



Bienvenue à  
*Baie-D'Urfe!*

**BY-LAW RESPECTING  
THE DEMOLITION OF  
IMMOVABLES**

**NO. 1116**

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PROVINCE OF QUEBEC  
TOWN OF BAIE-D'URFÉ

BY-LAW NO. 1116

BY-LAW RESPECTING THE  
DEMOLITION OF IMMOVABLES

NOTICE OF MOTION: X 2025  
ADOPTION: X 2025  
COMING INTO FORCE: X 2025

Amendments to the By-law

By-law number	Effective Date

THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:

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## **CHAPTER 1 : DECLARATORY, INTERPRETIVE, ADMINISTRATIVE, AND TRANSITIONAL PROVISIONS**

### **Division 1.1 : Declaratory provisions**

#### **1.1.1 : Title of the by-law**

This By-Law bears the title of “*By-Law respecting the Demolition of Immovables*” and the number 1116.

#### **1.1.2 : Replacement**

This By-Law replaces by-law number 1060, entitled “By-Law concerning the Demolition of Immovables of the Town of Baie-d’Urfé,” as modified by all its amendments as well as any other incompatible provision of another by-law in effect.

This replacement does not affect the permits and certificates that were legally issued under the authority of the by-law replaced hereby, nor the rights acquired before this By-Law came into force.

#### **1.1.3 : Scope of the by-Law and applicable territory**

This By-Law applies to the entire territory of the Town of Baie-D’Urfé.

#### **1.1.4 : Persons subject to this by-law**

This By-Law shall be binding upon any person established for a public or private interest, as well as any legal or natural person.

#### **1.1.5 : Compliance with other regulations, by-laws or laws**

Compliance with this By-Law shall not exempt a person from compliance with any other law or regulation of the provincial or federal government as well as any other applicable municipal by-law.

**1.1.6 : References**

Any reference to another by-law contained in this By-Law is open, such that it includes any amendment that may be made to any other by-law referred to herein after this By-Law has come into force.

**1.1.7 : Adoption in parts**

The Municipal Council of the Town of Baie-D'Urfé hereby declares that it adopts this By-Law chapter by chapter, division by division and section by section, paragraph by paragraph, and sub-paragraph by sub-paragraph, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other parts of the By-Law, unless the meaning and the scope of the By-Law or one of its provisions is altered or modified thereby.

## **Division 1.2 : Interpretive provisions**

### **1.2.1 : By-law structure**

The numbering method used in this By-Law is the following (when the text of a section does not include numbering for a sub-paragraph or a clause, it is a paragraph):

1. Chapter

1.1 Division

1.1.1 Section

Paragraph

1. Sub-paragraph

a) Clause

### **1.2.2 : Interpretation**

When two (2) standards or provisions in this By-Law apply to a use, building, lot or other object governed by this By-Law, the following rules apply:

1. The particular standard or provision shall prevail over the general provision;
2. The more restrictive shall prevail.

Unless otherwise indicated by the context, it is agreed that:

1. use of the verb "MUST" or "SHALL" indicates an absolute obligation;
2. use of the verb "MAY" implies an option, except in the expression "MAY NOT," which means "MUST NOT" or "SHALL NOT";
3. the word "WHOEVER" includes any natural or legal person;
4. words importing the male gender shall include the female gender;
5. words importing the singular shall include the plural and vice-versa;
6. use of verbs in the present tense includes the future;

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The table of contents and the titles of the chapters, divisions and sections of this By-Law are given to improve comprehension of the text. In case of contradiction between the text and the title(s) concerned or the table of contents, the text prevails.

The maps, appendices, tables, charts and symbols and any form of expression other than the actual text and content in this By-Law form an integral part hereof for all legal purposes. In case of contradiction between a table, a chart and the text, the data in the table or the chart prevail.

In the event of a discrepancy between the English version and the French version of this By-Law, the French version shall prevail.

The dimensions, areas and other measurements stated in this By-Law are expressed in the international system of units.

