

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*.

106715

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;

WHEREAS, under paragraph 20 of that section, the Board may, by regulation, determine the cases in which it shall collect 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 37 of that section, the Board may, by regulation, determine the provisions of a regulation adopted under that section of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act, with the exception of provisions adopted under subparagraphs 5.2, 18, 18.1, 20 and 36.1 and under subparagraphs 16 and 17 with respect to fees payable;

WHEREAS, under paragraph 38 of that section, 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 contents of the codes or regulations may vary according to the classes of persons, contractors, owner-builders, manufacturers of pressure installations, owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, owners or operators of gas or petroleum product distribution undertakings and classes of buildings, pressure installations, facilities or installations to which the codes or regulations apply;

WHEREAS, by its Resolution dated 10 May 2023, the board of directors of the Board adopted the Regulation of residential building inspectors for inspections in the context of a real estate transaction;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the regulation of residential building inspectors for inspections in the context of a real estate transaction was published in Part 2 of the *Gazette officielle du Québec* on 19 July 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, by its Resolution dated 13 December 2023, the board of directors of the Board recommended to the Minister of Labour that the Regulation respecting the regulation of residential building inspectors for inspections in the context of a real estate transaction be submitted to the Government for approval and publication in the *Gazette officielle du Québec*;

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 respecting the regulation of residential building inspectors for inspections in the context of a real estate transaction, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

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

Building Act
(chapter B-1.1, s. 185, pars. 9.2, 19.8, 19.9, 20, 37 and 38, and s. 192, 1st par.)

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, s. 25, par. 9)

CHAPTER I PRELIMINARY

1. In this Regulation, “BNQ Standard 3009-500” means Standard BNQ 3009-500, Residential Building — Inspection Practices in a Real Estate Transaction Context, published by the Bureau de normalisation du Québec, including any subsequent amendments made to that edition.

Despite the foregoing, the amendments and editions published after 1 October 2024 apply only from the last day of the sixth month following the date of publication of the French and English versions of the texts. Where those versions are not published at the same time, the time limit runs from the date of publication of the last version.

2. In this Regulation, unless the context indicates otherwise,

“client” means a person who entrusts a residential building inspector with an inspection covered by BNQ Standard 3009-500. A client is an applicant within the meaning of that standard; (*client*)

“real estate transaction” means any transfer of ownership of a residential building or of a private portion of such a building; (*transaction immobilière*)

“residential building” means the term defined in BNQ Standard 3009-500; (*bâtiment d’habitation*)

“residential building inspector” means a natural person who carries out any of the activities required for an inspection covered by BNQ Standard 3009-500. (*inspecteur en bâtiment d’habitation*)

CHAPTER II RESIDENTIAL BUILDING INSPECTOR CERTIFICATE

DIVISION I CLASSES OF CERTIFICATE

3. A natural person acting as a residential building inspector for an inspection covered by BNQ Standard 3009-500 must hold a residential building inspector certificate with the appropriate class issued by the Régie du bâtiment du Québec.

The requirement provided for in the first paragraph applies for the carrying out of any of the activities required for an inspection covered by that standard, whether the natural person performs the duties as part of a sole proprietorship or for a partnership or legal person, and the person acts as an employee or otherwise.

4. A certificate may be a class 1 or class 2.

A class 1 certificate allows its holder to perform the duties of a residential building inspector in respect of category 1 residential buildings within the meaning of BNQ Standard 3009-500. A class 1 certificate also allows its holder to perform those duties for any private portion of a residential building in divided co-ownership, regardless of the category of that building within the meaning of the standard.

A class 2 certificate allows its holder to act as a residential building inspector in respect of any residential building.

