSA-B44-M90, Safety Code for Elevators: Escalators, Dumbwaiters, Moving Walks, and Freight Platform Lifts, and its Supplement No. 1 – 1992, with the exception of section 12, is deemed to comply with the regulatory requirements applicable at the time of its construction; and

(4) an elevator in a private residence installed or altered before 2 August 1990 and that is still compliant with Appendix A of a code earlier than CAN3-B44-M85, Safety Code for Elevators, is deemed to be compliant with the regulatory requirements applicable at the time of its construction.

**91.1.** Every lift shall be maintained in a safe and proper working condition in accordance with the regulatory requirements applicable at the time of its construction. If subsequently altered, it must meet the regulatory requirements applicable at the time of its alteration. In addition, it shall be maintained in accordance with Appendix B of the standard.

Based on the date of construction or alteration, the regulatory requirements applicable to a lift are deemed to be those indicated in the table below.

<b>Date of construction or alteration</b>	<b>Regulatory requirements applicable</b>
Work completed not later than 27 August 1997:	Sections 7 to 12 and 15 of the Regulation respecting elevators, escalators, dumbwaiters, moving walks, freight platform lifts and elevating devices for disabled persons (CQLR, c. S-3, r. 1.1) (O.C. 1009-88, 1988-06-22; O.C. 1836-88, 1988-12-07; O.C. 927-90, 1990-06-27; O.C. 1331-92, 1992-09-09).
Work performed between 28 August 1997 and 20 October 2004:	CAN/CSA-B355-94, Lifts for Persons with Physical Disabilities (O.C. 111-97, 1997-01-29).
Work performed between 21 October 2004 and 29 April 2010:	CAN/CSA B355-00, Lifts for Persons with Physical Disabilities, including Supplement No. 1 B355S1-02 and the updates of March 2002 and October 2003 (O.C. 895-2004, 2004-09-22)

Date of construction or alteration	Regulatory requirements applicable
Work performed between 30 April 2010 and ( <i>indicate the date preceding the date of coming into force of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the Gazette officielle du Québec of 13 September 2023</i> ):	CSA B355-09, Lifts for Persons with Physical Disabilities (O.C. 895-2004, 2004-09-22; O.C. 635-2012, 2012-06-13)
Work performed after ( <i>indicate the date of coming into force of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the Gazette officielle du Québec of 13 September 2023</i> ):	CSA B355:19, Platform lifts and stair lifts for barrier-free access, and the erratum published in July 2020 ( <i>indicate the number of the Order in Council concerning the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the Gazette officielle du Québec of 13 September 2023</i> ).

The requirements apply taking into account the fact that

- (1) an earlier regulatory requirement may be applied for a period of 6 months following the date of coming into force of a new requirement;
- (2) a regulatory requirement in force at the time of construction or alteration of an elevator may be subject to an equivalency measure or different measures as provided for in sections 127 and 128 of the Building Act (chapter B-1.1);
- (3) a private residence lift installed or altered before 21 October 2004 is deemed to be compliant with the regulatory requirements applicable at the time of its construction if it remains compliant
  - (a) with CAN/CSA-B613-M87, Elevating Devices for the Handicapped in Private Residences;
  - (b) CAN/CSA B613-00, Private Residence Lifts for Persons with Physical Disabilities; or
  - (c) the guide Appareils élévateurs d'habitation pour personnes handicapées selon la norme CSA B613-00 issued on 3 February 2003 by the Comité inter-organismes gouvernementaux pour l'application de la norme CSA B613; and
- (4) a private residence lift installed or altered before (*indicate the date of coming into force of the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act published as a draft in Part 2 of the*

*Gazette officielle du Québec* of 13 September 2023) is deemed to be compliant with the regulatory requirements applicable at the time of its construction if it remains compliant with CAN/CSA B613-00, Private Residence Lifts for Persons with Physical Disabilities, including the update of January 2002.

### **DIVISION III**

#### **PUTTING INTO SERVICE, USE AND MAINTENANCE**

**92.** The owner of an elevator shall, as soon as it is put into service, establish a maintenance control program in accordance with section 8.6 of the Code and carry out

- (1) category 1 periodic tests each year;
- (2) category 3 periodic tests every three years; and
- (3) category 5 periodic tests every 5 years.

In addition, the owner of a hydraulic elevator must ensure that it meets the requirements of section 8.6.5.8 of the Code.

**92.1.** An elevator or other lift shall be used for the purposes for which it was designed.

**93.** Any required rectification shall be made to an elevator or other lift when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or modifications.

**94.** The owner of an elevator shall keep the documents referred to in section 8.6.1.2.2 of the Code on the premises for consultation by the Board.

The owner of a lift shall keep a register of information on the maintenance provided for in Appendix B of the standard, along with updated cable layouts.

Maintenance or repair work may not be recorded in those documents until the work has been completed and the rectifications made.

### **DIVISION IV**

#### **LEVIES AND FEES**

**95.** A levy of \$94.42 per elevator or other lift shall be paid annually to the Board by the owner of an elevator or other lift. However, for the year during which an elevator or other lift is put into service, the levy shall be \$187.43.

**96.** The following fees shall be paid to the Board by the owner for the inspection of an elevator or other lift not later than 30 days after the invoice date:

- (1) in the case of an elevator or other lift other than an inclined elevator:
  - (a) \$157.84 where the elevator or other lift serves ten landings or fewer; and
  - (b) \$157.84 plus \$14.09 per landing in excess of the tenth landing, where the elevator serves more than 10 landings;



(2) in the case of an inclined elevator, \$157.84 per hour or fraction of an hour.

**97.** Every owner shall pay to the Board inspection fees of \$157.84 per hour or fraction of an hour for the inspection of an elevator or other lift carried out following the issue of a remedial notice provided for in section 122 of the Building Act (chapter B-1.1).

**98.** The owner shall allow the Board to affix an identification plate to an elevator or other lift.

## **DIVISION V**

### **OFFENCES**

**99.** Any contravention of any of the provisions of this Chapter, except sections 95 to 97, constitutes an offence.”.

**2.** Despite section 92 of the Safety Code (chapter B-1.1, r. 3), made by section 0 of this Regulation, the owner of an elevator put into service before (*indicate the date of coming into force of this Regulation*) must put a maintenance control program in place not later than (*indicate the date occurring 3 years after the date of coming into force of this Regulation*).

In the case of a hydraulic elevator put into service before the coming into force of this Regulation, the verification of compliance provided for in the second paragraph of section 92 of the Safety Code, made by section 0 of this Regulation, must be carried out not later than (*indicate the date occurring 6 months after the date of coming into force of this Regulation*).

This section does not apply in cases where the putting in place of a quality control program is provided for in an equivalent or different measure, approved or authorized pursuant to section 127 or 128 of the Building Act (chapter B-1.1).

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

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## **Draft Regulation**

Education Act  
(chapter I-13.3)

### **Student transportation — 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 Regulation respecting student transportation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for the application until 30 June 2025 of subparagraph 3.1 of the first paragraph of section 31 of the Regulation respecting student transportation (chapter I-13.3, r. 12), which authorizes, under certain conditions, the use of buses or minibuses 14 years old. It also amends section 33 of the Regulation respecting student transportation to strike out the method for computing the adjustment provided for therein.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.