

**AMENDMENT
BILL 41**

**AN ACT TO ENACT THE ACT RESPECTING THE ENVIRONMENTAL
PERFORMANCE OF BUILDINGS AND AMENDING VARIOUS PROVISIONS
REGARDING ENERGY TRANSITION**

SECTION 1 (section 7 of the Act respecting the environmental
performance of buildings)

Replace proposed section 7 by:

"7. When an environmental performance rating is assigned to a building under the second paragraph of section 6, that decision is notified to the owner of the building who may apply, in writing, to the Bureau de réexamen established by section 78 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) to have the decision reviewed within 30 days of its notification.

*Adopté
rjc*

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SECTION 1 (sections 8 and 9 of the Act respecting the environmental
performance of buildings)

Withdraw proposed sections 8 and 9.

*Adopté
T/C*

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**AN ACT TO ENACT THE ACT RESPECTING THE ENVIRONMENTAL
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SECTION 1 (section 16 of the Act respecting the environmental
performance of buildings)

Replace proposed section 16 by:

"16. A decision made under the second paragraph of section 14 or section 15 is notified to the owner of the building and may, within 30 days of its notification and according to the terms determined by government regulation, be the subject of an application for review.

*Adopté
FK*

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SECTION 1 (section 16.1 of the Act respecting the environmental
performance of buildings)

Insert after proposed section 16:

"16.1. The application for review must be dealt with promptly.

After giving the applicant an opportunity to submit observations and, if applicable, produce documents to complete the applicant's record, the person responsible for the review renders a decision on the basis of the record, unless that person considers it necessary to proceed in some other manner. The person responsible for the review may confirm, quash or amend the decision under review.

The decision must be in writing, include reasons and be notified promptly to the applicant. It must make mention of the applicant's right to contest the decision before the Administrative Tribunal of Québec.

*Adopté
JC*

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SECTION 1 (section 16.2 of the Act respecting the environmental
performance of buildings)

Insert after proposed section 16.1:

“**16.2.** A proceeding before the Administrative Tribunal of Québec must be brought within 30 days after notification of the contested decision.

The Tribunal may confirm, quash or amend the contested decision.

Adopté
[Signature]

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SECTION 1 (section 20.1 of the Act respecting the environmental
performance of buildings)

Insert after proposed section 20:

"20.1. If a municipality is required to enforce all or part of a regulation made under this Act, the municipality's inspectors, duly authorized by it, are vested with the powers set out in section 5 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) for the purposes of the regulation.

Sections 7 and 20 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to municipal inspectors. The monetary administrative penalties and the offences referred to in sections 23 and 42, respectively, of that Act also apply with respect to municipal inspectors.

*Adopté
HL*

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SECTION 1 (section 17 of the Act respecting the environmental
performance of buildings)

Replace the third paragraph of proposed section 17 by:

“Despite the second paragraph of this section and section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person has a right of access to

(1) the address of the establishment or premises of a person who offers accommodation or assistance services to persons who are victims of violence or of a person composed of persons or groups of persons offering such services; or

(2) the name and address of an owner of a building who has submitted to the Minister a request mentioning that access to that information could endanger the owner's safety or the safety of an occupant or user.

Adopté
✓

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SECTION 1 (section 29 of the Act respecting the environmental
performance of buildings)

Replace proposed section 29 by:

"29. No provision regarding the environmental performance of buildings may be adopted by a municipality, unless the provision is more stringent than that provided for in a regulation made under Division II or III of Chapter II or unless the provision concerns matters other than those referred to in such a regulation.

Any provision that does not comply with the first paragraph is deemed unwritten.

For the purposes of the first paragraph, a provision may be considered more stringent only if it provides for the same calculation method and terms as those provided for in a regulation made under Division II or III of Chapter II.

*Adopté
r/c*

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SECTION 1 **(section 30 of the Act respecting the environmental
performance of buildings)**

Replace proposed section 30 by:

“30. Any provision regarding the environmental performance of buildings that is adopted by a municipality and that could impact energy distributors' capacity to adequately meet consumers' energy needs is inoperative, unless the provision has been approved by the Minister, after obtaining a favourable opinion from the Minister of Natural Resources and Wildlife. Notice of the Minister's decision is to be published without delay in the *Gazette officielle du Québec*.

