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RESIDENTIAL SWIMMING POOL SAFETY REGULATION

FREQUENTLY ASKED QUESTIONS

June 2021

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Table of contents

With the changes to the Regulation, I am not sure what requirements apply to my facilities. What are the terms of application of the new requirements?	3
I purchased a property with an in-ground pool built before 2010. I have recently made various improvements to make the backyard safer, but they do not meet the requirements of the Regulation. Will I still have to modify my installations to comply with the Regulation?.....	5
I own a pool built before November 1 2010. Is a municipal permit required to complete the work to bring my facility up to standard by July 1, 2023?	6
I have consulted Standard BNQ 9461-100, but I am not sure I understand all the applicable standards. Who do I contact to ensure that my facilities are in compliance?	7
What are the requirements for the construction materials used in an enclosure ? Can I build and install my own enclosure with the materials I have?	8
Do I have to install slats on my chain-link fence even if it is hidden in a hedge?.....	11
My entire property is fenced. The patio door leading to the backyard and in-ground pool is equipped with an alarm system. Are my facilities compliant?.....	12
I bought a small 2.5-foot high inflatable pool at a big box store. Do I have to enclose it with an enclosure even if I only put it in when my grandchildren come to swim and I put it away immediately afterwards? In addition, an adult always supervises children while they are swimming.....	12
When a pool is surrounded by an enclosure, is there a minimum distance between the enclosure and the pool ?.....	121
Is a removable fence allowed ?	13
Can I install window opening restrictors in situations where the Regulation requires that the maximum opening of a window not allow a spherical object larger than 10 cm in diameter?	13
How do I know if an object near my pool is a structure or fixed equipment that could be used to climb over the wall of a pool or enclosure?.....	14
How do I secure my above-ground pool to comply with the Regulation?.....	15
If I have an 8-9 person hot tub, is it subject to the Regulation? Should I fence it?.....	15
Are lakes and ponds subject to the Regulation?	16
What recourse do I have against a neighbor who refuses to comply with to the new rules?	16

With the changes to the Regulation, I am not sure what requirements apply to my facilities. What are the terms of application of the new requirements?

The intent of the amendments to the Regulation is not to require changes from an owner whose facilities were already in compliance with the Regulation prior to the amendments coming into force. However, to the extent that a new facility is installed, it is expected that the new standards will be applied.

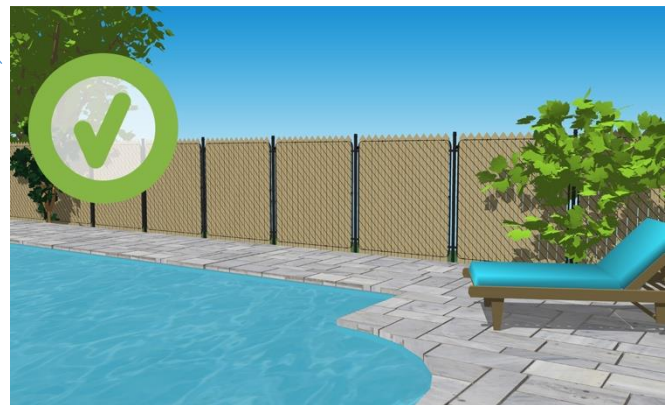
Under the Regulation, a new facility can be a new pool, diving board, enclosure, platform or patio that provides access to the pool.

The following new requirements apply only to new facilities on or after July 1, 2021:

- where the enclosure is formed by a chain link fence, the mesh shall be a maximum of 30 mm wide. However, if slats are inserted in the mesh, their width may be greater than 30 mm but shall not permit the passage of a spherical object greater than 30 mm in diameter ;



Example of a chain-link fence with a mesh that is less than 30 mm wide.



Example of a slatted chain-link fence.

- any fixed structure and equipment that can be used to climb over the wall or enclosure must be installed more than 1 m from the wall of the pool or, as the case may be, the enclosure. This minimum distance applies to a window that is less than 3 m from the ground, unless its maximum opening does not permit the passage of a spherical object more than 10 cm in diameter;



The operating devices of the pool are located more than 1 m from the pool. In addition, there is no fixed equipment that can be used to climb over the wall within 1 m of it.



