

**Municipality of the Village of North Hatley**

**BY-LAW ON THE DEMOLITION OF BUILDINGS ON  
THE TERRITORY OF THE  
MUNICIPALITY OF  
THE VILLAGE OF NORTH HATLEY**

**By-law 2018-608**

**APRIL 2018**

PROVINCE OF QUÉBEC  
MUNICIPALITY OF THE VILLAGE

OF NORTH HATLEY

BY-LAW 2018-608

NOTICE OF MOTION:

ADOPTION:

COMING INTO EFFECT:

**Amendments included in the said document**

**By-law #**

**Coming into effect**

2018-608

XXX-XX-XXXX

**BY-LAW 2018-608**  
**By-law on the demolition of buildings on the territory of the**  
**Municipality of the Village of North Hatley**

**CHAPTER 1 – DECLARATORY AND INTERPRATIVE PROVISIONS**

**ARTICLE 1            TITLE OF THE BY-LAW**

The present by-law is entitled “By-law on the demolition of buildings on the territory of the Municipality of the Village of North Hatley”.

**ARTICLE 2            TERRITORY COVERED**

This by-law covers the entire territory of the Municipality of the Village of North Hatley.

**ARTICLE 3            ADMINISTRATION AND APPLICATION OF  
THE PRESENT BY-LAW**

The administration and application of the present by-law are entrusted to the official designated by way of Council resolution.

**ARTICLE 4            DEFINITIONS**

Unless the context indicates otherwise, words or expressions below will have the following meanings:

**‘Committee’:**            the Demolition Committee;

**‘Council’:**            the municipal Council of the Municipality of the Village of North Hatley;

**‘Demolition’:**            the fact of destroying a building in part (more than 50% of the volume of the building above ground) or in whole, of tearing down a building section by section or of removing a building by whatever means to clear whatever land beneath it;

**‘Building’:**            main or accessory building;

**'Heritage building'**: main or accessory building that carries heritage value by virtue of its history, its use, its architecture, or by the people who have inhabited it;

**'Public building'**: building owned by a municipality, a regional county municipality, the provincial government, the federal government, a school board or their authorized representative.

**'Dwelling unit'**: a dwelling unit in terms of the meaning under the *Loi sur la régie du logement* (LRQ, chapitre R-8.1);

**'PIIA By-law'**: By-law relative to the Site Planning and Architectural Integration Plans number 2000-424, including the NHAM-071-U01 plan.

## **ARTICLE 5 PURPOSE OF THE BY-LAW**

The purpose of the present by-law is to exert control over the demolition of buildings, to protect and preserve heritage buildings, to oversee and take the steps needed for the re-use of the vacated land following total or partial demolition of a building.

## **CHAPTER 2 – DEMOLITION COMMITTEE**

### **ARTICLE 6 COMMITTEE NAME**

The Committee is constituted by Council under the title of "Demolition Committee".

### **ARTICLE 7 COMMITTEE COMPOSITION**

The Demolition Committee is composed of three (3) Council members appointed by Council for a period of one (1) year. Their mandate is renewable.

### **ARTICLE 8 PRESIDENT OF THE COMMITTEE**

Council nominates a President of the Committee to oversee the execution of its functions.

## **ARTICLE 9            COMMITTEE MEETINGS**

Quorum required for the Committee is three (3) members.

The Demolition Committee meetings are public and decisions are made by a majority vote.

## **ARTICLE 10          RESIGNATION, VACANCY, INCAPACITY**

A Council member who ceases to be a Committee member before the end of her or his mandate, who is temporarily unable to perform required duties or who has a direct or indirect personal interest in a case that the Committee is overseeing, is replaced by another Council member designated by Council for the remainder of the mandate, or for the period of incapacity, or for the duration of the hearing of the case in which the Committee member has an interest, as the case may be.

## **ARTICLE 11          RESOURCE PERSONS**

Council may, by resolution, designate municipal officials as well as outside consultants as resource persons. Resource persons do not have a voting right.

## **ARTICLE 12          COMMITTEE MANDATE**

The mandate of the Committee consists in:

- a) analyzing requests for demolition;
- b) accepting or refusing requests for demolition permits for buildings subject to the present by-law;
- c) setting the conditions necessary for the issuance of a demolition permit;
- d) exercising any other power conferred on it by the present by-law.