### **1.2.3 : Terminology**

Unless specifically indicated otherwise or unless otherwise indicated by the context, expressions, terms and words have the meaning and the application assigned by the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

## **Division 1.3 : Administrative provisions**

### **1.3.1 : Administration and application of the by-law**

This By-Law is administered and applied by any person referred to hereinafter as “competent authority,” by resolution of the Municipal Council.

### **1.3.2 : Competent authority**

The powers of the competent authority are stated in the *By-Law on the Administration of Town Planning Regulations and on the Issuance of Permits and Certificates*.

### **1.3.3 : Offences and penalties**

Anyone who demolishes an immovable governed by this By-Law or has it demolished without a certificate of authorization to demolish or in violation of the conditions set out in the certificate of authorization to demolish commits an offence and is liable to a fine of not less than \$10,000 and not more than \$250,000.

The maximum fine is however \$1,140,000 in the event that a legal person demolishes a registered immovable under the *Cultural Heritage Act* or an immovable located on a registered heritage site under said Act.

The offender shall also restore the immovable so demolished to its former condition. Where the offender fails to restore the immovable in accordance with this By-Law, the Council may have the work carried out and recover the costs thereof from the offender. Said costs constitute a prior claim on the land where the immovable was located, of the same nature and in the same rank as the claims contemplated in paragraph 5) of article 2651 of the *Civil Code*; said costs are guaranteed by a legal hypothec on said land.

### **1.3.4 : Offences and penalties for the verification of work**

A person in authority on the premises shall be in the possession of a copy of the certificate of authorization throughout the performance of the demolition work. The competent authority may enter, at any reasonable time, the premises where said work is being carried out to verify whether the demolition complies with the decision of the Demolition Committee. Upon request, the competent authority must give his identity and show the certificate, issued by the City, attesting to his status.

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

1. Anyone who prevents the competent authority from entering the premises where the demolition work is carried out;

2. The person in authority who is in charge of carrying out the demolition work refuses to show, at the request of the competent authority, a copy of the certificate of authorization on the premises where said work shall be carried out.

### **1.3.5 : Civil remedies**

In addition to penal remedies, the Town may exercise all civil remedies at its disposal before the courts to ensure that the provisions of this By-Law are observed.

## **Division 1.4 : Transitional provisions**

### **1.4.1 : Notice to the minister of culture and communications**

The competent authority shall, at least 90 days before issuing a certificate authorizing the demolition of an immovable built before 1940, give notice to the Minister of Culture and Communications of its intention, along with any information or document required by the Minister, until all of the following conditions are satisfied:

1. A by-law in accordance with the provisions of Chapter V.0.1 of Title I of the *Act respecting Land Use Planning and Development* (CQLR, c. A-19.1) is in force within the territory of the Town;
2. The inventory specified in the first paragraph of section 120 of the *Cultural Heritage Act* (CQLR, c. P-9.002) has been adopted with respect to the territory of the Town by the Montreal Urban Agglomeration.

## **CHAPTER 2 : DEMOLITION COMMITTEE**

### **Division 2.1 : Committee formation and operational procedures**

#### **2.1.1 : Demolition committee composition**

The Demolition Committee is composed of three (3) members of the Municipal Council designated by resolution of said Council.

A Council member who ceases to be a Committee member before the end of his term of office, who is unable to act, or who has a direct or indirect personal interest in a matter before the Demolition Committee shall be replaced by another Council member designated by resolution of the Council for the unexpired duration of his term, for the duration of his inability to act or for the duration of the hearing on the matter in which he has an interest, as the case may be.

#### **2.1.2 : Term of office of demolition committee members**

The duration of the term of office served by Demolition Committee members is one (1) year and may be renewed.

#### **2.1.3 : Mandate of demolition committee members**

The mandate of the Demolition Committee is to review, accept or reject applications for authorization to demolish an immovable subject to this By-Law and to exercise any other power provided in Chapter V.01 of Title I of the *Act respecting Land Use Planning and Development* (CQLR, c. A-19.1).

#### **2.1.4 : Demolition committee sittings**

The Demolition Committee is a decision-making body and its sittings are held publicly.

