

PERMITS AND CERTIFICATES BY-LAW OF VILLE DE BAIE-D'URFÉ

CHAPTER 1..... 1
 DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS..... 1
 1.1 TITLE AND COMING INTO FORCE..... 1
 1.2 ADOPTION BY PART 1
 1.3 REPEALS 1
 1.4 RANGE OF THE PRESENT BY-LAW 1
 1.5 VIOLATION, PENALTIES AND OTHER RECOURSES..... 1
 1.6 INTERPRETATION 2
 CHAPTER 2..... 2
 DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR..... 2
 2.1 BUILDING INSPECTOR 2
 2.2 APPLICATION OF BY-LAWS 2
 2.3 STUDY OF THE APPLICATIONS FOR PERMITS AND CERTIFICATES 3
 2.4 INSPECTION OF SITES AND BUILDINGS..... 3
 2.5 RIGHTS OF INSPECTOR AND OBLIGATIONS OF THE PROPERTY OWNER, THE
 TENANT AND THE OCCUPANT 4
 2.6 CONTRAVENTION 4
 CHAPTER 3..... 4
 CERTIFICATES OF AUTHORIZATION 4
 3.1 REQUIREMENT OF A CERTIFICATE OF AUTHORIZATION 4
 3.2 PRESENTATION OF AN APPLICATION FOR A CERTIFICATE OF
 AUTHORIZATION..... 6
 3.3 FEES..... 8
 3.4 STUDY OF THE APPLICATION 9
 3.5 PRECONDITIONS..... 9
 3.6 ISSUING OR REFUSAL OF THE CERTIFICATE OF AUTHORIZATION 10
 3.7 CONDITIONS FOR THE VALIDITY OF A CERTIFICATE AND RESPONSIBILITIES
 OF THE TOWN..... 10
 CHAPTER 4..... 10
 BUILDING PERMITS 10
 4.1 REQUIREMENT OF A BUILDING PERMIT 10
 4.2 FILING OF BUILDING PERMIT APPLICATION..... 11
 4.3 FEES..... 12
 4.4 STUDY OF THE APPLICATION 13
 4.5 ISSUING OR REFUSAL OF THE PERMIT 13
 4.6 PRECONDITIONS..... 14
 4.7 WATER AND SEWAGE SERVICES..... 15
 4.8 CONDITIONS FOR THE VALIDITY OF PERMITS AND RESPONSIBILITIES OF
 THE TOWN..... 15
 CHAPTER 5..... 16
 ALIGNMENT, CERTIFICATE OF LOCATION AND CERTIFICATE OF OCCUPANCY 16
 5.1 ALIGNMENT AND LEVEL OF THE ROAD..... 16
 5.2 CERTIFICATE OF LOCATION 16
 5.3 PARTIAL CERTIFICATE OF OCCUPANCY 17

CHAPTER 6.....	17
SUBDIVISION PERMIT.....	17
6.1 REQUIREMENT OF A SUBDIVISION PERMIT	17
6.3 FEES.....	18
6.4 STUDY OF THE APPLICATION.....	19
6.5 ISSUING OR REFUSAL OF A PERMIT	19
6.6 PRECONDITIONS.....	19
6.7 CONDITIONS FOR THE VALIDITY OF PERMITS AND RESPONSIBILITIES OF THE TOWN.....	20
CHAPTER 7.....	20
CERTIFICATE OF OCCUPANCY	20
7.1 REQUIREMENT OF A CERTIFICATE OF OCCUPANCY.....	20
7.2 FILING OF AN APPLICATION FOR A CERTIFICATE OF OCCUPANCY	20
7.3 PRECONDITIONS.....	21
CHAPTER 8	
DEMOLITION PERMIT - <i>REPEALED BY BY-LAW 878-28</i> – SEE BY-LAW 1060 CONCERNING THE DEMOLITION OF IMMOVABLES	
CHAPTER 9.....	22
FEES FOR THE STUDY OF APPLICATIONS FOR APPROVAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS	22
9.1. SCOPE	22
9.2. RESIDENTIAL ZONES.....	22
9.3. INDUSTRIAL ZONES.....	22
APPENDIX 1.....	23
DEFINITIONS	23

Chapter 1

DECLARATORY, INTERPRETIVE AND ADMINISTRATIVE PROVISIONS

1.1 TITLE AND COMING INTO FORCE

- a) The present by-law is entitled "PERMITS AND CERTIFICATES BY-LAW OF VILLE DE BAIE-D'URFÉ".
- b) The present by-law will come into force according to law.

1.2 ADOPTION BY PART

If any part of the present by-law was declared illegal and of no effect by a court of justice, such decision would not affect the other parts of the by-law; Council declares by the presents that it adopts this by-law part by part, notwithstanding the fact that one or many parts of it could be declared illegal and of no effect by a court of justice.

1.3 REPEALS

The present by-law repeals all provisions of by-law no. 319, concerning the duties and the powers of the Building Inspector and concerning the issue of permits and certificates.

1.4 RANGE OF THE PRESENT BY-LAW

The present by-law applies to any person or party and to the entire Town of Baie-D'Urfé.

1.5 VIOLATION, PENALTIES AND OTHER RECOURSES

- (Amendt 878-2) (Amendt 878-16) (Amendt 878-22)*
- a) Without prejudice to other recourses of the Town, anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to a fine and such fine shall be, except where defined separately elsewhere in this by-law, of a minimum of fifty dollars (\$50) or a maximum of six hundred dollars (600\$) in any case, and the term of imprisonment shall not be for more than two (2) months in any case, such imprisonment, however, to cease at any time before the expiry of the term fixed by the said judge, upon payment of such fine or fine and cost, as the case may be.

In the case of the felling of any species of tree on the territory of the Town without the prior issuance of a valid certificate of authorization, anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to a fine, and such fine shall be of a minimum of six hundred dollars (\$600) or a maximum of twelve hundred dollars (\$1200).

- b) In addition to penal recourses, the Town can take legal action before the appropriate court of justice to obtain compliance to the present by-law.

- (Amendt 878-2)*
- c) The Town may take other action or cause other actions to be taken according to specific

provisions of this By-Law.

