

Legislative
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66 ELIZABETH II, 2017

Bill 109

**An Act to amend the Building Code Act, 1992
and the Consumer Protection Act, 2002
in respect of elevators and elevating device mechanics**

Mr. H. Dong

Private Member's Bill

1st Reading March 22, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the law with respect to elevators.

First, a person who applies for a permit to construct a building with seven or more stories must show that building will have enough elevator capacity.

Second, elevator maintenance contracts are subject to the protections under the *Consumer Protection Act, 2002*.

Third, an elevator that breaks down must be repaired within 14 days for most buildings, seven days for long-term care homes and retirement homes, unless the regulations provide otherwise.

**An Act to amend the Building Code Act, 1992 and the Consumer Protection Act, 2002
in respect of elevators and elevating device mechanics**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Building Code Act, 1992

1 The *Building Code Act, 1992* is amended by adding the following section:

STANDARDS SET OUT IN THIS ACT

Elevator traffic capacity

15.8.1 Except if the building code provides otherwise, no permit shall be issued to construct a building with seven or more stories unless an elevator traffic analysis conducted in accordance with industry standards shows that the building has a reasonable elevator traffic capacity.

Consumer Protection Act, 2002

2 (1) The definition of “consumer” in section 1 of the *Consumer Protection Act, 2002* is repealed and the following substituted:

“consumer” means,

- (a) an individual acting for personal, family or household purposes and does not include a person who is acting for business purposes. or
- (b) a person who is the customer of an agreement with a contractor for the maintenance of an elevator, including a person who is acting for business purposes; (“consommateur”)

(2) The Act is amended by adding the following Part:

**PART V.1
REPAIRS TO ELEVATORS**

Timely repair of elevators

54.1 (1) The contractor responsible for maintaining an elevator that becomes unavailable for use because it needs repair shall ensure that the elevator is repaired,

- (a) in accordance with the regulations governing the timely repair of elevators by contractors; or
- (b) if those regulations have not been made,
 - (i) 14 days after the day the contractor first learns of the problem, or
 - (ii) seven days after the day the contractor first learns of the problem, if the elevator is in a long-term care home as defined in subsection 2 (1) of the *Long-Term Care Homes Act, 2007* or is in a retirement home as defined in subsection 2 (1) of the *Retirement Homes Act, 2010*.

The day the contractor first learns of the problem

(2) For the purposes of this section, the day the contractor first learns of the problem is the earlier of the day that the contractor first,

- (a) is informed that the elevator is unavailable for use; or
- (b) discovers an issue that a reasonable contractor would respond to by taking steps to make the elevator unavailable for use until it can be repaired.

(3) Section 123 of the Act is amended by adding the following subsection:

Lieutenant Governor in Council regulations: Part V.1

(6.1) The Lieutenant Governor in Council may make regulations governing the timely repair of elevators by contractors for the purpose of section 54.1.

Commencement

3 (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

(2) Section 2 comes into force one year after the day this Act receives Royal Assent.

Short title

4 The short title of this Act is the *Reliable Elevators Act, 2017*.