NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 76

An Act mainly to enhance the quality of construction and public safety

Introduction

Introduced by
Mr. Jean Boulet
Minister of Labour

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EXPLANATORY NOTES

This bill makes various amendments to the Building Act and other provisions, mainly to enhance the quality of construction and public safety.

Under the bill, contractors or owner-builders will be required to have their construction work inspected at three or more key stages in the construction process, as determined by a site monitoring plan, and to obtain a certificate of the construction work's conformity with the Construction Code or with construction standards adopted by a municipality. The bill also specifies the requirement for a contractor or owner-builder to enter into a contract for those purposes before undertaking construction work. The bill makes provision for a regulation of the Régie du bâtiment du Québec (Board) to determine the categories of buildings, facilities, installations or construction work to which the requirements apply, as well as the other related terms and conditions. The first such regulation respecting the categories of buildings covered is to be published as a draft not later than two years after assent to the Act.

The bill introduces various provisions relating to contractors' or owner-builders' licences, in particular to require the successful completion of training programs and passing of examinations determined by regulation to obtain them. Under the bill, the Board may not examine the application for such a licence if the person or partnership applying held a licence that was cancelled in the 12 months preceding the application. It also broadens the power of commissioners to include new situations where they may decide to cancel a licence.

The bill allows commissioners to subject a licence, certificate, permit or recognition to any condition that they consider appropriate, including the application of a corrective, oversight or monitoring measure. It specifically empowers the Board to determine by regulation the rules of procedure applicable to the functions that commissioners exercise.

The bill enhances the information that the Board's public registers must contain regarding contractors' or owner-builders' licences and building inspectors' certificates. Provision is also made *for the Board to keep a register composed of all the documents and information relating to the licences, permits, certificates and recognitions it grants.*

The bill includes provisions regarding mediation and arbitration of disputes arising out of guaranty plans, in particular with regard to the Board's recognition of one or more bodies to conduct the mediation and arbitration of such disputes. The Minister of Labour is given the power to allow, by order, the use by any person of a design, building method, material or equipment approved by the Board to replace what is provided for in a code or regulation. Additionally, requirements are made applicable to the owner who applies for or holds a permit, in particular proving good moral character and a capacity to exercise activities in the field relating to the permit with competence and integrity, given past conduct.

The bill establishes a system of monetary administrative penalties applicable in cases of failure to comply with the Building Act or its regulations, and amends certain penal provisions.

The scope of the Building Act is broadened to include the installations of systems intended to produce or store energy, including renewable energy. The bill harmonizes certain provisions of the Master Electricians Act and Master Pipe-Mechanics Act with those of the Building Act.

Finally, the bill contains a number of consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting land use planning and development (chapter A-19.1);

– Building Act (chapter B-1.1);

– Master Electricians Act (chapter M-3);

– Master Pipe-Mechanics Act (chapter M-4);

– Act to establish the Administrative Labour Tribunal (chapter T-15.1).

REGULATION AMENDED BY THIS BILL:

– Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

AMENDING PROVISIONS

BUILDING ACT

1. Section 2 of the Building Act (chapter B-1.1) is amended by adding the following subparagraph at the end of paragraph 3:

"(*f*) installations of systems intended to produce or store energy, including renewable energy;".

2. Section 16 of the Act is replaced by the following section:

"**16.** Every contractor or owner-builder shall have his construction work inspected at three or more key stages in the construction process, as determined by a site monitoring plan, and obtain a certificate of the construction work's conformity with the Construction Code (chapter B-1.1, r. 2) and, if applicable, with the construction standards adopted by a municipality.

For those purposes, the contractor or owner-builder must entrust, by contract and for the entire duration of the work, an engineer, architect or person or body recognized by the Board, in accordance with a regulation of the Board, with carrying out inspections, drawing up the monitoring plan and producing a certificate of conformity.

The contractor or owner-builder may not undertake construction work unless he has entered into such a contract. Similarly, the contractor or owner-builder must, in the cases determined by regulation, suspend the construction work where he finds that the person or body he entered into a contract with is not exercising the functions set out in the contract until this failure is remedied, in particular by the person's or body's resumption of those functions or by entering into a new contract.

A regulation of the Board determines the categories of buildings, facilities, installations or construction work to which this section applies, the key stages that must be provided for by the site monitoring plan, and the other terms and conditions in relation to the monitoring plan, the certificate of conformity and the contract, in particular as regards their form, content, conservation and delivery.”

3. Section 18 of the Act is amended by replacing “set” by “adopted”.

4. The Act is amended by inserting the following section after section 51:

“**51.1.** An application for a licence may not be examined by the Board if the person or partnership applying held a licence that was cancelled, in the 12 months preceding the application, following a decision of a commissioner exercising the functions provided for in section 109.6.

Similarly, an application for a licence may not be examined by the Board if an officer of the partnership or legal person applying was the holder, or was the officer of a partnership or legal person that was the holder, of a licence that was cancelled in the 12 months preceding the application following a decision of a commissioner exercising the functions provided for in section 109.6.”

5. Section 57.1 of the Act is amended by replacing “and the words “holder of a licence issued under the Building Act”” by “, the words “holder of a licence issued under the Building Act” and any other information determined by regulation of the Board”.

