

## **Municipality of Morin-Heights**

(continued from Part 1)

**176.05.22      ADOPTION – BY-LAW (638-2022) MODIFYING BY-LAW (607-2020) REGARDING TEMPORARY CONTROL LIMITING CADASTRAL OPERATIONS IN ORDER TO RESPECT FUTURE ORIENTATIONS OF THE URBANISM PLAN CONCERNING DEFORESTATION STANDARDS**

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The Director general presents the draft by-law and gives a summary of the by-law and informs Council about the adoption procedure.

It is proposed by Councillor Louise Cossette  
And unanimously resolved by all councillors:

TO ADOPT the French and English versions of By-law (638-2022) modifying By-law (607-2020) regarding temporary control limiting cadastral operations in order to respect future orientation of the urbanism plan concerning deforestation standards as follows:

**By-law 638-2022  
modifying By-law (607-2020) regarding temporary control limiting  
cadastral operations in order to respect future orientation of the  
urbanism plan concerning deforestation standards**

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EXPLANATORY NOTE

*This by-law amends the Interim Control By-law (607-2020) to clarify Council's direction with respect to deforestation and, more generally, the preservation of natural areas. It therefore removes the amendment adopted in December 2021 and replaces it with standards for deforestation and preservation of natural areas that are proportionate and take into account the size of the lots.*

*Finally, it specifies that applications for a certificate of authorization for deforestation in progress at the time of the coming into force of the regulation are processed according to the new provisions contained therein.*

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CONSIDERING section 112.2 of the Act respecting land use planning and development (RLRQ, ch. A-19.1);

CONSIDERING the interim control resolution 288-09-20 of September 9<sup>th</sup>, 2020;

WHEREAS THAT in September 2020, the municipal council began the process of preparing the revision of the urban plan and all the regulations in this matter in order to update the main orientations of the Municipality as well as the rules governing urban planning and development;

WHEREAS THAT Council wishes to limit the increase in the density of occupation of the territory in certain sectors of the Municipality;

## ***Municipality of Morin-Heights***

WHEREAS THAT the realization of a subdivision project in conformity with the by-laws in force could compromise the achievement of the strategic vision and new orientations of the council in matters of development of the territory;

WHEREAS THAT a notice of motion was given by Councillor Louise Cossette at the regular meeting of April 13<sup>th</sup>, 2022;

WHEREAS THAT the draft by-law was tabled at the regular meeting of April 13<sup>th</sup>, 2022;

WHEREAS THAT the summary presentation of the draft by-law by the Director General;

CONSEQUENTLY, the municipal council decrees the following:

### **CHAPTER 1:     INTRODUCTORY PROVISIONS**

1.       ***Preamble*** - The preamble forms an integral part hereof.
2.       ***Goal*** - The goal of the present by-law is intended to ensure that the achievement and realization of the municipal council's vision and new directions for land use planning and development are not compromised.
3.       ***Objective*** - The objective of the by-law is to improve the interim control by-law (607-2020) limiting cadastral operations in order to respect the future orientations of the new urban plan by enacting immediate temporary deforestation standards.

It also aims at allowing the municipal council to benefit from the time necessary to complete the preparation and adoption of the new urban plan that will replace the one in force since 2007.

### **CHAPTER 2 :     AMENDING PROVISIONS**

4.       ***Deforestation*** - Paragraph 1 of Article 13.2 of the By-law is replaced by the following: «

13.2   ***Obligation to preserve natural areas*** - Natural areas on a lot must be maintained and preserved according to the following percentage which varies with the size of the lot:

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Lot size :	Percentage (%) of the preservation of natural areas :
Less than 1 000 m² :	10 %
Between 1 000 m² and 1 499 m² :	15 %
Between 1 500 m² and 1 999 m² :	20 %
Between 2 000 m² and 2 499 m² :	30 %
Between 2 500 m² and 2 999 m² :	35 %
Between 3 000 m² and 3 499 m² :	40 %
Between 3 500 m² and 3 999 m² :	50 %
Between 4 000 m² and 4 999 m² :	60 %
Between 5 000 m² and 6 999 m² :	70 %
Between 7 000 m² and 14 999 m² :	80 %
15 000 m² and over :	90 %

The calculation of the percentage of natural areas excludes the following areas:

1. The area corresponding to the purifying element, the polishing field or the discharge field required under the *Regulation respecting wastewater assessment and treatment for isolated dwellings* (RLRQ, c. Q-2, r.22) or the *Environment Quality Act* (RLRQ, c. Q-2), with the addition of a maximum buffer strip of 2 metres at their perimeter. An additional area corresponding to the length of the pipes, from the treatment system to the discharge, over a maximum width of one (1) metre may be excluded from the calculation;
2. The area corresponding to the immediate protection area of 3 metres for a water withdrawal installation and a geothermal system required under the Regulation respecting water withdrawal and protection (RLRQ, c. Q-2, r.35.2). An additional area corresponding to the length of the required pipes, by a maximum width of one (1) metre, may be excluded from the calculation;
3. The area corresponding to the driveway leading to the parking spaces.

