



BY-LAW CONCERNING THE DEMOLITION OF IMMOVABLES

NUMBER 1009

BY-LAW CONCERNING THE DEMOLITION OF IMMOVABLES

NUMBER 1009 (ORIGINAL ADOPTION)

Notice of motion: January 16, 2018.

Coming into force: February 16, 2018.

NUMBER 1009-11 (LAST AMENDMENT)

Notice of motion: February 09, 2026.

Coming into force: March 09, 2026.

AMENDED AND CONSOLIDATED VERSION

NOTICE

The consolidation of By-laws and annexes is not official. It has been compiled on March 10, 2026, by the Town Clerk's office to facilitate the reading of the text. The official text is to be found in the original By-law and in each of its amendments.

Amendments included in this version

| Number | Purpose | Notice of motion | Coming into force |
|---------|---|--------------------|-------------------|
| 1009 | Original By-law | January 16, 2018 | February 16, 2018 |
| 1009-1 | Amendment to section: 1.2.4 | May 07, 2018 | May 29, 2018 |
| 1009-2 | Amendment to section: 5.6.2 | November 05, 2018 | November 04, 2019 |
| 1009-3 | Amendment to section:4.1.1 | September 03, 2019 | November 04, 2019 |
| 1009-4 | Incorporated into 1009-5 | March 07, 2022 | April 04, 2022 |
| 1009-5 | Amendment to sections: 1.2.4, 3.1.2, 4.1.2 à 4.1.5, 4.2.1, 4.4.1, 5.1.2, 5.1.4, 5.2.1, 5.2.2, 5.2.3, 5.3, 5.3.1, 5.4.1, 5.5.1, 5.6.1, 5.6.2 et 5.6.4; to titles of chapter 4 and of division 5.6. | March 07, 2022 | April 04, 2022 |
| 1009-6 | Amendment to section: 5.1.1 in English only. | September 06, 2022 | October 06, 2022 |
| 1009-7 | Amendment to sections: 1.2.4, 2.1.3, 3.1.1, 4.2.1, 5.1.1, 5.1.2, 5.1.4, 5.2.1, 5.2.3, 5.5.1, 5.6.1, 5.6.2. Addition of Division: 5.6-B | June 05, 2023 | July 05, 2023 |
| 1009-8 | Amendment to sections: 1.2.4, 5.1.2, 5.1.5, 5.2.1, 5.2.3, 5.5.1. Addition of section: 5.2.4 | October 08, 2024 | November 04, 2024 |
| 1009-9 | Not Adopted / N.A. | N.A. | N.A. |
| 1009-10 | Not Adopted / N.A. | N.A. | N.A. |
| 1009-11 | Amendment to sections: 1.2.4, 5.1.2, 5.1.4. | February 09, 2026 | March 09, 2026 |

CHAPTER 1

DECLARATORY AND INTERPRETATIVE PROVISIONS

DIVISION 1.1 DECLARATORY PROVISIONS

SECTION 1.1.1 TITLE OF THE BY-LAW

This By-law bears the title “By-law concerning the demolition of immovables no. 1009 of the Town of Hampstead”.

SECTION 1.1.2 INTERACTION OF THE BY-LAW

This By-law is an integral part of the urban planning By-laws and is thus interconnected with the other urban planning By-laws adopted by the Town under the Act respecting land use planning and Development (c. A-19.1).

SECTION 1.1.3 INTEGRITY OF THE BY-LAW

The title page and preamble are an integral part of the By-law.

SECTION 1.1.4 OBJECT OF THE BY-LAW

The present By-law regulates and controls the demolition of immovables in order to protect the building with exceptional architecture and supervise and order the reuse of open area.

SECTION 1.1.5 REPEALING

The present By-law repeals and replaces in its entirety for all intents and purposes, By-law 759 and its amendments, as well as any earlier By-laws and By-law provisions relating to demolition of immovables.

This repeal does not affect proceedings instituted under the authority of the By-laws so repealed, up to final judgement and execution.

This repeal does not affect permits legally issued under the authority of the By-laws so repealed, nor the acquired rights from before the coming into force of this By-law.

