



**MUNICIPALITY OF THE
TOWNSHIP OF WENTWORTH**

**DEMOLITION OF IMMOVABLES BY-LAW
NUMBER 2022-009**

April 2022

TABLE OF CONTENTS

CHAPTER I DECLARATORY, ADMINISTRATIVE AND INTERPRETIVE PROVISIONS.....	4
SECTION A – DECLARATORY PROVISIONS	4
1. By-Law Title	4
2. Territory of Application and Persons Subject to this By-Law	4
3. Purpose of the By-Law	4
4. Compliance	4
5. Adoption by Parts	4
SECTION B – ADMINISTRATIVE PROVISIONS	4
6. Administration of the By-Law	4
SECTION C – INTERPRETIVE PROVISIONS.....	4
7. Rules of Interpretation	4
8. Numbering	4
9. Definition	5
SECTION D – TRANSITIONAL PROVISIONS	5
10. Notification to the Minister of Culture and Communications.....	5
CHAPTER II CONSTITUTION OF THE COMMITTEE.....	6
11. Constitution and Functions of the Committee.....	6
12. Composition of the Committee	6
CHAPTER III AUTHORIZATION REQUIRED AND CONTENTS OF THE APPLICATION	7
SECTION A – AUTHORIZATION REQUIRED	7
13. Demolition Prohibited.....	7
14. Exemptions	7
SECTION B – CONTENTS OF THE APPLICATION.....	7
15. Submitting the Application	7
16. Contents of the application	7
17. Study and publication fees.....	8
18. Completed Application.....	9
19. Verification of the Application	9
CHAPTER IV EXAMINATION AND DECISION BY THE DEMOLITION COMMITTEE	10
SECTION A – EXAMINATION OF THE APPLICATION FOR AUTHORIZATION TO DEMOLISH	10
20. Start of the Examination of the Application.....	10
21. Notification of Tenants	10
22. Public Notice.....	10
23. Opposition to the Application	10

24. Consultation with the Local Heritage Council and the Planning Advisory Committee	10
25. Criteria for Evaluating the Application	10
26. Public meeting	11
27. Acquisition of the Immovable.....	11
SECTION B – DECISION OF THE DEMOLITION COMMITTEE	11
28. Decision of the Demolition Committee	11
29. Notification of the Decision	12
30. Conditions Relating to the Demolition	12
31. Review of the Decision	12
32. Notice of Decision to the MRC d’Argenteuil and Power of Disallowance.....	12
SECTION C – ISSUING OF THE CERTIFICATE AND OTHER TERMS AND CONDITIONS. 13	
33. Issuing of the demolition authorization certificate.....	13
34. Modification of the Time Limit.....	13
35. Nullification of the Authorization	13
36. Failure to Respect the Time Limit.....	13
37. Indemnity to Tenant.....	13
CHAPTER V FINAL PROVISIONS	15
38. Sanctions	15
39. Reconstruction of Building and Sanctions	15
40. Sanctions Relating to a Site Visit by the Designated Officer.....	15
41. Civil Law Recourse	15
42. Penal Actions	16
43. Coming into force.....	16

CHAPTER I DECLARATORY, ADMINISTRATIVE AND INTERPRETIVE PROVISIONS

SECTION A – DECLARATORY PROVISIONS

1. By-Law Title

The present By-Law is entitled “Demolition of Immovables By-Law 2022-009”.

2. Territory of Application and Persons Subject to this By-Law

This By-Law applies to all persons and to the entire territory of the Municipality of the Township of Wentworth.

3. Purpose of the By-Law

This By-Law governs the demolition of immovables on the territory of the Municipality of the Township of Wentworth. It gives the Demolition Committee the power to grant or deny applications submitted to it.

4. Compliance

Compliance with this by-law does not diminish the obligation of complying with any other provincial or federal government law or regulation in force or any other municipal by-law applicable in the case at hand.