The Director of Town Planning or his delegate shall attend all sittings of the Committee and serve in an advisory capacity, but may not vote.

The Director of Town Planning or his delegate shall act as secretary of the Committee.

## **CHAPTER 3 : REQUIRED AUTHORIZATION AND APPLICATION CONTENT**

### **Division 3.1 : Required authorization**

#### **3.1.1 : Unauthorized demolitions prohibited**

No one may demolish, in whole or in part, a heritage immovable or any principal building unless the owner has obtained prior authorization for that purpose from the Demolition Committee.

#### **3.1.2 : Activities covered**

The activities subject to this By-Law are the following:

1. the demolition of a heritage immovable;
2. the demolition of a principal building other than a heritable immovable.

Definition applicable to heritage buildings: For buildings identified as being of heritage interest in Appendix 3 of the Site Planning and Architectural Integration By-law and wether they are classified as « Superior » or « Strong », the following actions are considered to be a « demolition »:

1. Moving a building to another land;
2. The destruction or dismantling of more than 25% of the surface of all exterior walls, including openings, but not foundations, roof or common walls;
3. The destruction or dismantling of all or part of the building affecting the roof or exterior walls;
4. The destruction or dismantling of more than 25% of the footprint of a building.

Definition applicable to buildings: For buildings identified as being of heritage interest in Appendix 3 of the Site Planning and Architectural Integration By-law and wether they are classified as « Medium » or « Low », the following actions are considered to be a « demolition »:

1. Moving a building to another land;
2. The destruction or dismantling of more than 60% of the surface of all exterior walls, including openings, but not foundations, roof or common walls;

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REQUIRED AUTHORIZATION AND APPLICATION CONTENT

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3. The destruction or dismantling of 60% of the horizontal projection of the roof of a building;
4. The destruction or dismantling of more than 60% of the footprint of a building;
5. A combination of the interventions provided for in sub-paragraphs 2,3 and 4 of this section whose total percentage is 100% or more;
6. The progressive destruction or dismantling over a 36 month period, having the effect of constituting one of the actions referred to in sub-paragraphs 1,2,3,4 and 5.

**3.1.3 : Exemptions**

With the exception of a recognized immovable in accordance with the *Cultural Heritage Act* (CQLR, c. P-9.002) or located on a recognized heritage site pursuant to said Act, section 3.1.1 shall not apply to the following types of demolition:

1. the demolition of a building concerned by a demolition order issued by a court;
2. the demolition of a building that has been destroyed or become dangerous due to a fire or some other cause that has reduced its value by at least 50%;
3. the demolition of a building requested by the competent authority, after seeking the opinion of the public safety official (either the Montreal Fire Safety Service (SIM) ou the City of Montreal Police Service (SPVM)), due to the condition of the building, which poses a danger and requires urgent action to secure the safety of the premises and the surrounding area;
4. the demolition of an immovable owned by the municipal or federal government.

## **Division 3.2 : Application content**

### **3.2.1 : Submission of an application for authorization to demolish**

Applicants for authorization to demolish must submit the application to the competent authority by filling out and signing the form for that purpose.

The application shall be submitted in digital format (PDF) along with the following plans and documents (the competent authority may find that certain plans and documents are not required depending on the type of demolition concerned by the application):

1. a document presenting the application which includes at a minimum:
  - a) colour photographs of each exterior side of the immovable concerned as well as, where applicable, colour photos of the exterior sides of neighbouring immovables;
  - b) photographs of the lot on which the immovable concerned is located as well as, where applicable, photographs of neighbouring lots;
  - c) photographs of the interior of each room of the immovable concerned;
  - d) a description of the architectural features of the building, its construction period and the main alterations made to its appearance since it was built;
  - e) photographs of neighbouring immovables that show the environment in which the immovable is located;
  - f) the reasons for demolishing the immovable rather than preserving or restoring it;
  - g) the reasons for demolishing the immovable on the basis of the evaluation criteria set forth in this By-Law.
2. a report on the condition of the building signed by a qualified professional (such as a building structural engineer, architect, etc.) that includes, but is not limited to, the structural quality of the building, the state of its main components and any deterioration observed. The report shall also demonstrate that the building is, where applicable, in such a condition that it may not be reasonably restored;
3. a report on the estimated cost of restoring the building that is signed by a qualified professional and based on the conclusions of the report on the condition of the building contemplated in sub-paragraph 2). The restoration cost shall include the normal costs of such a restoration regardless of the choice of restoration materials desired by the applicant (e.g. a wooden floor shall be considered a normal restoration rather than a marble floor, unless the marble floor is an architectural feature of the building concerned);

