

BY-LAW N° 2345-4

**BY-LAW TO AMEND THE BY-LAW N° 2345
GOVERNING THE DEMOLITION OF BUILDINGS
IN ORDER TO ADJUST PROVISIONS RELATED TO
THE PERCENTAGE OF DEMOLITION, MONETARY
GUARANTEES, AND OTHER PROVISIONS**

At a Regular Council Sitting of the Côte Saint-Luc City Council, held at the City Hall, 5801 Cavendish Boulevard, on Monday, February 12, 2024, at 8:00 p.m. at which were present:

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

Councillor Lior Azerad

Councillor Sidney Benizri

Councillor Dida Berku, B.C.L.

Councillor Mike Cohen, B.A.

Councillor Steven Erdelyi, B.Sc., B.Ed.

Councillor Mitch Kujavsky, B. Comm.

Councillor Oren Sebag, B.Sc. RN MBA

Councillor Andee Shuster

ALSO PRESENT:

Me Jonathan Shecter, City Manager

Florine Agbognihoue, Assistant City Clerk, acting as secretary of the meeting.

WHEREAS a notice of motion for the present by-law was given at a Regular Sitting of the City Council held on January 15, 2024;

WHEREAS a draft by-law was adopted at a Regular Sitting of the City Council held on January 15, 2024;

WHEREAS following the adoption by resolution of the draft by-law 2345-4, the City of Côte Saint Luc held a public consultation meeting on February 12, 2024 in the Council Chamber at the City Hall;

IT IS ENACTED AND ORDAINED by by-law no 2345-4 entitled:

“By-law to amend the by-law no. 2345 governing the demolition of buildings in order to adjust provisions related to the percentage of demolition, monetary guarantees, and other provisions.”

By-Law no. 2345 entitled: "By-law governing the demolition of buildings", as amended from time to time is hereby further amended as follows:

ARTICLE 1

Article 3 of the By-law is hereby replaced with the following:

“3. DEFINITIONS

In the present By-law, unless the context indicates otherwise, the terms listed below have the following meaning:

“**Applicant**”: the owner of the building covered by the application for a certificate of authorization for demolition, or his or her duly authorized representative.

“**Building**”: any structure used or intended to be used for supporting or sheltering persons, animals, or objects, except an accessory building as well as a building that has lost at least half of its value through decay, fire, or explosion or because of an event or effect that could neither be anticipated nor controlled.

“**Building footprint**”: the surface area on the ground that is occupied by the base of a building.

“**Council**”: the City Council of Côte Saint-Luc.

“**Demolition**” or “**demolish**”: the destruction or dismantling of a building or a part thereof.

“**Demolition Committee**”: the Demolition Committee designated by the Council, responsible for authorizing requests for demolitions under the present By-law.

“**Designated official**”: the Director of Urban Development of the City of Côte Saint-Luc, or any other person assigned by the Director as a "designated official", who is responsible for the administration and enforcement of the present By-law.

“**Director**”: the Director of Urban Development of the City of Côte Saint-Luc.

“**Dwelling**”: a dwelling within the meaning of the *Act respecting the Administrative Housing Tribunal* (RLRQ, chapter T-15.01).

“Group of use”: any group of uses, as described in the Zoning By-law in effect.

“Heritage immovable”: any immovable that has archaeological, architectural, artistic, emblematic, ethnological, historical, landscape, scientific, social, urbanistic, or technological value, particularly a building, a structure, vestiges, or land which is in conformity and as defined in the *Cultural Heritage Act* (RLRQ, chapter P-9.002).

“Letter of guarantee”: an irrevocable letter of credit issued by a bank, caisse populaire, insurance company, trust, or fiduciary operating in Quebec.

“Meeting”: any Public Meeting in which the Council shall decide as to whether a certificate of authorization for demolition will be granted.

“Planning Advisory Committee (PAC)”: a committee composed of members of the Council and people residing in the territory of the municipality assigned by the Council to study and make recommendations on requests pertaining to urban planning, such as zoning, subdivision, and construction matters.

“Preliminary program”: means the preliminary program for the utilization of the vacated land, following the proposed demolition of a building, for which a certificate of authorization for demolition request was submitted according to the present By-law”.

ARTICLE 2

Articles 3.1 to 3.10 of the By-law are hereby repealed.