Herbaceous, shrub and tree species may be planted within natural areas. The species selected must be compatible with the environment. ».

CHAPTER 3 : FINAL PROVISIONS

5. *Deforestation requests in progress* – Any application for a certificate of authorization for clearing a forest that is in progress on the date the by-law comes into force shall be processed and analyzed in accordance with its provisions.

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6. ***Entering into effect*** - The present by-law enters into effect on the day of its publication.

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Timothy Watchorn  
Mayor

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Hugo Lépine  
Director general / Registrar-treasurer

**177.05.22** PRESENTATION – CONSULTATION REPORT – BY-LAW (632-2022) REGARDING CLEANLINESS, MAINTENANCE AND BUILDING OCCUPANCY

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The Director general presents Council who acknowledge receipt of results of the public consultation held regarding by-law (632-2022) regarding cleanliness, maintenance and building occupancy ;

**178.05.22** PRESENTATION – CONSULTATION REPORT – BY-LAW (634-2022) REGARDING THE DEMOLITION OF IMMOVABLES

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The Director general presents Council who acknowledge receipt of results of the public consultation held regarding by-law (634-2022) regarding the demolition of immovables ;

**179.05.22** ADOPTION – BY-LAW (632-2022) REGARDING CLEANLINESS, MAINTENANCE AND BUILDING OCCUPANCY

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The Director general presents the draft by-law and gives a summary of the by-law and informs Council about the adoption procedure.

It is proposed by Councillor Leigh MacLeod  
And unanimously resolved by all councillors:

TO ADOPT the French and English versions of By-law (632-2022) regarding cleanliness, maintenance and building occupancy as follows:



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### **By-law 632-2022**

#### **Regarding cleanliness, maintenance and building occupancy**

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##### EXPLANATORY NOTE

*The present by-law established standards pertaining to the cleanliness, maintenance and occupancy of buildings and allows for the Municipality to exercise its powers as stipulated at Articles 85 and following of the Municipal Powers Act (RLRQ, ch. C-47.1) as well as respecting the obligations of Article 145.41 of the Act respecting land use planning and development (RLRQ, ch. A-19.1).*

*It updates many 10-year existing norms and makes many corrections in order to facilitate their application.*

*It establishes the principle of favouring amicable agreements to ensure the respect of the provisions of the by-law.*

*Finally, the by-law updates infringements and fines.*

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WHEREAS THAT the municipal council may, in accordance to Articles 145.41 to 145.41.7 of the Act respecting Land use planning and development (RLRQ, ch. A-19.1), may govern the occupancy and maintenance of buildings;

CONSIDERING the Municipality's Urbanism plan;

CONSIDERING the Municipality's 2020-2030 strategic vision statement and its mission regarding the maintenance of the quality of life;

WHEREAS THAT the Municipality intends on modernizing its regulation pertaining to cleanliness, maintenance and building occupancy;

CONSIDERING THAT the municipal council would like to be able to use its power to protect heritage immovables as specified in the local cultural heritage;

WHEREAS THAT a notice of motion was given by Councillor Leigh MacLeod at the regular council meeting of March 9<sup>th</sup>, 2022;

WHEREAS THAT the draft by-law was presented to Council and explained by the Director general at the regular meeting of March 9<sup>th</sup>, 2022;

CONSEQUENTLY, the municipal council decrees the following:

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### **CHAPTER 1 : INTRODUCTORY PROVISIONS**

1. ***Goal*** – The present by-law is to establish the standards and recommend measures pertaining to occupancy, cleanliness and the maintenance of buildings, impose a timeline, take action or render mandatory the work for repairs, maintenance or demolition of buildings in a state of dilapidation or disrepair and if necessary, forward a request to the Superior Code to have the work done and claim the costs as a priority debt obligation to the tax account.

2. ***Objectives*** – The objectives of the by-law are to protect the health and ensure the well-being of the general population, preserve the quality of life and guarantee transparency of the true condition of immovables.

3. ***Definitions*** – In the present by-law, unless otherwise described, the following terms are defined as follows:

**Immovable** : Every construction, vacant or not, used or destined to be used to house or greet people, animals, objects or any other use and comprised of a structure supported by a roof and walls including an accessory building;

When a construction is separated by a common wall, each section is considered as a distinct building, conditional to it being attached to a piece of land registered and independent forming a distinct property;

**Accessory building** :Furnished property or construction related to or non to a building for which it constitutes a dependency;

**Deteriorated building** : A poorly preserved building which is in dissatisfied condition to allow for the use for which it has been destined or designed;

**Building in good condition** :A building which has been preserved or in satisfactory condition to allow of the use for which it has been destined or designed;

**Construction** : Any assembly of one or more materials laid or connected to the ground or attached to any object connected to the ground, for shelter, support, backing or other similar purposes including, but not limited to, buildings, signs, fences, parking lots, billboards and retaining walls. It may be a structure.