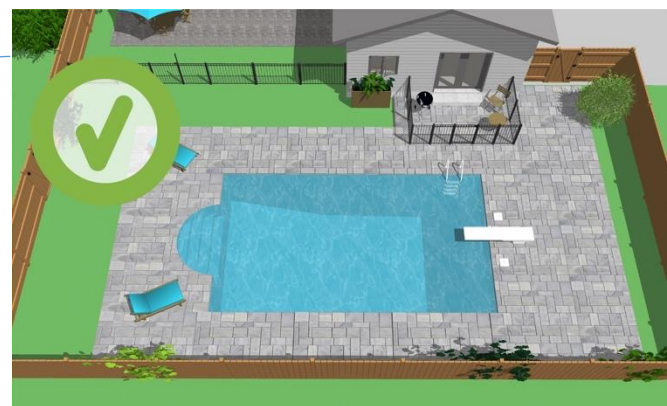
Example of a pool enclosure located more than 1 m from a retaining wall

- any pool with a diving board shall be installed in accordance with Standard [BNQ Standard 9461 100](#) "Residential Swimming Pools Equipped With a Diving Board - Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving From a Diving Board" in effect at the time of installation.

Note that facilities acquired before July 1, 2021, but installed before October 1, 2021, are exempt from these new requirements. This 3 month delay is intended to take into account installation contracts signed before the coming into force of the amendments to the Regulation and for which the work will be carried out during the summer of 2021.

Pools existing before July 1, 2021 will only have to comply with the new requirements when a new facility is installed or an existing facility is replaced. For pools built before November 1, 2010, owners have until July 1, 2023 to bring their facilities into compliance.

In the case of a portable pool (e.g.: inflatable pool), the reinstallation of the same pool does not constitute a new installation and does not have the effect of making the new requirements applicable.



However, where a pool (in-ground, above-ground or portable) is replaced by a new pool, the entire facility must be brought into compliance with all provisions of the Regulation, without exception.

Below are some examples to help you understand how the new requirements apply. You can also use the self-assessment form (in French only) associated with the type of facility you wish to install, available on the [Ministère's website](#), to determine the requirements that apply to your situation. As your municipality is responsible for the enforcement of the Regulation within its territory, it is important that you contact your municipality before undertaking any work.

Examples :

- An in-ground pool built in 2005 is not enclosed. In order to bring the facility into compliance, the owner must install a fence by July 1, 2023. If the owner wishes to install a chain link fence, the mesh must be 30mm or less or the fence must be slatted.
- An in-ground pool built in 2005 already has a 50mm chain link fence, which otherwise meets the requirements of the Regulation (e.g. minimum height of 1.2 m). The owner will not be required to install slats on the existing fence.
- A new in-ground pool is currently under construction. A contract was signed in May 2021 for the installation of a 50mm chain link fence around the pool. Installation is scheduled for August. The fence will not need to be slatted.
- An in-ground pool built in 2002 is equipped with a diving board, but it does not meet Standard BNQ 9461 100. In order to bring this pool up to standard by July 1, 2023, the removal of the diving board would not be required. However, the replacement of the diving board on this same pool will not be permitted as of July 1, 2021, as it would be a new installation.
- An above-ground pool built in 2010 is located within 1 m of a 50 cm-high retaining wall. The pool can remain at this location despite the new rule requiring the maintenance of a 1 m clearance strip around the pool. In the event that the same pool reaches the end of its life and the owner wishes to replace it, the new pool should be installed more than 1 m from the retaining wall.
- An above-ground pool built in 2009 is installed within 1m of a first-floor window of the house. There is no requirement to move the pool or limit the window opening. In the event that this same pool reaches the end of its life and the owner wishes to replace it, the new pool must be installed at least 1 m from the window or, if permitted by municipal by-laws, the window opening must be limited to 10 cm.

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>

I purchased a property with an in-ground pool built before 2010. I have recently made various improvements to make the backyard safer, but they do not meet the requirements of the Regulation. Will I still have to modify my installations to comply with the Regulation?