5. Adoption by Parts

This By-Law has been adopted chapter by chapter, section by section, article by article, and paragraph by paragraph such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other part contained herein, except where the meaning or scope of the By-Law or one of its provisions is altered or modified.

SECTION B – ADMINISTRATIVE PROVISIONS

6. Administration of the By-Law

The administration and application of this By-Law are entrusted, by resolution of the Municipal Council, to any person hereinafter referred to as a “designated officer”. The duties of the designated officer are set out in the *Planning Administration By-Law*.

SECTION C – INTERPRETIVE PROVISIONS

7. Rules of Interpretation

The following rules of interpretation apply to this By-Law in the event of a contradiction between two or more provisions:

1. A specific provision prevails over a contradictory general provision;
2. The most restrictive provision prevails;
3. In the event of contradiction between a chart, a diagram or a title and the text, the text prevails.

8. Numbering

The numbering method used in this By-Law is as follows:

Chapter I : Chapter

Section A – Section

1. Article

Paragraph

1. Paragraph

a) Subparagraph

9. Definition

Unless the context indicates a different interpretation, all words and expression have the meaning assigned to them in the *Zoning By-Law*. If a word or expression is not defined, it is understood to have its common dictionary definition.

Notwithstanding the preceding paragraph, for the purposes of this By-Law, the following definitions apply:

Committee

Demolition Committee.

Heritage immovable

An immovable recognized in accordance with the *Cultural heritage act* (CQLR, c. P-9.002) situated on a heritage site recognized in accordance with this Act or registered in an inventory adopted by the MRC of Argenteuil in accordance with Section 120 of this Act.

Dwelling

Dwelling within the meaning of the *Act respecting the administrative housing tribunal* (CQLR, c. R-8.1).

Preliminary program for the reutilization of vacated land

Intention expressed by the applicant for the construction or development of the land to replace the building whose demolition was authorized by the Demolition Committee and that will subsequently be the subject of a permit or certificate application. Where applicable, a complete permit or certificate application in accordance with the *Planning Administration By-Law* shall take the place of a preliminary program for the reutilization of vacated land.

SECTION D – TRANSITIONAL PROVISIONS

10. Notification to the Minister of Culture and Communications

The designated officer must, at least 90 days before the issue of an authorization certificate for the demolition of an immovable built before 1940, send a notice of intent to the Minister of Culture and Communications, accompanied by any information or document required by the Minister, as long as the following conditions have not all been met:

1. A by-law compliant with the provisions of Chapter V.0.1 of Title I of the *Act respecting land use planning and development* (CQLR, c. A-19.1) is in force in the territory of the Municipality;
2. The inventory provided for in the first paragraph of Section 120 of the *Cultural heritage act* (CQLR, c. P-9.002) has been adopted with regard to the territory of the MRC of Argenteuil.

CHAPTER II CONSTITUTION OF THE COMMITTEE

11. Constitution and Functions of the Committee

A Demolition Committee is constituted under this By-Law.

The Committee is responsible for deciding on applications for demolition and for exercising any other powers conferred on it by this By-Law.

12. Composition of the Committee

The Demolition Committee is composed of three Council members designated by Council for one year. Their term is renewable.

A Council member who ceases to be a Committee member before the end of his term, who is temporarily incapable of performing his duties, or who has a direct or indirect personal interest in a matter before the Committee shall be replaced by another Council member designated by Council for the remainder of his term, or for the period of incapacity, or for the duration of the hearing of the matter in which he has an interest, as the case may be.

CHAPTER III AUTHORIZATION REQUIRED AND CONTENTS OF THE APPLICATION

SECTION A – AUTHORIZATION REQUIRED

13. Demolition Prohibited

No person shall demolish, in whole or in part, any of the following immovables unless the owner has obtained prior authorization from the Demolition Committee to do so.