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**Additional construction (or an accessory or secondary) :** Construction accompanying a main construction, used for convenience or usefulness and which constitutes a normal extension to the main construction.

**Main construction :** Construction used for the land without a building on the land where it has been built.

**Construction debris :** All construction material, specifically wood, rubble and plaster, pieces of metal and masonry and pavement.

**Dilapidation :** A bad appearance caused by disrepair or failure to maintain.

**Designated officer :** Any inspector from the Urbanism and Environment department, its director, director of the Fire department, assistant director of the fire department.

**Building :** Any building as per Article 900 of the Quebec Civil Code specifically, land, construction and other permanent work which may be found forming an integral part hereof.

**Heritage building :** A property registered in accordance to the Cultural Heritage Act (RLRQ, chapter P-9.002), an immovable located within a heritage according to this same Act, an immovable registered in accordance to the Historic sites and monuments Act (LRC (1985), chapter H-4) or an immovable listed in an inventory of properties representing a heritage asset in accordance to Article 120 de la Cultural Heritage Act.

**Architectural integrity :** Any part of a building, a projection, a decorative element, exterior siding material including paint and stain, gutters, openings, etc. which is specific to the building's architectural styles.

**Dwelling :** Building which includes a room or rooms used or destined to be used as a home where one or more people may generally prepare and consume meals and sleep;

**Health :** Character of a building or part of a building which is, by the quality of its condition and environment, favorable to the health and safety of residents or public by way of the use being made or its condition.

**Dilapidation :** State of deterioration because of time and normal use.

### **CHAPTER 2 : SCOPE OF APPLICATION**

4. ***Specified territory*** – The by-law applies to the Municipality's entire territory.

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5. ***Targeted individuals*** – The by-law is aimed at any property owner of a building built on the Municipality's territory.

### **CHAPTER 3 : HEALTH**

6. ***General health and safety principle*** – A building or dwelling must not be a health or safety hazard for residents or the public because of its use or condition in which it is found.

Consequently, are specifically prohibited and must be eliminated:

- a) Uncleanliness, deterioration or space requirement of a main building, dwelling, balcony or accessory building.
- b) The presence of dead animals.
- c) The storage or use of products or material which give off foul odors or toxic smells.
- d) The dumping of household garbage or recyclable material other than in bins provided for this purpose as well as the accumulation of combustible material, inside or around a building because of the quantity or their location may present a risk of fire.
- e) The hindrance of a means of escape.
- f) An obstacle preventing the closure and locking of a door in a required fire separation.
- g) The presence of ice or condensation on an interior surface other than a window.
- h) The piling of debris, material, spoiled or putrid material, excrement or other uncleanliness.
- i) The presence of vermin, rodents, insects or visible mold as well as conditions which favor their proliferation.

7. ***Structure of immovables*** – An element of structure, its insulation and its finishes which is affected by water infiltration or by liquid or fire must be cleaned, completely dried or replaced in order to eliminate the presence of odor or mold and their proliferation.

Material affected by a fire which does not respect their first quality must be replaced.

8. ***Contaminant or dangerous product*** – Any contaminant or dangerous product must be removed or eliminated (other than household maintenance products regularly sold) which may be identified following a requested analysis as per Article 33 of the present By-law.

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### **CHAPTER 4 : OCCUPANCY**

9. ***Water, plumbing, heating, lighting*** – A dwelling must be supplied by a drinking water system, plumbing, heating and lighting which must be continuously maintained in proper operating order and be able to be used for their purposes.

10. ***Basic sanitary installations*** – A dwelling must at least have :

- a) a kitchen sink;
- b) a toilet (toilet cubicle);
- c) a sink;
- d) a bath or shower

All of this equipment must be directly connected to a plumbing and used water evacuation system.

The kitchen sink and the bath or shower must be connected to hot and cold water; the hot water temperature must not be inferior to 45 C°.

11. ***Heating installation*** – A dwelling must have a permanent heating installation in proper operating order which allows the occupant to maintain, in living areas, a minimum temperature of 19 C°.

This temperature must be maintained until the exterior temperature is inferior to -23 C°.

The indoor temperature of a dwelling must be taken at the center of each liveable area, one meter from the floor.

A vacant or non-liveable dwelling must be equipped with a permanent heating installation which maintains the temperature at 15 C°.