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REQUIRED AUTHORIZATION AND APPLICATION CONTENT

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4. a heritage study signed by a qualified professional or a person who possesses heritage expertise that includes, but is not limited to, the heritage value of the building (archeological, architectural, artistic, emblematic, ethnological, historical, landscape, scientific, social, urbanistic or technological value), its state of conservation and the methodology used. The signatory of the study shall be someone other than the person hired to carry out the preliminary program for the utilization of the vacated land;
5. A form that assesses the environmental impact of the demolition compared to a restoration approach, signed by an owner or contractor. This document must also indicate the measures planned, as the case may be, for the reuse or reclamation of materials and waste from demolition or, the site for the disposal of materials and waste from demolition;
6. a document that outlines the sustainable management measures for the demolition site;
7. the details of the preliminary program for the utilization of the vacated land in compliance with the SPAIP regulation in force including the following documents and information:
  - a) a drawing made by a land surveyor showing:
    - i. the siting of both the immovable to be demolished and the adjacent immovables;
    - ii. the location of vehicle and pedestrian entrances to the immovable to be demolished and the adjacent immovables;
    - iii. the location of the existing trees on the lot to be preserved and the trees that will be planted;
    - iv. the paved and green spaces;
    - v. the land use restrictions (zones exposed to landslides, wetlands, bodies of water, flood plains, etc.);
    - vi. where the application concerns a heritage immovable, a street evaluation of the immovable to be demolished that includes the adjacent immovables and indicates the height (ordnance datum) of the roof peak, front porch and crown of the street in front of both the immovable to be demolished and the adjacent immovables.
  - b) where a new structure is proposed, draft architectural plans prepared by a professional for the proposed structure that include:
    - i. the plans for the foundations, basement, standard floors and roof;

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REQUIRED AUTHORIZATION AND APPLICATION CONTENT

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- ii. the elevations of each side of the immovable including, in particular, the names of the exterior cladding materials;
  - iii. cross and longitudinal sections of the entire immovable;
  - iv. where applicable, the use of the proposed structures;
  - i. any other document or information required to properly understand the proposed project and the use of the land after the demolition.
- c) If the foundation does not need to be demolished, the applicant shall provide all required information on the safety measures planned to make the foundation accessible.
- 8. the conditions on which lessees may be relocated when the building includes one or more occupied dwellings;
- 9. all other documents deemed necessary to evaluate the application for authorization on the basis of the criteria specified in this By-Law.

**3.2.2 : Fees for opening and reviewing the application**

Applicants shall pay, upon submitting an application for authorization to demolish an immovable, the amount of \$10,000 payable to the Town of Baie-D'Urfé to cover the cost of the review of the application and the inspection report, as said amount is non-refundable whatever the outcome of the application.

This Section shall not apply when the applicant is the Town of Baie-D'Urfé or when the application for authorization concerns an immovable owned by the Town of Baie-D'Urfé.

**3.2.3 : Complete application**

The application for a demolition is considered complete when the evaluation fees have been paid and all required documents, plans and maps have been submitted to the competent authority.

**3.2.4 : Abandonment of the application**

Applicants are considered to have abandoned their application for authorization to demolish an immovable under this By-Law if they do not modify or complete the application, as the case may be, within six (6) months of the presumed date of receipt of the notice given.

## **CHAPTER 4 : REVIEW AND DECISION OF THE DEMOLITION COMMITTEE**

### **Division 4.1 : Review of the application for authorization to demolish**

#### **4.1.1 : Beginning of the application review**

The Committee begins its review of the application when the Demolition Committee receives the application for authorization to demolish from the competent authority.

