



City of Pointe-Claire  
**By-Law Respecting the  
Demolition of Immovable**

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PROVINCE OF QUEBEC  
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-2818

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BY-LAW RESPECTING THE DEMOLITION OF IMMOVABLES

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*In force on December 10, 2014*

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL, 451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON DECEMBER 2, 2014, AT 7:30 P.M.

PRESENT: Councillors K. Thorstad-Cullen, C. Homan, J. Beaumont, P. Bissonnette, C. Cousineau, J.-P. Grenier, A. Iermieri and D. Smith chaired by His Worship Mayor Morris Trudeau forming a quorum of council.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE FOLLOWING:

**BY-LAW NUMBER: PC-2818**

RESOLUTION NUMBER: 2014-582

PROPOSED BY COUNCILLOR HOMAN

SECONDED BY COUNCILLOR BEAUMONT

AND RESOLVED:

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*Modified April 15, 2015 – By-Law PC-2818-1  
Modified March 9, 2016 – By-Law PC-2818-2*

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## *Definitions*

1. In the present by-law, unless the context indicates a different interpretation, the following meanings are given to:

CERTIFICATE:

Certificate of authorisation issued pursuant to the approval of an application for demolition of an immovable in accordance with the provisions of the present by-law.

CITY:

The City of Pointe-Claire.

COMMITTEE:

The committee established to authorise applications for demolition and to exercise any other powers conferred on it pursuant to Chapter V.0.1 of the [Act respecting land use planning and development](#) (O.L. Chapter A-19.1).

COUNCIL:

The municipal council of the City of Pointe-Claire.

DEMOLITION:

Dismantling or complete destruction of a building, as well as partial dismantling or destruction of an immovable resulting in a reduction of its original exterior walls or part of them, or in a reduction of the building's volume, or in a reduction of its floor area.

DIRECTOR:

The Director of the Planning Department of the City of Pointe-Claire or any other person appointed by Council to oversee the administration of this by-law.

DWELLING:

Residential unit in which one or more people reside as a single household, and to which there is access from the outside either directly or through a vestibule, without having to pass through another dwelling unit in whole or in part, and equipped with a bathroom and facilities for preparing meals, eating, and sleeping.

IMMOVABLE:

The building in which the landsite main use is or was carried out.

SECRETARY:

The City Clerk of the City of Pointe-Claire

## *Implementation*

2. The present by-law shall apply to the whole territory of the City of Pointe-Claire.

## *Prohibition*

3. Any demolition work amongst the following shall be prohibited unless the owner has previously obtained from the Committee an authorisation for the demolition and the City issued a certificate authorising the demolition.
  - 1) The total demolition of a single-family home or of a commercial or industrial immovable, or its partial demolition resulting in a destruction of more than 75% of its volume;

- 2) The partial or total demolition of a building of heritage interest identified in Chapter 13 of the [SPAIP By-Law](#), resulting in the dismantling or the destruction of more than 50% of either the original exterior walls, the building's volume, or its above ground floor area.
- 3) The partial or total demolition of an immovable comprised of more than one (1) dwellings, rental or not, resulting in a diminution of the number of dwellings;

### *Exception*

4. Section 3 and the other relevant provisions of this by-law shall not apply with respect to:
  - 1) A demolition, required by the City, of an immovable that would have been built in violation of a municipal planning by-law.
  - 2) A demolition ordered under sections 227, 229 and 231 of the [Act respecting land use planning and development](#).
  - 3) The demolition of an immovable that has burnt or has suffered from another type of disaster where it has lost more than one-half (50%) of its value ascribed to it by the assessment roll in force at the time of the fire or disaster.

### *Constitution of a Demolition Committee*

5. A committee shall be established to authorise applications for demolition and to exercise any other powers foreseen in Chapter V.0.1, Title I, of the [Act respecting land use planning and development](#).
6. This committee shall be composed of three (3) Council members designated by the Council for one year and their term is renewable.
- 6.1 Council may, by resolution, appoint one or more substitute members to act as a member of the Committee, in the event of the absence or inability to act of any of the three (3) designated Committee members. *Amendment PC-2818-1 (April 15, 2015)*

### *Resource person and secretary*

7. The Director shall attend any and all meetings of the Committee. He shall act as "resource person" without any right of vote. Should he be absent or unable to act for any reason, he shall be replaced by a person appointed by him in accordance with the applicable administrative managerial guidelines of the City under such circumstances.
8. The Committee can also appoint any « resource person » that he considers necessary for the good conduct of his works and the elaboration of his decisions, without any right of vote.
9. The City Clerk of the City of Pointe-Claire acts as the secretary of the Committee, without any right of vote.