14. Exemptions

With the exception of an immovable recognized in accordance with the *Cultural heritage act* (CQLR, c. P-9.002) or situated on a heritage site recognized in accordance with this Act, Article 14 does not apply to the following demolition work:

1. The demolition of a building for which a demolition order has been issued by a court;
2. The demolition of a building that has been destroyed or rendered unsafe by fire or any other cause such that it has lost at least 50% of its value;
3. The demolition, at the request of the designated officer, on the advice of the public safety authorities, of a building whose condition constitutes a danger whereby immediate action is needed to ensure the safety of the premises and the neighbourhood.

SECTION B – CONTENTS OF THE APPLICATION

15. Submitting the Application

An application for authorization to demolish must be submitted to the designated officer by the owner of the building to be demolished or his duly authorized representative, using the form provided for that purpose. This form must be completed and signed by the owner or his duly authorized representative.

16. Contents of the application

The application for authorization to demolish must be accompanied by the following documents in one (1) paper copy and in digital format (PDF), in addition to the plans and documents required therefor as set out the *Planning Administration By-Law*:

1. A presentation document including, at a minimum:
 - a) The current occupancy of the building or, if it is vacant, the date on which it became vacant;
 - b) Photographs of the interior and exterior of the building;
 - c) Photographs of any existing structures and features on the lot on which the building that is the subject of the application is situated;
 - d) A description of the building's architectural characteristics, its period of construction and the main changes to its external appearance since its construction;
 - e) Photographs of neighbouring buildings to help understand the local context;
 - f) The reasons for demolition rather than preservation or restoration;
 - g) The reasons justifying the demolition with regard to the evaluation criteria set out in this bylaw.

2. A report on the state of the building signed by a professional or other appropriately qualified person including, but not limited to, the structural quality of the building, the state of its main components, and any deterioration observed. The report must also demonstrate that the building is in such a condition that it cannot reasonably be restored, if such be the case;
3. A report on the estimated cost of restoration to preserve the building, signed by a professional or other appropriately qualified person, based on the conclusions of the report on the state of the building referred to in Paragraph 2;
4. A heritage study signed by an appropriately qualified professional including, but not limited to, the heritage value of the building (archaeological, architectural, artistic, emblematic, ethnological, historical, landscape, scientific, social, urbanistic, or technological value), its state of conservation and the methodology used. The heritage study must be signed by a person other than the person mandated to produce the preliminary program for the reutilization of the vacated land;
5. The details of the preliminary program for the reutilization of the vacated land including:
 - a) The proposed use;
 - b) A summary description of the interventions to be carried out, in terms of construction (height, volume, surface area, layout, etc.), architecture (architectural design, main components, etc.) and land development. One or more preliminary sketches must be submitted to illustrate this description;
 - c) A timeframe for the work;
 - d) A preliminary cost estimate for the program.
6. Planned measures to rehouse tenants if the building has one or more occupied dwelling units;
7. Any other document necessary for the assessment of the application for authorization with regard to the criteria set forth herein.

17. Study and publication fees

Fees for the study of an application for authorization to demolish and for the publication of public notices are set out in the *Planning Administration By-Law*.

In all cases, these fees are non-refundable and do not cover the charges for issuing a permit or certificate.

18. Completed Application

An application for authorization to demolish is considered complete when all required documents and plans have been submitted to the designated officer and the study fees have been paid.

19. Verification of the Application

The designated officer shall verify the contents of the application. At the request of the designated officer, the applicant must provide any additional information required for a clear understanding of the application.

If the plans and documents provided by the applicant are inaccurate, erroneous, insufficient or non-compliant, the designated officer shall notify the applicant that the application verification process has been suspended in order for the applicant to provide accurate, corrected and sufficient information, plans and documents for the verification of the application.

Once the designated officer has verified the application, the application is transmitted to the Demolition Committee.