6. Section 58 of the Act is amended, in the first paragraph,

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

“(1) he shows, by successfully completing training programs and passing examinations or by any other means, that he has the knowledge or relevant experience in managing a building undertaking and in carrying out construction work to merit the public’s trust, in accordance with the terms and conditions prescribed by regulation of the Board;”;

(2) by replacing “convicted” in subparagraphs 8, 8.2, 8.3 and 8.4 by “found guilty”.

7. Section 65.1 of the Act is amended, in the second paragraph,

(1) by inserting “or an officer of the licence holder” after “if the licence holder” in subparagraph 5;

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

“(6) if an officer of the licence holder is also an officer of a partnership or a legal person named in the register of enterprises ineligible for public contracts under the Act respecting contracting by public bodies, unless the licence holder proves to the Board that the offence that resulted in the registration was not committed in the exercise of the person's functions within the partnership or legal person."

8. Section 66 of the Act is replaced by the following sections:

"**66.** The Board shall keep a public register in which the following information is entered:

(1) the names and contact information of licence holders, their officers and guarantors and, if applicable, the Québec business number assigned to these holders under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) the date of issue and the numbers of such licences and, if applicable, the numbers of the licences for which the officers and guarantors referred to in subparagraph 1 are also officers and guarantors;

(3) the classes or subclasses of such licences and, if applicable, the participation in a guaranty plan referred to in section 80 and the names of the sureties having issued the security referred to in section 84;

(4) where applicable, any restriction indicated on a licence as regards the obtention of a public contract;

(5) where applicable, the history of any restrictions indicated on a licence as regards the obtention of a public contract;

(6) where applicable, the number of claims calling into question the security referred to in section 84 concerning the licence holder and having been declared in compliance with the requirements prescribed by regulation of the Board, and the amount of compensation paid following those claims;

(7) where applicable, the date and the operative part of any decision rendered by a commissioner to cancel or suspend a holder's licence;

(8) where applicable, the date and the nature of the orders concerning a licence holder under this Act or the regulations, and the non-compliance observed in the orders; and

(9) any other information, including personal information, determined by regulation of the Board.

As regards the information provided for in subparagraphs 5 to 9 of the first paragraph, the Board shall determine the date from which the information is to be entered in the register and for how long it is to be in the register.

The Board shall publish the register on its website.

“**66.1.** The Board may, for the period it determines, enter in the register provided for in section 66 the information referred to in that section concerning a licence that is no longer valid.

The Board may also enter in the register any other public information it considers of public interest.”

9. The Act is amended by inserting the following section after section 69:

“**69.1.** A licence holder who wishes to relinquish his licence must notify the Board in writing.

The licence ceases to have effect upon receipt of the notice by the Board.”

10. Section 70 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing all occurrences of “convicted” in subparagraphs 1, 3.2 and 3.3 by “found guilty”;

(*b*) by inserting the following subparagraph after subparagraph 4:

“(4.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;”;

(*c*) by striking out subparagraph 7;

(2) by replacing, in the second paragraph, both occurrences of “convicted” by “found guilty” and “conviction” by “finding of guilt”.

11. Section 70.2 of the Act is amended

(1) by inserting “the first paragraph of section 124.1 of this Act or” after “under” in the first paragraph;

(2) by replacing “7.7 of that Act” in the second paragraph by “160 of this Act or section 7.7 of the Act respecting labour relations, vocational training and workforce management in the construction industry”.

12. The Act is amended by inserting the following section after section 71:

“**71.1.** If a licence includes a subclass authorizing its holder to carry out construction work covered by a guaranty plan referred to in section 80, that subclass or, if the licence is for that subclass only, the licence shall cease to have effect as soon as the licence holder stops participating in the guaranty plan.”

13. The Act is amended by inserting the following section after section 73:

"**74.** Despite sections 69.1, 71, 71.1 and 73, a licence is suspended where, between the receipt by the holder of the notice provided for in section 75 concerning a decision referred to in subparagraph 4 of the first paragraph of section 109.6 and the rendering of a decision,

(1) the holder notifies the Board of the holder's intention to abandon the licence;

(2) the holder did not pay the fees payable to maintain the licence when they were due;

(3) the licence includes only one subclass authorizing its holder to carry out construction work covered by a guaranty plan, and the holder no longer participates in the guaranty plan; or

(4) the guarantor of the partnership or legal person that is a holder has ceased to act in that capacity, in a case other than the guarantor's death, and it is not a situation where the licence remains in force under the second and third paragraphs of section 73.

The suspension is effective until the Board takes note of the situation concerned, in which case the licence ceases to have effect, or until the Board cancels the licence."

14. Section 83.1 of the Act is replaced by the following sections:

"**83.1.** The Board may recognize one or more bodies to conduct the mediation and arbitration of disputes arising out of guaranty plans, provided the body who so applies complies with the following conditions:

(1) it is devoted to both dispute mediation and arbitration;

(2) it has established a panel of mediators and arbitrators whose integrity and competence has been demonstrated to the Board and who satisfy the conditions determined by regulation of the Board;

(3) it agrees to apply mediation and arbitration procedures determined by regulation of the Board;

(4) it agrees to apply a tariff of mediation and arbitration costs prescribed by the Board and that pertains to mediation and arbitration expenses, including expenses incurred by the body and the cost of its services, the mediators' and arbitrators' fees and the provisions for expenses; and

(5) it complies with any other condition determined by regulation of the Board, in particular as concerns the documents and information relating to the body's activities that it is required to send the Board.

The Board may disseminate the documents and information obtained from the body under subparagraph 5 of the first paragraph. It must also ensure that the full text of decisions made by the arbitrators of the body is published.