ARTICLE 3

Article 4 of the By-law is hereby replaced with the following:

“4. BUILDINGS SUBJECT TO AUTHORIZATION BY THE DEMOLITION COMMITTEE

It is prohibited to demolish a building or a part thereof unless the owner of the building has previously obtained a certificate of authorization in compliance with the present By-law.

Notwithstanding the previous paragraph, the following cases are exempt from obtaining a certificate of authorization:

- 1° Works resulting in the demolition of less than 50% of the cumulative exterior surface area of the building, which includes the structure of the exterior walls, the exposed foundations, the roof, as well as exterior supporting and common walls.
- 2° Works resulting in the demolition of less than 50% of the building footprint.
- 3° A building that has been destroyed or rendered dangerous following a fire or another type of disaster, to the point where more than half of its assessed value has been lost, based on the property assessment roll at the time of the incident.
- 4° A building that has been ordered to be demolished by the courts.
- 5° A building to be demolished by the City of Côte Saint-Luc.

To determine if works meet the criteria set out in the present By-law, the designated official may require all plans and documents they deem necessary. Furthermore, all works must comply with the City’s planning by-laws in effect and with the terms and conditions that accompany the certificate of authorization.”

ARTICLE 4

Article 5 of the By-law is hereby replaced with the following:

“5. APPLICATION FOR A CERTIFICATE OF AUTHORIZATION FOR DEMOLITION

All requests for a certificate of authorization for demolition must be submitted by the applicant to the designated official. Such requests must be accompanied by the following documents and information:

- 1° The names and addresses of the owner and their representative, if applicable
- 2° The address of the building mentioned in the request
- 3° Photographs of the walls of the building and its surrounding area
- 4° Plans and appropriate calculations must be submitted in order to determine the percentage of cumulative surface area of all exterior walls to be demolished as well as the building footprint
- 5° The measures to be taken for the relocation of tenants, or the date the building was vacated, if necessary
- 6° The reasons justifying the request for a certificate of authorization for demolition
- 7° The preliminary program for the utilization of the vacated land, including the required plans, which shall conform to the City’s planning by-laws in effect.
- 8° The work schedule of the demolition and reconstruction work, if necessary
- 9° All other pertinent documents deemed necessary by the designated official
- 10° Proof of the anticipated fee payment with respect to the *By-law concerning tariffs for the City of Côte Saint-Luc* applicable to the current fiscal year.”

ARTICLE 5

Articles 5.1 to 5.10 of the By-law are hereby repealed.

ARTICLE 6

Articles 7.2 to 7.5 of the By-law are hereby repealed.

ARTICLE 7

Article 18 of the By-law is hereby replaced with the following:

“18. LETTER OF GUARANTEE

Prior to the issuance of a certificate of authorization, the applicant must provide a letter of guarantee as a monetary security to ensure compliance with the conditions imposed, including the completion of the preliminary program for the utilization of the vacated land.

The value of the guarantee must be equal to 20% of the assessed value of the building to be demolished, based on the property assessment roll at the time the application is submitted.

In the case of a partial demolition, the value of the guarantee must correspond to 20% of the proportion (%) of the building footprint to be demolished multiplied by the value (\$) of the building on the property assessment roll at the time the application is submitted.

In all cases, the value of the guarantee may not be less than \$1,000.

The guarantee referred to in the first paragraph must remain in effect until the designated official declares in writing that the demolition work and the construction of the preliminary program have been completed.”

ARTICLE 8

Article 19 of the By-law is hereby replaced with the following:

“19. FORM OF THE GUARANTEE

The guarantee may consist of the following: a certified cheque, a bank draft, a letter of credit or a performance bond issued by an insurance company duly authorized to conduct insurance operations in Quebec.”

ARTICLE 9

Articles 25.1 and 25.2 of the By-law are hereby repealed.

ARTICLE 10

The present By-Law Shall come into force in accordance with the Law.

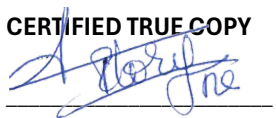
(s) Mitchell Brownstein

MITCHELL BROWNSTEIN
MAYOR

(s) Florine Agbognihoue

FLORINE AGBOGNIHOU
ASSISTANT CITY CLERK

CERTIFIED TRUE COPY



FLORINE AGBOGNIHOU
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ADOPTED ON: 2024-02-12

IN FORCE ON: 2024-02-21

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