### *Submission of an application for authorisation of demolition to the Committee*

10. An application for authorisation to demolish shall be submitted to the Director by the owner of the immovable to which the application relates or by his duly authorised representative and must be submitted in support of the following documents:
  - 1) A coloured photograph of each elevation of the immovable to be demolished;
  - 2) A certificate of location or a site plan of the immovable to be demolished;
  - 3) A plan showing the location of any tree existing on the landsite that is 10 cm (4 in) or more in trunk diameter, measured at 1 metre from ground level;
  - 4) A report prepared by a chartered appraiser and by a building inspector appointed by the City, but paid by the applicant, which establishes the following values:
    - i) The cost of replacement of the building to be demolished;
    - ii) The physical depreciation of the building;

- iii) The depreciated cost of the building;
  - iv) An estimate of the cost to completely restore the building;  
*Amendment PC-2818-2 (March 9, 2016)*
- 5) In the case of a building of heritage value identified in Chapter 13 of the [SPAIP By-Law](#), a report prepared by an architect appointed by the City, establishing the restoration and construction costs to be incurred to give the building back its full value and demonstrating that the structure is in a condition such that it cannot be restored. Such report shall be at the applicant's cost;
  - 6) A preliminary programme of reutilisation of the vacated land established according to the criteria and accompanied with the required documents such as defined in Section 15 below.
  - 7) Any other document deemed appropriate by the applicant to support his application, such as technical reports, professional opinions and pictures describing the state of deterioration of the immovable, of its systems, structures and materials, can also be submitted for review.

### *Payment of fees and expenses*

11. Upon submission of an application for authorisation and the documents accompanying it, the applicant shall pay the fees and the expenses foreseen in Section 51 below.  
*Amendment PC-2818-2 (March 9, 2016)*

### *Requirements of a programme of land reutilisation*

12. With his application for authorisation to demolish, the owner shall submit, to the attention of the Committee for its approval, a programme of reutilisation of the vacated land that conforms to the City by-laws in force at the time of the application.
13. When the programme of land reutilisation includes of an operation that is subject to the approval of a Site Planning and Architectural Integration Programme in accordance with the [SPAIP By-Law](#), the Committee takes into consideration the recommendations that is made to Council by the Planning Advisory Committee to establish the conformity to said By-Law.
14. When a notice of motion has been given to adopt or amend a planning by-law referred to in Chapter IV of the [Act respecting land use planning and development](#), no authorisation to demolish, nor any program respecting the reutilisation of vacated land may be granted or approved nor may any permit or certificate be granted for the carrying out of demolition works or works related to the realisation of a programme respecting the reutilisation of vacated land which would be prohibited if the by-law that is the subject of the notice of motion is adopted.

The first paragraph ceases to be applicable to the projected demolition works and to the works related to the realisation of the programme respecting the reutilisation of the vacated land on the date occurring two (2) months after the filing of the notice of motion if the by-law has not been adopted by that date or, if the by-law has been adopted, on the date occurring four (4) months after the date of its adoption if the by-law is not in force on that date.

Where, however, within two (2) months after the filing of the notice of motion, the amending by-law is the subject, under section 128 of the [Act respecting land use planning and development](#), of a second draft by-law, the first paragraph ceases to be applicable to the projected demolition works and to those related to the realisation of the programme respecting the reutilisation of the vacated land on the date occurring four (4) months after the filing of the notice of motion if the by-law has not been adopted by this date or, if the by-law has been adopted, on the date occurring four (4) months after the date of its adoption if the by-law is not in force on this date.

