

chapter S-3.1.02, r. 1

Residential Swimming Pool Safety Regulation

Residential Swimming Pool Safety Act
(chapter S-3.1.02, s. 1).

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DIVISION I

INTERPRETATION

1. In this Regulation, unless the context indicates otherwise,

(1) “swimming pool” means a permanent or temporary artificially constructed outdoor basin intended for swimming that has a water depth equal to or greater than 60 cm and to which the Regulation respecting safety in public baths (chapter B-1.1, r. 11) does not apply, but excludes whirlpools and hot tubs where their capacity does not exceed 2,000 litres;

(2) “inground or semi-inground pool” means a swimming pool that is partially or completely buried under the ground surface;

(3) “aboveground pool” means a hard-sided swimming pool installed permanently on the ground surface;

(4) “portable pool” means a soft-sided swimming pool, inflatable or not, designed to be installed on a temporary basis;

(5) “installation” means a swimming pool and any equipment, construction, system and accessory designed to ensure proper functioning of the pool, to ensure the safety of persons or to allow or prevent access to the pool.

O.C. 515-2010, s. 1.

DIVISION II

CONTROL OF ACCESS

2. All inground and semi-inground pools must be equipped with a ladder or steps used to enter or exit the water.

O.C. 515-2010, s. 2.

3. Subject to section 6, a swimming pool must be surrounded by an enclosure to restrict access.

O.C. 515-2010, s. 3.

4. An enclosure must

- (1) prevent the passage of a spherical object 10 cm in diameter;
- (2) be at least 1.2 m in height;
- (3) have no fixture, projection or open parts enabling it to be climbed.

Where the enclosure is a chain-link fence, the mesh must have a maximum width of 30 mm. If slats are inserted in the mesh, their width may be greater than 30 mm but they must not allow the passage of a spherical object more than 30 mm in diameter.

A wall forming part of an enclosure must not have any opening enabling to enter the enclosure. Despite the foregoing, such a wall may have a window if the window is situated at a minimum height of 3 m from the ground on the inside of the enclosure, or, otherwise, if its maximum opening does not allow the passage of a spherical object more than 10 cm in diameter.

A hedge or bushes may not constitute an enclosure.

O.C. 515-2010, s. 4; O.C. 662-2021, s. 1.

5. Every gate forming part of an enclosure must have the features described in section 4.

The gate referred to in the first paragraph must also be equipped with a self-closing and self-latching passive security device. The device may be installed on the inside of the enclosure in the upper part of the gate or on the outside of the enclosure at a minimum height of 1.5 m from the ground.

O.C. 515-2010, s. 5; O.C. 662-2021, s. 2.

6. An aboveground pool with a wall height of at least 1.2 m from the ground at any point or a portable pool with a wall height of 1.4 m or more is not required to be surrounded by an enclosure if access to the pool is by

- (1) a ladder equipped with a self-closing and self-latching safety gate preventing its use by children;
- (2) a ladder or a platform access to which is protected by an enclosure having the features described in sections 4 and 5; or
- (3) a patio attached to the residence and laid out so that the part giving access to the swimming pool is protected by an enclosure having the features described in sections 4 and 5.

O.C. 515-2010, s. 6.

7. In order to prevent children from climbing to gain access to the swimming pool, every device linked to its operation must be installed more than 1 m from the pool wall or, as the case may be, the enclosure.

The pipes linking the device to the swimming pool must be flexible and not be installed in a way that facilitates the climbing of the pool wall or, as the case may be, the enclosure.

Despite the first paragraph, a device may be less than 1 m from the swimming pool or enclosure if it is installed

- (1) inside an enclosure having the features described in sections 4 and 5;
- (2) under a structure that prevents access to the swimming pool from the device and that has the features described in subparagraphs 2 and 3 of the first paragraph of section 4; or
- (3) in a shed.

A structure or fixed equipment likely to be used for climbing over the wall or the enclosure must also be installed at more than 1 m from the pool wall or, as the case may be, the enclosure. That minimum distance applies to a window situated less than 3 m from the ground, except if its maximum opening does not allow the passage of a spherical object more than 10 cm in diameter.

O.C. 515-2010, s. 7; O.C. 662-2021, s. 3.

8. Every installation intended to allow or prevent access to the swimming pool must be kept in good working order.

O.C. 515-2010, s. 8.

DIVISION II.1

DIVING BOARD

O.C. 662-2021, s. 4.

8.1. A swimming pool with a diving board must be installed in accordance with BNQ Standard 9461-100, Residential Swimming Pools Equipped with a Diving Board – Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving from a Diving Board, in force at the time of the installation.

O.C. 662-2021, s. 4.

DIVISION III

PERMITS

9. To ensure compliance with the standards set by this Regulation, a permit issued by the local municipality in whose territory the work will be performed is required to build, install or replace a swimming pool, install a diving board or to erect a construction allowing or preventing access to a swimming pool.

A person holding a permit to install a portable pool is not required to make a new application to re-install a portable pool at the same location in the same conditions.

During the time of the work, the person to whom the permit provided for in the first paragraph is issued must take any temporary measures to control access to the pool. Those measures replace those required in Division II provided that the work is completed within a reasonable time.

O.C. 515-2010, s. 9; O.C. 662-2021, s. 5.

DIVISION IV

APPLICATION

10. This Regulation applies to any new installation installed as of 1 July 2021. The second paragraph of section 4, the fourth paragraph of section 7 and section 8.1 do not apply to a new installation acquired before that date, provided that such an installation is installed not later than 30 September 2021.

It also applies to an installation existing before 1 July 2021, except the second paragraph of section 4, the fourth paragraph of section 7 and section 8.1. Such an installation existing before 1 November 2010 must comply with the applicable provisions of this Regulation not later than 30 September 2025.

Re-installing a swimming pool referred to in the second paragraph on the same ground does not make the second paragraph of section 4, the fourth paragraph of section 7 and section 8.1 applicable to the installation that includes the pool. Despite the foregoing, when such a pool is replaced, the existing installation must then comply with those provisions.

O.C. 515-2010, s. 10; O.C. 662-2021, s. 6; O.C. 1372-2022, s. 1.

DIVISION V

OFFENCES

11. A swimming pool owner who contravenes a provision of this Regulation is liable to a fine of not less than \$500 and not more than \$700. Those amounts are increased to \$700 and \$1,000 respectively in the case of a subsequent offence.

O.C. 515-2010, s. 11.

DIVISION VI

FINAL

12. *(Omitted).*

O.C. 515-2010, s. 12.

UPDATES

O.C. 515-2010, 2010 G.O. 2, 1853

O.C. 662-2021, 2021 G.O. 2, 1442

O.C. 1372-2022, 2022 G.O. 2, 2564

