

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC, ON **TUESDAY MARCH 13, 2018**, AT 7:30 P.M., AFTER DUE NOTICE WAS TRANSMITTED ON FRIDAY MARCH 9, 2018.

PRESENT: Councillors P. Bissonnette, C. Cousineau, B. Cowan, E. Stork, D. Webb, C. Homan, T. Stainforth and K. Thorstad-Cullen chaired by His Worship Mayor John Belvedere forming a quorum of council.

Mr. Robert-F. Weemaes, City Manager, as well as Me Jean-Denis Jacob, Director of Legal Affairs and City Clerk are also in attendance.

At the beginning of the meeting Mayor Belvedere explains the reasons for which the meeting is being held, namely the appeal of a decision of the Demolition Committee rendered on August 8, 2017 refusing the demolition of the existing house at 17 Bras-d'Or Avenue, in Pointe-Claire.

Mayor Belvedere explains the reasons for the convening of the meeting, by specifying that the developer will first be invited to put forth his argument and following which those opposed to the appeal would be invited to make known their arguments.

2018-193 **APPROVAL OF THE AGENDA**

RESOLVED: It is moved by Councillor Thorstad-Cullen, Seconded by Councillor Bissonnette, and unanimously TO approve the agenda that has been prepared for this meeting.

2018-194 **QUESTION PERIOD**

Questions and representations are addressed to the Council members concerning the demolition of the house located at 17 Bras-d'Or Avenue:

Mr. Gabriel Lemmo (owner of the house):

- He presents the reasons why Council should accept his appeal;
- He acquired the property with the intention to live there;
- According to him Council should make its decision by assessing the criteria set out in By-law PC-2818;
- The vacant land re-utilization project that he proposes constitutes the most appropriate use for the land.

At the invitation of Mr. Lemmo, a second speaker, Mr. Marcel Gervais, tenant of the building located at 17 Bras-d'Or Avenue presents the following points:

- The rent is reduced because of the poor air quality of the building;
- The poor condition of the plumbing.

Afterward appear in front of the Council members some of the neighbours who oppose the granting of the demolition permit and the reutilization of the vacated land:

Mrs. Isabelle Picard, neighbor behind the building:

- Presents some pictures, illustrating the impact of the disappearance of trees.

Mrs. Picard also files a report on the air quality.

Mr. Horacio Tiburcio, resident neighbor of the building:

- Owner's refusal to make repairs to the kitchen;
- Opposition to the construction of 2 two-story houses.

Mrs. Susan Weaver:

- Bras-d'Or Avenue and the house being the object of the discussions known as "Veterans sector";
- This avenue has a special character because of the way houses were built on one side and on the other side of the avenue;
- The bureaucratic nature of the decisions made by the previous council regarding the development rules in this sector;
- The felling of trees that would result from the realization of the project.

Mr. Denis Brunelle:

- According to the PCG report, the building located at 17 Bras-d'Or Avenue, does not suffer any major damages;
- He points out some errors noted in the report produced by the owner with respect to the air quality;
- The way in which the driveways are proposed would involve the felling of many trees;
- The non-respect of the special character of the "Veterans sector".

Mr. David, resident of Braebrook Avenue:

- Mentions that the walls of buildings erected at the time of construction contain asbestos and that their demolition would require special precautions to take.

Mr. Auger:

- Tell the Council members that he recently purchase a house in the Bras-d'Or area for the following reasons:
 - His family appreciated that the area was established;
 - He does not wish that the character of the sector be changed that may force him to leave the City of Pointe-Claire.

Mr. Eddy Brunet, occupant of the house adjacent to the one affected by the demolition application:

- The house located at 17 Bras-d'Or Avenue is a perfectly habitable house, but whose maintenance has been deficient in recent years, especially with regard to the gutters.

Mr. Doug Duke:

Reports the following:

- The unreliable presentation of the demolition project and the construction of two new houses;
- Expresses his opposition to the construction of the new houses as presented;
- The densification in progress on the City of Pointe-Claire territory, should not apply in mature and quiet areas

Mrs. Linda DeWitt:

- Indicates that the proposed houses do not respect the character of the avenue at all.