## **CHAPTER 3 – AUTHORIZATION FOR DEMOLITION**

### **ARTICLE 13            REQUIRED DEMOLITION AUTHORIZATION CERTIFICATE**

Demolition of any building on the territory of the Municipality of the Village of North Hatley is prohibited unless the owner has first received a demolition authorization certificate to this effect.

### **ARTICLE 14            EXCEPTIONS**

Requests for demolition not subject to the present by-law:

- a) A demolition ordered by the Municipality, of a building that was constructed but that contravenes the urban planning by-law;
- b) A demolition ordered by virtue of articles 227, 229 et 231 of the *Loi sur l'aménagement et l'urbanisme* (L.R.Q. c. A-19.1);
- c) The demolition of building damaged due to fire or otherwise damaged by an incident to a point where it has lost more than half (50%) of its value on the valuation roll in effect at the time of the fire or other incident;
- d) The demolition of a building that requires urgent action for reasons of public safety;

### **ARTICLE 15            APPLICATION FOR A DEMOLITION PERMIT**

A request for a demolition permit must be submitted, using the form available for this purpose, to the designated official, by the owner of the building in question or by a duly authorized representative and must include the following information:

- a) as the case may be, a form of proxy signed by the owner authorizing the representative to act on her or his behalf;
- b) the surname(s), name(s), address(es) and phone number(s) of the owner or owners;
- c) a description and the address of the building to be demolished;
- d) a description of the method to be used for demolition;
- e) an outline of the motives for the demolition;
- f) a certificate of location or a plan of the location of the building to be demolished;
- g) identification of the location where used materials and waste resulting from the demolition will be sent, in compliance with sites authorized by the Ministère du Développement durable, de l'Environnement et des Parcs;

- h) the timeframe required for the demolition;
- i) a preliminary programme for the re-use of the vacated land;
- j) if the building consists of one or more dwelling units, provide the planned measures to relocate the tenant or tenants.
- k) if the request for a demolition permit is for a heritage building, the application must also include the following information and documents:
  - photographs of each elevation level of the building and photographs of the interior of the building;
  - a report prepared and signed by a professional in architecture or engineering competent on the matter describing alternatives taken into consideration prior to arriving at the ultimate demolition solution. The document must include detailed justification that provides proof that demolition is the only viable solution, notably an estimation of the costs that renovation of the building might incur.
- l) any other document deemed useful for a full comprehension of the request, notably a heritage study.

## **ARTICLE 16            PRELIMINARY PROGRAMME FO THE RE-USE OF VACATED LAND**

The preliminary programme for the re-use of vacated land consists of plans and documents illustrating the new land use and the new proposed building to replace the building to be demolished. The documents must be sufficiently clear and explicit to allow the committee to determine if the programme is in compliance with the municipal by-laws in effect at the time the request is submitted.

The programme must notably include plans drawn to scale of the dimensions and architectural height of the building or buildings destined to replace the building to be demolished, clearly showing and in sufficient detail the following:

- a) Their location;
- b) Their volumetric aspects (height, width, depth, number of floors, number of units, etc.);
- c) The shape of the roof;
- d) Building materials and colours to be used;
- e) The nature and colour of the building material, of constructed components, attached or not to the building such as porches, balconies, stairs, patios, shutters, trash sheds, etc.;
- f) Location and foreseen street access dimensions, alleyways, parking spaces and loading and unloading spaces.

The preliminary programme for the re-use of vacated land must be in compliance with the by-laws of the Municipality in effect at the time the request is submitted.

When the re-use of vacated land programme includes an issue subject to approval under a Site Planning and Architectural Integration Plans in accordance with the PIIA By-law, the CCUP advisory committee transmits its recommendations to the Demolition Committee.

#### **ARTICLE 17            COSTS AND FEES**

Costs and fees payable for the study and consideration of an application for a demolition permit, for the publication of required public notices and for the granting of a demolition authorization certificate are established under (By-law on tariffs), in effect at the time the request is submitted.