### *Content of the programme*

15. The programme or reutilisation of the vacated land is comprised of plans and documents showing the new land development and structure that are proposed in replacement of the immovable to be demolished. Such plans and documents shall be sufficiently clear and explicit so as to allow

the Committee to determine if such programme conforms to applicable municipal by-laws. They shall include:

- 1) A timetable of the projected works;
- 2) A site plan and architectural plans and elevations to scale of the building or buildings intended to replace the structure to be demolished or moved, showing in a clear and detailed fashion the location of the building or buildings, their dimensions (width, depth and heights), the shape of the roof, the facing materials and colors that will be used as well as the proposed location and dimensions of street accesses, alleys and parking areas;
- 3) In the case of a new house: a photo-montage in color and at scale, which includes the new proposed house elevation in the centre and at least three (3) of the existing buildings on each side of the proposed house.

### *Acknowledgment of receipt and summons*

16. The Director shall notify the secretary of the Committee of the receipt of the application for the authorisation to demolish immediately after having verified that the application is complete and that the fees required for the study and the processing of the demolition permit application have been paid.
17. The secretary of the Committee in consultation with the Committee members shall convene a meeting of the Committee to consider the application.

### *Publication of an application of authorisation*

18. As soon as the Committee is seized of an application for authorisation to demolish, he has to publish a public notice indicating the following information:
  - 1) The date, time and place of the sitting of the Committee to consider the application for authorisation to demolish;
  - 2) A description of the immovable concerned using the public thoroughfare designation and the civic number or, if this is not possible, the cadastral number;
  - 3) That any person wishing to oppose the demolition shall, within ten (10) days of the publication of the public notice, make known in writing its motivated opposition to the City Clerk.
19. In addition to the public notice referred to in the Section 18, a notice, easily visible for the passers-by shall be posted on or in front of the immovable concerned by the request for a period of ten (10) days starting from the date of the publication of the public notice.
20. The notice posted on the immovable and the board shall state the fact that the concerned immovable is the object of an application for authorisation to demolish and indicate the telephone number of the Planning department of the City.

### *Notice to the lessees*

21. Within 48 hours following the submission of his application for authorisation to demolish, this applicant must send, by certified or registered mail, a notice of the application to each of the lessees of the immovable, where applicable.
22. The notice shall conform to the model provided in APPENDIX 1 of the present by-law.
23. The applicant shall hand over to the director the proof of any such notice having been transmitted in accordance with section 21, no later than on the seventh (7<sup>th</sup>) day following such transmission.

### *Request of delay to acquire an immovable*

24. When the immovable aimed by the application includes one (1) or more rental dwellings, a person wishing to acquire that immovable and preserve it as rental housing may, as long as the

committee has not rendered its decision, intervene in writing with the City Clerk to ask for time to undertake or pursue negotiations to acquire the immovable.

25. If the Committee considers that circumstances justify it, it may postpone its decision and grant the intervener a period of no more than two (2) months from the end of the hearing to allow the negotiations to succeed. The Committee can postpone the pronouncement of his decision for this motive only once.

### *Opposition to the demolition*

26. Any person who wants to oppose the demolition shall, within ten (10) days of the publication of the public notice, make known in writing its motivated opposition to the City Clerk.
27. Before handing its decision, the Committee must consider the oppositions received. It may hold a public hearing if it considers it advisable.

### *Decisions of the Committee*

28. The Committee meetings are public and its decisions are taken with the majority.

### *Evaluation criteria of the application for authorisation*

29. The Committee grants the authorisation to demolish if it is convinced of the advisability of the demolition taking into account the public interest and the interest of the parties.
30. Before deciding on an application for authorisation to demolish, the Committee must consider especially:
  - 1) The condition of the immovable subject to the application;
  - 2) The contribution of the immovable to the special character of Pointe-Claire;
  - 3) The cost of restoration;
  - 4) The deterioration of the architectural appearance or aesthetic character of the neighbourhood or of the quality of life in the neighbourhood that could result from the demolition,
  - 5) The environmental sustainability of the demolition and land reutilisation project, among other things: possibility for recycling and recovery of the building material and equipment, regional supply and quality of materials, energy efficiency of mechanical systems, etc.
  - 6) The intended use of the vacated land,
  - 7) *Repealed*
  - 8) When the immovable includes one (1) or more rental dwellings, the prejudice caused to lessees, the housing needs in the area and the possibility of relocating the lessees.

