

Bill 16

An 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

Section 2.1

AMENDMENT:

Add after section 2:

2.1. The Act is amended by inserting the following section after section 17.3:

“**17.4.** The Board may, by regulation, require a contractor or owner-builder to obtain plans and specifications before construction work begins or final signed plans and specifications when the work is completed.

The plans and specifications referred to in this section must be prepared by a person or body recognized by the Board in accordance with a regulation of the Board.”

Adopté DG

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Section 2.2

AMENDMENT:

Add after section 2:

2.2. Section 18 of the Act is replaced by the following section:

“**18.** A recognized person or body that prepares plans and specifications for construction work shall ensure that they comply with the Construction Code (chapter B-1.1, r. 2) and, if applicable, the construction standards set by a municipality.”

Adopté 26

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Section 3.1

AMENDMENT:

Add after section 3:

3.1. Section 47 of the Act is replaced by the following section:

“47. No public body, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), may act as a contractor.

This section does not apply to the Société québécoise des infrastructures, the Société d'énergie de la Baie James, to a mixed enterprise company established in accordance with the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or to any other public body determined by regulation of the Board.”

Sam 1

*Adopté tel
qu'amendé*

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Section 3.1

SUBAMENDMENT:

Replace the amendment introducing section 3.1 by:

3.1. Section 47 of the Act is replaced by the following section:

“47. No public body, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), may act as a contractor.

This section does not apply to the Société québécoise des infrastructures, the Société d'énergie de la Baie James, to a mixed enterprise company established in accordance with the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or to any other public body determined by regulation of the Board.

Such a regulation must determine the cases in which a public body or a category of public bodies may act as a contractor, and the terms and conditions to be complied with. The regulation must also take into account the impact of such a measure on contractors.”

Adopté

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Section 6

AMENDMENT:

Add “standards,” after “its period of validity, and the” in proposed section 86.10.

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Section 6

AMENDMENT:

Replace "terms or conditions" by "conditions of issue or any other standard or the terms" in subparagraph 1 of the first paragraph of proposed section 86.11.

Sam 1

*Adopté tel
qu'amendé*

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Section 6

SUBAMENDMENT:

Replace the amendment to proposed section 86.11 by:

Insert “, in particular a term or condition for issuing or maintaining a certificate” after “of the Board” in subparagraph 1 of the first paragraph of proposed section 86.11.

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Section 6

AMENDMENT:

Add the following paragraph at the end of proposed section 86.12:

The Board may, by regulation, determine the terms and conditions for recognizing persons or bodies under the first paragraph, the terms and conditions such persons or bodies must comply with and all the duties they may perform.

Adopté 86

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Section 6

AMENDMENT:

Add after proposed section 86.13:

“**86.14.** The Board may, by regulation, create a public register of the main problems observed during pre-purchase inspections. *Sam 1*”

The regulation must also prescribe annual updates of knowledge and regarding new problems encountered in building inspections.”

*Adopté tel
qu'inséré*

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Section 6

AMENDMENT:

In proposed section 86.14, introduced by amendment:

1. Replace “create” and “during pre-purchase inspections” in the first paragraph by “establish” and “by certified building inspectors in the performance of their duties”, respectively;
2. Replace the second paragraph by:

The regulation mentioned in the first paragraph must also determine the form and content of the register and the other terms applicable to it.”

Adopté DG

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Section 5.1

AMENDMENT:

Add after section 5:

5.1. The Act is amended by adding the following paragraph at the end of section 70:

“Before suspending or cancelling a licence under this section, the Board shall take into account construction work under way.”

*Adopté
DG*

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Section 11

AMENDMENT:

Insert “, specifically with respect to quality control relating to the permit” after “the Board” at the end of paragraph 1 of proposed section 128.3.

Sam 1

*Adopté tel
qu'amendé 16*

SAM 1
AM 9
s. 11 (128.3)

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Section 11

SUBAMENDMENT:

Replace the amendment to proposed section 128.3 by:

Add “, in particular those related to a quality control program” at the end of paragraph 1 of proposed section 128.3.

Adopté 96

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Section 11

AMENDMENT:

Insert "17.4," after "16," in the introductory clause of proposed section 128.4.

