

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

(continued from part 2)

### **CHAPTER 4: INFORMATION AND CONSULTATION**

14. ***Notice to tenants*** – Each applicant must forward, by registered or certified mail, upon presentation of the authorization request for demolition, a notice regarding this matter to each of the immovable's tenants.

15. ***Public notice and posting*** – Upon completion of the authorization request and after the payment of the required costs will have been acquitted, a notice must be visibly posted for those passing onto the concerned immovable and published without delay in accordance to By-law (619-2021) regarding the terms of publication of public notices;

These notices must identify the date, hour, location and subject of the committee's meeting at which will be statued the demolition of the immovable and reproduce the wording of Article 17 of the present by-law.

16. ***Forwarding to the Ministry*** – When the request pertains to a heritage immovable, a copy of the public notice must be forwarded without delay to the Quebec Ministry of culture and communications.

17. ***Opposition*** – Any person wanting to oppose a demolition must, within 10 days of the publishing of a public notice or, failure to do so within 10 days following the posting of a notice on said building, must make their opposition known in writing to the Municipality's registrar.

18. ***Obtaining a delay*** – When the building specified in said request pertains to one or many dwellings, a person wanting to purchase this building to preserve the residential rental quality must, as long as the committee has not rendered its decision, intervene in writing to the Municipality's registrar to request a delay in order to continue the process for the acquisition of the building.

Such an intervention must also be presented by a person wanting to acquire the specified heritage with an authorization request for the demolition to preserve its heritage character.

If the committee estimates that the circumstances are justified, it postpones rendering a decision and grants the requestor a delay of no more than two months from the date of the meeting to allow for negotiations.

The committee can only postpone its decision for this motive but once.

### **CHAPTER 5: COMMITTEE'S DECISION**

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19. ***Criteria and mandatory considerations*** – Before rendering any decision, the committee must:

- a) Consider the heritage value of the building and, if necessary, its recognition status as per the Cultural Heritage Act;
- b) Consider, in the case of a heritage building, the building's history, its contribution to local history, its degree of authenticity and integrity, its representation of current particular architecture and its contribution for what will be preserved;
- c) Consider, among others, the following elements :
  - i) The condition of the property specified in the request;
  - ii) The deterioration of the quality of life for the neighbourhood;
  - iii) The impact on the loss of heritage building within its environment;
  - iv) The cost of restauration;
  - v) The projected use of cleared land;
  - vi) When the building includes one or more dwellings, the prejudice caused to tenants and the effects on the housing needs for the neighbourhood;
  - vii) Any other pertinent criteria;

20. ***Committee's decision*** - The committee grants or refuses the authorization request.

The committee's decision must be motivated.

21. ***Conditional authorizations*** – When the committee grants the authorization, it may impose any condition pertaining to the demolition of the building or the reuse of the cleared land.

It may notably and not be limited to:

- a) Set the timeframe in which the demolition work and reuse of cleared land must be done and completed;
- b) In the case of a program for the reuse of cleared land which has not been approved would require that such program be submitted for the committee's approval;
- c) Require that the property owner provide to the competent authority, before the delivery of an authorization certificate, a monetary guarantee to ensure the implementation of the program for the reuse of cleared land and the respect of any imposed condition by the committee.
- d) Determine the conditions for the relocation of a tenant when the building is comprised of one or more dwellings.

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22. ***Transmission of the decision*** – The committee’s decision regarding the issuance of the authorization certificate must be forwarded without delay to those concerned, by registered or certified mail.

The decision is accompanied to a notice which explains the applicable regulations stipulated in Articles 23 to 25 and 29 of the present by-law.

### **CHAPTER 6 : REVISION OF THE DECISION**

23. ***Revision delay*** -Anyone may, within 30 days of the committee’s decision, ask Council to revise this decision by forwarding a request in writing to the Municipality’s registrar.

Council may, of its own command, within 30 days of the committee’s decision which authorizes the demolition of a heritage building, adopt a resolution expressing his intention to revise its decision.