1.6 INTERPRETATION

- a) Unless expressly declared to the contrary or unless the context indicates a different meaning, the expressions, terms and words of which a definition is given in Appendix "1" of the present by-law, shall be held to have the meaning given to them in Appendix "1".
- b) Whatever the tense used in any provision of the present by-law, such provision shall be considered in force at all times and in all circumstances possible.
- c) In the present by-law, unless the context indicates the contrary, the masculine includes the feminine.
- d) In the present by-law, the singular extends to all persons or things of the same kind, whenever the context lends to that extension.
- e) All dimensions and measurements used in the present by-law are international (metric) with, sometimes, the equivalent English dimension or measurement between brackets; in case of non-conformity between the metric and the English value, the metric value shall prevail.
- f) All plans, appendices, tables, diagrams, graphics, symbols and other forms of expression other than the text proper, contained in the present by-law, except the table of contents, form an integral part of the present by-law.
- g) In case of a contradiction between the French and the English version of the present by-law, the French version shall prevail.

Chapter 2

DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR

2.1 BUILDING INSPECTOR

The Town Council of Ville de Baie-D'Urfé is represented in the application of the present by-law by a municipal officer known as the Building Inspector, whose rights and duties are defined in the following articles.

2.2 APPLICATION OF BY-LAWS

Without restricting the scope of responsibilities which might be assigned by the Town Council, the Building Inspector must see to the application of the present by-law, the ZONING BY-LAW, the SUBDIVISION BY-LAW and the CONSTRUCTION BY-LAW of Ville de Baie-D'Urfé.

2.3 STUDY OF THE APPLICATIONS FOR PERMITS AND CERTIFICATES

The Building Inspector must

- a) Study the applications for permits and certificates and, if the projects conform to the present by-law and all the other by-laws applying to the case in point, issue the said permits and certificates, keep a register indicating, in chronological order, the issuing of these permits and certificates; keep copies of all the applications received, the permits, the certificates and the ordinances issued, reports of the tests and inspections undertaken and all the documents related to the application of the present by-law and the other by-laws of which he or she must see to the application.
- b) Submit to the Town Council a monthly statement of the permits and certificates issued and refused.
- c) Advise, when requested, the Building Committee.

2.4 INSPECTION OF SITES AND BUILDINGS

The Building Inspector must

- a) Conduct an inspection of works in progress in order to certify if they conform to the by-laws and to the plans and specifications submitted in support of the demand for a permit or certificate; also conduct, with the permission of Council, an inspection of existing buildings when there is reason to believe that they might be in contravention of the present by-law or any other by-law applying to the case in point;
- b) Conduct an inspection of cranes, winches, service elevators, elevators and other equipment of the same type and ensure that they conform to the by-laws and do not present a danger to persons or property;
- c) Ensure that any landsite with an excavation presenting a danger to the public is adequately fenced in order to ensure at all times the protection of the public;
- d) Ensure that no construction or installation site encroaches on the street right-of-way or, if needed, authorize, at certain conditions, temporary encroachment of construction site installation or operations on the street right-of-way;
- e) Conduct an inspection of buildings which are, in his opinion, unsuitable for occupancy;
- f) Require tests on the materials to be used or already in use for any building and reject or defend the use of any material not responding to the requirements of the by-laws;
- g) Keep up-to-date reports of inspections, contraventions and complaints lodged, and any other reference documents.
- h) Make sure that all building operations in Baie-D'Urfé are conducted safely, with respect to the protection of the public.

2.5 RIGHTS OF INSPECTOR AND OBLIGATIONS OF THE PROPERTY OWNER, THE TENANT AND THE OCCUPANT

- a) The Building Inspector has the right, upon presenting identification, to visit immoveables and enter any building or construction in the process of construction, modification, repair, transport or demolition in order to ensure that all provisions of the by-laws applying to the case in point are observed.
- b) Also, he has the right to enter, between 7.00 a.m. and 7.00 p.m., any building for any purpose of inspection when there is reason to believe that the building is in a dangerous state or defective due to fire or any other cause, or that the building is being used in contravention of the present by-law or any other by-law applying to the case in point.
- c) The property owner, the tenant or the occupant of the said building is obligated to receive the Inspector or his authorized representative. If access is refused, the Inspector must report to Council who will authorize the visit, if satisfied with the reasons put forward by the Building Inspector.

(Amendt 878-2) (Amendt 878-28)

- d) No *provision* of Chapter 2 shall be acted upon in order to lessen the authority provided for in section 16.3 of *By-law 1060 concerning the demolition of immovables*.

2.6 CONTRAVENTION

- a) When he records a contravention to the present by-law or any other by-law of which he must see to the application, the Building Inspector must advise the offender by a registered letter signifying the nature of the contravention and charging the offender to conform to the by-laws.
- b) If the offender does not take into account the given notice, the Inspector must report to the Council who can authorize him to undertake any necessary recourse before the appropriate court of justice.

Chapter 3

CERTIFICATES OF AUTHORIZATION

3.1 REQUIREMENT OF A CERTIFICATE OF AUTHORIZATION

- a) In the entire Town of Baie-D'Urfé, one may not
 - change the use or destination of a landsite or a construction,
 - excavate the ground, whether the objective is to trade or not the earth, the sand, the gravel, the rock or any other material extracted,
 - modify the configuration of a landsite through clearing or backfilling,

(Amendt 878-5) (Amendt 878-9)

 - (Repealed)
 - move, repair or demolish a construction,

- construct, install or modify a public notice, a sign or a billboard,
- install a temporary building or a mobile home,
(Amendt 878-18)
- install, alter or repair ground cover consisting of impermeable material with an area of 2 square metres (21.5 square feet) or more,
(Amendt 878-25)
- carry out any construction, operation or work likely to destroy or alter the plant cover of the riverbank, expose its soil, affect its stability or encroach on the littoral zone,
(Amendt 878-25)
- in the flood plains, carry out any construction, operation or work likely to alter the hydric system, impede the free flow of water during flood periods, disturb animal or plant habitats or jeopardize the safety of people and property.

without obtaining beforehand a certificate of authorization.