SECTION 1.1.6 TERRITORY AFFECTED

The present By-law applies to the territory of the Town of Hampstead.

SECTION 1.1.7 PERSON AFFECTED

Toute personne morale ou toute personne physique de droit public ou de droit privé est assujettie au présent règlement.

SECTION 1.1.8 VALIDITY

The Council is adopting this By-law in its entirety, chapter by chapter, division by division, section by section, clause by clause, paragraph by paragraph, subparagraph by subparagraph and subsection by subsection, so that should a chapter, division, section, clause, paragraph, subparagraph or subsection of this By-law be declared null and voided by an authorized body, the remainder of the By-law shall continue to apply, insofar as possible.

SECTION 1.1.9 LAWS AND BY-LAWS

Nothing in this By-law shall be construed as absolving the obligation to comply with the laws and regulations of the provincial or federal government or other municipal By-laws.

SECTION 1.1.10 COMING INTO FORCE

The present By-law shall come into force in accordance with the law.

DIVISION 1.2 INTERPRETATIVE PROVISIONS

SECTION 1.2.1 INTERPRETATION PRINCIPLES

The text of the By-law should be interpreted in light of the provisions of the Interpretation Act (c. I-16). Furthermore, headings, tables, sketches, diagrams, charts, symbols and other forms of expression contained in the By-law aside from the actual text are an integral part of the By-law for all intents and purposes. In the event of a contradiction between the headings, tables, sketches, diagrams, charts, symbols and other forms of expression and the actual text, the text shall prevail.

SECTION 1.2.2 INTERPRETATION OF THE TEXT

In the present By-law, the interpretation of the text must respect the following rules, unless otherwise indicated:

1. All provisions of the present By-law shall be considered to be in effect at all times and under all circumstances, irrespective of the verb tenses employed herein;
2. The verb “must” is used to mean an absolute obligation; the verb “may” is used to indicate option, except in the expression “may not” which means “must not”;
3. The singular of words is understood to include the plural and vice-versa, whenever the context so dictates;
4. The words “person” and “whoever” or “whomever” refers to any legal or natural person;
5. The masculine shall include the feminine unless otherwise indicated by the context;
6. The word “Town” refers to the town of Hampstead.

SECTION 1.2.3 INCOMPATIBILITY BETWEEN PROVISIONS

In the event two provisions within this By-law or between this By-law and another By-law are incompatible with each other, the specific provision shall prevail over the general one.

In the event that any restriction or prohibition prescribed by this By-law or by any of its provisions should prove to be incompatible or disagree with any other By-law or with any other provision of this By-law, the most restrictive or prohibitive disposition shall apply unless otherwise indicated.

SECTION 1.2.4 TERMINOLOGY

In the present By-law, the following words mean:

Striking out of definition of Committee

(1009-5, sec. 1, 4/4/2022)

“Applicant”: the owner of the building or his representative who applies for a certificate of authorization to demolish the building in accordance with the present By-law.