*Amendment PC-2818-2 (March 9, 2016)*

31. If it deems useful in order to gain a better understanding of the application, the Committee may ask the applicant to provide, at his own expense, any additional clarification, information or reports prepared by a professional.
32. In addition, the Committee must reject the application for authorisation if the preliminary program for the reutilisation of the vacated land is not approved or if the due fees or expenses have not been paid.

### *Imposition of conditions*

33. If the Committee grants the authorisation, it may impose conditions for the demolition of the immovable or for the reutilisation of the vacated land. It may, in particular, determine the conditions on which a lessee may be relocated, when the immovable includes one (1) or more rental dwellings.

### *Obligation of justification and of information*

34. The Committee's decision concerning the demolition must be substantiated and immediately sent to every party concerned.

### *Appeal to a decision of the Committee*

35. Within 30 days of a decision of the Committee, a person may appeal the decision to Council.
36. The appeal must be made through a written application, including reasons, and must be received at the City clerk's office no later than on the thirtieth (30<sup>th</sup>) day after the day when the decision is made.
37. Any member of Council who is also a member of the Committee may sit at Council to hear an appeal made under section 35, unless he/she is the person who applied for the appeal.
38. Council renders its decision no later than at the second regular meeting after receipt of the appeal; it renders any decision it considers appropriate in replacement of the Committee's decision. The decision of Council is without appeal.

### *Delivery of the certificate of authorisation for demolition*

39. No certificate of authorisation for demolition may be issued before the expiry of 30 days as provided in Section 35 above nor, if there has been an appeal under said section, before the Council has rendered a decision authorising the demolition.

### *Time set for work completion*

40. If the Committee grants the authorisation, it may set the time within which the demolition work and the land reutilisation works must be undertaken and completed.

### *Financial guarantee of execution of the land reutilisation programme*

41. If a land reutilisation programme is approved, the owner shall provide to the City, prior to the issuance of the certificate, a financial guarantee of execution of that programme in the applicable amount as hereinafter set forth:
  - 1) In the case of partial or total demolition of a single-family home or of a building of heritage interest identified in Chapter 13 of the [SPAIP By-Law](#): \$10,000;
  - 2) In the case of total demolition of an immovable comprising more than one dwelling: \$15,000;
  - 3) In the case of partial demolition of an immovable comprising more than one dwelling: \$5,000;

*Amendment PC-2818-2 (March 9, 2016)*

### *Monetary guarantee related to the execution of the program for the utilisation of the vacated land (commercial or industrial immovable)*

42. In the case of an immovable other than an immovable contemplated by Section 41, should a program for the utilisation of vacated land be approved, the applicant shall provide the City, prior to the issuance of the certificate authorizing the demolition, with a monetary guarantee of execution of said program.

Said guarantee shall consist in a commitment from the owner of the immovable, as secured by a first mortgage, that he will pay to the City, at the earliest of the two following dates:

- 1) The date of the first anniversary following the date of issuance of the demolition certificate;
- 2) The date corresponding to the expiry of the delay granted for the complete execution of the program;



and each year afterwards, for a maximum period of ten (10) years, an amount equal to the difference between the amount of the municipal real estate taxes that are payable in respect of the immovable, at the time the application for a demolition permit is presented, and the amount of said taxes that will be payable, after the demolition, but before the beginning of the works related to the realisation of the program for the reutilisation of the vacated land.

Said mortgage may, at the owner's request, be replaced by another guarantee that would be deemed equivalent by the City.

Legal fees related to title confirmation, preparation and publication of the mortgage shall be at the owner's expense who shall pay to the City, prior to the issuance of the certificate authorizing the demolition of the immovable, the amount so determined for these purposes by the City Clerk.

For the purposes of the present section:

- 1) The period during which the amount will be due shall begin the next day following the date established pursuant to the second paragraph and shall end on the day of the taking into effect of the assessor's certificate amending the roll of assessment to add thereto the new main building or, as the case may be, the last building to be built further to the complete execution of the program for the utilisation of the vacated land;
- 2) Should the period begin or end after January 1st, the amount due for the current year shall be pro-rated;
- 3) The value of any new building shall be the value determined by the assessor's certificate.

The amount to be paid annually shall be payable within thirty (30) days following the mailing of an invoice by the City and shall bear interest, at the legal rate, from its due date and until payment.