(Amendt 878-2)

- b) When the project involves the issuing of a building permit or a demolition permit, the said building permit or demolition permit stands for a certificate of authorization.
- c) No certificate of authorization is required for
 - signs emanating from a public authority and signs commemorating a historic event;
 - flags or emblems of a political, civic, philanthropic, educational or religious organization;
 - signs intended for use on a construction site and identifying the future occupant, the general contractor, the sub-contractors and the professionals responsible for the project, on the condition that they be taken down within thirty (30) days following the end of the work;
 - signs indicating that a landsite, a building or premises are for sale or rent;
 - minor repairs to a private detached single family dwelling such a reroofing with similar material, replacing rotten parts of a window, a gallery or a roof, etc.;
 - directional signs of a maximum surface area of 0.25 square meters indicating the location of parking areas, delivery entrances or any other information intended for orientation, safety or convenience, on the condition that none carry a commercial identification;
 - temporary signs for elections, referendums, sporting, political, cultural, religious or patriotic events, in as much as they are taken down within ten (10) days following the said election, referendum or event;
 - signs identifying the name of the occupant of a private detached single family dwelling.

3.2 PRESENTATION OF AN APPLICATION FOR A CERTIFICATE OF AUTHORIZATION

- a) Any application for a certificate of authorization must be submitted to the Building Inspector in writing, in duplicate, and make known the date of the application, the family name, first name and address of the applicant and, if the case arises, of his representative, the cadastral description and dimensions of the lot or landsite concerned, details on the projected work, the schedule and the estimated cost of the work.
- b) Any application for a certificate must be signed by the owner of the landsite or his authorized representative.
- c) Any application for a certificate of authorization for an operation needing a permit, a certificate or any other form of authorization required in accordance with a law or by-law of any other authority having jurisdiction must be accompanied by a copy of all the documents required by the said law or by-law for the issuing of the said permit, certificate or other form of authorization, as well as a copy of the said permit, certificate or other form of authorization.
- d) Where off-street parking spaces are required, the application for a certificate of authorization must be accompanied by a plan showing:
 - the shape and dimensions of the parking spaces and lanes;
 - the number of projected spaces and the information necessary to establish the number of parking spaces required in accordance with the zoning by-law;
 - the location of the entrances and the exits;
 - the design and location of directional signs;
 - the design and location of hedges and fences.
- e) *(Amendt 878-8) (Amendt 878-22)*
For any application for a tree felling certificate, the applicant shall:
 - State the reasons invoked for felling the tree;
 - Provide a drawing illustrating all of the trees on the land and specifying those trees and the species of trees covered by the tree felling application. Furthermore, the applicant shall specify the number of replacement trees, their locations and their species;
 - In the particular case of an ash tree, the applicant must provide to the Town, within two working days after the tree is felled, two distinct branches, three (3) centimeters to ten (10) centimeters in diameter and forty-five (45) centimeters to sixty (60) centimeters in length, cut from the uppermost part of the felled tree, preferably from the south-facing side.
- f) Any application for a certificate of authorization to move a building on its own landsite must be accompanied by a plan at a scale of 1:500 or larger, showing, with the dimensions indicated, the position of the building before and after the move, and this in relation to the

- boundaries of the landsite and, if the case arises, to the other buildings constructed on the same landsite.
- g) Any application for a certificate of authorization to move a building using the street must be accompanied, for the landsite on which the building must be moved, by a plan satisfying the description of preceding paragraph f).
- h) Any application for a certificate of authorization to move, using the street, a building whose height exceeds 3.5 metres (11.5') or of which more than one horizontal dimension exceed 3.25 metres (10.7'), must be accompanied by the following information:
- a plan showing the proposed itinerary,
 - the dimensions of the building and its approximate weight,
 - the proposed date and time of the move,
 - the name of the mover,
 - the probable duration of the move,
 - photographs of the building, the site where it will be moved and its surroundings.
- i) Any application for a certificate of authorization for a sign, a public notice or a billboard must be accompanied by plans showing:
- an elevation of the sign, public notice or billboard, at the scale of 1:10 or larger, showing its shape, its exact dimensions (indicated on the plan), its materials and its colours,
 - its exact location on the landsite in relation to the landsite boundaries, the existing or future signs and buildings,
 - details of its anchorage to the ground or to a building,
 - if the case arises, the method of lighting.
- (Amendt 878-17) (Amendt 878-25)*
- j) Any application for a certificate of authorization subject to the provisions of Chapter 11 of Zoning By-law no. 875 and concerning a landsite adjacent to Lake Saint-Louis or one that might, in the opinion of the Building Inspector, be located completely or partially in the floodplain as defined in Appendix 1 of this bylaw, must be accompanied by a plan, prepared by a land surveyor, showing:
- the high-water mark, i.e. the 21.99 metres above the sea level contour line,
 - the 20-year floodplain, i.e. the 22.75 metres above the sea level contour line,
 - the 100-year floodplain, i.e. the 23.20 metres above the sea level contour line.
- (Amendt 878-18)*
- k) For any application for a certificate to install, alter or repair ground cover consisting of impermeable material, the Building Inspector may, at his discretion, require a plan of the

landsite showing the dimensions and location of all constructions and of all impermeable ground cover.

3.3 FEES

The fees for the study of an application for a certificate of authorization are due at the moment of the filing of the application and must be calculated in accordance with the following rates:

- (Amendt 878-19)
 - a) Change of the use or destination of a landsite or a construction without a building permit being required:

	20.00 \$
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 - b) Excavation work of clearing or backfilling, other than that required for a construction:

	20.00 \$
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 - (Amendt 878-5) (Amendt 878-8) (Amendt 878-9) (Amendt 878-22)
 - c) The cutting of a tree for which a certificate of authorization is required according to Zoning By-Law No. 875, except to clear land to build a new road, to erect a new construction or to extend an existing construction:

per tree:	10.00 \$
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In the particular case of an ash tree, the permit fee is waived.

 - (Amendt 878-19)
 - d) Moving of a principal or accessory building, whose height exceeds 3.5m (11.5') or of which more than one horizontal dimension exceeds 3.25m (10.7'):
 - on its own landsite: 50.00 \$
 - having to use the street: 100.00 \$
 - (Amendt 878-19)
 - e) Moving of a principal or accessory building whose height is 3.5m (11.5') or less and of which not more than one horizontal dimension exceeds 3.25m (10.7'):
 - on its own landsite: 10.00 \$
 - having to use the street: 50.00 \$
 - (Amendt 878-19)
 - f) In the two cases shown in paragraphs d) and e), one must add the fees payable for the building permit, for work other than the moving itself, like the construction of new foundations, etc.
 - g) Demolition
 - (Amendt 878-2) (Amend 878-19)
 - of an accessory building: 10.00 \$
 - h) Even if a certificate of authorization is required, no fee is payable to repair a construction if the operation does not involve any alteration.

