

Technical Standards and Safety Act, 2000 Loi de 2000 sur les normes techniques et la sécurité

ONTARIO REGULATION 209/01

No Amendments

ELEVATING DEVICES

This Regulation is made in English only.

Interpretation and classes of elevating devices

1. (1) In this Regulation,

“alteration” means an alteration or replacement, removal or addition of any component or part of an elevating device that results in, or may result in, a change in the original design, inherent safety or operational characteristics of the elevating device, and “altered” has a corresponding meaning;

“attendant” means a person whose normal duties consist, in whole or in part, of,

- (a) operating an elevating device that is equipped with operating devices that are automatically rendered inoperative if an unsafe condition for operation of the elevating device arises, or
- (b) actively engaging in or supervising the loading, movement or unloading of persons or freight on an elevating device or the operation of an elevating device;

“bar lift” means a passenger ropeway that pulls passengers by means of devices propelled by an overhead circulating hauling rope where the passengers remain in contact with the ground or snow surface;

“chair lift” means a passenger ropeway where passengers are carried on chairs,

- (a) attached to and suspended from a circulating wire rope, or
- (b) attached to a circulating wire rope and supported by a standing wire rope or other overhead structure;

“code adoption document” means the “Elevating Devices Code Adoption Document” adopted as part of this Regulation under Ontario Regulation 223/01;

“construction hoist” means a temporarily installed elevating device equipped with a car or platform that moves vertically in guides, and that is used for hoisting and lowering materials or workers or both, in connection with the construction, alteration, maintenance or demolition of a building or structure;

“contractor” means a person who performs for his or her own benefit or for the benefit of another, with or without compensation, any work with respect to the installation, alteration, repair or maintenance of an elevating device or part thereof but does not include an employee;

“counter-balanced type manlift” means a manlift that is equipped with a passenger-carrying unit in the form of a car, the motion of which is obtained by means of the application of hand energy or gravity;

“design submission” means drawings, specifications, calculation sheets, work test documentation and any other information that is required under this Regulation for an elevating device or part thereof submitted for the purpose of obtaining a licence for the device;

“dumbwaiter” means an elevating device that is equipped with a car too small to be accessible to persons, that moves vertically in guides and that is used exclusively for lifting or lowering freight between two or more levels of a building or structure;

“elevating device” means a non-portable device for hoisting and lowering or moving persons or freight and includes an elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construction hoist, stage lift, platform lift, stairchair lift and special elevating device;

“elevator” means an elevating device that is equipped with a car that moves vertically in guides and that serves two or more floors of a building or structure;

“enclosed stair platform lift” means a stair platform lift where the runway is guarded so as to prevent access to it;

“enclosed vertical platform lift” means a vertical platform lift that has a fully enclosed runway;

“endless belt type manlift” means a manlift that is equipped with one or more passenger-carrying units in the form of steps and handholds attached to a power driven endless belt;

“escalator” means an elevating device in the form of a power-driven, inclined continuous stairway that is used for raising or lowering persons;

“existing”, when used in reference to an elevating device or part thereof, means any elevating device or part thereof that was installed or for which a design submission was registered before this Regulation came into force;

“freight elevator” means an elevator that is designed and constructed to carry freight and on which an attendant and freight handlers are permitted ride;

“freight handler” means a person who, as part of his or her normal duties, loads and unloads freight from an elevating device;

“freight platform lift” means an elevating device that is restricted as to use, location, access, speed, travel and type of operating devices and that is equipped with a platform that moves vertically;

“freight platform lift-Type A” means a freight platform lift that is restricted to the carriage of freight;

“freight platform lift-Type B” means a freight platform lift that is restricted to the carriage of freight and on which an attendant or freight handler may ride;

“funicular railway” means an incline lift in the form of a railway where the ascending car and the descending car, connected by a driven rope, counter-balance each other;

“gondola lift” means a passenger ropeway where passengers are carried in enclosed gondola cars,

- (a) attached to and suspended from a circulating wire rope, or
- (b) attached to a circulating wire rope and supported by a standing wire rope or other overhead structure;

“hand-power dumbwaiter” means a dumbwaiter car moved by manual energy or gravity;

“hand-power freight elevator” means an elevator that utilizes manual energy or gravity to move the car and that is used for carrying freight only;

“incline lift” means an elevating device that is equipped with a car or platform that moves at an angle other than vertical and serves two or more permanent levels but does not include a stair platform lift;

“initial inspection” means an inspection by an inspector of a newly installed elevating device or an elevating device to which a major alteration has been made;

“lifts for persons with physical disabilities” means an elevating device that travels between fixed points of a building or structure, that is restricted as to access, speed, travel and type of operating devices and that is specifically designed to be used by a person with a physical disability;

“maintenance” means regularly scheduled work or other action taken to ensure that an elevating device is and will remain in safe operating condition and “maintain” has a corresponding meaning;

“major alteration” means an alteration that results in a substantial change to the original design, inherent safety or operational characteristics of an elevating device or that is defined as a major alteration in the code adoption document;

“manlift” means an elevating device commonly known as a “manlift” that moves vertically in guides, that serves two or more floors of a building or structure and that is equipped with a passenger-carrying unit the use of which is restricted;

“material construction hoist” means a construction hoist that is restricted to the carriage of materials, where workers may enter the car or platform only for the purpose of loading or unloading;

“maximum capacity” means the weight or other measure of capacity that an elevating device is designed and constructed to carry safely as set out in a licence;

“mechanic” means a person who has full knowledge of the Act and this Regulation, including the code adoption document, respecting the elevating device upon which he or she is assigned to work, and,

- (a) who is the holder of a certificate as a mechanic under Ontario Regulation 222/01 (Elevating Device Mechanics), or
- (b) in the case of a person who works on a passenger ropeway, has a minimum of four years work experience directly related to the work assigned to him or her;

