



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 162

**An Act to amend the Building Act and
other legislative provisions mainly to
give effect to certain Charbonneau
Commission recommendations**

Introduction

**Introduced by
Madam Lise Thériault
Minister responsible for Consumer Protection and
for Housing**

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EXPLANATORY NOTES

The main purpose of this bill is to give effect to certain recommendations of the final report of the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry by introducing various amendments to the Building Act.

Under this bill, the definition of “officer” is amended so that a shareholder holding 10% or more of the voting rights attached to the shares may be considered to be an officer, in particular for purposes of assessment, by the Régie du bâtiment du Québec (Board), of an undertaking’s integrity.

The notion of “guarantor” is added to the Building Act to describe a natural person who, as he has applied for a licence on behalf of a partnership or legal person or holds a licence, becomes responsible for managing the activities for which the licence was issued, including relations between the undertaking and the Board for the purposes of the Act.

A conviction for certain offences which already warrant a restricted access to public contracts will lead to refusal by the Board to issue a licence and may lead to the cancellation or suspension of a licence. When such a conviction has resulted in a term of imprisonment, a licence cannot be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence. Likewise, a licence will contain a restriction as regards the obtention of a public contract until five years have elapsed since the end of the term of imprisonment imposed by the sentence.

In addition, the Board must cancel a licence if the licence holder or one of the latter’s officers has been convicted of an offence or indictable offence referred to in the Building Act after having already been convicted of any such offence or indictable offence in the five years preceding the new conviction.

New grounds related to an undertaking’s integrity are introduced to allow the Board to refuse to issue or to cancel or suspend a licence, in particular where the structure of the undertaking enables the latter to evade the application of the Building Act.

The Board must, by regulation, require from every contractor performance security or security for wages, materials and services for the purpose of ensuring, where a licence is cancelled or in certain cases suspended, the continuation of construction work or the payment of creditors.

The Board's powers of inquiry, verification and inspection are broadened. Immunity against civil proceedings and protection against reprisals are granted to any person who, in good faith, communicates information to the Board concerning an act or omission that the person believes constitutes a violation or offence with respect to the Building Act. Penal provisions are introduced for cases where persons take reprisals or where they provide information to the Board that they know to be false or misleading.

A new penal offence concerning the use of prête-noms is introduced. In addition, the prescription period applicable in penal matters is extended from one to three years from the date on which the prosecutor becomes aware of the commission of the offence but may not exceed seven years after the offence was committed.

Lastly, the bill contains consequential, transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Building Act (chapter B-1.1);
- Act respecting labour standards (chapter N-1.1).

Bill 162

AN ACT TO AMEND THE BUILDING ACT AND OTHER LEGISLATIVE PROVISIONS MAINLY TO GIVE EFFECT TO CERTAIN CHARBONNEAU COMMISSION RECOMMENDATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BUILDING ACT

1. Section 1 of the Building Act (chapter B-1.1) is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(3) to ensure the vocational qualifications, integrity and solvency of contractors and owner-builders.”;

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

“A further purpose of this Act is to establish the Régie du bâtiment du Québec (Board).”

2. Section 7 of the Act is amended by inserting the following definition in alphabetical order:

““**officer**” means a member of a partnership or, in the case of a legal person, a director, an officer within the meaning of the Business Corporations Act (chapter S-31.1) or a shareholder holding 10% or more of the voting rights attached to the shares of the legal person;”.

3. Section 8 of the Act is amended by replacing “less than one year after the completion of earlier work” in paragraph 2 by “less than two years after the date a municipality issued the building permit for previous work or, if no such permit was issued, after the start date of the earlier work”.

4. Section 44 of the Act is amended by replacing “business” in paragraph 2 by “activities”.

5. Section 45 of the Act is repealed.

6. Section 52 of the Act is replaced by the following sections:

“52. The licence for a partnership or legal person is applied for on its behalf by a natural person who wishes to qualify as a guarantor.

To qualify as a guarantor, the person must be an officer, except in the cases prescribed by regulation of the Board, and meet the conditions set out in subparagraphs 1, 3 and 5 of the first paragraph of section 58 and any other requirement prescribed by regulation of the Board.

Where a person other than an officer may, in a case prescribed by regulation, qualify as a guarantor, all provisions of this Act or the regulations that apply to an officer apply to such a person both at the time of application and once the person has qualified.

For the purposes of this Act, a natural person who holds a licence is also considered to be a guarantor.