DIVISION II TERMS AND CONDITIONS FOR ISSUE, AMENDMENT AND RENEWAL

5. The following conditions must be met for a residential building inspector certificate to be issued to a natural person:

(1) in the case of a class 1 certificate, the person successfully completed an attestation of college studies program in building inspection based on the learning of any edition of BNQ Standard 3009-500, of a minimum duration of 600 hours and including a theoretical and a practical component;

(2) in the case of a class 2 certificate, the person meets the condition provided for in subparagraph 1, and also has 2 years of experience in the inspection of residential buildings after obtaining a class 1 certificate and successfully completed an attestation of college studies program specialized in large building inspections based on the learning of any edition of BNQ Standard 3009-500, of a minimum duration of 180 hours and including a theoretical and a practical component;

(3) the person is covered for the period of validity of the certificate, and in particular for the duties of residential building inspector, by a general liability insurance contract and an errors and omissions professional liability insurance contract, each including a minimum insurance coverage of \$1,000,000 per claim in the case of a class 1 certificate and \$2,000,000 per claim in the case of a class 2 certificate, and stipulating, where a maximum annual coverage is indicated, that the coverage is equal to or greater than those amounts;

(4) the person files with the Board an application meeting the requirements provided for in section 7.

Subparagraph 1 of the first paragraph does not apply to a natural person who has held a class 1 residential building inspector certificate, and subparagraph 2 of the first paragraph does not apply to a natural person who has held a class 2 certificate. Where the application for the issue of a certificate is made within 2 years or more after the end of the validity of the preceding certificate, that natural person must, however, pass an examination of the Board on the rules applicable to the inspection of residential buildings and, if that person is applying for a class 2 certificate, a second examination of the Board on the rules specific to class 2 residential buildings within the meaning of BNQ Standard 3009-500.

Subparagraphs 1 and 2 of the first paragraph do not apply to a natural person who holds an accreditation issued by another Canadian province or by a Canadian territory, authorizing the person to act as residential building inspector. That person must, however, successfully complete the examination or examinations provided for in the second paragraph, according to the certificate class being applied for.

Each insurance contract provided for in subparagraph 3 of the first paragraph must include a clause under which the insurer may not terminate or amend the contract before the end of the period initially provided for its validity, unless the insurer notifies the Board in writing at least 60 days in advance of its intention. It must also provide that the costs, expenses and interest referred to in the second paragraph of article 2503 of the Civil Code are borne by the insurer.

6. A natural person who fails an examination provided for in the second paragraph of section 5 may register for only one supplemental examination within 30 days following the date of the prior notice referred to in section 128.5 of the Building Act (chapter B-1.1), by which the Board informs the person of its intention to refuse, by reason of that failure, the person's application for a certificate.

A person who fails a supplemental examination or who does not register for a supplemental examination within the period provided for in the first paragraph, and who files a new application for a certificate, may not sit for an examination provided for in the second paragraph of section 5 for a period of 3 months following the date of the Board's decision to refuse to issue the person a certificate or, in the absence of a decision, following the date of the rejection of the application.

7. A natural person who applies for the issue, renewal or amendment of a residential building inspector certificate must provide the Board, using the form prescribed and made public by the Board on its website or otherwise, the following information and documents:

Contact and basic information

(1) name, date of birth and personal contact information, namely, the domicile address, telephone number and email address, and the contact information of any establishment where the person intends to carry on the functions of residential building inspector, namely, the address, telephone number, email address that will be used as part of those functions and if applicable, the person's business number, or that of the person's employer, assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) if the person is or has been in the 5 years preceding the application a member of a professional order constituted in accordance with the Professional Code (chapter C-26), the name of the order and the person's membership number;

(3) the class of the certificate the person wishes to obtain;

Professional qualification and continuing education

(4) any of the following documents demonstrating the person's professional qualification:

(a) for a class 1 certificate, a copy of an attestation of college studies issued by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1), confirming the successful completion of the program referred to in subparagraph 1 of the first paragraph of section 5, or, if the document has not yet been issued, a college studies record indicating that the program is completed and the certification obtained is an attestation of college studies;

(b) for a class 2 certificate, a copy of any of the documents referred to in subparagraph a, as the case may be, and a copy of an attestation of specialized college studies in large building inspections issued by a college or an educational institution referred to in subparagraph a, confirming the successful completion of the program referred to in subparagraph 2 of the first paragraph of section 5, or, if that document has not yet been issued, a college studies record indicating that the program is completed and the certification obtained is an attestation of college studies;

