

PROVINCE OF QUÉBEC
VILLE DE POINTE-CLAIRE

BY-LAW NUMBER PC-2987

BY-LAW RESPECTING THE DEMOLITION OF
IMMOVABLES

In force on January 21, 2025

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 TUESDAY JANUARY 14, 2025, AT 7:00PM.

PRESENT: Councillors C. Homan, T. Stainforth, as well as Councillors P. Bissonnette, C. Cousineau, B. Cowan, E. Stork and B. Tremblay, forming quorum under the chairmanship of Mayor Tim Thomas.

ABSENT: Councillor Kelly Thorstad-Cullen.

AMONGST OTHER BUSINESS TRANSACTED AT SAID MEETING WAS THE FOLLOWING:

BY-LAW NUMBER: PC-2987

RESOLUTION NUMBER: 2025-015

PROPOSED BY COUNCILLOR COWAN

SECONDED BY COUNCILLOR TREMBLAY

AND UNANIMOUSLY RESOLVED:

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By-law Respecting the Demolition of Immovable PC-2987

1 Declaratory, interpretative and administrative provisions

1.1 Declaratory provisions

1.1.1 Title of By-law

The present by-law is entitled “By-Law Respecting the Demolition of Immovables PC-2987”.

1.1.2 Preamble

The purpose of this by-law is to govern the demolition of certain buildings or immovables in accordance with the provisions of the Act respecting land use planning and development (CQLR, chapter A-19.1), in accordance with the following general objectives:

- 1) Protect, improve and enhance the built environment and immovables that have heritage value or constitute cultural property within the meaning of the Cultural Heritage Act (CQLR, chapter P-9.002);
- 2) Improve the quality and functionality of housing while maintaining a housing stock that meets expressed needs;
- 3) Ensure that the preliminary program for the utilization of the vacated land contributes to the enhancement of the existing urbanized landscape helping to shape the special character of Pointe-Claire, as well as to the redevelopment of the territory in accordance with the orientations and objectives established within urban planning tools;
- 4) Prior to the ultimate recourse to demolition, give priority to the renovation, to the restoration or to the reuse of existing buildings from a sustainability and carbon footprint reduction perspective when maintaining the building is reasonably possible, particularly in terms of the investments required;
- 5) Plan the overall execution of the work from the perspective of ecological and responsible management of the resources allocated to the project;
- 6) Resolve health, nuisance and safety issues related to obsolete buildings.

1.1.3 Territory of application

This by-law applies to the entire territory of the City of Pointe-Claire.

1.1.4 Scope of By-law

The provisions of the present by-law apply to natural persons as well as to legal persons under public or private law.

1.1.5 Laws and regulations

Compliance with the present by-law does not dispense from the obligation to comply with federal or provincial laws or any other by-law applicable to the case in question. If authorizations are required from federal, provincial or regional authorities, the owner or his duly mandated representative is responsible for obtaining the required authorizations and cannot consider that the City has verified that all its obligations have been met.

1.1.6 Replacement

The present by-law repeals and replaces, for all purposes, by-law number PC-2818 respecting the demolition/deconstruction of immovables, including all associated amending by-laws.

Such a replacement shall not affect any proceedings instituted under the authority of the by-law so replaced, until a final and binding judgment is rendered.

1.1.7 Validity

The Council hereby decrees the adoption of the present by-law as a whole and also, chapter by chapter, section by section, article by article, sub-article by sub-article, text (alinéa) by text (alinéa), paragraph by paragraph, sub-paragraph by sub-paragraph, so that if any chapter, section, article, sub-article, text (alinéa), paragraph or sub-paragraph thereof is or should ever be declared null and void, the other provisions of the present by-law shall continue to apply to the fullest extent possible.

The by-law remains in force and is enforceable until amended or repealed by the competent authority.

1.2 Interpretative provisions

1.2.1 Structure of By-law

The present by-law is divided and numbered as follows:

1	Chapter
1.1	Section
1.1.1	Article
1.1.1.1	Sub-article
Text	Alinéa
1)	Paragraph
a)	Sub-paragraph

1.2.2 Interpretation of text

The interpretation, in general, respects the following rules:

- 1) Verbs in the present tense include the future tense;
- 2) Use of the masculine gender includes the feminine gender, unless the context indicates otherwise;
- 3) Use of the singular includes the plural, unless the context indicates otherwise;
- 4) In the event of any inconsistency between two provisions of the by-law or between a provision of the by-law and a provision contained in another by-law, the specific provision prevails over a general provision.
- 5) In the event of any inconsistency between restrictive or prohibitive provisions contained in the by-law or between a restrictive or prohibitive provision contained in the by-law and a provision contained in another by-law, the more restrictive or prohibitive provision shall apply, unless otherwise specified.
- 6) In the event of a contradiction between the text and a title, table, diagram, graph, symbol or other form of expression, the text prevails;
- 7) In the event of any inconsistency or ambiguity between any provision of the English and French versions of this by-law, the provision(s) of the French version shall prevail.

1.2.3 Measuring system

All dimensions indicated in the present by-law are given in metric units of the International System (SI).

1.2.4 Cross-references

All cross-references to other by-laws contained in the present by-law are open, i.e. they extend to any amendments that may be made to the cross-referenced by-laws after the present by-law comes into force.

1.2.5 Terminology

The expressions, terms and words used in the present by-law have the meaning and application assigned to them in Zoning By-law PC-2775.

If a word or expression is not specifically defined, it is understood to have its common meaning as defined in the dictionary.

Notwithstanding the foregoing, the following words or expressions have the meaning attributed to them in the present by-law.

Agglomeration (Agglomération): The Urban Agglomeration of Montréal

Applicant (Requérant): The owner or his duly authorized agent.