“52.1. If two or more persons wish to qualify as guarantors, the partnership or legal person shall designate one of them to file the application. However, the Board may, by regulation, require each such person to sign the application.

“52.2. Guarantors are responsible for managing activities in the field for which their knowledge or experience has been recognized by the Board, and must, as such, participate actively and on an ongoing basis in such management.

Guarantors are also responsible for all communications with the Board, in particular as concerns the documents and information the licence holder is required to send the Board under this Act or the regulations. If there are two or more guarantors, the licence holder shall designate one of them to assume that responsibility.”

7. Section 54 of the Act is replaced by the following section:

“54. A person may not be a guarantor for more than one licence, except in the cases authorized by regulation of the Board.”

8. Section 58 of the Act is amended

(1) by replacing “section 84” in subparagraph 7 of the first paragraph by “sections 84 and 84.1”;

(2) by replacing subparagraph 8 of the first paragraph by the following subparagraph:

“(8) unless he has obtained a pardon, he has not, in the five years preceding the application, been convicted of

(a) an offence under a fiscal law or an indictable offence related to the activities he intends to carry on in the construction industry;

(b) an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(c) an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19);

(d) an indictable offence under subsection 1 of section 380 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46); or

(e) an indictable offence under section 462.31 of the Criminal Code, where a sentence of five or more years of imprisonment was imposed;”;

(3) by replacing “under a fiscal law or an indictable offence” in subparagraph 8.2 of the first paragraph by “or indictable offence referred to in subparagraph 8”;

(4) by replacing “under a fiscal law or indictable offences” in subparagraph 8.3 of the first paragraph by “or indictable offences referred to in subparagraph 8”;

(5) by inserting “or indictable offence” after “offence” in subparagraph 8.4 of the first paragraph;

(6) by inserting the following subparagraphs after subparagraph 8.4 of the first paragraph:

“(8.5) he has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain a licence;

“(8.6) he has provided a copy of any photo identification issued by a government authority;”;

(7) by inserting the following paragraph after the second paragraph:

“Despite subparagraph 8 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a licence may not be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence, unless the person on whom the term of imprisonment was imposed has obtained a pardon.”;

(8) by adding the following paragraph at the end:

“The copy of photo identification filed under subparagraph 8.6 of the first paragraph is kept by the Board until the issue date of the licence, the date of the final decision refusing to issue the licence or the date on which the licence application is abandoned. The copy is then destroyed in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the Archives Act (chapter A-21.1).”

9. Section 59 of the Act is amended by striking out the third paragraph.

10. Section 59.1 of the Act is amended by striking out “who applies for a licence for himself or on behalf of a partnership or a legal person”.

11. Section 60 of the Act is amended

(1) by replacing “section 84” in subparagraph 5 of the first paragraph by “sections 84 and 84.1”;

(2) by replacing subparagraphs 6 and 6.0.1 of the first paragraph by the following subparagraphs:

“(6) unless a pardon has been obtained, neither the partnership or legal person or any of its officers or, if it is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), any of its shareholders has, in the five years preceding the application, been convicted of

(a) an offence under a fiscal law or indictable offence related to the activities it intends to carry on in the construction industry;

(b) an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(c) an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19);

(d) an indictable offence under subsection 1 of section 380 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46); or

(e) an indictable offence under section 462.31 of the Criminal Code, where a sentence of five or more years of imprisonment was imposed;

“(6.0.1) none of the officers of any of its members in the case of a partnership, or of any of its shareholders in the case of a legal person, has, in the five years preceding the application, been convicted of an offence or indictable offence referred to in subparagraph 6, unless he has obtained a pardon;”;

(3) by replacing “under a fiscal law or indictable offences” in subparagraph 6.3 of the first paragraph by “or indictable offences referred to in subparagraph 6”;

(4) by inserting “or indictable offence” after “offence” in subparagraph 6.4 of the first paragraph;

(5) by inserting the following subparagraphs after subparagraph 6.4 of the first paragraph:

“(6.5) it has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain a licence;

“(6.6) it has provided a copy of photo identification issued by a government authority for each officer;”;

(6) by replacing “under a fiscal law or an indictable offence” in subparagraph 8 of the first paragraph by “or indictable offence referred to in subparagraph 6”;

(7) by inserting the following paragraphs after the second paragraph:

“Despite subparagraphs 6 and 6.0.1 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a licence may not be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence, unless the person on whom the term of imprisonment was imposed has obtained a pardon.