#### **4.1.2 : Notice to lessees**

Where the application for authorization to demolish concerns a building with one or more dwellings, the applicant shall send notice of said application to each lessee in the building.

The notice to the lessees shall be sent before the posting period and the public notice provided for in this Division.

The applicant shall submit proof to the competent authority that the notice has been sent to the lessees.

#### **4.1.3 : Posting and public notice**

As soon as the Demolition Committee receives an application for a demolition permit, the competent authority must provide the clerk with the necessary information to publish a public notice.

The public notice shall:

1. be posted on the property concerned by the application and shall be easily visible to passers-by;
2. include the first paragraph of section 148.07 of the *Act respecting Land Use Planning and Development* to specify the procedure for opposing the demolition of the immovable concerned, which reads as follows: "A person wishing to oppose the demolition must do so by writing to the clerk or clerk-treasurer of the municipality, giving the reasons for objecting, within 10 days of publication of the public notice or, failing such notice, within 10 days following the posting of the notice on the immovable concerned.";
3. specify the date, time and place of the Committee sitting;

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4. contain a description of the immovable concerned using the civic number or, failing that, the cadastral number.

#### **4.1.4 : Opposing the demolition**

A person wishing to oppose the demolition shall do so by writing to the Town Clerk, giving the reasons for objecting, within 10 days of the publication of the public notice or, failing such notice, within 10 days following the posting of the notice on the immovable concerned.

#### **4.1.5 : Acquisition of a building concerned by the demolition**

Where the immovable concerned by the application includes one or more dwellings, anyone who wishes to acquire said immovable and preserve it as rental housing may, as long as the Demolition Committee has not rendered its decision, submit a request in writing to the Town Clerk for time to undertake or continue negotiations to acquire the immovable.

The Demolition Committee shall postpone its decision if it believes that the circumstances justify this and grant the requester a period of not more than two (2) months from the end of the hearing to conclude the negotiations. The Demolition Committee may not postpone its decision on such grounds more than once.

#### **4.1.6 : Notice to the local heritage council and the town planning advisory committee**

Where the Demolition Committee receives an application in respect of a heritage immovable and the Town has a local heritage council within the meaning of section 117 of the *Cultural Heritage Act* (CQLR, c. P-9.002), the Committee shall consult said council before rendering its decision.

The Demolition Committee may consult the Town Planning Advisory Committee if it deems this appropriate.

#### **4.1.7 : Application evaluation criteria**

The Demolition Committee reviews the applications for authorization to demolish that are submitted to it based on the following evaluation criteria:

1. the condition of the immovable concerned by the application;
2. its heritage value;

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3. the deterioration of architectural and esthetic aspects or quality of life in the vicinity;
4. the cost of restoring the immovable concerned; the environmental impact of demolishing the immovable rather than restoring it, specifically in terms of the materials and waste resulting from demolition and the sustainable management of the demolition site;
5. the proposed utilization of the vacated land in terms of its contribution to the community and its environmental, social and economic quality;
6. the added value of the proposed utilization of the vacated land for the community compared to the loss of a building, especially in the event that the building is a heritage immovable;
7. where the immovable includes one or more dwellings, the prejudice caused to the lessees and the effects on housing needs in the surrounding area;
8. the housing needs in the surrounding area and the possibility of relocating the lessees.
9. Where the application concerns a heritage immovable, the Demolition Committee shall also consider:
10. the history of the immovable concerned;
11. its contribution to local history;
12. its degree of authenticity and integrity;
13. the extent to which it represents a specific architectural movement;
14. its contribution to preserving a group of buildings.

**4.1.8 : Approval of the program for the utilization of the vacated land**

The Demolition Committee shall likewise reject the application for authorization if the preliminary program for the utilization of the vacated land has not been approved.

The program for the utilization of the vacated land may be approved only if it complies with the by-laws of the Town. To determine whether it is compliant, the Committee shall consider the by-laws in force at the time when the program is submitted to it, except in the case where the issuance of a building permit for the proposed program is suspended by reason of a notice of motion.

