

PROVINCE OF QUÉBEC
CITY OF POINTE-CLAIRE

BY-LAW NUMBER PC-3003

BY-LAW CONCERNING THE CREATION OF A
FINANCIAL ASSISTANCE PROGRAM FOR THE
PRESERVATION AND RESTORATION OF BUILT
CULTURAL HERITAGE

In force on September 15, 2026

AT THE REGULAR SITTING OF COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL, 451, SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUÉBEC, ON TUESDAY, SEPTEMBER 8, 2026, AT 7 :00 P.M.

PRESENT : Councillor Claudine Demers, Councillor Ludovic Matthews, Councillor Kelly Thorstad-Cullen, Councillor Andrew Swidzinski, Councillor Cynthia Homan, Councillor Bruno Tremblay, Councillor Eric Stork, as well as Councillor Mike Potvin, chaired by Mayor John Belvedere forming quorum of council.

AMONST OTHER BUSINESS TRANSACTED AT SAID SITTING WAS THE FOLLOWING:

BY-LAW: PC-3003

RESOLUTION NUMBER: 2026-464

PROPOSED BY COUNCILLOR TREMBLAY

SECONDED BY COUNCILLOR THORSTAD-CULLEN

AND UNANIMOUSLY RESOLVED:

WHEREAS a notice of motion of the presentation of this by-law was given at a special meeting of the Municipal Council of the City of Pointe-Claire held on August 25, 2026;

WHEREAS a draft by-law was filed at a special meeting of the Municipal Council of the City of Pointe-Claire duly convened and held on August 25, 2026;

WHEREAS the Government of Québec has established a heritage agreements program (*Programme d'ententes en patrimoine*) (hereinafter referred to as « PEP ») to support municipalities and owners of heritage immovable and movable property in planning their interventions;

WHEREAS under the PEP program, subsection 4.1 aims to assist beneficiary municipalities in developing and implementing financial assistance programs for the preservation and restoration of heritage;

WHEREAS the financial assistance programs resulting from subsection 4.1 are intended for private owners of movable and immovable property protected under the *Culture Heritage Act* (CQLR, chapter I-15) (hereinafter referred to as « Act ») or inventoried within the meaning of the Act, within the territory of the beneficiary municipalities;

WHEREAS the City of Pointe-Claire has submitted an application for financial assistance under subsection 4.1 to the *Ministère de la Culture et des Communications du Québec* (hereinafter referred to as « Ministry »);

WHEREAS following this application, an announcement letter was signed on June 18, 2026, by the Ministry confirming that financial assistance in the amount of \$ 640,000 will be paid to the City over a three-year period, from April 1, 2026, to March 31, 2029;

WHEREAS pursuant to the PEP, the beneficiary municipality must, within three months following the announcement of the financial assistance, submit to the Ministry a municipal by-law establishing a municipal financial assistance program;

WHEREAS the City of Pointe-Claire had already created a separate financial assistance program through *By-law PC-2972 Concerning the Creation of a Financial Assistance Program for the Protection and Enhancement of an Element of Built Cultural Heritage* (hereinafter referred to as « PC-2972 »), adopted on January 16, 2024, and still in force;

WHEREAS the City of Pointe-Claire has not received, to date, any application for financial assistance under the program established by By-law PC-2972 and, consequently, all the funds provided for therein remain available;

WHEREAS the City of Pointe-Claire wishes to incorporate into this by-law, the financial assistance provided for in By-law PC-2972, in the amount of \$ 967,761, in order to enhance the financial assistance program deriving from the PEP and align the terms and conditions of both programs.

CONSEQUENTLY, THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

1. PURPOSE AND DEFINITIONS

The purpose of this by-law is to establish a municipal financial assistance program intended for the preservation and restoration of privately owned movable and immovable heritage property in accordance with subsection 4.1 of the PEP.

In this by-law, unless the context indicates otherwise:

« beneficiary »: refers to the owner of movable or immovable property, or their duly authorized representative, whose application for financial assistance has been accepted in accordance with the conditions set out in this by-law.