Mr. Michael Pasternak:

- Asks if the building permits have already been issued for the construction of the two new houses; negative answer is provided.

2018-195

DECISION – DEMOLITION – 17 BRAS-D'OR AVENUE

WHEREAS the City Council in accordance with the provisions of article 30 of By-law PC-2818 on the demolition of immovable, took into consideration, including the following criteria:

- The condition of the building covered by the application;
- The contribution of the building to the particular character of the City;
- The cost of restoration;
- The deterioration, the architectural appearance, of the aesthetic character or the quality of life of the neighborhood that may result from the demolition or approval of the reutilization of the vacated land program, if applicable;
- The environmental sustainability of the demolition or the reutilization of the vacated land;
- The projected use of the vacated land;
- The prejudice caused to the tenants, if applicable;

WHEREAS the City Council extensively analyze the file, the reports submitted, the representations made by interested parties, including those expressed forthwith;

GIVEN the provisions of articles 148.01 to 148.06 of the Act respecting Land Use Planning and Development and those of By-law PC-2828 on the demolition of immovables of the City of Pointe-Claire;

FOR THESE REASONS,

It is moved by Councillor Cowan,
Seconded by Councillor Homan, and unanimously

RESOLVED: TO grant the demolition authorization, in particular for the following reasons:

- The current state of the building does not allow to consider that it can be maintained in the long term;
- The City Council is of the opinion that it is possible to proceed with the demolition of the building in question and to carry out a programme for the reutilization of the vacated land which contributes to the particular character of the neighbourhood and the City;
- The prohibitive cost of restoring the existing building;

TO REFUSE to approve the programme for the reutilization of the vacated land, as described below:

- June 15, 2017 – Elevation;
- July 11, 2017 – Site Plan;
- August 3, 2017 – Plans;

- August 2 and August 3, 2017 – Tree report submitted by Mrs. Charline Hébert, Technical Agent – Parks and Horticulture;
- August 7, 2018 - Color rendering of the façade, the perspective and the insertion plan;

This refusal is based in particular on the following criteria:

- The Council is in the opinion that the proposed buildings do not respect criteria number 10 of article 31 of By-law PC-2787 on the Site Planning and Architectural Integration Programme;
- The development-owner should review his project, so as to preserve the maximum of mature trees, as indicated in criteria 4 of article 31 of By-law PC-2787 on Site Planning and Architectural Integration Programme;
- The reutilization of the vacated land plan should also be reviewed in order to examine the possibility of conserving more trees, including those extending over the street right-of-way pursuant to a criteria set out in section 46 applicable to “Veterans sector” of By-law PC-2787 on Site Planning and Architectural Integration Programme;

TO CANCEL AND REPEAL, for all legal purposes, resolution 2017-427 adopted July 4, 2017 concerning the approval of the Site Planning and Architectural Integration Programme concerning the construction of a new immovable at civic number 17A Bras-d’Or Avenue;

TO INDICATE AND INFORM the applicant accordingly that the demolition authorization referred to in the first paragraph of the device of the present resolution, may become effective to the extent that it is submitted to the attention of the Committee, within three months of the present decision, a programme for the reutilization of the vacated land, in conformity with the municipal by-laws in force at the time of the filing of the application for approval of such a programme for the reutilization of the vacated land;

The demolition authorization referred to in the first paragraph of the device of the present decision is conditional to the subsequent approval of the programme for the reutilization of the vacated land, presented to the Demolition Committee, in accordance with the preceding paragraph, following the decision to be made by the Demolition Committee or the City Council, if applicable;

TO inform also the applicant that he will also have to obtain any other approval required under the applicable municipal by-law, including the approval by the City Council of the Site Planning and Architectural Integration Programme.

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CLOSURE

RESOLVED: It is moved by Councillor Stork,
Seconded by Councillor Stainforth, and unanimously
TO hereupon adjourn this meeting at 20:55 p.m.

John Belvedere, Mayor

Me Jean-Denis Jacob, City Clerk