*Adopté
196*

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Section 18

AMENDMENT:

Replace section 18 by:

18. Section 173 of the Act is amended

(1) by replacing subparagraph 6 of the third paragraph by the following subparagraph:

“(6) the energy efficiency of buildings;”;

(2) by replacing subparagraphs 9 and 10 of the third paragraph by the following subparagraph:

“(9) the transportation by pipeline and the storage, handling, transfer and distribution of gas or petroleum products.”;

(3) by replacing “ecoefficiency” in the last paragraph by “energy efficiency”.

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Section 18.1

AMENDMENT:

Insert after section 18:

18.1. Section 174 of the Act is amended by replacing “energy saving in a” by “the energy efficiency of a”.

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Section 20

AMENDMENT:

1. Insert before paragraph 1:

(0.1) by inserting the following paragraph after paragraph 0.1:

“(0.1.1) determine the cases in which a public body or a category of public bodies may act as a contractor, and the terms and conditions to be complied with;”;

2. Insert “17.4,” after “16,” in paragraph 2.1 proposed by paragraph 1;
3. Insert “17.4,” after “16,” in paragraph 2.1.1 proposed by paragraph 1;
4. Insert after paragraph 4:

(4.1) by replacing paragraph 7 by the following paragraph:

“(7) determine the cases in which a contractor or owner-builder must obtain plans and specifications before construction work begins or final plans and specifications when the work is completed, in accordance with section 17.4, and the other obligations, terms and conditions relating to those plans and specifications, in particular to their form, content, conservation and delivery;”;

5. Add after paragraph 19.9 proposed by paragraph 6:

“(19.10) establish a public register of the main problems observed by certified building inspectors in the performance of their duties and determine its form and content and the other terms applicable to it;”.

Adapté 06

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Section 20

AMENDMENT:

Insert before paragraph 1:

(0.2) by inserting the following paragraph after paragraph 0.3:

“(0.4) determine standards for the energy efficiency of buildings;”.

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Section 25

AMENDMENT:

Replace by:

25. Article 1060 of the Code is amended by replacing “it is sufficient for amendments made to the by-laws of the immovable to be filed with the syndicate” in the first paragraph by “amendments to the by-laws of the immovable must be made expressly, in minutes or in a resolution in writing of the co-owners, and it is sufficient for such amendments to be filed in the register held by the syndicate in accordance with article 1070”.

*Adopté
JG*

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Section 26

AMENDMENT:

Replace the second paragraph of proposed article 1064 by:

The declaration of co-ownership may determine a different apportionment of the co-owners' contribution to the expenses for major repairs to common portions for restricted use and for the replacement of those portions.”

*Adopté
16*

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Section 23.1

AMENDMENT:

Insert after section 23:

23.1. Article 1039 of the Civil Code is amended by adding the following sentence at the end of the first paragraph: "The legal person must, in particular, see to it that the work necessary for the preservation and maintenance of the immovable is carried out."

*Adopté
16*

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Section 27

AMENDMENT:

Replace by:

27. Article 1065 of the Code is replaced by the following article:

“1065. A person who acquires a fraction, by whatever means, including the exercise of a hypothecary right, shall notify the syndicate within 15 days.

A co-owner who leases his private portion shall, within the same time, notify the syndicate. The co-owner shall give the name of the lessee, the term of the lease and the date on which he gave the lessee a copy of the by-laws of the immovable. The same applies, with the necessary modifications, where the private portion is otherwise occupied.”

*Adopté
26*

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Section 28

AMENDMENT:

Replace by:

28. Article 1066 of the Code is amended by adding the following sentence at the end of the second paragraph: "Where a private portion is occupied otherwise than by being leased, the syndicate gives the occupant a notice indicating the nature of the improvements and of the non-urgent work, the date on which work is to begin and an estimate of its duration and, where required, the necessary period of vacancy."

Sam 1

*Adopté tel
qu'amendé DG*

SAM 1
AM 19
s. 28 (1066)

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Section 28

AMENDMENT:

Insert "written" between "occupant a" and "notice" in section 28, as amended.

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Section 29

AMENDMENT:

Replace by:

29. The Code is amended by inserting the following articles after article 1068:

“1068.1. A person who sells a fraction shall, in due time, give the promisor a certificate of the syndicate attesting to the condition of the immovable held in co-ownership, whose form and content are determined by government regulation.

For that purpose, the syndicate gives the certificate to a co-owner who so requests, within 15 days.

Those obligations exist from the appointment of a new board of directors, after the developer loses control of the syndicate.