"**83.2.** The Board may refuse to recognize a body or to renew such recognition, or may suspend or cancel such recognition, if the body does not comply with one of the terms or conditions set out in section 83.1.

The Board shall, before rendering a decision under the first paragraph, notify the body concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the body at least 10 days to submit observations.

Decisions of the Board must be rendered in writing and give reasons."

15. Section 84 of the Act is amended by striking out "not covered by a guaranty plan referred to in section 80".

16. Section 86.11 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting the following subparagraph after subparagraph 3:

"(3.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;";

(*b*) by replacing "convicted" in subparagraphs 6, 7 and 8 by "found guilty";

(2) by replacing "paragraph 7" in the second paragraph by "subparagraph 7".

17. Section 86.13 of the Act is replaced by the following sections:

"**86.13.** The Board shall keep a public register in which the following information is entered:

(1) the names and contact information of the certificate holders, and, if applicable, the Québec business number assigned to these holders under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) certificate numbers and classes;

(3) the certificate's date of issue and annual renewal date;

(4) where applicable, the date and the operative part of any decision by a commissioner to cancel, suspend or refuse to renew a certificate;

(5) where applicable, the date and the nature of the orders concerning a certificate holder under this Act or the regulations, and the non-compliance observed in the orders; and

(6) any other information, including personal information, determined by regulation of the Board.

As regards the information provided for in subparagraphs 4 to 6 of the first paragraph, the Board shall determine the date from which the information is to be entered in the register and for how long it is to be in the register.

The Board shall publish the register on its website.

"**86.13.1.** The Board may, for the period it determines, enter in the register provided for in section 86.13 the information referred to in that section concerning a certificate that is no longer valid.

The Board may also enter in the register any other public information it considers of public interest."

18. Section 109.6 of the Act, amended by section 11 of chapter 28 of the statutes of 2019, is again amended

(1) by inserting "and subparagraph 6" after "subparagraph 4" in paragraph 2;

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

"(4.0.1) to take note of one of the situations referred to in the first paragraph of section 74, or to decide to cancel the licence;";

(3) by inserting the following paragraph after paragraph 4.1:

"(4.2) to refuse to recognize a mediation or arbitration body under section 83.2, or to suspend, cancel or refuse to renew the recognition of a body under that section;";

(4) by replacing "paragraphs 2 to 5 of section 128.3" in paragraph 5 by "subparagraphs 2 to 11 of the first paragraph of section 128.3 and the second, third and fourth paragraphs of that section";

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

"A commissioner may subject a licence, certificate, permit or recognition to any condition that the commissioner considers appropriate, including that the licence holder or the recognized person or body be subject, at the holder's or the person's or body's own expense and within the time the commissioner specifies, to a corrective, oversight or monitoring measure."

19. Section 111 of the Act, amended by section 103 of chapter 24 of the statutes of 2023, is again amended by replacing paragraph 5.1 by the following paragraph:

"(5.1) to grant financial assistance to support projects, services or activities related to information, awareness or training, whose purpose is to protect guaranty plan beneficiaries;".

20. Section 112 of the Act, amended by section 13 of chapter 28 of the statutes of 2019, is again amended by inserting ", a building inspector, a contractor, an owner-builder, the owner of a building, facility intended for use by the public, installation independent of a building or petroleum equipment installation, a pressure vessel manufacturer or a gas or petroleum product distribution undertaking" after "manager of a guaranty plan" in paragraph 1.

21. Section 124.1 of the Act is amended by inserting the following paragraph after the first paragraph:

"The Board may also order the suspension of construction work where the contractor or the owner-builder does not comply with the first, second and third paragraphs of section 16."

22. The Act is amended by inserting the following section after section 127:

"**127.1.** The Minister may, by order and on the conditions determined by the Minister, allow that a design, building method, material or equipment, approved by the Board under section 127, be used by any person to replace what is required by a standard provided for in a code or regulation made under this Act.

Such an order shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the order. The order is also to be published on the Board's website. The order is established for a period of up to five years which the Minister may, if the Minister considers it necessary, extend twice for a period that may not exceed two years for each extension.

Divisions II and III of the Regulations Act (chapter R-18.1) and section 17 of that Act do not apply to such an order."

23. Section 128.3 of the Act is amended

(1) by replacing "if the applicant or holder" in the introductory clause by "if the partnership or person that applied for or holds a permit, or any of its officers,";

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

"(3.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;";

(3) by adding the following at the end:

"(6) has been found guilty of an offence under this Act, the Consumer Protection Act (chapter P-40.1), the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) or the Act respecting occupational health and safety (chapter S-2.1), if the serious nature or frequency of the offence justifies such a decision;

"(7) has or, in the case of a legal person that is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), its shareholder has, in the five years preceding the application, been found guilty of an offence under a fiscal law or an indictable offence related to the activities that the partnership or person intends to carry on in the field relating to the permit, unless a pardon has been obtained;

"(8) has, in the five years preceding the application, been found guilty by a foreign court of an offence or indictable offence referred to in subparagraph 7 which, if committed in Canada, would have resulted in criminal proceedings;

"(9) is the prête-nom of another person;

"(10) holds a suspended permit or has been the holder of a permit that was cancelled within less than three years; or

"(11) has failed to provide the Board with what is needed to carry out a verification or inspection.