Building Contributing to the Special Character of Pointe-Claire:

Any building listed by the Urban Agglomeration of Montréal under the Cultural Development Agreement¹ may contribute to the unique character of Pointe-Claire, provided that it has not undergone transformations so significant that they have irreversibly altered its key architectural or heritage features. In such cases, the evaluation of any modification or transformation project for such a building must take into account the inventory and characterization report prepared between November 2003 and April 2004, which was incorporated into the document titled "Built Heritage of the Borough of Pointe-Claire," published in 2004.

Certificate of authorization (Certificat d'autorisation): A certificate issued following approval of a request for the demolition under the provisions of the present by-law.

Committee (Comité): Demolition Committee established under the present by-law.

Deconstruction (Déconstruction): The selective and orderly dismantling or demolition of built elements for the purpose of recycling or reusing all or part of the materials.

Demolition (Démolition): Complete dismantling, removal or destruction of an immovable or a building, as well as any partial dismantling or destruction of an immovable or a building corresponding to:

- the destruction of the exterior walls or part of them;
- a reduction in the volume of the immovable;
- a reduction in floor area.

Demolition request (Requête en demolition): Any request for demolition accompanied by a preliminary program for the utilization of the vacated land.

Dwelling (Logement): Housing as defined in the Act respecting the Administrative Housing Tribunal (CQLR, chapter T-15.01).

Heritage building (Immeuble patrimonial): A main or accessory building, a structure, a vestige or a piece of land may be considered heritage when one or other of the following conditions is met:

¹ Agreement on cultural development reached between the Ministry of Culture and Communications of Quebec and the City of Montreal.

- 1) An immovable or building cited under the Cultural Heritage Act (CQLR, chapter P-9.002) or listed in an inventory resulting from the implementation of this Act;
- 2) An immovable or building listed in the inventory of heritage buildings produced by the Agglomeration of Montréal and forming an integral part of the urban plan of the City of Pointe-Claire;
- 3) In the absence of the aforementioned inventory, any building constructed before 1940, as well as any immovable identified in chapter 13 of the Site Planning and Architectural Integration Program By-law PC-2787 or to the Pointe-Claire Village Code PC-2880.

Heritage value (Valeur patrimoniale): Collective value that can be described in terms of the archaeological, architectural, artistic, emblematic, ethnological, historical, landscape, scientific, social, urban planning or technological interest associated with the built environment.

Immovable (Immeuble): The land, buildings and permanent structures on it and everything that forms an integral part of it.

Interested party (Personne intéressée): an interested party from a zone shall be a qualified voter having the right to be registered on the referendum list from the zone from which the demolition request originates or in a zone contiguous to the zone concerned, as illustrated on the zoning plan forming an integral part of Zoning By-law PC-2775.

Local Heritage Council (Conseil local du patrimoine): The committee established in accordance with section 154 of the Cultural Heritage Act (CQLR, chapter P-9.002), or in the absence of such a committee, the City of Pointe-Claire's Planning Advisory Committee.

Resource Person (Personne-ressource): There are two (2) categories of resource person, namely:

- **Internal Resource Person** which refers to the Director of the Planning Department or their representative.
- **External Resource Person** which refers to a recognized for their expertise in a field related to the object of the present by-law.

Restoration (Restauration): Rehabilitation or returning an immovable to its original state, while consolidating it and improving its energy efficiency, it being understood that the logic of the original construction and the architectural concept must be preserved as much as possible. Restoration work aims to halt the deterioration process while consolidating the building and bringing it up to standard.

Secretary (Secrétaire): The City Clerk or his or her representative duly authorized by Council.

Urban landscape (Paysage urbain): A local landscape unit generally characterized by a marked anthropization of the environment.

Village (Village): The boundaries of the Pointe-Claire and Valois villages are those shown in Planning Program PC-2768.

1.3 Administrative provisions

1.3.1 Administration and enforcement of the by-law

The administration and application of the present by-law are entrusted to the designated officer of the City of Pointe-Claire.

For the purposes of applying the present by-law, the term "designated official" means the Director of the Planning Department or his or her representative, the Director of the Inspection and Public Safety

Department or his or her representative, or any other City of Pointe-Claire employee responsible for the application of the present by-law.

1.3.2 Powers and duties of designated officials in the administration and enforcement of the present by-law

1.3.2.1 Duties related to by-law administration

- 1) Review files related to demolition requests and analyze plans and documents submitted, taking into account the provisions of Planning by-laws;
- 2) Collaborate with the City Clerk's Office in carrying out the steps related to the Council's review of a decision rendered by the Committee;
- 3) Issue a permit or certificate when the applicant has complied with the provisions of the present by-law and the applicable regulatory framework;
- 4) Refuse to issue or revoke a permit or certificate if any of the conditions of issuance of the permit or certificate have been contravened, if the permit or certificate was issued in error, or if it was issued on the basis of erroneous information.

1.3.2.2 Powers related to by-law enforcement

- 1) Enforce the provisions of the present by-law;
- 2) Ensure that the preparatory steps for the execution of demolition work are properly planned and coordinated with a view to minimizing the constraints and inconveniences that may affect adjacent properties;
- 3) Visit and examine, at all reasonable times, any property to ascertain whether the present by-law is being complied with. The owner or his duly authorized representative, the tenant or occupant of the property examined must allow this authority to enter.
- 4) Observe a contravention of the urban planning by-laws and notify the offender or the owner or his duly authorized representative by issuing a statement of offence or by sending a letter explaining the nature of the alleged offence, while enjoining him to comply with the by-laws within a prescribed timeframe, determined according to the nature of the offence;
- 5) Take the necessary measures to prevent or suspend any construction work or activities carried out in contravention of the by-laws in force;
- 6) Require the owner or his duly authorized representative to provide, at his own expense, any other information, details, plans or professional attestation, as well as a report presenting the conclusions and recommendations necessary to understand the demolition request or to ensure full compliance with the provisions of any applicable by-law, or to ensure that public safety or the environment will not be unduly jeopardized;
- 7) Give formal notice to temporarily evacuate any building that could endanger the life of any person;
- 8) Give formal notice to fence off land, piece of land or building where there is a danger to the public;
- 9) Give formal notice to demolish or carry out any repair work he deems necessary to ensure the stability of a construction or the safety of persons or property, and recommend any emergency measures to the Municipal Council;
- 10) Where the case warrants, the designated officer may obtain a resolution of Council authorizing him to institute any other legal proceedings before the courts of competent jurisdiction.