(5) for an application for the issue of a certificate made within less than 2 years after the end of the validity of the preceding certificate, a copy of the continuing education certificates demonstrating that the applicant has completed the number of hours of continuing education provided for in Division IV of Chapter III of this Regulation that would have applied if the certificate had remained in force and, in the case of a partial or total exemption of the continuing education requirement for a reason provided for in section 33, one of the documents provided for in the first paragraph of that section, as the case may be;

Financial guarantees

(6) a certificate signed by an insurer authorized to carry on insurer activities in Québec or by the insurer's authorized broker, indicating that the person is covered by a general liability insurance contract and an errors and omissions professional liability insurance contract required under subparagraph 3 of the first paragraph of section 5, which includes the following elements:

(a) the insurance certificate number and the date of issue;

(b) the name and domicile address of the natural person covered by the insurance contracts, the policy numbers of the contracts and their period of validity;

(c) a confirmation that the insurance coverage includes the functions of residential building inspector of the natural person, and the coverage period;

(d) the amount of the insurance coverage per claim and the amount of the maximum annual coverage;

Convictions

(7) a declaration indicating whether the person has been convicted, in Canada or elsewhere, in the 5 years preceding the application, of an offence under a fiscal law or an indictable offence, or proof of pardon, if applicable;

(8) a declaration indicating whether the person has been convicted of an offence under the Consumer Protection Act (chapter P-40.1);

Recognition and certification

(9) a recognition that the person must comply with the requirements set out in BNQ Standard 3009-500 when acting as residential building inspector;

(10) a certification that the information and documents provided under this section are true.

Despite the first paragraph, when applying for the amendment or renewal of a certificate, the information or document referred to in subparagraphs 1 to 5 of the first paragraph that has already been provided to the Board need not be sent again if the natural person filing the application certifies that the information or document is still accurate.

Subparagraphs *a* and *b* of subparagraph 4 of the first paragraph do not apply to a natural person who holds an accreditation issued in another Canadian province or in a Canadian territory, authorizing the person to act as residential building inspector. The person must, however, provide a copy of the accreditation, and successfully complete the examination or examinations provided for in the second paragraph of section 5;

8. An application for the issue, amendment or renewal of a certificate is deemed received only if it is signed, contains all the information and documents required under section 7 and is accompanied by the fees and charges payable provided for in section 10.

9. The holder of a certificate who applies for its renewal must send to the Board, before the end of the validity period of the certificate provided for in section 14, an application for renewal containing all the information and documents required under section 7 accompanied by the fees and charges payable provided for in section 10. The application may be sent by any means providing the holder who is applying with proof of receipt by the Board.

Where the Board receives within the period provided for in the first paragraph an application for renewal complying with all the requirements set out in that paragraph, the certificate remains valid until the ruling of the Board on the application for renewal.

DIVISION III **FEES AND CHARGES**

10. The fees and charges payable for the issue, amendment or renewal of a certificate are the following:

TYPE OF APPLICATION	FEES	CHARGES
(1) application for the issue of a class 1 certificate	\$410	\$490
(2) application for the issue of a class 2 certificate	\$615	\$490
(3) application for the amendment of a class 1 certificate, to provide, by replacement, for the class 2	\$205	\$48
(4) application for the amendment of a class 2 certificate, to provide, by replacement, for the class 1	Reimbursement up to the amount of the fees provided for in subparagraph 3, in proportion to the number of months to elapse between the date of the amendment and the date of the end of the validity period of the certificate	\$48
(5) supplemental examination provided for in the first paragraph of section 6		\$98 per examination

TYPE OF APPLICATION	FEES	CHARGES
(6) application for the renewal of a class 1 certificate, without amendment to the class	\$410	\$194
(7) application for the renewal of a class 1 certificate, with an application to provide, by replacement, for the class 2	\$615	\$194
(8) application for the renewal of a class 2 certificate, without amendment to the class	\$615	\$194
(9) application for the renewal of a class 2 certificate, with an application to provide, by replacement, for the class 1	\$410	\$194
(10) application for the review of a ruling of the Board on the issue, amendment, renewal, suspension or cancellation of a certificate		\$377

Despite the first paragraph, the fees payable are established in proportion to the number of months for which the certificate is valid where the certificate is amended for a period of less than 1 year. A part of a month is considered a full month.