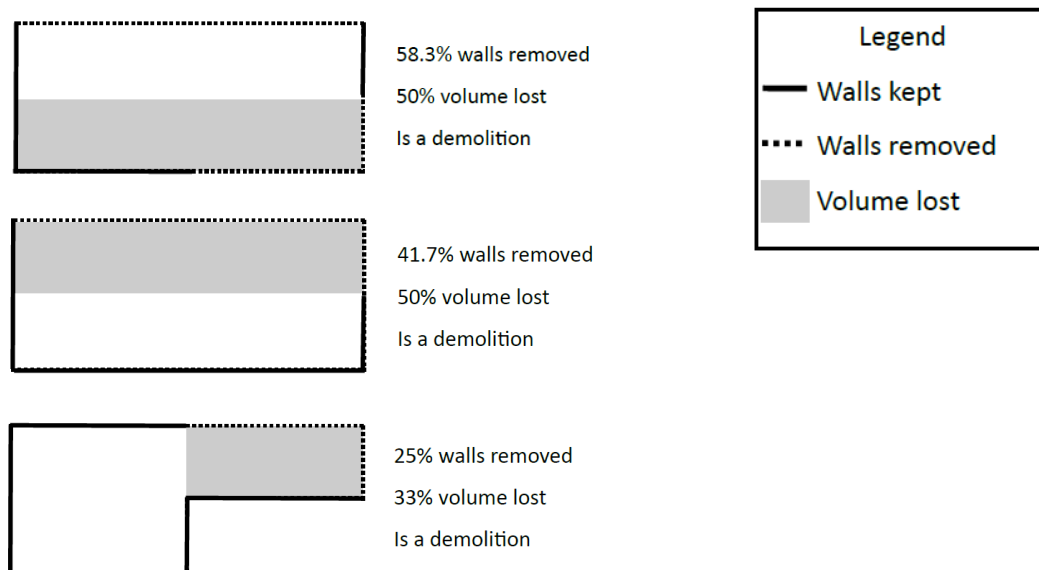
“Demolition”: A building is deemed to be subject to demolition when an intervention, or a cumulative loss resulting from multiple interventions carried out within a period of thirty-six (36) months, results in either of the following situations:

- a) The loss of more than fifty percent (50%) of the total surface area of the building's exterior walls, including openings.
- b) The loss of more than thirty-three percent (33%) of the building's volume, calculated based on the space removed as a result of the removal of adjacent walls, including habitable space located within the roof structure.

For the purposes of calculating the thresholds set out in paragraphs (a) and (b), additions, whether proposed or carried out during the thirty-six (36) month period, as well as foundations, the basement, the roof structure, and party walls, are excluded from the calculations. ;

(1009-7, sec. 1, par. a), 7/05/2023), (1009-11, sec. 1, 3/09/2026)

Figure 1- Example of calculation



(1009-1, sec. 1, 5/29/2018)

“Demolition of a dwelling”: an intervention that results in the loss of a dwelling or the eviction of the tenant, whether through the demolition or transformation of the building, the subdivision of the dwelling, its substantial expansion or its change of assignment;

(1009-7, sec. 1, par. b) 1, 7/05/2023)

“Dwelling”: a dwelling within the meaning of the Act respecting the Administrative Housing Tribunal (CQLR, c. T-15.01);

(1009-7, sec. 1, par. b) 2, 7/05/2023)

“Heritage immovable”: an immovable named in accordance with the Cultural Heritage Act (CQLR, c. P-9.002), located in a heritage site named in accordance with that Act or included in an inventory adopted by the *Agglomération de Montréal* under article 120 of that Act;

(1009-8, sec. 1, 11/04/2024)

“Objection”: any written objection to the granting of a certificate of authorization, filled in accordance with this By-law;

“Preliminary program” means and include plans for the reutilization of land vacated as the result of the proposed demolition of any immovable.

All the words used in the present By-law keep their usual meaning except for those defined in Schedule A of the Permits and Certificates By-law which are applicable for this By-law.

CHAPTER 2

ADMINISTRATIVE PROVISIONS

DIVISION 2.1 ADMINISTRATIVE PROVISIONS

SECTION 2.1.1 APPLICATION OF THE BY-LAW

All person duly authorized by the Council, hereinafter defined as “the Designated Official”, is entrusted with the application of the present By-law. Otherwise, the General Director of the Town shall be responsible.

SECTION 2.1.2 POWERS AND RESPONSIBILITIES OF THE DESIGNATED OFFICIAL

The powers and responsibilities of the Designated Official are defined in the Permits and Certificates By-law in effect.

SECTION 2.1.2 OBLIGATIONS OF THE OWNER

The obligations of the owner are defined in the Permits and Certificates By-law in effect.

SECTION 2.1.3 INFRINGEMENTS AND PENALTIES

Anyone who carries out the demolition of an immovable concerned by this By-law or has such an immovable demolished without proper authorization, or in violation of the conditions of the certificate of authorization for demolition, is committing an infraction and shall be liable:

1. In the case of a natural person:
 - a) For a first infraction, to a fine of between \$10,000 and \$250,000;
 - b) For a repeat offence, to a fine of between \$20,000 and \$250,000;
2. In the case of a legal person:
 - a) For a first infraction, to a fine between \$20,000 and \$250,000;
 - b) For a repeat offence, to a fine of between \$40,000 and \$250,000.

