

Gouvernement du Québec

O.C. 281-2024, 14 February 2024

Building Act
(chapter B-1.1)

Construction Code — Amendment

Regulation to amend the Construction Code

WHEREAS, under the first and second paragraphs of section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec must by regulation adopt a building code containing building standards for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations or their vicinity;

WHEREAS, under subparagraphs 1 and 6 of the third paragraph of section 173 of the Act, the code may contain, in particular, building standards regarding the design and procedures for the construction of buildings and the energy efficiency of buildings;

WHEREAS, under the fourth paragraph of section 173 of the Act, the building standards may include measures advocated by the Government to promote energy efficiency in buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and may also provide that any reference they make to other standards include subsequent amendments;

WHEREAS, under paragraph 0.4 of section 185 of the Act, the Board may, by regulation, determine standards concerning the energy efficiency of buildings;

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

WHEREAS, under the first paragraph of section 192 of the Act, the content of the code may vary according to the classes of buildings;

WHEREAS the board of directors of the Board adopted the Regulation to amend the Construction Code by its resolution dated 11 July 2023;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 13 September 2023 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 the board of directors of the Board recommended to the Minister of Labour to submit the Regulation to amend the Construction Code to the Government for approval and publication in the *Gazette officielle du Québec* by its resolution dated 13 December 2023;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Construction Code, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Construction Code

Building Act
(chapter B-1.1, s. 173, 1st par., 2nd par., 3rd par.,
subpars. 1 and 6, and 4th par., s. 176.1, s. 178, s. 185,
pars. 0.4 and 38, and s. 192)

1. The Construction Code (chapter B-1.1, r. 2) is amended in section 1.1.6.

(1) by replacing the line amending Article 1.4.2.1. in the section of the table amending Part 1 of Division A of the National Energy Code of Canada for Buildings 2015 by the following:

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1.4.2.1.	Insert the following symbols and other abbreviations in alphabetical order in Sentence (1): “HDD heating degree-days under 18°C”; “IILE.....installed <i>interior lighting energy</i> ”; “ILEA <i>interior lighting energy allowance</i> ”; “kwh..... kilowatt-hour”;
	Replace the meaning of “HVAC” by the following: “HVACheating, ventilating or air-conditioning”;
	Strike out the following symbols and other abbreviations in Sentence (1): “EF <i>energy factor</i> ”; “gpmgallon(s) per minute”; “US gal US gallon(s)”; “USGPM..... US gallon(s) per minute”.

”;

(2) by inserting the following lines, in numerical order, in the section of the table amending Part 8 of Division B of the National Energy Code of Canada for Buildings 2015 and in the section of the table amending Part 2 of Division C of that Code:

Articles	Amendments
Division B Part 8	
8.4.1.1	Replace “ <i>annual energy consumption</i> ” in Sentence (2) by “ <i>annual energy needs</i> ”.

Articles	Amendments
8.4.1.2.	<p>Replace Sentence (2) by the following:</p> <p>“2) The annual energy needs of the proposed <i>building</i> must not be greater than those of the reference <i>building</i> and must be assessed as follows:</p> $2200 D_{\text{Prop}} + \text{AEC} \leq 2200 D_{\text{Ref}} + \text{BET}$ <p>where</p> <p>D_{Prop} = the maximum power demand of the electrical system determined during one year, from 1 December to 31 March inclusively, analyzed using time intervals no greater than 15 min unless the calculation engine only offers 60-min intervals, for the proposed <i>building</i>, in kW,</p> <p>AEC = the <i>annual energy consumption</i> of the proposed <i>building</i>, corresponding to the sum of the annual electricity needs, in kWh, and the annual fuel needs, in kWh equivalents,</p> <p>D_{Ref} = the maximum power demand of the electrical system determined during one year, from 1 December to 31 March inclusively, analyzed using time intervals no greater than 15 min unless the calculation engine only offers 60-min intervals, for the reference <i>building</i>, in kW, and</p> <p>BET = the <i>building energy target</i> of the reference <i>building</i> corresponding to the sum of the annual electricity needs, in kWh, and the annual fuel needs, in kWh equivalents.”.</p>
8.4.3.	<p>Replace the heading by the following:</p> <p>“8.4.3. Annual energy consumption and maximum power demand of the electrical system of the proposed building”.</p>
8.4.3.1.	<p>Replace Sentence (1) by the following:</p> <p>“1) The <i>annual energy consumption</i> and the maximum power demand of the electrical system of the proposed <i>building</i> must be calculated in accordance with this Subsection.”.</p>

