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**BY-LAW 634-2022**  
**Regarding the demolition of immovables**

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EXPLANATORY NOTE

*The present by-law establishes the regulations governing the processing of requests pertaining to demolitions pursuant to the provisions of the Act respecting land use planning and development (RLRQ, ch. A-19.1).*

*It stipulates the categories of subjected immovables and provides for the constitution of a demolition committee comprised by three municipal council members.*

*Every demolition of an immovable must only be done following the issuance of an authorization certificate by the Municipality.*

*In order to obtain such a certificate, the By-law specifies the processing of each request, the required documents as well as public notices to be published with regards to the nature of the pertinent immovable and its heritage character, if applicable.*

*The By-law will add an additional protection to the buildings recognized in the local cultural heritage as well as for any immovable which could be the subject of a particular protection by the Federal or Provincial governments.*

*It provides the possibility, for the applicant of an authorization certificate, to request a preliminary notice as well as the conditions required for this option.*

*Also, the By-law establishes the decisional power of the demolition committee and provides the municipal council with the power to review, under certain circumstances and following certain stipulated terms.*

*Finally, in compliance to the recent legislative changes made by the Act respecting land use planning and development, the By-law sets the terms of the power of disallowance for the MRC Council.*

*The By-law enacts the possibility, for the demolition committee, to authorize the issuance of an authorization certificate under certain conditions, depending on the case.*

*The By-law provides for fines for offenders and against any person hindering a designated official or competent authority from exercising their designated power.*

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WHEREAS THAT many provisions of the Law impose the obligation of adopting a regulatory framework aimed at establishing management norms regarding the demolition of immovables;

CONSIDERING the obligations set forth by Chapter V.0.1 of section I of the Act respecting land use planning and development (RLRQ, ch. A-19.1) regarding the demolition of immovables;

WHEREAS THAT Article 148.0.3 of the Act respecting land use planning and development enacts the obligation of constituting a demolition committee;

CONSIDERING the Municipality's Urbanism plan;

CONSIDERING the Municipality's 2020-2030 strategic vision;

WHEREAS THAT a notice of motion was given by Councillor Carole Patenaude at the regular Council meeting of March 9<sup>th</sup>, 2022;

WHEREAS THAT the draft By-law was presented to Council and explained by the Director general at the regular meeting of March 9<sup>th</sup>, 2022;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Goal** – The goal of the present by-law is to allow for the Municipality to comply with the requirements provided for in the Act regarding the demolition of immovables throughout the territory.

2. **Objectives** – The objectives of the By-law are to support the complete process regarding the processing of requests pertaining to the demolition of immovables.

3. **Definitions** – In the present by-law, unless otherwise specified, the terms are defined as follows :

**Competent authority** : Any employee of the Urbanism and Environment department and any other person duly designated by Council;

**Committee** : Demolition committee constituted as per Article 148.0.3 of the Act respecting land use planning and development;

**Council**: Municipal council of Morin-Heights;

**Demolition**: Dismantling, moving or complete or partial destruction of an immovable;

**Dwelling**: Dwelling within the meaning of the Act respecting the Administrative Housing Tribunal (RLRQ, chapter R-8.1).

**Heritage immovable**: An immovable recognized in accordance with the Cultural Heritage Act (RLRQ, chapter P-9.002), an immovable located within the heritage site in accordance to this same Act, an immovable targeted by the Canada Historic Sites and Monuments Act (LRC (1985), chapter H-4) or an immovable registered in an inventory of immovables having a heritage value in accordance to Article 120 of the Cultural Heritage Act.

CHAPTER 2: SCOPE AND GENERAL RULE

4. **Administration and application of the by-law** – The competent authority is responsible for the administration and application of the present by-law.

It may exercise the stipulated powers and deliver notices of infringement in the Municipality's name regarding any infringement to a provision of the present By-law.

5. **Subjected immovables** – The demolition of an immovable is prohibited unless its owner has been authorized for this purpose in accordance to the present by-law.