11. The charges payable under subparagraphs 1 to 4 of the first paragraph of section 10 are doubled if priority processing is requested.

Where an application may not be processed within 30 days, the Board reimburses the difference between the charges provided for in section 10 and those provided for in the first paragraph.

12. The fees payable under section 10 are reimbursed if the Board refuses to issue, amend or renew a certificate. They are not reimbursed if the certificate is suspended or cancelled by the Board or if the holder relinquishes the certificate.

13. The charges payable under the first paragraph of section 10 are reimbursed by the Board when the Board allows an application for a review of a ruling.

DIVISION IV TERM, CONTENT AND OWNERSHIP OF A CERTIFICATE

14. A certificate is valid for a period of 1 year, subject to the provisions of the second paragraph of section 9.

15. The certificate includes the name and contact information of the holder, and the certificate number, including the class number.

In addition, it states the date of issue of the certificate and the date on which it must be renewed annually, and contains a two-dimensional barcode that can be used to verify its tenor and validity with a mobile device.

It also includes the signature of the president and chief executive officer or a vice-president and that of the secretary of the Board.

16. The Board retains ownership of the certificate.

The holder of the certificate may not transfer the certificate.

The holder of the certificate, when no longer entitled to the certificate, must return it immediately to the Board. The same applies when an amendment must be indicated on a certificate. If the holder fails to return the certificate, the Board may confiscate it.

CHAPTER III OBLIGATIONS OF THE HOLDER OF A CERTIFICATE

DIVISION I STANDARD OF PRACTICE

17. The holder of a certificate must comply with the requirements set out in BNQ Standard 3009-500 at each step of an inspection covered by the standard.

DIVISION II ETHICS AND CONFLICT OF INTEREST

18. The holder of a certificate must act with honesty and loyalty in the interest of the client and avoid placing himself or herself in a position where personal interest is in conflict with that of the client.

Without restricting the generality of the preceding paragraph, the holder of a certificate is in conflict of interest when the interests concerned are such as might lead the holder to favour certain of them over those of the client or the holder's judgment or loyalty toward the latter may be affected.

As soon as the holder ascertains that he or she is in a situation of apparent conflict of interest, the holder must notify the client in writing and ask the client if the client allows the holder to act or continue to act. The holder may not carry out an inspection without that written disclosure and without the client's written consent.

19. The holder of a certificate who, in the scope of an inspection, recommends that the client obtain a technical expertise within the meaning of BNQ Standard 3009-500 must guide the client regarding the qualifications required to perform such an expertise. The holder of a certificate may not recommend to the client a particular enterprise. However, if the holder has the required qualifications, the holder may offer the client to perform such an expertise, provided the holder complies with the requirements provided for in section 20.

20. The holder of a certificate who undertakes to perform for a client, in addition to an inspection covered by BNQ Standard 3009-500, a supplementary service within the meaning of the standard must enter into a written contract with the client that is separate from the service contract relating to the inspection.

21. The holder of a class 1 certificate must, prior to entering into a contract relating to the inspection of a category 1 residential building in divided co-ownership within the meaning of BNQ Standard 3009-500, explain to the client the advantages and, where they are known, the approximate costs of the inspection of the common areas of the building in order to help the client decide whether or not to have those areas inspected.

The holder of a class 2 certificate is subject to the requirements set out in the first paragraph as regards any residential building.

22. The holder of a certificate may not entrust a contract for the inspection of a residential building to a person who does not hold such a certificate or who holds a certificate that does not have the appropriate class.