CHAPTER IV EXAMINATION AND DECISION BY THE DEMOLITION COMMITTEE

SECTION A – EXAMINATION OF THE APPLICATION FOR AUTHORIZATION TO DEMOLISH

20. Start of the Examination of the Application

The Committee's examination of the application may begin when the application for authorization to demolish is deemed complete by the designated officer.

21. Notification of Tenants

When the application for authorization to demolish involves a building that has one or more dwelling units, the applicant must send a notice of the application to each of the building's tenants.

The applicant must provide proof of the notification of tenants to the designated officer before the application is examined.

22. Public Notice

When the Demolition Committee is seized of an application for authorization to demolish, it must, no later than the tenth day before the public meeting:

1. Post a public notice on the building that is the subject of the application, in a location easily visible by passers-by;
2. Publish a public notice of the application in accordance with the regulations governing the publication of municipal public notices.

The sign and notice must indicate the date, time, place and purpose of the Demolition Committee meeting and the text mentioned in Article 23 of this By-Law.

If the application relates to a heritage immovable, a copy of the public notice must immediately be sent to the Minister of Culture and Communications.

23. Opposition to the Application

Any person wishing to oppose the demolition must, within ten (10) days following the publication of the public notice or, otherwise, within ten (10) days following the posting of the public notice on the building concerned, provide his reasons for objecting to the application, in writing, to the Clerk-Treasurer of the Municipality.

24. Consultation with the Local Heritage Council and the Planning Advisory Committee

When the Demolition Committee is seized of an application that relates to a heritage immovable and the Municipality has a local heritage council within the meaning of Section 117 of the *Cultural Heritage Act* (CQLR, c. P-9.002), the Committee must consult this council before rendering its decision.

The Demolition Committee may consult the Planning Advisory Committee if it deems it appropriate.

25. Criteria for Evaluating the Application

The Demolition Committee shall examine the application for authorization to demolish in the light of the following evaluation criteria:

1. The state of the immovable;
2. The heritage value of the immovable;

3. The immovable's history, contribution to local history, degree of authenticity and integrity, representativeness of a specific architectural movement, and contribution to an ensemble to be preserved;
4. The deterioration of the quality of life in the neighbourhood;
5. The cost of its restoration;
6. The intended use of the vacated land;
7. If the immovable has one or more dwelling units, the harm caused to tenants and the impact on housing needs in the area;
8. Any other criteria it deems appropriate in the context.

26. Public meeting

The Demolition Committee shall hold a public meeting, which shall include a public hearing. At this meeting:

1. The Committee shall explain the purpose of the meeting and the procedure to be followed;
2. The designated officer shall present the application for authorization to demolish that has been submitted for consideration;
3. The applicant for authorization to demolish shall explain the reasons for the application, the main conclusions of the reports submitted in support of the application, and the preliminary program for the reutilization of the vacated land. In the absence of the applicant, the designated officer shall present this information;
4. Any person shall then have the right to be heard, whether or not that person filed an objection in accordance with Article 23;
5. The Committee may address questions to the applicant and to any person who has spoken;
6. The Committee shall continue its examination of the application in camera.

27. Acquisition of the Immovable

If the immovable that is the subject of the application has one or more dwelling units, a person wishing to acquire the immovable in order to preserve its residential rental character may, as long as the Demolition Committee has yet to render its decision, contact the Clerk-Treasurer in writing to request a delay in order to undertake or pursue steps to acquire the immovable.

Such an intervention may also be made by a person wishing to acquire a heritage immovable that is the subject of an application for authorization to demolish in order to preserve its heritage character.

If the Demolition Committee considers that circumstances justify this, it shall postpone rendering its decision and grant the said person a delay of not more than two months from the end of the public meeting to allow the negotiations to be completed. The Demolition Committee may postpone its decision for this reason only once.

SECTION B – DECISION OF THE DEMOLITION COMMITTEE

28. Decision of the Demolition Committee

The Demolition Committee shall render its decision at a public meeting.

The Committee may decide to postpone its decision to a later public meeting if it deems it appropriate. In this case, it must publish a public notice in compliance with Article 23 of this By-Law.