12. ***Access to sanitary installations*** – The occupants of a dwelling must have access to at least one closed room including a toilet, a bath or shower and a sink.

The surface area of this room must be sufficient enough to allow for the installation and use of the apparatus required by the present Article.

In the case of a rooming house, this room may be used by the occupants exclusively or be common to another room.

It must not be necessary to access more than one floor to access it.

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13. ***Mechanical ventilation for a bathroom or toilet*** - In a building, a bathroom or a toilet room which is not ventilated by the circulation of natural air must be equipped with a mechanical ventilation installation expulsing the air to the exterior and ensuring the regular air exchange.

14. ***Ventilation by natural air circulation within a room*** - A room must be ventilated by natural air circulation by one or more windows giving access to the exterior.

15. ***Area for the preparation of meals*** - Each dwelling must be comprised of one sink in proper operating order within an area dedicated to the preparation of meals.

This area must be big enough to allow for the installation and use of a cooking appliance and a refrigerator.

The area located above the one used or destined for the use of cooking appliances must include a hood attached to an air evacuation conduit connected to the outdoors, to an air circulation hood or a carbon filter hood.

Also, it must be possible to connect a cooking appliance to a 220 volt electrical source or to a natural gas or propane source.

16. ***Air infiltration*** - The area located between the door frame giving access to the exterior or to a window and wall must be sealed.

The area located between the base of the door giving access to the outdoors and the threshold must be equipped with a weather-stripper.

17. ***Maintenance of openings*** - Doors, windows and screens as well as their frames must be in good shape or replaced when they are damaged.

18. ***Drinking water and used water*** - A dwelling must be equipped with a drinking water supply system and a used water evacuation plumbing system which must be constantly maintained in proper operating order.

A sanitary apparatus must be directly connected to the used water evacuation plumbing system and must be in proper operating order.

19. ***Lighting*** - A dwelling must be equipped with an electrical installation in proper operating order allowing for lighting in each room, common interior areas, interior and outdoor stairs as well as common exterior entrances.

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### **CHAPTER 5 : MAINTENANCE**

20. ***General maintenance regulations*** – All parts constituting a building must be maintained in proper operating order and must meet the functions for which they have been designed.

Without restricting the above-mentioned generality, the owner or occupant of a building must notably ensure that:

- a) the maintenance of all components of the building in order to offer the necessary stability to resist nature's inclement weather;
- b) to preserve the building in good condition for it to be used for the purpose for which it was destined;
- c) the adequate maintenance of the main building and any accessory building for them to appear in good shape instead of in an abandoned shape;
- d) the maintenance of any building in a state to preserve its preservation and avoid its deterioration.

21. ***Maintenance obligations*** – Without restricting the generalities of the elements included in Article 20 of the present by-law, the following are specifically prohibited and must be deleted or corrected:

- a) the presence of a crack on a foundation jeopardizing the solidity of the building;
- b) any twisted beam, collapsed joist, mold or rot or sloping wall;
- c) any part of a staircase, including stairs, damaged or affected by rot;
- d) any carpentry or damaged balcony or gallery structure either by chipped paint or guardrail which does not adequately protect the occupants;
- e) broken windowpanes or rotten window frames;
- f) any gutter causing erosion to the ground or is rusted or corroded;
- g) any roof without covering, completely or partly damages;
- h) any exterior wall of a main or accessory building which is not covered by compliant exterior siding or damaged or rotten siding, affected by corrosion, any non-sealed building envelope ;
- i) generally, the presence of vermin, rodents, insects or visible mold as well s conditions favouring their proliferation;
- j) the uncleanness, deterioration or clutter of a main building, dwelling, balcony or accessory building;
- k) the presence of dead animals or excrement, animal or human urine;
- l) the condition of a building which affects the health and safety of residents or public because of the use or its condition;
- m) the excessive accumulation of material, newspaper, clothing, garbage, etc, (hoarding);
- n) the absence of means of heating;

## ***Municipality of Morin-Heights***

- o) presence of stagnant water, humidity within the building causing mold;
- p) toxic fumes, within a building on contaminated land, gas oil leak, carbon monoxide, radon or other chemical products such as formaldehyde, COV ;
- q) ventilation problem (dirty ventilation system).

22. ***Stability of constituent parts*** – All constituent parts of a main or accessory building must have sufficient stability to resist to live and dead loads which may be submitted and be repaired or replaced if necessary.

23. ***Snow and ice*** – A balcony, a gallery, a bridge, an exterior stairway, must be free of snow accumulation or ice which may cause danger or hinder its use.

24. ***Exterior envelope*** – The exterior envelope of a main building or accessory building such as a roof, an exterior wall, a foundation wall, must be waterproof.

