

PROVINCE OF QUEBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER 2500

MINOR EXEMPTION BY-LAW

In force on April 23, 1991

AT THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE HELD IN THE CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON MONDAY APRIL 8, 1991, AT 7:30 P.M. AFTER DUE NOTICE HAD BEEN DELIVERED BY THE CITY'S MESSENGER ON FRIDAY, APRIL 5TH, 1991.

PRESENT: His Worship the Mayor Mr. M.C. Knox and Councillors J. R. Birnie, L. Cocolicchio, M. G. Legault, J. F. Mahaffey, W. F. McMurchie, Mrs. M. F. Patterson, S. Quilliam and J. Robinson, being all members of Council.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE FOLLOWING:

BY-LAW NUMBER: 2500

MOVED BY COUNCILLOR PATTERSON

SECONDED BY COUNCILLOR LEGAULT

AND RESOLVED

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

1. This by-law is the “Minor Exemptions By-law” of the City of Pointe-Claire.
 2. After having received the recommendation of the Planning Advisory Committee in this respect, the Municipal Council may grant an exemption from the provisions of the zoning and subdivisions by-laws, other than those relating to land use and land occupation density only if:
 - 1° Strict compliance with the by-law is impossible;
 - 2° The application of the by-law causes a serious prejudice to the person who applied for the exemption;
 - 3° The exemption does not hinder the owners of neighbouring immovable in the enjoyment of their right of ownership.
 3. A minor exemption may be granted throughout the territory of the City of Pointe-Claire.
 4. An exemption must respect the aims of the Planning Programme of the City of Pointe-Claire.
 5. An exemption is granted by a resolution of the City Council.
 6. A resolution granting an exemption may have effect in respect to work contemplated or to work in progress or already carried out, if such work was authorized by a building permit and was carried out in good faith.
 - 6.1 (Repealed).
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- 2500-1, a. 1 ; 2500-2, a. 1
7. Anyone requesting an exemption must produce to the director of the Planning department:
 - 1° A signed letter describing the nature of the exemption requested;
 - 2° The title establishing ownership of the immovable contemplated;
 - 3° A plan or drawing identifying the lot, and, as the case may be, the proposed or existing building as well as the exemption request; if the exemption concerns a setback, the plan must be signed by a land surveyor.
 8. Anyone applying for an exemption must deposit the following sums:
 - 1° The sum of \$100.00, to cover the cost of the examination of the application. This sum shall not be refunded, whatever the outcome of the application;

- 2° A deposit of \$50.00 to cover the cost of a notice board to be affixed to the property during the review period. If this notice board is returned in good condition, the deposit will be returned to the applicant. If the notice board is damaged or not returned, the City shall use the deposit to replace or repair the notice board;
 - 3° A non-refundable deposit of \$250.00, after Council has received the Planning Advisory Committee's report and prior to the appropriate notice being published, such deposit shall cover the cost of publishing the public notice contemplated in article 9; moreover, if the real cost of the notice exceeds the amount of the deposit, the applicant must pay the supplement to the City, within fifteen (15) days of the publication of the notice.
9. At least fifteen (15) days before the meeting during which the City Council shall give a decision on the application for an exemption, the City Clerk must publish, in accordance with the Cities and Town's Act and the expense of the applicant, a notice:
- 1° Indicating the date, time and place of the meeting of the City Council;
 - 2° The nature and the consequences of the exemption applied for;
 - 3° The description of the immovable concerned by using the name of the street and civic number or, if this is possible, the lot number;
 - 4° Stating that any interested person may be heard by the City Council in relation to the application.
- 9.1 In the case where the submitted application concerns a landsite contiguous to a residential property, the City Clerk must, no later than at the date of the publication of the public notice requested by virtue of article 9, transmit a copy of such notice to:
- 1° Any residential landsite owner when such landsite is contiguous to that being the subject of the application;
 - 2° Any residential landsite owner when her/his landsite would be contiguous to that being the subject of the application if it was not separated by a watercourse, a street or other thoroughfare or by a public utility network, and;
 - 3° Any residential landsite owner when her/his landsite is located on each side of a landsite contemplated in paragraph 2°, the whole as shown on the sketch which is attached herewith as schedule 1.
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- 2500-3, a. 1 ; 2500-4, a. 1
10. A copy of the resolution containing the decision of the City Council must be sent to the person who applied for the exemption.

OFFICE CONSOLIDATION

11. By-law number 2188-39 is repealed.
12. This by-law comes into force according to law.

Malcolm C. Knox, Mayor

Monique Trudeau, City Clerk