Despite subparagraph 7 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a permit 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 Board may also refuse to issue, amend or renew a permit, or may limit, suspend or cancel a permit, if issuing or maintaining the permit would be contrary to the public interest, for example because the partnership or person that applies for or holds a permit, or any of its officers, is unable to prove good moral character and a capacity to exercise activities in the field relating to the permit with competence and integrity, given past conduct.

The Board may also refuse to issue, amend or renew a permit, or may limit, suspend or cancel a permit, if an officer of a partnership or legal person that applies for or holds the permit was an officer of a partnership or legal person referred to in any of the cases provided for in this section or, if the conditions prescribed by subparagraph 7 of the first paragraph are met, if such an officer or the shareholder of such a legal person has been the shareholder of a legal person which was found guilty of an offence or indictable offence referred to in that subparagraph."

24. Section 128.4 of the Act is amended by inserting the following paragraph after paragraph 3:

"(3.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;".

25. Section 130 of the Act, amended by section 104 of chapter 24 of the statutes of 2023, is again amended by inserting ", 122" after "117" in subparagraph 2 of the third paragraph.

26. Section 141 of the Act is amended by striking out "by regulation" in the first paragraph.

27. The Act is amended by inserting the following section after section 142:

"**142.1.** The Board keeps a register for the purposes of this Act. The register shall be composed of all the documents and information relating to a licence, permit, certificate or to the recognition of a person or body, such as an application for a licence, permit, certificate or recognition, as well as any other document required for maintaining or renewing them.

The register shall also contain the documents or information that could be used in penal proceedings for an offence under a provision of this Act."

28. Section 151 of the Act is amended by adding the following paragraph at the end:

"(8) amounts from the monetary administrative penalties imposed."

29. The Act is amended by inserting the following chapter after section 159:

"**CHAPTER VI.1**

"MONETARY ADMINISTRATIVE PENALTIES

"**DIVISION I**

"GENERAL FRAMEWORK AND IMPOSITION OF PENALTIES

"**159.1.** The Board shall develop and make public a general framework for applying monetary administrative penalties, specifying the following elements in particular:

(1) the purposes of the penalties, such as urging a non-compliant person or partnership to rapidly take measures required to remedy the failure to comply and deter its repetition;

(2) the categories of persons designated to impose penalties;

(3) the criteria that must guide designated persons when a failure to comply has been ascertained, including the type of failure, its repetitive nature, the benefits derived from it, the seriousness of the harm or potential harm resulting from it and the measures taken by the person or partnership to remedy the failure;

(4) the circumstances in which priority will be given to penal proceedings; and

(5) the other procedures connected with such penalties, such as the fact that they must be preceded by notification of a notice of non-compliance.

In addition, the general framework must set out the categories of administrative penalties or penal sanctions as defined by the Act or the regulations.

"**159.2.** The Board may impose a monetary administrative penalty on anyone who fails to comply with this Act or the regulations, in the cases and on the conditions set out in them.

"**159.3.** A monetary administrative penalty of $500 in the case of a natural person and $1,500 in any other case may be imposed on anyone who

(1) fails or refuses to send to the Board documents or information required for the application of this Act or the regulations;

(2) provides erroneous information or incomplete documents required under this Act or the regulations;

(3) fails to inform the Board of any change which makes the information provided to obtain or maintain his licence, permit, certificate or recognition inaccurate or incomplete;

(4) fails to mention the information provided for in section 57.1, or any other information determined by regulation of the Board, in any form of publicity, or in estimates, tender bids, contracts, statements of account or any other documents determined by such a regulation; or

(5) fails to comply with a remedial notice given under section 122 or contravenes a suppletory measure included in such a notice.

"**159.4.** A monetary administrative penalty of $1,000 in the case of a natural person and $5,000 in any other case may be imposed on anyone who

(1) prevents a person acting on behalf of the Board from exercising powers conferred on him by this Act or the regulations, impedes him or neglects to obey an order that such a person may give, in particular by refusing to give him access to a construction site, building, establishment, facility intended for use by the public, installation independent of a building, petroleum equipment

installation or civil engineering structure, or by refusing to provide him with documents or information that the person is authorized to require under this Act; or

(2) fails to comply with a condition imposed by a commissioner under the second paragraph of section 109.6.

“**159.5.** A monetary administrative penalty of $3,000 in the case of a natural person and $7,500 in any other case may be imposed on anyone who

(1) acts as a building contractor or an owner-builder, holds himself to be such or gives cause to believe that he is a building contractor or an owner-builder when he does not hold a licence of the appropriate class or subclass, in contravention of the first paragraph of section 46 or section 48;

(2) if he is a contractor, uses, for the carrying out of construction work, the services of another contractor who does not hold a licence of the appropriate class or subclass, in contravention of the second paragraph of section 46;

(3) carries on an activity without obtaining a permit, certificate or recognition required under this Act, other than a licence, in particular under section 35.2, 37.1 or 86.8, as well as its renewal and amendment; or

(4) fails to comply with an order made under section 123, 124 or 124.1 or in any way prevents or hinders its enforcement.

“**159.6.** A monetary administrative penalty of $5,000 in the case of a natural person and $10,000 in any other case may be imposed on anyone who

(1) acts as a building contractor or an owner-builder, holds himself to be such or gives cause to believe that he is a building contractor or an owner-builder when he does not hold a licence, in contravention of the first paragraph of section 46 or section 48; or

(2) if he is a contractor, uses, for the carrying out of construction work, the services of another contractor who does not hold a licence, in contravention of the second paragraph of section 46.

