

**ADMINISTRATIVE CODIFICATION**

**2024-02-21, including By-law n° 2345-4**

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**BY-LAW N° 2345 GOVERNING  
THE DEMOLITION OF BUILDINGS**

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**WARNING:** *This version of the By-law n° 2345 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° 2345 was adopted by City Council on June 21, 2010, and came into force on July 21, 2010.*

ADOPTION PROCESS	
Adoption of By-law	2010-06-21
Effective date	2010-07-21

AMENDMENTS INCLUDED IN THE ADMINISTRATIVE CODIFICATION		
By-law n°	Effective date	Object
2345-1	2020-05-20	Replacement of articles 3.4; 3.4; 4.0; 5.4.
2345-2	2020-08-19	Increased amounts of the minimum and maximum fine
2345-3	2023-08-23	Compliance with new provisions (LAU + LPC)
2345-4	2024-02-21	Adjustment of certain provisions

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## 1. REPLACEMENT

By-law n° 2235 is repealed and replaced by the present By-law.

## SECTION I. SCOPE OF THE BY-LAW

### 2. ASSIGNMENT TO THE MUNICIPAL COUNCIL

The Municipal Council of the City of Côte Saint-Luc assigns itself the functions conferred on the demolition committee by the Law and shall therefore be responsible for authorizing applications for demolition and to exercise any other powers conferred on it by the Law and this By-law.

### 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.

2345-4, a. 1.

**3.1 Repealed.**

2345-4, a. 2.

**3.2 Repealed.**

2345-4, a. 2.

**3.3 Repealed.**

2345-4, a. 2.

**3.4 Repealed.**

2345-4, a. 2.

**3.5 Repealed.**

2345-4, a. 2.

**3.6 Repealed.**

2345-4, a. 2.

**3.7 Repealed.**

2345-4, a. 2.

**3.8 Repealed.**

2345-4, a. 2.

**3.9 Repealed.**

2345-4, a. 2.

**3.10 Repealed.**

2345-4, a. 2.

#### 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.

2345-4, a. 3.

## SECTION II. PROCEDURE

#### 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.

2345-4, a. 4.

##### 5.1 Repealed.

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2345-4, a. 5.

**5.2 Repealed.**

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2345-4, a. 5.

**5.3 Repealed.**

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2345-4, a. 5.

**5.4 Repealed.**

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2345-4, a. 5.

**5.5 Repealed.**

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2345-4, a. 5.

**5.6 Repealed.**

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2345-4, a. 5.

**5.7 Repealed.**

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2345-4, a. 5.

**5.8 Repealed.**

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2345-4, a. 5.

**5.9 Repealed.**

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2345-4, a. 5.

**5.10 Repealed.**

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2345-4, a. 5.

**6. FEES**

The fees for the study of the request as well as the anticipated fees for the issuance of the Certificate of Authorization must be paid according to the permit and certificate rates of the City of Côte Saint-Luc.

**7. STUDY OF THE REQUEST**

The director must, as soon as possible, forward the application for a Certificate of Authorization for demolition to the attention of the Planning Advisory Committee, which shall review the application and make a recommendation to the Council based on the following criteria:

- 1° The condition of the building for which the request is made.
- 2° The heritage value of the building for which the request is made.
- 3° Deterioration of the quality of life of the neighbourhood.
- 4° The cost of restoring the building for which the request is made.
- 5° The projected use of the cleared land.
- 6° Where the building includes one or more dwelling units, the harm to tenants and the effect on housing needs in the surrounding area.

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2345-3, a. 2.

### **7.1. STUDY OF A REQUEST PERTAINING TO A HERITAGE IMMOVABLE**

In evaluating a request for authorization pertaining to a heritage immovable, the Planning Advisory Committee must also consider the following criteria:

- 1° The history of the immovable.
- 2° Its contribution to local history.
- 3° Its degree of authenticity and integrity.
- 4° Its representation of a particular architectural movement.
- 5° Its contribution to an ensemble to preserve.

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2345-3, a. 3.

### **7.2. Repealed.**

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2345-4, a. 6.

### **7.3. Repealed.**

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2345-4, a. 6.

### **7.4. Repealed.**

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2345-4, a. 6.

### **7.5. Repealed.**

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2345-4, a. 6.

## **8. PUBLIC NOTICE**

Upon having received a Certificate of Authorization for Demolition request and the Planning Advisory Committee's recommendations, a sign must be affixed to the building in question, at the expense of the applicant, easily visible for passersby. Also, a public notice of the request shall be published, at the expense of the applicant, when required by law.

## **9. NOTICE TO TENANTS**

Where the building includes one or more dwellings, the applicant must submit, by registered or certified mail, a notice to each tenant in the building and submit proof thereof to the Council at least ten (10) days before the meeting during which the applicant's request will be studied.

## **10. OPPOSITION TO THE DEMOLITION**

A person wishing to oppose the demolition must do so by writing to the City Clerk, giving the reasons for objecting, within ten (10) days of the publication of the public notice or, should such notice not be required by law, within ten (10) days following the posting of the notice on the immovable concerned.

## **11. DATE AND TIME OF THE MEETING**

The public notice shall indicate a date and time of the meeting to be held by the Council within a reasonable delay of receiving the request for a demolition.