2 Demolition Committee

2.1 Composition

The Committee is composed of three members of Council designated by resolution.

The Council may also, by resolution, appoint a substitute member to replace one of the members of the Committee in order to ensure quorum.

2.2 Mandate

The mandate of the Committee consists of:

- 1) Consider all requests for the demolition in accordance with the provisions of the present by-law;
- 2) Consider any objections received before rendering a decision;
- 3) Render a decision on demolition requests submitted to it. The Committee shall not render a decision concerning a heritage building before holding a public hearing on such a request;
- 4) Impose, where applicable, any conditions, including but not limited to the following elements:
 - a) The demolition of a building or an immovable;
 - b) The utilization of the vacated land;
 - c) The management of work on the site, particularly with regard to noise, dust, materials, waste, personal and worker safety measures, etc.;
 - d) The conditions for relocating a tenant when the building to be demolished includes one or more dwellings, in compliance with the provisions of the Act respecting land use planning and development (CQLR, chapter A-19.1);
 - e) The measures for managing trees and hedges located in the area where demolition work will be carried out, as well as those associated with the excavation work directly related to the project of the utilization of the vacated land;
 - f) The preservation or improvement of vegetation or biodiversity of green spaces on the immovable;
 - g) The deadlines for completion of authorized work;
 - h) The financial guarantees.
- 5) To exercise any other responsibility conferred by the present by-law.

2.3 Duration of mandate

Committee members are appointed for a one-year term, renewable by resolution of Council.

At the end of his or her term, a member remains in function until reappointed or replaced by decision of Council. Notwithstanding the foregoing, such provisional extension of the mandate in the absence of a decision by Council may not exceed ninety (90) days.

2.4 Resignation, vacancy, renewal

A Council member who ceases to be a member of the Committee before the end of his or her mandate, who is prevented from acting or who has a direct or indirect personal interest in a matter before the Committee, is replaced, as the case may be, by another Council member appointed by Council for the unexpired portion of his or her mandate, or for the duration of his or her impediment, or for the duration of the hearing of the matter in which he or she has an interest.

A Council member with a direct or indirect personal interest in a matter must inform the Committee Secretary as soon as possible, so that appropriate action can be taken.

2.5 Meetings

The Committee meetings held to render a decision on a demolition request are open to the public, whereas the Committee deliberations on the preliminary study of such a request are held *in camera*.

However, when the demolition request concerns a heritage building, the Committee must hold a public hearing prior to rendering its decision. Such a public hearing can also be held for any other demolition request if such a decision is taken by a unanimous vote of the Committee.

2.6 Quorum

The quorum of the Committee is composed of its three (3) members or substitutes, as the case may be. Quorum must be maintained throughout the meeting.

2.7 Voting rights

Each member of the Committee has one vote, and decisions are taken by a majority of votes cast.

2.8 Secretary

The City Clerk of the City of Pointe-Claire or his or her duly appointed representative acts as secretary to the Committee and has no voting rights.

The secretary, in collaboration with the internal resource person, prepares agendas, convenes meetings, forwards demolition requests to Committee members, receives objections and forwards them to the Committee, prepares the decisions rendered and as required, ensures the appropriate signatures appear on any and all documents from the Committee.

The internal resource person forwards the decisions rendered, sends as applicable, forwards the required documents and Committee decisions to the *ministère de la Culture et des Communications*, the Agglomeration and the Council in the case where they concern a heritage building.

2.9 Chairman

Prior to the first meeting or public hearing of each year, the members of the Committee appoint a chairman from amongst them. In the absence of agreement on the appointment of the Chairman, the responsibility for this appointment devolves on Council.

The Chairmans's responsibilities are as follows:

- 1) Chair Committee meetings and public hearings;
- 2) Ensure that public meetings and hearings run smoothly, maintaining order and decorum;
- 3) In collaboration with the Secretary and the internal resource person, set the dates for Committee meetings and public hearings;
- 4) Prepare, in collaboration with the Secretary, the meeting agenda.
- 5) Ensure that the content of the draft decision prepared by the Secretary reflects the decisions taken during the public meeting before the said decision is officially ratified by the Committee.

2.10 Decisions

Decisions rendered are reasoned and bear the signature of each Committee member. A majority decision may contain a summary of the dissents expressed when the decision was made public.

2.11 Resource Person

The internal resource person attends all Committee meetings. He has no voting rights.

He also acts as a liaison with the applicant at the various stages of the demolition request process.

The Committee may also call on the services of any external resource person it deems necessary for the proper conduct of its work. This external resource person does not have voting rights.

3 Demolition work requiring authorization

3.1 Obligation to obtain a certificate of authorization

Any owner or his duly authorized representative wishing to demolish a building, or an immovable must first obtain a certificate of authorization issued by the competent authority in accordance with the provisions of By-law PC-2788 respecting permits and certificates.

When the building or the immovable in question corresponds to a building or an immovable subject to section 3.2 of the present by-law, the certificate of authorization cannot be granted until all the provisions of the present by-law have been complied with.

