



**BY-LAW REGULATING THE DEMOLITION OF
IMMOVABLES N° 442**

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PROVINCE OF QUEBEC
VILLAGE OF SENNEVILLE

BY-LAW N° 442

BY-LAW REGULATING THE
DEMOLITION OF IMMOVABLES

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THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:



BY-LAW REGULATING THE DEMOLITION OF IMMOVABLES N° 442

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CHAPTER 1:

Declaratory, Administrative and Interpretative Provisions

Declaratory, Administrative and Interpretive Provisions

Division 1.1: Declaratory Provisions

1.1.1 Title of the by-law

This by-law bears the title « *By-Law Regulating the Demolition of Immovables* » and carries the number 442.

1.1.2 Repeal

The present by-law repeals By-Law 311, entitled « *By-Law on Permits and Certificates* » as modified by all of its amendments, as well as any other incompatible provision in another by-law in force.

1.1.3 Scope of the by-law and subject territory

The present by-law, of which the provisions are imposed on all persons, applies to the whole territory of the Village of Senneville.

1.1.4 Incompatibility with other by-laws or laws

Conforming to the present by-law does not absolve the obligation to obey the other laws or by-laws of the provincial or federal government as well as any other applicable municipal by-law.

1.1.5 Part-by-part adoption

The Municipal Council of the Village of Senneville hereby declares that it is adopting the present by-law, chapter by chapter, division by division and section by section, paragraph by paragraph and sub-paragraph by sub-paragraph, so that if a part of the present by-law were to be declared null and void by a tribunal, such a decision would have no effect on the other parts of the by-law, except in cases where the significance and scope of the by-law or of one of its provisions should be altered or modified as a result.

Declaratory, Administrative and Interpretive Provisions

Division 1.2: Administrative Provisions

1.2.1 Administration and application of the by-law

The administration and application of the present by-law are entrusted to any person nominated as a « designated official », by a resolution of the Municipal Council.

1.2.2 Powers of the designated official

The powers of the designated official are stated in the *Permits and Certificates By-Law*.

1.2.3 Conformity of the application

All applications for the demolition of immovables must be in conformity with the provisions of the present by-law.

Declaratory, Administrative and Interpretive Provisions

Division 1.3: Interpretative Provisions

1.3.1 Interpretative provisions

When two standards or provisions of the present by-law apply to a use, building, lot or any other object governed by the present by-law, the following rules apply:

1. A specific standard or provision prevails over a general provision;
2. The most restrictive provision prevails.

Unless the context specifies otherwise, it is understood that:

1. The use of the words « MUST » and « SHALL » implies an absolute obligation;
2. The use of the verb « CAN » implies a non-obligatory option, except in the expression « CANNOT » which means « MUST NOT »;
3. The word « WHOMEVER » includes individuals and corporations.

The Table of Contents and the chapter titles, the divisions and the sections of the present by-law are provided to improve the text's readability. In the case of contradiction between the text and the concerned title(s) of Table of Contents, the text prevails.

Plans, appendices, tables, graphics, and symbols and all forms of expression aside from the text contained in the present by-law, are an integral part of the by-law for all legal purposes.

The dimensions, areas and other measures stated in the by-law are expressed in units of the International System.

1.3.2 Numbering

The numbering method used in this by-law is the following (when the section's text does not contain numbering related to a paragraph or sub-paragraph, it is referred to as an indented line):

- 1. Chapter
- 1.1 Division
- 1.1.1 Section
- Indented
- 1. Paragraph
- a) Sub-paragraph

1.3.3 Terminology

Unless there is an explicit indication of the contrary or unless the context indicates otherwise, the expressions, terms and words have the meaning and application attributed to them in the *Permits and Certificates By-Law*, with the exception of:

Declaratory, Administrative and Interpretive Provisions

COMMITTEE or DEMOLITION COMMITTEE:

Demolition Committee constituted in accordance with the present by-law.

DEMOLITION:

Intervention resulting in the destruction of more than 50% of a building's volume, without considering the foundations.

DWELLING:

Dwelling as considered in the *Act Respecting the Régie du logement*, RSQ, c. R-8.1.