Yes, although your upgrades have improved safety, as of July 1, 2023, all pools built before November 1, 2010 must comply with the Regulation.



Patio door surrounded by a fence to prevent direct access inside the pool enclosure.

I own a pool built before November 1 2010. Is a municipal permit required to complete the work to bring my facility up to standard by July 1, 2023?

Yes, the Regulation requires a municipal permit for the following:

- build, install or replace a pool;
- install a diving board;
- erect a structure providing or preventing access to a swimming pool, including :
 - an enclosure;
 - a platform;
 - a patio opening onto a pool.

Therefore, even if you have an existing pool, a municipal permit is required to carry out work to bring it up to standard.



I have consulted Standard BNQ 9461-100, but I am not sure I understand all the applicable standards. Who do I contact to ensure that my facilities are in compliance?

If you are planning to install a new pool with a diving board or to install a diving board on an existing pool, your pool dealer will be able to answer your questions and ensure compliance with the standard. The standard requires that site and construction plans be prepared for any residential pool with a diving board.

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>

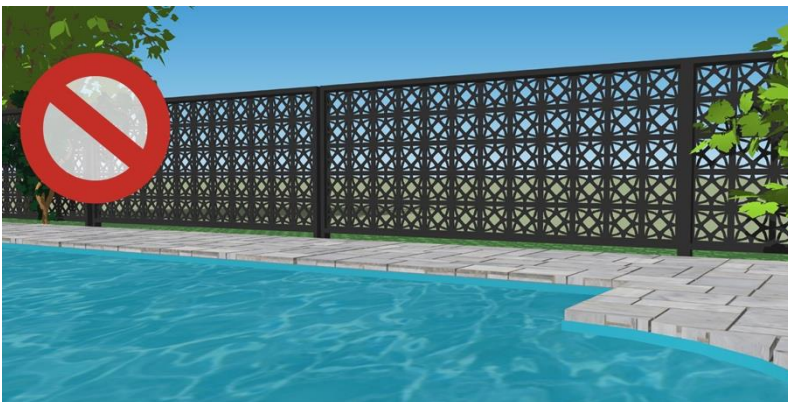
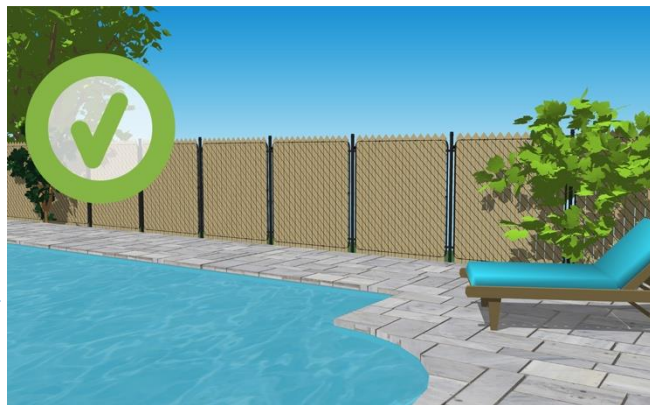
If you have any questions about your existing facilities, you can contact your municipality which is responsible for enforcing the Regulation. You can also contact the Lifesaving Society.



What are the requirements for the construction materials used in an enclosure? Can I build and install my own enclosure with the materials I have?

The Regulation does not prescribe the materials that must be used to build an enclosure. You may build your own enclosure with any materials you choose, provided the following requirements are met:

