

... (2) Le passage de la définition de « constructeur » au paragraphe 123(1) de la Loi, tel qu'il est proposé, est adopté et les passages suivants sont ajoutés :

(2) to (5) The definition "builder" in subsection 123(1) at present reads as follows:

"builder" of a residential complex or of an addition to a multiple unit residential complex means a person who

(a) at a time when the person has an interest in the real property on which the complex is situated, carries on or engages another person to carry on for the person

(i) in the case of an addition to a multiple unit residential complex, the construction of the addition to the multiple unit residential complex,

(ii) in the case of a residential condominium unit, the construction of the condominium complex in which the unit is situated, and

(iii) in any other case, the construction or substantial renovation of the complex,

(b) acquires an interest in the complex at a time when

(i) in the case of an addition to a multiple unit residential complex, the addition is under construction, and

(ii) in any other case, the complex is under construction or substantial renovation,

(c) in the case of a mobile home, manufactures the mobile home,

(d) acquires an interest in the complex

(i) in the case of a condominium complex or residential condominium unit, at a time when the complex is not registered as a condominium, or

... (2) AB the portion of the definition "builder" in subsection 123(1) of the said Act following paragraph (b) thereof is replaced and the following substituted therefor:

(a) in any case, is deemed under subsection 190(1) to be a builder of the complex

(i) making one or more supplies of the complex or parts thereof or parts thereof by way of sale or lease (licence or similar arrangement) to persons other than to individuals who are acquiring the complex or parts otherwise than in the course of a business or an adventure or concern in the nature of trade, or

(ii) making one or more supplies of the complex or parts thereof or parts thereof by way of sale or lease (licence or similar arrangement) to persons other than to individuals who are acquiring the complex or parts otherwise than in the course of a business or an adventure or concern in the nature of trade, or

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(2) à (5). — Texte actuel du passage introductif et des passages visés de la définition de « constructeur » au paragraphe 123(1) :

« constructeur » Est constructeur d'un immeuble d'habitation ou d'une adjonction à un immeuble d'habitation à logements multiples la personne qui, selon le cas :

...

c) dans le cas d'une maison mobile, fabrique celle-ci;

d) acquiert un droit sur l'immeuble d'habitation au moment suivant, en vue principalement de fournir tout ou partie de l'immeuble ou un droit sur celui-ci, par vente :

...

(ii) dans tous les cas, avant qu'il soit occupé à titre résidentiel ou de pension, aux termes d'un accord conclu à cette fin;

e) est réputée par le paragraphe 190(1) être le constructeur de l'immeuble.

N'est pas un constructeur le particulier, visé à l'un des alinéas a) à d), qui construit l'immeuble d'habitation ou l'adjonction, ou y fait des rénovations majeures, ou qui acquiert l'immeuble d'habitation ou un droit y afférent, autrement que dans le cadre d'une entreprise, d'un projet à risques ou d'une affaire de caractère commercial, ni la personne visée à l'un des alinéas a) à c) dont le droit sur l'immeuble lui permet d'acheter l'immeuble du constructeur.