The copy of any photo identification filed under subparagraph 6.6 of the first paragraph shall be kept by the Board until the issue date of the licence, the date of the final decision refusing to issue the licence or the date on which the licence application is abandoned. The copy shall then be destroyed in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the Archives Act (chapter A-21.1).”

12. Section 61 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) was an officer of a partnership or legal person which, in the five years preceding the application, was convicted of an offence or indictable offence referred to in subparagraph 6 of the first paragraph of section 60, unless the partnership or legal person has obtained a pardon;”.

13. Section 62.0.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Board may also refuse to issue a licence where it considers that

(1) the construction work the person or partnership applying for the licence intends to carry out or cause to be carried out is incommensurate with the person’s or partnership’s legal sources of financing; or

(2) the structure of the person or partnership applying for the licence enables that or another person or partnership to evade the application of this Act.”

14. Section 62.0.2 of the Act is amended by replacing “, in actual fact, directly or indirectly under the direction or control” by “directly or indirectly under the direction or the legal or de facto control”.

15. The Act is amended by inserting the following sections after section 62.0.2:

“62.0.3. The Board may refuse to issue a licence where a person or, in the case of a partnership or legal person, any of its officers has, in a previous application, falsified, misrepresented or failed to report a fact in order to obtain a licence.

“62.0.4. The Board may refuse to issue a licence where it considers that the person or partnership applying for the licence is the continuation of another person or partnership that would not have obtained the licence had that person or partnership applied for it.”

16. Section 65.1 of the Act is amended

(1) by inserting “or 47” after “section 45” in subparagraph 1 of the second paragraph;

(2) by adding the following subparagraph after subparagraph 4 of the second paragraph:

“(5) if the licence holder is named in the register of enterprises ineligible for public contracts under the Act respecting contracting by public bodies (chapter C-65.1).”;

(3) by adding the following paragraph at the end:

“Despite subparagraph 1 of the second paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, the licence contains a restriction until five years have elapsed since the end of the term of imprisonment imposed by the sentence.”

17. Section 65.4 of the Act is amended by replacing “subdivision” in the first paragraph by “Act”.

18. Section 66 of the Act is amended by replacing “and of the natural persons referred to in section 52, the licence numbers and the classes or subclasses of such licences and any restriction under section 65.1” by “and of the guarantors of partnerships and legal persons, the licence numbers and the classes or subclasses of such licences, the names of sureties and any restriction as regards the obtention of a public contract”.

19. Section 67 of the Act is replaced by the following section:

“67. The licence holder shall, within 30 days, inform the Board in writing of any change in the holder’s legal structure, in particular in the case of a merger, sale or transfer.

Within the same period, the licence holder shall inform the Board in writing of any change in information or any modification to a document the holder has provided to the Board, in particular with respect to any offences or indictable offences for which the holder, a money lender or, in the case of a partnership or legal person, a person referred to in subparagraph 6 or 6.0.1 of the first paragraph of section 60 has been convicted.

The guarantor shall also, without delay, inform the Board in writing upon ceasing to act in that capacity.”

20. Section 69 of the Act is amended by replacing “person referred to in section 52” in the first paragraph by “guarantor”.

21. Section 70 of the Act is amended

(1) by replacing “facts related to his application for a licence” in subparagraph 3 of the first paragraph by “a fact relating to the licence application or has failed to report or declare it”;

(2) by replacing subparagraphs 3.1 and 3.2 of the first paragraph by the following subparagraphs:

“(3.1) has failed to send a document or information to the Board even though required to do so under this Act or the regulations;

“(3.2) enters into a contract for the loan of money with a lender even though he was notified by the Board that the lender or an officer of the lender was convicted of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60 and did not obtain a pardon, or was convicted of an offence under paragraph 2 of section 194;”;

(3) by striking out “under a fiscal law” in subparagraph 3.3 of the first paragraph;

(4) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) has failed to comply with an order issued under this Act;”;

(5) by inserting the following subparagraphs after subparagraph 5 of the first paragraph:

“(5.1) has submitted a bid for a public contract or entered into such a contract even though his licence contained a restriction as regards the obtention of a public contract;

“(5.2) has acted as a contractor or owner-builder even though his licence was suspended or cancelled;”;

(6) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) has an officer who has not been discharged after being declared bankrupt;”;

(7) by replacing “in section 84” in subparagraph 8 of the first paragraph by “in section 84 or 84.1”;

(8) by adding the following subparagraph at the end of the first paragraph:

“(13) has failed to provide the Board with what is needed to carry out a verification or inspection.”;

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

“The Board must also cancel a licence where the licence holder or, in the case of a partnership or legal person, one of its officers has been convicted of an offence or indictable offence under subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60, after having already been convicted of any such offence or indictable offence in the five years preceding the new conviction, unless, in the meantime, the holder or officer has obtained a pardon.”