29. Notification of the Decision

The Committee's decision must be substantiated and sent without delay to every party concerned, by registered mail. The decision shall be accompanied by a notice explaining the rules that are applicable from among those set out in Articles 32, 33 and 34 of this By-Law.

30. Conditions Relating to the Demolition

When the Demolition Committee grants authorization to demolish, it may:

1. Impose any conditions associated with the demolition of the building or the reutilization of the vacated land;
2. Determine the conditions for the rehousing of tenants if the immovable has one or more dwelling units;
3. Set a timeframe for the start and completion of the demolition work.

The Demolition Committee may require the owner to provide the Municipality, prior to the issue of a demolition authorization certificate, with a monetary guarantee to ensure compliance with the conditions referred to in the previous paragraph. This monetary guarantee must:

1. Be in the amount determined by decision of the Committee;
2. Be in the form of a certified cheque made out to the Municipality of the Township of Wentworth and issued from an account registered at a financial institution, or an irrevocable and unconditional letter of guarantee issued from a financial institution;
3. Be valid for a period of one year from the date of issue of the demolition authorization certificate and the permit or certificate required for the execution of the preliminary program for the reutilization of the vacated land. It must be renewed at least 30 days before its expiry if the work covered by the permits or certificates has not been completed;
4. Be returned once all the work covered by the permits or certificates has been completed in accordance with the decision of the Committee and the permits or certificates issued.

31. Review of the Decision

Any person may, within 30 days following a decision made by the Demolition Committee, apply to Council for a review of the decision.

Council may, on its own initiative, within 30 days following a decision of the Demolition Committee authorizing the demolition of a heritage immovable, pass a resolution stating its intention to review that decision.

Any member of Council, including a member of the Demolition Committee, may sit on Council to review a decision of the Committee. Council may either confirm the decision made by the Committee or render the decision it feels the Committee should have made.

32. Notice of Decision to the MRC of Argenteuil and Power of Disallowance

When the Committee authorizes the demolition of a heritage immovable and its decision is not reviewed pursuant to Article 31, a notice of the decision must be sent without delay to the MRC of Argenteuil. When such a decision is reviewed by Council, Council's decision must also be sent to the MRC without delay.

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

The MRC Council may, within 90 days after receiving the notice, disallow the decision of the Committee or Council. It may, if the MRC has a local heritage council within the meaning of Section 117 of the *Cultural Heritage Act* (CQLR, c. P-9.002), consult that council before exercising its power of disallowance.

A resolution passed by the MRC under the third paragraph must include the grounds for the decision and a copy must be sent without delay to the municipality and to every party concerned, by registered mail.

SECTION C – ISSUING OF THE CERTIFICATE AND OTHER TERMS AND CONDITIONS

33. Issuing of the demolition authorization certificate

No demolition authorization certificate shall be issued by the designated officer before the expiry of the 30-day review period provided for in Article 31, or before Council has rendered a decision authorizing the issuance of such a certificate in the event of a review pursuant to that article.

When Article 32 applies, no demolition authorization certificate shall be issued before the earlier of the following:

1. The date on which the MRC of Argenteuil notifies the Municipality that it does not intend to avail itself of the power of disallowance provided for in the third paragraph of that article;
2. The expiry of the 90 days provided for in that paragraph.

34. Modification of the Time Limit

The Demolition Committee may, for reasonable cause, modify the time limit established in the authorization decision, provided the request to do so is made before the time has expired.

35. Nullification of the Authorization

Should the demolition work not be undertaken before the expiry of the time set by the Demolition Committee, the demolition authorization certificate becomes null and void.

If, on the expiry of this time limit, a tenant continues to occupy a dwelling, the lease is extended as of right and the tenant may, within one month, apply to the Administrative Housing Tribunal to set the rent.