“mechanic-in-training” means a person who applies to be a mechanic and who works under the supervision of a mechanic;

“minor alteration” means an alteration that results in a minor change to the original design, inherent safety or operational characteristics of an elevating device or that is defined as a minor alteration in the code adoption document;

“moving walk” means an elevating device that moves passengers on an uninterrupted load-carrying surface that remains substantially parallel to its direction of motion;

“new”, when referring to an elevating device or part thereof, means any elevating device or part thereof for which a design submission is registered after the day this Regulation comes into force;

“non-portable device” means a device that is a part of, or affixed to, a structure or another device from which it is not readily detachable;

“observation elevator” means a passenger elevator that has a transparent car or hoistway enclosure or both;

“operator” means a person who, in the normal course of his or her duties,

- (a) is in charge of the entire operation of a passenger ropeway, or
- (b) operates an elevating device that is equipped with operating devices that are not automatically rendered inoperative upon the arising of a condition rendering the operation of the elevating device unsafe, and who has direct control over the starting, stopping and speed of an elevating device or part thereof;

“owner” includes the person in charge of an elevating device as the owner, licence holder, lessee, agent or otherwise, but does not include an attendant or operator of the device;

“passenger elevator” means an elevator that is designed and constructed primarily to carry persons;

“passenger ropeway” means an elevating device that is designed and constructed to move persons along a horizontal or inclined pathway by means of a hauling rope that is driven by a non-portable power unit and includes bar lifts, chair lifts, gondola lifts, reversible ropeways and ropetows;

“power type manlift” means a manlift that is equipped with a passenger-carrying unit in the form of a car moved by applying energy other than by hand;

“preliminary design submission” means a design of an elevating device or part thereof, that may include variances, submitted for preliminary review and assessment by the director;

“professional engineer” means a professional engineer within the meaning of the *Professional Engineers Act*;

“reversible ropeway” means a passenger ropeway where passengers are carried in one or more cars fixed to a hauling rope that is independent of a track rope, and where the cars reciprocate between terminals;

“ropetow” means a passenger ropeway where persons grasp a circulating hauling rope or a handle or similar device attached to the rope and are propelled by the tow while remaining in contact with the ground or snow surface;

“sidewalk elevator” means a freight elevator that operates between a sidewalk or other area exterior to a building and floor levels inside the building that are below the sidewalk or other area exterior to the building and that has no landing opening into the building at its upper limit of travel;

“special elevating device” means an elevating device that is not otherwise defined in this Regulation;

“special inspection” means an inspection by an inspector,

- (a) following a complaint, accident, fire or similar occurrence,
- (b) under section 17 or 18 of the Act,
- (c) following any major or minor alteration of an elevating device;

“stage lift” means an elevating device that is used for lifting or lowering persons or freight in or about a stage or orchestra pit;

“stairchair lift” means a lift for persons who are physically challenged that is equipped with a passenger-carrying unit in the form of one or two attached chairs that moves substantially in the direction of a flight of stairs or ramp at a mean angle of not more than 45°;

“stair platform lift” means a lift for persons who are physically challenged that is equipped with a platform that moves substantially in the direction of a flight of stairs or ramp at a mean angle of not more than 45°;

“standard design submission” means a design submission for a type of elevating device or part thereof that is intended to be installed in more than one location and that may incorporate the use of alternative interchangeable components but does not include information relating to the location of individual installations;

“subsequent inspection” means an inspection by an inspector that is made subsequent to an initial inspection where the initial inspection reveals that the elevating device does not conform to the requirements of the Act and this Regulation;

“temporary elevator” means a passenger or freight elevator in a building under construction that is used for carrying workers or materials;

“unenclosed stair platform lift” means a stair platform lift having a partially enclosed or unenclosed runway;

“unenclosed vertical platform lift” means a vertical platform lift having a partially enclosed or unenclosed runway;

“vertical platform lift” means a lift for persons who are physically challenged that is equipped with a platform that moves vertically;

“workers’ rail-guided construction hoist” means a construction hoist used for carrying workers and materials where the load-carrying unit is guided by rails;

“workers’ rope-guided construction hoist” means a construction hoist that is used for carrying workers and materials where the load-carrying unit is guided by ropes. O. Reg. 209/01, s. 1 (1).

(2) For the purposes of subsection (1), elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construction hoist, stage lift, freight platform lift, stair platform lift, vertical platform lift, stair chair lift and special elevating device include the machine room, hoistway and hoistway enclosure, supporting structure, terminals and runway, as the case may be, that is provided in conjunction with them. O. Reg. 209/01, s. 1 (2).

(3) In the event of conflict between a provision of this Regulation and the code adoption document, this Regulation prevails. O. Reg. 209/01, s. 1 (3).

(4) A reference in this Regulation to a director is a reference to the director to whom the subject matter of this Regulation is assigned. O. Reg. 209/01, s. 1 (4).

(5) The following classes of elevating devices are designated for the purposes of this Regulation:

1. Elevators being,
 - i. freight elevators,
 - ii. freight elevators-P,
 - iii. hand-power freight elevators,
 - iv. observation elevators,
 - v. passenger elevators,
 - vi. sidewalk elevators, and
 - vii. temporary elevators.
2. Dumbwaiters being,
 - i. dumbwaiters, other than hand-power dumbwaiters, and
 - ii. hand-power dumbwaiters.
3. Escalators.
4. Moving walks.
5. Freight platform lifts, being,
 - i. freight platform lifts-Type A, and
 - ii. freight platform lifts-Type B.
6. Lifts for persons with physical disabilities, being,
 - i. stairchair lifts,
 - ii. enclosed stair platform lifts,
 - iii. unenclosed stair platform lifts,
 - iv. enclosed vertical platform lifts, and
 - v. unenclosed vertical platform lifts.
7. Manlifts, being,
 - i. counter-balanced type manlifts,
 - ii. endless belt type manlifts, and
 - iii. power type manlifts.
8. Passenger ropeways, being,
 - i. bar lifts,
 - ii. chair lifts,
 - iii. gondola lifts,
 - iv. reversible ropeways, and
 - v. ropetows.
9. Construction hoists, being,
 - i. material construction hoists,
 - ii. workers' rail-guided construction hoists, and
 - iii. workers' rope-guided construction hoists.
10. Incline lifts, being,

- i. incline elevators,
- ii. incline dumbwaiters,
- iii. incline manlifts,
- iv. incline construction hoists,
- v. incline freight platform lifts, and
- vi. funicular railways.