(1009-7, sec. 2, 7/05/2023)

In the case of demolition without a certificate of authorization for demolition, in addition to the fine, the offender must pay the cost of the application and the contribution for the purposes of parks, playgrounds and green spaces, as provided in the Subdivision By-law in effect. He will also have to provide the monetary guarantee stipulated in section 5.4.1 to the present By-law.

Should anyone proceed with the demolition of a building concerned by the present By-law or have such a building demolished, without proper authorization or in violation of the conditions of the certificate of authorization for demolition, the offender shall reconstruct the building so demolished, or pay the Town of Hampstead an amount equal to the assessed value of the building that was demolished by the Land Registry’s Office at the latest date before its demolition.

Should the offender not carry out the reconstruction of the building in accordance with the present By-law, the Council carries out the work and recovers the costs for said work in accordance with the law.

Anyone who contravenes any of the provisions of this By-law, other than the present Section, commits an infraction and is liable to a fine. In the event of a first infraction, if the offender is a natural person this fine shall not be less than \$1 000 nor exceed \$2,000. In the event of a first offence, if the offender is a legal person, this fine shall not be less than \$2,000 nor exceed \$4,000. The fines are doubled for a second offence.

Any infraction of any provision of this By-law constitutes a separate and distinct infraction for each and every day it continues.

In order to enforce compliance and bring the situation in conformity with the dispositions of the present By-law, the Town may exercise cumulatively or alternatively, with the means of recourse set out in this By-law, all appropriate recourses of civil and penal nature.

DIVISION 2.2 TRANSITORY PROVISIONS

SECTION 2.2.1 RESPECT FOR THE BY-LAWS

The issuing of a demolition permit, the approval of drawings and specification, as well as the inspections carried out by the Designated Official or his representatives, in no way releases the owner or the applicant from the obligation to perform the work, or have it performed, in conformity with the requirements of the present By-law and any other applicable By-law.

CHAPTER 3

SCOPE OF APPLICATION

DIVISION 3.1 SCOPE OF APPLICATION

SECTION 3.1.1 CERTIFICATE REQUIRED

No one may demolish a main building, or a dwelling, unless the owner of the property has previously obtained a certificate of authorization for the said demolition.

(1009-7, sec. 3, 7/05/2023)

SECTION 3.1.2 EXCEPTIONS

However, the present By-law shall not apply, and a public notice is not required for the demolition of:

1. Any building that has lost 50% or more of its assessment roll value due to a fire or natural disaster and for which a building permit application accompanies the application for a demolition;
2. Any building where the work involves only the reconstruction of a roof, preserving its architectural character by keeping the style, volume and slopes of the original roof;
3. Any building whose condition presents a state of emergency or needs to be demolished for reasons of public safety;
4. Any building erected in contravention of a municipal By-law or is required to be demolished according to a municipal By-law or ordered to be demolished by a judgment of a Court having the required jurisdiction.

(1009-5, sec. 2, 4/4/2022)

CHAPTER 4
EXERCISE OF THE FUNCTIONS OF THE DEMOLITION COMMITTEE
(1009-5, sec. 4, 4/4/2022)

DIVISION 4.1 ADMINISTRATIVE PROVISIONS

**SECTION 4.1.1 EXERCISE OF THE FUNCTIONS OF THE DEMOLITION COMMITTEE
BY THE MUNICIPAL COUNCIL**

The municipal council assigns itself and exercises the functions conferred to the demolition committee as authorized by section 148.0.3 of the Act respecting land use planning and development (CQLR c A-19.1).