Exterior surfaces and components of a building or construction must be designed and maintained in order to prevent the intrusion of birds, vermin, rodents, insects or other animals which can be a nuisance within the building and walls.

These surfaces must have a consistent appearance and not be without its siding.

If necessary, it must be protected with the application of paint, varnish or coating corresponding to the material to be protected.

The openings of the building's exterior siding such as a door and window as well as their perimeter must be waterproof.

25. ***Water accumulation and humidity*** – It is prohibited to have any presence of water accumulation or humidity causing the deterioration of the structure or finishes or the presence of visible mold.

26. ***Walls and ceilings*** – Walls and ceilings must be maintained in proper condition and be exempt of holes and cracks.

Covering that is crumbling or threatening to fall off should be repaired or replaced.

27. ***Floors*** – A floor must be maintained in good condition and must not have poorly joined, twisted or rotten boards which may be dangerous or cause accidents.



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28. ***Sanitary void*** - The ground of a sanitary void or basement must be dry and arranged in such a way as to prevent or eliminate water infiltration.

29. ***Bathroom flooring*** – Bathroom and washroom floorings as well as the walls around the shower or bath must be protected against humidity, covered with a waterproof covering and maintained in proper condition to avoid water infiltrations into adjacent partitions.

The flooring of a common laundry room must always be protected from humidity with waterproof covering and maintained in proper condition. It must also be periodically cleaned to keep the laundry room sanitary.

Garbage chutes, waste and recycling containers and their storage areas shall be maintained in good repair and cleaned periodically to keep the premises sanitary.

30. ***Equipment maintenance*** – A mechanical system, appliance or equipment such as plumbing, plumbing fixture, heating system or appliance, electrical or lighting system, elevator and ventilation system, shall be maintained and kept in good working order.

### **CHAPTER 6 : APPLICATION OF THE REGULATION**

31. ***Visit of the premises*** – During an inspection under section 42 of this by-law, the designated officer or competent authority may :

- a) conduct tests and take photographs or make recordings in a building or any part thereof;
- b) take, without charge, samples of any kind for the purpose of analysis and may even dismantle structures to take such samples;
- c) require the production of any books, records and documents relating to the matters referred to in this by-law or require any other information relating thereto that the inspector considers necessary or advisable;
- d) be accompanied by a person whose assistance or expertise is required;

32. ***Cessation of occupancy of a building*** – A designated officer or competent authority may, pursuant to the by-law:

- a) notify an owner, lessee, occupant or any other person to cease work or occupancy of a building where he or she finds that such work or occupancy is being done or carried on in contravention of this by-law, the by-laws referred to in this by-law and any amendments thereto, and to refrain from any action or activity that may result in the continuation of the contravention.

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b) require any owner, lessee or occupant to rectify any situation constituting a violation of this by-law or the by-laws referred to in this by-law and any amendments thereto, including but not limited to, restoring things to the condition they were in before the cause of the violation occurred.

33. ***Analysis and tests*** – A designated officer or competent authority may, pursuant to the by-law:

a) require any owner, lessee or occupant of a building to have a test, analysis or verification of a material, equipment, water and/or air quality or installation performed at his or her own expense to ensure compliance with this by-law or the by-laws referred to in this by-law and any amendments thereto, and to provide a certificate of compliance, safety and proper operation by a person with expertise in the field;

b) require the installation of a measuring device or order an owner, tenant or occupant of a building to install one and to transmit the data collected to the officer, at the expense of the latter.

34. **Professional Services** – The designated officer or authority having jurisdiction may, pursuant to the by-law, require any owner, tenant or occupant to submit a report from a person having expertise in the field, where the presence of rodents or insects, mould, excessive moisture, stale air or a condition conducive to the growth thereof is found and to require proof of their eradication in the building.

35. **Intervention by the Municipality** – In the event of failure by the owner, tenant or occupant to comply with any of the provisions of the by-law, the Municipality may, with the authorization of the Superior Court, in addition to any other remedy provided by law, carry out or cause to be carried out at the expense of such owner, tenant or occupant, any intervention aimed at bringing the building in question into compliance with the by-law.

The costs incurred by the Municipality, pursuant to this section, constitute a priority claim on the building in question, in the same way and with the same rank as the claims referred to in the Civil Code of Quebec.