24. ***Admission to assist*** – Any Council member, including a committee member, may assist council with the revision of a decision made by the committee.

25. ***Decision made by Council*** – Council may confirm the committee’s decision or render any decision which should have been taken.

Council’s decision must be motivated.

26. ***Notification of the decision*** – Council’s decision must be forwarded without delay to the concerned party.

### **CHAPTER 7 : DISALLOWANCE PROCEDURE**

27. ***Notice to the MRC*** - When the committee authorizes the demolition of a heritage building and its decision is not brought to revision while applying Article 22 of the present By-law, a notice of its decision must be notified without delay to the Municipality regional county des Pays-d’en-Haut.

A notice of the decision made by Council which is being revised by a committee’s decision, when Council authorizes such a demolition, must also be notified to the Municipality regional county des Pays-d’en-Haut without delay.

The notice is accompanied by copies of every document provided by the applicant.

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28. ***Power of disallowance*** - The Council of the Municipality regional of county des Pays-d'en-Haut may, within 90 days of receipt of the notice, disallowance the committee or council's decision.

It may, when the Municipality regional of county is endowed with a local heritage council as per Article 117 of the Cultural Heritage Act - (chapter P9.002) consult it before exercising its power of disallowance.

A resolution adopted by the Municipality regional county as per the first paragraph is justified and a copy is forwarded without delay to the Municipality and to any party involved, by registered or certified mail.

29. ***Timeframe before the issuance of a certificate*** - An authorization certificate cannot be delivered by a competent authority before the expiration of a 30-day delay as stipulated in Article 23 of the present By-law.

Should there be a revision as per Article 23 of the present By-law, a demolition authorization certificate cannot be issued before Council has rendered a decision authorizing the issuance of said authorization certificate.

When Chapter 7 regarding the disallowance procedure applies, an authorization certificate for demolition cannot be issued before one of the following expeditious dates :

- a) The date which the MRC notified the Municipality that it intends on taking advantage of the power of disallowance stipulated in Article 28 of the present By-law;
- b) The expiration of the 90-day delay stipulated in Article 28 of the present By-law.

30. ***Monetary guarantee*** - If the Committee imposes one or more of the conditions relating to the demolition of a building or to the reuse of the cleared land, when an authorization for demolition has been granted, it may require that the applicant provide the Municipality with a monetary guarantee for the respect of the conditions before the delivery of the authorization certificate.

The amount of the monetary guarantee cannot exceed the value listed on the real estate evaluation role of the property to be demolished.

This monetary guarantee must be provided by certified cheque, a cash deposit or an irrevocable letter of guarantee without conditions for the duration of one year.



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This guarantee must be renewed before its expiration, if applicable and for as long as the applicant has not respected all of the conditions imposed by the committee.

It is refunded, if necessary, without interest.

An amount corresponding to 90 % of the monetary guarantee required by the committee may however be given to the applicant when:

- a) The cost of the work done as per the program for the reuse of cleared land exceeds the value of the guarantee and if said program stipulates the construction of a new building when the exterior envelope of the building is has been completed and
- b) The conditions imposed by the Committee have been met.

The balance, corresponding to 10 % of the guaranteed monetary value, can only be remitted when the work specified in the program for the reuse of cleared land has been completed.

When the work has not been completed within the specified timeframe or under the conditions imposed by the committee have not been respected, the Town may deposit the monetary guarantee.

31. ***Modifications to the conditions*** - The conditions regarding the demolition of an immovable or the reuse of cleared land may be modified by the committee at the owner's request.

The timeframe in which the work pertaining to the demolition and the reuse of the cleared land must be undertaken and completed may also be modified by the committee, for reasonable motives, as long as a request is made before the expiry of this timeframe.

Every request for a major modification to the conditions regarding a request for authorization is processed as a new request.

32. ***Transfer to a third party*** - When the immovable concerns, in whole or in part, the transfer to a third party before the work has been fully completed, the new owner may continue the work before having obtained, in accordance to the provisions of the present by-law and the By-law regarding permits and certificates in effect, a new demolition authorization certification.