(Amendt 878-19)

- i) Construction or installation of a public notice, a sign, or a billboard: 50.00 \$
(Amendt 878-19)
- j) Modification of a public notice, sign or billboard: 10.00 \$
(Amendt 878-19)
- k) Installation of a temporary building or mobile home: 50.00 \$
(Amendt 878-8) (Amendt 878-9)
- l) *(Repealed)*
(Amendt 878-8) (Amendt 878-19)
- m) *(Repealed)*
(Amendt 878-18)
- n) Install, alter or repair ground cover consisting of impermeable material: 10.00 \$

3.4 STUDY OF THE APPLICATION

Upon receiving an application for a certificate of authorization, the Inspector must:

- a) ensure that the file of the application is complete and see to it that it be completed if there is need; the Inspector is at liberty to request any other detail or information necessary for a complete understanding of the project and to ensure the total observance of the provisions of the applicable by-laws;
- b) when the information which appears on the application for the certificate or on the plans and specifications is incomplete or lacking in precision, postpone the analysis of the application until the necessary information is provided;
- c) when the file of the application is complete, study the conformity of the project to the present by-law and to any other applicable by-law.

3.5 PRECONDITIONS

- a) No certificate of authorization may be issued if the project contravenes any provision of the present by-law or any other applicable by-law.
- b) No certificate of authorization may be issued for the modification of the use of a building or a part of a building if the new projected use makes the building non-conforming according to the construction by-law.
- c) No certificate of authorization for the moving of a building may be issued if the applicant does not provide proof of insurance in order to ensure the compensation of damages which might be incurred by the Town because of this moving.
- d) No certificate of authorization for an operation needing a permit, a certificate or any other form of authorization required in accordance with a law or by-law of any other authority having jurisdiction may be issued before the said permit, certificate or other form of authorization has been issued by the authority concerned.

3.6 ISSUING OR REFUSAL OF THE CERTIFICATE OF AUTHORIZATION

- a) If the project does conform, the Inspector must stamp and sign the plans and specifications in duplicate; one copy of the plans and specifications is kept by the Town for control; the other copy is delivered to the applicant with the certificate signed by the Inspector; this copy must be kept at the disposal of the Inspector for inspections; the Inspector must send out the certificate within a period of thirty (30) days from the moment the file of the application is complete, unless the importance of the projected work justifies a longer delay; in this case the applicant must be advised of the necessary delay.
- b) If the project does not conform, the Inspector must refuse the certificate while explaining in writing the reasons which make the project non-conforming, citing the articles of the by-law which apply to the case in point; if it is possible, he may specify under which conditions the certificate might be delivered; this account must be attached to the application form; a stamped copy of the documents is then kept by the Town and the other copy sent to the applicant; the report justifying the refusal must be forwarded to the applicant within thirty (30) days from the moment of filing the application.

3.7 CONDITIONS FOR THE VALIDITY OF A CERTIFICATE AND RESPONSIBILITIES OF THE TOWN

- a) Work shall not start before the issuing of the certificate.
- b) All certificates issued in accordance with the present by-law must be considered as null and void if no work is started within a six (6) months period from the date of its issue and, in this case, a new application must be made and a new certificate issued according to the provisions of the present by-law.
- c) As soon as the work authorized by the certificate is started, it must be continued without interruption; the certificate becomes null and void if the work is interrupted for more than six (6) months.
- d) Any modification to a project being subject to a certificate of authorization must be submitted to the Building Inspector in order to verify its conformity to the by-laws; the certificate becomes null and void if the project is modified to the extent of making it non-conforming to the present by-law or to any other by-law applying to the case in point.
- e) Any certificate of authorization issued in contravention of the present by-law or any other by-law applying to the case in point is null and void, does not confer any acquired rights, and must not in any case be used in recourse against Ville de Baie-D'Urfé or one of its officials.

Chapter 4

BUILDING PERMITS

4.1 REQUIREMENT OF A BUILDING PERMIT

(Amendt 878-3) (Amendt 878-4) (Amendt 878-25)

In the entire Town of Baie-D'Urfé, it is not permitted to:

- undertake any construction, alteration, expansion, addition to buildings or pools, or excavation for such purposes,
- undertake any construction of a retaining wall of one (1) m (3.3') or more in height,
- carry out any construction, operation or work likely to destroy or alter the plant cover of the riverbank, expose its soil, affect its stability or encroach on the littoral zone,
- carry out any construction, operation or work in the flood plains that is likely to alter the hydric system, impede the free flow of water during flood periods, disturb animal or plant habitats or jeopardize the safety of people and property,

unless a building permit has been obtained beforehand.

4.2 FILING OF BUILDING PERMIT APPLICATION

- a) Any application for a building permit must be submitted to the Building Inspector in writing, in duplicate, and make known the date of the application, the family name, first name and address of the applicant and, if the case arises, of his representative, the cadastral description and the dimensions of the lot or landsite concerned, details of the projected work, the probable schedule of work and the estimated cost of the work.
- b) Any application for a building permit must be signed by the owner of the lot or landsite concerned or his authorized representative.

(Amendt 878-3)

- c) Any application for a building permit must be accompanied, in duplicate, by the plans, elevations, cross-sections, details, specifications and other documents necessary for the Building Inspector to obtain a clear comprehension of the construction or planned use in order to ensure that all the provisions of the By-laws applying to the case in point are respected; the plans must be drawn to scale and reproduced by an indelible process. In addition to the preceding information, for any project involving construction or alteration of a swimming pool or wading-pool, the additional following information is required:

- plan of the location showing dimensions of any actual structure, drawn to scale and showing the location of the pool,
- dimensions of the pool,
- details of the water filtration and chemical treatment system, with sizes, capacity, and operation of the equipment and including the piping arrangement, the location of the equipment and the location of the waste water discharge piping,
- dimensions and location of the drainage system, the drainage ditch and/or dry-well,
- location of septic tank system.

(Amendt 878-1)

- d) Notwithstanding the provisions of preceding paragraph c), in the case of works of interior renovation of a single family dwelling or of finishing the basement of a single family dwelling, no building permit is required unless the work involves:
- the removal or construction of a supporting wall or part of a supporting wall,
 - the removal or cutting of a joist, a beam or a column,
 - the removal, the changing or the closing of a staircase or another means of exit,
 - an increase in the number of bedrooms or washrooms,
 - the transformation of an access to an exit or from an exit.