#### **ARTICLE 18            APPLICATION FOR DEMOLITION TIMEFRAME**

The designated official verifies that the request is in compliance with the present by-law and with the urban planning by-laws. At the request of the designated official, the applicant must provide any additional information required for a full understanding of the request.

Once the request is complete and the designated official has verified the compliance of the request, the said application for demolition is then transmitted to the Demolition Committee for evaluation.



## **CHAPTER 4 - NOTICE**

### **ARTICLE 19            POSTING OF A NOTICE AND PUBLICATION OF A PUBLIC NOTICE**

Once an application for demolition has been referred to the Demolition Committee, the Secretary-Treasurer must post a notice on the building involved in the application, in a location clearly visible to passers-by. The Secretary-Treasurer must also publish a public notice regarding the request. The posting and public notice must include the following:

- a) The date, time and location of the meeting at which the Committee will study the request for demolition;
- b) The designation of the building at issue in the request, by its cadastral number, its civic address and the name of the street or road;
- c) That any person wishing to oppose the demolition must, within the ten (10) days of the publication of the notice, provide the reasons for objecting to the application, in writing, to the Secretary-Treasurer of the Municipality.

### **ARTICLE 20            TENANT NOTIFICATION**

The applicant must send, by registered or certified mail, a notice of the application for a demolition permit to each of the building's tenants. The applicant must provide proof of the notification to tenants by mail to the Committee. The Committee can refuse to study a request if it is not completely satisfied that a tenant was duly notified of the request.

### **ARTICLE 21            OPPOSITION TO THE DEMOLITION**

Any person wishing to oppose the demolition must, within ten (10) days of the publication of the public notice, provide in writing the reasons for objecting to the demolition to the Secretary-Treasurer.

## **ARTICLE 22            ACQUISITION OF A UNIT BUILDING SUBJECT TO A REQUEST FOR DEMOLITION**

When the building at issue relative to a request for demolition includes one (1) or more dwelling units, a person wishing to acquire the building in order to preserve its residential rental character can, as long as the Committee has yet to render its decision, contact the Secretary-Treasurer of the Municipality in writing to request a delay in order to undertake or go ahead with steps towards acquiring the building.

If the Committee deems that circumstances are justified, it will postpone rendering its decision and will grant the said person a delay of two (2) months from the time of the hearing to allow the negotiations to be completed. In such a case, the Committee can postpone its decision one time only.

## **CHAPTER 5 – APPROVAL BY THE COMMITTEE**

### **ARTICLE 23            EVALUATION OF THE REQUEST FOR DEMOLITION**

The Committee will grant approval of the demolition if it is convinced of the advantages of the said demolition taking into account the interest of the public and the interest of all parties involved.

Before reaching a decision on a request for demolition, the Committee must consider the following:

- a) the condition of the building, the deterioration of the architectural appearance and of the aesthetic character of the building at issue in the request;
- b) the safety aspect of the building (soundness of the structure, flammability, etc.);
- c) the cost of restoring the building;
- d) the historical or heritage value of the building;
- e) the rare or unique character of the building;
- f) the deterioration of the neighbouring quality of life;
- g) the function of the building for the well-being of the community;
- h) the proposed re-use of the vacated land and its compliance with the by-law in effect, notably the Site Planning and Architectural Integration Plans in accordance with the PIIA By-law and, as the case may be, the recommendation of the urban planning committee<sup>[AT1]</sup>;

i) the impact on a visual, historical or financial level for the Municipality;  
j) if the building includes one or more dwelling units:

1. the harm caused to tenants;
2. the housing needs in the area;
3. the possibility of relocating tenants.

k) any other relevant criteria.

Before rendering its decision, the Committee must take all submitted oppositions into consideration. It may hold a public meeting if it deems it necessary.

#### **ARTICLE 24 EFFECT OF A NOTICE OF MOTION OR OF AN AMENDMENT TO AN URBAN BY-LAW**

In order to determine compliance of the preliminary programme for the re-use of vacated land, the Committee must consider the by-laws in effect at the time when the programme is submitted, except in the case where the issuance of a construction permit under the programme proposed is suspended due to a notice of motion given to amend the applicable regulation. When the issuance of a permit is suspended, the Committee cannot approve the programme prior to the expiration of the suspension or prior to the coming into effect of the draft regulation that was the object of the notice of motion. The decision of the Committee is as such rendered in recognition of the new regulation.

