

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT**ONTARIO REGULATION**

to be made under the

TECHNICAL STANDARDS AND SAFETY ACT, 2000

Amending O. Reg. 218/01

(UPHOLSTERED AND STUFFED ARTICLES)

1. The title to Ontario Regulation 218/01 is revoked and the following substituted:

UPHOLSTERED AND STUFFED ARTICLES — BEDDING AND UPHOLSTERED FURNITURE

2. The Regulation is amended by striking out “an upholstered or stuffed article”, “upholstered and stuffed articles”, “articles”, “article” or “an article”, as the case may be, wherever it appears in the following provisions and substituting in each case “bedding or upholstered furniture”:

1. The definition of “renovator” in subsection 1 (1).
2. Subsections 1 (2), (3) and (5).
3. Subsection 2 (1).
4. Paragraph 3 of subsection 3 (2).
5. Subsection 5 (1).
6. Section 7.
7. Subsections 9 (1) and (3).
8. Section 10.

9. Subsections 11 (1) and (2).

10. Subsections 13 (1) and (2).

11. Subsection 19 (1).

12. Section 20.

13. Section 21 in the portion before clause (a).

3. Subsection 1 (1) of the Regulation is amended by,

- (a) amending the definition of “bedding” by striking out “pillow or quilted bedspread” and substituting “pillow, cushion or quilted bedspread”;**
- (b) revoking the definitions of “furniture” and “home hobby or craft operator”;**
- (c) amending the definition of “manufacturer” by striking out “any article or part thereof in the manufacture of” and substituting “the manufacture of” and by striking out “thereof” at the end and substituting “of bedding or upholstered furniture”;**
- (d) revoking the definition of “second-hand article” and substituting the following:**

“second-hand bedding or upholstered furniture” means bedding or upholstered furniture that has been purchased from a retailer and returned, but does not include such bedding or upholstered furniture if it is returned to the retailer before use with the original label attached;

- (e) revoking the definition of “upholstered or stuffed article”.**

4. Subsection 2 (2) of the Regulation is revoked and the following substituted:

(2) Subsection 3 (1) and sections 5, 6 and 8 do not apply to persons engaged in the manufacture or sale of original bedding or upholstered furniture manufactured as part of a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle, drawn, propelled or driven by any kind of power, including muscular power, a motorized snow vehicle, an airplane, or a boat or other watercraft intended for personal use, provided that the bedding or upholstered furniture meets the standards of the appropriate federal authority at the time the vehicle or airplane is manufactured.

5. (1) Section 3 of the Regulation is amended by adding the following subsection:

(1.1) A person who manufactures in Ontario less than 1,000 beddings or pieces of upholstered furniture per year in the person's residence for sale to the public may carry on business as a manufacturer, despite subsection (1).

(2) Subsections 3 (3) and (5) of the Regulation are revoked.

6. Section 4 of the Regulation is amended by striking out "articles" and substituting "beddings or pieces of upholstered furniture".

7. Subsection 5 (2) of the Regulation is revoked and the following substituted:

(2) A retailer who receives second-hand bedding or upholstered furniture for purposes of sale shall, immediately upon receiving it, affix a label in accordance with this Regulation to a conspicuous part of the main body of the bedding or upholstered furniture.

8. Section 6 of the Regulation is revoked and the following substituted:

Prohibition on sale of unlabelled bedding or upholstered furniture

6. (1) No person shall sell or offer for sale, whether by auction or otherwise, bedding or upholstered furniture that does not bear a label in accordance with this Regulation that is securely affixed to a conspicuous part of the main body of the bedding or upholstered furniture.

(2) Subsection (1) does not apply to the sale or offering for sale by a householder of his or her own household bedding or upholstered furniture from or on the householder's own premises.

9. Section 8 of the Regulation is revoked and the following substituted:

Prohibition on sale of certain bedding or upholstered furniture

8. (1) Except as provided in subsection (2), no person shall sell or offer for sale, whether by auction or otherwise, bedding or upholstered furniture that has not been manufactured by a licensed manufacturer.

(2) A person may sell or offer for sale, whether by auction or otherwise, bedding or upholstered furniture that,

- (a) has been manufactured by a person who manufactures in Ontario less than 1,000 beddings or pieces of upholstered furniture per year in the person's residence for sale to the public;
- (b) has been manufactured in a jurisdiction designated under section 17; or
- (c) is second-hand.

10. Subsection 9 (2) of the Regulation is amended by striking out “any upholstered or stuffed article” at the end and substituting “any bedding or upholstered furniture”.

