

BY-LAW NO. 2595

**BY-LAW 2595 CONCERNING THE
SANITATION AND MAINTENANCE OF
DWELLING UNITS**

At the Regular Council Meeting of the Côte Saint-Luc City Council, held by way of videoconference, on Monday, March 14, 2022, at 8:00 p.m. at which were present:

Mayor Mitchell Brownstein, B. Comm., B.C.L., L.L.B

Councillor Lior Azerad

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc.,

Councillor Oren Sebag, B.Sc. RN MBA

Councillor Mitch Kujavsky, B. Comm.

Councillor Andee Shuster

ALSO PRESENT:

M^e Jonathan Shecter, City Manager, Director of Legal Services
and City Clerk

Ms. Nadia Di Furia, Associate City Manager

Ms. Tanya Abramovitch, Associate City Manager– Urban Strategy

M^e Jason Prévost, Assistant City Clerk, acted as Secretary of the
meeting

WHEREAS the municipal administration seeks to ensure that all residents of Côte Saint-Luc benefit from acceptable housing conditions;

WHEREAS a Notice of Motion was given at the Regular Meeting of Council held on February 14, 2022;

THAT it be ordained and enacted as By-law N°2595 entitled "By-law 2595 concerning the sanitation, maintenance and safety of dwelling units" as follows:

CHAPTER 1
INTERPRETATION

ARTICLE 1

In this by-law, the following words mean:

- (1) "Authority having jurisdiction":
 - a. The Director of the Urban Development Department of the City of Côte Saint-Luc and any employee under his or her control, including, but not limited to, Division Heads, Building Inspectors, and Permit Agents.
 - b. The Director of Public Safety of the City of Côte Saint-Luc and any employee under his or her control.
 - c. The Service de police de la Ville de Montréal ("SPVM");
- (2) "City": the City of Côte Saint-Luc and its entire territory;
- (3) "Dwelling unit": a room or a suite of rooms intended to be used as a domicile, including in particular the rooms offered for rental and artist studios serving as a domicile;
- (4) "Extermination": disinfestation, rat extermination, disinfection and any other method for the elimination of bacteria, germs, parasites, insects, rats and mice, except fumigation;
- (5) "Habitable space": a space or a room used or intended to be used for cooking or eating, sleeping or living purposes, excluding a bathroom, a water closet, a storage space, a closet, and a laundry room;
- (6) "Useful area": the area of habitable spaces measured between the face of walls, excluding the area occupied by a kitchen cupboard.

ARTICLE 2

The words that are not defined in article 1 have the same meaning as in the Regulation respecting the Construction Code (C.Q.L.R., chapter B-1,1, r.2).

**CHAPTER 2
APPLICATION**

ARTICLE 3

This by-law applies to the entire city territory.

ARTICLE 4

This by-law applies to any building or part of a building serving or intended to serve for residential purposes, and to outbuildings, in particular a shed, a balcony, a garage, a car shelter, and a depot, referred to as “building”.

ARTICLE 5

This by-law does not apply to a building that is:

- (1) Exclusively institutional, in particular, a residence for students, a correctional facility, a presbytery, a convent or any other residential building occupied or destined to be occupied by an incorporated religious corporation under the *Religious Corporations Act* (C.Q.L.R., chapter C-71);
- (2) Occupied or designed to be occupied exclusively by an establishment covered by the *Act respecting tourist accommodation establishments* (C.Q.L.R., chapter E-14.2), in particular, a hotel, motel or youth hostel;
- (3) Occupied or designed to be occupied exclusively by an establishment covered the *Act respecting health services and social services* (C.Q.L.R., chapter S-4.2), in particular, a hospital centre, a residential and long-term care centre, a rehabilitation centre, a convalescent home or an intermediate-type resource.

Despite paragraph (2) of the first paragraph, a bed and breakfast and a tourist home are subject to this by-law.

CHAPTER 3
ADMINISTRATION

SECTION I
POWERS

ARTICLE 6

The authority having jurisdiction may enter a building or a dwelling unit, visit it and inspect it for the purposes of this by-law.

ARTICLE 7

The authority having jurisdiction must, on request, show an identification card bearing his photograph, as issued by the city.

ARTICLE 8

Every person must allow the authority having jurisdiction to enter a building without interfering with his work.

ARTICLE 9

The occupants of a dwelling unit where an extermination is to be performed under this by-law may not refuse access to the authority having jurisdiction or to the pest control specialist.

They must, if required, clean and prepare the premises for the extermination.

ARTICLE 10

The authority having jurisdiction may conduct tests and take photographs or recordings in a building or any adjacent part.