“**159.7.** The Board may, by regulation, specify the cases where a failure to comply with a provision of this Act or of a regulation of the Board may give rise to a monetary administrative penalty. The regulation may set out conditions for applying the penalty and prescribe the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, among other things.

The amounts of the monetary administrative penalties prescribed under the first paragraph may not exceed the following amounts:

(1) $5,000 in the case of a natural person; and

(2) $10,000 in any other case.

"**159.8.** No monetary administrative penalty may be imposed on a person or partnership for failure to comply with a provision of this Act or of the regulations if a statement of offence has already been served on the person or partnership for contravention of the same provision on the same day and based on the same facts.

"**159.9.** No accumulation of monetary administrative penalties may be imposed on the same person or partnership for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the Board determines which penalty is most appropriate in light of the circumstances and the purposes of the penalties.

"**159.10.** If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

In particular, continuing, day after day, to carry on an activity without obtaining a licence, permit, certificate or recognition required under this Act constitutes, for anyone who does so, a new failure for each day this continues.

"**159.11.** Before imposing a monetary administrative penalty, the Board shall notify a notice of non-compliance to the person or partnership in default informing the person or partnership of the failure in question and the possibility of submitting observations and, if applicable, producing any documents to complete the record. The notice shall urge the person or partnership to take the necessary measures to remedy the failure. The notice must mention that the failure may give rise to a monetary administrative penalty or penal proceedings.

"**159.12.** The imposition of a monetary administrative penalty for failure to comply with this Act or the regulations is prescribed by two years from the date on which the failure to comply is ascertained.

"**159.13.** A monetary administrative penalty is imposed on a person or partnership by the notification of a notice of claim.

If a notice of claim applies to more than one debtor, the debtors are solidarily liable.

The notice must state

(1) the amount of the claim;

(2) the reasons why the amount is owing;

(3) the time from which it bears interest, in accordance with section 155; and

(4) the right to obtain a review of the decision to impose the penalty and the time limit for exercising that right.

The notice must also include information on the procedure for recovery of the amount claimed. The debtor is also informed that failure to pay the amount owing could result in an unfavourable decision concerning a licence, permit, certificate or recognition of a person or body and, if applicable, that the facts on which the claim is founded could also result in an order or in civil or penal proceedings.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code for the recovery of an amount owing.

“**DIVISION II**

“REVIEW AND PROCEEDING

“**159.14.** Anyone on whom a monetary administrative penalty is imposed may apply, in writing, to the Board for review of the decision to impose a monetary administrative penalty within 30 days after the notification of the notice of claim. The application for review suspends the execution of the decision. However, the interest shall be accrued from the date provided for in subparagraph 3 of the third paragraph of section 159.13, subject to the application of the second paragraph of section 159.16.

The persons responsible for the review must not come under the same administrative authority as the persons responsible for imposing such penalties.

“**159.15.** The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and, if applicable, produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless he deems it necessary to proceed in some other manner.

“**159.16.** The review decision must be written in clear and concise terms with reasons given, must be notified to the applicant and must state the applicant’s right to contest the decision before the Administrative Labour Tribunal and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to submit observations or produce documents, the interest provided for in section 155 on the amount owing ceases to accrue until the decision is rendered.

“**159.17.** A review decision that confirms the imposition of a monetary administrative penalty may be contested by the person or partnership concerned by the decision before the Administrative Labour Tribunal within 30 days of its notification.

Such a proceeding suspends the execution of the decision. However, interest nevertheless accrues.

Despite subparagraph 4 of the second paragraph of section 9 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Administrative Labour Tribunal may only confirm or quash a contested decision. At that time, the Tribunal may also rule on the accrued interest.

“**DIVISION III**

“RECOVERY

“**159.18.** If a partnership or legal person has defaulted on payment of a monetary administrative penalty, its officers are solidarily liable, with the partnership or legal person, for payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

“**159.19.** Payment of a monetary administrative penalty is secured by a legal hypothec on the debtor’s movable and immovable property.

“**159.20.** The Board and the debtor may enter into an agreement with regard to the payment of a monetary administrative penalty. The agreement or the payment of the penalty does not constitute, for the purposes of any other monetary administrative penalty or penal proceedings, an acknowledgement of the facts giving rise to it.

“**159.21.** If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Board may issue a recovery certificate as of the date on which the decision imposing the penalty becomes final.

However, the recovery certificate may be issued before that date if the Board is of the opinion that the debtor is attempting to evade payment.

The recovery certificate states the debtor’s name and address and the amount of the debt.

“**159.22.** Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of that amount.

“**159.23.** On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

“**159.24.** The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Board.

“**159.25.** The Board may, by agreement, delegate to a government department or to a body all or some of the powers relating to the recovery of an amount owing under this chapter.

“**DIVISION IV**

“PUBLIC REGISTER

“**159.26.** The Board keeps a public register of information related to monetary administrative penalties imposed under this Act or the regulations.