Articles	Amendments
8.4.4.	Replace the heading by the following: “ 8.4.4. Building energy target and maximum power demand of the electrical system of the reference building ”.
8.4.4.1.	Replace Sentence (1) by the following: “ 1) The <i>building energy target</i> and the maximum power demand of the electrical system of the reference <i>building</i> must be calculated based on the parameters described in this Subsection.”.
Division C Part 2	
2.2.2.8.	<p>Replace Subclauses (3)(f)(iv) and (3)(f)(v) by the following:</p> <p>“ iv) the <i>building energy target</i> of the reference <i>building</i> (sum of all energy sources), in MJ,</p> <p>v) a breakdown of energy consumption, by energy source, for the following components and technical installations of the <i>building</i>: space-heating equipment, space-cooling equipment, <i>interior lighting</i>, <i>service water</i> heating devices, elevators and escalators, fans, pumps and other HVAC equipment, and miscellaneous equipment, including receptacle power equipment, and</p> <p>vi) the maximum power demand of the electrical system determined during one year, from 1 December to 31 March inclusively, analyzed using time intervals no greater than 15 min unless the calculation engine only offers 60-min intervals, for the proposed <i>building</i> and for the reference <i>building</i>, in kW.”;</p> <p>Replace Sentence (5) by the following:</p> <p>“5) If the annual energy needs of the proposed <i>building</i> are not greater than the annual energy needs of the reference <i>building</i>, the report must specify that the proposed <i>building</i> meets the requirements of the annual energy needs, as described in Article 8.4.1.2. and in this Code.”.</p>

(3) by replacing the amendment to replace Figure A-1.1.2.1., in the section of the table amending Schedule A of Part 1 of Division B of the National Energy Code of Canada for Buildings 2015, by the following:

“Replace Figure A-1.1.2.1. by the following:

“

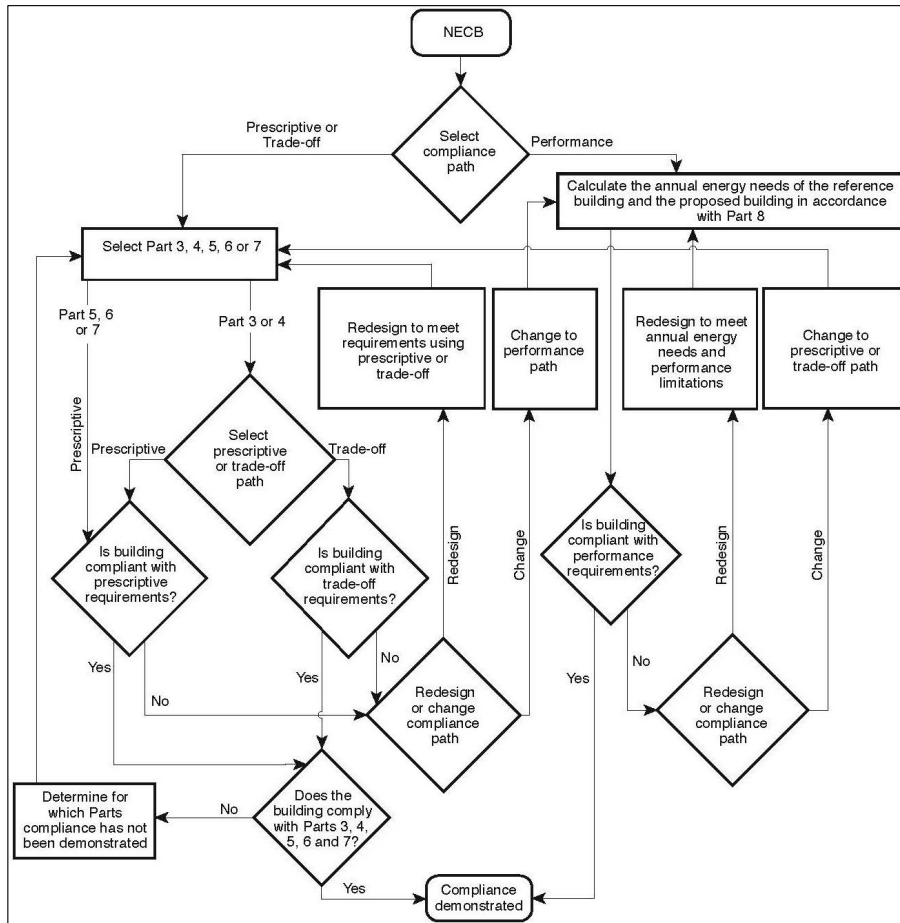


Figure A-1.1.2.1.
Decision flow chart for Code compliance”.