“1068.2. A person who promises to buy a fraction may request the syndicate to provide him with the documents or information concerning the immovable and the syndicate that will enable him to give enlightened consent. The syndicate is bound, subject to the provisions relating to the protection of privacy, to provide them with diligence to the promisor, at the latter's expense.

The syndicate shall send the owner of the fraction or his successors the documents or information it has provided to the promisor.”

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Section 31

AMENDMENT:

Replace by:

31. Article 1070 of the Code is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“Among the registers of the co-ownership, the syndicate keeps at the disposal of the co-owners a register containing the name and mailing address of each co-owner; the register may also contain other personal information concerning a co-owner or another occupant of the immovable if he expressly consents to it. In addition, the register contains the minutes of the meetings of the co-owners and of the board of directors, the resolutions in writing, the by-laws of the immovable and any amendments to them, and the financial statements.

The register also contains the declaration of co-ownership, the copies of contracts to which the syndicate is a party, a copy of the cadastral plan, the plans and specifications of and location certificates for the building if they are available, the maintenance log, the contingency fund study and all other documents and information relating to the immovable and the syndicate or prescribed by government regulation.”;

(2) by replacing “In addition, the syndicate keeps at the disposal of the co-owners” in the third paragraph by “In addition, the register contains”.

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Section 32

AMENDMENT:

1. Replace the second paragraph of proposed article 1070.1 by:

A government regulation may prescribe other conditions, rules or restrictions relating to consultation of the register, of the documents to be kept at the disposal of the co-owners, and of the information they contain.

2. Insert “and review” after “establish” in the second paragraph of proposed article 1070.2.

Adopté
1/6

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Section 32

AMENDMENT:

Replace “syndicate” in the first paragraph of proposed article 1070.2 by “board of directors”.

*Adopté
PG*

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Section 33

AMENDMENT:

Replace paragraph 3 by:

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

“Every five years, the board of directors obtains a contingency fund study establishing the sums necessary for the fund to be sufficient to cover the estimated cost of major repairs and of replacement of common portions. The study is conducted in accordance with the standards established by a government regulation, which designates among other things the professional orders whose members are authorized to conduct such studies.

The sums to be paid into the contingency fund are fixed on the basis of the recommendations made in the contingency fund study and taking into account ongoing developments in the co-ownership, in particular the amounts available in the contingency fund.

Until the developer obtains the contingency fund study, the sums to be paid into the fund must correspond to 0.5% of the replacement cost of the immovable.”

*Adopté
DG*

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Section 35

AMENDMENT:

1. Replace “the following articles” in the introductory clause by “the following article”.
2. Strike out proposed article 1072.2.

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Section 36

AMENDMENT:

Replace “consulting” in proposed article 1076.1 by “obtaining the authorization of”.

*Adopté
DG*

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Section 40

AMENDMENT:

Replace proposed articles 1086.1 to 1086.3 by:

“1086.1. The board of directors shall send to the co-owners the minutes of every decision made at a meeting or every resolution in writing passed by the board within 30 days of the meeting or of the passage of the resolution.

“1086.2. Any co-owner or director may apply to the court to annul or, exceptionally, to amend a decision of the board of directors if the decision is biased or was made with intent to injure the co-owners or in contempt of their rights. The action is forfeited unless instituted within 90 days after the decision of the board of directors.

“1086.3. In addition to the rules in article 341, where the directors are prevented from acting as a majority or in the specified proportion owing to an impediment or the systematic opposition of some of them, the court may, on the application of a director or co-owner, make any order it sees fit in the circumstances.”

*Adopté
PG*

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Section 39.1

AMENDMENT:

Insert after section 39:

39.1. Article 1086 of the Code is amended by adding the following paragraph before the first paragraph:

“Any co-owner who has not paid his share of the common expenses for more than six months is disqualified for the office of director.”

Sam 1
Sam 2

*Adopté tel
qu'amendé p 6*

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Section 39.1

AMENDMENT:

Replace “six months” in the paragraph added by section 39.1, introduced by amendment, by “three months”.

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Section 39.1

AMENDMENT:

Add the following sentence after "is disqualified for the office of director." in the paragraph added by section 39.1, introduced by amendment: "Such disqualification ceases as soon as he has paid all the common expenses due; he may then once again be elected as a director."

Adopté 26

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Section 45

AMENDMENT:

Replace by:

45. Article 1094 of the Code is amended

- (1) by striking out “or his contribution to the contingency fund”;
- (2) by adding the following sentence at the end: “He may once again exercise that right as soon as he has paid all the common expenses he owes.”