The register must contain the following information:

(1) the date the penalty was imposed;

(2) the date and nature of the failure for which the penalty was imposed and the legislative and regulatory provisions under which it was imposed;

(3) the name of the municipality in whose territory the failure is ascertained;

(4) if the penalty was imposed on a partnership or legal person, its name, the address of its head office and, where applicable, the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(5) if the penalty was imposed on a natural person, the person’s name, the name of the municipality in whose territory the person is domiciled, and

(*a*) if the failure occurred during the ordinary course of business of the person’s enterprise, the enterprise’s name, its address and, where applicable, the business number assigned under the Act respecting the legal publicity of enterprises; or

(*b*) if the natural person is a guarantor for or an officer of a partnership or legal person, the name of the partnership or legal person, the address of its head office and, where applicable, the business number assigned under the Act respecting the legal publicity of enterprises;

(6) the amount of the penalty imposed;

(7) if applicable, the date of receipt of an application for review and the date and conclusions of the Board's decision;

(8) if applicable, the date a proceeding was brought before the Administrative Labour Tribunal, and the date and conclusions of the Tribunal's decision, as soon as the Board is made aware of the information;

(9) if applicable, the date any proceeding was brought against the Administrative Labour Tribunal's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Board is made aware of the information; and

(10) any other public information the Board considers of public interest.

The information is entered in the register as of the time the decision imposing the penalty becomes final."

30. Section 160 of the Act, amended by section 109 of chapter 24 of the statutes of 2023, is again amended by replacing "sections 84" in paragraph 1 by "section 83.2, 84".

31. Section 164.1 of the Act, amended by section 110 of chapter 24 of the statutes of 2023, is again amended by inserting "83.2," after "section" in subparagraph 2 of the first paragraph.

32. The Act is amended by inserting the following section after section 176.1:

"**177.** The codes may provide for a person or body to certify or approve work carried out in accordance with a standard, the persons qualified to carry out such work, and the materials, equipment, appliances or installations covered by the standard."

33. Section 185 of the Act, amended by section 112 of chapter 24 of the statutes of 2023, is again amended

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

"(1) determine the categories of buildings, facilities, installations or construction work to which the first, second and third paragraphs of section 16 apply, the key stages that must be included in the site monitoring plan, and the other terms and conditions in relation to the monitoring plan, the certificate of conformity and the contract, in particular as regards their form, content, conservation and delivery;

“(1.1) determine the cases in which a contractor or owner-builder is required, under the third paragraph of section 16, to suspend the construction work where he finds that the person with whom or body with which he has entered into the contract provided for in the second paragraph of that section is not exercising the functions set out in the contract;”;

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

“(9) determine the training programs and examinations that a person must successfully complete to qualify as a guarantor in a skill area, or any other means of establishing knowledge or experience, including any requirements relating to such programs, examinations or means, in particular as regards the content of the programs and the subjects of such examinations, and the criteria for admission and exemption;”;

(3) by replacing paragraph 17.1 by the following paragraphs:

“(17.1) determine the other documents on which the information provided for in section 57.1 must appear, and any other information that the licence holder must include in any document;

“(17.2) determine any information to be entered in the public register, in accordance with subparagraph 9 of the first paragraph of section 66;”;

(4) by adding the following subparagraph at the end of paragraph 19.5:

“(*i*) determine the management policies established by the Board that the manager of a guaranty plan must comply with to ensure the implementation of the plan, and the method of publication of these policies;”;

(5) by striking out paragraph 19.5.2;

(6) by replacing subparagraph *d* in paragraph 19.6 by the following subparagraphs:

“(*d*) determine the conditions and procedure applicable to a mediation and arbitration body for the purposes of section 83.1;

“(*d*.1) establish the conditions and the manner according to which an authorization referred to in section 83.1 is issued, amended or renewed, and its period of validity;”;

(7) by striking out “the rules regarding continuing education and” in paragraph 19.8;

(8) by inserting the following paragraph after paragraph 19.8:

“(19.8.1) determine the continuing education requirements, or the framework for continuing education requirements, with which building inspectors must comply, in accordance with the conditions set by resolution of the Board; the regulation must include the procedure for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply and, if applicable, any exemptions from the requirements;";

(9) by inserting the following paragraph after paragraph 19.9.1:

"(19.9.2) determine any information to be entered in the public register, in accordance with subparagraph 6 of the first paragraph of section 86.13;";

(10) by inserting the following paragraphs after paragraph 36.1:

"(36.2) determine the rules of procedure applicable to the exercise of the functions of the commissioner;

"(36.3) specify the cases where failure to comply with a provision of this Act or a regulation of the Board may give rise to a monetary administrative penalty, set out the conditions for applying the penalty and determine the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, among other things;

"(36.4) determine the cases in which and the conditions under which the debtor of a monetary administrative penalty is required to pay a recovery charge, and determine the amount of the charge;".

34. Section 194 of the Act is amended

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

"(4) hinder or attempt to hinder the work of a person acting on behalf of the Board or obstruct him in the exercise of his duties in any way, in particular by exercising undue pressure on him, using intimidation or threats, misleading him by concealment or false declarations, refusing him access to a construction site, a building, an establishment, a facility intended for use by the public, an installation independent of a building, a petroleum equipment installation or a civil engineering structure, or refusing to provide information or documents that the person is empowered to require under this Act;";

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

"(7) contravene any of the provisions of sections 14, 15, the first, second and third paragraphs of section 16, sections 18, 19, 22, the first paragraphs of sections 24 and 25, sections 26, 27, 32 to 35, the third paragraph of section 35.2, sections 36, 37, 37.2, 38.1, 39, the second paragraph of section 49, section 53, the second paragraph of section 56, sections 57.1, 67, 69, 76.1, 79 or 82, or a regulatory provision determined under section 179 or paragraph 37 of section 185."

