

chapter B-1.1, r. 10

Regulation respecting the rules of practice of the Régie du bâtiment du Québec

Building Act
(chapter B-1.1, s. 185, par. 38).

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DIVISION I

GENERAL PROVISIONS

1. If a delay period expires on a holiday within the meaning of the Code of Civil Procedure (chapter C-25.01) or on a Saturday, it is extended to the following working day.

O.C. 1559-83, s. 1; I.N. 2016-01-01 (NCCP).

2. No procedure, made under this Regulation, may be considered as null or refused because there is an error in form.

O.C. 1559-83, s. 2.

3. All documents produced during the hearing are filed in the record of the petitioner or the holder of the licence.

O.C. 1559-83, s. 3.

DIVISION II

REQUEST FOR REVISION

4. The request for revision must contain the name and address of the petitioner as well as the date of the decision to be revised. The request must contain a brief summary of the reasons underlying the request for revision.

O.C. 1559-83, s. 4.

5. The petitioner who personally produces his request for revision, but who intends to be represented during the preliminary meeting or the hearing, as the case may be, must indicate the name and address of his representative.

O.C. 1559-83, s. 5.

6. The request may be withdrawn at any time by means of a written notice transmitted to the secretary of the Régie du bâtiment du Québec (Board) and signed by the petitioner or his representative.

When discontinuance is requested by a legal person, this writing must be accompanied by a certified copy of the resolution authorizing him to request such discontinuance.

When discontinuance is requested by a partnership, this writing must be accompanied by a declaration authorizing him to request such discontinuance. The declaration must be signed by a sufficient number of members to represent the majority of the financial interests of the partnership.

O.C. 1559-83, s. 6.

7. In the case of a request for revision, the Board forwards to the petitioner or to his representative, as such is the case, a written notice mentioning the date, hour and place of the hearing.

O.C. 1559-83, s. 7.

DIVISION III

CANCELLATION, SUSPENSION AND REVOCATION OF A LICENCE

8. Where a request for cancellation, suspension or revocation is presented by the attorney of the Board, and where the facts mentioned may give rise to the application of section 70 of the Building Act (chapter B-1.1), the Board must convene the licence holder.

The Board must indicate in the notice of convocation the specific reasons for this convocation, the date, the hour and the place of the hearing.

The notice of convocation must include a warning to the holder of the licence that his licence may be cancelled, suspended or revoked, as a result of the hearing.

O.C. 1559-83, s. 8.

9. The Board sends the notice of convocation, by registered mail. Where the circumstances require, the Board may send the notice of convocation by another means.

O.C. 1559-83, s. 9; I.N. 2016-01-01 (NCCP).

10. The notice of convocation must reach the licence holder at least 5 days before the hearing. This deadline may be extended upon the request of the licence holder, in accordance with section 16.

O.C. 1559-83, s. 10.

DIVISION IV

REPRESENTATION

11. To be admitted as a representative of a petitioner or a licence holder in a proceeding, the representative must produce a written appearance for the record as well as a copy of his mandate, save if representation is by advocate.

O.C. 1559-83, s. 11.

12. To cease as representative, the representative must notify the Board in writing.

O.C. 1559-83, s. 12.

13. To revoke the mandate of a representative, the petitioner or the licence holder must produce a writing for the record.

O.C. 1559-83, s. 13.

DIVISION V

HEARING

14. At the request of the licence holder or the petitioner, a preliminary meeting may take place to confer on the means to be used to simplify or shorten the inquiry.

O.C. 1559-83, s. 14.

15. If, at the start of the hearing, the petitioner or licence holder fails to make an appearance, the Board proceeds in the manner that it feels the most appropriate by giving the reasons for its decision in writing.

O.C. 1559-83, s. 15.

16. The Board may grant, for cause, a postponement or may adjourn the hearing. It may, of its own authority, based on grounds, postpone the hearing or adjourn on conditions that it deems appropriate.

O.C. 1559-83, s. 16.

17. The commissioner conducts the discussions and sees to the proper holding of the hearing.

O.C. 1559-83, s. 17.

18. *(Implicitly revoked).*

O.C. 1559-83, s. 18.

19. The hearing starts with an explanation of the reasons for the convocation by the attorney of the Board, after which, the witnesses called to testify, are sworn and state their name and occupation.

O.C. 1559-83, s. 19.

20. During a hearing of a request for cancellation, revocation or suspension, the attorney of the Board presents his case first.

During a hearing of a request for revision, the petitioner presents his case first.

O.C. 1559-83, s. 20.

21. The petitioner or the holder of a licence may, with the permission of the Board, and upon conditions that it determines, tape a session of the Board with a tape-recorder, or take stenographic notes or register the session by any other similar means.

O.C. 1559-83, s. 21.

22. All representations take place once the evidence has been completed by both sides.

O.C. 1559-83, s. 22.

23. *(Implicitly revoked).*

O.C. 1559-83, s. 23.

24. During a hearing, the licence holder or the petitioner must respect the rules of decorum.

O.C. 1559-83, s. 24.

25. *(Implicitly revoked).*

O.C. 1559-83, s. 25.

26. *(Implicitly revoked).*

O.C. 1559-83, s. 26.

DIVISION VI

EVIDENCE

27. The Board has the power to accept any type of evidence that it believes will best serve the purpose of justice.

O.C. 1559-83, s. 27.

28. Evidence by witness is admitted only if the testimony is given under oath.

O.C. 1559-83, s. 28.

DIVISION VII

SUMMONING OF WITNESSES

29. The attorney of the Board, the petitioner or the licence holder who wishes to present a witness, may summon by subpoena served at least 5 days before the hearing.

O.C. 1559-83, s. 29.

DIVISION VIII

DECISION

30. No document may be produced after the hearing.

O.C. 1559-83, s. 30.

31. When the Board has begun to consider a case, it may of its own authority, or at the request of the petitioner or the licence holder reopen the hearing for the purposes and upon the conditions it determines; the Board advises the licence holder or the petitioner thereof.

O.C. 1559-83, s. 31.

32. A copy of the decision must be forwarded to the licence holder or to the petitioner or to his representative by registered mail.

Where circumstances so require, the Board may forward the decision by any other means it deems appropriate.

O.C. 1559-83, s. 32; I.N. 2016-01-01 (NCCP).

33. When making its decision known to the petitioner or to the licence holder, the Board advises him that he may lodge an appeal before the Administrative Labour Tribunal or request a revision.

O.C. 1559-83, s. 33.

34. *(Omitted).*

O.C. 1559-83, s. 34.

UPDATES

O.C. 1559-83, 1983 G.O. 2, 3282

S.Q. 1985, c. 34, s. 293

S.Q. 1991, c. 74, s. 168

S.Q. 2015, c. 15, s. 237