These costs are assimilated to a municipal tax and are recoverable according to the laws in force;

36. **Notice of non-compliance** – The designated officer or appropriate authority may, pursuant to the by-law;

a) issue a notice of non-compliance in accordance with sections 145.41 to 145.41.5 of the Community Planning Act;

## ***Municipality of Morin-Heights***

b) institute criminal proceedings or any necessary legal action on behalf of the City for a contravention of this by-law or the by-laws referred to in this by-law and amendments thereto;

37. **Notice of Deterioration** - The designated officer or appropriate authority may recommend to Council that any action be taken to stop a contravention of the by-law including, but not limited to, a notice of deterioration as provided for in Section 145.41.1 of the Community Planning Act;

38. **Acquisition by Agreement or Expropriation** - In accordance with the provisions of the Act, the City may acquire by agreement or by expropriation any real property :

- a) in respect of which a notice of deterioration has been registered in the land registry for at least 60 days;
- b) on which the work required by such notice has not been done;
- c) is in a state of disrepair that poses a risk to the health or safety of persons;
- d) which has been vacant for at least one year (excluding, in this case, a heritage building).

Such an immovable may then be alienated, for valuable consideration, to any person or, for free, to a person referred to in section 7 or 14.2 of the Municipal Code (R.S.Q., c. C-27.1) in accordance with sections 145.41 to 145.41.5 of the Act respecting land use planning and development.

Notwithstanding the first paragraph, no notice of deterioration may be registered in respect of an immovable that is the property of a public body within the meaning of the Act respecting access to documents held by public bodies and the protection of personal information.

39. **Evacuation order** - The designated officer or appropriate authority may, with the approval of the Superior Court, issue a notice ordering the evacuation and closure of a building or dwelling not in compliance with this by-law.

Personal property in a place ordered to be vacated and closed may be removed to a location determined by the administering authority at the expense of the owner, tenant or occupant.

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### **CHAPTER 7 : OFFENCES AND FINES**

40.       **Offences** - Every person who contravenes or permits the contravention of any provision of this by-law is guilty of an offence and is liable to a minimum fine of four hundred dollars (\$400) if the offender is a natural person and eight hundred dollars (\$800) if the offender is a corporation for a first offence.

The maximum fine that may be imposed is one thousand dollars (\$1,000) if the offender is an individual and two thousand dollars (\$2,000) if the offender is a corporation for a first offence.

In all cases, costs are added to the fine.

41.       **Repeat Offence** - The minimum fine for a repeat offence is eight hundred dollars (\$800) if the offender is a natural person and one thousand four hundred dollars (\$1,400) if the offender is a corporation.

In the case of a subsequent offence, the maximum fine is two thousand dollars (\$2,000) if the offender is a natural person and four thousand dollars (\$4,000) if the offender is a corporation.

In the case of a continuing offense, such continuation shall constitute a separate offense on a day-by-day basis.

42.       **Right of Entry** - An inspector, his assistant or any person authorized by resolution of Council, may at any reasonable time enter and examine any movable or immovable property, both the interior and exterior of any house, building or structure, to ascertain whether this by-law is being complied with, to take photographs and take the necessary measures, to issue any notice of modification as well as the time limits granted to correct the situation and to bring the building into conformity with the prescribed standards and measures and, where applicable, to issue notices of violation.

43.       **Obstructing entry** - The owner, lessee or occupant of any such property, building or structure shall be obliged to allow the designated officer or officers to enter at all reasonable times. Refusal or obstruction of access to the property shall render the owner or occupant of the premises liable to fines as provided for in this by-law.

44.       **Persons authorized to issue a statement of offence** - The following persons designated for the application of this by-law are authorized to issue a statement of offence for any infraction of this by-law:

## ***Municipality of Morin-Heights***

Director, Planning and Environment Department  
Inspectors of the Urbanism and Environment Department  
Director, Fire department  
Director, Public works and infrastructures department  
Foreman, roads and mechanics  
Foreman of the aqueduct, parks and buildings department  
Director general

45. **Cessation of an infraction** - In the event that a court pronounces a sentence with respect to an infraction whose object is contrary to the standards of the present by-law, it may, in addition to the fine and costs provided for in Section 41, order that such infractions be eliminated by the offender within a period of time set by the court, and that, if the offender fails to comply within the said period of time, the said infraction be eliminated by appropriate work carried out by the Municipality at the expense of the offender.

### **CHAPTER 8 : TRANSITIONAL AND FINAL PROVISIONS**

46. ***Repeals and replacements*** - The by-law repeals and replaces By-law (509-2013) which establishes the health standards applicable to immovables throughout the territory of the Municipality of Morin-Heights.

47. ***Entering into effect*** - The by-law enters into effect in accordance to the Law.

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Timothy Watchorn  
Mayor

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Hugo Lépine  
Director general / Registrar-treasurer

### **180.05.22 ADOPTION – BY-LAW (634-2022) REGARDING THE DEMOLITION OF IMMOVABLES**

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The Director general presents the draft by-law and gives a summary of the by-law and informs Council about the adoption procedure.