ARTICLE 11

The authority having jurisdiction may, in the exercise of powers conferred under this by-law, require any information relating to the application of the by-law, and the production of any related document. The person required to do so must comply.

ARTICLE 12

The authority having jurisdiction may, after corrective measures taken in accordance with this by-law, require the owner of a building to carry out or have a test, an analysis or a verification carried out, or check materials, equipment or systems to ensure compliance with this by-law, and to provide a certificate of compliance, safety and good working order. The person required to do so must comply.

ARTICLE 13

The authority having jurisdiction may, after corrective measures taken in accordance with this by-law, install a measuring instrument or order the

owner of a building to install one and to provide him with the data collected. The person ordered to do so must comply.

ARTICLE 14

All measures taken under this by-law must be in accordance with standards of good practice.

SECTION II
INTERVENTION OF THE CITY

ARTICLE 15

Every owner of a building must meet the standards set under this by-law.

ARTICLE 16

The authority having jurisdiction may, in case of default by the owner of an immovable, in addition to any other recourse under the law, take any action or have any action taken under this by-law, at the owner's expense, in connection with the immovable. The authority having jurisdiction may also deal with unsanitary conditions referred to in article 26, at the owner's expense.

ARTICLE 17

The city may fence off a lot that constitutes a hazard when the owner cannot be found, or when he refuses, neglects or is incapable of carrying the work required to eliminate the hazard after being ordered to do so by employees authorized by the city.

ARTICLE 18

The costs incurred by the city under article 16 or article 17 constitute a prior claim on the immovable concerned, in the same way and with the same rank as the claims referred to in paragraph (5) of article 2651 of the *Civil Code of Québec*, and are also secured by a legal hypothec on the immovable.

ARTICLE 19

When it is established that the conditions of development, occupancy, maintenance or preservation provided for in this by-law may not be reasonably applied, the director may apply different measures.

SECTION III
EVACUATION OF A BUILDING OR A DWELLING UNIT

ARTICLE 20

Constitutes an infraction any person who contravenes a notice issued by the authority having jurisdiction ordering the evacuation and the closing of a building or a dwelling unit that is not in accordance with this by-law.

ARTICLE 21

The personal property on the premises whose evacuation and closing were ordered may be moved to a location determined by the authority having jurisdiction and is entrusted to his care.

ARTICLE 22

The authority having jurisdiction may post a copy of the evacuation notice on the building and on the dwelling unit concerned.

ARTICLE 23

No evacuation notice may be soiled, altered, torn up or removed.

ARTICLE 24

A building, part of a building, or an accessory of a building, if it is evacuated under this by-law, is vacant or is abandoned, must be closed or boarded up to prevent access and to prevent accidents.

Where a building or a structure constitutes a hazard due to construction work, fire, structural instability or any other cause, the owner must take proper action, including the demolition of all or part of the building or structure, to eliminate the unsafe condition.

ARTICLE 25

No building or dwelling unit that is evacuated and closed down in accordance with this by-law may be inhabited again until the work required to bring it into compliance with by-laws and regulations has been carried out.

**CHAPTER 4
SANITATION**

ARTICLE 26

No building or dwelling unit may constitute a public health or an occupant and public safety hazard because of the use that is made of it or the condition it is in.

The following are prohibited and must be eliminated:

- (1) Uncleanliness, deterioration or obstruction of a main building, dwelling unit, balcony or outbuilding;
- (2) Presence of dead animals;
- (3) Storage or use of products or materials that give off noxious odors or toxic fumes;
- (4) Disposal of household waste, refuse or recyclable materials elsewhere than in containers provided for that purpose;
- (5) obstruction of a means of egress;
- (6) Obstacle preventing the closing and locking of a door in a prescribed fire separation;
- (7) Presence of ice or condensation on an interior surface other than a window;
- (8) Accumulation of debris, materials, spoiled or putrid matter, or any other state of uncleanliness;
- (9) Presence of rodents, insects or vermin, as well as conditions favoring their proliferation;
- (10) Presence of bedbugs as well as conditions favoring their proliferation;
- (11) Presence of molds, as well as conditions favoring their proliferation.

**CHAPTER 5
MAINTENANCE**

ARTICLE 27

All parts or accessories of a dwelling unit or a building, other than those referred to in this by-law, must be maintained in good condition.

All parts or accessories of a dwelling unit or a building, other than those referred to in this by-law must be used for their intended purposes.

ARTICLE 28

All building components must be solid enough to withstand the live and dead loads to which they may be subjected.

All building components must be repaired or replaced as needed.

ARTICLE 29

The envelope of a building, such as a roof, an exterior wall, or a foundation, must be weatherproof.

