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c 143 Elevators and Lifts Act

Ontario

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CHAPTER 143

The Elevators and Lifts Act

1. In this Act,

Interpre-
tation

- (a) "attendant" means a person who, as the whole or a part of his normal duties,
 - (i) operates an elevator or incline lift, or
 - (ii) supervises the loading, passage or unloading of persons on an escalator or incline lift;
- (b) "chief inspector" means the chief inspector appointed for the purposes of this Act;
- (c) "contractor" means a person who carries on the business of constructing, installing, altering, repairing, maintaining, servicing or testing elevators, dumb-waiters, escalators, manlifts or incline lifts or parts thereof;
- (d) "Department" means the Department of Labour;
- (e) "dumb-waiter" means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides in a substantially vertical direction, the total compartment height of which does not exceed four feet, that is loaded or unloaded and controlled manually, that is used exclusively for lifting or lowering freight and that serves two or more floors or permanent levels of the building or structure, and includes its hoistway enclosure;
- (f) "elevator" means a mechanism, including its hoistway enclosure, affixed to a building or structure and equipped with a car or platform that,
 - (i) moves in guides, or is otherwise guided, at an angle exceeding 70 degrees from the horizontal, and
 - (ii) is used to lift or lower persons or freight in or about the building or structure,

and includes a freight platform having a vertical travel in excess of sixty inches;

- (g) "engineer" means a professional engineer as defined in *The Professional Engineers Act*;
- (h) "escalator" means a power-driven, inclined, continuous stairway or runway affixed to a building or structure that is used for lifting or lowering persons and that serves two floors or permanent levels of the building or structure, and includes its hoistway enclosure;

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c. 224

- (i) "freight" means any substance, article or thing;
- (j) "incline lift" means a mechanism having a power-driven rope, belt or chain, with or without handholds or seats, for lifting or lowering persons or freight on an incline of 70 degrees or less from the horizontal, and includes a ski lift and a ski tow;
- (k) "inspector" means an inspector appointed for the purposes of this Act, and includes the chief inspector;
- (l) "insurer" means a person licensed under *The Insurance Act* to undertake public liability insurance;
- (m) "licence" means a licence granted under this Act;
- (n) "major alteration" means a major alteration as defined in the regulations;
- (o) "manlift" means a mechanism affixed to a building or structure that has a power-driven endless belt on which platforms or footholds are provided for lifting or lowering persons and that serves two or more floors or permanent levels of the building or structure, and includes its hoistway enclosure;
- (p) "maximum capacity" means the number of persons or the weight that an elevator, dumb-waiter, escalator, manlift or incline lift may carry safely as determined under the regulations;
- (q) "Minister" means the Minister of Labour;
- (r) "owner" means the person in charge of an elevator, dumb-waiter, escalator, manlift or incline lift as owner, tenant, agent or otherwise, but does not include an attendant as such;
- (s) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act*;
- (t) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 119, s. 1; 1965, c. 35, s. 1; 1970, c. 29, s. 1.

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Where Act
does not
apply

2. This Act does not apply to,

- (a) elevators, dumb-waiters, escalators, manlifts or incline lifts in or in connection with private dwelling houses and used exclusively by the occupants thereof and their guests, unless the owner of any such mechanism requests that this Act be applied to it;
- (b) elevators and hoists within the meaning of *The Mining Act*;
- (c) feeding machines, or belt, bucket, scoop, roller or any similar type of freight conveyor;

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- (d) a lifting device that is,
 - (i) part of a conveyor system,
 - (ii) mechanically loaded and unloaded, and
 - (iii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway;
- (e) freight ramps having a means of adjusting the slope of the ramp;
- (f) freight platforms having a rise of sixty inches or less;
- (g) lubrication hoists or other similar mechanisms;
- (h) piling or stacking machines used within one storey;
- (i) a construction hoist as defined in *The Construction Hoists Act*; R.S.O. 1970, c. 81
- (j) any class or sub-class of elevator, dumb-waiter, escalator, manlift or incline lift excluded by the regulations. R.S.O. 1960, c. 119, s. 2; 1965, c. 35, s. 2.