Adopté 6

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Section 46

AMENDMENT:

Replace by:

46. Article 1096 of the Code is amended by inserting “amend the by-laws of the immovable or to” after “including a decision to”.

Adopté

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Section 47

AMENDMENT:

Replace subparagraph *b* of paragraph 1 by:

(*b*) by replacing “of all the co-owners” by “of the co-owners present or represented”;

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Section 48

AMENDMENT:

Replace by:

48. Article 1099 of the Code is replaced by the following article:

“1099. Where the number of votes to which a co-owner or a developer is entitled is reduced, or where a co-owner or a developer is deprived of his right to vote, the total number of votes available to all the co-owners is reduced by the same number.”

*Adopté
16*

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Section 50

AMENDMENT:

Replace “notify” in proposed article 1102.1 by “send”.

Adapté 6

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Section 51

AMENDMENT:

Insert "exceptionally, to" after "or" in paragraph 1 .

*Adopté
DG*

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Section 54

AMENDMENT:

Replace subparagraphs 2, 3 and 4 of the first paragraph of proposed article 1106.1 by:

“(2) where the immovable is new or has been renovated by the developer, the plans and specifications showing any substantial changes made to it during construction or renovation in comparison with the original plans and specifications;

(3) the other plans and specifications relating to the immovable that are available;

(4) the location certificates relating to the immovable that are available;

(5) the description of the private portions provided for in article 1070;
and

(6) any other document or information prescribed by government regulation.”

Adopté 6

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Section 55

AMENDMENT:

Replace by:

55. Article 1785 of the Code is amended by replacing the second paragraph by the following paragraph:

“The preliminary contract shall include a stipulation that the promisor may withdraw his promise within 10 days after signing it. Where a memorandum must be given, the preliminary contract shall also include a stipulation that the promisor may, if the seller fails to give the memorandum to the promisor at the time the preliminary contract is signed, withdraw his promise until he receives the memorandum or within 10 days after receiving it.”

Adopté 76

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Section 58

AMENDMENT:

Replace by:

58. Article 1788 of the Code is amended

(1) by replacing “It contains” in the first paragraph by “In addition to the information prescribed by government regulation, it contains”;

(2) by adding the following sentence at the end of the first paragraph: “It also indicates, where applicable, that the immovable is covered by a guarantee plan, and the manner in which the promisor can consult that plan.”

Adopté 6

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Section 59

AMENDMENT:

1. Insert “, which must correspond to 0.5% of the replacement cost of the immovable or to the recommendations made in a contingency fund study” after “annual amount of contributions to the common expenses” in paragraph 1.
2. Insert “more than 10%” before “below” in the paragraph proposed by paragraph 2.

Adopté p6

AM 39
s. 61 (1793)

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Section 61

AMENDMENT:

Amendment 39 has been withdrawn and renamed Amendment ac.

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Section 61

AMENDMENT:

Replace by:

61. Article 1793 of the Code is replaced by the following article:

“**1793.** Where the sale of a residential immovable is not preceded by the preliminary contract or the memorandum, the buyer may, if he suffers serious injury therefrom, apply for the annulment of the sale and for damages. If the buyer prefers that the contract be maintained, he may apply for a reduction of his obligation equivalent to the damages he would be justified to claim. The action must be brought within 90 days after the sale, that is, within 90 days following the special meeting provided for in article 1104 of this Code.

The same applies where the preliminary contract or the memorandum contains errors or deficiencies.”

Article 61

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Section 134.1

AMENDMENT:

Insert after section 134:

CHAPTER V.1

OTHER AMENDING PROVISION

CIVIL CODE OF QUÉBEC

134.1. Article 1896 of the Civil Code of Québec is amended by adding the following sentence at the end of the first paragraph: "Where no rent has been paid in the 12 months preceding the beginning of the lease, the notice shall indicate the last rent paid and the date of the payment."

Adopté 96

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Section 74

AMENDMENT:

Replace “used whenever possible” in the first paragraph of proposed section 23.1 by “considered, where circumstances permit”.

*Adopté
DG*

Bill 16

An 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

Section 78

AMENDMENT:

Replace the second paragraph of proposed section 31.01 by:

The proceedings continue with no additional time allotted despite the conciliation.