35. Section 196.1.1 of the Act is amended by adding the following paragraph at the end:

"On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

36. Section 197 of the Act, amended by section 27 of chapter 28 of the statutes of 2019, is again amended

(1) by inserting "the first paragraph of section 38," after "37.1";

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

"On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

37. Sections 197.1 and 197.2 of the Act are amended by adding the following paragraph at the end:

"On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

38. The Act is amended by inserting the following section after section 197.2:

"**197.3.** Any person who, on applying for a permit or at any time during his permit's term of validity, acts as a prête-nom, calls on a prête-nom or has a prête-nom among its officers is liable to a fine of $6,427 to $32,128 in the case of an individual and $19,279 to $96,386 in the case of a legal person.

On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

39. The Act is amended by adding the following sections after section 201:

"**201.0.1.** In any penal proceedings related to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of the defendant is sufficient to establish that it was committed by the defendant, unless the defendant establishes that he exercised due diligence and took all necessary precautions to prevent the offence.

"**201.0.2.** If a partnership or legal person, or an agent, mandatary or employee of a partnership or legal person, commits an offence under this Act or the regulations, the officer of the partnership or legal person is presumed to have committed the offence, unless it is established that he exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, a partnership's special partners are not presumed to be its officers."

40. Section 201.1 of the Act is amended by striking out “under section 194, 197, 198 or 199”.

41. The Act is amended by replacing “convicted” by “found guilty” in the following provisions:

(1) subparagraphs 6, 6.0.1, 6.3, 6.4 and 8 of the first paragraph of section 60;

(2) subparagraph 2 of the first paragraph of section 61;

(3) the second paragraph of section 67;

(4) subparagraph 7 of the first paragraph of section 71;

(5) section 196.2.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

42. Section 120 of the Act respecting land use planning and development (chapter A-19.1), amended by section 118 of chapter 24 of the statutes of 2023, is again amended by replacing subparagraph 1.2 of the first paragraph by the following subparagraph:

“(1.2) the applicant has provided, in the cases and according to the terms and conditions provided for in the Building Act (chapter B-1.1) and the regulations:

(*a*) a statement to the effect that the contract provided for in the second paragraph of section 16 of the Building Act has been entered into;

(*b*) a statement, produced by the person or body that prepared the plans and specifications in accordance with the regulation provided for in section 17.4 of that Act, to the effect that the plans and specifications comply with the Construction Code (chapter B-1.1, r. 2);”.

MASTER ELECTRICIANS ACT

43. Section 1 of the Master Electricians Act (chapter M-3) is amended

(1) by replacing “electrical installation work, or renovation, alteration or repair work” in subparagraph *c* of paragraph 7 by “construction of”;

(2) by replacing “electrical installation work or the work of renewing, altering or repairing” in paragraph 10 by “construction of”;

(3) by replacing “electrical installation work or the work of renewing, repairing or altering” in paragraph 11 by “construction of”.

44. The Act is amended by inserting the following section after section 1:

"**1.1.** For the purposes of this Act, foundation, erection, renovation, repair, maintenance, alteration or demolition work is considered to be construction work."

45. The Act is amended by inserting the following section after section 19:

"**19.1.** No one contravenes this Act by carrying out or causing to be carried out demolition work on an electrical installation."

46. Section 23 of the Act is amended by replacing "one year" and "five years" by "three years" and "seven years", respectively.

MASTER PIPE-MECHANICS ACT

47. Section 1 of the Master Pipe-Mechanics Act (chapter M-4) is amended

(1) by replacing "installation, renovation, alteration or repair" in subparagraph *b* of paragraph 5 by "construction";

(2) by replacing "the installing of any or all of the following systems, to wit" in the introductory clause of paragraph 6 by "any, several or all of the following systems";

(3) by striking out ", in any building or construction" in subparagraph *a* of the first paragraph of paragraph 6;

(4) by striking out ", in any building or construction" in subparagraph *c* of the first paragraph of paragraph 6;

(5) by striking out "in any building or construction" in subparagraph *e* of the first paragraph of paragraph 6;

(6) by striking out paragraph 7;

(7) by replacing "electrical installation work or the work of renewing, altering or repairing piping installations" in paragraph 8 by "construction work on a piping installation";

(8) by replacing "piping installation work or the work of renewing, repairing or altering piping installations" in paragraph 9 by "construction work on a piping installation".

48. The Act is amended by inserting the following section after section 1:

"**1.1.** For the purposes of this Act, foundation, erection, renovation, repair, maintenance, alteration or demolition work is considered to be construction work."

49. Section 15 of the Act is amended

(1) by striking out subparagraph *b* of the first paragraph;

(2) by replacing the last sentence of the second paragraph by the following: "Nevertheless, no one contravenes this Act by carrying out or causing to be carried out

(*a*) construction work on a piping installation contemplated in subparagraphs *b* and *e* of the first paragraph of paragraph 6 of section 1 of this Act, or by doing with respect to such work the acts described in subparagraphs *c*, *d* and *e* of paragraph 5 of that section;

(*b*) construction work on a piping installation contemplated in subparagraph *c* of the first paragraph of paragraph 6 of section 1 of this Act, where the installation is located outside a building and is independent of it, or where the installation relates to a water service pipe, a sewer connection or the part of the building drain located outside the building; or

(*c*) demolition work on a piping installation."