(1009-3, sec. 1, 11/4/2019), (1009-5, sec. 5, 4/4/2022)

SECTION 4.1.2 *Repealed*

(1009-5, sec. 6, 4/4/2022)

SECTION 4.1.3 *Repealed*

(1009-5, sec. 6, 4/4/2022)

SECTION 4.1.4 *Repealed*

(1009-5, sec. 6, 4/4/2022)

SECTION 4.1.5 *Repealed*

(1009-5, sec. 6, 4/4/2022)

DIVISION 4.2 DUTIES

SECTION 4.2.1 DUTIES OF THE COUNCIL *(1009-5, sec. 3, 4/4/2022)*

The Council is responsible for:

(1009-5, sec. 3, 4/4/2022)

1. Accepting or refusing requests for certificates of authorization for the demolition of immovables or of dwellings subject to the present By-law;

(1009-7, sec. 4, 7/05/2023)

2. Exercising any other power conferred on it by the present By-law.

CHAPTER 5

CERTIFICATE OF AUTHORIZATION FOR DEMOLITION

DIVISION 5.1 APPLICATION FOR CERTIFICATE OF AUTHORIZATION FOR DEMOLITION

SECTION 5.1.1 APPLICATION FOR CERTIFICATE

The application for a certificate of authorization for a demolition shall be made in writing by the owner of the building or the dwelling to be demolished, or by their duly authorized agent, to the designated Town official, in compliance with the permits and certificates By-law.

(1009-7, sec. 5, 7/05/2023)

SECTION 5.1.2 CONTENT OF THE APPLICATION

The Council shall not consider an application unless and until the following information and documents are provided:

(1009-5, sec. 3, 4/4/2022)

1. The grounds that justify the application for a certificate of authorization for demolition;
2. A proof of liability insurance specifically issued for this purpose in favor of the applicant;
3. A copy of the notice to lessees of the immovable, as well as proof of its delivery;
- 3.1 A list of the building tenants and identification of any vacant dwellings

(1009-7, sec. 6, par. a), 7/05/2023)

4. The planned measures for relocating the tenant should there be any, or the date in which the building became vacant, as the case may be;
5. A preliminary program for the re-utilization of the land released by the demolition, including the following information:
 - a. The locations of the building to be demolished and of the new building;
 - b. The locations and dimensions of any existing structures and features on the site;
 - c. Clear illustrations in color of the proposed building, either in elevations or a 3D rendering.
 - d. The landsite coverage ratings before demolition and after reconstruction;
 - e. The height in metres or in storeys, the floor space index of the building to be demolished and of the new building;
 - f. Trees to be felled and preserved;
 - g. Sidewalks, curb cuts and patios to be built and added;
 - h. The number of dwelling in the building to be demolished.

(1009-7, sec. 6, par. b), 7/05/2023)

6. A report on the condition of the building signed by a professional, or a person competent in the matter including, without limitation, the structural quality of the building, the condition of the main components, and the observed deterioration. The report must also demonstrate that the building is, if any, in such a condition that it cannot reasonably be restored;
7. If the application concerns a heritage immovable, a heritage study signed by a qualified professional in the matter, or a person with heritage expertise including, but not limited to, the heritage value of the building (archaeological, architectural, artistic, emblematic, ethnological, historical, landscape, scientific, social, urban or technological), its state of conservation, its degree of authenticity and integrity, as well as the methodology used. The study signatory is a person other than the person mandated to carry out the preliminary program for the utilization of vacated land.

(1009-8, sec. 2, 11/04/2024), (1009-11, sec. 2, 3/09/2026)

SECTION 5.1.3 FEES TO ACCOMPANY THE APPLICATION

The applicant for the certificate of authorization for demolition must accompany his request with the following sums:

1. Payment of the certificate and the application according to Tariff's By-law;
2. The contribution for the purposes of parks, playgrounds and natural spaces required under the Subdivision By-law;

SECTION 5.1.4 PUBLIC NOTICES

If the application concerns a heritage immovable or a dwelling, as soon as the Council has been seized of the application, the designated officer shall install a public notice to be posted on the immovable contemplated in the said application.

(1009-5, sec. 3, 4/4/2022), (1009-11, sec. 3, 3/09/2026)

the Town Clerk's office shall immediately publish the public notice advising of the application for a demolition, in conformity with the law, so as to advise the interested persons of their right to file, with the Town Clerk's office, objections or comments with respect to the proposed demolition, within ten days of the publication of the said notice or, failing such notice, within ten days following the posting of the notice on the immovable in question.

