

3. To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds have been used by a chartered appraiser for purposes other than those for which they were entrusted to the chartered appraiser;

(2) be accompanied by proof of the steps taken with the chartered appraiser to recover the funds;

(3) state the facts in support of the claim and be accompanied by all relevant documents; and

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the committee if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

4. A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 3.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 3 are met.

5. The secretary of the Order sends every admissible claim to the committee and the chartered appraiser within 15 days following the date on which the claim becomes admissible.

6. The secretary of the Order informs the chartered appraiser and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

7. The committee decides, within 90 days following the date on which the claim becomes admissible, whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the compensation.

The substantiated decision is final.

8. The maximum amount that may be paid for the period covering the fiscal year of the Order is

(1) \$5,000 for a claimant in respect of a chartered appraiser;

(2) \$25,000 for all the claimants in respect of a chartered appraiser;

(3) \$50,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds \$50,000, the amount paid to each claimant is paid in proportion to the amount of each claim.

9. Where the committee believes that a number of claims may be filed in respect of a chartered appraiser and the total of the claims may exceed \$25,000, the board of directors must suspend the payment of the compensations until it has reviewed all claims in respect of the chartered appraiser. If the circumstances allow it, the board of directors must draw an inventory of the funds received by that chartered appraiser and notify in writing the persons likely to file a claim.

10. Where the claimant is in a vulnerable situation, in particular because of age, physical or psychological state or social condition, the committee may, exceptionally and after having obtained the approval of the board of directors, pay an amount greater than those provided for in section 8.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105040

Gouvernement du Québec

O.C. 662-2021, 12 May 2021

Residential Swimming Pool Safety Act
(chapter S-3.1.02)

**Residential Swimming Pool Safety
— Amendment**

Regulation to amend the Residential Swimming Pool Safety Regulation

WHEREAS, under subparagraph 1 of the second paragraph of section 1 of the Residential Swimming Pool Safety Act (chapter S-3.1.02), the Government may, by regulation, set residential swimming pool safety standards;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Residential Swimming Pool Safety Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Housing:

THAT the Regulation to amend the Residential Swimming Pool Safety Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Residential Swimming Pool Safety Regulation

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

1. The Residential Swimming Pool Safety Regulation (chapter S-3.1.02, r. 1) is amended in section 4

(1) by inserting the following after the first paragraph:

“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.”;

(2) by adding the following sentence at the end of the second paragraph: “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.”.

2. Section 5 is replaced by the following:

“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.”.

3. Section 7 is amended by adding the following paragraph at the end:

“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 metre 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.”.

4. The following is inserted after section 8:

“DIVISION II.1 DIVING BOARD

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.”.

5. Section 9 is amended by inserting “, install a diving board” after “replace a swimming pool” in the first paragraph.

6. Section 10 is replaced by the following:

“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 1 July 2023.

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.”.

7. This Regulation comes into force on 1 July 2021.

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