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When the immovable concerns, in whole or in part, the transfer to a third party during the work or after the completion of the work, the person who has provided the Town with a required monetary guarantee continues to be subjected to the obligation of remaining in effect as long as the condition imposed by the committee have not been met unless the new owner has presented a new monetary guarantee required by the committee which must comply to Article 29 of the present By-law.

When the immovable concerns, in whole or in part, the transfer to a third party, the Town may cash in the monetary guarantee which was provided by the seller if the new owner does not undertake the work or does not meet the conditions imposed by Council.

### **CHAPTER 8 : FINAL PROVISIONS**

33. ***Demolition without authorization or non-respect of the authorization certificate*** – Whomever proceeds with or begins the demolition work without the committee's authorization or against the conditions specified on the authorization certificate is liable to a fine of at least \$ 10,000 and up to \$ 250,000.

However, the maximum fine is \$ 1 140,000 in the case of a demolition, by a corporation, of an immovable registered in accordance to the Cultural Heritage Act (RLRQ, chapter P-9.002) or located on a heritage site as per said Law.

34. ***Hindrance*** – Whomever hinders a municipal employee from entering the location where the demolition is taking place in order to verify if the demolition complies with the committee's decision or if the person responsible for the demolition work on the worksite refuses to provide, upon request of the municipal employee, a copy of the authorization certificate, is liable to a fine of at least \$ 100 and up to \$ 500.

35. ***Building reconstruction*** – Along with fines which any offender may be responsible for paying as per the present by-law, they must rebuild the illegally demolished building.

Failure for the offender to rebuild the building in accordance to the By-law, Council may undertake the work and the costs will be the offender's responsibility.

These costs are considered as a preferred creditor status for the property where the building was located in the same way and same rank as creditors specified in paragraph 5 of Article 2651 of the Quebec Civil Code (RLRQ, ch. CCQ-1991).

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36. ***Automatic cancellation of the certificate*** - An authorization certificate is revoked if one of the following conditions is met :

- a) Demolition work has not begun or has not been completed within the timeframe set by the committee;
- b) The municipal By-laws and declarations specified in the request have not been respected;
- c) Erroneous documents with regards to one of the provisions of the present By-law have been presented;
- d) The conditions specified at the issuance of the authorization certificate have not been respected by the applicant.

37. ***Individuals authorized to issue notices of infringement*** - The following individuals are responsible for applying the present By-law are authorized to issue a notice of infringement regarding any infringement to the present By-law:

Director, Urbanism and environment department  
Inspectors of the Urbanism and environment department  
Director, Fire department  
Director, Public works and infrastructure department  
Foreman, roads and mechanics  
Foreman, aqueduct, parks and buildings  
Director general

38. ***Infringement termination*** - When an infringement specified by the present By-law continues for more than one day, it constitutes a distinct infringement for each day during which it lasts.

39. ***Expenses incurred*** - All expenses incurred by the Town pursuant to the non-respect of one or any article in the present By-law will be entirely paid for by the offender.

40. ***Precedence of the By-law*** - The provisions of the By-law have precedence over any precedence to the contrary included in another By-law or policy.

41. ***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

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

### **181.05.22     MONTHLY REPORT FROM THE DIRECTOR**

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The Director presents Council, who acknowledge receipt of her monthly report from the Director, Recreation, culture and community life as well as the lists of authorized expenses during the month of April 2022 as per By-law (577-2019) regarding financial administration.

### **182.05.22     AGREEMENT WITH THE MORIN-HEIGHTS HISTORICAL ASSOCIATION**

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CONSIDERING THAT the Municipality has received a request from the Morin-Heights Historical Association to renew an agreement regarding financial support for the activities and operations of the Morin-Heights Historical Association at 75, Lac-Écho road;

WHEREAS this non-profit organization, animated by volunteers, contributes in an important way to the strategic vision of the Municipality, to the preservation of the local cultural heritage, to its promotion and to the development of a sense of belonging to the community;

WHEREAS budgetary appropriations are available in the 2022 operating budget and additional appropriations are also available in the organization support fund;