#### **ARTICLE 25 REJECTION OF A REQUEST FOR DEMOLITION**

In addition, the Committee must reject a request for demolition if the preliminary programme for the re-use of vacated land was not approved, if the application process for the demolition permit was not followed or if the required costs and fees have not been paid.

#### **ARTICLE 26 CONDITIONS RELATIVE TO A DEMOLITION PERMIT**

When the Committee grants a permit for demolition, it can impose conditions relative to the demolition of the building or to the re-use of vacated land.

For cases relative to the demolition of the building, the Committee can for one determine the conditions regarding the relocation of tenants, if the building consists of one or more dwelling units.

## **ARTICLE 27            MONETARY GUARANTEE**

If conditions are imposed by virtue of article 26, the Committee can require that the applicant provide, prior to the issuance of the demolition permit, a monetary guarantee to guarantee respect of the said conditions. The monetary guarantee cannot exceed the value indicated on the assessment roll established by the application of the *Loi sur la fiscalité municipale* (L.R.Q., c. F2-1.).

The monetary guarantee is remitted to the designated official by one of the following options:

- 1) a monetary guarantee letter or an irrevocable letter of credit issued by a bank, a caisse populaire, an insurance company, or trust;
- 2) a guarantee issued by an insurer duly authorized to conduct insurance activities in Québec by virtue of the *Loi sur les assurances* (L.R.Q., c. A-32) ;
- 3) a certified cheque made out to the Municipality of the Village of North Hatley and issued from an account registered with a financial institution conducting business in Québec.

For a monetary guarantee remitted in the form of a certified cheque, the Municipality cashes the cheque and pays no interest.

## **ARTICLE 28            VALIDITY OF THE MONETARY GUARANTEE**

The monetary guarantee must be in effect for sixty (60) days following the expiry date of completion of the work project and of the conditions set out by the Committee. It must include a provision obligating the issuer to notify the designated official of its cancellation.

If the Committee modifies the completion date of the demolition in accordance with article 26, it can request an additional monetary guarantee to cover the full completion of the work required by the Committee.

## **ARTICLE 29            RETURN OF THE MONETARY GUARANTEE**

Upon written request from the applicant to the designated official, except in the case where it has already been done, the monetary guarantee is returned to the applicant within thirty (30) days following acknowledgment by the designated official that the work project has been completed in its entirety.

## **ARTICLE 30            TIMEFRAME OF THE WORK PROJECT**

When the Committee grants a demolition permit, it can establish the delay period for the beginning date and completion date of demolition or reconstruction work and/or for the re-use of vacated land.

The Committee may, for a reasonable motive, modify the delay period, as long as the request to do so is submitted prior to the expiry date of the timeframe.

## **ARTICLE 31            NULLIFICATION OF THE DEMOLITION PERMIT**

If demolition work is not undertaken prior to the expiry date of the timeframe established by the Committee, the demolition permit becomes null and void.

If, on the expiry date of the delay period, a tenant is still living in her or his unit, the lease is fully extended and the owner can within the month contact the Régie du logement to set the rent amount.

## **ARTICLE 32            WORK COMPLETED BY THE MUNICIPALITY**

If the work was undertaken but not completed within the set timeframe, Council can have the work done and recover the cost of doing so from the owner. The said costs are as such a priority claim on the land where the building was located, in the same manner and order of priority for claims listed in paragraph 5 of article 2651 of the Civil Code of Québec; the costs are secured by a legal hypothec on the land.

## **ARTICLE 33            MODIFICATION OF THE CONDITIONS**

When the Committee has granted a demolition permit and set out the conditions relative to the demolition of the building or to the re-use of the vacated land, it can modify the conditions at all times, at the request of the applicant.

All requests for modification to the conditions relative to the programme for the re-use of vacated land are treated as new requests subject to the requirements decreed under the present by-law.

## **CHAPTER 6 – EVICTION OF A TENANT**

### **ARTICLE 34            EVICTION OF A TENANT**

The owner who was granted a demolition permit can evict a tenant in order to demolish a dwelling unit.