- e) The plans and specifications for any project of construction, alteration, expansion or addition to buildings involving work evaluated at 100 000\$ or more, or at 5000\$ or more in the case of a public building, must have been prepared by an architect who is a member of the Quebec Order of Architects.

(Amendt 878-17) (Amendt 878-25)

- f) Any application for a building permit subject to the provisions of Chapter 11 of Zoning By-law no. 875 and concerning a landsite adjacent to Lake Saint-Louis or one that might, in the opinion of the Building Inspector, be located completely or partially in the floodplain as defined in Appendix 1 of this bylaw must be accompanied by a plan, prepared by a land surveyor, showing:

- the high-water mark, i.e. the 21.99 metres above the sea level contour line,
- the 20-year floodplain, i.e. the 22.75 metres above the sea level contour line,
- the 100-year floodplain, i.e. the 23.20 metres above the sea level contour line.

(Amendt 878-27)

- g) Any application for a Building Permit for the installation of a high-security fence constructed of rigid metallic bars must be accompanied by a letter of authorization signed by the owner of the property, as well as by plans showing:

- An elevation of the fence, at the scale of at least 1:10 showing its shape, and its exact dimensions;
- The gate of the fence may not exceed 7.5 m in length;
- A site plan prepared by a land surveyor showing its exact location on the landsite in relation to the landsite boundaries and of the existing building;
- Details of its anchorage to the ground or to the building (if applicable);
- The contiguous landscaping plan, as defined in Section 10.11.5 c) of the Zoning By-law.

4.3 FEES

The fees for the study of an application for a building permit are payable at the moment of the presentation of the application and include all inspections. They must be calculated in accordance with the following rates:

(Amendt 878-19)

- a) construction of a single family dwelling: 1000.00 \$

- b) *(Amendt 878-19)*
alteration or expansion of a single family dwelling: 100.00 \$
- c) *(Amendt 878-19)*
construction or installation of a pool (in or above ground): 100.00 \$
- d) *(Amendt 878-19)(878-21)*
construction, alteration or expansion of any principal building other than a single family dwelling:

There is a minimum fee of \$100 for any building permit application.

- \$6 per block of \$1 000 of work up to \$2 000 000;
- \$4 per block of \$1 000 of work from more than \$2 000 000 up to \$10 000 000;
- \$3 per block of \$1 000 of work above \$10 000 000.

- e) *(Amendt 878-19)*
construction, alteration or expansion of an accessory building to a residential use: 20.00 \$
- f) *(Amendt 878-19)*
construction or installation of a fence, of a fire-place or any wood burning heating device: 20.00 \$
- g) *(Amend 878-19)*
construction, alteration or expansion of an accessory building to a use other than residential: 50.00 \$
- h) *(Amendt 878-4) (Amendt 878-19)*
building of a retaining wall of one (1) metre (3.3') or more in height: 50.00 \$

4.4 STUDY OF THE APPLICATION

Upon receiving an application for a permit, the Inspector must:

- a) Ensure that the file of the application is complete and see to it that it be completed if there is need; the Inspector is free to request any other detail or information that he deems necessary for a complete understanding of the project and to ensure the total observance of the provisions of the by-laws applying to the case in point;
- b) Collect the fees required in accordance with Article 4.3 which are payable at the moment of the filing of the application;
- c) When the information which appears on the application or on the plans and specifications is incomplete or lacking in precision, postpone the analysis of the application until the necessary information is provided;
- d) When the file of the application is complete, study the conformity of the project to the present by-law and to any other by-law applying to the case in point.

4.5 ISSUING OR REFUSAL OF THE PERMIT

- a) If the application does conform, the Inspector must stamp and sign the plans and specifications in duplicate; one copy of the plans and estimates is kept by the Town for control; the other copy is delivered to the applicant with the permit signed by the Inspector; this copy must be kept at the site during the period of construction and be at the disposal of the Inspector for inspections; the Inspector must deliver the permit within a period of thirty (30) days from the moment the file is complete, unless the importance of the planned work justifies a longer delay; in this case, the applicant must be advised of the necessary delay.

(Amendt 878-20)

- b) If the application does not conform, the Inspector must refuse the permit (except in the case of a replacement or reconstruction of a non-conforming construction, as authorized by Section 9.4 of the Zoning By-law) while explaining in writing the reasons which make the application non-conforming; if it is possible he may specify under which conditions the permit might be delivered; one stamped copy of the plans and specifications is then delivered to the applicant; the report justifying the refusal must be forwarded to the applicant within thirty (30) days from the moment the file of the application is complete.

4.6 PRECONDITIONS

(Amendt 878-20)

- a) Conformity to the by-laws

Except in the case of a replacement or reconstruction of a non-conforming construction, as authorized by Section 9.4 of the Zoning By-law, no building permit may be issued if the project contravenes the present by-law or any other by-law applying to the case in point or if the project contravenes the PLANNING PROGRAM of the Town of Baie-D'Urfé.

- b) Obligation to register as a separate lot

Except for an accessory building, no building permit may be issued unless the landsite on which the planned construction, including its dependencies, is to be built, forms one or several distinct lots on the official cadastral plan or on a cadastral plan made and filed in conformity with the applicable articles of the Civil Code.

- c) Landsite adjacent to a street

(Amendt 878-13)

Except in the cases of alteration or expansion of an existing building or in zone RA-28 for a landsite on which a principal dwelling existed prior to November 30, 1982, no building permit may be issued unless the landsite on which the construction must be erected is adjacent to a public street.

(Amendt 878-7) (Amendt 878-10)

Notwithstanding the above paragraph, in zone RA-28, a building permit for the construction of a new building may not be issued unless the landsite on which the construction must be erected is adjacent to a public street or adjacent to a lane which for at least 50% of its length occupies or is adjacent to a public landsite. In all cases, a lane must end up to a street.

(Amendt 878-12)

- d) In RA zones no building permit may be issued for an accumulation of lots which results in a landsite which fronts on more than one street which do not intersect at the landsite in question. This landsite is commonly referred to as a “through lot”.

(Amendt 878-27)

- e) No Building Permit for the installation of the high-security fence may be issued without the deposit of a performance bond for the total value of the works, including the landscaping work.

