



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ELEVATORS AND LIFTS ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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ELEVATORS AND LIFTS ACT

CHAPTER E-5

1. Definitions

In this Act

- (a) “**certificate of inspection**” means a certificate of inspection issued under the authority of this Act;
- (b) “**Chief Inspector**” means the chief inspector appointed for the purposes of this Act;
- (c) “**construction hoist**” means a mechanism used in connection with the construction, alteration, maintenance or demolition of a building, structure or other work, including its hoistway enclosure, affixed to a building or structure and equipped with a car, bucket or platform that
 - (i) moves in guides, or is otherwise guided, at an angle exceeding seventy degrees from the horizontal, and
 - (ii) is used for raising or lowering workmen, materials or both, in connection with the construction, alteration, maintenance or demolition of a building, structure or other work;
- (c.1) “**contractor’s license**” means a contractor’s license issued by the Minister under section 3.1;
- (d) “**dumbwaiter**” means a hoisting or lowering mechanism
 - (i) equipped with a car or platform that moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, the compartment height of which does not exceed four feet, the capacity of which does not exceed five hundred pounds, and
 - (ii) used exclusively for carrying freight;
- (e) “**elevating device**” means a dumbwaiter, elevator, escalator, incline lift, manlift, or hand-powered, counterbalanced manlift as defined in this Act;
- (f) “**elevator**” means a hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and includes its hoistway enclosure, but does not include a dumbwaiter;
- (g) “**escalator**” means a moving, inclined, continuous stairway or runway used for raising or lowering passengers;
- (h) “**freight**” means any substance, article or thing;
- (h.1) “**hand-powered, counterbalanced manlift**” means a mechanism having a hand-powered pulley system, counterbalanced by a weight, and having a platform or footholds, for lifting or lowering a single person in a substantially vertical direction;
- (i) “**hoistway**” means any shaftway, hatchway, well hole, or other vertical opening or space in which an elevator or dumbwaiter operates;

- (j) “**hoistway enclosure**” means any structure which separates the hoistway, either wholly or in part, from the floors or landings through which the hoistway extends;
- (k) “**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 ski tow;
- (l) “**inspector**” means an inspector appointed for the purposes of this Act, and includes the Chief Inspector;
- (l.1) “**installer’s registration**” means an installer’s registration issued by the Minister under section 3.1;
- (m) “**major alteration**” means a major alteration as defined in the regulations;
- (n) “**manlift**” means a mechanism having a power driven endless belt with platforms or footholds for lifting or lowering persons in a substantially vertical direction and includes its hoistway enclosure;
- (o) “**maximum capacity**” means the number of persons or the weight that an elevating device may carry safely as determined under the regulations;
- (p) “**Minister**” means the Minister of the Crown designated by the Lieutenant Governor in Council to have the administration of this Act;
- (q) “**new installation**” means an installation that is commenced after July 28, 1971;
- (r) “**owner**” means the person in charge of an elevating device as owner, tenant, agent, or otherwise, but does not include a person who operates an elevating device as the whole or a part of his normal duties;
- (s) “**seal**” means to take any measure satisfactory to the Chief Inspector that will effectively prevent the unauthorized operation or use of an elevating device. *R.S.P.E.I. 1974, Cap. E-4, s.1; 1975, c.7, s.1; 1998, c.86, s.1; 2008, c.12, s.1.*

2. Act not applicable to

This Act does not apply to

- (a) feeding machines, or belt, bucket, scoop, roller or any similar type of freight conveyor;
- (b) freight ramps or platforms with a rise of sixty inches or less;
- (c) lubrication hoists or other similar mechanisms;
- (d) piling or stacking machines used within one storey;
- (e) temporary hoisting mechanisms used for raising or lowering persons or materials during the construction, repair, alteration, or demolition of buildings, structures or works; or
- (f) any class or sub-class of elevating device excluded by the regulations. *R.S.P.E.I. 1974, Cap. E-4, s.2.*

3. Administration of Act

The Minister shall have the general administration of this Act. *R.S.P.E.I. 1974, Cap. E-4, s.3.*

3.1 Licenses, registrations

The Minister may, on application, issue a contractor’s license or an installer’s registration to the applicant, in accordance with the regulations. *2008, c.12, s.2.*

3.2 Installation of elevator prohibited unless license or registration is held

- (1) No person other than a person who holds a contractor's license or an installer's registration shall install, construct, reconstruct, maintain or alter an elevating device.