However, a tenant cannot be forced to leave her or his dwelling before the latest of the following eventualities, be it the expiry date of the lease or a delay of three (3) months as of the delivery date of the demolition permit.

### **ARTICLE 35            INDEMNITY**

The owner must pay an evicted tenant an indemnity equal to three-months (3) rent as well as moving expenses. If the damages-interests resulting from the prejudice that the tenant has incurred come to a higher amount, the tenant can contact the Régie du logement to have a related amount established.

The indemnity is payable when the tenant leaves and the moving expenses when documents of proof are presented.

## **CHAPTER 7 – APPEAL TO MUNICIPAL COUNCIL**

### **ARTICLE 36            REASONED DECISION**

The decision by the Committee regarding demolition must be reasoned and transmitted, without delay, to all parties involved by registered or certified mail.

### **ARTICLE 37            APPEAL TO COUNCIL**

Any person may, within thirty (30) days of the Committee's decision, file an appeal against this decision with Council by transmitting a written notice to this effect to the Secretary-Treasurer of the Municipality.

## **ARTICLE 38            COUNCIL MEMBERS**

Any Council member, including a Committee member, may sit on Council to hear an appeal filed by virtue of article 32.

## **ARTICLE 39            DECISION ON APPEAL**

Council may accept the decision of the Committee or render another decision.

## **ARTICLE 40            DELAY PERIOD N GRANTING A PERMIT**

No demolition permit can be granted before the expiry of the thirty-day (30) appeal period provided for under article 37 of the present by-law, or if an appeal was filed by virtue of the said article, until Council has rendered a decision authorizing the issuance of the said demolition permit.

## **CHAPTER 8 - FINES**

### **ARTICLE 41            DEMOLITION WITHOUT AUTHORIZATION**

Anyone who demolishes a building, or has it demolished, without a demolition permit, or contravenes the conditions set out for the demolition permit, is liable to a fine of at least five thousand dollars (\$5,000) and at the most twenty-five thousand dollars (\$25,000).

Furthermore, the Committee can obligate a person who has demolished or had demolished a building without authorization to rebuild the said demolished building. Should the offender not rebuild the building in conformity with the by-law, Council may have the work performed and then recover the costs incurred from the said person, in which case article 148.0.17 of the *Loi sur l'aménagement et l'urbanisme* applies, with the necessary adaptations.

### **ARTICLE 42            NEGLECT IN SENDING NOTICE TO A TENANT**

Whoever refuses or neglects to conform to article 18 of the present by-law is committing an infraction and is liable to a minimum fine of one hundred dollars (\$100) and a maximum fine of one thousand dollars (\$1,000).

**ARTICLE 43            NEGLECT IN DISPLAYING A COPY OF THE PERMIT OR  
REFUSAL TO ALLOW THE DESIGNATED OFFICIAL TO  
ENTER THE SITE**

A person in authority on the site must have a copy of the demolition permit in her or his possession at all times during the demolition work.

The designated official may enter, at any reasonable hour, the site or premises where this demolition work is taking place, in order to check whether the demolition is in conformity with the permit. If asked, the designated official must provide a form of identity, and show the certificate issued by the Municipality, indicating her or his status.

Whoever refuses to allow the designated official to enter the site or premises is liable to a fine of at least one hundred dollars (\$100) and at most five hundred dollars (\$500).

The person of authority in charge of the demolition work project who, on the site where the work is being carried out, refuses to show on request by the designated official, a copy of the demolition permit, is committing an infraction and is liable to a minimum fine of one hundred dollars (\$100) and to a maximum fine of five hundred dollars (\$500).

**ARTICLE 44            NOTICE OF INFRACTION**

The designated official is authorized to deliver a notice of infraction for any violation to the present by-law.



**CHAPTER 9 – FINAL PROVISIONS**

**ARTICLE 45      COMING INTO EFFECT**

The present by-law shall come into effect according to law.

---

Michael Page  
Mayor

---

Daniel Décary  
Director General and Secretary-Treasurer

NOTICE OF MOTION :  
NOTICE OF PRESENTATION:  
ADOPTION :  
PUBLICATION :