22. The Act is amended by inserting the following section after section 70:

“**70.01.** The Board may suspend or cancel a licence where a guarantor has given it a false statement or failed to comply with any of his obligations under this Act or the regulations.”

23. Section 72 of the Act is amended by replacing “business” by “latter’s activities”.

24. Section 73 of the Act is replaced by the following section:

“**73.** The licence of a partnership or legal person ceases to have effect 60 days after the date on which the guarantor ceases to act in that capacity. In the case of the death of the guarantor, the period is increased to 90 days.

However, that partnership’s or legal person’s licence remains in force if another guarantor is responsible for managing activities in the same area as that for which the knowledge or experience of the guarantor referred to in the first paragraph was recognized.

In addition, where a licence includes several subclasses and the guarantor referred to in the first paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another person acts as a guarantor for each of the other subclasses and is responsible for managing the activities in every other skill area.”

25. Section 75 of the Act is amended by replacing “deciding on the suspension or cancellation of any licence” in the first paragraph by “refusing to issue a licence or before ordering the suspension or cancellation of a licence”.

26. The Act is amended by inserting the following section after section 84:

“84.1. The Board must, by regulation, require from every contractor performance security or security for wages, materials and services for the purpose of ensuring, in cases where a licence is cancelled or where a licence is suspended for an undetermined period of time or for a minimum period of time determined by that regulation, the continuation of construction work or the payment of certain creditors for work not covered by a guarantee plan referred to in section 80.”

27. Section 109.6 of the Act is amended

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

“(1) to decide whether a licence or an amendment to a licence may be refused in light of the conditions set out in any of

(a) subparagraph 4, subparagraph *a* of subparagraph 8 and subparagraphs 8.2 to 8.5 of the first paragraph of section 58;

(b) sections 59 and 59.1;

(c) subparagraph 3, subparagraph *a* of subparagraph 6, and subparagraphs 6.0.1, 6.3 to 6.5 and 8 of the first paragraph of section 60; and

(d) sections 61 to 62.0.4;”;

(2) by replacing paragraph 4 by the following paragraph:

“(4) to decide to suspend or cancel a licence under any of

(a) subparagraphs 1, 3 to 5.2 and 11 to 13 of the first paragraph of section 70 and the second paragraph of that section;

(b) subparagraph 2 of the first paragraph of section 70 but only insofar as the decision is related either to one of the conditions referred to in paragraph 1 of this section or to subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60; and

(c) section 70.0.1;”.

28. Section 111 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) to cooperate in efforts to prevent and to fight corruption and fraudulent practices in the construction industry;”.

29. Section 112 of the Act is amended by adding the following paragraph at the end:

“(4) use or require any person to use computer systems, electronic devices or other media found on the premises in order to consult or reproduce documents containing information referred to in paragraph 2 or 3.”

30. Section 129 of the Act is amended by adding the following paragraph at the end:

“This section also applies to a commissioner in the exercise of the functions provided for in section 109.6.”

31. Section 129.2 of the Act is replaced by the following:

“DIVISION II.2

“IMMUNITY AND PROTECTION AGAINST REPRISALS

“**129.2.** Any person may communicate to the Board information concerning an act or omission that the person believes constitutes a violation or offence with respect to this Act or the regulations.

The first paragraph applies despite the provisions on the communication of information provided for in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those provided for in section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on the person, including toward his employer or, if applicable, his client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“**129.2.1.** Any person who, in good faith, communicates to the Board information referred to in section 129.2 or any other information required or authorized to be communicated under this Act or the regulations does not incur any civil liability for doing so.

“**129.2.2.** It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, communicated information referred to in section 129.2.1 or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from communicating information to the Board or from cooperating in an inquiry, verification or inspection carried out on the basis of such a communication.

The demotion, suspension, dismissal or transfer of a person having communicated information or any other measure that adversely affects such a person's employment or conditions of employment is presumed to be a reprisal.

“129.2.3. The Board shall take the measures necessary to ensure that any information communicated to it, including the identity of the person who communicated it, remains confidential.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to or rectify information communicated to the Board under section 129.2.”

32. Section 130 of the Act is amended

(1) by inserting “and the first two paragraphs of section 129” after “117” in subparagraph 2 of the third paragraph;

(2) by adding the following paragraph at the end:

“The instrument of delegation may authorize the president and chief executive officer to subdelegate, in writing, the powers mentioned in subparagraph 2 of the third paragraph to any person designated under that subparagraph.”