3.2 Description of work

3.2.1 Scope of work

The present by-law applies to heritage building as well as to main buildings when the demolition request consists of the following:

- 1) The relocation of a main residential heritage building to another lot;
- 2) The demolition or the deconstruction of more than 50% of the exterior wall area (structure, opening or framework) of a main building. In the case of a heritage building, the demolition or the deconstruction of more than 25% of the exterior wall area (structure, opening or framework) or the demolition or the deconstruction of more than 50% of the roof area. In all cases, the percentage of demolition or deconstruction determined excludes foundations and party walls;
- 3) The demolition or the deconstruction of more than 50% of an industrial or mixed-use building or immovable located on Saint-Jean Boulevard, Des Sources Boulevard, Hymus Boulevard or the TransCanada Highway;
- 4) The demolition or the deconstruction of more than 50% of a commercial or mixed-use building or immovable. This percentage is reduced to 25% when the building is located within the limits of the Valois or Pointe-Claire villages;
- 5) The cumulative destruction or deconstruction of parts of a building over a period of thirty-six (36) months. This period begins when the first permit is issued;
- 6) The demolition or the deconstruction of a church or religious establishment where the request involves a change of use.

3.2.2 Non-applicable works

Demolition does not include work carried out for the purpose of enlarging a main building when the said enlargement affects less than 50% of the existing footprint. This percentage is reduced to 25% in the case of a heritage building.

Notwithstanding the foregoing, immovables and buildings with the following characteristics are excluded from the application of the present by-law, namely:

- 1) Any demolition or deconstruction required by the City of an immovable or a building built in violation of a municipal by-law;
- 2) Any demolition or deconstruction of an immovable or a building that has lost more than half its value on the current assessment roll as a result of an accidental fire or disaster;
- 3) Any demolition ordered under sections 227, 228 or 231 of the Act respecting land use planning and development (CQLR, chapter A-19.1);
- 4) The demolition of any accessory building within the meaning of the urban planning by-laws in force, with the exception of those identified as heritage buildings in chapter 13 of the Site Planning and Architectural Integration Programme By-law PC-2787;
- 5) The demolition of a temporary building within the meaning of the urban planning by-laws in force;
- 6) Any demolition required to enable the completion of a municipal project authorized by Council decision, except when the building in question is considered a heritage building;
- 7) The demolition of any commercial or mixed-use building when the project is accompanied by an overall redevelopment or requalification project, excluding any project located within the boundaries of the Pointe-Claire and Valois villages;
- 8) Any demolition of a non-residential building in order to allow the realization of a project authorized by resolution of Council in accordance with By-law PC-2957 respecting specific construction, alteration or occupancy proposals for an immovable, except when such an immovable is considered a heritage building.
- 9) Any demolition of a non-residential building forming part of a territory to be redeveloped in order to allow the realization of a project authorized by resolution of Council in accordance with By-law PC-2862 respecting Comprehensive Development Plans, except when such an immovable is considered a heritage building.

3.3 Contents of a demolition request

The demolition request must be signed by the owner or his authorized representative and be accompanied by all the information and documents listed below when required.

3.3.1 General information and justification

- 1) Contact information for the owner or the owner's duly authorized representative.
- 2) Where applicable, the power of attorney signed by the owner when the demolition request is presented by the representative.
- 3) A copy of the title deeds or any other documents attesting that the applicant holds an option to purchase the immovable.
- 4) A written statement explaining the reasons for demolishing the immovable or the building and why it cannot be preserved, renovated or recycled in accordance with the objectives and evaluation criteria set forth in Chapter 5 of the present by-law.

3.3.2 Existing building

- 1) The certificate of location including exterior dimensions and footprint of building to be demolished.
- 2) Recent photos of all facades of the existing building.

- 3) The number of dwellings to be demolished and the number occupied by tenants at the time the request is submitted. In the case of an unoccupied immovable or building, a statement to this effect from the owner or his representative.

3.3.3 Preliminary program for the utilization of the vacated land

- 1) A Preliminary program for the utilization of the vacated land including, but not limited to, the following:
 - a) A description of the proposed use;
 - b) A preliminary isometric projection of the facades of the building describing the projected preliminary volumetric characteristics, including the shape, height and slope of the roof, the location of the main entrance, as well as the location and positioning of the garage in relation to the street, where applicable;
 - c) The location, dimensions and configuration of the vehicular access;
 - d) The location of parking spaces when visible from the street;
 - e) A plan delineating the area affected by demolition and excavation work, including areas for mobilizing equipment and storing materials.
- 2) The projected site plan of the new construction.

3.3.4 Insertion and integration into the urban landscape

- 1) An insertion plan accompanied by photos of neighbouring immovables. This metric-scale simulation must describe the geodetic level of the area in relation to existing and planned buildings (street crown level, first floor level and roof ridge height), and must provide an understanding of the volumetric integration of the planned building into the existing urban fabric.

3.3.5 Planning and execution of work

- 1) Project schedule, phases and estimated costs for demolition, reconstruction and site development work.
- 2) Conditions for relocating evicted tenants, including any compensation paid, where applicable.
- 3) A report signed by a specialized building professional describing, in a non-limitative manner, the level of dilapidation, as well as the functionality of the various components of the building. He must also assess the structural integrity of the building, and if necessary, identify potential sources of contaminants. The expert mandated is appointed by the city, and the cost of the report is borne by the applicant. If the expert's report reveals the potential presence of asbestos, samples must be taken, laboratory analyses performed, and conclusions provided before the Committee proceeds with the analysis of the file.
- 4) An appraisal report supported by a comparative analysis and summary of the financial and environmental costs of demolition or rehabilitation with the aim of restoring full value to the building or demonstrating that the building is in such a state that it cannot reasonably be renovated or recycled. The expert mandated is designated by the city and the cost of the report is borne by the applicant.
- 5) An arboricultural expert report including the precise location and description of trees and hedges located on the site, as well as those located in the potential demolition and excavation zone. The report must describe species, trunk diameter, height, physiological and structural condition, and

must include a recent photo of all trees or groups of trees and hedges. It must also contain recommendations for arboricultural interventions related to the demolition request.