Notwithstanding the first paragraph, the present by-law does not apply in the following cases:

- a) the demolition of an accessory building within the meaning of the Zoning by-law in effect;
- b) the demolition of an immovable belonging to the Municipality;
- c) the partial demolition of an immovable representing 15 % or less of the ground surface area without regard to the foundations;
- d) the demolition required by the Municipality of an immovable built against the Urbanism by-laws;
- e) the demolition ordered as per Articles 227, 229 and 231 of the Act respecting land use planning and development;
- f) the demolition of an immovable having lost over half (50 %) of its value listed on the valuation role in effect at the time of a fire or disaster with the exception of an immovable registered with the provincial or local cultural heritage;
- g) the demolition of an immovable threatened by an imminent disaster by the meaning of Civil protection Act (RLRQ, chapter S-2.3).

6. **Targeted person** – Any property owner wanting to proceed to the demolition of an immovable is concerned by this By-law.

7. **Demolition committee** – Constitutes a demolition committee comprised of three (3) council members.

This committee may establish internal management regulations.

Its president is named by Council.

### CHAPTER 3 : PROCESSING OF REQUESTS

8. **Authorization certificate** – Any property owner wanting to proceed with the demolition of an immovable must, beforehand, obtain an authorization certificate issued by a competent authority pursuant to an authorization to demolish obtained by the committee or council, if required.

9. **Demolition authorization request** – Each request for an authorization to demolish an immovable must be forwarded to the competent authority, by the owner of the property to be demolished or its representative on the form provided for this purpose.

The property owner or representative must, if necessary, provide the following information and documents:

- a) The name and coordinates of the property owner, his representative, contractor, engineer, architect or any other person responsible for the work;
- b) A copy of any title establishing that the applicant is the owner of the specified property or a document specifying that he holds a purchase option on this property;
- c) A proxy given by the property owner establishing the mandate of any authorized person to act on his behalf, if necessary;
- d) A detailed description of the condition of the property to be demolished (ex. : physical state, description of architectural components, identification of faulty elements);
- e) Indoor and outdoor photographs of the immovable;
- f) Photographs of the land on which the immovable is located as well as of the neighbouring properties;

- g) A location and layout plan to scale of the immovable to be demolished;
- h) A summary regarding the reasons justifying the demolition;
- i) A detailed estimate of the costs of restoring the immovable;
- j) A preliminary program for the reuse of the vacant land including the following information and documents:
  - i) The timeline and probable costs of the demolition work and reuse of the vacated land;
  - ii) The use of projected construction;
  - iii) Plans for informal construction and colored elevations of all exterior façades. These plans must indicate the number of floors, total height of the construction, exterior siding material, immovable's dimensions, location of openings and other architectural components and roof pitch;
  - iv) A coloured viewpoint of the projected construction in its surrounding environment;
  - v) The development plan for any new projected construction as well as the plan for any projected cadastral operation which must be prepared by a land surveyor. These plans must show all of the elements which are susceptible in providing a good understanding of the preliminary plan for the reuse of the vacated land, notably in such a non-restrictive way, the dimensions of each projected construction and its distances relating to the property lines;
  - vi) The exterior development plan and proposed landscape including parking areas, loading and unloading and transition, fences, hedges and septic installations;
  - vii) In the case of a contaminated property, the deadline for the work and the probable costs of such work;
  - viii) Any other necessary document or information for the better understanding of the proposed project or the use of the land pursuant to the demolition.
- k) The deadline and probable cost of the demolition work;
- l) The description of the methods of demolition and disposal of material;
- m) In the case of an immovable which includes one or more dwellings, the property owner's declaration indicating that each tenant has been notified in writing, of his intention to obtain an authorization for demolition from the committee;
- n) In the case of an immovable comprised of many dwellings, the conditions regarding the relocation of tenants;
- o) In the case of a heritage immovable, a heritage study undertaken by an expert in the field;
- p) Any other document or information necessary for the better understanding of the request.

Despite what precedes, providing a document as specified in paragraphs j and o of the present Article may be submitted after the Committee will have rendered a positive decision regarding the request for an authorization certificate instead of before the study of this request, in such case, the authorization for demolition is conditional to the confirmation, by the committee, of its decision pursuant to the analysis of the document.