Compliance

- (2) No person who holds a contractor's license or an installer's registration shall install, construct, reconstruct, maintain or alter an elevating device, unless the installation, construction, reconstruction, maintenance or alteration is carried out in compliance with this Act and the regulations.

Exception

- (3) A person who does not hold a contractor's license or an installer's registration may install, construct, reconstruct, maintain or alter an elevating device if the person does so while under the direct supervision of a person who holds a contractor's license or an installer's registration. *2008, c.12, s.2.*

4. Inspectors

- (1) A Chief Inspector and one or more inspectors may be appointed by the Minister for the purposes of this Act.

Conflict of interest

- (2) No inspector shall have any direct or indirect interest in the manufacture, sale, installation or maintenance of elevating devices. *R.S.P.E.I. 1974, Cap. E-4, s.4.*

5. Inspection, at least annually

Every elevating device shall be inspected by an inspector at least once annually and more often when the Chief Inspector considers it advisable for reasons of safety. *R.S.P.E.I. 1974, Cap. E-4, s.5.*

6. Inspector, powers

- (1) An inspector may, for the purpose of carrying out this Act and the regulations
- (a) enter upon any premises where he has reason to believe that an elevating device is being installed or operated;
 - (b) require the owner of an elevating device or any part thereof, to prepare it for inspection;
 - (c) require the owner of an elevating device to do or refrain from doing anything the inspector considers necessary during an inspection; and
 - (d) require the owner of an elevating device, by notice in writing, 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.

Unsafe elevating device, duties of inspector

- (2) Where an elevating device is found by an inspector to be in an unsafe condition, he
- (a) shall give notice in writing to the owner that it is unsafe to operate or use; and
 - (b) shall seal the elevating device.

Unsafe elevating device

- (3) Where an elevating device is found by an inspector to be in an unsafe condition, the owner shall not operate the elevating device or cause or permit it to be operated until such recommendations as the inspector may make are carried out.

Seal, tampering with

- (4) No person except an inspector has the authority to break or tamper with a seal. *R.S.P.E.I. 1974, Cap. E-4, s.6.*

7. Powers of Chief Inspector**(1) The Chief Inspector**

- (a) may issue a certificate of inspection to the owner of an elevating device which has been inspected by an inspector and, in the opinion of the Chief Inspector, complies with this Act and the regulations;
- (b) may suspend or revoke the certificate of inspection when in his opinion the elevating device does not comply with this Act and the regulations;
- (c) may transfer to a new owner a certificate of inspection issued under clause (a); and
- (d) shall review applications for the issuance of contractor's licenses and installer's registrations and make recommendations to the Minister in respect of the approval for such applications, in accordance with the regulations.

Designation of elevating device

- (2) The certificate of inspection shall designate the elevating device for which it is issued and the maximum capacity thereof.

Period of validity

- (3) The certificate of inspection is valid for one year from the date of inspection of the elevating device unless sooner suspended or revoked.

Conspicuous position, to be kept in

- (4) The certificate of inspection shall be kept by the owner in a conspicuous position in the car of an elevator for which it is issued, or in a conspicuous position on or adjacent to the dumbwaiter, escalator, manlift or incline lift for which it is issued.

Revocation or suspension of certificate: enforcement

- (5) Where the certificate of inspection of an elevating device 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.P.E.I. 1974, Cap. E-4, s.7; 2008, c.12, s.3.*

8. Operation of elevating device, conditional

- (1) No owner shall operate an elevating device or cause or permit it to be operated unless
- (a) it is maintained and operated in compliance with this Act and the regulations; and
- (b) the owner is the holder of a valid certificate of inspection signed by the Chief Inspector.

Holder of valid certificate, onus of proof

- (2) In any proceedings for a violation of this section, the onus is on the person charged to prove that he is the holder of a valid certificate of inspection.