23. The holder of a certificate who has entered into a service contract for the inspection of a residential building may obtain the assistance of another certificate holder to conduct certain parts of the inspection. Pursuant to article 2101 of the Civil Code, the performance of the inspection remains under the supervision and responsibility of the holder of the certificate, who must take active part in the inspection and sign the inspection report.

DIVISION III SERVICE CONTRACT RELATING TO THE INSPECTION

24. The holder of a certificate who undertakes to perform an inspection covered by BNQ Standard 3009-500 must enter into a service contract with the client relating to the inspection, evidenced in writing and containing at the least the elements provided for by this Division.

Any stipulation in the contract that is incompatible with this Regulation or, where applicable, the Consumer Protection Act (chapter P-40.1), is absolutely null.

25. The service contract relating to the inspection must include at the least the following elements:

(1) the client's name, address, telephone number and, if applicable, email address;

(2) the name of every residential building inspector who is a party to the contract, the number of the inspector's certificate issued by the Board, the indication "holder of a certificate issued under the Building Act", the address and telephone number of the establishment where the inspector carries on the duties of residential building inspector, and the email address used as part of those functions;

(3) the name and complete contact information of the sole proprietorship, partnership or legal person on whose behalf the client or residential building inspector contracts, if applicable;

(4) for any holder of a certificate who is a party to the service contract, the name of every insurer with which the holder is covered by a general liability insurance contract or by an errors and omissions professional liability insurance contract, provided for in subparagraph 3 of the first paragraph of section 5;

(5) the complete address of the residential building and, where applicable, that of the private portion that is the subject of the inspection, and the name of the owner of the building or of the private portion at the time of the inspection;

(6) the category of residential building being covered by the inspection;

(7) the edition of BNQ Standard 3009-500 that is applicable when the inspection takes place, in accordance with section 1, and an indication recalling the obligation of the holder of the certificate to comply with the requirements set out in that standard at each step of the inspection, including that of signing the inspection report;

(8) an indication recalling the obligation of the holder of the certificate to disclose any situation of apparent conflict of interest, as soon as he or she becomes aware of it, pursuant to section 18;

(9) if the inspection concerns a residential building in divided co-ownership, an indication of the decision made by the client as to whether or not to inspect the common areas of the building;

(10) an indication stating that the holder of the certificate who obtains the assistance of another certificate holder to conduct certain parts of the inspection retains, pursuant to article 2101 of the Civil Code, the supervision and responsibility of the inspection, must take active part in the inspection and must sign the inspection report.

The contract must also indicate that any holder of a certificate who is a party to the contract and, where applicable, the sole proprietorship, partnership or legal person on whose behalf the holder contracts, are solidarily liable for the obligations provided for in the contract.

26. The holder of a certificate may not include, in a service contract relating to the inspection, a clause excluding, directly or indirectly, in whole or in part, the civil liability incurred by the holder under the ordinary rules of law.

27. The holder of a certificate must sign the service contract in his or her own name and, where applicable, in the name of any sole proprietorship, partnership or legal person for which the holder carries on the functions of residential building inspector.

28. The holder of a certificate must ensure that the signatures of the parties are affixed at the end of the service contract relating to the inspection, following all the stipulations.

29. The holder of a certificate must send the client a copy of the service contract within 15 days following its signature, in a format that makes it easy to store, reproduce or print.

DIVISION IV **CONTINUING EDUCATION**

30. The holder of a certificate must complete 20 hours of continuing education per 2-year reference period.

The training required under the first paragraph must be related to the functions of residential building inspector.

The first reference period of a holder of a certificate begins on the date of issue of the certificate that follows 1 January 2027 or, if the person already holds a certificate on 1 January 2027, on the date of renewal of the certificate that follows 1 January 2027.

31. The holder of a certificate who has met the continuing education requirements for a reference period may postpone a maximum of 4 excess hours of training to the subsequent period of reference.