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CHAPTER 2:

Provisions Relating to the Eligibility and Processing of an Application

Provisions Relating to the Eligibility and Processing of an Application

Division 2.1: Subject Intervention and Content of the Application

2.1.1 Subject intervention

It is prohibited to demolish a main or accessory building unless the owner of this immovable has previously obtained an approval in conformity with the present by-law.

The first paragraph does not apply in the following cases:

1. For accessory buildings that are not part of a property identified as being of exceptional or significant architectural interest (buildings of interest) in the *Site Planning and Architectural Integration Programs By-Law*;
2. For buildings that must be demolished for public safety reasons.

Modified by Bylaw no. 442-1 in force on May 6, 2015.

2.1.2 Eligible applications

An application for the demolition of an immovable must include a preliminary program for the reuse of vacated land, which will result of the demolition application. The program may also consist in the renovation, extension, etc. of another building situated on the same lot.

However, the Municipal Council can set conditions to the building's demolition, to the extent that the preliminary program for the reuse of vacated land will later be subject to the *Site Planning and Architectural Integration Programs By-Law*. In this case, the applicant can only proceed with the authorized demolition once the plans have been approved by the Municipal Council within the framework of the *Site Planning and Architectural Integration Programs By-Law*.

Modified by Bylaw no. 442-1 in force on May 6, 2015.

2.1.3 Submission of the application

The applicant of a demolition application must submit a written request in 1 copy, as well as the plans and documents required by section 2.1.4 of the present by-law.

2.1.4 Content of the application

The applicant of a demolition application must submit a written request on the form provided by the designated official and submit the following plans and documents:

1. Complete contact details of the owner (name, address and telephone number);
2. In the case where an application is submitted by an authorized representative, a proxy signed by owner authorizing the representative to act on his/her behalf;

Provisions Relating to the Eligibility and Processing of an Application

3. The property title for the immovable contained in the application to confirm the applicant's ownership;
4. A description of the lot or parcel on a cadastral plan or a certificate of location;
5. Recent photographs, taken no more than 30 days before the application's submission, of buildings, structures, projects and lot;
6. The building's current occupation and when applicable, the measures to be undertaken to relocate tenants or the date since which it has been vacant;
7. The grounds justifying the application for authorization to demolish;
8. An expert's report on the general state of the immovable, prepared by a professional;
9. A heritage study of the immovable prepared by a professional;
10. The program for the reuse of vacated land, including all plans and documents required by the *Permits and Certificates By-Law* or any other applicable by-law;
11. Timeframes for demolition and reconstruction work.

The plans and documents required in the present section are added to those required by the *Permits and Certificates By-Law* in the case where a permit or certificate application is submitted.

2.1.5 Proxy

If the applicant requesting the authorization for demolition is not the owner of the building, structure or lot described in the application, he/she must include a proxy upon submission of the application, signed by the owner and authorizing him/her to submit the application.

2.1.6 Application Fees

The fees applicable to the review and processing of a demolition application are set at \$600.

In all cases, these fees are non refundable.

These fees do not cover the fees applicable to the issuance of a permit or certificate.

Provisions Relating to the Eligibility and Processing of an Application

Division 2.2: Constitution of the Demolition Committee

2.2.1 Demolition Committee's composition

The Demolition Committee is composed of 3 members of the Municipal Council.

A Council member who ceases to be a committee member before the end of his/her mandate, or who cannot act or who has a direct or indirect personal interest in a file that is presented before the Demolition Committee, is replaced by another designated Council member to serve for the non-expired duration of the term, or for the duration of the inability to act or for the duration of the review of the file in which he/she has an interest, according to the circumstances.

2.2.2 Term of mandate for Demolition Committee members

The term of the mandate of the Demolition Committee members is one (1) year and the mandate is renewable.

2.2.3 Mandate of Demolition Committee members

The mandate of the Demolition Committee is to accept or refuse applications to authorize the demolition of an immovable subject to the present by-law and any other power conferred to it by law.

The Demolition Committee has decisional powers and its meetings are public.

Division 2.3: Processing of the Application

2.3.1 Complete application

The demolition application is considered to be complete once the fee for review has been paid and all required documents and plans have been submitted to the designated official.