It is proposed by Councillor Carole Patenaude  
And unanimously resolved by all councillors:

TO ADOPT the French and English versions of By-law (634-2022) regarding the demolition of immovables as follows:

## **Municipality of Morin-Heights**

### **By-law 634-2022 Regarding the demolition of immovables**

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#### EXPLANATORY NOTE

*The present by-law establishes the regulations governing the processing of requests pertaining to demolitions pursuant to the provisions of the Act respecting land use planning and development (RLRQ, ch. A-19.1).*

*It stipulates the categories of subjected immovables and provides for the constitution of a demolition committee comprised by three municipal council members.*

*Every demolition of an immovable must only be done following the issuance of an authorization certificate by the Municipality.*

*In order to obtain such a certificate, the By-law specifies the processing of each request, the required documents as well as public notices to be published with regards to the nature of the pertinent immovable and its heritage character, if applicable.*

*The By-law will add an additional protection to the buildings recognized in the local cultural heritage as well as for any immovable which could be the subject of a particular protection by the Federal or Provincial governments.*

*It provides the possibility, for the applicant of an authorization certificate, to request a preliminary notice as well as the conditions required for this option.*

*Also, the By-law establishes the decisional power of the demolition committee and provides the municipal council with the power to review, under certain circumstances and following certain stipulated terms.*

*Finally, in compliance to the recent legislative changes made by the Act respecting land use planning and development, the By-law sets the terms of the power of disallowance for the MRC Council.*

*The By-law enacts the possibility, for the demolition committee, to authorize the issuance of an authorization certificate under certain conditions, depending on the case.*

*The By-law provides for fines for offenders and against any person hindering a designated official or competent authority from exercising their designated power.*

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WHEREAS THAT many provisions of the Law impose the obligation of adopting a regulatory framework aimed at establishing management norms regarding the demolition of immovables;

CONSIDERING the obligations set forth by Chapter V.0.1 of section I of the Act respecting land use planning and development (RLRQ, ch. A-19.1) regarding the demolition of immovables;

WHEREAS THAT Article 148.0.3 of the Act respecting land use planning and development enacts the obligation of constituting a demolition committee;

CONSIDERING the Municipality's Urbanism plan;

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CONSIDERING the Municipality's 2020-2030 strategic vision;

WHEREAS THAT a notice of motion was given by Councillor Carole Patenaude at the regular Council meeting of March 9<sup>th</sup>, 2022;

WHEREAS THAT the draft By-law was presented to Council and explained by the Director general at the regular meeting of March 9<sup>th</sup>, 2022;

CONSEQUENTLY, the municipal council decrees the following:

### **CHAPTER 1 : INTRODUCTORY PROVISIONS**

1. ***Goal*** – The goal of the present by-law is to allow for the Municipality to comply with the requirements provided for in the Act regarding the demolition of immovables throughout the territory.

2. ***Objectives*** – The objectives of the By-law are to support the complete process regarding the processing of requests pertaining to the demolition of immovables.

3. ***Definitions*** – In the present by-law, unless otherwise specified, the terms are defined as follows :

**Competent authority** : Any employee of the Urbanism and Environment department and any other person duly designated by Council;

**Committee** : Demolition committee constituted as per Article 148.0.3 of the Act respecting land use planning and development;

**Council**: Municipal council of Morin-Heights;

**Demolition**: Dismantling, moving or complete or partial destruction of an immovable;

**Dwelling**: Dwelling within the meaning of the Act respecting the Administrative Housing Tribunal (RLRQ, chapter R-8.1).

**Heritage immovable**: An immovable recognized in accordance with the Cultural Heritage Act (RLRQ, chapter P-9.002), an immovable located within the heritage site in accordance to this same Act, an immovable targeted by the Canada Historic Sites and Monuments Act (LRC (1985), chapter H-4) or an immovable registered in an inventory of immovables having a heritage value in accordance to Article 120 of the Cultural Heritage Act.

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### **CHAPTER 2 : SCOPE AND GENERAL RULE**

4. ***Administration and application of the by-law*** – The competent authority is responsible for the administration and application of the present by-law.

It may exercise the stipulated powers and deliver notices of infringement in the Municipality's name regarding any infringement to a provision of the present By-law.

5. ***Subjected immovables*** – The demolition of an immovable is prohibited unless its owner has been authorized for this purpose in accordance to the present by-law.

Notwithstanding the first paragraph, the present by-law does not apply in the following cases:

- a) the demolition of an accessory building within the meaning of the Zoning by-law in effect;
- b) the demolition of an immovable belonging to the Municipality;
- c) the partial demolition of an immovable representing 15 % or less of the ground surface area without regard to the foundations;
- d) the demolition required by the Municipality of an immovable built against the Urbanism by-laws;
- e) the demolition ordered as per Articles 227, 229 and 231 of the Act respecting land use planning and development;
- f) the demolition of an immovable having lost over half (50 %) of its value listed on the valuation role in effect at the time of a fire or disaster with the exception of an immovable registered with the provincial or local cultural heritage;
- g) the demolition of an immovable threatened by an imminent disaster by the meaning of Civil protection Act (RLRQ, chapter S-2.3).