(1009-7, sec. 7, 7/05/2023)

SECTION 5.1.5 OPPOSITION

Any person who wishes to oppose the demolition must, within 10 days of the publication of the public notice or, failing which, within 10 days after the notice is posted on the immovable concerned, make known in writing its reasoned objection to the Town Clerk of the Town of Hampstead.

(1009-8, sec. 3, 11/04/2024)

DIVISION 5.2 CONSIDERATION OF AN APPLICATION

SECTION 5.2.1 STUDY OF THE APPLICATION FOR DEMOLITION

The designated officer ensures that all procedures and other applicable regulatory provisions are respected, examines the file and presents its recommendations to the Council in regard to the application for a demolition permit and the preliminary program for re-use of the vacated land.

The Council shall not approve the application for the proposed demolition unless and until:

1. All the procedures established by this By-law governing the application and the preliminary program have been observed;
2. The Council considered all objections received;
3. The Council is convinced the proposed demolition is advisable, taking into account the public interest and the interest of the parties, and in particular:
 - a) The condition of the building or buildings contemplated by the application;
 - b) The deterioration of the architectural appearance or aesthetic character of the neighbourhood;
 - c) The cost of restoration;
 - d) The intended use of the vacated land and any other pertinent criteria;
 - e) The prejudice caused to tenants;
 - f) The impact on the housing needs in the area;

(1009-7, sec. 8, par. a), 7/05/2023)

- g) The possibility of relocating the tenants;
- h) The environmental impact;
- i) The consequences on the quality of life, the urban fabric and the architectural unity of the neighbourhood;
- j) The opinion of the Planning Advisory Committee when requested by the Council;
- k) The history of the building, its contribution to local history, its degree of authenticity and integrity, its representativeness of a particular architectural current and its contribution to an ensemble to be preserved in the context of an application for a heritage building, if applicable;
- l) Any other relevant criteria.

(1009-7, sec. 8, par. b), 7/05/2023), (1009-8, sec. 4, 11/04/2024)

The Council may postpone a decision in order to allow an interested party who has requested a delay in order to undertake or proceed with the acquisition of the building and to preserve it as a residential rental property. This delay may not exceed 2 months following the hearing. The Council may postpone its decision on these grounds only once.

The Council shall grant the certificate of authorization for demolition if it is of the opinion that the demolition is appropriate taking into account the interest of the public and those of the parties. During the study of the demolition application, the Council may adjourn its public sitting as often as it deems necessary or advisable.

(1009-5, sec. 3, 4/4/2022)

SECTION 5.2.2 APPROVAL OF PRELIMINARY PROGRAM

The Council approves the preliminary program only if it is in accordance with the Town's By-laws. However, in case where the issuance of the building permit for the proposed preliminary program is suspended by reason of a notice of motion, in which case the Council shall not approve the said program before the expiration of the suspension or before the coming into force of the amending By-law contemplated in the notice of motion, if such coming into force occurs before the expiration of this suspension; the decision of the *Council* shall then be rendered having regard to the By-laws of the Town in force at the time of such decision.

(1009-5, sec. 3, 4/4/2022)

SECTION 5.2.3 NOTIFICATION OF DECISION OF THE COUNCIL

The Council shall state the grounds for its decision. The concerned parties must be notified of the Council's decision on the issuance of the certificate of authorisation.

The decision is accompanied by a notice explaining the rules applicable among those provided for in articles 148.0.19 to 148.0.21 of the Act respecting land use planning and development (CQLR, c. A-19.1).

(1009-5, sec. 3, 4/4/2022), (1009-7, sec. 9, 7/05/2023), (1009-8, sec. 5, 11/04/2024)

SECTION 5.2.4 NOTIFICATION OF THE DECISION TO THE AGGLOMÉRATION DE MONTRÉAL AND POWER OF DISALLOWANCE

When the Council authorizes the demolition of a heritage building, a notification of the decision must be transmitted to the Agglomération de Montréal without delay.