## **SECTION III. DECISION**

### **12. COUNCIL MEETINGS**

At the meeting to discuss the demolition request, before rendering its decision as to whether a Certificate of Authorization for demolition will be granted, the Council must consider all oppositions received. The applicant shall be informed by the City of the date of the meeting.

### **13. DECISION OF COUNCIL**

During the meeting, the Council shall also hear all interested parties and shall render its decision at a public meeting. The decision shall be rendered verbally and then followed up within ten (10) days by a written decision setting out the justification for the Council's decision, which shall be sent to all interested parties. When the issuance of permits is suspended, the Committee may not approve the preliminary program before the suspension expires or the amending by-law that was the subject of the notice of motion comes into force, if such coming into force occurs before the suspension expires, the decision of the Committee is then rendered having regard to the by-laws in force at the time of the decision.

### **14. RIGHT TO DEFER ITS DECISION**

Council shall have the right, in conformity with the law, at any time prior to rendering its decision as to whether a Certificate of Authorization for demolition shall be granted, to defer its decision.

### **15. CRITERION AND CONDITIONS OF THE DECISIONS**

Council shall render its decision in conformity with the criteria delineated in Article 7 of the present By-law, as well as any other pertinent criterion and provide, as the case may be, for the conditions to be satisfied, in addition to the conditions provided in the present By-law. Council shall also take into consideration the information furnished under the requirements of Article 5 of this By-law.

### **16. ISSUANCE OF THE CERTIFICATE OF AUTHORIZATION FOR DEMOLITION**

The director grants a Certificate of Authorization on the Council's behalf once the Council has approved its issuance. This Certificate of Authorization must stipulate the conditions, if any, which are imposed by the Council under this section of the present By-law.

### **17. DELAY**

The Council may prescribe a delay in which the demolition work and the work regarding the program for the reutilization of the demolished area must start and finish. It can, for a justifiable reason, modify the delay, provided that a request is made before the expiry date of the delay.



## 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.

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2345-4, a. 7.

**18.1 Repealed.**

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2345-4, a. 8.

**18.2 Repealed.**

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2345-4, a. 8.

## 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.

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2345-4, a. 9.

## 20. MODIFICATION TO THE MONETARY GUARANTEE

Once the Council modifies the delay to execute the demolition, it can require that the monetary guarantee be modified accordingly.

## 21. DEFAULT TO UNDERTAKE THE WORK

The Certificate of Authorization is without effect if the authorized work is not undertaken before the expiration of the delay fixed by the Council.

## 22. DEFAULT TO COMPLETE THE WORK

If the work is not completed within the prescribed delay, the Council can have it done and recover the fees from the owner.

## **SECTION IV. EXECUTION OF THE WORK**

### **23. EXHIBITION OF THE CERTIFICATE OF AUTHORIZATION**

Any time during the Demolition work, an authorized representative must have in their possession a copy of the Certificate of Authorization. The director, all members of his or her department's personnel who perform the inspection, any member of the Public Security staff of the City of Cote Saint-Luc or peace officer, can enter, at any reasonable hour, the site where the work is being carried out to verify if the demolition conforms to the Certificate of Authorization. They can also ask to see a copy of the said certificate.

### **24. INSPECTION OF THE WORK**

The director, all members of his or her department's personnel assigned to the inspection, or any employee of the City of Cote Saint-Luc's Public Security Department or any peace officer, can order or question anyone carrying out the Demolition work without a Certificate of Authorization, to stop all work immediately.

## **SECTION V. RETURN OF THE GUARANTEE**

### **25. COMPLETION OF THE WORK AND RETURN OF THE GUARANTEE**

The Demolition work is completed once the director has declared that the work is completed in its entirety. Said completion shall be according to the Certificate of Authorization issued to this effect. If the redevelopment of the vacated land has not started within ninety (90) days from the date that the Demolition work is completed, such vacated land shall be immediately filled up, levelled, grassed, and properly maintained by the owner and all foundations and asphalted areas that are not required under the zoning by-law of the City shall be removed and transformed according to the foregoing. This obligation shall also apply to all portions of the vacated land for which the redevelopment work has not started within ninety (90) days from the date that the Demolition work is completed when the redevelopment of the vacated land is subject to a development by phases.

#### **25.1 Repealed.**

2345-4, a. 10.

#### **25.2 Repealed.**

2345-4, a. 10.

## **SECTION VI. FINES**

### **26. CONTRAVENTIONS AND FINES**

Whoever proceeds with the Demolition of a Building without a Certificate of Authorization or whoever opposes the conditions of the Certificate of Authorization, commits an infraction and is liable to a fine of a minimum of \$10,000 to a maximum of \$250,000.

In addition to the fine contemplated in the first paragraph, an offender who demolishes an immovable or has it demolished without Council's authorization or in contravention of the conditions of the authorization, shall restore the immovable so demolished to its former condition. If the said offender fails to restore the immovable in accordance with the by-Law, the council may have the work carried out and recover the costs

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from the offender. The costs constitute a prior claim on the land where the immovable was situated, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code or its amendments; the costs are secured by a legal hypothec on the land.

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2345-2, a. 1.

## **SECTION VII. APPLICATION AND COMING INTO FORCE**

### **27. APPLICATION**

The director or one of his or her duly authorized employees, any Peace Officer and any member of the Public Security Department are in charge of the application of the present By-law.

### **28. COMING INTO FORCE**

The present by-law comes into force according to the Law.

UNOFFICIAL