11. Stage lifts.

12. Special elevating devices. O. Reg. 209/01, s. 1 (5).

Application

2. (1) This Regulation applies to all elevating devices and parts thereof and to their design, construction, installation, erection, maintenance, alteration, use and service except where otherwise indicated. O. Reg. 209/01, s. 2 (1).

(2) The code adoption document does not apply to existing elevating devices, except for those provisions respecting the inspection, testing, maintenance, alteration, operation and use of such elevating devices, including signage and instructions relating to their use. O. Reg. 209/01, s. 2 (2).

(3) This Regulation does not apply to,

(a) elevating devices in or in connection with,

- (i) private dwelling houses used exclusively by the occupants and their guests, unless the owner requests in writing that they apply to them,
- (ii) embassies or diplomatic delegations of foreign sovereign countries, unless the owner requests in writing that they apply to them,
- (iii) ships and vessels unless permanently moored and used by the public, or unless the owner requests in writing that they apply to them,
- (iv) launching and retrieving ships, boats or watercraft that are adjacent to the coast lines of Ontario waterways, unless the owner requests in writing that they apply to those activities,
- (v) mines and mining plants regulated under the *Occupational Health and Safety Act*,
- (vi) elevating device test facilities in the manufacturer's facilities used for the purpose of product research, development and training on elevating devices, or unless the owner requests in writing that they apply to them, or

(vii) training facilities used only for the training of mechanics, unless the owner requests in writing that they apply to them;

(b) feeding machines or belt, bucket, scoop, roller or similar type of freight conveyor or material handling device;

(c) appliances that feed materials into or position materials at a machine tool, printing press, furnace or processing equipment;

(d) a lifting device that is an intermediate part of a fully automatic conveyor or material handling system;

(e) freight ramps having a means of adjusting the slope of the ramp;

(f) freight platforms on which persons are prohibited from riding that have a rise of two metres or less, or unless the owner requests in writing that they apply to them;

(g) lubrication hoists or other similar mechanisms;

(h) piling or stacking machines used within one storey;

(i) elevating devices that are installed in or adjacent to a barn and are used by the proprietor of the barn or a tenant thereof exclusively for their agricultural purposes;

(j) lifting devices that are,

- (i) at each entrance mechanically loaded or unloaded by a conveyor or other fixed mechanism,
- (ii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway,
- (iii) in a location inaccessible to the general public, and
- (iv) controlled by designated trained personnel only;

(k) powered platforms that are designed to provide access to the exterior or interior of a building or structure and that consist of a suspended working platform, a roof car, or other suspension means and track or guidance systems;

(l) automated window cleaning mechanisms;

(m) dumbwaiters, having a car-floor area of less than 0.2 square metres, maximum capacity less than 10 kilograms and the sill of every hoistway opening 0.8 metres or more above floor level, or unless the owner requests that they apply to them;

- (n) cranes and hoists for lifting and lowering goods or materials that are provided with unguided hooks or slings to which the goods are attached;
- (o) lift bridges;
- (p) rotating platforms;
- (q) elevating devices for persons with physical disabilities, that have a rise of 600 mm or less and that are not accessible to the general public;
- (r) lifting platforms used by camera or spotlight operators;
- (s) temporary elevating device exhibits, controlled and supervised by a trained operator but does not include elevating devices enabling access to other exhibits; and
- (t) a freight platform lift-Type B that has a rise of two metres or less and that operates between a loading dock and the bed of a vehicle used to transport goods. O. Reg. 209/01, s. 2 (3).

General requirement for compliance

3. (1) A person engaged in an activity, use of equipment, process or procedure to which the Act and this Regulation apply shall comply with the Act and this Regulation. O. Reg. 209/01, s. 3 (1).

(2) For the purpose of subsection (1), the reference to an activity, use of equipment process or procedure includes, but is not limited to, the design, construction, installation, erection, maintenance, alteration, use and service of elevating devices or parts of them. O. Reg. 209/01, s. 3 (2).

Existing elevating devices

4. (1) Except where otherwise required by this Regulation, an existing elevating device and parts thereof shall, with respect to their design, construction, controls and the other characteristics determining their technical and operating features,

- (a) conform to the applicable predecessor regulation, codes and standards at the time of its installation, initial registration or subsequent alteration; or
- (b) conform to the requirements of the code adoption document. O. Reg. 209/01, s. 4 (1).

(2) Where an alteration is made to an existing elevating device, the alteration shall conform to the requirements of the code adoption document. O. Reg. 209/01, s. 4 (2).

(3) Where a standard design submission was registered under a predecessor to this Regulation and it is proposed to install a new elevating device or part thereof in accordance with that standard design submission, the standard design submission shall be updated to conform with the requirements of this Regulation. O. Reg. 209/01, s. 4 (3).

New elevating devices

5. (1) A new elevating device or part thereof that is not specifically dealt with in the code adoption document shall be constructed so as to comply with such codes, standards or other technical rules as are adopted by the Minister or authorized by the director under section 36 of the Act. O. Reg. 209/01, s. 5 (1).

(2) If no code, standard or other technical rule has been authorized under section 36 of the Act so that the new elevating device has not been dealt with, general engineering practice normally applied to elevating devices on the basis of the code adoption document apply, having regard to the particular situation and risk safety assessment. O. Reg. 209/01, s. 5 (2).