32. The continuing education requirements provided for in this Division apply despite the suspension of the certificate.

33. The holder of a certificate who maintains the certificate but ceases to carry on the functions of residential building inspector by reason of illness, accident, pregnancy, maternity, paternity or parental leave or to act as caregiver within the meaning of the Act respecting labour standards (chapter N-1.1) is exempted from the requirements to complete continuing education activities, provided the holder provides the Board with one of the following documents showing that the holder is in such a situation:

(1) to be exempted by reason of illness, accident or pregnancy, a doctor's note containing the physician's contact information, attesting to the fact that the holder is in that situation and specifying the period of cessation of the functions of residential building inspector;

(2) to be exempted by reason of maternity, paternity or parental leave, the birth certificate of the child and, in the case of an adoption, any document evidencing the adoption, in particular consent to adoption, an order of placement or an adoption judgment;

(3) to be exempted to act as caregiver within the meaning of the Act respecting labour standards, an attestation from a professional working in the health and social services sector and governed by the Professional Code (chapter C-26) containing the person's contact information.

The exemption is 1 hour of continuing education for each period of 30 consecutive days during which the holder of a certificate ceased to carry on those functions. However, in the case of an exemption for a reason provided for in subparagraph 2 or 3 of the first paragraph, the maximum exemption is 10 hours per reference period.

34. The holder of a certificate is responsible for sending to the Board, using an electronic system implemented by the Board, a declaration of continuing education along with a copy of the attestations of participation or the attestations of successful completion issued by the training providers, not later than 90 days after the end of the reference period. Until the electronic system is implemented, the holder must send the documents to the Board by email or by any other means enabling proof of receipt by the Board before the end of that period.

35. The holder of a certificate must keep the attestations of participation and attestations of successful completion for 6 years after the end of the reference period during which the training was completed. The attestations must be available for consultation by the Board.

36. The holder of a certificate who fails to meet the continuing education requirements for a reference period has an additional period of 90 days as of the end of that reference period to remedy the failure.

DIVISION V NOTICE, COMMUNICATION AND PRESERVATION OF DOCUMENTS

37. The holder of a certificate must notify the Board in writing, as soon as possible, of any change to the information or documents the holder has provided under section 7.

38. The holder of a certificate must indicate in any publicity, offers and service contracts related to residential building inspection and in inspection reports, the certificate number and the indication “holder of a certificate issued under the Building Act”.

39. The holder of a certificate must, on request, identify himself or herself and show the certificate.

40. The holder of a certificate must keep for a minimum period of 6 years all records related to an inspection within the meaning of BNQ Standard 3009-500. At the client’s request, the holder must send the client a copy of any document that is part of the client’s record.

41. The holder of a certificate may not, unless the holder has received prior written consent from the client, give to a third person a copy of the inspection report or any other document that is part of the record related to the inspection.

The prohibition provided for in the first paragraph does not apply where the report or document is requested by a person acting under the powers to verify, inspect, supervise or inquire assigned to the holder of a certificate under the Act, when requested by a public body in the performance of an adjudicative function, when ordered by a court or when it must be sent to enable the holder to defend against a claim.

CHAPTER IV OFFENCE

42. Any contravention to any of the provisions of this Regulation, except Division III of Chapter II, pertaining to fees and charges, and those of Division IV of Chapter III, pertaining to continuing education, constitutes an offence.

CHAPTER V TRANSITIONAL AND FINAL

43. Despite section 3, a natural person may, until 30 September 2027, act as a residential building inspector without holding the certificate required by that section.

44. Despite subparagraph *a* of subparagraph 4 of the first paragraph of section 7, a person who sends to the Board, not later than 60 days before 30 September 2027, an application for the issue of a class 1 certificate containing all the other information and documents provided for in that section may show professional qualification by providing:

(1) a copy of a college studies record issued by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or issued by a college-level institution referred to in the Act respecting private education (chapter E-9.1) indicating that a college certification program in building inspection, entered as of 2020, is completed and the certification obtained is an attestation of college studies; or

(2) certificates of insurance signed by an insurer authorized to carry on insurer activities in Québec or by the insurer’s authorized broker, showing that the person was covered for at least 3 years during the 5 years preceding the application by a general liability insurance contract or by an errors and omissions professional liability insurance contract, specifically for the functions of residential building inspector.