4.7 WATER AND SEWAGE SERVICES

- a) In the entire area of the Town of Baie-D’Urfé located north of Highway 20, except for public utility uses, no building permit may be issued unless the waterworks and sewer services for which an authorization has been received or a permit issued under the law are installed in the street on which the structure is proposed or unless the by-law ordering their installation is in force.
- b) In the entire area of the Town of Baie-D’Urfé located south of Highway 20, except for public utility uses, no building permit may be issued unless the waterworks services for which an authorization has been received or a permit issued under the law are installed in the street on which the structure is proposed or unless the by-law ordering their installation is in force and unless the waste water treatment planned for the structure to be erected on the landsite complies with the Environment Quality Act and the regulations there under and with the PRIVATE SEWAGE DISPOSAL SYSTEM BY-LAW of Ville de Baie-D’Urfé.

4.8 CONDITIONS FOR THE VALIDITY OF PERMITS AND RESPONSIBILITIES OF THE TOWN

- a) Responsibility to obtain the permit before the beginning of the work

Work shall not start before the permit has been issued.

(Amendt 878-24)

- b) Responsibility to start the work within six (6) months in RA zones and within nine (9) months in zones other than RA zones

Any permit issued by virtue of the present by-law must be considered as null and void if no work is started within a period of six (6) months in RA zones and of nine (9) months in zones other than RA zones, starting from the date of its issue and, in this case, a new application must be filed and a new permit issued in conformity with the provisions of the present by-law.

- c) Work interruptions

As soon as the work authorized by the permit is started, it must be continued without interruption; the permit becomes null and void if the work is interrupted for more than six (6) months.

(Amendt 878-24)

- d) Responsibility to finish the exterior within a certain delay

The building permit becomes null and void if the exterior of the construction is not completed within twenty-four (24) months from the start of the work for a building in zones other than RA zones or within twelve (12) months for a building in RA zones.

- e) Modifications to the plans and specifications after the issuing of the permit

Any modification to the approved plans and specifications must be submitted for the approval of the Inspector who will determine if the modifications are in conformity with the by-laws; if, in the opinion of the Inspector, the modifications are of such significance that the objective of the project is changed, the applicant will have to proceed with a new application for a permit in conformity with the provisions of the present by-law.

- f) Renewal of a building permit

A building permit cannot be renewed. If a building permit becomes null or void for any of the reasons cited above, a new application must be filed and the fees calculated according to article 4.3 must be paid again.

- g) Posting of the permit

The permit must be posted during the entire duration of the work in a location in-sight on the landsite where the construction is taking place.

- h) Invalidity of an illegal permit

Any permit issued in contravention of the present by-law, the planning program or any other by-law applying to the case in point is null and void, and may not in any case be used in recourse against Ville de Baie-D'Urfé or one of its officials.

Chapter 5

ALIGNMENT, CERTIFICATE OF LOCATION AND CERTIFICATE OF OCCUPANCY

5.1 ALIGNMENT AND LEVEL OF THE ROAD

In the entire Town of Baie-D'Urfé, whoever proposes to erect a new construction, expand the lot coverage of an existing construction or move a construction must ascertain the alignment and level of the street and, if the case arises, the level of waterworks and sewage systems.

5.2 CERTIFICATE OF LOCATION

- a) For any new construction, and for any expansion of an existing construction to less than 60 cm (2.0') from any minimum set-back, a certificate of location prepared by a surveyor must be delivered to the Building Inspector immediately after the raising of the foundations, failing which the construction permit, or, in the case of the moving of a building, the certificate of authorization, will become null and void.
- b) All certificates of location must have been prepared by a surveyor member of the Quebec Order of Land Surveyors and show the exact location of the foundations in relation to the cadastral boundaries of the landsite, in such a way that the Building Inspector might

ensure that all the provisions of the by-laws applying to the case in point are respected before the construction work is continued.

5.3 PARTIAL CERTIFICATE OF OCCUPANCY

(Amendt 878-19)

Upon presenting the certificate of location, the holder of the building permit or, if the case arises, the certificate of authorization, may obtain from the Building Inspector, upon payment of a fee of \$20, a partial certificate of occupancy attesting the conformity of the location of the foundations.

Chapter 6

SUBDIVISION PERMIT

6.1 REQUIREMENT OF A SUBDIVISION PERMIT

- a) In the entire Town of Baie-D'Urfé, one cannot proceed to a cadastral operation without obtaining beforehand a subdivision permit.
- b) Any cadastral operation for which no subdivision permit has been issued in conformity with the provisions of the present by-law is null and void and entitles the Town to undertake any legal recourse in its powers to stop the filing or the registration of the said operation or to obtain the cancellation of such filing or registration.

6.2 FILING OF AN APPLICATION FOR A SUBDIVISION PERMIT

- a) Any application for a subdivision permit must be submitted in writing to the Building Inspector; it must take the form of a letter, signed by the property owner or his authorized representative, requesting approval of the cadastral operation and attesting that all the municipal taxes with regard to the immoveables included in the plan have been paid for; in the case of a cadastral operation involving the creation of new thoroughfares, the property owner must also commit, in the same letter, to convey to the Town the rights-of-way of the planned thoroughfares.
- b) Any application for a subdivision permit must be accompanied by four (4) copies of a plan of the planned cadastral operation done at a scale of 1:250 or larger and showing:
 - the cadastre, identified in conformity with the appropriate articles of the Civil Code, the boundaries of the landsite being subject to the cadastral operation and the boundaries of the adjacent properties and the names of their owners;
 - if the case arises, the streets, the boundaries and the widths of the planned thoroughfares;
 - the proposed cadastre division, as well as the dimensions and surface area of each of the lots;
 - the angle to the nearest minute of arc at the junction of any two boundary lines;

- the radius and chord line length and the central angle to the nearest minute of arc of any curved line;
 - the date, the title, the true north, the scale as well as the seal and the signature of the surveyor who prepared the plan.
- c) In the case of a cadastral operation relating to a subdivision, the plan must also show:
- the relief of the ground expressed in contour lines at 2m (6.6') intervals or less;
 - the natural characteristics of the land such as waterways, ditches, marshes and woods;
 - if the case arises, the boundaries of parks and proposed green spaces, as well as their surface areas;
 - if the case arises, the servitudes of existing or proposed rights-of-way, notably for the passage of installations for power supply and communications transmission.
- (Amendt 878-17)
- d) In the case of a landsite that might, in the opinion of the Building Inspector, be located completely or partially in the floodplain as defined in Appendix 1 of the present by-law, the plan must show:
- the high-water mark, i.e. the 21.99 metres above the sea level contour line,
 - the 20-year floodplain, i.e. the 22.75 metres above the sea level contour line,
 - the 100-year floodplain, i.e. the 23.20 metres above the sea level contour line.

