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c 119 Elevators and Lifts Act

Ontario

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CHAPTER 119

The Elevators and Lifts Act**1. In this Act,**Interpre-
tation

- (a) “attendant” means a person who operates an elevator or incline lift as the whole or a part of his normal duties;
- (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 affixed to a building or structure, equipped with a car or platform that moves in guides in a substantially vertical direction and that is used to lift or lower persons or freight in or about the building or structure, and includes its hoistway enclosure;
- (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

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c. 309

and that serves two floors or permanent levels of the building or structure, and includes its hoistway enclosure;

- (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, 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) "regulations" means the regulations made under this Act. 1953, c. 33, s. 1; 1954, c. 26, s. 1, *amended*.

R.S.O. 1960,
c. 190

Where Act
does not
apply

2. This Act does not apply to,

- (a) elevators, dumb-waiters, escalators, manlifts or incline lifts in private dwelling houses, 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*; R.S.O. 1960, c. 241
- (c) feeding machines, or belt, bucket, scoop, roller or any similar type of freight conveyor;
- (d) freight ramps or platforms with a rise of sixty inches or less;
- (e) lubrication hoists or other similar mechanisms;
- (f) piling or stacking machines used within one storey;
- (g) temporary hoisting mechanisms used for raising and lowering persons or materials during the construction, repair, alteration or demolition of buildings, structures or works;
- (h) any class or sub-class of elevator, dumb-waiter, escalator, manlift or incline lift excluded by the regulations. 1953, c. 33, s. 2.

3.—(1) The Lieutenant Governor in Council may appoint Inspectors, appointment a chief inspector and one or more inspectors to administer and enforce this Act and the regulations.

(2) No person shall be appointed or act as an inspector disqualification who has any direct or indirect interest in the manufacture, sale, installation or maintenance of elevators, dumb-waiters, escalators, manlifts or incline lifts. 1953, c. 33, s. 3.

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. Certificate of competency 1953, c. 33, s. 4.

5. The Minister may authorize the chief inspector to Special inspections 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. 1953, c. 33, s. 5.

Annual inspection of elevators, etc.

6.—(1) Every elevator, dumb-waiter, escalator, manlift and incline lift shall be inspected at least once annually by an inspector or by a representative of an insurer.

Idem

(2) Notwithstanding that the elevator, dumb-waiter, escalator, manlift or incline lift has been inspected by a representative of an insurer, the chief inspector may require at any time that it be inspected by an inspector. 1953, c. 33, s. 6.

Representative's report

7.—(1) Where an inspection of an elevator, dumb-waiter, escalator, manlift or incline lift is made by a representative of an insurer, the insurer shall within thirty days after the inspection was made, send a copy of the representative's report thereof to the chief inspector, except that where the insurer's representative finds that the elevator, dumb-waiter, escalator, manlift or incline lift is in an unsafe condition, the insurer shall, within twenty-four hours of the receipt of his representative's report, send a copy thereof to the chief inspector.

Cancellation or rejection of insurance

(2) Where an insurer cancels or rejects insurance on an elevator, dumb-waiter, escalator, manlift or incline lift, he shall forthwith thereafter notify in writing the chief inspector of such cancellation or rejection together with the reasons therefor. 1953, c. 33, s. 7.

C.S.A. Safety Code

8. In carrying out their duties the inspectors shall, subject to this Act and the regulations,

- (a) apply the Safety Code for Passenger and Freight Elevators of the Canadian Standards Association, 1938 Edition, as re-affirmed and approved by the Association in 1951, to new installations of elevators, dumb-waiters and escalators;
- (b) apply such parts of such Safety Code to major alterations of elevators, dumb-waiters or escalators as the regulations require; and
- (c) apply such parts of such Safety Code to new installations or major alterations of incline lifts as the regulations require. 1953, c. 33, s. 8.

Right to examine persons under oath

9. For the purpose of an inspection or an investigation under this Act, an 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. 1953, c. 33, s. 9.

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. 1953, c. 33, s. 10.

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.

(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.

(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. 1953, c. 33, s. 11.