ARTICLE 30

The openings in the envelope of a building, such as door and a window, and their periphery, must be weatherproof.

ARTICLE 31

There may be no presence or accumulation of water or moisture causing damage to the structure or finishes, or presence of visible molds.

ARTICLE 32

The floor of a crawl space or a cellar must be dry.

ARTICLE 33

The floor of a bathroom and a water closet and the walls around the shower or bathtub must be moisture proof, covered with a watertight finish or facing, and maintained in good condition to prevent water infiltration into adjacent partitions.

ARTICLE 34

The floor of a common laundry room must be moisture-proof, covered with a watertight finish or facing, and maintained in good condition. It must also be cleaned regularly to keep the laundry room in sanitary condition.

ARTICLE 35

The refuse chutes, waste and recyclable material containers, and areas reserved for their storage must be kept in good condition.

The refuse chutes, waste and recyclable material containers, and areas reserved for their storage must be cleaned regularly to keep the areas in sanitary condition.

CHAPTER 6
BASIC DWELLING UNIT EQUIPMENT

SECTION I
GENERAL PROVISIONS

ARTICLE 36

A dwelling unit must be provided with drinking water supply, plumbing and with a heating system, which must always be maintained in good working order.

The drinking water supply, plumbing and heating system must be used for their intended purposes.

ARTICLE 37

A dwelling unit must be provided with a lighting system which must always be maintained in good working order.

The lighting system must be used for its intended purpose.

ARTICLE 38

A dwelling unit must be provided with at least:

- (1) A kitchen sink;
- (2) A water closet;
- (3) A lavatory;
- (4) A bathtub or shower.

These facilities must all be directly connected to the plumbing system.

ARTICLE 39

A dwelling unit must contain one or more enclosed spaces in which there is a W.C., a bathtub or a shower, and a lavatory.

ARTICLE 40

A room or a space intended for the preparation of meals must be provided with:

- (1) A low cupboard with a work surface of at least 0.25m² per habitable room, excluding the surface occupied by a sink, the maximum required for each dwelling unit being 1m²;
- (2) Cupboards, including the one required under paragraph (1), of at least 0.3 m³ per habitable room; the maximum required for each dwelling unit being 1.5 m³.

ARTICLE 41

The kitchen sink, lavatory and bathtub or shower must be supplied with cold and hot water; the hot water temperature may not be less than 45° C.

ARTICLE 42

A dwelling unit must be provided with a permanent heating system in good working order, allowing the occupant to maintain a minimum temperature of 21° C in habitable spaces. That temperature should be maintained until the outdoor temperature is below -23° C. The temperature inside a dwelling unit should be measured in the middle of each habitable space, 1m from the floor.

ARTICLE 43

A vacant dwelling unit or a non-habitable space must be provided with a permanent heating system that will maintain a minimum temperature of 15°C.

CHAPTER 7
AREAS AND CONFIGURATION OF SPACES AND ROOMS

ARTICLE 44

The total area of habitable spaces of a dwelling unit must be at least 8.5m² per person residing there. A room in a rooming house must have an area of at least 9m².

ARTICLE 45

A dwelling unit containing only one habitable room must have a useful area of at least 17 m².

ARTICLE 46

A dwelling unit containing 2 separate habitable rooms must have a useful area of at least 20m². An additional area of 3m² is required for each additional separate habitable room.

CHAPTER 8
WINDOW LAYOUT AND LIGHTING

ARTICLE 47

The minimum glazed area required to ensure natural lighting of the rooms in a dwelling must be:

- (1) 10% of the surface area of the following rooms: living room, dining room, family room, and a sleeping area combined with another space;
- (2) 5% of the surface area of sleeping rooms and other finished rooms not listed above;
- (3) 8% of the surface area of a sleeping room in a rooming house.

No glazed surface is required for a washroom, bathroom, kitchen, kitchenette, laundry room, basement playroom, unfinished basement, hallway, corridor, boiler room, technical space, storage space and any other room similar to those.

ARTICLE 48

The electrical system of a dwelling unit must provide lighting for bathrooms, water closets, kitchens or kitchenettes and interior stairways.

A dwelling unit must include at least one outlet in every habitable space.

ARTICLE 49

The electrical system of a building must provide lighting for common spaces and interior stairways, and exterior lighting for every public entrance to the building.

ARTICLE 50

Despite article 47, the natural lighting of a room in a dwelling may be provided with borrowed light, but the partition, wall or furniture separating it from the adjoining room must leave an opening free of any obstacle in a proportion of at least 40% of its area. The total floor area of the two rooms is counted in the calculation of the surface area.