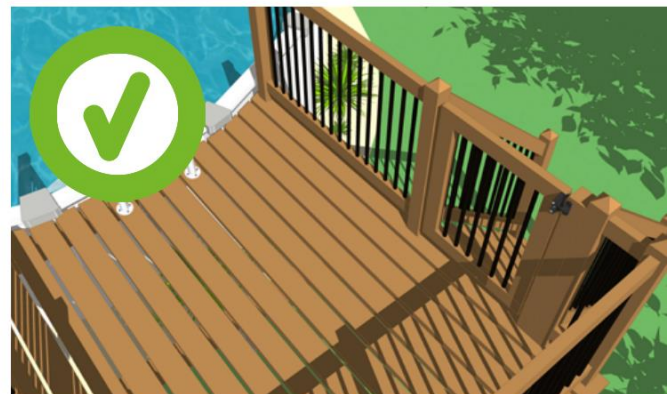
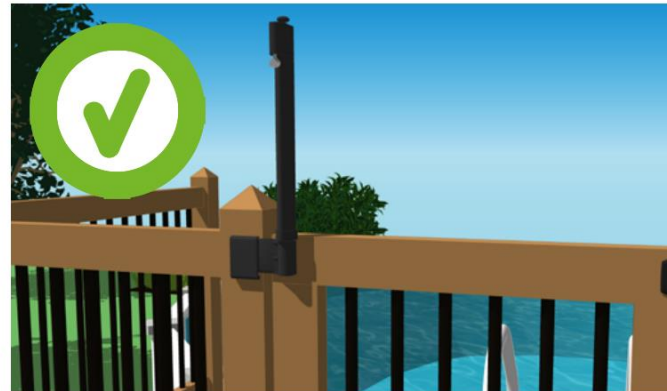
- it is at least 1.2 m high;
- it prevents the passage of a spherical object of 10 cm in diameter (e.g.: between the bars, between the bottom of the fence and the ground);
- it has no fasteners, projections or open parts that could facilitate climbing;
 - for example, ornamental fences with multiple openings and projections should not be used;
 - in the case of wooden fencing, horizontal rails should be installed at a sufficient distance from each other or on the interior side of the enclosure;
- in the case of chain-link fencing, the links are 30 mm or less in width or, if not, the fence is slatted;



- the enclosure door must close and lock automatically. It must also meet the same requirements as the enclosure;
- the passive safety device (latch) must be installed either :
 - on the inside of the enclosure, in the upper part of the door;
 - on the outside of the enclosure, at least 1.5 m high.

An enclosure must always be kept in good working order.

For more details, please refer to the English-language information located here :
<https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>



Do I have to slat on my chain-link fence even if it is hidden in a hedge?

The requirement to slat a chain-link fence with a mesh larger than 30 mm applies to all new fences installed on or after July 1, 2021, with the exception of new fences acquired prior to that date and installed before October 1, 2021.

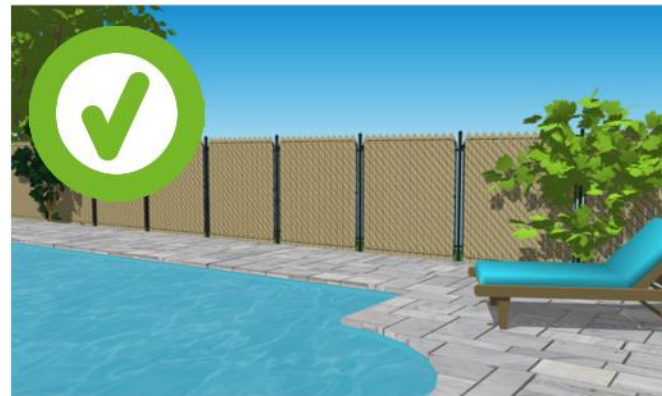
Therefore, chain-link fences already in existence on July 1, 2021 will not need to be slatted even if the mesh is larger than 30 mm. For example, an existing cedar hedge fence that forms a pool enclosure will still be in compliance even if it is not slatted.

However, for a new pool installed on or after July 1, 2021, all requirements of the Regulation must be met, without exception. In this case, a chain-link fence with a mesh greater than 30 mm that is not slatted would not be able to constitute the pool enclosure, even if it is in a hedge.

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>



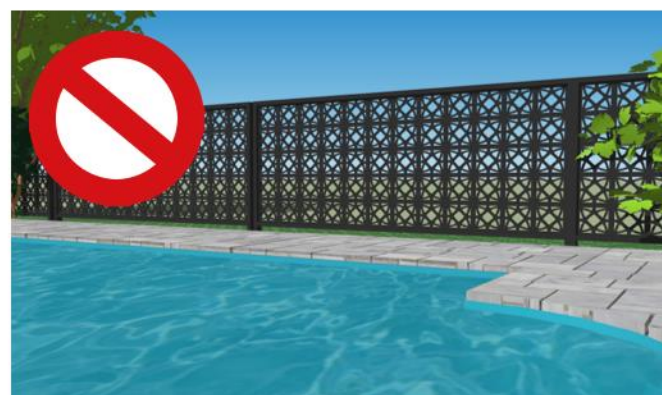
Example of chain-link fence less than 30 mm wide.



