

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 APRIL 2, 2019**, AT 6:30 P.M., AFTER DUE NOTICE WAS TRANSMITTED ON FRIDAY MARCH 29, 2019.

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

Mr. Robert-F. Weemaes, City Manager, as well as Me Caroline Thibault, Assistant Director, Legal Affairs and City Clerk's office, acting as City Clerk, are also in attendance.

*The Mayor thanks all persons present for their attendance and for their interests in the development of the City.*

*The Mayor states that everybody is reunited in the appeal procedure framework with respect to the development plan for 100-112 Walton Avenue.*

*The Mayor states that on July 12<sup>th</sup>, 2018, the Demolition Committee authorized the demolition of the old commercial building at 100-112 Walton Avenue, but, however, the Committee refused the proposed replacement project.*

*The Mayor also states that on September 5<sup>th</sup>, 2018, Council sitting on appeal, had confirmed the decision of the Demolition Committee to refuse this replacement project and following this refusal, the developer "Mondev" had presented a new largely modified project and this new programme for the reutilisation of vacated land was accepted by the Demolition Committee on January 31<sup>st</sup>, 2019.*

*Finally, the Mayor states that a proposition, in the effect of welcoming the appeals received, will be made during this present meeting.*

## **2019-212**      **APPROVAL OF THE AGENDA**

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

## **2019-213**      **QUESTION PERIOD**

Questions are submitted to the members of Council by the persons indicated below concerning the following subjects:

**Mr. Steven Farrugia:**

- Congratulations;
- The procedures to come.

**Mr. Claude Lesage:**

- Congratulations;
- The applicable rules in the Pointe-Claire Village?

**Mr. Kelly:**

- Thanks the Committee for their hard work.

**Mrs. Kathy Jonas:**

- Thanks the Committee for taking the time for answering her questions.

2019-

**APPEAL – DECISION RENDERED BY THE BY THE DEMOLITION COMMITTEE ON JANUARY 31, 2019 AS TO APPROVE THE PROGRAMME FOR REUTILISATION OF THE VACATED LAND FOR THE IMMOVABLE LOCATED AT 100-112 WALTON AVENUE**

CONSIDERING the decision of the Demolition Committee ("the Committee") of July 12<sup>th</sup>, 2018 authorizing the demolition of the building located at 100-112 Walton Avenue and refusing the programme for the reutilisation of the vacated land;

CONSIDERING the decision of Municipal Council of September 5<sup>th</sup>, 2018, sitting in appeal of the decision of the Committee of July 12<sup>th</sup>, 2018, to confirm the refusal of the programme for the reutilisation of the vacated land;

CONSIDERING the Committee's decision of January 31<sup>st</sup>, 2019, approving a new programme for the reutilisation of the vacated land;

WHEREAS a large number of appeals were filed by citizens and interested persons against the decision made by the Committee on January 31<sup>st</sup>, 2019;

WHEREAS these appeals raise several questions of fact and of law, in particular with regards to the conformity to municipal by-laws in force;

WHEREAS a programme for the reutilisation of the vacated land must be in conformity with the by-laws of the municipality in force at the time the request is submitted;

WHEREAS the City administration, at the request of Council members, has, with the help of external advisors, examined several elements of the programme for the reutilisation of the vacated land that has been submitted;

WHEREAS lots 2 528 653, 2 528 654 and 2 528 655, referred to in the approval request for the vacated land, do not form, at the time of filing of the request, a single piece of land, in that they do not constitute a set of contiguous lots constituting the same spatial entity destined for a single principal use;

WHEREAS this situation raises serious questions regarding a possible non-compliance with the minimum lot area standard (6,000 m<sup>2</sup>) and the non-respect of certain standards applicable to front, side and rear setbacks;

WHEREAS an apparent non-compliance element has also been raised with respect to the lot coverage, as it must be calculated in accordance with the provisions of sections 3.3 and 4.10 of Zoning By-law PC-2775;

WHEREAS an argument has also been made as to the insufficiency of the area conveyed for park purposes, although in this respect the law allows Council to accept a transfer of land and an amount to be paid, the total amount of which must not exceed 10% of the area and value, respectively, of the site;

WHEREAS different representations have been made and addressed to Council concerning the application of the minimum lot area standard, lot coverage and architectural integration;

WHEREAS Municipal Council is required to render a decision since it has been validly seized of several appeals of a decision of the Committee;

WHEREAS Council sitting on appeal may render any decision that the Committee should have made, in accordance with provincial legislation and municipal by-laws;

GIVEN the representations made by all the interested parties, including those received from their attorneys and those presented forthwith;

WHEREAS it is appropriate to reunite, in a single decision, the decision to be made with respect to all the appeals filed against the decision made by the Committee on January 31<sup>st</sup>, 2019;

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

RESOLVED: TO indicate that the preamble of the present is an integral part thereof;

TO GRANT the appeals filed against the Committee's decision of January 31<sup>st</sup>, 2019, approving a programme for the reutilisation of the vacated land following the demolition of the immovable located at 100-112 Walton Avenue;

TO CANCEL, therefore, the decision made by the Committee on January 31<sup>st</sup>, 2019, for the approval of a programme for the reutilisation of the vacated land at this location, for these reasons of regulatory non-compliance appearing in the preamble of the present;

RESERVE the right of the City to determine the acceptable format for meeting with regards to the respect of the prerequisites for the approval of a subdivision plan (10% for park purposes);

TO render effective the decision of September 5<sup>th</sup>, 2018, rendered by Municipal Council sitting on appeal, namely, the refusal of the programme for the reutilisation of the vacated land.

**2019-215**      CLOSURE

It is moved by Councillor Thorstad-Cullen,  
Seconded by Councillor Stainforth, and unanimously

RESOLVED: TO hereupon adjourn this meeting at 6:47 p.m.

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John Belvedere, Mayor

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Me Caroline Thibault, Assistant Director,  
acting as City Clerk