10. **Preliminary notice** – Each applicant may ask the committee, by indicating on the demolition authorization request form, a preliminary notice regarding the admissibility of their program regarding the reuse of the vacated land or the demolition of the immovable.

The committee's preliminary notice must be motivated and forwarded to the applicant without delay.

11. **Cost of the request** – The cost of each authorization request or preliminary notice is established as per the by-law regarding the pricing of municipal services in effect.

It is non refundable.

An authorization certificate cannot be delivered until the fee is paid by the applicant.

12. **Preliminary exam** – The competent authority examines the request and verifies if all of the required information and documents have been presented.

The request is then forwarded to the committee.

If the information and documents are incomplete or imprecise, the exam is suspended until the required information and documents will have been presented by the applicant.

13. **Expiration of the request** – The authorization request becomes obsolete if the applicant has not remitted all the required documents and information within three months from the presentation of the request.

When an authorization request has become obsolete, the applicant must once again pay for the costs related to another request.

Failure to do so within 30 days following the expiration of the deadline, it will be reputed as having withdrawn his request.

#### CHAPTER 4: INFORMATION AND CONSULTATION

14. **Notice to tenants** – Each applicant must forward, by registered or certified mail, upon presentation of the authorization request for demolition, a notice regarding this matter to each of the immovable's tenants.

15. **Public notice and posting** – Upon completion of the authorization request and after the payment of the required costs will have been acquitted, a notice must be visibly posted for those passing onto the concerned immovable and published without delay in accordance to By-law (619-2021) regarding the terms of publication of public notices;

These notices must identify the date, hour, location and subject of the committee's meeting at which will be statued the demolition of the immovable and reproduce the wording of Article 17 of the present by-law.

16. **Forwarding to the Ministry** – When the request pertains to a heritage immovable, a copy of the public notice must be forwarded without delay to the Quebec Ministry of culture and communications.

17. **Opposition** – Any person wanting to oppose a demolition must, within 10 days of the publishing of a public notice or, failure to do so within 10 days following the posting of a notice on said building, must make their opposition known in writing to the Municipality's registrar.

18. **Obtaining a delay** – When the building specified in said request pertains to one or many dwellings, a person wanting to purchase this building to preserve the residential rental quality must, as long as the committee has not rendered its decision, intervene in writing to the Municipality's registrar to request a delay in order to continue the process for the acquisition of the building.

Such an intervention must also be presented by a person wanting to acquire the specified heritage with an authorization request for the demolition to preserve its heritage character.

If the committee estimates that the circumstances are justified, it postpones rendering a decision and grants the requestor a delay of no more than two months from the date of the meeting to allow for negotiations.

The committee can only postpone its decision for this motive but once.

#### CHAPTER 5: COMMITTEE'S DECISION

19. **Criteria and mandatory considerations** – Before rendering any decision, the committee must:

- a) Consider the heritage value of the building and, if necessary, its recognition status as per the Cultural Heritage Act;
- b) Consider, in the case of a heritage building, the building's history, its contribution to local history, its degree of authenticity and integrity, its representation of current particular architecture and its contribution for what will be preserved;
- c) Consider, among others, the following elements :
  - i) The condition of the property specified in the request;
  - ii) The deterioration of the quality of life for the neighbourhood;
  - iii) The impact on the loss of heritage building within its environment;
  - iv) The cost of restauration;
  - v) The projected use of cleared land;
  - vi) When the building includes one or more dwellings, the prejudice caused to tenants and the effects on the housing needs for the neighbourhood;
  - vii) Any other pertinent criteria;

20. **Committee's decision** - The committee grants or refuses the authorization request.

The committee's decision must be motivated.

21. **Conditional authorizations** – When the committee grants the authorization, it may impose any condition pertaining to the demolition of the building or the reuse of the cleared land.

It may notably and not be limited to:

- a) Set the timeframe in which the demolition work and reuse of cleared land must be done and completed;

- b) In the case of a program for the reuse of cleared land which has not been approved would require that such program be submitted for the committee's approval;
- c) Require that the property owner provide to the competent authority, before the delivery of an authorization certificate, a monetary guarantee to ensure the implementation of the program for the reuse of cleared land and the respect of any imposed condition by the committee.
- d) Determine the conditions for the relocation of a tenant when the building is comprised of one or more dwellings.