50. Section 21.2 of this Act is amended by replacing "one year" and "five years" by "three years" and "seven years", respectively.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

51. Section 8 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting ", 159.17" after "section 11.1" in paragraph 1.

REGULATION RESPECTING THE PROFESSIONAL QUALIFICATION OF CONTRACTORS AND OWNER-BUILDERS

52. Section 56.1 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended by replacing the first paragraph by the following paragraph:

"This chapter applies to construction work guarantors for any of licence subclasses 1.1.1, 1.1.2, 1.2 or 1.3 provided for in Schedule I."

53. Section 56.3 of the Regulation is repealed.

54. Section 56.5 of the Regulation is amended

(1) by striking out the second paragraph;

(2) by striking out "required under the first and second paragraphs" in the third paragraph.

55. Section 56.6 of the Regulation is amended

(1) by replacing "Where 16 hours of education are required, the guarantor" in the first paragraph by "The guarantor";

(2) by striking out the second and third paragraphs.

56. Section 56.7 of the Regulation is repealed.

57. Section 56.8 of the Regulation is amended by striking out the second sentence.

58. Section 56.13 of the Regulation is amended by striking out the second and third paragraphs.

59. Schedule II to the Regulation is amended

(1) by striking out "and those included in subclass 15.1.1" in the second paragraph of subclass 15.1;

(2) by striking out subclass 15.1.1;

(3) in subclass 15.2:

(*a*) by striking out the second paragraph;

(*b*) by replacing the third paragraph by the following paragraph:

"It also authorizes related construction work.";

(4) by striking out subclass 15.2.1;

(5) in subclass 15.3:

(*a*) by striking out the second paragraph;

(*b*) by replacing the third paragraph by the following paragraph:

"It also authorizes related construction work.";

(6) by striking out subclass 15.3.1;

(7) by striking out "and those included in subclass 15.4.1" in the second paragraph of subclass 15.4;

(8) by striking out subclass 15.4.1;

(9) in subclass 15.5:

(*a*) by striking out "in any building or structure" in the first paragraph;

(*b*) by striking out the second paragraph;

(*c*) by replacing the third paragraph by the following paragraph:

"It also authorizes related construction work.";

(10) by striking out subclass 15.5.1;

(11) in subclasses 15.9 and 15.10:

(*a*) by striking out "15.1.1," in the second paragraph;

(*b*) by replacing "the appropriate subclass 15.4 or 15.4.1" in the third paragraph by "subclass 15.4".

CHAPTER II

TRANSITIONAL AND FINAL PROVISIONS

60. The Régie du bâtiment du Québec must, for the purposes of making a first regulation under the third and fourth paragraphs of section 16 and paragraphs 1 and 1.1 of section 185 of the Building Act (chapter B-1.1), as amended by section 2 and by paragraph 1 of section 33, respectively, of this Act, publish a draft regulation respecting the terms and conditions applicable to construction work on certain categories of buildings in the *Gazette officielle du Québec* in accordance with section 8 of the Regulations Act (chapter R-18.1), not later than (*insert the date that is two years after the date of assent to this Act*).

61. The Regulation respecting the signing of certain deeds, documents or writings of the Régie du bâtiment du Québec (chapter B-1.1, r. 13) continues to apply until determined otherwise by the Board under the first paragraph of section 141 of the Building Act (chapter B-1.1), as amended by section 26 of this Act.

62. The holder of a licence with a subclass referred to in paragraphs 2, 4, 6, 8 or 10 of section 59 is exempt from the requirement to hold any of the equivalent subclasses 15.1, 15.2, 15.3, 15.4 or 15.5 provided for in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) until the holder obtains one of these equivalent subclasses or until (*insert the date that is 150 days after the date of assent to this Act*), whichever occurs first.

63. The holder of a licence with a subclass referred to in paragraphs 2, 4, 6, 8 or 10 of section 59 who applies to amend the licence to add any of the subclasses 15.1, 15.2, 15.3, 15.4 or 15.5, provided for in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is exempt from paying the charges provided for in subparagraph *b* of paragraph 4 of section 53 of the Regulation and the entrance dues provided for in section 13 of the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec (chapter M-4, r. 1), if the holder submits his application on (*insert the date that is 150 days after the date of assent to this Act*) and if the knowledge or experience of the guarantor who will be responsible for carrying out construction work for the subclasses whose addition is requested has been recognized by the Board.

A licence that includes any of the subclasses referred to in paragraphs 2, 4, 6, 8 or 10 of section 59 ceases to have effect in respect of those subclasses upon the coming into force of that section.

When a licence becomes void because it does not contain any subclass other than those referred to in the second paragraph, the Régie du bâtiment du Québec reimburses the holder of the licence for the fees paid for that licence on the basis of the number of full months between (*insert the date that is 150 days after the date of assent to this Act*) and the date on which such fees would have been payable for its retention.

64. The provisions of this Act come into force on (*insert the date of assent to this Act*), except sections 1 to 3, paragraph 1 of section 6, sections 8, 14 and 17, paragraph 3 of section 18, section 21, paragraphs 1 and 3 of section 23, sections 30 and 31, paragraphs 1 and 2 of section 33, paragraph 3 of that section, insofar as it enacts paragraph 17.2 of section 185 of the Building Act (chapter B-1.1), paragraphs 6 to 9 of section 33, paragraph 2 of section 34, insofar as it refers to the second and third paragraphs of section 16 of the Building Act, and sections 38 and 42, which come into force on the date or dates to be set by the Government.