- 6) A description of the methods that will be used to carry out the demolition work (dust management, asbestos management, decontamination, storage and disposal of demolition materials) and the measures that will be taken to mitigate noise nuisance, to clean up the site regularly and to ensure safety on and around the site.
- 7) In the case of a building comprising one or more dwellings, the declaration of the owner or his duly authorized representative stating that each tenant has been duly informed of his intention to obtain a demolition authorization from the Committee in accordance with section 6.1 of the present by-law.
- 8) Any other document that the applicant deems appropriate to provide in support of the demolition request.

3.3.6 Additional content for heritage building

When a demolition application concerns a heritage building, the applicant must, when requested, equally provide the following:

- 1) An expert report describing, in a non-limitative manner, the main components of the building's heritage value, in particular with regards to its history, its contribution to local history, its degree of authenticity and integrity, its representation of a particular architectural style, its contribution to a group to be preserved, etc. The expert is mandated is appointed by the City, and the cost of the expert report is borne by the applicant. The report must also describe the main heritage and landscape components within which the Preliminary program for the utilization of the vacated land is to be inserted, as well as an analysis of the program's contribution to and integration with the surrounding environment and the special character of Pointe-Claire;
- 2) Statements or invoices showing that the building has been heated and properly maintained for the past year (12-month period).

4 Procedure for filing a request for demolition

4.1 Fees payable

The by-law decreeing the exigible tariffs for the financing of properties, services and activities offered by the City of Pointe-Claire for the current fiscal year establishes the fees payable for the study and processing of a demolition request. These fees and deposits are revised for each new fiscal year.

4.2 Analysis of demolition request

The designated official verifies that all required information and documents have been provided. Examination of the demolition request is suspended for as long as the request remains incomplete. Once the demolition request is deemed complete, it is forwarded to the Committee.

4.3 Complete demolition request

A demolition request is deemed complete when all required documents and information have been filed with the Planning Department and all fees have been paid.

When deemed complete, the request for demolition of a building may be analyzed by the Planning Advisory Committee, when required. The latter sends the Committee an opinion concerning the Preliminary program for the utilization of the vacated land described in article 3.3.3 of the present by-law no later than the 30th day following transmission of said file to the Planning Advisory Committee.

When the request for demolition concerns a heritage building, the Planning Advisory Committee must transmit its recommendation, which includes the state of the building, an analysis of the heritage value and its heritage components, taking into account the criteria set out in article 5.2.2 of the present by-law. This recommendation must be forwarded no later than the 30th day following transmission of said file to the Planning Advisory Committee.

The complete request for demolition accompanied, where applicable, by the opinion or the recommendation of the Planning Advisory Committee is forwarded to the Committee for its decision. Before rendering its decision, the Committee may request any additional documents and information it deems necessary to render its decision.

4.4 Nullity of demolition request

The request for demolition becomes null and void if the applicant has not filed all the required documents and information and has not paid all sums due within one hundred and eighty (180) days of filing the request. This period does not include receipt of reports ordered by the City at the applicant's expense or, when required, the recommendation of the Planning Advisory Committee.

Deposits and guarantees shall be refunded by the City to the applicant when a request becomes null and void or is withdrawn.

The applicant is deemed to have withdrawn his request for demolition if he fails to file a new request and pay all fees, deposits and guarantees within sixty (60) days when the request is deemed to have become null and void in accordance with the provisions of the present by-law.

5 Objectives and criteria for assessing a demolition request

5.1 General objectives governing the analysis of a demolition request

The Committee must analyze the demolition request in light of the following general objectives relating to both the demolition and the preliminary program for the utilization of the vacated land:

5.1.1 Demolition of an immovable or a building

- 1) Prioritize the protection and the enhancement of the significant components of a heritage building where realistically feasible;
- 2) Plan and execute work in such a way as to prioritize deconstruction over demolition of an immovable or a building where realistically feasible;
- 3) Plan and carry out the work in such a way as to minimize nuisances, constraints and risks to the health and safety of people and workers;
- 4) Plan and execute work in such a way as to reduce the quantity of waste produced and optimize, as the case may be, the effects related to the circular economy.

5.1.2 Preliminary program for the utilization of the vacated land

- 1) Contribute to the preservation or improvement of an architectural ensemble that harmonizes with and enhances the main features of the existing built and landscaped environment;
- 2) In the case of residential use, contribute to consolidating or increasing the supply of housing on the territory;
- 3) Enhance the significant elements of the heritage building by proposing that the replacement building contribute to keeping alive the memory of this heritage through the following:

- a) Encourage the integration or insertion of elements reminiscent of certain original or significant artisanal or architectural components of the building to be demolished;
- b) Optimize the preservation of trees and hedges of good quality identified in the arboricultural report, so as to help preserve privacy between buildings, reduce energy consumption requirements (air conditioning, heating, etc.), and enhance the value of aligned trees located on the public domain when said trees and hedges are located within the work zone.