*Adopté
86*

Bill 16

An 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

Section 80

AMENDMENT:

Replace “30” in the second paragraph of proposed section 56.2 by “45”.

*Adopté
PG*

Bill 16

An 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

Section 88

AMENDMENT:

Strike out “, on request,” in paragraph 3.

Adopté 26

Bill 16

An 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

Section 90

AMENDMENT:

Replace by:

90. The Act is amended by inserting the following section after section 74:

“74.1. A person may be assisted at the hearing by a trusted third person for any cause considered sufficient by a Tribunal member, in particular the person’s age, state of health or level of language proficiency. Such assistance must be obtained free of charge.”

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*Adopté tel
qu'amendé DG*

Bill 16

An 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

Section 90

AMENDMENT:

Add “, vulnerable situation” after “state of health” in proposed section 74.1, as replaced by amendment.

Adopté DG

Bill 16

An 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

Section 72

AMENDMENT:

Replace subparagraph *b* of paragraph 2 by:

(*b*) by replacing “commissioners who” in subparagraph 2 by “members, who”;

(*c*) by replacing “commissioners as regards the exercise of their functions” in subparagraph 4 by “Tribunal members and personnel members as regards the exercise of their functions and, consequently, prescribing the legal, social or other professional development activities they must take part in”;

Adopté PG

Bill 16

An 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

Section 90

AMENDMENT:

Add the following paragraph at the end of proposed section 74.1, replaced by amendment:

Despite the first paragraph, a rule of procedure referred to in section 85 may provide for exceptions to the requirement to obtain such assistance free of charge.”

*Adopté
16*

Bill 16

An 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

Section 91

AMENDMENT:

Replace all occurrences of “fireman” by “firefighter”.

Adopté 16

Bill 16

An 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

Section 91

AMENDMENT:

1. Insert "or any other document" after "a report" in paragraph 1.
2. Add at the end of paragraph 2:
 - (c) by inserting "or document" after "report".

Adopté 16

Bill 16

An 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

Section 91

AMENDMENT:

Replace “68, or” in paragraph 1 by “68 or in a rule of procedure adopted under section 85, or that”.

Adopté DG

Bill 16

An 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

Section 91

AMENDMENT:

Insert “in a rule of procedure adopted under section 85 or” at the end of the insertion proposed by subparagraph *a* of paragraph 2.

Adopté DG

Bill 16

An 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

Section 92

AMENDMENT:

Add the following sentence at the end of the second paragraph of proposed section 82.2: "However, the Tribunal must, subsequently and if the nature of the exhibits or documents allows it, keep digital copies for a period of two years."

Adopté DG

Bill 16

An 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

Section 94

AMENDMENT:

Strike out “properly” in the paragraph added by paragraph 3.

Adopté DG

Bill 16

An 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

Section 95

AMENDMENT:

Strike out “and where a substantive or procedural defect is likely to invalidate the decision” in subparagraph 1 proposed by paragraph 1.

Adopté DG

Bill 16

An 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

Section 94

AMENDMENT:

Replace "A party who fails to inform the Tribunal or the other parties of a change in address in accordance with section 60.1 may not" in paragraph 3 by "It is not possible for a party who fails to inform the Tribunal or the other parties of a change of address in accordance with section 60.1 to".

Adopté 16

Bill 16

An 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

Section 87

AMENDMENT:

Replace the second sentence of the paragraph proposed by paragraph 2 by:
“Where the case is struck off the roll, the Tribunal shall notify the parties, in the manner prescribed by the rules of procedure, that the applicant may re-enter the case on the roll within 30 days following the date of the notice. If the applicant fails to do so, the application expires and the Tribunal closes the record.”

Adopté D6

Bill 16

An 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

Section 142.1

AMENDMENT:

Insert after section 142:

142.1. The Administrative Housing Tribunal publishes, as soon as possible after the coming into force of section 87, a notice in the *Gazette officielle du Québec* stating the right for any applicant whose application has not expired and whose case was struck off before that coming into force, due to the absence of all parties at the hearing, to re-enter the case on the roll within 30 days after the publication of the notice.

The Tribunal's notice must also state that, if the applicant fails to re-enter the case within that time, the application expires and the Tribunal closes the record.

Adopté DG

Bill 16

An 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

Sections 105.1 and 105.2

AMENDMENT:

Insert after section 105:

105.1. Section 85.2 of the Act is amended by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) that one or more of the directors or other officers of the agency have intimidated or mistreated any occupant of a dwelling situated in a residential immovable belonging to or administered by the agency.”

