

ADMINISTRATIVE CODIFICATION

2024-02-13

**BY-LAW N° 2089 REGARDING
CADASTRAL OPERATIONS IN THE
CITY OF CÔTE SAINT-LUC**

WARNING: This version of the By-law n° 2089 is an administrative codification that has been prepared solely for the convenience of the reader—to facilitate reading and comprehension. Please note that this document itself has not been officially adopted by the City Council; therefore it is **unofficial**. For all legal purposes, the reader should consult the official version of the By-law and each of its amendments, which may be obtained from the City Clerk's Office if necessary.

The original By-law n° 2089 was adopted by City Council on November 4, 1991, and came into force on January 15, 1992.

ADOPTION PROCESS	
Adoption of By-law	1991-11-04
Effective date	1992-01-15

AMENDMENTS INCLUDED IN THE ADMINISTRATIVE CODIFICATION		
By-law n°	Effective date	Object
2089-2	1994-12-21	
2089-3	1996-03-04	
2089-4	2001-03-14	
2089-5	2010-07-21	

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1. DEFINITIONS

1.1 Cadastral Operation

A division, a subdivision, a correction, a new subdivision, a redivision, a cancellation, an addition or replacement of a lot number effected under the *Cadastre Act (R.S.Q., c.C-1)* or article 3040 of the *Civil Code of Quebec*.

2089-5, a. 1.

1.2 Designated Officer

The Urban Planning Director or his duly authorized representative is designated responsible for the issuance of permits and certificates under the present By-law.

2089-5, a. 2.

1.3 Lot

A parcel of land cadastered separately and registered as such on the Official Plan and Book of Reference of the Parish of Montreal, except where the parcel of land consists of parts of different original cadastre lots.

1.4 Regular lot

A lot which has the opposite sides parallel or in which the non-parallel sides vary by less than 10 degrees.

1.5 Irregular lot

A lot which has two non-parallel opposite sides varying by at least 10 degrees.

1.6 Through-lot

A lot other than a corner lot, having a frontage on two (2) streets at opposite ends.

2089-3, a. 1.

1.7 Redevelopment Plan

Any construction project involving one of the following:

- a) The construction of at least one new main building on a site and for which a building permit shall be obtained from the City;
- b) The replacement of an existing main building, except when replacing a single-family dwelling;
- c) The substantial modification of a main building and for which a demolition permit shall be obtained from the City, except when modifying a single-family dwelling.

2089-5, a. 3.

2. ANNEXES

For the purpose of the present By-law, the “Zoning Plan” annexed to Zoning By-law as Annex A to form an integral part thereof shall apply to the present By-law. Also, the items concerning subdivision (dimensions of

land in metres, notes, and special norms (if applicable)) provided in the “Tables of Uses and Norms” annexed to the Zoning By-law as Annex B to form an integral part thereof shall apply to the present By-law, as the case may be. Chapter 1 of the Zoning By-law shall be used to interpret such annexes.

The present cross-reference is open, i.e., that it applies mutatis mutandis to any modification to be made to any provision of the Zoning By-law and to which the present article refers even if such modification happens subsequently to its adoption and coming into force.

2089-4, a. 1.

3. REQUIREMENTS FOR A CADASTRAL OPERATION

3.1 No cadastral operations may be carried out without the approval of the Urban Planning Director or his duly authorized representative, except:

- i) A cadastral operation relating to a vertical divided co-ownership subject to the publication of a declaration under article 1038 of the Civil Code of Quebec, other than the creation of the base original lot in the unrenowned territory or of the number of the complementary plan in the renewed territory;
- ii) A cadastral operation amendment, provided the numbering of lots has not changed or that the amendment is made directly by the authority responsible for the cadastre.

2089-5, a. 4.

3.2 No cadastral operation may have the effect of:

- i) Creating an enclave;
- ii) Altering the area or size of a built lot, if the immovable or its occupancy does not conform to By-laws because of the alteration;
- iii) Parcelling out an already built lot or identifying part of an already built lot, if the lots resulting from the parcellation or the identification are, in whole or in part, superposed on the area of the building, and if every part of the building thus divided does not conform to building, plumbing, or urban planning By-laws;
- iv) Altering the area or dimensions of an already built lot, if the alteration emphasizes a departure from building and urban planning By-laws.