ARTICLE 51

The windows of a dwelling unit must be provided with storm windows from October 30 to April 30, unless they are double glazed.

ARTICLE 52

The windows of a dwelling unit must be provided with screens from May 1st to September 30.

CHAPTER 9
VENTILATION

ARTICLE 53

A habitable space must be provided with natural ventilation by means of one or more windows directly facing the outdoors and whose unobstructed area must be at least 0.28m² per room or group of rooms; or

ARTICLE 54

A bathroom or a water closet must be provided with natural ventilation by means of a window having an unobstructed opening of at least 0.09m² or be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

ARTICLE 55

Despite articles 53 and 54:

- (1) A habitable space without a window may be ventilated through an adjoining room, but the partition, wall or furniture separating it from the adjoining room must leave an opening free of any obstacle in a proportion of at least 40% of its area;
- (2) A kitchen or a kitchenette may be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

ARTICLE 56

A common laundry room that is provided with natural ventilation may be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

ARTICLE 57

An enclosed storage garage that can accommodate more than 5 vehicles must be provided with a mechanical ventilation system having a capacity of at least 6 air changes per hour.

The mechanical ventilation system must be automatically controlled by a carbon monoxide monitoring device.

ARTICLE 58

No ventilation system of a storage garage may allow exhaust air to be discharged into adjoining parts of the building.

ARTICLE 59

A crawl space must be ventilated by means of openings with a minimum area of 1/500 of the area to be ventilated, laid out to ensure air change, and provided with a proper wire mesh screen to prevent the entry of insects and rodents. The openings must be closed from October 30 to April 30.

CHAPTER 10
RESISTANCE TO FORCED ENTRY

ARTICLE 60

The main or secondary entrance door of a building, as well as a garage or a shed door, must be provided with a proper locking device ensuring access with a key, a magnetic card or other control device.

ARTICLE 61

Every main or secondary entrance door to a dwelling unit or a room in a rooming house must be equipped with a proper locking mechanism ensuring access to the dwelling unit or to the room with a key, a magnetic card or other control device. Where such a door leads to an emergency exit or to an access to an emergency exit, the locking must be only by means of a key, a magnetic card or other control device, and not be automatic when the door closes.

ARTICLE 62

The main entrance door of a building containing 8 or more dwelling units or rooms in a rooming house must be provided with a bell for each dwelling unit or each room, and the entrance door must be provided with an unlocking device that may be remotely operated from each dwelling unit or each room.

ARTICLE 63

Every main entrance door of a dwelling unit must be provided with a door viewer, except if the door is equipped with a transparent window or if it has a transparent panel. This article does not apply to a building containing only one dwelling unit.

ARTICLE 64

The locking devices required in this chapter must be such that the doors can be opened at any time without requiring keys or other devices.

CHAPTER 11
PENAL PROVISIONS

ARTICLE 65

Subject to articles 66, any person who contravenes this by-law is guilty of an offence and is liable:

(1) In the case of an individual:

- a) For a first offence, to a fine of \$250 to \$500;
- b) For a subsequent offence, to a fine of \$1,000 to \$2,000;

(2) In the case of a corporation:

- a) For a first offence, to a fine of \$500 to \$1,000;
- b) For a subsequent offence, to a fine of \$2,000 to \$4,000.

ARTICLE 66

Any person who contravenes paragraphs (8) to (11) of article 26 or articles 24, 27 to 43 is guilty of an offence and is liable:

(1) In the case of an individual:

- b) For a first offence, to a fine of \$500 to \$1,000;
- b) For a subsequent offence, to a fine of \$1,000 to \$2,000;

(2) In the case of a corporation:

- c) For a first offence, to a fine of \$1,000 to \$2,000;
- d) For a subsequent offence, to a fine of \$2,000 to \$4,000.

CHAPTER 12
INTERPRETATIVE PREVISION

ARTICLE 67

This by-law may in no way be interpreted as to restrict or limit the scope of a more specific or a more stringent requirement in another by-law.

CHAPTER 13
COMING INTO FORCE

ARTICLE 68

This by-law shall come into force in accordance with the law.

(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Jonathan Shecter

JONATHAN SHECTER
CITY CLERK

CERTIFIED TRUE COPY

JONATHAN SHECTER
CITY CLERK

PROVINCE OF QUEBEC
CITY OF CÔTE SAINT-LUC

BY-LAW NO. 2595

**BY-LAW 2595 CONCERNING THE
SANITATION, AND MAINTENANCE
OF DWELLING UNITS**

ADOPTED ON: _____

IN FORCE ON: _____

CERTIFIED TRUE COPY