5.2 Criteria for evaluating a demolition request

5.2.1 General criteria

Before ruling on a demolition request, the Committee must consider the following:

- 1) The reasons given by the applicant to justify the demolition of the immovable or the building;
- 2) The general condition of the immovable or the building, including, but not limited to, the degree of obsolescence of the structure and of the building's main components and functional systems, the degree of disrepair of the building's exterior components, and the presence of contaminants that may affect human health;
- 3) The impact of the immovable or the building on the general deterioration of the neighbourhood's quality of life, resulting in particular from the presence of vermin, illegal occupation, etc., or from a threat to the health or safety of the neighbourhood due to the deterioration of the general conditions of the immovable or the building;
- 4) If applicable, an analysis of the technical and/or financial feasibility of the recycling or renovation/restoration/rehabilitation project;
- 5) The environmental impact of the demolition request;
- 6) The prejudice caused to tenants and the effects on housing needs in the city, when the immovable or the building includes one or more dwellings;
- 7) If required, the balance between the environmental costs and benefits related to greenhouse gas emissions inherent in the demolition and construction of the new building;
- 8) The proposed demolition method.

5.2.2 Additional criteria for evaluating a request for demolition of a heritage building

When the demolition request involves a heritage building, the following additional criteria must be applied:

- 1) The history of the building in question and its contribution to local history, particularly in terms of the people who lived there and the methods and knowledge used in construction techniques;
- 2) Its degree of authenticity and integrity;
- 3) Its representativeness of a particular architectural trend;
- 4) Its contribution to an ensemble or strip of heritage or landscape interest to be preserved or its contribution to the special character of Pointe-Claire;
- 5) Restoration costs in the case of a heritage building.

5.2.3 Specific criteria for evaluating a Preliminary program for the utilization of the vacated land

The Committee must evaluate a Preliminary program for the utilization of the vacated land based on the following criteria:

- 1) The integration of the project in terms of use, layout, massing in relation to the lot and surrounding built environment;
- 2) In the case of residential use, the collective benefit of increased housing supply;
- 3) The project's impact on the preservation of public and private urban trees. The analysis criteria to be used are the dimensions, phytosanitary and physiological conditions of the trees (species and the relevance of their preservation/life expectancy, structural and geomorphological conditions) and their location with regards to the working zone;
- 4) Where applicable, the integration of the Preliminary program for the utilization of the vacated land with the existing heritage landscape to ensure the sustainability of quality heritage areas;
- 5) Measures proposed to secure existing trees and prevent damage to them during demolition and reconstruction work.

6 Review of demolition request by the Committee

6.1 Notice to tenants of a residential or mixed-use immovable or building containing dwellings

The applicant must send each tenant of the immovable or of the residential or mixed-use building with units, a notice informing them that a demolition request has been submitted. This notice must be sent by registered or certified mail to all tenants.

The Committee may refuse to consider the demolition request if the applicant is unable to submit to the City Clerk's office satisfactory proof that the said notice has been sent within the prescribed time to each of the tenants concerned.

6.2 Publicity

When the Committee has completed its preliminary analysis of a demolition request and has obtained, where required, the recommendation of the Planning Advisory Committee, it must inform the City Clerk without delay. The latter must immediately publish a public notice. The internal resource person must post a notice on the immovable in question that is easily visible to passers-by.

The public notice and on-site sign must contain the following information:

- 1) The designation of the immovable (the number of the immovable or its civic address, the name of the thoroughfare and the cadastral designation in effect at the time the demolition request is filed);
- 2) The date, time and location of the public meeting at which the Committee will rule on the demolition request. If required, the notice and on-site sign must also include the date, time and place of the public hearing when the demolition request concerns a heritage building;
- 3) The following wording: *"Any person who wishes to object to the demolition request must, within ten (10) days of the publication of the public notice, or failing that, within ten (10) days of the posting of the notice on the immovable concerned, make his or her reasoned objection known in writing to the City Clerk";*
- 4) Contact information for the website where public information is available.

6.3 Transmission of the public notice concerning a heritage building

When the immovable concerned by the demolition request is a heritage building, the internal resource person must forward a copy of the published public notice to the *ministre de la Culture et des Communications* without delay.

6.4 Objection to demolition

Any person wishing to object to the demolition request must, within ten (10) days of the publication of the public notice, or failing that, within ten (10) days of the posting of the notice on the immovable or building concerned, make his or her reasoned objection known in writing to the City Clerk.

Anyone wishing to submit comments or a reasoned objection to a request for the demolition of a heritage immovable may do so at the public hearing. All reasoned opinion may also be submitted in writing and must be received no later than the day of the public hearing.

Before rendering its decision, the Committee analyzes all available documentation, including, if applicable, comments and letters of objection received within the time limits prescribed in the present by-law.

6.5 Acquiring an immovable subject to demolition

Where the immovable concerned by the demolition request includes one or more dwellings, a person wishing to acquire this immovable in order to preserve its residential rental character may, until the Committee has rendered its decision on the demolition request, intervene in writing with the City Clerk to request additional time to undertake or pursue the steps required for the acquisition of the immovable. If the Committee deems that the circumstances justify it, it will postpone its decision and grant the intervener up to two (2) months to allow negotiations to be completed. The Committee may postpone its decision for this reason only once.

Such an intervention may also be made by a person wishing to acquire a heritage immovable that is the subject of a demolition request, in order to preserve its heritage character. In this case, the aforementioned time limit begins after the public hearing of the request by the Committee.

7 Demolition Committee decision

7.1 Compliance with applicable by-laws

Before rendering its decision, the Committee must ensure that all procedures and regulatory provisions of the present by-law have been complied with.

Notwithstanding the foregoing, and given its preliminary nature, a Preliminary program for the utilization of a vacated land may not comply with all planning by-laws in force at the time of its submission. This non-compliance is not sufficient grounds for the Committee to refuse to render a decision on the demolition request.

7.2 Committee decision

The Committee grants or refuses the demolition request. Exceptionally, the Committee may also postpone its decision when it receives a request to acquire the immovable to be demolished, the purpose of which is to maintain the dwellings or preserve their heritage value. In this case, the period during which it may defer its decision may not exceed the period prescribed in section 6.5 of this by-law.