105.2. Section 85.5 of the Act is amended by replacing “4” in the first and third paragraphs by “5”.

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*Adopté tel
qu'amendé 16*

Bill 16

An 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

Section 105.1

AMENDMENT:

Replace subparagraph 5, introduced by amendment, by:

“(5) that one or more of the directors or other officers of the agency have intimidated, harassed or mistreated any occupant of a dwelling situated in a residential immovable belonging to or administered by the agency, or have taken no action to put an end to the mistreatment, harassment or intimidation reported to him.”

Adapté p 6

Bill 16

An 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

Section 104.1

AMENDMENT:

Insert after section 104:

104.1. The Act is amended by inserting the following after section 68.14:

“§ 10. — *Membership in a federation*

“**68.15.** A non-profit organization must be a member of a national or regional housing federation in order to obtain financial assistance from the Société. It must remain a member of such a federation for the duration of the operating agreement providing for that assistance.”

Adopté 26

Bill 16

An 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

Section 106.1

AMENDMENT:

Insert after section 106:

“BY-LAW RESPECTING THE ALLOCATION OF DWELLINGS IN LOW RENTAL HOUSING

“106.1. Section 16 of the By-law respecting the allocation of dwellings in low rental housing (chapter S-8, r. 1) is amended by replacing “5” in the sentence preceding subparagraph 4 of the first paragraph by “3”.

Adopté 16

Bill 16

An 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

Section 114

AMENDMENT:

Replace by:

114. Section 573.3.5 of the Act is amended

(1) by replacing “the rules applicable to it” in subparagraph 2 of the first paragraph by “an Act or regulation that so requires”;

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

“(4) it is a non-profit body that meets the following conditions on 1 January of a year:

(a) its revenues for at least one of the last two years were equal to or greater than \$1,000,000; and

(b) it received, during the year in which its revenues were equal to or greater than \$1,000,000, financial assistance from a municipality in an amount equal to or greater than half of its revenues for that year;”.

Adopted 6

Bill 16

An 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

Section 122

AMENDMENT:

Replace by:

122. Section 92.1 of the Municipal Powers Act (chapter C-47.1) is amended

(1) by inserting “, excluding a private seniors’ residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2)” at the end of the first sentence of the second paragraph;

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

“A private seniors’ residence in respect of which assistance may be granted under the second paragraph may be situated in the territory of another municipality.”;

(3) by adding the following sentence at the end of the fifth paragraph: “However, that period may be longer where such assistance is granted to a private seniors’ residence referred to in section 346.0.1 of the Act respecting health services and social services.”

Adopté DG

Bill 16

An 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

Section 128.1

AMENDMENT:

Insert after section 128:

128.1. Section 263 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.0.1) increase, for the purposes of sections 81 and 134, the values prescribed in respect of assessment units and business establishments, respectively;”.

Adopté p6

Bill 16

An 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

Section 131

AMENDMENT:

1. Replace “, by mutual agreement and gratuitously, unite” in the first paragraph by “unite, by mutual agreement and gratuitously,”.
2. Insert “a non-profit organization,” after “under that Act,” in the first paragraph.
3. Insert “, or a non-profit organization,” after “under that Act” in the last paragraph.

Adopted 76

Bill 16

An 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

Section 131.1

AMENDMENT:

Insert after section 131:

131.1. Section 103 of the Act is amended by replacing “Subject to the third paragraph of section 89, the” in the first paragraph by “The”.

Adopté 26

Bill 16

An 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

Section 134

AMENDMENT:

Replace by:

134. Section 383 of the Act is amended

- (1) by striking out the last sentence of the second paragraph;
- (2) by replacing “1/12” in the third paragraph by “one-twelfth”.

Adopté 6

Bill 16

An 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

Section 137

AMENDMENT:

Replace by:

137. Where the special meeting of the co-owners provided for in article 1104 of the Civil Code, amended by section 53, is held more than 30 days before the coming into force of the first regulation made under the second paragraph of article 1070.2 of the Civil Code, enacted by section 32, or under the second paragraph of article 1071 of the Civil Code, enacted by paragraph 3 of section 33, as applicable, the maintenance log provided for in article 1070.2 of the Civil Code and the contingency fund study provided for in the second paragraph of article 1071 of the Civil Code must be obtained not later than the day that is three years after the coming into force of the regulation concerned.