6. ***Targeted person*** – Any property owner wanting to proceed to the demolition of an immovable is concerned by this By-law.

7. ***Demolition committee*** – Constitutes a demolition committee comprised of three (3) council members.

This committee may establish internal management regulations.

Its president is named by Council.



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### **CHAPTER 3 : PROCESSING OF REQUESTS**

8. ***Authorization certificate*** – Any property owner wanting to proceed with the demolition of an immovable must, beforehand, obtain an authorization certificate issued by a competent authority pursuant to an authorization to demolish obtained by the committee or council, if required.

9. ***Demolition authorization request*** – Each request for an authorization to demolish an immovable must be forwarded to the competent authority, by the owner of the property to be demolished or its representative on the form provided for this purpose.

The property owner or representative must, if necessary, provide the following information and documents:

- a) The name and coordinates of the property owner, his representative, contractor, engineer, architect or any other person responsible for the work;
- b) A copy of any title establishing that the applicant is the owner of the specified property or a document specifying that he holds a purchase option on this property;
- c) A proxy given by the property owner establishing the mandate of any authorized person to act on his behalf, if necessary;
- d) A detailed description of the condition of the property to be demolished (ex. : physical state, description of architectural components, identification of faulty elements);
- e) Indoor and outdoor photographs of the immovable;
- f) Photographs of the land on which the immovable is located as well as of the neighbouring properties;
- g) A location and layout plan to scale of the immovable to be demolished;
- h) A summary regarding the reasons justifying the demolition;
- i) A detailed estimate of the costs of restoring the immovable;
- j) A preliminary program for the reuse of the vacant land including the following information and documents:
  - i) The timeline and probable costs of the demolition work and reuse of the vacated land;

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- ii) The use of projected construction;
- iii) Plans for informal construction and colored elevations of all exterior façades. These plans must indicate the number of floors, total height of the construction, exterior siding material, immovable's dimensions, location of openings and other architectural components and roof pitch;
- iv) A coloured viewpoint of the projected construction in its surrounding environment;
- v) The development plan for any new projected construction as well as the plan for any projected cadastral operation which must be prepared by a land surveyor. These plans must show all of the elements which are susceptible in providing a good understanding of the preliminary plan for the reuse of the vacated land, notably in such a non-restrictive way, the dimensions of each projected construction and its distances relating to the property lines;
- vi) The exterior development plan and proposed landscape including parking areas, loading and unloading and transition, fences, hedges and septic installations;
- vii) In the case of a contaminated property, the deadline for the work and the probable costs of such work;
- viii) Any other necessary document or information for the better understanding of the proposed project or the use of the land pursuant to the demolition.
- k) The deadline and probable cost of the demolition work;
- l) The description of the methods of demolition and disposal of material;
- m) In the case of an immovable which includes one or more dwellings, the property owner's declaration indicating that each tenant has been notified in writing, of his intention to obtain an authorization for demolition from the committee;
- n) In the case of an immovable comprised of many dwellings, the conditions regarding the relocation of tenants;
- o) In the case of a heritage immovable, a heritage study undertaken by an expert in the field;
- p) Any other document or information necessary for the better understanding of the request.

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Despite what precedes, providing a document as specified in paragraphs j and o of the present Article may be submitted after the Committee will have rendered a positive decision regarding the request for an authorization certificate instead of before the study of this request, in such case, the authorization for demolition is conditional to the confirmation, by the committee, of its decision pursuant to the analysis of the document.

10. ***Preliminary notice*** – Each applicant may ask the committee, by indicating on the demolition authorization request form, a preliminary notice regarding the admissibility of their program regarding the reuse of the vacated land or the demolition of the immovable.

The committee's preliminary notice must be motivated and forwarded to the applicant without delay.

11. ***Cost of the request*** – The cost of each authorization request or preliminary notice is established as per the by-law regarding the pricing of municipal services in effect.

It is non refundable.

An authorization certificate cannot be delivered until the fee is paid by the applicant.

12. ***Preliminary exam*** – The competent authority examines the request and verifies if all of the required information and documents have been presented.

The request is then forwarded to the committee.

If the information and documents are incomplete or imprecise, the exam is suspended until the required information and documents will have been presented by the applicant.

13. ***Expiration of the request*** – The authorization request becomes obsolete if the applicant has not remitted all the required documents and information within three months from the presentation of the request.

When an authorization request has become obsolete, the applicant must once again pay for the costs related to another request.

Failure to do so within 30 days following the expiration of the deadline, it will be reputed as having withdrawn his request.

(continued at part 3)