In all cases, the Committee's decision must be substantiated and sent to the applicant without delay. It must be accompanied by a notice explaining the rules set out in Chapter 8 of the present by-law.

When the Committee's decision concerning a heritage building is not reviewed, it must, as the case may be, be sent:

- 1) To the *ministère de la Culture et des Communications du Québec*; or
- 2) To the Montreal Agglomeration.

7.3 Conditions relating to authorization of the demolition request

When the Committee grants authorization to demolish, it may impose any condition relating to the demolition of the immovable or the building including the Preliminary program for the utilization of the vacated land. In particular, and without limitation, it may:

- 1) Specify the deadline by which the applicant must submit a complete application for a certificate of authorization for demolition and a building permit;
- 2) Set the timeframe and conditions within which demolition and utilization of the vacated land must be undertaken and completed;
- 3) Determine the conditions for relocating a tenant when the immovable includes one or more dwellings, in accordance with the provisions of sections 148.0.13 and 148.0.14 of the Act respecting land use planning and development (CQLR, chapter A-19.1);
- 4) Require the owner to provide, prior to the issuance of a certificate of authorization for demolition, a financial guarantee to ensure compliance with any conditions imposed by the Committee.

7.4 Extension of time allowed for completion of work

After accepting a demolition request, the Committee may modify the conditions of the decision in order to extend the time limit(s) granted for completion of the work in the following cases:

- 1) The request for extension of the time limit for completion of the work was submitted before expiry of the time limit(s) granted in the decision,
- 2) The request is accompanied by satisfactory justification and a realistic timetable setting out the date by which all the work must be carried out.

7.5 Nullity of the decision

A decision rendered by the Committee becomes null, void and of no effect in the following cases:

- 1) The decision rendered by the Committee is reviewed by the Council in accordance with chapter 8 of the present by-law;
- 2) The conditions forming an integral part of the decision rendered by the Committee are not respected by the owner or his duly authorized representative;
- 3) The work is not carried out in compliance with the provisions of the present by-law, as well as those of the by-law respecting permits and certificates;
- 4) The decision rendered by the Committee is based on a false or erroneous statement, information, plan or document;
- 5) The preliminary program for the utilization of a vacated land is substantially modified or is modified in such a way that it is likely to have an impact on neighbouring properties.

8 Procedure for reviewing the Committee's decision and the power of disallowance

8.1 Timeframe and process for review of a heritage building

Within a maximum period of 30 days of the decision rendered by the Committee concerning a heritage building, any person may ask the Council to review said decision by sending a written request to this effect to the City Clerk. The request must be substantiated on the basis of the criteria set out in Chapter 5 of the present by-law.

When a valid request for review is received, the Council must, no later than the second regular Council meeting, decide on the request for review received. The Council may:

- 1) Confirm the Committee's decision; or
- 2) Make any decision that the Committee should have made. When applicable, it must establish the conditions for demolition of the building or immovable and for the utilization of vacated land.

Within 30 days of a decision by the Committee authorizing the demolition of such a building, Council may, on its own initiative, adopt a resolution expressing its intention to review the decision.

In all cases, the Council's decision to review a decision of the Committee must, as the case may be, be notified by the internal resource person:

- 3) To the *ministère de la Culture et des Communications du Québec*; or
- 4) To the Agglomeration.

The notice is accompanied by copies of all documents produced by the applicant.

As the case may be, the above-mentioned competent authority may disavow the decision rendered within 90 days of receipt of the notice. Where the Agglomeration has a local heritage council within the meaning of section 117 of the Cultural Heritage Act (CQLR, chapter P-9.002), it may consult the council before exercising its power of disallowance.

8.2 Timeline and review process for all other requests except those concerning a heritage building

In the case of demolition requests that do not concern a heritage building, only interested persons, as defined in the present zoning by-law, may within a delay not exceeding 30 days, request a review of the decision rendered by the Committee.

When a valid request for review is received, the Council must, no later than the second regular Council meeting, decide on the request for review received. The Council may:

- 1) Confirm the Committee's decision; or
- 2) Make any decision that the Committee should have made. Where applicable, it must establish conditions for the demolition of the building or immovable and for the utilization of the vacated land.

In all cases, the Council's decision must be substantiated. It is final and without appeal. It must be sent to the applicant without delay.

8.3 Council Meeting

Any member of the Council, including a member of the Committee, may sit on the Council to review a decision of the Committee.

9 Issuance of demolition authorization certificate

Upon presentation of a copy of the decision authorizing the request for demolition, the designated officer issues the required certificate of authorization for demolition to the applicant, ensuring that:

- 1) The conditions set out in the decision rendered by the competent authority (Committee or Council, as the case may be) have been met;
- 2) The replacement project submitted with the permit application complies with all applicable by-laws;
- 3) All fees have been paid.

Notwithstanding the foregoing, no demolition certificate may be issued before the expiry of the thirty (30) day period provided for in the present by-law for receiving a request for review or, if an appeal has been made to the Council, before the Council has rendered a decision authorizing the demolition request.

No certificate of authorization for demolition may be granted until Council has approved the site planning and architectural integration programme associated with the replacement project, and until a complete building permit application complying with the by-laws in force has been submitted to the urban planning department for approval.

When the application concerns a heritage building, no certificate of authorization for demolition may be issued before the earliest of the following dates:

- 1) The date on which, as the case may be, the *ministère de la Culture et des Communications* or the Agglomeration notifies the municipality that it does not intend to avail itself of the power of disallowance;
- 2) The expiry of the 90-day period.

10 Financial guarantees

The financial guarantee required in accordance with the present by-law and the by-law decreeing the exigible tariffs for the financing of properties, services and activities offered by the City of Pointe-Claire for the applicable fiscal year must be remitted to the City prior to the issuance of the certificate of authorization for demolition.