This article does not apply to a cadastral operation dealing with a temporary partition of a property if the owner undertakes in writing, as a condition to the temporary partition, to perform a subsequent cadastral operation to create lots conforming to this section and this By-law and that he performs such subsequent cadastral operation within six (6) months from the existence of the lots resulting from the temporary partition.

2089-5, a. 4.

4. SUBDIVISION PLAN

No cadastral operation relating to a subdivision aimed only at a part of the properties of the applicant in the same zone on the zoning plan may be approved if the applicant does not present, with his application, a parcelling plan for all properties in the said zone, indicating the route of the projected thoroughfares, the approximate dimension of each of the lots, and the type of use for which each is destined.

2089-4, a. 2.

5. SUBDIVISION PERMIT

Every cadastral operation within the territory of the City of Côte Saint-Luc is prohibited unless the designated officer has issued a subdivision permit therefor.

6. CONDITIONS FOR ISSUING A SUBDIVISION PERMIT

No cadastral operations shall be approved by the designated officer unless:

- i) The owner completes an application form for a subdivision permit, and attaches all plans and documents necessary for its consideration; and
- ii) The application is accompanied with a non-refundable filing fee of \$100.00; and
- iii) All municipal taxes applicable and unpaid in respect of the immovables comprised in the intended cadastral operation have been paid in full; and
- iv) Servitudes for the right-of-way for power supply and communication transmissions are indicated on an annexed plan showing the lots subject to them; and
- v) The owner has undertaken in writing to convey to the City the sites for streets shown on the plan intended to be a public thoroughfare.

7. TRANSFER OF LAND OR FUNDS FOR PARK PURPOSES

7.1 Prerequisite condition for the approval of a plan relating to a cadastral operation

To promote the establishment, maintenance, and improvement of parks and playgrounds and the preservation of natural areas, the approval of a plan relating to a cadastral operation shall be subject to the conditions mentioned in article 7.3.

2089-5, a. 5.

7.2 Prerequisite condition for the approval of a plan relating to a building permit

The approval of a building permit in respect of an immovable, shall be subject to the conditions mentioned in article 7.3 where:

- i) The immovable is the subject of a redevelopment plan; or
- ii) The building permit applied for relates to the establishment of a new main building on an immovable in respect of which no subdivision permit has been issued under registration as a separate lot by reason of the fact that the registration resulted from cadastral renewal.

2089-5, a. 5.

7.3 Council's Decision

The prerequisite condition prescribed in virtue of articles 7.1 and 7.2 may be any of the following, with Council deciding in each case which obligation is applicable:

- i) That the owner undertakes to transfer, free of charge, to the municipality a parcel of land equal to 10% of the area of the site, which in the opinion of the Council, is suitable for the establishment or enlargement of park or playground or for the preservation of a natural area, or;
- ii) That the owner pays an amount to the municipality that is equal to 10% of the value of the site, or;

- iii) That the owner makes both the undertaking mentioned under subparagraph i) and the payment of an amount, as mentioned in subparagraph ii), for which the total does not exceed 10% of the value of the site.

In any case where the owner must transfer land, such land may be part of the site or be located elsewhere on the territory of the municipality. Any land transferred to the City shall be free and clear of any lien, hypothec, or priority. The owner shall also provide the City with a certificate by an environmental expert to the effect that the land is not contaminated or, if contaminated, it is to a level acceptable with regard to the *Environment Quality Act* for the redevelopment of a park, playground or natural area.

The word “site” means the land included in the plan referred to in article 7.1 or the immovable subject to a redevelopment project referred to in article 7.2, deduction made of the area of boulevards and collector streets.

2089-5, a. 5.

7.4 Rules of calculating

It should be taken into account, in favour of the owner, of any payment or transfer made at the time of a previous cadastral operation or redevelopment concerning the whole or part of the site.

In case of a payment, the value of such credit from a previous cadastral operation or redevelopment shall be deemed to be equal to the payment made at the time, as adjusted to reflect its value at the reference date, as determined pursuant to article 7.5.