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When the issuance of the permit is thus suspended, the Committee shall not approve the program before the suspension expires or before the amending by-law contemplated by the notice of motion comes into force, provided said by-law comes into force prior to the expiration of the suspension; the decision of the Committee is then rendered on the basis of the by-laws in force at the time of said decision.

**4.1.9 : Public meeting**

The Demolition Committee shall hold a public meeting that includes a public hearing. During this meeting:

1. the Committee explains the purpose of the meeting and its agenda;
2. the competent authority presents the application for authorization that has been submitted for review;
3. the applicant explains the reasons for the application, the main conclusions of the supporting reports and documents submitted as well as the preliminary program for the utilization of the vacated land. Where there is no applicant, the competent authority presents said information;
4. anyone may then be heard, whether or not they have filed an opposition under section 4.1.4;
5. the Committee may ask questions to the competent authority, the applicant and anyone who has spoken;
6. the Committee continues its review of the application behind closed doors;
7. the Committee renders its decision.

## **Division 4.2 : Decision of the demolition committee**

### **4.2.1 : Decision of the demolition committee**

The Demolition Committee renders its decision during the public meeting.

The Committee may decide to postpone its decision to a later public meeting if it deems this appropriate. In such case, it shall have a public notice posted in accordance with section 4.1.3 of this By-Law.

### **4.2.2 : Reasoning and transmission of the decision**

The decision of the Committee shall be substantiated and sent immediately by registered mail by the Town Clerk to every party concerned.

The decision shall be accompanied by a notice that explains the rules that apply from all those provided in sections 4.2.4, 4.2.5 and 4.3.1 of this By-Law.

### **4.2.3 : Conditions for authorization**

Where the Demolition Committee grants an authorization, it may:

1. impose any condition for the demolition of the building or the utilization of the vacated land. For information purposes, these conditions may include:
  - a) requiring that a permit or certificate in connection with the program for the utilization of the vacated land be obtained before the certificate of authorization to demolish is issued;
  - b) requiring that the owners of neighbouring immovables be notified during the demolition project;
  - c) requiring sustainable development measures on the demolition and construction sites;
  - d) requiring that measures be taken to reuse, recycle or remove demolition materials;
  - e) requiring the plans included in the permit or certificate application in connection with the program for the utilization of the vacated land to be subject to additional assessment criteria, which shall be set out in the decision, during the assessment referred to in the Site Planning Architectural Integration Program By-law.
2. determine the conditions for relocating a lessee, when the immovable includes one or more dwellings;

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3. set the period of time in which the demolition work shall be undertaken and completed. The Demolition Committee may, on reasonable grounds, change the period of time set, provided that the change is requested before the period of time has expired.

**4.2.4 : Monetary guarantee**

If the program for the utilization of the vacated land is approved, the owner shall provide the Town, prior to the issuance of a permit, with a monetary guarantee of execution of said program in an amount that shall be set as follows:

1. If the value entered on the assessment roll for the building to be demolished is less than \$50,000 at the time of the demolition, the monetary guarantee shall be in an amount equal to the value of said immovable;
2. If the value entered on the assessment roll for the building to be demolished is between \$50,000 and \$100,000 at the time of the demolition, the monetary guarantee shall be in the amount of \$50,000;
3. If the value entered on the assessment roll for the building to be demolished is more than \$100,000 at the time of the demolition, the monetary guarantee shall be in an amount equal to \$50,000 plus 20% of the value of said immovable exceeding \$100,000.

**4.2.5 : Appealing the decision of the demolition committee**

Anyone may appeal the decision of the Demolition Committee before the Council within 30 days of said decision.

Any Council member, including a Demolition Committee member, may sit on the Council to hear an appeal made under the first paragraph.

The Council may confirm the decision of the Demolition Committee or render any decision that said Committee should have made.

**4.2.6 : Notice of the decision to the montreal urban agglomeration and right of disallowance**

Where the Committee authorizes the demolition of a heritage immovable and its decision is not subject to a review pursuant to section 4.2.5, a notice of its decision shall be given immediately to the Montreal Urban Agglomeration. Said Agglomeration shall be given immediate notice of the decision made by the Council in review of a decision by the Committee, when the Committee has authorized such demolition.