*Adopté
TC*

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SECTION 9 (Schedule III to the Act respecting administrative justice)

Strike out « 8, » in proposed paragraph 5 of Schedule III.

A handwritten signature in blue ink, appearing to be "Adapté", is located on the right side of the page.

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SECTION 13.1 (section 79 of the Act respecting certain measures enabling
the enforcement of environmental and dam safety
legislation)

Insert after section 13:

13.1. Section 79 of the Act is amended by replacing “and to the monetary administrative penalties imposed under this Act or the Acts concerned” by “, to the monetary administrative penalties imposed under this Act or the Acts concerned and to the environmental performance rating assigned to a building under the second paragraph of section 6 of the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*). ”

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SECTION 21 (section 10.5 of the Act respecting the Ministère du
Développement durable, de l'Environnement et des Parcs)

In the fifth paragraph of proposed section 10.5:

1. Replace the introductory clause by:

For the purposes of this section,

“energy distributor” means

2. Insert at the end:

“fuel distributor” means

(1) a person who refines, manufactures, mixes, prepares or distills fuel in Québec;

(2) a person who brings or causes to be brought into Québec fuel contained in one or more receptacles with a total capacity of over 200 litres, except fuel contained in a fuel tank installed as standard equipment to supply the engine of a vehicle;

(3) a person who, in Québec, exchanges fuel with a person described in paragraph 1; or

(4) a legal person or partnership that brings fuel into Québec for a purpose other than resale.

*Adapté
FK*

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SECTION 22 (section 15.4 of the Act respecting the Ministère du
Développement durable, de l'Environnement et des Parcs)

Replace by:

22. Section 15.4 of that Act is amended:

(1) by inserting “the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*) and the regulations made under that Act,” after “under” in paragraph 5.0.1;

(2) by inserting “the Act respecting energy efficiency and energy conservation standards for certain products and the regulations made under that Act (chapter N-1.01) or the regulations made under that Act, the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*) or the regulations made under that Act,” after “against” in paragraph 5.0.2;

(3) by inserting the following paragraph after paragraph 5.0.2:

“(6) the annual contribution collected from energy distributors under section 10.5;”.

Adopté
7/2

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SECTION 28 (section 85.41 of the Act respecting the Régie de l'énergie)

Replace paragraph 2 by:

- (2) by striking out the second paragraph;
- (3) by replacing "to the Minister in accordance with the regulation made under the first paragraph of section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune" in the sixth paragraph by "in accordance with the regulation made under section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs".

*Adopté
17/6*

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SECTION 32 (section 2 of the Regulation respecting the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune)

Replace paragraph 3 by:

(3) by replacing the third paragraph by the following paragraph:

“At the expiry of the five-year period provided for in section 10.5 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001), the calculation of the subsequent contribution is adjusted to take into account any amount by which the revenue from the contribution exceeds the specified expenditure associated with the contribution for the preceding period.”

Adopté
ML

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SECTION 35.1

Insert before section 36:

35.1. Section 30 of the Act respecting the environmental performance of buildings (*insert the year and chapter number of that Act*) does not apply to a provision regarding the environmental performance of buildings adopted by a municipality before 15 February 2024.

*Adopté
JL*

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SECTION 35.2

Insert after section 35.1 introduced by amendment:

35.2. A provision regarding the environmental performance of buildings adopted by a municipality after 14 February 2024 and before (*insert the date of assent to this Act*) is not inoperative if it is submitted for approval before (*insert the date that is 30 days after the date of assent to this Act*) and remains so until the Minister approves or refuses to approve, in accordance with section 30 of the Act respecting the environmental performance of buildings, that provision.

*Adopté
MC*

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SECTION 40

Replace by:

40. This Act comes into force on *(insert the date of assent to this Act)*, except

(1) the provisions of section 1 insofar as it enacts section 29 of the Act respecting the environmental performance of buildings and of sections 2 to 4, which come into force on the date or dates to be set by the Government; and

(2) the provisions of sections 17, 18, 22, 37 and 38, which come into force on the first day of the month that follows *(insert the date of assent to this Act)*.

Adopté
RN