2089-5, a. 5.

7.5 Value of land

For the purposes of article 7.3, the value of land to be transferred or of the site is considered on the date of receipt by the municipality of the plan relating to the cadastral operation or the redevelopment plan, being the reference date, and is established according to the principles applicable to expropriation. Such value is established at the owner’s expense by a chartered appraiser commissioned by the municipality.

2089-5, a. 5.

7.6 Exceptions

Article 7.3 does not apply in the following cases:

- i) In the case of cancellation, correction, or replacement of lot numbers which does not result in an increase of the number of lots, except in the event of the redevelopment project of an immovable;
- ii) If an agreement of the undertaking to transfer a parcel of land not included in the site entered into under the second subparagraph of article 7.3 has been executed in that regard;
- iii) In the case of a cadastral operation to permit the transfer of a parcel of land to a public authority;
- iv) In the case of a cadastral operation to allow for an expropriation.

2089-5, a. 5.

- 7.7** Notwithstanding the foregoing, the City shall have the right, in its sole discretion, by onerous title, to dispose, by auction, public tenders, or in any other manner provided for the City and Towns Act (R.S.Q. c.C-19) of any of the land which it may have acquired pursuant to this By-law if such land is no longer required for the establishment of parks or playgrounds, provided the proceeds of such disposal shall be paid into the special fund.

2089-5, a. 5.

8. REQUIREMENTS FOR PLANS AND SPECIFICATIONS

The plan for a cadastral operation must be prepared and signed by a Quebec Land Surveyor, indicating the subdivision proposed, and clearly showing all contiguous lots or parts of lots that border it on all sides, on a metric scale of 1 to a maximum of 500. Three (3) signed copies of the plan shall be submitted with the application for the subdivision permit.

9. STREET FRONTAGE

All lots resulting from a cadastral operation shall front on a street or public place.

- 9.1** Notwithstanding article 9, the establishment or creation of through-lots is expressly prohibited.

2089-3, a. 2.

10. FORM OF LOTS

All lands must be subdivided into regular lots. Irregular lots may be established only in those cases where regular lots cannot be achieved due to the geometry of the street or streets.

11. LAYOUT OF LOTS

A cadastral operation must be designed to absorb minor or unusable adjoining land areas, and in a manner that precludes creating undevelopable adjoining land.

12. STREETS

12.1 Street widths

No local street may have a right-of-way of less than 15.24 m (50 ft) in width. No street identified as a secondary thoroughfare on the Master Plan may have a right-of-way of less than 20.12 m (66 ft) in width.

No street identified as a primary thoroughfare on the Master Plan may have a right-of-way of less than 24.5 m (80.38 ft) in width.

12.2 Cul-de-sac streets

All new cul-de-sac streets must end with a turning loop; the diameter of the right-of-way of this loop may not be less than 30 m (98.42 ft).

2089-5, a. 6.

12.3 Intersection

- i) All street intersections must be at a right angle with an allowable difference of 10 degrees;

- ii) All intersections of two property lines or rights-of-way should be joined by a curve with a minimum radius of at least 6 m (19.7 ft);
- iii) The new street intersections must be at a minimum distance of 37.5 m (123 ft) and a maximum of 365 m (1198 ft) between each other; this distance must be calculated between the closest limits of the right-of-way.

2089-5, a. 7.

13. PATHWAYS OR SERVITUDES

The City may request pedestrian or cyclist pathways where it deems necessary, in particular to ease the access to schools or to community facilities.

The City may request servitudes where it deems necessary for the purpose of public utilities (such as sewers, watermains, drainage, and any other public utilities).

14. INTERPRETATION

- 14.1** Whenever the masculine is used in the present By-law, it should include the feminine, unless the context dictates otherwise.
- 14.2** The singular shall include the plural and the plural shall include the singular unless the context dictates otherwise.
- 14.3** The headings and titles of Chapters and Sections are intended for convenience only and shall not be used to interpret the terms hereof.

15. ABROGATION

By-laws 1157, 1444, 1445, 1510, and 1574 are hereby repealed.

16. ENTRY INTO FORCE

The present By-law shall come into force according to the Law.