2.3.2 Verification of the application

The designated official verifies the conformity of the application with the present by-law and urban planning by-laws. At the request of the designated official, the applicant must provide all additional information required for the proper understanding of the application.

2.3.3 Transmission of the application to the Demolition Committee

Once the application is complete and the designated official has verified the conformity of the application, the demolition application is transferred to the Demolition Committee for review within 60 days.

Provisions Relating to the Eligibility and Processing of an Application

2.3.4 Public Notice

At least 15 days before the holding of the meeting, at which the Demolition Committee will review and issue a decision on an application for an immovable's demolition, the Town Clerk shall publish a notice in conformity with the requirements of the law.

Notice of the application must be posted at the same time on the concerned immovable in a location that is easily visible from the street to persons passing by the property.

The fee for the publication of the public notice is included in the fee set in section 2.1.6.

2.3.5 Notice to tenants

The owner shall provide, by registered or certified mail, notification of the demolition application to each tenants of the immovable.

2.3.6 Objection to demolition

Any person with the intent of objecting the demolition shall, within 10 days of the public notice's publication or within the 10 days following the posting of the notice on the concerned immovable, state his/her objection and reasons for the objection, in writing to the Town Clerk.

Before rendering its decision, the Demolition Committee must consider the objections received.

Furthermore, the Demolition Committee can hold a public meeting, as it considers appropriate.

2.3.7 Acquisition of an immovable subject to demolition

When the concerned immovable contains one or more dwellings and as long as the Demolition Committee has not rendered its decision, a person wishing to acquire this immovable with the intent of conserving rental housing units, can write to the Town Clerk to request a delay in order to undertake the necessary steps to acquire the immovable.

If the Demolition Committee deems that proper justification exists, it can delay its decision and grant the potential acquirer a timeframe of no more than 2 months from the end of the hearing to allow negotiations to occur. The Demolition Committee cannot delay its decision for this purpose more than once.

2.3.8 Decision of the Demolition Committee

The Demolition Committee grants authorization if it is convinced the demolition is desirable for both public interest and the interest of the applicant, with the following considerations:

1. The state of the buildings for which the demolition is requested, particularly in terms of their deterioration (external, structural, foundation, etc.) and the decrease in their value due to the damages, the deterioration and the impact of the condition of the buildings on the neighborhood (the value of the land may be assessed separately from the value of the buildings to be demolished);
2. The heritage and historical value of the buildings for which the demolition is requested;

Provisions Relating to the Eligibility and Processing of an Application

3. The cost of restoration or refurbishment;
4. The projected use of the vacated land, on the premises of the demolition or elsewhere on the property and its contribution to enhancing the architectural, landscape and visual quality of the property and the Village. If the use of the proposed vacated land does not entail a new building, the value of this work is assessed on the quality of the environment and the land value of the property (the value of the land may be assessed separately from the value of the replacement project);
5. The prejudice caused to tenants;
6. Housing needs in the sector and the possibility of relocating the tenants;
7. Any other pertinent criteria.

The Committee's decision on the demolition must be justified and be transferred without delay to all involved parties, by registered or certified mail.

Modified by Bylaw no. 442-1 in force on May 6, 2015.

2.3.9 Approval of the preliminary program for the reuse of vacated land

The Demolition Committee shall refuse the application if the preliminary program for the reuse of vacated land was not been approved or if the applicable fees were not paid.

The program for the reuse of vacated land cannot be approved unless it is in conformity with the urban planning by-laws, including a review within the *Site Planning and Architectural Integration Programs By-Law*. To determine this conformity, the Demolition Committee must consider the by-laws in force at the moment the program is submitted, except in the case where the issuance of a building permit for the proposed program is suspended by a notice of motion.

When the issuance of the permit is suspended, the Demolition Committee cannot approve the program before the suspension's expiry or the coming into force of the modifying by-law for which notice of motion was adopted if the coming into force precedes the suspension's expiry; the Committee's decision is then rendered in consideration of the by-laws in force at the time of the decision.

2.3.10 Conditions for an authorization to demolish

When the Demolition Committee grants authorization, it can impose any condition relating to the immovable's demolition or to the reuse of the vacated land.