Prohibitions

6. No person shall construct, install, alter, repair, maintain, test, operate or use an elevating device or part thereof except in accordance with this Regulation. O. Reg. 209/01, s. 6.

Prohibition on new installation, major alteration

7. (1) No person shall commence a new installation or major alteration of an elevating device until a design submission for it has been registered. O. Reg. 209/01, s. 7 (1).

(2) Despite subsection (1), a person who submits a design submission for registration may commence a new installation or major alteration of an elevating device if the person assumes all risks related to the installation or alteration. O. Reg. 209/01, s. 7 (2).

Operation without licence or inspection prohibited

8. No person shall put into service,

- (a) a newly installed elevating device until it is licensed; or
- (b) a licensed elevating device to which a major alteration has been made until it is inspected by an inspector. O. Reg. 209/01, s. 8.

Where operation prohibited

9. (1) No person shall operate an elevating device or cause or permit it to be operated if it is in an unsafe condition. O. Reg. 209/01, s. 9 (1).

(2) No person shall operate an elevating device or cause or permit it to be operated in an unsafe manner. O. Reg. 209/01, s. 9 (2).

(3) No person shall operate or use an elevating device or cause or permit it to be operated or used with a load in excess of its maximum capacity. O. Reg. 209/01, s. 9 (3).

(4) Subsections (1), (2) and (3) do not apply to an inspector, a person authorized by an inspector, a mechanic or a mechanic-in-training during the installation, alteration, repair, testing, maintenance or inspection of an elevating device. O. Reg. 209/01, s. 9 (4).

Safe behaviour

10. (1) No person shall behave in or on an elevating device or perform any work on an elevating device in such a manner as to,
- (a) impair the safe operation of the elevating device; or
 - (b) endanger themselves, another person or any property. O. Reg. 209/01, s. 10 (1).
- (2) No person shall remove, displace, interfere with or damage any device installed in or about an elevating device for its safe operation except,
- (a) a person making an inspection under this Regulation; or
 - (b) a contractor for the purpose of making a test or repair. O. Reg. 209/01, s. 10 (2).

Prohibition — agreements

11. No person shall provide an elevating device or any part thereof for use by another person under any rental, leasing or other arrangement if the elevating device or part is in an unsafe condition or otherwise not in conformity with this Regulation. O. Reg. 209/01, s. 11.

Operation prohibited without licence

12. (1) No owner of an elevating device shall operate it unless it is licensed and it complies with this Regulation. O. Reg. 209/01, s. 12 (1).
- (2) An owner of an elevating device shall ensure that it is not operated unless it is licensed and it complies with this Regulation. O. Reg. 209/01, s. 12 (2).

Attendants

13. Where the operation of an elevating device requires that an attendant or operator be present, the owner of the device shall ensure that the attendant or the operator complies with the requirements of the Act and this Regulation. O. Reg. 209/01, s. 13.

Contractors to be registered

14. No person shall act as a contractor unless registered as a contractor and no contractor who is registered shall offer or provide a service unless the contractor is registered to provide that service. O. Reg. 209/01, s. 14.

DESIGN SUBMISSION

Design submission

15. (1) A design submission for an elevating device shall be in the form published by the designated administrative authority and shall include the specifications prescribed in subsection (4), the drawings prescribed in subsection (5) and any other calculation sheets and work test documents necessary to indicate compliance with this Regulation. O. Reg. 209/01, s. 15 (1).
- (2) A design submission for an alteration of an elevating device may be limited to the scope of the alteration and shall relate the alteration to the previously registered design submission for the elevating device. O. Reg. 209/01, s. 15 (2).
- (3) A preliminary design submission shall be in the form published by the designated administrative authority and shall include documentation necessary to indicate compliance with this Regulation. O. Reg. 209/01, s. 15 (3).
- (4) A specification shall,
- (a) set out the address of the premises where the elevating device is to be installed;
 - (b) set out the designation, maximum capacity and rated speed of the elevating device;
 - (c) contain the data necessary to demonstrate that the elevating device conforms to the requirements of this Regulation, and such data may be limited to the characteristics and features of an elevating device that are not specific to and that are not required by the code adoption document for all installations of a particular class of elevating device;
 - (d) clearly delineate any proposed variance from the code adoption document and outline the reason for such variance, including an assessment of how the variance may affect the safety of the installation;
 - (e) refer to the applicable codes and standards referred to in the code adoption document;
 - (f) include a list of supporting drawings and other documentation that forms part of the design submission. O. Reg. 209/01, s. 15 (4).
- (5) Drawings shall,
- (a) be identified by a number and date in addition to the information required to be given under clauses (4) (a) and (b);
 - (b) include layouts, plans and elevation views of the elevating device or parts thereof and set out all the information that is necessary to demonstrate conformity with this Regulation and the applicable codes and standards referred to in the code adoption document;
 - (c) include electric, electronic, hydraulic and pneumatic schematic diagrams that indicate safety related circuitry and components and that identify the sequence of operation of the safety related components;
 - (d) include a legend or a reference to a relevant standard for all symbols used in the drawings;
 - (e) be prepared in accordance with good engineering and drafting practices; and
 - (f) be accurate and complete. O. Reg. 209/01, s. 15 (5).

(6) All individual documents composing a design submission shall bear the signature and seal, or the electronic equivalent, of the professional engineer who prepared or approved the design submission. O. Reg. 209/01, s. 15 (6).

(7) A design submission for an elevating device shall include a statement bearing the seal and signature, or the electronic equivalent, of the professional engineer who prepared or approved the submission stating that the whole design of the elevating device, including the parts and features not specifically identified in the design submission, are in compliance with this Regulation, except for any variances set out in the submission. O. Reg. 209/01, s. 15 (7).