« building condition assessment report and technical audits »: refers to documents prepared by experts in the relevant fields (architecture, structural engineering, etc.) to specify the general condition of the building (including the state of preservation of its various components) prior to the execution of restoration work, as well as the required intervention, an evaluation of their costs, and the priority of intervention for each of the observed conditions.

« designated City official »: refers to the City Manager or any other person Municipal Council may designate by resolution.

« maintenance »: refers to operations intended to maintain a structure in its operational state to compensate for the normal effects of time and use.

« preservation »: refers to interventions aimed at the consolidation of structural elements, the prevention or corrections of the causes of deterioration, as well as maintenance to delay the degradation of the various original or older characteristic elements of a building and keep them in good state of preservation.

« private property owner »: refers to any natural or legal person who owns a heritage property, with the exception of municipalities, paramunicipal organizations, as well as governmental institutions and bodies (provincial and federal).

« restauration »: the restoration or replacement of the original or historical components of the property (traditional techniques and materials).

« specific professional studies » : refers to studies that are complementary to the building condition assessment report and technical audits that are prepared by experts in the relevant fields (architecture, structural engineering, archaeology ,etc.) to establish an accurate diagnosis of existing conditions (for example asbestos characterization, characterization of soils affecting the integrity of the property, structural report, archaeological opinion related to eligible excavation work, etc.) in order to specify the state of preservation of the building with a view of its restoration.

2. PROPERTY SUBJECT TO THE APPLICATION OF THIS BY-LAW

This by-law applies to privately owned movable and immovable property located within the territory of the City of Pointe-Claire that hold a classified or recognized status pursuant to the Act.

3. ELIGIBLE INTERVENTIONS

For the purposes of this by-law, the following works are eligible for financial assistance:

Components	Eligible works
Exterior wall cladding	• Preservation and restoration of traditional cladding materials, including wood, brick, and stone, as well as certain cladding materials such as embossed metal sheeting and terracotta • Preservation and restoration of stucco and other traditional finishes • Reintroduction of a lost traditional cladding material (e.g., replacing vinyl siding with wood siding)
Openings	• Restoration and preservation of openings, including wooden doors, storm doors, windows and storm windows • Restoration and preservation of dormers, door and window casings (trim), shutters, louvered shutters, jalousies and functional wooden shutters • Replacement of wooden openings or reintroduction of such openings, in keeping with the original proportions, materials and opening styles (the use of thermally insulated glazing may be eligible)
Roof covering	• Restoration and preservation of traditional roof covering, including wood shingles, metal roofing and slate roofing • Restoration and preservation of traditional snow guards, gutters and rainwater downspouts • Reintroduction of a lost traditional roof covering in wood, metal or slate • Replacement of a traditional roof covering with one that matches the original appearance and material and incorporates a concealed fastening system (a change in material may nevertheless be permitted if it is consistent with the building's architectural typology)
Ornament	• Restoration and preservation of ornamental features, including woodwork, mouldings, copings, cornices, friezes, drip mouldings, quoining (corner quoins), pilasters, soffits, fascias, etc. • Reintroduction of a lost traditional component
Projecting elements	• Restoration and preservation of galleries, verandas, balconies, porches, guardrails, entrance vestibules and similar features made of wood or wrought iron • Restoration and preservation of exterior staircases, including steps, risers, stringers, and railings made of wood or wrought iron

Components	Eligible works
	• Reintroduction of a lost projecting element • Replacement of wrought iron railings with aluminum railings that replicate the original design
Structural element	• Stabilization, restoration and preservation of foundations, load-bearing walls, the roof, chimneys or any other structural element that contributes to the building's integrity
Other building elements	• Stabilization, restoration and preservation of built features (enclosure walls, monuments, commemorative plaques, archaeological remains, etc.)
Interior element	• Preservation and restoration of character-defining interior elements of a heritage property that are subject to legal protection under the Act (recognition or classification)
Archaeological work	• Studies conducted by qualified professionals, including archaeological reports and interventions (supervision and/or monitoring, inventories and/or test excavations and excavations) that are directly related to the eligible restoration and preservation work
Other type of intervention	• Exterior maintenance work on the original or historic features of a building • Fire detection and protection work • Studies carried out by qualified professionals: - o Building condition assessment report and technical audits - o Specific professional studies