The person must also provide a copy of an attestation of successful completion of refresher training for residential building inspectors of a minimum duration of 30 hours, including 20 hours on the requirements of BNQ Standard 3009-500 and the obligations of the holder of a certificate provided for in this Regulation, and 10 hours on writing inspection reports that comply with the Standard, offered by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29), by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1), or by an association of building inspectors having its head office in Québec.

45. Despite subparagraph *b* of subparagraph 4 of the first paragraph of section 7, a person who sends to the Board, not later than 60 days before 30 September 2027, an application for the issue of a class 2 certificate containing all the other information and documents provided for in that section may show professional qualification by providing:

(1) a copy of the document provided for in subparagraph 1 of the first paragraph of section 44, accompanied by certificates of insurance signed by an insurer authorized to carry on insurer activities in Québec or by the insurer's authorized broker, showing that the person was covered for at least 2 years, since the successful completion of the program referred to in that subparagraph, by a general liability insurance contract or by an errors and omissions professional liability insurance contract, specifically for the functions of residential building inspector; or

(2) certificates of insurance signed by an insurer authorized to carry on insurer activities in Québec or by the insurer's authorized broker, showing that the person was covered for at least 5 years during the 8 years preceding the application, by a general liability insurance contract or by an errors and omissions professional liability insurance contract, specifically for the functions of residential building inspector.

The person must also provide a copy of an attestation of specialized college studies in large building inspections issued by a college or an educational institution referred to in subparagraph 1 of the first paragraph of section 44, confirming the successful completion of the program referred to in subparagraph 2 of the first paragraph of section 5, as well as a copy of an attestation of successful completion of the refresher training for residential building inspectors provided for in the second paragraph of section 44.

46. This Regulation comes into force on 1 October 2024, except Division IV of Chapter III, which comes into force on 1 January 2027.

106716

M.O., 2024-02

Order number I-13.2.2-2024-01 of the Minister of Finance, February 16, 2024

Deposit Institutions and Deposit Protection Act
(chapter I-13.2.2)

CONCERNING Regulation to amend the Regulation respecting the application of the Deposit Institutions and Deposit Protection Act

WHEREAS that paragraphs (e.1) and (f) of section 43 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) provide that, in addition to the regulatory powers assigned to it by this Act, the *Autorité des marchés financiers* may make regulations for determining, for the purposes of the application of Chapter II of Title III, the percentage and the amount contemplated

in section 40.3, the terms and conditions of payment of the premium, the interest rate exigible in the case of an outstanding premium and, where a legal person becomes an authorized deposit institution during the period, the modalities of computation of the premium it must pay and the basis of such computation and for determining the rates of premiums for the guarantee contemplated in section 34, the modalities of payment of the premium and the rate of interest exigible when a premium is overdue;

WHEREAS section 45 of such Act provides that a regulation of the *Autorité des marchés financiers* under this Act must be submitted for approval to the Minister of Finance who may approve it with or without amendment, that such regulation may not be submitted for approval before the expiry of 30 days after its publication as a draft and that such regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date determined in this regulation;

WHEREAS the draft Regulation to amend the Regulation respecting the application of the Deposit Institutions and Deposit Protection Act was published in the *Bulletin de l'Autorité des marchés financiers*, volume 20, no. 31 of August 10, 2023;

WHEREAS on February 5, 2024, by the decision no. 2024-PDG-0002, the *Autorité des marchés financiers* made Regulation to amend the Regulation respecting the application of the Deposit Institutions and Deposit Protection Act;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend the Regulation respecting the application of the Deposit Institutions and Deposit Protection Act appended hereto.

February 16, 2024

ERIC GIRARD
Minister of Finance

Regulation to amend the Regulation respecting the application of the Deposit Institutions and Deposit Protection Act

Deposit Institutions and Deposit Protection Act
(chapter I-13.2.2, s. 43, pars. (e.1) and (f))

1. Section 12 of the Regulation respecting the application of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2, r. 1) is amended by replacing “1/20 of 1%” in paragraph 1 by “0.075%”.