The amount of the financial guarantee may not exceed the value entered on the property assessment roll for the immovable to be demolished. The amount of the guarantee is set by the Committee or Council, as the case may be.

A request for reimbursement of the guarantee deposit must be accompanied by any document showing that the demolition materials have been disposed of at a site approved by the relevant government authorities.

In the case of the utilization of the vacated land involving the construction of a building, the amount of the financial guarantee allocated to this work is reimbursed when the exterior envelope of the building is completed in accordance with the permit granted.

In the case of the utilization of the vacated land involving landscaping, the amount of the financial guarantee allocated to this work is reimbursed when all landscaping is completed in accordance with the certificate or permit granted.

In all cases, the financial guarantee associated with demolition work may not be reimbursed until all conditions, including those included in the certificate of authorization, have been met and all debris resulting from the demolition has been disposed of in accordance with the requirements of the present by-law.

11 Monitoring authorized demolition work

11.1 Execution of work

The applicant must submit and have approved by the designated officer a schedule for carrying out the demolition and the reconstruction work. This schedule must be received by the City at least ninety-six (96) hours prior to the start of demolition work.

11.2 Inspection

At all times during demolition work, a person in authority on the site must have in his or her possession a copy of the certificate of authorization granted by the City.

The official designated by the Council may enter, at any reasonable time, the premises where the work is being carried out in order to verify that the demolition is being carried out in accordance with the decision rendered by the Committee and complies with the conditions set out in the certificate of authorization.

Upon request, the official must identify himself and produce the certificate issued by the municipality attesting to his status as a municipal official.

12 Infractions

12.1 Infractions

Any person who proceeds with an intervention subject to the present by-law and to the provisions of other urban planning by-law in force, without having obtained all necessary authorizations and permits, is guilty of an infraction.

Any person who fails to comply with the conditions forming an integral part of the decision, as well as those contained in the certificate of authorization and building permit, is also guilty of an infraction.

When an infraction covered by the present by-law continues for more than one day, it constitutes a separate infraction for each day during which it continues.

12.2 Revocation of certificate of authorization or building permit

A certificate of authorization or building permit is revoked if one of the following conditions is met:

- 1) The work has not begun or has not been completed within the timeframe set by the Committee;
- 2) The municipal by-laws and declarations made in the demolition application are not respected;
- 3) Incorrect documents with respect to any of the provisions of the present by-law have been produced by the applicant or his agent;
- 4) The conditions imposed on the issuance of a certificate of authorization have not been respected by the applicant.

12.3 Notice from the designated officer

When a person commits an infraction under the present by-law, the official responsible for enforcing the by-law issues a written or e-mail notice informing the owner of the nature of the infraction and instructs the owner to comply with the by-law and, where applicable, with the conditions of approval of his or her request for demolition. A copy of this notification is filed in the property file.

12.4 Legal action

Should the owner, lessee, occupant or offender fail to comply with a written notice to comply with the present by-law within the specified time, the designated officer is authorized to issue a statement of offence.

Should the owner, occupant, tenant or offender fail to comply with the aforementioned statement of offence within the prescribed timeframe and in the prescribed manner, the Council may institute appropriate proceedings against the person concerned before the Municipal Court or before another competent court with the authority to require that the following actions be taken, namely:

- 1) Prohibit the filing of a subdivision plan;

- 2) Prohibit or suspend the felling of a tree or the total or partial demolition or relocation of a building, undertaken in contravention of the provisions of the present by-law;
- 3) Prohibit or suspend construction or development work undertaken in contravention of the provisions of the present by-law;
- 4) Require the demolition of an immovable, extension, conversion or work carried out in contravention of the provisions of the present by-law;
- 5) Require the reinstatement of a demolished building or an immovable, enlarged or otherwise altered in contravention of the provisions of the present by-law;
- 6) Require the replacement of a mature tree felled in contravention of the provisions of the present by-law.

13 Penalties and remedies

13.1 Impeding an inspection process

Anyone who prevents an official from entering the premises where demolition work is being carried out or refuses to produce a copy of the certificate issued upon request, is liable to a fine of up to \$500.

13.2 Demolition of an immovable without authorization

Any person who demolishes or causes the demolition of an immovable without authorization from the Committee or contrary to the conditions of authorization is liable to a fine of not less than \$10,000 and not more than \$250,000.

The maximum fine, however, is \$1,140,000 for the demolition, by a legal person, of an immovable cited in accordance with the Cultural Heritage Act (CQLR, chapter P-9.002) or located in a heritage site cited in accordance with this Act.

13.3 Reconstruction of a heritage building

In addition to the fines that the offender may be ordered to pay in accordance with the above, the Council may require that the offender rebuild the demolished heritage building without all the authorizations required in accordance with the provisions of the present by-law having been duly obtained.

If the offender fails to reconstruct the building, the Council may have the work carried out and recover the costs from the offender. These costs constitute a priority claim on the land where the building was located, on the same basis and with the same rank as the claims referred to in paragraph 5 of section 2651 of the Civil Code of Quebec; these costs are guaranteed by a legal hypothec on this land.

13.4 Civil remedies

The Council may exercise before the courts of civil jurisdiction, all civil law remedies necessary to enforce the provisions of the present by-law.

The City may, for the purposes of ensuring compliance with the provisions of the present by-law, exercise cumulatively or alternatively, with those provided for in this by-law, any other appropriate recourse of a civil or criminal nature. Likewise, and without limitation, the City may exercise the remedies provided for in the relevant sections of the *Act respecting Land Use Planning and Development* (CQLR, chapter A-19.1).

14 **Coming into force**

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

Tim Thomas, Mayor

Caroline Thibault, City Clerk