22. **Transmission of the decision** – The committee's decision regarding the issuance of the authorization certificate must be forwarded without delay to those concerned, by registered or certified mail.

The decision is accompanied to a notice which explains the applicable regulations stipulated in Articles 23 to 25 and 29 of the present by-law.

#### CHAPTER 6 : REVISION OF THE DECISION

23. **Revision delay** - Anyone may, within 30 days of the committee's decision, ask Council to revise this decision by forwarding a request in writing to the Municipality's registrar.

Council may, of its own command, within 30 days of the committee's decision which authorizes the demolition of a heritage building, adopt a resolution expressing his intention to revise its decision.

24. **Admission to assist** – Any Council member, including a committee member, may assist council with the revision of a decision made by the committee.

25. **Decision made by Council** – Council may confirm the committee's decision or render any decision which should have been taken.

Council's decision must be motivated.

26. **Notification of the decision** – Council's decision must be forwarded without delay to the concerned party.

#### CHAPTER 7 : DISALLOWANCE PROCEDURE

27. **Notice to the MRC** - When the committee authorizes the demolition of a heritage building and its decision is not brought to revision while applying Article 22 of the present By-law, a notice of its decision must be notified without delay to the Municipality regional county des Pays-d'en-Haut.

A notice of the decision made by Council which is being revised by a committee's decision, when Council authorizes such a demolition, must also be notified to the Municipality regional county des Pays-d'en-Haut without delay.

The notice is accompanied by copies of every document provided by the applicant.

28. **Power of disallowance** - The Council of the Municipality regional of county des Pays-d'en-Haut may, within 90 days of receipt of the notice, disallowance the committee or council's decision.

It may, when the Municipality regional of county is endowed with a local heritage council as per Article 117 of the Cultural Heritage Act - (chapter P9.002) consult it before exercising its power of disallowance.

A resolution adopted by the Municipality regional county as per the first paragraph is justified and a copy is forwarded without delay to the Municipality and to any party involved, by registered or certified mail.

29. ***Timeframe before the issuance of a certificate*** – An authorization certificate cannot be delivered by a competent authority before the expiration of a 30-day delay as stipulated in Article 23 of the present By-law.

Should there be a revision as per Article 23 of the present By-law, a demolition authorization certificate cannot be issued before Council has rendered a decision authorizing the issuance of said authorization certificate.

When Chapter 7 regarding the disallowance procedure applies, an authorization certificate for demolition cannot be issued before one of the following expeditious dates :

- a) The date which the MRC notified the Municipality that it intends on taking advantage of the power of disallowance stipulated in Article 28 of the present By-law;
- b) The expiration of the 90-day delay stipulated in Article 28 of the present By-law.

30. ***Monetary guarantee*** – If the Committee imposes one or more of the conditions relating to the demolition of a building or to the reuse of the cleared land, when an authorization for demolition has been granted, it may require that the applicant provide the Municipality with a monetary guarantee for the respect of the conditions before the delivery of the authorization certificate.

The amount of the monetary guarantee cannot exceed the value listed on the real estate evaluation role of the property to be demolished.

This monetary guarantee must be provided by certified cheque, a cash deposit or an irrevocable letter of guarantee without conditions for the duration of one year.

This guarantee must be renewed before its expiration, if applicable and for as long as the applicant has not respected all of the conditions imposed by the committee.

It is refunded, if necessary, without interest.

An amount corresponding to 90 % of the monetary guarantee required by the committee may however be given to the applicant when:

- a) The cost of the work done as per the program for the reuse of cleared land exceeds the value of the guarantee and if said program stipulates the construction of a new building when the exterior envelope of the building is has been completed and
- b) The conditions imposed by the Committee have been met.

The balance, corresponding to 10 % of the guaranteed monetary value, can only be remitted when the work specified in the program for the reuse of cleared land has been completed.

When the work has not been completed within the specified timeframe or under the conditions imposed by the committee have not been respected, the Town may deposit the monetary guarantee.