Example of lattice chain-link fence.



A hedge is not an enclosure.



Example of an ornamental fence that can be easily scaled.

My entire property is fenced. The patio door leading to the backyard and in-ground pool is equipped with an alarm system. Are my facilities compliant?

Despite the alarm system, if your patio door allows direct access to the pool, your installation does not comply with the Regulation.

It is recommended that you install an enclosure outside your patio door or between your house and your pool. _____

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>

I bought a small 2.5-foot high inflatable pool at a big box store. Do I have to enclose it with an enclosure even if I only put it in when my grandchildren come to swim and I put it away immediately afterwards? In addition, an adult always supervises children while they are swimming.

The *Regulation* also applies to portable pools, including inflatable pools, that can hold 60 cm or more of water. Where the wall of the inflatable pool is less than 1.4 m high, the pool must be surrounded by an enclosure. _____

When a pool is surrounded by an enclosure, is there a minimum distance between the enclosure and the pool?

No, there is no requirement in the Regulation for the distance between an enclosure and a pool. However, it is possible that your municipality's regulation provides for such a minimum distance. Be sure to confirm this information with your municipality.



Patio door surrounded by a fence to prevent direct access inside the pool enclosure.



Example of a portable pool less than 1.4 m high to be surrounded by an enclosure.

Is a removable fence allowed?

The installation of a removable Pool Guard or Child Safe fence is not prohibited, provided it meets the requirements of the Regulation. Although removable, such a fence must always remain in place and be maintained in good working order.

It is recommended that pool owners ensure that their removable fence meets ASTM F2286-16 – Standard Design and Performance Specification for Removable Mesh Fencing for Swimming Pools, Hot Tubs, and Spas. This international standard describes the performance and design requirements for removable mesh fencing used as a pool or spa enclosure.

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>

Can I install window opening restrictors in situations where the Regulation requires that the maximum opening of a window not allow a spherical object larger than 10 cm in diameter?

The installation of restrictors is an option if allowed by your municipality. It is therefore important to check with your municipality.

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>



Although removable, this fence is firmly anchored to the ground.



Window opening restrictor.

How do I know if an object near my pool is a structure or fixed equipment that could be used to climb over the wall of a pool or enclosure?

The Regulation requires that any fixed structure or equipment that can be used to climb over the wall or enclosure of the pool must be installed more than 1 m away from the wall or enclosure.

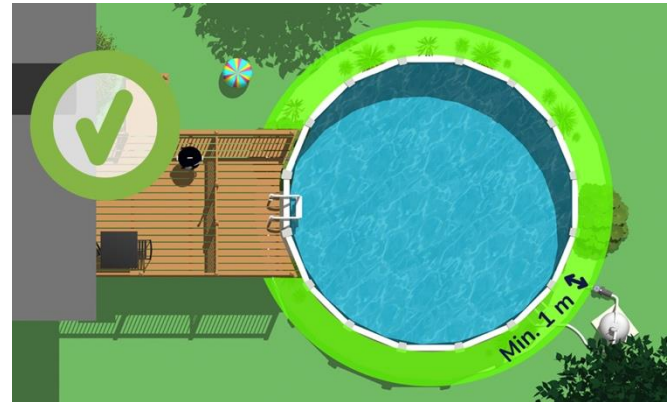
Fixed structures and equipment are structures and equipment that cannot be easily moved and generally remain in place. Therefore, this requirement does not apply to lawn furniture, children's toys, tools, etc. It also does not apply to trees.

Alternatively, a structure or equipment that is not likely to be used to climb over the wall or enclosure may be located within 1 m of the wall or enclosure. This would be the case, for example, for a shed or equipment stored under the pool patio.