- (Amendt 878-25)
- e) For any application for a subdivision permit to create a public right of way in the sector of archaeological interest, i.e., all of the Baie-D'Urfé territory between Lakeshore Road and Lake Saint-Louis, the applicant must provide a study of the archaeological potential prepared by an acknowledged professional; such study must include:
- a summary of existing historical and archaeological information
 - a description and characterization of the archaeological potential, using a map
 - an operating strategy, if applicable.

6.3 FEES

- (Amendt 878-19)
- a) The fees for the study of an application for a subdivision permit are payable at the moment of the filing of the application and must be calculated in accordance with the following rates:
- residential lot: \$20 base fee plus \$0.02 per square metre of net surface area of the landsite included in the plan, to a maximum of \$100;
 - lots destined for public use: \$1.00;

- commercial, industrial, utilitarian or other than residential or public lot: \$20 base fee plus \$0.06 per square metre of net surface area of the landsite included in the plan, to a maximum of \$200.

(Amendt 878-19)

- b) The fees are payable for all cadastral operations as much for a cancellation, a correction, an addition, a cadastral regroupment or a replacement of the number of a lot as for a subdivision, a new subdivision or a redivision; for the purposes of calculating the fees, a lot is any lot affected by the operation, whether it be created, nullified or corrected.

6.4 STUDY OF THE APPLICATION

On receiving an application for a permit, the Inspector must:

- a) Ensure that the file of the application is complete and see to it that it be completed if needed; the Inspector is free to request any other detail or information that he judges necessary for a complete understanding of the project and to ensure the total observance of the provisions of the by-laws applying to the case in point;
- b) Collect the payable fees in accordance with article 6.3;
- c) When the information which appears on the application for a permit or on the plan or any other document is incomplete or lacking in precision, postpone the analysis of the application until the necessary information is provided;
- d) When the file of the application is complete, study the conformity of the project to the PLANNING PROGRAM of the Town or the part of the Town concerned, to the present by-law and any by-law applying to the case in point.

6.5 ISSUING OR REFUSAL OF A PERMIT

- a) If the application does conform, the Inspector must issue the permit.
- b) If the application does not conform, the Inspector must refuse the permit and, if possible, suggest to the applicant the modifications to make so that the application conforms; in the latter case, the applicant must file a new application in accordance with the provisions of article 6.2; if the project cannot be made to conform, the Inspector must refuse the application while explaining in writing the reasons for refusing.
- c) A subdivision permit must be issued within thirty (30) days from the moment the file of the application is complete; if the permit must be refused or returned for study, a report explaining the reasons for this refusal or return for study must be forwarded to the applicant within thirty (30) days from the moment the file is complete.

6.6 PRECONDITIONS

No subdivision permit may be issued if the application is in contravention of a provision of the present by-law or of the SUBDIVISION BY-LAW or of any other by-law applying to the case in point or if the project contravenes the PLANNING PROGRAM of Ville de Baie-D'Urfé.

6.7 CONDITIONS FOR THE VALIDITY OF PERMITS AND RESPONSIBILITIES OF THE TOWN

a) Registration within 180 days

A subdivision permit is null and void if the final plan authenticated by the Inspector is not registered in conformity with the provisions of the Civil Code within one hundred and eighty (180) days following the date of the issue of the permit, and if the applicant has not forwarded to the Inspector, within the thirty (30) days following the registration, a copy of the official plan with the registration date.

b) Opening of streets

The issuing of a subdivision permit does not constitute for the Town a responsibility to accept the transfer of proposed streets appearing on the plan, not to decree the opening of these streets, nor to undertake the responsibility for the costs of construction and maintenance, nor to assume the civil responsibilities, nor to install public utility services.

c) Invalidity of an illegal permit

Any certificate or permit issued in contravention of the present by-law, the planning program or any other pertinent by-law is null and void and may not be used in any case as recourse against Ville de Baie-D'Urfé or one of its officials.

Chapter 7

CERTIFICATE OF OCCUPANCY

7.1 REQUIREMENT OF A CERTIFICATE OF OCCUPANCY

In the entire Town of Baie-D'Urfé, one cannot occupy an immovable recently erected or of which the destination or use has been changed, without obtaining beforehand a certificate of occupancy.

7.2 FILING OF AN APPLICATION FOR A CERTIFICATE OF OCCUPANCY

- a) An application for a certificate of occupancy can only be filed when the construction or alteration works have been completed.
- b) Applications for certificate of occupancy must be submitted to the Building Inspector.
(Amendt 878-19)
- c) The fee for a certificate of occupancy is 20.00\$ per building.
- d) The Building Inspector must deliver the certificate of occupancy within a period of fifteen (15) days after the application has been filed.

7.3 PRECONDITIONS

No certificate of occupancy can be issued if the construction, or the change of destination or use contravenes the present by-law or any other by-law applying to the case in point.

Chapter 8 - DEMOLITION PERMIT

(Repealed 878-28)

Chapter 9*(Amendt 878-25)***FEEES FOR THE STUDY OF APPLICATIONS FOR APPROVAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS****9.1. SCOPE**

- a) In some sectors of the Town of Baie-D'Urfé certain operations are subject to the approval of a Site Planning and Architectural Integration Program in accordance with the provisions of By-law no. 1047.
- b) Study fees for such applications will be charged in most cases.
- c) Such fees are in addition to the fees required under this by-law for the various permits and certificates.

9.2. RESIDENTIAL ZONES

9.2.1 The fees required for studying applications for approval of Site Planning and Architectural Integration Programs in residential zones are:

- a) For a cadastral operation: \$100
- b) For construction of a new principal building including the demolition of any building that will be replaced: \$100
- c) For expansion of a principal building: \$100
- d) For construction of an accessory building: \$50
- e) For construction or enlargement of a wall, including a retaining wall: \$50
- f) For construction of a fence: \$50

9.2.2 No fees are required for approval of Site Planning and Architectural Integration Programs for putting up hedges.

9.2.3 Notwithstanding the provisions of subsection 9.2.1, no fees are required for approval of Site Planning and Architectural Integration Programs for properties located in interesting urban groupings under Section 5.7 of By-law no. 1047.