3.—(1) For the purpose of carrying out this Act, a chief inspector and such inspectors as are considered necessary to enforce this Act shall be appointed, and the chief inspector shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act. 1965, c. 35, s. 3. Inspectors, appointment

(2) No person shall be appointed or act as an inspector who has any direct or indirect interest in the manufacture, sale, installation or maintenance of elevators, dumb-waiters, escalators, manlifts or incline lifts. R.S.O. 1960, c. 119, s. 3 (2). disqualification

4. No person shall make an inspection of an elevator, dumb-waiter, escalator, manlift or incline lift who does not hold a certificate of competency under this Act. R.S.O. 1960, c. 119, s. 4. Certificate of competency

5. The Minister may authorize the chief inspector to employ the services of any person who holds a certificate of competency under this Act to inspect any elevator, dumb-waiter, escalator, manlift or incline lift, in which case and for such purpose only such person shall be deemed to be an inspector, and to report forthwith to him with respect thereto. R.S.O. 1960, c. 119, s. 5. Special inspections

6. Every elevator, dumb-waiter, escalator, manlift and incline lift shall be inspected at such intervals as may be determined by the chief inspector. 1970, c. 29, s. 2. Inspections

7.—(1) The chief inspector shall upon request and payment of the prescribed fee supply the insurer of any elevator, dumb-waiter, escalator, manlift or incline lift with a copy of an inspector's report thereon if the insurer has the owner's permission to receive such copy. Inspectors' reports to insurers

Idem

(2) Where an insurer files a request for future copies of inspectors' reports on a particular elevator, dumb-waiter, escalator, manlift or incline lift and the insurance thereon is subsequently cancelled, rejected or suspended, the insurer shall forthwith notify the chief inspector of such cancellation, rejection or suspension. 1965, c. 35, s. 5.

C.S.A.
Safety
Code

8. In carrying out their duties, the inspectors shall, subject to this Act and the regulations, apply such safety code or parts thereof of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts, and incline lifts as is prescribed by the regulations. 1965, c. 35, s. 6.

Right to
examine
persons
under oath

9. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. R.S.O. 1960, c. 119, s. 9; 1961-62, c. 38, s. 2.

Right to
enter
premises

10. An inspector, upon production of his certificate of appointment, may enter any premises where he has reason to believe that an elevator, dumb-waiter, escalator, manlift or incline lift is being installed or operated. R.S.O. 1960, c. 119, s. 10.

Notice to
prepare for
inspection

11.—(1) An inspector may, by notice in writing, require an owner to prepare his elevator, dumb-waiter, escalator, manlift or incline lift, or any part of it, for inspection.

Duty of
owner during
inspection

(2) An inspector may require the owner of an elevator, dumb-waiter, escalator, manlift or incline lift to do or refrain from doing anything the inspector considers necessary during an inspection.

Notice to
comply with
Act

(3) An inspector may, by notice in writing, require an owner of an elevator, dumb-waiter, escalator, manlift or incline lift to do or refrain from doing, within the time specified in the notice, such things as the notice specifies in order to ensure compliance with this Act and the regulations. R.S.O. 1960, c. 119, s. 11.

Appeal to
Minister

12.—(1) Any person who considers himself aggrieved by a notice or order of an inspector may, within ten days after receipt of the notice or order, appeal in writing to the Minister who shall, upon notice to all interested persons, hear the appeal and make an order approving, disapproving or varying the notice or order appealed against.

Suspension
of licence
not affected

(2) The taking of an appeal under this section does not affect the suspension or revocation of a licence pending the disposition of the appeal by the Minister. R.S.O. 1960, c. 119, s. 12, *amended*.