The notice provided for in the first sub-paragraph shall be accompanied by copies of all documents produced by the owner.

The Council of the agglomeration may, within 90 days of receiving the opinion, disallow the decision of the council.

Where the agglomeration has a local heritage board within the meaning of section 117 of the Cultural Heritage Act (CQLR, c. P-9.002), the Council of the agglomeration may consult the board before exercising the power of disallowance.

A resolution by the agglomeration made in accordance with the third sub-paragraph shall be reasoned, and a copy shall be transmitted without delay to the Town of Hampstead and to any party concerned

(1009-8, sec. 6, 11/04/2024)

DIVISION 5.3 *Repealed*

(1009-5, sec. 8, 4/4/2022)*

**section 7 in French language version of By-law amendment 1009-5.*

DIVISION 5.4 MONETARY GUARANTEE

SECTION 5.4.1 MONETARY GUARANTEE

Should the Council approve the preliminary program for the utilization of the vacated land, it may require a financial guarantee for carrying out said program at the fixed amount of \$ 250,000 for use groups H1, H2, H3 and H4 and at the fixed amount of \$ 500,000 for all other use groups.

Any monetary guarantee that was deposited before the coming into force of this By-law may be replaced by a guarantee conform to the present By-law upon request of the depositor.

This financial guarantee payable to the order of the Town of Hampstead, consists, at the discretion of the applicant, of one or the other of the following securities:

1. A letter of guarantee, automatically renewable;
2. A guarantee issued by an insurer duly authorized to carry out insurance operations in Quebec by virtue of the Insurers Act (CQLR, c. A-32.1);
3. A certified cheque;
4. A bank draft.

Where applicable, the financial guarantee shall include a provision obliging the issuer to notify the designated official of its cancellation

The financial guarantee shall remain in force and may not be lifted until the expiry of a 60-days delay following an inspection by the designated official confirming the substantial completion of the preliminary program for the utilization of the vacated land.

The substantial completion of the program must include: the completion of the walls, the roof with waterproofing, the installation of the doors, the windows and the backfilling of the land.

(1009-5, sec. 7, 4/4/2022)*

**section 8 in French language version of By-law amendment 1009-5.*

DIVISION 5.5 ISSUANCE OF THE CERTIFICATE OF AUTHORIZATION FOR DEMOLITION

SECTION 5.5.1 ISSUANCE OF THE CERTIFICATE OF AUTHORIZATION

When the Council¹ grants a certificate of authorization for demolition, the designated official shall issue the certificate, on behalf of the Council¹, only when the building permit for the project of reutilization of the vacated land is ready. The certificate of authorization must, when applicable, stipulate the conditions which are binding on the applicant.

(1009-5, sec. 3, 4/4/2022)¹, (1009-6, sec. 1, 10/6/2022)

The conditions in virtue of the By-law on Permits and Certificates must also be respected.

No certificate of authorization shall be issued before the fees due for the issuance of the permits as prescribed by section 5.1.3 of this By-law and the monetary guarantee prescribed by section 5.4.1 of this By-law are paid in full.

(1009-7, sec. 10, 7/05/2023)

Where section 5.2.4 applies, no demolition certificate may be issued until the earlier of:

1. The date on which the Agglomération de Montréal notifies the Town of Hampstead that it does not intend to avail itself of the power of disallowance provided for in the third paragraph of this section;
2. The expiration of the 90-day period provided for in this paragraph.

(1009-8, sec. 6, 11/04/2024)

DIVISION 5.6 IMPOSITION OF CONDITIONS BY THE COUNCIL AND TIME PERIOD FOR COMPLETION OF WORK *(1009-5, sec. 3, 4/4/2022)*

SECTION 5.6-B IMPOSITION OF CONDITIONS *(1009-7, sec. 13, par. a), 7/05/2023)*

Where the Council grants the issuance of a permit, it may impose any conditions relating to the demolition of the building or to the reutilization of the vacated land that it deems necessary or advisable.