Despite these general guidelines, the application of this standard is subject to interpretation. As your municipality is responsible for the application of the Regulation within its territory, please contact your municipality in case of doubt.

As a reminder, this requirement only applies to pools and enclosures installed on or after July 1, 2021. However, a pool or enclosure acquired before July 1, 2021, but installed before October 1, 2021, is also exempt from this requirement.

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>



The operating devices of the pool are located more than 1 m from it. In addition, there is no fixed equipment that can be used to climb over the wall within 1 m of it.



Example of a pool enclosure more than 1 m from a retaining wall.

How do I secure my above-ground pool to comply with the Regulation?

The following pools must be enclosed:

- an above-ground pool with a wall height of less than 1.2 m;
- a portable pool with a wall height of less than 1.4 m.

In all other cases, an enclosure is not required. However, access to a pool that is not enclosed by an enclosure must be gained in one of the following ways:

- by means of a removable ladder equipped with a safety door which closes and locks automatically;
- from a platform whose access is secured by an enclosure;
- from a patio attached to the residence, provided that the portion of the patio opening onto the pool is secured by an enclosure.

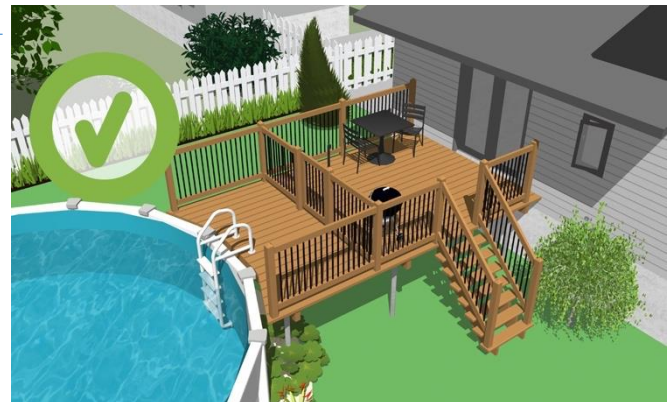
For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>



Example of a ladder with a safety door.



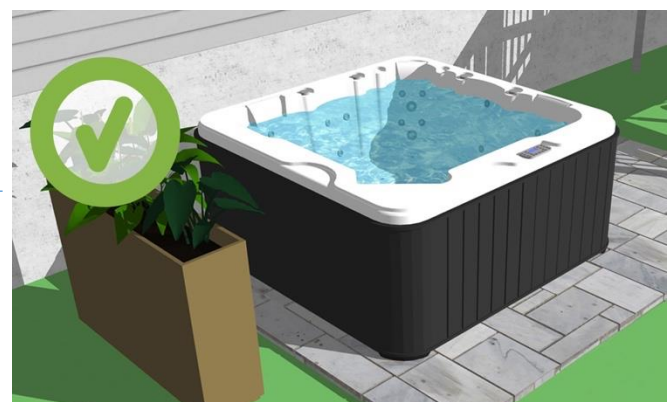
Example of a platform whose access is protected by an enclosure.



Example of terrace connecting the pool to the residence.
The area opening onto the pool is adequately protected by an enclosure.

If I have an 8-9 person hot tub, is it subject to the Regulation? Should I fence it?

Only spas that can hold more than 2,000 liters of water must comply with the Regulation. If your spa is smaller, an enclosure is not required, even if it is more than 60 cm deep.



Are lakes and ponds subject to the Regulation?

Natural lakes and ponds are not subject to the Regulation. Artificial lakes and ponds are not subject to the Regulation if they are not intended for swimming.

However, there are natural swimming pools and swimming ponds which, as the name implies, are intended for swimming but have a natural appearance. These facilities must comply with the Regulation.

For more details, please refer to the English-language information located here : <https://www.mamh.gouv.qc.ca/publications/publications-en-anglais/>

What recourse do I have against a neighbor who refuses to comply with to the new rules?

Municipalities are responsible for enforcing the *Regulation* within their jurisdiction. You must therefore contact your municipality if you believe that a pool in your neighbourhood does not comply with this regulation.



A swimming pond.