(8) A professional engineer who makes a statement under subsection (7) may rely on the opinion of, or information obtained from, another professional engineer or an architect and may indicate in what respect he or she is relying on such an opinion or on such information. O. Reg. 209/01, s. 15 (8).

(9) All individual documents comprising the design submission may be signed by an officer or director of the company applying for registration if the officer or director is a mechanic and the design submission relates to,

- (a) a material construction hoist, stairchair lift or unenclosed vertical platform lift that is based on a previously registered standard design submission; or
- (b) a specific type of minor alteration that, in the opinion of the director, does not have a significant effect on the safety of the elevating device. O. Reg. 209/01, s. 15 (9).

(10) The director may require such additional information with respect to a design submission as is necessary for the purpose of ensuring that the design submission meets the requirements of this Regulation and that the integrity of the design does not raise safety concerns. O. Reg. 209/01, s. 15 (10).

Application for registration of design submission

16. An applicant for a registration of a design submission shall,

- (a) apply in the form published by the designated administrative authority;
- (b) include with the application the number of copies of the design submission specified by the director that are reasonably necessary for the purpose of assessing the application; and
- (c) pay the fee set by the designated administrative authority. O. Reg. 209/01, s. 16.

Expiry of design submission registration

17. (1) The registration of a design submission expires on the fourth anniversary of its issue unless the elevating devices to which it relates become licensed. O. Reg. 209/01, s. 17 (1).

(2) Upon registration of a design submission, the director shall send to the applicant,

- (a) a notice that the design submission has been registered;
- (b) two sets of the registered design submission or, in the case of a standard design submission, one set; and
- (c) the installation number or registration number, as the case may be, that has been allocated to the elevating device or to the standard design submission. O. Reg. 209/01, s. 17 (2).

Prohibition on work on portion of elevating device

18. (1) Where a change is proposed to a registered design submission, no work shall be performed on the portion of the elevating device affected by the change until a design submission outlining the scope of the change with reference to the relevant parts of the registered design submission is prepared in accordance with sections 15 and 16 and the design change is registered. O. Reg. 209/01, s. 18 (1).

(2) Despite subsection (1), work may be performed under that subsection before a design submission has been registered if a request for registration of the design change has been made and the person making the request assumes all risks related to the work. O. Reg. 209/01, s. 18 (2).

Minor alteration

19. A design submission for a minor alteration made in accordance with subsection 15 (2) shall be forwarded to the director not later than 10 working days after completion of the minor alteration. O. Reg. 209/01, s. 19.

Where engineering test on component required

20. If this Regulation, including the code adoption document, requires a laboratory or organization to carry out an engineering test on or a certification of an elevating device component, the person who carries out the test or certification shall file the test or certification document with the director. O. Reg. 209/01, s. 20.

CONTRACTORS

Registration as a contractor

21. (1) An application for registration as a contractor or a renewal thereof shall be made to the director in the form published by the designated administrative authority and be accompanied by the fee set by the designated administrative authority. O. Reg. 209/01, s. 21 (1).

(2) It is a condition for registration as a contractor or a renewal of a registration that,

- (a) the applicant or contractor be, or employ, a mechanic; and
- (b) the applicant or contractor, or a member of the applicant's or contractor's supervisory staff, have full knowledge of the Act and this Regulation. O. Reg. 209/01, s. 21 (2).

(3) An applicant for registration as a contractor or a renewal shall provide such information to the director as is necessary for the director to determine whether the requirements of subsection (2) are met. O. Reg. 209/01, s. 21 (3).

(4) Despite clause (2) (a), where the registration of a contractor is limited to the testing or examining of elevating devices or parts thereof, the contractor is exempt from the requirement set out in clause (2) (a) where the contractor is a professional engineer or has a professional engineer in the contractor's continuous employ. O. Reg. 209/01, s. 21 (4).

(5) A registration as a contractor expires one year following the date on which it was issued. O. Reg. 209/01, s. 21 (5).

Duty of contractor

22. A contractor shall take every precaution reasonable in the circumstances to ensure that his, her or its employees comply with the Act and this Regulation. O. Reg. 209/01, s. 22.

List of data

23. (1) Every contractor who maintains an elevating device shall submit annually to the designated administrative authority a list, in the time and manner required by the director, that contains data on the installation numbers, class and location of each elevating device maintained by the contractor, together with information that indicates the scope of each maintenance contract. O. Reg. 209/01, s. 23 (1).

(2) The list shall reflect information that is accurate as of the date on which the contractor's registration is renewed. O. Reg. 209/01, s. 23 (2).

Where no work to be done

24. (1) No work shall be undertaken on an elevating device by a contractor unless it is performed by a mechanic or by a mechanic-in-training under the supervision of a mechanic in a manner that is reasonable under the circumstances. O. Reg. 209/01, s. 24 (1).

(2) No person shall be involved in a task that is necessarily ancillary or incidental to the installation or maintenance of an elevating device unless he or she is supervised by a mechanic. O. Reg. 209/01, s. 24 (2).

(3) No mechanic shall be assigned or undertake work beyond the scope of his or her certificate or, in the case of passenger ropeway mechanics, beyond the scope of his or her experience or training. O. Reg. 209/01, s. 24 (3).

INSTALLATION

Installation

25. (1) A contractor who installs or alters an elevating device shall, after the contractor has carried out a preliminary examination and is satisfied that all work is completed in accordance with the registered design submission and that the installation or alteration complies with the requirements of this Regulation, notify the director in the form provided by the director that such is the case and arrange for an initial inspection of the elevating device. O. Reg. 209/01, s. 25 (1).

(2) A contractor who installs a new elevating device or alters an existing elevating device shall, on completion of the work, supply to the owner of the elevating device a copy of the registered design submission and general instructions for maintaining the newly installed elevating device or altered elevating device in a safe operating condition. O. Reg. 209/01, s. 25 (2).

Identification of components

26. (1) Each component of an elevating device identified in a design submission shall be readily identifiable on the actual installation. O. Reg. 209/01, s. 26 (1).