It can notably:

1. Set the timeframe in which demolition work must begin and be completed. With reasonable grounds, the Demolition Committee can modify the set timeframe, provided the request was made prior to the timeframe's expiry;
2. Request a monetary guarantee for the carrying out of the program for the reuse of vacated land, prior to the issuance of the certificate of authorization for demolition, the amount of which cannot exceed the value of the immovable to be demolished on the assessment roll;

Provisions Relating to the Eligibility and Processing of an Application

3. Determine the conditions of a tenant's relocation, when the immovable contains one or more dwellings.

2.3.11 Appealing the Demolition Committee Decision

Any person may, within 30 days of the Demolition Committee's decision, appeal the decision before Council.

Any member of Council, including a Demolition Committee member, can sit on Council to hear an appeal submitted in accordance with the first paragraph.

The Council can confirm the Demolition Committee's decision or render any decision the Committee should have taken.

2.3.12 Permit or certificate issuance

No certificate of authorization for a demolition can be issued by the designated official in accordance with the present by-law and with the *Permits and Certificates By-Law* before the expiry of the 30-day timeframe mentioned in section 2.3.11, nor if there was an appeal in accordance with this section, before the Council issued a decision authorizing a demolition.

2.3.13 Execution of demolition work

If the demolition work is not completed in the set timeframe, the Council can carry them out and recover the costs from the owner. These costs become a priority lien on the lot where the immovable is located, with the same title and rank as the debt identified in paragraph 5° of section 2651 of the Civil Code; these costs are guaranteed by a legal hypothec on the lot.

2.3.14 Obligations of the landlord

A landlord who has obtained an authorization to demolish may evict a tenant in order to demolish a dwelling.

However, a tenant cannot be forced to leave his/her dwelling before the expiry of the lease or the expiry of a three-month delay starting from the date of the certificate of authorization's issuance, whichever event comes latest.

The landlord must pay an indemnity equivalent to three months rent to the evicted tenant, as well as his/her moving expenses. If the claim for damages for the prejudice the tenant has endured exceeds this sum, the tenant can file his/her claim with the *Régie du logement* for the appropriate amount.

The indemnity is payable upon the tenant's departure and the moving expenses, on presentation of supporting documents and receipts.

2.3.15 Expiry of an authorization to demolish

If the demolition work is not undertaken before the expiry of the timeframe established by the Demolition Committee, the demolition authorization becomes null and void.

Provisions Relating to the Eligibility and Processing of an Application

If at the expiry date of this timeframe, a tenant continues to occupy his/her dwelling, the lease is rightfully extended and the landlord can file a request within the month to the *Régie du logement* to have the rent set.



BY-LAW REGULATING THE DEMOLITION OF IMMOVABLES N^o 442

CHAPTER 3:

Final Provisions

Final Provisions

Division 3.1: Penal Provisions and Coming into Force

3.1.1 Infractions and penalties

Whoever proceeds with the demolition of a building governed by this By-Law without a certificate of authorization or against the terms of the demolition certificate of authorization commits an offense and is liable to a fine of at least \$ 5 000 and of no more than \$ 25,000.

Furthermore, the offender shall reconstitute the demolished immovable. If the offender does not reconstitute the property in compliance to this by-law, the Council can have the work carried out and recover the costs from the owner. These fees become a priority lien on the lot where the property is located, with the same title and rank as the debt identified in paragraph 5° of section 2651 of the *Civil Code*; these fees are guaranteed by a legal hypothec on the lot.

3.1.2 Infractions and penalties relating to verification of the work

At all times during the carrying out of demolition work, a person in authority on site must have in his possession a copy of the certificate of authorization. The designated official may enter, at any reasonable hour, the premises where the work is taking place in order to verify if the demolition is in conformity with the Demolition Committee's decision. On request, the designated official must identify himself/herself and show identification issued by the Village and granting him/her authority.

The following persons are liable to a maximum fine of \$500:

1. Whomever prevents the designated official from entering the premises where the demolition work is taking place;
2. A person entrusted with the carrying out of the demolition work who, being on the premises where the work is taking place, refuses to show a copy of the certificate of authorization upon request by the designated official.

3.1.3 Coming into force

The present by-law comes into force in conformity with the law.

George McLeish, Mayor

Joanne Bouclin, Town Clerk