Owner of elevating device, onus of proof

- (3) Where, in an information, it is alleged that a person is the owner of an elevating device, the onus is on the person charged to prove he is not the owner of the elevating device. *R.S.P.E.I. 1974, Cap. E-4, s.8.*

9. New installation, major alteration

No person shall commence a new installation or a major alteration of an elevating device without the approval of the Chief Inspector given in accordance with the regulations. *R.S.P.E.I. 1974, Cap. E-4, s.9.*

10. Load limit

No person shall operate an elevating device or cause or permit it to be operated with a load in excess of its maximum capacity as designated in the certificate of inspection. *R.S.P.E.I. 1974, Cap. E-4, s.10.*

11. Inspector's duties, obstruction of

No person shall hinder or obstruct an inspector in the performance of his duties. *R.S.P.E.I. 1974, Cap. E-4, s.11.*

12. False or misleading statements

No person shall make any false or misleading statements in any communications, whether in writing or otherwise to the inspector concerning any matter under this Act or the regulations. *R.S.P.E.I. 1974, Cap. E-4, s.12.*

13. Investigation, attendance required

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. *R.S.P.E.I. 1974, Cap. E-4, s.13.*

14. Malfunction of elevating device 24-hour notice from owner

- (1) Where an elevating device 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.

Telephone or telegraph notice from owner

- (2) Where an accident occurs in connection with an elevating device that results in the death of any person or in injuries that may result in the death of any 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 to do so is given by the Chief Inspector.

Investigation may be made

- (3) Upon receipt of a 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.P.E.I. 1974, Cap. E-4, s.14.*

15. Offences & penalties

- (1) A person who fails to comply with or violates 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 penalty of not more than \$1,000.

Repeated offences

- (2) Where a person fails to comply with or violates 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.P.E.I. 1974, Cap. E-4, s.15; 1994, c.58, s.6.*

16. Related statutes and regulations, application

Nothing in this Act or the regulations affects any other Act or regulation or any municipal bylaw relating to elevating devices insofar as the Act or regulation imposes additional or more stringent requirements than those contained in this Act and the regulations. *R.S.P.E.I. 1974, Cap. E-4, s.16.*

17. Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) designating classes or subclasses of elevating devices;
 - (b) defining a major alteration for the purposes of this Act and the regulations;
 - (b.1) respecting the issuance of contractor's licenses and installer's registrations required under this Act and the regulations;
 - (b.2) respecting the issuance, refusal, suspension or revocation of contractor's licenses and installer's registrations;
 - (b.3) respecting appeals from refusals, suspensions or revocations of contractor's licenses and installer's registrations;
 - (c) prescribing conditions respecting the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of elevating devices and equipment used in connection therewith;
 - (d) prescribing conditions respecting the approval of new installations and major alterations of an elevating device and the fees to be paid in regard thereto;
 - (e) prescribing methods of determining maximum capacity for the purposes of this Act and the regulations;
 - (f) governing the conduct of persons in or about elevating devices;
 - (g) prescribing the form of certificates of inspection and the conditions under which the certificates or any class thereof may be issued, suspended, revoked, or transferred or prohibiting the transfer of the certificates or any class thereof;
 - (h) prescribing the fees to be paid for inspections by inspectors;
 - (i) prescribing the circumstances under which special fees are to be paid and designating the amount of such fees and the persons by whom such fees are to be paid;
 - (i.1) prescribing the fees to be paid for contractor's licenses or installer's registrations issued under this Act;
 - (j) requiring and prescribing the form and location of notices and markings that shall be kept in or about elevating devices;
 - (k) excluding from this Act any class or subclass of elevating devices; and

- (1) respecting any other matter necessary or advisable to carry out the intent and purpose of this Act.

Dumbwaiters, elevators, escalators, incline lifts and manlifts

- (2) The Lieutenant Governor in Council may make regulations respecting construction hoists, dumbwaiters, elevators, escalators, incline lift, manlifts, and hand-powered, counterbalanced manlifts or with respect to any one or more of such types of mechanisms or with respect to any one or more classes or subclasses thereof.

Definition of words & expressions

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

Limitation on regulations

- (4) Any regulation may be limited as to time or place of application or both.

Adoption by reference codes, standards

- (5) A regulation made under subsection (1) may adopt by reference in whole or in part, and with such changes as the Lieutenant Governor in Council considers necessary, any code or standard in respect of elevating devices that is made by any recognized technical organization, and may require compliance with any code or standard so adopted.

Idem

- (6) On the adoption of any code or standard under the regulations in respect of elevating devices, the code or standard shall be in force in the province, either in whole or in part, or with such amendments, variations, additions or deletions as may be specified in the regulations. *R.S.P.E.I. 1974, Cap. E-4, s.17; 1998, c.86, s.2; 2008, c.12, s.4.*