11. Subsections 13 (3) and (4) of the Regulation are amended by,

- (a) striking out “an article” wherever it appears and substituting in each case “bedding or upholstered furniture”; and**
- (b) striking out “the article” wherever it appears and substituting in each case “bedding or upholstered furniture”.**

12. Section 14 of the Regulation is revoked and the following substituted:

Labels

14. (1) A label must be securely attached to the bedding or upholstered furniture so that it remains attached to the bedding or upholstered furniture until the bedding or upholstered furniture is delivered to the consumer.

(2) A label must,

- (a)** set out the generic names of all stuffing materials, listed in order of predominance, by volume not by percentage, used in the bedding or upholstered furniture, as set out in Column II of the Schedule;
- (b)** if the bedding or upholstered furniture is second-hand, state that the bedding or upholstered furniture is second-hand;
- (c)** if the bedding or upholstered furniture was renovated, state that the bedding or upholstered furniture was renovated;
- (d)** if the bedding or upholstered furniture was sterilized in accordance with this Regulation, state that the bedding or upholstered furniture was sterilized in accordance with this Regulation;
- (e)** if the bedding or upholstered furniture was disinfected in accordance with this Regulation, state that the bedding or upholstered furniture was disinfected in accordance with this Regulation;
- (f)** if all of the stuffing material is new, state that all of the stuffing material is new;
- (g)** if some of the stuffing material is second-hand and some of the stuffing material is new, state that some of the stuffing material is second-hand and some of the stuffing material is new;

- (h) if all of the stuffing material is second-hand, state that all of the stuffing material is second-hand;
 - (i) if the stuffing was sterilized in accordance with this Regulation, but the whole bedding or upholstered furniture was not sterilized, state that the stuffing was sterilized in accordance with this Regulation;
 - (j) if the stuffing was disinfected in accordance with this Regulation, but the whole bedding or upholstered furniture was not disinfected, state that the stuffing was disinfected in accordance with this Regulation;
 - (k) if the label is affixed by the licenced manufacturer who manufactured the bedding or upholstered furniture,
 - (i) set out the licence number of the manufacturer, and
 - (ii) if the manufacturer desires that the business name and address of the manufacturer be printed on the label, set out the business name and address of the manufacturer;
 - (l) if the label is affixed by the unlicensed manufacturer who manufactured the bedding or upholstered furniture and who is exempt from the licensing requirement because they manufacture in Ontario less than 1,000 beddings or pieces of upholstered furniture per year in their residence for sale to the public, set out the business name and address of the manufacturer;
 - (m) if the label is affixed by the manufacturer and the manufacturer desires that information required under any Act of the Parliament of Canada be printed on the same label, set out such information; and
 - (n) if the label is affixed by the renovator,
 - (i) set out the licence number of the renovator, and
 - (ii) if the renovator desires that the business name and address of the renovator be printed on the label, set out the business name and address of the renovator.
- (3) The content required by subsection (2) must be legible and clearly visible.

13. Sections 15 and 16 of the Regulation are revoked.

14. (1) Subsection 17 (2) of the Regulation is revoked.

(2) Subsection 17 (3) of the Regulation is amended by striking out “upholstered or stuffed articles” and substituting “bedding or upholstered furniture”.

15. Section 18 of the Regulation is amended by adding “in bedding or upholstered furniture” after “stuffing” wherever it appears.

16. Subsection 19 (4) of the Regulation is amended by striking out “upholstered or stuffed articles” and substituting “pieces of bedding or upholstered furniture”.

17. The Regulation is amended by adding the following sections:

Report of accident

20.1 A person who manufactured, renovated or retailed bedding or upholstered furniture and becomes aware that the stuffing in it has caused injury or death shall, no later than two days after the person becomes aware, notify the director in writing.

Report of potentially dangerous or unlabelled bedding or upholstered furniture

20.2 A manufacturer, renovator or retailer shall notify the director in writing no later than two days after the manufacturer, renovator or retailer becomes aware of having received bedding or upholstered furniture for the purposes of sale that,

- (a) is required by this Regulation to be processed, sterilized or disinfected in accordance with this Regulation, but has not been processed, sterilized or disinfected in accordance with this Regulation;
- (b) has been in contact with a person suffering from a communicable disease;
- (c) is soiled;
- (d) is in such condition that it is likely to adversely affect the health of any person;
- (e) contains vermin;
- (f) shows signs of corrosion or other degradation; or
- (g) is not labelled in accordance with this Regulation.

18. Section 22 of the Regulation is revoked.

19. The Table of Forms to the Regulation is revoked.

[Commencement]

20. [Commencement]