Those first regulations may prescribe special rules where the syndicate obtained a maintenance log or a contingency fund study in the previous two years, in particular to provide for the recognition of equivalences for maintenance logs and contingency fund studies already obtained.

Adopted 6

Bill 16

An 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

Section 138

AMENDMENT:

1. Strike out “of any co-ownership established before the coming into force of this Act”;
2. Add the following sentence at the end: “Where the annual general meeting of the co-owners takes place within that period, the syndicate must give those documents to the co-owners before the meeting.”

Adopté 86

Bill 16

An 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

Section 139

AMENDMENT:

In the first paragraph:

1. Strike out “For any co-ownership established before the coming into force of this Act,”.
2. Insert “in accordance with section 137 of this Act” after “contingency fund study”.

Adopté 116

Bill 16

An 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

Section 141

AMENDMENT:

Replace “within 90 days after” by “between the 30th day before and the 90th day after”.

Adopté 26

Bill 16

An 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

Section 141.1

AMENDMENT:

Insert after section 141:

141.1. Sections 25 and 46 are declaratory.

Adopté JG

Bill 16

An 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

Section 145.1

AMENDMENT:

Insert after section 145:

145.1. Sections 123 and 124 have effect for the purposes of any roll that comes into force after 31 December 2020.

Adopté 16

Bill 16

An 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

Section 33

AMENDMENT:

Replace “replacement cost” in the last paragraph proposed by paragraph 3, as amended, by “reconstruction cost”.

Adopté D 6

Bill 16

An 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

Section 59

AMENDMENT:

Replace “, which must correspond to 0.5% of the replacement cost of the immovable or to the recommendations made in a contingency fund study” in paragraph 1 as amended by “. The part of that amount intended for the contingency fund must correspond either to 0.5% of the reconstruction cost of the immovable, or to the recommendations made in a contingency fund study.”

Adopté 16

Bill 16

An 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

Section 140.1

AMENDMENT:

Insert after section 140:

140.1. Until the coming into force of section 641 of the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23), the fourth paragraph of article 1071 of the Civil Code, introduced by paragraph 3 of section 33, and the second paragraph of article 1791 of the Civil Code, amended by paragraph 1 of section 59, are to be read as if “reconstruction cost” were replaced by “replacement cost”.

Adopté 6

Bill 16

An 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

Section 60

AMENDMENT:

In proposed article 1791.1:

1. Insert “fully” before “protected by”.
2. Add the following paragraphs at the end:

The deposit may also be protected by another means prescribed by government regulation.

The deposit is returned to the person who paid it if the fraction of the immovable under co-ownership is not delivered on the date agreed upon.”

Adopté JG

Bill 16

An 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

Section 90.1

AMENDMENT:

Insert after section 90:

90.1. The Act is amended by inserting the following section after section 77:

“**77.1.** Where the Tribunal is seized of an application relating to a cannabis smoking prohibition and the lessee objects to it, the Tribunal must, in particular, consider the consequences for the peaceable enjoyment of the premises by the other occupants of the immovable of the failure to comply with that prohibition and, if applicable, the fact that the lessee is duly authorized to possess cannabis for medical purposes.”

Adopté 16

Bill 16

An 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

Section 147

AMENDMENT:

1. Replace paragraphs 2 and 3 by:

(2) section 29, insofar as it enacts article 1068.1 of the Civil Code, which comes into force on the date of coming into force of the first regulation made under the first paragraph of article 1068.1 of the Civil Code, enacted by that section;

(3) section 31, insofar as it concerns the maintenance log and the contingency fund study, which comes into force on the date of coming into force of the first regulation made under the second paragraph of article 1070.2 of the Civil Code, enacted by section 32, with regard to the maintenance log, or under the second paragraph of article 1071 of the Civil Code, enacted by section 33, with regard to the contingency fund study;

2. Replace “second and third” in paragraph 5 by “second, third and fourth”.

3. Replace “subparagraph 3” in paragraph 7 by “subparagraph 5”.

4. Replace paragraphs 8 and 9 by:

(8) section 59, insofar as it concerns the annual amount of contributions to the common expenses included in the budget forecast, which comes into force on the date of the coming into force of the first regulation made under the second paragraph of article 1071 of the Civil Code, enacted by section 33;

5. Replace “and 142” in paragraph 11 by “, 134.1, 142 and 142.1”.

Adopté 16