33. Section 145 of the Act is amended by striking out “a commissioner,” in the first paragraph.

34. Section 160 of the Act is amended by inserting “84.1,” after “84,” in paragraph 1.

35. Section 164.1 of the Act is amended by inserting “84.1,” after “84,” in subparagraph 2 of the first paragraph.

36. Section 185 of the Act is amended

(1) by replacing “all or certain natural persons who are licence holders and all or certain natural persons referred to in section 52” in paragraph 9.1 by “all or certain guarantors”;

(2) by inserting the following paragraph after paragraph 9.1:

“(9.2) prescribe that documents required under this Act or a regulation must be sent or received solely using the medium, technology or method of transmission specified in the regulation;”;

(3) by replacing “on behalf of” in paragraph 10 by “who wishes to qualify as a guarantor for”;

(4) by inserting the following paragraph after paragraph 11:

“(11.1) require each natural person who wishes to qualify as a guarantor for the same licence to sign the licence application;”;

(5) by replacing “apply for a licence on behalf of a partnership or legal person” in paragraph 12 by “be a guarantor”;

(6) by replacing “to apply for a licence on behalf of more than one partnership or legal person” in paragraph 13 by “to be a guarantor for more than one licence”.

37. The Act is amended by inserting the following section after section 185:

“185.1. The Board must, by regulation, require the performance security or security for wages, materials and services that is provided for in section 84.1, and determine the minimum suspension period for the purposes of that section, and the terms and conditions applicable to, the amount and form of, and the manner of disposing of the security.”

38. Section 194 of the Act is amended

(1) by replacing “for purposes of obtaining a licence” in paragraph 1 by “or fail to provide information in order to obtain a licence”;

(2) by inserting “or the regulations” after “this Act” in paragraph 2.

39. Section 196.2 of the Act is amended by replacing “within the meaning of section 45 was convicted, in the five years preceding the loan, of an indictable offence connected with the lender’s business, or an indictable offence under sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46), unless he has obtained a pardon,” by “was convicted, in the five years preceding the loan, of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60 and has not obtained a pardon”.

40. The Act is amended by inserting the following section after section 197.1:

“197.2. Any person who, on applying for a licence or at any time during the licence’s term of validity, acts as a prête-nom, calls on a prête-nom or has a prête-nom among its officers is guilty of an offence and is liable to a fine of \$11,047 to \$82,844 in the case of an individual and \$33,138 to \$165,687 in the case of a legal person.”

41. The Act is amended by inserting the following section after section 199:

“199.1. Any person who

(1) provides information that the person knows to be false or misleading when communicating information under section 129.2.1, or

(2) contravenes section 129.2.2,

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of an individual and \$10,000 to \$250,000 in the case of a legal person.

On a subsequent conviction, the fines are doubled.”

42. Section 212 of the Act is amended

(1) by replacing “one year” by “three years”;

(2) by replacing “five” by “seven”.

ACT RESPECTING LABOUR STANDARDS

43. Section 3.1 of the Act respecting labour standards (chapter N-1.1) is amended by replacing “13” in the second paragraph by “14”.

44. Section 122 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(14) on the ground that the employee has, in good faith, communicated information to the Régie du bâtiment du Québec under section 129.2.1 of the Building Act (chapter B-1.1) or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.”

45. Section 140 of the Act is amended by replacing “11 and 13” in paragraph 6 by “11, 13 and 14”.

TRANSITIONAL AND FINAL PROVISIONS

46. The Régie du bâtiment du Québec may suspend or cancel a licence it issued before the date of coming into force of paragraph 7 of section 8 or paragraph 7 of section 11, as applicable, on the ground that the licence could not have been issued on the date it was issued if either of those paragraphs had been in force.

47. A licence issued before the coming into force of paragraph 3 of section 16 contains, if applicable, the restriction referred to in the third paragraph of section 65.1 of the Building Act (chapter B-1.1), enacted by that paragraph 3, even if more than five years have elapsed since the conviction for an offence or indictable offence contemplated in subparagraph 1 of the second paragraph of section 65.1.

In such a case, the Board must indicate on the licence that it contains a restriction.

48. A function which, before the date of coming into force of section 27, was performed by a commissioner under section 109.6 of the Building Act continues to be performed by the commissioner where the notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) was notified before that date.

49. The provisions of this Act come into force on the date or dates to be set by the Government.