43. The financial guarantee shall be presented to the Director on the date of issuance of the certificate, under any of the following forms:
  - 1) Certified cheque;
  - 2) Bank draft;
  - 3) Payment in cash;
  - 4) Payment by credit card.

#### *Confiscation or release of the financial guarantee*

44. The works contemplated by the program of reutilisation of the vacated land must be completed at the expiry of the time set by the Committee or, as the case may be, at the expiry of its extension.
45. The financial guarantee mentioned in section 41 shall be redeemed to the owner at the end of the works contemplated by the programme of reutilisation of the vacated land. Failing to meet the deadline, the financial guarantee will be confiscated by the City.

#### *Modification to the time set for work completion or to the land reutilisation programme*

46. The Committee may, for a reasonable motive, modify the time set for work completion, provided that the application for the change is made before the time has expired. The decision to extend the time delay is made by resolution of the Committee or Council, as appropriate.
47. Any modification to the land reutilisation programme shall be submitted for approval to the Director, who will determine if the modifications are in conformity with the planning by-laws and if the modifications are of an importance such that the land reutilisation programme must be

resubmitted for municipal approval. If deemed necessary, the land reutilisation programme as modified shall be subject to Council approval of a Site Planning and Architectural Integration Programme, in accordance with the procedure established in the [SPAIP By-Law](#).

48. In the case of a modification to the land reutilisation programme, a notice must be posted on the immovable or be installed on the landsite, easily visible for the passers-by, for a period of ten (10) days. This notice must indicate that the approved land reutilisation programme for the property is subject to modifications, and indicate the telephone number of the Planning Department of the City. The fees for such notice are established in sections 51 and 52 below.

### *Work not undertaken or not completed*

49. If the demolition works have not begun before the expiry of the time set by the Committee, the authorisation to demolish is ineffective.
50. If the demolition and the land reutilisation works are not completed within the time set, the Council may have it carried out and recover the cost of the work from the owner. The cost constitutes a prior claim on the land where the immovable was situated, of the same nature and with the same rank as the claims described in paragraph 5 of section 2651 of the Civil Code of Quebec; the costs are secured by a legal hypothec on the land.

### *Fees and expenses*

51. The fees and expenses due for the study and the processing of an application for an authorisation to demolish, for the publication of the required public notices and for the issuance of a certificate are established in the by-law decreeing the financing of properties, services and activities offered by the City of Pointe-Claire in force at the time of the application.
52. *Repealed Amendment PC-2818-2 (March 9, 2016)*

### *Penalty for a demolition without authorisation*

53. Compliance with this by-law shall not diminish the obligation of complying with any other law, or regulation in force, including the [Act respecting the Régie du Logement](#).
54. Without prejudice to any other recourse of the municipality, anyone who contravenes any of the provisions of this by-law, is liable, in addition to the costs, to a fine of not less than \$5,000 and not more than \$25,000.
55. In addition to the fines and fees contemplated under section 54, anyone who proceeds to/or is involved in the demolition of an immovable without a certificate authorising the demolition or in contravention with the conditions of said authorisation is required to restore the immovable so demolished to its former condition. If the offender fails to restore the immovable in accordance with the by-law, the Council may have the work carried out and recover the costs from the offender, in which case section 50 shall apply, with the necessary modifications.

### *Repeals*

56. This by-law replaces by-law Number PC-2718 Respecting the Demolition of Immovables, together with all its amendments.

*Coming into Force*

57. The present by-law comes into force according to the Law.

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Morris Trudeau, Mayor

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Jean-Denis Jacob, City Clerk

NOTICE OF INTENT TO DEMOLISH AN IMMOVABLE

(BY-LAW RESPECTING THE DEMOLITION OF IMMOVABLE OF THE CITY OF POINTE-CLAIRE, SECTIONS 21 AND 22)

.....  
(Date)

.....  
(Name of lessee)

.....  
(Address of lessee)

As the owner of the immovable situated at

.....  
(Address of immovable)

and in which you are the lessee, I hereby notify you of my intent to request from the City of Pointe-Claire an authorisation to proceed with the demolition of the building.

.....  
(Signature of owner)

.....  
(Name of lessor, if different)

.....  
(Address of lessor)