36. Failure to Respect the Time Limit

Should the demolition work not be completed within the time set, Council may cause the work to be completed and recover the costs from the owner. The costs thereby incurred by Council constitute a prior claim on the lot on which the building is located, in the same way and with the same rank as the municipal claims listed in paragraph 5 of Article 2651 of the Québec Civil Code. These costs are also guaranteed by a legal mortgage on the property.

37. Indemnity to Tenant

A lessor to whom authorization to demolish has been granted may evict a tenant to demolish a dwelling.

However, no tenant may be compelled to leave a dwelling before the term of the lease or before the expiry of three months from the issuance of the demolition authorization certificate, whichever is later.

The lessor must pay an indemnity equal to three months' rent and moving expenses to a tenant evicted from a dwelling. If the damages resulting from the prejudice caused to the tenant exceed that sum, the tenant may apply to the Administrative Housing Tribunal to set the amount of the damages.

The indemnity is payable when the tenant leaves the dwelling, and the moving expenses, on presentation of the vouchers.

CHAPTER V FINAL PROVISIONS

38. Sanctions

Any person who demolishes or causes to be demolished an immovable without the authorisation of the Committee or counter to the conditions of authorization is liable to a fine of \$10,000 to \$250,000. However, the maximum fine is \$1,140,000 in the case of the demolition, by a legal person, of an immovable recognized in accordance with the *Cultural heritage act* (CQLR, c. P-9.002) or situated on a heritage site recognized in accordance with that Act.

39. Reconstruction of Building and Sanctions

Any person who demolishes or causes to be demolished an immovable without a certificate authorizing the demolition is required to reconstruct the demolished building.

Should the offender fail to rebuild the building in compliance with this By-Law, Council may cause the work to be carried out and then recover the costs thereof from the offender. The costs thereby incurred by Council constitute a prior claim on the lot on which the building is located, in the same way and with the same rank as the municipal claims listed in paragraph 5 of Article 2651 of the Québec Civil Code. These costs are also guaranteed by a legal mortgage on the property.

Failure to comply with the first paragraph of this article constitutes an offence and is liable to a fine as follows:

1. If the offender is a natural person, the fine is \$300 to \$1,000 for a first offence and \$600 to \$2,000 for a repeat offence;
2. If the offender is a legal person, the fine is \$600 to \$2,000 for a first offence and \$1,200 to \$4,000 for a repeat offence.

40. Sanctions Relating to a Site Visit by the Designated Officer

A person in authority on the premises must have a copy of the demolition authorization certificate in his possession at all times throughout the demolition work. The designated officer may enter, at any reasonable hour, the premises where this demolition work is taking place, in order to check whether the demolition is in compliance with the Committee's decision. On request, the designated officer must provide identification and produce a certificate issued by the Municipality attesting to the authority invested in the officer.

A person who:

1. refuses to allow the designated officer to enter the premises where the demolition work is taking place;
2. is the person in authority responsible for the execution of the demolition work and who, on the premises where the demolition work is taking place, refuses to produce, upon request by the designated officer, a copy of the authorization certificate for the demolition

is liable to a fine not exceeding \$500.

41. Civil Law Recourse

Notwithstanding recourse through penal actions, the Municipality may exercise, before tribunals of jurisdiction, all civil recourse necessary to have the provisions of this By-Law

respected, when the Council deems it necessary, or it may exercise all these recourses cumulatively.

42. Penal Actions

Penal sanctions are instituted, for and on behalf of the Municipality, by the person designated for that purpose by a resolution of the Council.

43. Coming into force

The present By-Law comes into force in accordance with the law.

Jason Morrison
Mayor

Natalie Black
General Manager, Clerk-Treasurer

Notice of Motion:	May 2 nd , 2022
Presentation of First Draft By-Law:	May 2 nd , 2022
Adoption of By-Law:	June 6 th , 2022
Certificate of conformity:	July 27 th , 2022
Notice of coming into effect:	August 9 th , 2022