4. NON-ELIGIBLE INTERVENTIONS

Are not eligible for financial assistance expenses incurred before the signing of the announcement letter, namely June 18, 2026, as well as the expenses that are not directly related to the eligible works specified in Section 3 of this by-law. More specifically, and without limiting the generality of the foregoing, exterior site development and/or landscaping work, as well as renovation work, are not eligible, including, for example:

- a) Replacement of traditional exterior cladding with contemporary materials, such as polyvinyl chloride (PVC), vinyl, engineered wood or fibre cement;

- b) Replacement of traditional doors and windows with vinyl, PVC or anodized aluminum doors and windows;
- c) Replacement of a roof covering made of traditional materials with an asphalt shingle roof;
- d) Replacement of a flat roof covering.

Notwithstanding the foregoing, expenses incurred prior to the signing of the announcement letter may be eligible for financial assistance, provided that they are specifically related to specific professional studies and have been expressly authorized by the designated City official at the time of approval of the restoration and preservation project. It is understood, however, that funding provided by the Ministry under the PEP shall not be used to reimburse such expenses.

5. APPLICATION PROCESS FOR FINANCIAL ASSISTANCE

5.1 Filing an application

A private property owner, or their duly authorized representative, seeking financial assistance under the municipal assistance program must submit a written application to the designated City official.

5.2 Required information and documents

The application for financial assistance must be accompanied by the following documents:

- a) Building condition assessment report or technical audit attesting to the general condition of the various components of the heritage property along with the studies prepared by qualified professionals with respect to the proposed restoration and preservation work;
- b) Complete plans and specifications for the work with copies of shop drawings where applicable;
- c) Estimated budget for the work and services required to complete the project prepared by the professional assigned to the file;
- d) Any other document deemed necessary for a proper understanding of the application and analysis of its compliance with the terms and conditions set out in this by-law and the PEP.

5.3 Requirements related to the beneficiary

The following persons are not eligible for financial assistance under this by-law:

- a) Private property owners who have failed to comply with their obligations, despite having been formally notified, in relation to financial assistance previously granted by a ministry or agency of the Government of Québec;
- b) Private property owners who fail to meet the high standards of integrity that the public is entitled to expect of recipients of financial assistance paid from public funds;
- c) Private property owners registered on the Register of Businesses Ineligible for Public contracts (RENA);
- d) Private property owners who are subject to bankruptcy or insolvency proceedings within the meaning of the *Bankruptcy and Insolvency Act* (R.S.C., 1985, ch. B-3);
- e) Private property owners who are in breach of a provision of the Act or of a regulation adopted under it;
- f) Private property owners who have not paid their municipal tax arrears;

- g) Private property owners who are the subject of ongoing litigation related to an offence for having carried out work without a building permit or a certificate of authorization.

5.4 Application analysis

Only applications that have been completed with all of the required documents and comply with the eligibility criteria under this by-law will be analyzed. When an application is incomplete or non-compliant, the designated City official sends the applicant a written notice specifying the missing or non-compliant items.

Subject to the foregoing, applications are analyzed by the designated City official who may be assisted by any other person he deems appropriate for this purpose. The decision resulting from the analysis shall be communicated to the applicant in writing. The granting of financial assistance remains conditional upon compliance with all requirements set out in this by-law, the conformity of the work with all applicable municipal by-laws, such as the *Site Planning and Architectural Integration Programme By-law*, and the prior obtaining of any required permits or certificates of authorization.

6. FINANCIAL ASSISTANCE AMOUNT AND PAYMENT TERMS

6.1 Calculation of financial assistance

Subject to Section 6.2, financial assistance shall be calculated based on the minimum rates set out below, up to a maximum amount of \$ 1,607,761.

