

**CREE NATION GOVERNMENT
EYYOU TAPAYATACHESOO**

PROPOSED DRAFT

**Law concerning Construction Standards for Residential Buildings in
Eeyou Istchee**

DRAFT

TABLE OF CONTENTS

PREAMBLE..... 3

I. SHORT TITLE..... 3

II. PURPOSE 3

III. DEFINITIONS..... 3

IV. APPLICABILITY 4

V. GENERAL PROVISIONS 4

VI. OFFENCES 4

DRAFT

PREAMBLE

WHEREAS the Cree Nation Government deems it necessary to provide minimum standards that all residential buildings must meet, to ensure the health and safety of the residents of Eeyou Istchee;

WHEREAS section 8.9 of the *Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada* provides that the Cree Nation Government may make laws to regulate, for the protection of public health and safety, the construction of buildings used for housing, including their construction, maintenance, repair, and demolition;

WHEREAS the Cree Nation Government recognizes the authority of Cree First Nations to adopt further laws regulating the construction of residential buildings, so long as they respect the minimum standards set forth in this Law, as detailed in sections 6.2(e) and 8.14 of the *Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada*;

WHEREAS housing standards have been developed by the Cree Nation Government Department of Capital Works and Services, based on building codes and recognized standards in the industry, in addition to the specific needs of Eeyou Istchee;

NOW THEREFORE the Cree Nation Government adopts this Law, as follows:

I. SHORT TITLE

1. This Law may be cited as the *Residential Construction Standards Law*.

II. PURPOSE

2. The purpose of this Law is to protect public health and safety through ensuring proper quality of the construction work of buildings to be used for residential purposes in Eeyou Istchee.

III. DEFINITIONS

3. For the purposes of this Law:
 - (a) “Authority having Jurisdiction” means the Cree Nation Government Department of Capital Works and Services, or any such person so empowered by the former for the inspection of residential buildings and the enforcement of this Law;
 - (b) “Dwelling Unit” means a suite of rooms used or intended to be used as a residence by one or more persons and containing sanitary facilities, and space for cooking, eating, and sleeping;
 - (c) “Governance Agreement” means the Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada, entered into on July 18th, 2017, between the Government of Canada and the Grand Council of the Crees (Eeyou Istchee) / Cree Nation Government and given the force of law by section 3 (1) *Cree Nation of Eeyou Istchee Governance Agreement Act*, SC 2018, c.4 s.1;
 - (d) “Housing Standards” means the *Housing Design Standards and Guidelines for houses and small residential buildings in Eeyou Istchee*, v. 2.0, published by the Cree Nation Government department of Capital Works and Services in December 2020, and any

amendment thereof;

- (e) “Owner” means the holder of the rights of the land upon which the building is constructed;
- (f) “Person” means a physical or legal person; and
- (g) “RBQ Licence” means a building contractor’s licence appropriate to the class of construction being undertaken issued by the Régie du Bâtiment du Québec.

IV. APPLICABILITY

- 4. This Law is applicable to any building containing at least one Dwelling Unit that is located on Category IA Lands in Eeyou Istchee.
- 5. The *Building Act* (CQLR c B-1.1) and its regulations shall apply to the construction of residential buildings located on Category IA Lands.
- 6. The requirements contained in this Law are in addition to all applicable requirements contained in the *Building Act* (CQLR c B-1.1) and its regulations.

V. GENERAL PROVISIONS

- 7. The Housing Standards are incorporated into this Law by reference.
- 8. All new residential buildings, including self-contained Dwelling Units and complexes containing multiple Dwelling Units, whether owned privately, by governments, or by other public bodies, must adhere to the Housing Standards.
- 9. All renovations of or additions to any existing residential buildings, including self-contained Dwelling Units and complexes containing multiple Dwelling Units, whether owned privately, by governments, or by other public bodies, must adhere to the Housing Standards.
- 10. For greater certainty, all contractors constructing residential buildings are required to hold an RBQ Licence, as described in the *Regulation respecting the professional qualification of contractors and owner-builders* (CQLR c B-1.1, r 9) and be registered with the Guarantee Plan for New Residential Buildings, as described in the *Regulation respecting the guarantee plan for new residential buildings* (CQLR c B-1.1, r 8).

VI. OFFENCES

- 11. The Authority having Jurisdiction may, by notice, order the Owner of a residential building not conforming with this Law, to bring it to conformity or demolish it within a period to be determined, of no more than 90 days.
- 12. The Owner must abide by the notice mentioned in the first paragraph. If they fail to do so, the Authority having Jurisdiction may demolish the illegal building, or may carry out the work ordered at the Owner’s expense.
- 13. The cost of work carried out by the Authority having Jurisdiction under section 12 may be recovered from the Owner. Those costs are also guaranteed by a legal hypothec on the immovable.
- 14. The following are guilty of an offence:

- (a) any Person who makes a false declaration in a document prescribed by this Law or uses a document known to be false;
- (b) any Person who constructs, alters or allows the construction or alteration of a building or a structure contrary to a standard set in this Law.

15. Any Person who contravenes section 14 is guilty of an offence and is liable by summary conviction:

- (a) in the case of an individual:
 - i) for a first offence, to a fine of \$350 to \$700;
 - ii) for a second offence, to a fine of \$700 to \$1,400;
 - iii) for all subsequent offences, to a fine of \$1,400 to \$2,000;
- (b) in the case of a legal person:
 - i) for a first offence, to a fine of \$700 to \$1,400;
 - ii) for a second offence, to a fine of \$1,400 to \$2,800;
 - iii) for all subsequent offences, to a fine of \$2,800 to \$4,000.

THIS LAW XXX ADOPTED THIS XXX, 2023

Corporate Secretary