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(4) by replacing Sentence (2) of the amendment to replace Article 8.4.2.2., in the section of the table amending Part 8 of Division B of the National Energy Code of Canada for Buildings 2015, by the following:

“2) The same program must be used to determine the maximum power demand of the electrical system and the *annual energy consumption* of the proposed *building*, as well as the maximum power demand of the electrical system and the *building energy target* of the reference *building*.”;

(5) by replacing Note A-8.4.1. of the amendment to add Notes A-8.1.1.2., A-8.4.1. and A-8.4.1.2.(3) and (4), in the section of the table amending Schedule A of Part 8 of Division B of the National Energy Code of Canada for Buildings 2015, by the following:

“**A-8.4.1. Compliance.** The energy performance compliance path offers designers an alternative to the prescriptive requirements and trade-offs in Parts 3 to 7 of the Code. Those prescriptive requirements and trade-offs constitute compliance demonstration means that are

relatively simple to apply, but offer less flexibility to designers who wish to design projects that meet the regulatory objectives without necessarily applying all the prescriptive requirements of the Code. For example, the energy performance compliance path allows the increase of the fenestration area of an immovable above the prescribed limit. In return, the designer may choose a heat-recovery unit with an efficiency greater than the minimum prescribed requirements that will make up for energy efficiency losses caused by the increase of the fenestration area. The objective is that the annual energy needs of the proposed building are lower than or equal to the annual energy needs of the reference building, determined according to the energy performance compliance path provided for in this Part.

Contrary to the prescriptive requirements and trade-offs, the energy performance compliance path allows accounting the cross effects and interdependence of solutions implemented in the proposed building. For example, the importance of thermal gains from indoor lighting systems will have an impact on the sizing of the HVAC systems and their subsequent energy consumption. Similarly, the efficiency of a heating system will influence the choice of a designer to further insulate the building envelope in order to achieve the annual energy needs of the reference building.”;

(6) by replacing Note A-8.4.2. in the amendment to add Notes A-8.4.1.4.(3), A-8.4.2. and A-8.4.2.2.(1), in the section of the table amending Schedule A of Part 8 of Division B of the National Energy Code of Canada for Buildings 2015, by the following:

“**A-8.4.2. Compliance Calculation.** The maximum power demand of the electrical system and the annual energy consumption are evaluated by an energy modeling software, also called energy simulation software. The software includes at least one program, also called calculation engine. The software often includes graphic interfaces facilitating data entry and result analysis.”.

2. 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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Gouvernement du Québec

O.C. 282-2024, 14 February 2024

Building Act
(chapter B-1.1)

Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d’habitation du Québec and various legislative provisions concerning municipal affairs
(2019, chapter 28)

Residential building inspectors for inspections in the context of a real estate transaction

Regulation of residential building inspectors for inspections in the context of a real estate transaction

WHEREAS, under paragraph 9.2 of section 185 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec (the Board) may, by regulation, prescribe that documents required under the Act or a regulation must be sent or received using the medium, technology or method of transmission that the Board has specified in the regulation;

WHEREAS, under paragraph 19.8 of that section, as made by paragraph 9 of section 25 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d’habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28), the Board may, by regulation, determine the cases in which a natural person is required, under section 86.8 of the Act, to obtain a certificate to act as a building inspector, and the terms and conditions the holder of the certificate must comply with, including the rules regarding continuing education and technical standards;

WHEREAS, under paragraph 19.9 of that section, as made by paragraph 9 of section 25 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d’habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28), the Board may, by regulation, determine the terms and conditions for the issue, amendment or renewal of the certificate to act as a building inspector referred to in section 86.8 of the Act, its period of validity, the fees payable for its issue, amendment or renewal, and the related registration, examination or evaluation fees, and determine in what cases and at what intervals it will charge such fees;