Type of heritage property	Minimum rate
Classified immovable or situated in a classified or declared heritage site	50 %
Recognized immovable or situated in a recognized heritage site	50 %
Immovable listed in a heritage inventory (as of April 1, 2026, the inventory must be adopted by the regional county municipality/agglomeration)	40 %
Inventoried heritage immovable whose owner is a non-profit organization dedicated to cultural, community or social housing purposes	50 %
Classified or recognized movable property	50 %

6.2 Minimum contribution of the private property owner

In accordance with the requirements of the PEP, the beneficiary shall be required to contribute a minimum of 20% of the total cost of the eligible work.

The aggregate amount of direct and indirect financial assistance received by the beneficiary from ministries, agencies and crown corporations of the Governments of Québec and Canada, as well as from municipal entities, must not exceed 80% of the cost of eligible expenses.

Notwithstanding the foregoing, the aggregate amount of financial assistance may exceed 80% solely to the extent that the excess is related to the expenses referred to in the second paragraph of Section 4, it being understood that funding provided by the Ministry under the PEP shall not be used to reimburse such expenses.

6.3 Payment schedule

Payments to beneficiaries shall be made for the period between April 1, 2026, and March 31, 2029, in accordance with the following payment schedule:

Year 1	Year 2	Year 3
Up to 40 % following the signing of the announcement letter	Up to 30 % following the submission and approval of the annual report for Year 1	Up to 15 % following the submission and approval of the annual report for Year 2 The balance of the financial assistance: following receipt and approval of the final report

6.4 Reporting

The beneficiary must provide all the information and documents required to enable the City, as the municipal beneficiary, to fulfill its reporting obligations under the PEP. To this end, the beneficiary shall, without limitation, be required to:

- Keep the accounts (supporting documents) and records pertaining to the work carried out under the municipal financial assistance program and make them accessible to the City within a reasonable timeframe. To this end, the beneficiary must allow any representative designated by the City reasonable access to its premises, books and other documents for the purpose of verifying the use of the financial assistance, for a period of up to three years following completion of the purpose for which the financial assistance was granted, or until any disputes and claims have been resolved, if applicable, whichever is later. The City's representative is authorized to reproduce or extract excerpts of any document examined during such verification.
- Submit monthly progress reports concerning the advancement of the work, as well as the costs and expenses incurred for the project.
- Submit annually a partial report on the work carried out, no later than 3 months following December 31. This report must account for eligible expenses (net taxes) and must include the following information:

- Report of the actual expenses incurred during the financial year (from January 1 to December 31);
 - Report of the expenses anticipated between January 1 and March 31 of the following year;
 - Progress report on the actions and interventions undertaken;
 - Any other information or document requested by the City or required by the Ministry.
- d) Submit a final report no later than 3 months after completion of the final intervention plan. The report shall account for eligible expenses (net of taxes) and must include the following information:
- A report of the actual expenses incurred during the term of the agreement between the City and the Ministry;
 - An assessment of the impact of the actions and interventions;
 - Any other information or document requested by the City or required by the Ministry.

All accounts and records regarding the completion of the work must be kept for a minimum period of 7 years following the date on which the final report is submitted.

7. REVOCATION OF THE FINANCIAL ASSISTANCE

The City may revoke any financial assistance granted, in whole or in part, for any of the following reasons:

- a) The beneficiary fails to comply with any of the conditions set out in this by-law or with the conditions applicable to the granting of financial assistance under the PEP;
- b) The beneficiary becomes insolvent, makes a general assignment in favour of its creditors, becomes bankrupt or winds up its affairs, or avails itself of a bankruptcy or insolvency law;
- c) The beneficiary has presented false or misleading information or has made false representations;
- d) The Ministry exercises its right to resiliate the financial assistance granted under the PEP.

In the event of revocation, the City may cease all payments related to the financial assistance and demand reimbursement of all or part of the sums paid as financial assistance.

8. FINAL PROVISIONS

This by-law repeals *By-law PC-2972 Concerning the Creation of a Financial Assistance Program for the Protection and Enhancement of an Element of Built Cultural Heritage*.

This by-law shall come into force in accordance with the law.

(S) John Belvedere

John Belvedere, Mayor

(S) Danielle Gutierrez

Danielle Gutierrez, Assistant City Clerk