12.—(1) Any person who deems 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.

(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.

13.—(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.

(2) The licence shall designate the elevator, dumb-waiter, escalator, manlift or incline lift for which it is granted and the maximum capacity thereof.

(3) The licence is valid for the calendar year for which it is granted, unless sooner suspended or revoked.

(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.

Suspension
or revoca-
tion

(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 deems necessary to ensure that it will not be operated contrary to this Act and the regulations. 1953, c. 33, s. 13.

Drawings
and speci-
fications to
be approved

14.—(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.

Submission
of drawings
and speci-
fications

(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.

Approval

(3) 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. 1953, c. 33, s. 14.

Notice of
failure and
accidents

15.—(1) Where an elevator, dumb-waiter, escalator, manlift or incline lift falls freely or where the emergency supporting devices engage or where an accident occurs that causes injury to any person, the owner shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter.

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 deems necessary to determine the cause of the occurrence or accident. 1953, c. 33, s. 15.

Obstruction
of inspector

16. No person shall hinder or obstruct an inspector in the performance of his duties. 1953, c. 33, s. 16.

17. No person shall make any false or misleading statement ^{False 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. 1953, c. 33, s. 17.

18. No owner of an elevator, dumb-waiter, escalator, man- ^{Compliance with Act required} lift or incline lift shall operate it or cause or permit it to be operated unless it complies with this Act and the regulations. 1953, c. 33, s. 18.

19. No owner of an elevator, dumb-waiter, escalator, man- ^{Licence required} lift or incline lift shall operate it or cause or permit it to be operated unless it is licensed. 1953, c. 33, s. 19.

20. If the regulations provide qualifications for attendants ^{Idem} 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. 1954, c. 26, s. 2.

21.—(1) No person shall operate an elevator, dumb-waiter, ^{Unsafe operation prohibited} 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. 1953, c. 33, s. 20.

(2) No person shall operate an elevator, dumb-waiter, ^{Idem} escalator, manlift or incline lift or cause or permit it to be operated in an unsafe manner. 1954, c. 26, s. 3.

22. No person shall operate an elevator, dumb-waiter, ^{Excess loads} 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. 1953, c. 33, s. 21.

23. The prohibitions contained in sections 18 to 22 do not ^{Exception, ss. 18-22} 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. 1954, c. 26, s. 4.

24.—(1) A person who contravenes any of the provisions ^{Offence} 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 \$500.

(2) Where a person contravenes any of the provisions of ^{Continued offences} 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. 1953, c. 33, s. 22.

Application
of fees and
penalties

25. 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. 1953, c. 33, s. 23.

More
stringent
provisions
not affected

26. 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. 1953, c. 33, s. 24.

Regulations

27.—(1) The Lieutenant Governor in Council may make 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 examination fees to be paid by an applicant for a certificate of competency;
- (g) prescribing the fee to be paid on the issue and renewal of a certificate of competency;
- (h) prescribing the reasons for which a certificate of competency may be suspended or cancelled;
- (i) 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;

- (j) 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;
- (k) prescribing methods of determining maximum capacity for the purposes of this Act and the regulations;
- (l) making designated parts of the Safety Code referred to in section 8 applicable to major alterations of elevators, dumb-waiters or escalators, or to new installations or major alterations of incline lifts;
- (m) governing the conduct of persons in or about elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (n) 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;
- (o) prescribing qualifications for attendants or providing for and requiring the licensing of attendants;
- (p) 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;
- (q) providing for fees to be paid on the grant or transfer of licences;
- (r) prescribing the fees to be paid for inspections by inspectors;
- (s) 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;
- (t) 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;

- (u) excluding from this Act any class or sub-class of elevators, dumb-waiters, escalators, manlifts or incline lifts;
- (v) respecting any matter necessary or advisable to carry out the intent and purpose of this Act. 1953, c. 33, s. 25 (1); 1954, c. 26, s. 5.

Idem

(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.

Definitions

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

Limitations
as to time
and place

(4) Any regulation may be limited as to time or place of application, or both. 1953, c. 33, s. 25 (2-4).