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A notice provided in the first paragraph shall be given along with copies of all documents prepared by the owner.

The Agglomeration council may, within 90 days of the receipt of the notice, disallow the decision of the Committee or the Council. It may, when the Agglomeration has a local heritage council within the meaning of section 117 of the *Cultural Heritage Act* (CQLR, c. P-9.002), consult said council prior to exercising its right of disallowance.

A resolution adopted by the Agglomeration pursuant to the third paragraph shall be substantiated and a copy shall be sent immediately to the Town and all other parties concerned, by registered mail.

### **Division 4.3 : Certificate issuance and other terms and conditions**

#### **4.3.1 : Issuance of the certificate of authorization to demolish**

If the Committee grants the authorization to demolish, the competent authority issues the certificate of authorization to demolish on behalf of the Committee. The certificate shall stipulate the conditions, where appropriate, that shall be binding upon the applicant.

A certificate of authorization to demolish may not be issued by the competent authority before the 30-day period specified in section 4.2.5 has expired or, if a review has not occurred pursuant to said section, before the Council has rendered a decision authorizing the demolition.

Where section 4.2.6 applies, a certificate of authorization to demolish may not be issued before the earlier of the following dates:

1. the date on which the Montreal Urban Agglomeration notifies the Town that it does not intend to avail itself of the right of disallowance provided in said section;
2. the expiration of the 90-day period provided in said section.

#### **4.3.2 : Modification of the period of time**

The Demolition Committee may, on reasonable grounds, change the period of time set for the authorization decision, provided that the change is requested before the period of time has expired.

#### **4.3.3 : Cancellation of the authorization**

If the demolition work does not begin before the expiration of the period of time set by the Demolition Committee, the demolition authorization shall be void.

If, upon the expiration date of said period of time, a lessee continues to occupy a dwelling, the lease shall be extended by right and the lessee may, within the month, request the Administrative Housing Tribunal to set the rent.

#### **4.3.4 : Copy of the certificate of authorization to demolish**

A person in authority on the premises shall be in possession of the certificate of authorization to demolish throughout the performance of the demolition work.

#### **4.3.5 : Execution of the demolition work**

If the demolition work does not begin before the expiration of the period of time set by the Demolition Committee, the demolition authorization shall be void. In such a case, the monetary guarantee shall be returned to the owner, subject to the recovery of all costs incurred by the Town under section 4.2.4.

If the work is not finished within the set period of time, the Council may have it carried out and recover the costs thereof from the owner. The costs constitute, after registration, a prior claim on the land where the immovable is located, of the same nature and in the same rank as a municipal tax referred to in paragraph 5 of article 2651 of the *Civil Code of Québec*. These costs are guaranteed by a legal hypothec on this land. The registration of the privilege is made by the filing of a notice by the Town Clerk.

Upon the completion of the exterior of the structure planned in the program for the utilization of the vacated land and subject to the approval of the competent authority, the monetary guarantee of execution shall be returned to the owner.

#### **4.3.6 : Indemnity for lessees**

Lessors who are granted an authorization to demolish may evict lessees to demolish a dwelling.

However, lessors may not force lessees to leave their dwellings before the latter of the following two events: expiration of the lease or expiration of a period of three months from the date on which the certificate of authorization to demolish is issued.

Lessors shall pay to lessees evicted from their dwellings an indemnity of three months' rent and moving costs. If the damages arising from the prejudice suffered by lessees reach a higher amount, they may request the Administrative Housing Tribunal to set the amount of the indemnity.

The indemnity is payable upon the departure of lessees and the moving costs, upon the submission of supporting documentation.

## **CHAPTER 5 : FINAL PROVISIONS**

### **Division 5.1 : Coming into force**

#### **5.1.1 : Effective date**

This By-Law comes into force in accordance with the law.

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Heidi Ektvedt, Mayor

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Marie-Hélène Brunet, Town clerk