(2) Each component of an elevating device, the size, function and operating characteristics of which are not readily identifiable when installed on the elevating device, shall bear a permanently affixed name plate indicating all the information needed to facilitate its replacement. O. Reg. 209/01, s. 26 (2).

Amended design submission

27. Where an alteration is made to an elevating device, the contractor who made the alteration shall provide the owner of the elevating device with an amended design submission to reflect the changes made. O. Reg. 209/01, s. 27.

LICENCE FOR ELEVATING DEVICE

Licence for elevating device

28. (1) An applicant for an initial or temporary licence for an elevating device or for a renewal of that licence shall submit an application to the director in the form published by the designated administrative authority together with the fee set by the designated administrative authority. O. Reg. 209/01, s. 28 (1).

(2) An initial licence for an elevating device expires one year after the date of its issue unless another expiry date is specified on the licence. O. Reg. 209/01, s. 28 (2).

(3) A renewal of a licence for an elevating device shall be for the period specified on the licence. O. Reg. 209/01, s. 28 (3).

(4) A temporary licence for an elevating device shall be for a period not exceeding six months. O. Reg. 209/01, s. 28 (4).

(5) A temporary licence for an elevating device may be issued even if all of the requirements for a licence have not been met and is subject to the terms and conditions that are set out in it. O. Reg. 209/01, s. 28 (5).

Duty to notify director in case of change

29. (1) The holder of a licence for an elevating device shall notify the director within 10 days of a change in any particular noted on the licence. O. Reg. 209/01, s. 29 (1).

(2) An owner of an elevating device who is not the holder of the licence shall notify the director within 10 days of a change in the owner's name or address. O. Reg. 209/01, s. 29 (2).

(3) Where a change is proposed with respect to the ownership of an elevating device,

(a) the current owner shall notify the director in writing, within 10 days after the change in ownership, of the details and the effective date of the change; and

(b) the new owner shall notify the director in writing, within 10 days after the change in ownership, of the details and the effective date of the change, including the name of the contractor who maintains the elevating device as of the date of the change. O. Reg. 209/01, s. 29 (3).

(4) Subject to subsections (5) and (6), upon receipt of information described under subsection (3) and upon payment of the fee set by the designated administrative authority and required for the transfer of a licence, the director shall transfer the licence to the new owner. O. Reg. 209/01, s. 29 (4).

(5) The director shall not transfer a licence for an elevating device to which a seal has been affixed under subsection 18 (4) of the Act. O. Reg. 209/01, s. 29 (5).

(6) The director may refuse to transfer the licence of an elevating device,

(a) while the licence is under suspension; or

(b) where there is any outstanding fee or charge set by the designated administrative authority owing with respect to the elevating device. O. Reg. 209/01, s. 29 (6).

Posting of licence

30. (1) A licence for an elevating device shall be posted by the owner in a conspicuous position in the load-carrying unit of the elevating device or adjacent to the elevating device or in a more remote location as is required by the director. O. Reg. 209/01, s. 30 (1).

(2) A licence for an elevating device other than an elevator shall be posted by the owner on or adjacent to the elevating device such that it is readily visible. O. Reg. 209/01, s. 30 (2).

NOTICES

Notices

31. (1) An elevating device shall have securely fastened to it, and conspicuously displayed, a notice indicating its maximum capacity and installation number,

(a) in the load-carrying unit; or

(b) where it is not practicable to fasten it on the load-carrying unit, as close as is practicable to the bottom loading area of the elevating device. O. Reg. 209/01, s. 31 (1).

(2) The installation number shall be allocated to the elevating device by the designated administrative authority. O. Reg. 209/01, s. 31 (2).

(3) The notice indicating the maximum capacity shall be provided by the owner and shall set forth in letters and numbers not less than six millimetres in height,

(a) the words "maximum capacity";

(b) the total weight in kilograms allowed in the elevating device; and

(c) the words "persons per hour", as the case may be. O. Reg. 209/01, s. 31 (3).

(4) The notice may include the number of persons allowed to use the elevating device. O. Reg. 209/01, s. 31 (4).

(5) If the maximum capacity is expressed in terms of both weight and the number of persons, the notice shall use the word "or" to indicate that the maximum capacity is defined in alternative terms. O. Reg. 209/01, s. 31 (5).

(6) The maximum capacity notice on freight elevators shall also indicate the class of loading designated in accordance with the applicable code or standard referred to in the code adoption document. O. Reg. 209/01, s. 31 (6).

(7) The notice indicating the installation number shall be set forth in numerals at least six millimetres in height and shall be in a form determined by the director. O. Reg. 209/01, s. 31 (7).

OPERATION AND MAINTENANCE

Operation and maintenance

32. (1) An owner of an elevating device shall ensure that the elevating device is not used or operated unless it is maintained by a registered contractor in accordance with the requirements of this section. O. Reg. 209/01, s. 32 (1).

(2) The methods and intervals of maintenance of an elevating device shall be determined by the owner or a contractor on behalf of the owner, on the basis of,

(a) the inherent quality and age of the device;

(b) the specifications for maintenance of the manufacturer, manufacturer's agent or of the contractor; and

(c) the frequency and method of use of the device. O. Reg. 209/01, s. 32 (2).

- (3) The maintenance of an elevating device shall include,
 - (a) an inspection and examination at regular intervals of all parts and functions of the elevating device;
 - (b) cleaning, lubricating and adjusting all its parts at regular intervals and repairing or replacing worn or defective components in order to prevent the device from becoming unsafe for operation;
 - (c) repairing or replacing damaged or broken parts;
 - (d) such other examinations or work as is required by this Regulation, the applicable code or standard referred to in the code adoption document or by an inspector. O. Reg. 209/01, s. 32 (3).