13. No inspector or engineer of the Department is personally liable for anything done or omitted to be done by him in the performance of his duties under this Act or the regulations. 1970, c. 29, s. 3. Inspector or engineer not liable

14.—(1) The chief inspector may grant a licence for any elevator, dumb-waiter, escalator, manlift or incline lift and may suspend, revoke or transfer any such licence. Issue, etc., of licences

(2) The licence shall designate the elevator, dumb-waiter, escalator, manlift or incline lift for which it is granted and the maximum capacity thereof. R.S.O. 1960, c. 119, s. 13 (1, 2). Contents

(3) The licence is valid for the period for which it is granted, which shall not exceed twelve months, unless it is sooner suspended or revoked. 1965, c. 35, s. 7. Term

(4) The licence for an elevator shall be kept by the owner in a conspicuous position in the car of the elevator for which it is granted, and any other licence shall be kept by the owner in a conspicuous position on or adjacent to the dumb-waiter, escalator, manlift or incline lift for which it is granted. Posting up

(5) Where the licence of an elevator, dumb-waiter, escalator, manlift or incline lift is suspended or revoked, the chief inspector may cause such things to be done as he considers necessary to ensure that it will not be operated contrary to this Act and the regulations. R.S.O. 1960, c. 119, s. 13 (4, 5), *amended*. Suspension or revocation

15.—(1) No person shall commence a new installation or a major alteration of an elevator, dumb-waiter, escalator, manlift or incline lift until the drawings and specifications thereof have been approved by an engineer of the Department. Drawings and specifications to be approved

(2) The drawings and specifications shall be submitted in triplicate and shall furnish full information as to the size, composition and arrangement of the proposed new installation or major alteration. R.S.O. 1960, c. 119, s. 14 (1, 2). Submission of drawings and specifications

(3) Drawings and specifications submitted under this section shall bear the signature and seal of a professional engineer. 1970, c. 29, s. 4. Drawings and specifications to be signed and sealed

(4) If the proposed new installation or major alteration complies with this Act and the regulations, the drawings and specifications thereof shall be approved in writing by an engineer of the Department and one set returned to the person who submitted them. R.S.O. 1960, c. 119, s. 14 (3). Approval

16.—(1) Where an elevator, dumb-waiter, escalator, manlift or incline lift falls freely or travels beyond its normal operating limits or where the emergency supporting devices engage or where an accident occurs that causes injury to any person, the owner Notice of failure and accidents

shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter. R.S.O. 1960, c. 119, s. 15 (1); 1965, c. 35, s. 8.

Notice where
accident
causes death

(2) Where an accident occurs in connection with an elevator, dumb-waiter, escalator, manlift or incline lift that results in the death of a person or in injuries that may result in the death of a person, the owner shall give notice thereof immediately after the accident by telephone or telegraph to the chief inspector, and no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission so to do is given by an inspector.

Investiga-
tion of
failures and
accidents

(3) On receipt of such notice under subsection 1 or 2, the chief inspector shall cause such investigation to be made as he considers necessary to determine the cause of the occurrence or accident. R.S.O. 1960, c. 119, s. 15 (2, 3), *amended*.

Obstruction
of inspector

17. No person shall hinder or obstruct an inspector in the performance of his duties. R.S.O. 1960, c. 119, s. 16.

False
statement

18. No person shall make any false or misleading statement in any communication, whether in writing or otherwise, to the Minister or to an inspector concerning any matter under this Act or the regulations. R.S.O. 1960, c. 119, s. 17.

Compliance
with Act
and regu-
lations
required

19. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it complies with this Act and the regulations. 1965, c. 35, s. 9, *part*.

Licence
required

20. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it is licensed. 1965, c. 35, s. 9, *part*.

Idem

21. If the regulations provide qualifications for attendants or require attendants to be licensed, no person other than a qualified attendant or a licensed attendant, as the case may be, shall operate an elevator or incline lift. R.S.O. 1960, c. 119, s. 20.