31. **Modifications to the conditions** - The conditions regarding the demolition of an immovable or the reuse of cleared land may be modified by the committee at the owner's request.

The timeframe in which the work pertaining to the demolition and the reuse of the cleared land must be undertaken and completed may also be modified by the committee, for reasonable motives, as long as a request is made before the expiry of this timeframe. .

Every request for a major modification to the conditions regarding a request for authorization is processed as a new request.

32. **Transfer to a third party** – When the immovable concerns, in whole or in part, the transfer to a third party before the work has been fully completed, the new owner may continue the work before having obtained, in accordance to the provisions of the present by-law and the By-law regarding permits and certificates in effect, a new demolition authorization certification.

When the immovable concerns, in whole or in part, the transfer to a third party during the work or after the completion of the work, the person who has provided the Town with a required monetary guarantee continues to be subjected to the obligation of remaining in effect as long as the condition imposed by the committee have not been met unless the new owner has presented a new monetary guarantee required by the committee which must comply to Article 29 of the present By-law.

When the immovable concerns, in whole or in part, the transfer to a third party, the Town may cash in the monetary guarantee which was provided by the seller if the new owner does not undertake the work or does not meet the conditions imposed by Council.

#### CHAPTER 8 : FINAL PROVISIONS

33. **Demolition without authorization or non-respect of the authorization certificate** – Whomever proceeds with or begins the demolition work without the committee's authorization or against the conditions specified on the authorization certificate is liable to a fine of at least \$ 10,000 and up to \$ 250,000.

However, the maximum fine is \$ 1 140,000 in the case of a demolition, by a corporation, of an immovable registered in accordance to the Cultural Heritage Act (RLRQ, chapter P-9.002) or located on a heritage site as per said Law.

34. **Hindrance** – Whomever hinders a municipal employee from entering the location where the demolition is taking place in order to verify if the demolition complies with the committee's decision or if the person responsible for the demolition work on the worksite refuses to provide, upon request of the municipal employee, a copy of the authorization certificate, is liable to a fine of at least \$ 100 and up to \$ 500.

35. **Building reconstruction** – Along with fines which any offender may be responsible for paying as per the present by-law, they must rebuild the illegally demolished building.

Failure for the offender to rebuild the building in accordance to the By-law, Council may undertake the work and the costs will be the offender's responsibility.

These costs are considered as a preferred creditor status for the property where the building was located in the same way and same rank as creditors specified in paragraph 5 of Article 2651 of the Quebec Civil Code (RLRQ, ch. CCQ-1991).

36. **Automatic cancellation of the certificate** - An authorization certificate is revoked if one of the following conditions is met :

- a) Demolition work has not begun or has not been completed within the timeframe set by the committee;
- b) The municipal By-laws and declarations specified in the request have not been respected;
- c) Erroneous documents with regards to one of the provisions of the present By-law have been presented;
- d) The conditions specified at the issuance of the authorization certificate have not been respected by the applicant.

37. **Individuals authorized to issue notices of infringement** – The following individuals are responsible for applying the present By-law are authorized to issue a notice of infringement regarding any infringement to the present By-law:

Director, Urbanism and environment department  
Inspectors of the Urbanism and environment department  
Director, Fire department  
Director, Public works and infrastructure department  
Foreman, roads and mechanics  
Foreman, aqueduct, parks and buildings  
Director general

38. **Infringement termination** – When an infringement specified by the present By-law continues for more than one day, it constitutes a distinct infringement for each day during which it lasts.

39. **Expenses incurred** – All expenses incurred by the Town pursuant to the non-respect of one or any article in the present By-law will be entirely paid for by the offender.

40. **Precedence of the By-law** – The provisions of the By-law have precedence over any precedence to the contrary included in another By-law or policy.

41. **Entering into effect** – The By-law enters into effect in accordance to the Law.



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Timothy Watchorn  
Mayor



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Hugo Lépine  
Director general / Registrar-treasurer

We, head of Council and registrar-treasurer, certify that the dates of approval required by Law and recorded in this certificate are valid.

Given in Morin-Heights, this 12<sup>th</sup> day of May 2022.