(4) A person who carries out an inspection referred to in clause (3) (a) shall ensure that the elevating device is in a safe operating condition and shall take all steps and reasonable precautions in the circumstances to ensure that the parts and functions will remain in a safe operating condition until the next scheduled inspection and examination. O. Reg. 209/01, s. 32 (4).

(5) Where a part of an elevating device is replaced for any reason, the replacement part shall be at least equivalent to the original part as specified in the design submission or as supplied by the manufacturer of the original part. O. Reg. 209/01, s. 32 (5).

- (6) Despite subsections (1) and (3), a person other than a registered contractor may,
 - (a) carry out jobs of a housekeeping nature in the load-carrying unit of an elevating device or in the area giving access to it; and
 - (b) clean an elevator car and hoistway enclosures made of glass if the elevator is provided with equipment referred to in the code adoption document. O. Reg. 209/01, s. 32 (6).

Operation and Maintenance

33. (1) Where maintenance is carried out on an elevator, dumbwaiter, lift for persons with physical disabilities or a freight platform lift that is equipped with a safety device, overspeed and uncontrolled low speed protective device, the maintenance referred to in subsection 32 (3) shall include an inspection and testing of such devices in accordance with requirements for periodic inspection set out in the code adoption document. O. Reg. 209/01, s. 33 (1).

(2) Where the maintenance is carried out on an endless belt type manlift, the maintenance referred to in subsection 32 (3) shall include an inspection and testing of the safety brake to ensure compliance with the applicable code or standard referred to in the code adoption document. O. Reg. 209/01, s. 33 (2).

(3) Where the maintenance is carried out on a counter-balanced type or power type manlift, the maintenance referred to in subsection 32 (3) shall include an inspection and testing of the safety device and, if any, the overspeed governor to ensure compliance with the applicable code or standard referred to in the code adoption document. O. Reg. 209/01, s. 33 (3).

(4) The inspection and tests required under subsections (1), (2) and (3) shall be carried out at intervals determined in accordance with subsection 32 (2) as long as the interval between the inspections or tests is not longer than 12 months. O. Reg. 209/01, s. 33 (4).

(5) Despite subsections (1), (2), (3) and (4), no inspection or test is required for an elevating device that is equipped with a device referred to in subsection (1) if the operational reliability of the device is proven through type testing and certification in compliance with the applicable codes or standards referred to in the code adoption document, and the certification records are filed with the director in accordance with section 20 and placed at the location of the elevating device. O. Reg. 209/01, s. 33 (5).

(6) A record of inspections and tests carried out under subsections (1), (2) and (3) shall be kept in the log book referred to in section 34. O. Reg. 209/01, s. 33 (6).

(7) Where the ownership of an elevating device changes, the records referred to in subsection (6) shall be transferred to the new owner. O. Reg. 209/01, s. 33 (7).

Log book

34. (1) Every owner of an elevating device and every contractor shall maintain a log book for each elevating device that they own or maintain, and the log book shall contain up-to-date data on,

- (a) all maintenance functions required to be recorded in the log book by the applicable code or standard referred to in the code adoption document; and
- (b) such other data as are required to be kept in the log book by this Regulation. O. Reg. 209/01, s. 34 (1).

(2) The log book shall be kept for a period of at least five years from the date of the last entry in the log book. O. Reg. 209/01, s. 34 (2).

(3) The log book data shall be readily available at the location of the elevating device to an inspector, maintenance mechanic and other persons designated by the owner. O. Reg. 209/01, s. 34 (3).

Defects or occurrences

35. Where a manufacturer or owner of an elevating device or a contractor discovers a defect in a part or component that may create an unsafe condition with respect to the operation or use of an elevating device and as a result of the discovery the same part or component is replaced in other elevating devices because of a possible recurrence of the defect, then the manufacturer, owner or contractor, as the case may be, shall forthwith notify the director, in writing, of the nature of the defect and any actions taken with respect to the part or component. O. Reg. 209/01, s. 35.

ACCIDENTS

Director to be notified of accidents

36. (1) Where an accident occurs in connection with an elevating device that results in the death of or serious injury to any person, the owner shall notify the director by telephone forthwith. O. Reg. 209/01, s. 36 (1).

(2) Where an accident occurs that causes injury to any person or where there has been an incident involving an elevating device that indicates that the elevating device is in a potentially hazardous condition or where there has been a fire involving an elevating device, the owner and the contractor maintaining the elevating device shall notify the director by telephone or other means within 24 hours and shall submit a written report in the form published by the designated administrative authority giving full particulars within seven days thereafter. O. Reg. 209/01, s. 36 (2).

(3) Where an accident of the type referred to in subsection (1) occurs, no person, except for the purpose of rescuing a person injured in the accident, shall interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by an inspector. O. Reg. 209/01, s. 36 (3).

(4) No person shall return the elevating device referred to in subsection (2) to service until the cause of the accident or incident is identified and the safety of the device restored. O. Reg. 209/01, s. 36 (4).

(5) On being notified of an accident or incident in accordance with this section, the director shall cause such investigation to be made as he considers necessary in the circumstances. O. Reg. 209/01, s. 36 (5).

Duty of owner re access

37. Every owner of an elevating device shall ensure that,

- (a) there is unobstructed access to and egress from the elevating device;
- (b) there is a safe and unobstructed access to the machinery space, including the electrical equipment, of the elevating device regardless of weather conditions;
- (c) the machinery space, including the electrical equipment, and any part of the elevating device that may be hazardous, is closed, locked or otherwise made inaccessible to the public and free of objects not required for the operation of the elevating device;
- (d) the keys required for access to the machine space, including the electrical equipment, and other locked parts of the elevating device are readily available at all times at the location of the installation to an inspector, a member of the police or fire department or other person who may be involved in an emergency where the elevating device is located;
- (e) a list of persons to be called in case of an equipment or power failure, an accident or any other emergency involving the elevating device is readily available at the location of the installation and ensure that the person called is prepared to take such action as is appropriate in the circumstances;
- (f) a copy of the registered design submissions for, and general instructions for maintenance received under subsection 25 (2) of, the elevating device is readily available to an inspector and contractor; and
- (g) on the transfer of ownership of an elevating device, a copy of the registered design submission and the instructions from maintenance are delivered to the new owner. O. Reg. 209/01, s. 37.