9.3. INDUSTRIAL ZONES

9.3.1 The fees required for studying applications for approval of Site Planning and Architectural Integration Programs in industrial zones are:

- a) For a cadastral operation: \$200
- b) For construction or expansion of a building: \$300
- c) For developing land, including fill or excavation work: \$100

9.3.2 No fees are required for the demolition of buildings; however, fees will be charged for redeveloping the land after demolition.

Appendix 1

DEFINITIONS

The words or expressions for which a definition is given below have the meaning that is attributed to them in the aforementioned definition, unless the context imposes upon them a different meaning.

ABOVE-GROUND POOL: (*Amendt 878-3*)

A pool, the sides of which are at an elevation equal to 0.5 m or higher than the average elevation of the adjacent ground.

ADDITION TO A BUILDING:

On a landsite already occupied by a building the construction of another building, attached or not to the existing building.

ALTERATION: (*Amendt 878-18*)

Modification, other than a repair, made to a construction and resulting in a change of shape, volume or appearance, either interior or exterior;

CADASTRAL OPERATION:

A division, subdivision, a new subdivision, a redivision, a cancellation, a correction (including a replacement of the number of a lot), an addition, a cadastral regroupment made in accordance with the Cadastre Act (L.R.Q. C.C-1) or the Civil Code.

CADASTRAL OPERATION RELATED TO A SUBDIVISION:

Cadastral operation involving the creation of one or several new lots destined to one or several new uses.

CONSTRUCTION:

Ordered assembly of materials and comprising, without limiting the sense, buildings, public notices, signs, billboards, reservoirs, gas pumps, fences, pools, etc.

COUNCIL:

Council of Town of Baie-D'Urfé.

EXPANSION:

Action having as its objective to increase the volume of an existing construction or the ground space occupied by this construction; by extension the word « expansion » also means result of this action.

FLOODPLAIN: (*Amendt 878-17*) (*Amendt 878-25*)

The space occupied by Lake Saint-Louis during flood periods; the floodplain corresponds to the geographic extent of the flooded area, that is, the 20-year floodplain is delineated by the contour line of 22.75 metres above sea level and the 100-year floodplain is delineated by the contour line of 23.20 metres above sea level.

GARAGE SALE:

Non commercial sale of personal surplus objects used or acquired to be used for domestic purposes by the occupants of the property where they are displayed, the number and quantity of which do not exceed the normal needs of the said occupants.

HIGH-SECURITY FENCE: (*Amendt 878-27*)

A high-security fence constructed of rigid metallic bars that shall not exceed 1.83 metres (6') in height in the front set-back. The fence may include gates to provide access.

HIGH-WATER MARK: (*Amendt 878-17*)

The line which marks the limit of the littoral zone and the shoreline or riverbank. The high-water mark corresponds to the natural high-water mark, which is established according to the following criteria, in the following order of priority:

- a) the point where predominantly terrestrial plants succeed predominantly aquatic plants, or where there are no aquatic plants, the point closest to the water where terrestrial plants no longer grow;
- b) where a water retaining structure exists, the maximum operating water level of the hydraulic structure for the upstream portion of the body of water;
- c) where there is a legally erected retaining wall, the top of the structure;
- d) along Lake Saint-Louis, at the two-year flood limit, i.e. 21.99 metres above sea level, considered to correspond to the mark established according to the botanical criteria defined in paragraph a).

IMPERMEABLE MATERIAL: (*Amendt 878-18*)

Any material that does not allow passage of water at a rate similar to the adsorption rate of unsaturated grass-covered ground. This includes roofed structures, asphalt or concrete paving, natural or man-made paving and landscaping blocks and patio stones. When an area includes fine compacted gravel, clay or earth that impedes the passage of water, it is regarded as impermeable. By virtue of its capacity as a catchment basin, the water surface area of an outdoor swimming pool is not considered to be impermeable;

INGROUND POOL: *(Amendt 878-13)*

Any pool that is not an above-ground pool.

INSPECTOR (OR BUILDING INSPECTOR):

Officer named by Town Council to represent it in the application of the present by-law, or his authorized representative.

PAVED AREA: *(Amendt 878-6)*

Any area covered with pavement, asphalt, concrete or any other impervious or almost impervious surfacing material.

POOL: *(Amendt 878-3)*

An outdoor artificial pool, with a minimum depth of 0.3 m (1.0"). This definition refers to all pools, including: wading pools, swimming pools, whirlpools and hot-tubs.

PRIVATE POOL: *(Amendt 878-3)*

An artificial pool built in connection with a residence, the use of which shall be confined to the family of each householder and his guests.

PUBLIC BUILDING:

Public building as defined in the Public Building Safety Act or an industrial or commercial establishment as defined in the Industrial and Commercial Act.

PUBLIC POOL: *(Amendt 878-3)*

Any pool that is not a private pool.

REPAIR: *(Amendt 878-18)*

Replacement of certain deteriorated elements by elements identical or of the same nature; for example, to replace asphalt shingles of a roof with new asphalt constitutes a repair; to replace the same asphalt shingles with a metal covering constitutes an alteration; again for example, to replace certain parts of a deteriorated wooden window constitutes a repair; to replace one or a few wooden windows with metal windows or to cover them with metal constitutes an alteration.

SIGN:

Any writing, any pictorial representation, any emblem, any flag or any other illustration or any light with similar characteristics which:

- is a construction or a part of a construction or is attached to it, or is painted on it, or is represented in any manner be it on an edifice or a separate support;
- is used to warn, inform, announce, advertise, publicise, highlight, attract attention;
- is specifically intended to bring attention on the outside of an edifice.

STREET:

A street or a road open in accordance with a by-law, a resolution or municipal statement, a road maintained by the Minister of Transport in accordance with the Roadworks Act (revised statutes, 1964, ch 133) or by the Autoroutes Office, in as much as houses along the road have a right of access to this road.

THOROUGHFARE:

Any place or structure intended for vehicular or pedestrian traffic, in particular, a road, street, lane, sidewalk, walkway, bicycle path, hiking path, square or public parking area.