(1009-5, sec. 3, 4/4/2022)

This includes determining the terms and conditions of a tenant's relocation when the building includes one or more dwellings.

(1009-7, sec.11, 7/05/2023)

SECTION 5.6.2 TIME PERIOD FOR COMPLETION OF WORK

When the Council³ grants the application for a certificate of authorization for demolition, it must¹ set the time period within which the demolition work must be undertaken and completed.

(1009-2, sec. 1, 11/4/2019)¹

The Council may, on reasonable grounds, modify the set time period, provided that a request is made prior to the expiration of said time period.

(1009-7, sec.12, 7/05/2023)

The construction work for the building must be completed by the expiry date of the timeframe set by the Council³; failing this, the Town will confiscate the monetary guarantee. This work will be considered completed when the following conditions are met:

1. The exterior of the building must be 100% completed;
2. The interior of the building is functional. This means at least a kitchen, a bathroom and a bedroom must be functional and completed.

Should the work not be completed within the set period, the Town may² complete the said work and recover its costs from the owner, or at the Council's discretion, execute the financial guarantee. Should it recover these costs from the owner, they shall constitute a prior claim on the property, for the same reasons and with the same status as the claims contemplated in paragraph 5 of Section 2651 of the Quebec Civil Code, and these costs shall be guaranteed by a legal hypothec on the property.

(1009-2, sec. 2, 11/4/2019)², (1009-5, sec. 3, 4/4/2022)³

SECTION 5.6.3 VOIDANCE OF THE CERTIFICATE

The application for demolition becomes void when the applicant does not collect the certificate of authorization for demolition within the 6 months following the expiration of the timeframe for the appeal or, in the case of an appeal, following the decision of the municipal council.

The certificate of authorization for demolition becomes void if:

1. The work that it authorizes not be undertaken prior to the expiration of the time period of 6 months;
2. Applicable By-laws or declarations made in the application for the demolition permit were not respected.

In the cases listed above, should the applicant wish to undertake or terminate demolition work, he must provide himself with another permit.

SECTION 5.6.4 REVOCATION OF THE CERTIFICATE OF AUTHORIZATION FOR DEMOLITION

The Council may revoke a certificate after having advised the holder in writing:

(1009-5, sec. 3, 4/4/2022)

1. Should one of the conditions for issuance of the certificate of authorization for demolition not be respected,
or;
2. Should the certificate have been granted in error or based on erroneous information

The holder of a certificate that has been revoked must return it to the designated officer within 10 days of the notice to this effect.

DIVISION 5.6-B RULES SPECIFIC TO DWELLINGS

SECTION 5.6.5 EVICTION

An owner who has obtained a demolition permit may evict a tenant to demolish a dwelling.

However, a tenant may not be forced to leave their dwelling until the later of either the expiry of the lease, or the expiration of three months, from the date of issue of the certificate of authorization.

SECTION 5.6.6 COMPENSATION

The owner must pay the evicted tenant three months' rent and moving expenses.

If the damages resulting from the prejudice suffered by the tenant amount to a higher sum, the tenant may apply to the Administrative Housing Tribunal to have the amount fixed.

The compensation is paid at the time of the tenant's departure and moving expenses, upon presentation of supporting documentation.

SECTION 5.6.7 LEASE EXTENSION

If the demolition of a dwelling is not undertaken before the expiry of the period fixed by the Council, the demolition authorization shall have no effect.

If, on the expiry of that period, a tenant continues to occupy their dwelling, the lease is automatically extended and the landlord may, within one month, apply to the Administrative Housing Tribunal to fix the rent.”

(1009-7, sec. 13, par. b), 7/05/2023)

DIVISION 5.7 DISPLAY OF THE CERTIFICATE AND SITE INSPECTION

SECTION 5.7.1 DISPLAYING THE CERTIFICATE

At all times during the execution of the demolition work, any person in authority on the site must have in his possession a copy of the certificate of authorization for demolition.

(s) Jeremy Levi
Jeremy Levi, Mayor

(s) Poovadee Permal-Vardin
Poovadee Permal-Vardin, Town Clerk