Passenger elevator

38. Every owner of a passenger elevator shall ensure that,

- (a) in addition to the list required under clause 37 (e), the name and telephone number of the contractor currently maintaining the elevator is readily available, together with the expiry of the elevator maintenance contract; and
- (b) the location of the keys required to be available under clause 37 (d) are posted inside the firehose cabinet located closest to the main front entrance of the apartment or building or other conspicuous location at the main front entrance of the building. O. Reg. 209/01, s. 38.

FREIGHT HANDLERS

Freight handlers

39. (1) Where the use or operation of an elevating device requires one or more freight handlers, or where the presence of one or more attendants or operators is required under the applicable code or standard referred to in the code adoption document, the owner shall,

- (a) designate persons as freight handlers, attendants or operators, as the case requires;
- (b) ensure that the persons designated under clause (a) have the training and experience necessary to carry out their duties in a safe manner and that they comply with this Regulation; and
- (c) ensure that the attendants or operators who are designated are stationed at locations appropriate in the circumstances, in or about the elevating device. O. Reg. 209/01, s. 39 (1).

(2) In addition to the requirements set out in subsection (1) and those in the applicable codes and standards referred to in the code adoption document, where an elevating device is powered by a driving unit or equipped with operating devices that are not automatically rendered inoperative should an unsafe condition for operation exist, the owner shall ensure that while the elevating device is in operation it is supervised and operated by an operator who is stationed at the driving unit of the elevating device or at some other location appropriate in the circumstances. O. Reg. 209/01, s. 39 (2).

ATTENDANTS AND OPERATORS

Duty of owner re knowledge and experience requirements

40. (1) Every owner of an elevating device shall ensure that every attendant, operator operating an elevating device and every freight handler using an elevating device for moving freight has such knowledge of and experience in the attending, operating or using of the elevating device that,

- (a) he or she is able to attend, operate or use the elevating device safely;
- (b) he or she is aware of the hazardous situations that are likely to occur with respect to persons using the elevating device or the materials being carried on it. O. Reg. 209/01, s. 40 (1).

(2) Every owner of an elevating device shall ensure that every person learning to be an attendant, operator or freight handler obtains the experience referred to in subsection (1) and performs his or her duties only under the personal supervision of an experienced attendant, operator or freight handler, as the case may be, or a mechanic or other person having thorough knowledge and experience in the attending, operation or use of an elevating device and who is aware of the hazards connected therewith. O. Reg. 209/01, s. 40 (2).

Attendants

41. An attendant shall,

- (a) only be responsible for the safe operation and use of the elevating device that is within the scope of his or her employment;
- (b) be stationed in close proximity to the elevating device, in a location designated by the owner of the elevating device;
- (c) ensure that the persons and materials can move safely to or from the elevating device in the area that is under his or her supervision.
- (d) ensure that all doors or gates are closed or other safety measures are taken, as the case may be, before the elevating device is operated or a signal is given to an operator to operate it; and
- (e) not operate the elevating device, knowing or having reason to believe that the maximum capacity as shown on the licence is exceeded, except where he or she is assisting in the testing of the elevating device. O. Reg. 209/01, s. 41.

Operators

42. An operator shall,

- (a) be responsible for the safe operation of the driving unit of the elevating device that he or she is operating;
- (b) not operate the driving unit unless he or she has been given a signal by an attendant to operate it or is otherwise satisfied that all doors or gates are closed, the device is not overloaded and that all safety measures have been taken to ensure the safe operation of the elevating device;
- (c) be satisfied each day that the elevating device that he or she is operating is safe for normal operation before operating it on that day; and
- (d) not leave the driving unit unattended without taking measures to prevent the unauthorized use of the elevating device. O. Reg. 209/01, s. 42.

Duty of owner re freight handling

43. (1) The owner of an elevating device and the employer of a freight handler shall ensure that materials and freight move with safety to or from the elevating device. O. Reg. 209/01, s. 43 (1).

(2) In addition to the requirements set out in subsection (1), where a freight handler performs his or her duties without supervision by an attendant, the freight handler shall,

- (a) ensure that all doors or gates are closed or other safety measures are taken, as the case requires, before the elevating device is operated or a signal is given to an operator to operate it; and
- (b) not operate the elevating device, knowing or having reason to believe that the maximum capacity as shown on the licence is exceeded, except where he or she is assisting in the testing of the elevating device by an inspector or a mechanic. O. Reg. 209/01, s. 43 (2).

INSPECTIONS

Inspections

44. (1) An elevating device shall be inspected by an inspector at such intervals as may be determined by the director for the purpose of ensuring the safe operation of the device. O. Reg. 209/01, s. 44 (1).

(2) The labour, test load, measuring and other devices required to carry out the inspection shall be provided and the fee set by the designated administrative authority paid by,

- (a) in the case of an initial inspection, a special inspection following an alteration, or a follow up inspection following an initial inspection or a special inspection, the contractor who installed or altered the elevating device;
- (b) in the case of any other inspection, the owner of the elevating device. O. Reg. 209/01, s. 44 (2).

Removal of seals

45. (1) Where an inspector has sealed a part on an elevating device to prevent readjustment, no person shall remove the seal without the permission of the inspector. O. Reg. 209/01, s. 45 (1).

(2) Despite subsection (1), a contractor may remove a seal without the permission of the inspector and may affix a replacement seal if,

- (a) the settings of the elevating device under seal are not altered; and

(b) the appropriate record is entered in the maintenance log book referred to in section 34. O. Reg. 209/01, s. 45 (2).