Unsafe
operation
prohibited

22.—(1) No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated if he has reason to believe that it is in an unsafe condition.

Idem

(2) No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated in an unsafe manner. R.S.O. 1960, c. 119, s. 21.

23. No person shall operate an elevator, dumb-waiter, escalator, manlift or incline lift or cause or permit it to be operated with a load in excess of its maximum capacity as designated in its licence. R.S.O. 1960, c. 119, s. 22.

Excess loads

24. The prohibitions contained in sections 19 to 23 do not apply to an inspector, or a person authorized by an inspector, during the installation, alteration, repair, testing or inspection of an elevator, dumb-waiter, escalator, manlift or incline lift. R.S.O. 1960, c. 119, s. 23.

Exception, ss. 19-23

25.—(1) A person who contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1960, c. 119, s. 24 (1); 1970, c. 29, s. 5.

Offence

(2) Where a person contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. R.S.O. 1960, c. 119, s. 24 (2).

Continued offences

26. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred. 1970, c. 29, s. 6.

Limitation on prosecution

27. All fees collected under this Act and the regulations and all fines recovered for offences under this Act or the regulations shall be paid to the Treasurer of Ontario and form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 119, s. 25.

Application of fees and penalties

28. Nothing in this Act or the regulations affects any provision of any other Act or regulation or any municipal by-law relating to hoistways or hoistway enclosures in so far as any such provision imposes additional or more stringent requirements than those contained in this Act and the regulations. R.S.O. 1960, c. 119, s. 26.

More stringent provisions not affected

29.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) designating classes or sub-classes of elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (b) defining a major alteration for the purposes of this Act and the regulations;
- (c) prescribing qualifications for persons who may be appointed inspectors or who may make inspections under this Act;

- (d) providing for the issue of certificates of competency to inspectors and determining the period for which such certificates shall continue in force and the terms upon which they may be renewed;
- (e) providing for the issue of certificates of competency to persons other than inspectors and determining the period for which such certificates shall continue in force and the terms upon which they may be renewed;
- (f) prescribing the reasons for which a certificate of competency may be suspended or cancelled;
- (g) regulating the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of elevators, dumb-waiters, escalators, manlifts or incline lifts and equipment used in connection therewith;
- (h) prescribing requirements as to the form and substance of the drawings and specifications to be submitted under this Act and the qualifications of persons by whom such drawings and specifications are to be prepared and certified and the fees to be paid upon submission of such drawings and specifications;
- (i) prescribing methods of determining maximum capacity for the purposes of this Act and the regulations;
- (j) adopting by reference in whole or in part with such changes as are considered advisable any safety code of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts and incline lifts;
- (k) governing the conduct of persons in or about elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (l) providing for and requiring the annual registration of contractors, prescribing the fees for the first and subsequent registrations and the conditions under which registrations may be made, suspended or cancelled;
- (m) prescribing qualifications for attendants or providing for and requiring the licensing of attendants;
- (n) prescribing the form of licences and the conditions under which licences or any class thereof may be granted, suspended, revoked or transferred or prohibiting the transfer of licences or any class thereof;
- (o) providing for fees to be paid on the grant or transfer of licences;
- (p) prescribing the fees to be paid for inspections by inspectors;

- (q) prescribing the fees to be paid by insurers for copies of inspectors' reports;
- (r) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid;
- (s) requiring and prescribing the form and location of notices and markings that are to be kept in or about elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (t) excluding from this Act any class or sub-class of elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (u) respecting any matter necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1960, c. 119, s. 27 (1); 1965, c. 35, s. 10.

(2) Any regulation may be made with respect to elevators, dumb-waiters, escalators, manlifts and incline lifts or with respect to any one or more of such types of mechanism or with respect to any one or more classes or sub-classes thereof. Idem

(3) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations. Definitions

(4) Any regulation may be limited as to time or place of application, or both. R.S.O. 1960, c. 119, s. 27 (2-4). Limitations
as to time
and place