WHEREAS the organization has not received an indexation of the previous grant for 5 years;

It is proposed by Councillor Leigh MacLeod  
And unanimously resolved :

TO APPROVE the new contribution agreement for the activities of the Morin-Heights Historical Association, as presented by the Mayor and the Director General and as per the terms of the draft submitted to the attention of Council members;

TO AUTHORIZE the granting of an annual subsidy of \$5,000 for each of the next 5 years;

TO AUTHORIZE the Mayor and the Director General, and they are hereby authorized, to sign, for and in the name of the Municipality, all documents required to give effect to the present resolution;

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### **183.05.22 ROAD CLOSURE – CANADA DAY**

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WHEREAS appendix Y of the By-law (SQ-2019) on traffic, parking, peace and order;

WHEREAS THAT Canada Day festivities will be held on Friday, July 1<sup>st</sup> 2022 at Sommets Morin-Heights;

It is proposed by Councillor Leigh MacLeod  
IT IS RESOLVED:

TO AUTHORIZE the temporary closure of Bennett street on Friday, July 1<sup>st</sup>, 2022 between 19:00 and midnight;

TO REQUIRE that the Sûreté du Québec police department be duly informed of this order of council;

### **184.05.22 ARTS DE LA RUE – CULTURAL MEDIATION**

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WHEREAS appendix Y of the By-law (SQ-2019) on traffic, parking, peace and order;

WHEREAS the Municipality will hold an important event on June 18 and 19, 2009, within the framework of the cultural mediation week, namely "Les Arts de la Rue" in collaboration with the Carrefour jeunesse-emploi and the MRC on Baker Street;

It is proposed by Councillor Peter MacLaurin  
IT IS RESOLVED:

TO AUTHORIZE the temporary closure of Baker Street from June 18<sup>th</sup>, 2022 starting at 8:00 to June 19<sup>th</sup> at 16:00;

TO REQUIRE that the Sûreté du Québec police department be duly informed of this order of council;

### **185.05.22 HIRING OF TEMPORARY SEASONAL EMPLOYEES FOR THE 2022 SUMMER**

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WHEREAS the Municipality's 2022 budget;

WHEREAS THAT the hiring of patrollers-attendants is necessary for the operations of the recreative;

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WHEREAS the recommendations from the Director, Recreation, culture and community life and Director general;

CONSIDERING the Remuneration policy for employees of the Recreation, culture and community life department;

It is proposed by Councillor Gilles Saulnier  
IT IS RESOLVED:

THAT the preamble form an integral part hereof;

TO RATIFY the hiring of the following individuals as reception attendants for the 2022 season as per the terms of the Remuneration policy for employees of the Recreation, culture and community life department:

Reception attendants	Echelon & hourly rate
Éléana Labelle	(2) \$ 17.08
Debbie Maurice	(2) \$ 17.08
Jean Charlebois	(4) \$ 18.12

**186.05.22**    ADOPTION – BY-LAW (637-2022) MODIFYING BY-LAW (627-2021) REGARDING TAXES, TARIFFS, SERVICE AND COMPENSATION FEES FOR THE 2022 FINANCIAL YEAR REGARDING CERTAIN TARIFFS FOR THE RECREATION, CULTURE AND COMMUNITY LIFE DEPARTMENT

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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 (637-2022) modifying By-law (627-2021) regarding taxes, tariffs, service and compensation fees for the 2022 financial year regarding certain tariffs for the Recreation, culture and community life department as follows:

**By-law 637-2022**  
**modifying By-law (627-2021) regarding taxes, tariffs, service and compensation fees for the 2022 financial year regarding certain tariffs for the Recreation, culture and community life department**

## **Municipality of Morin-Heights**

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### EXPLANATORY NOTE

*The present by-law modifies the taxation by-law 2022 in order to adjust the rates for access to the mountain bike trails for residents of the MRC des Pays-d'en-Haut and non-residents of the Municipality. It maintains the free access for residents and owners of the Municipality.*

*Furthermore, it modifies the rules of access to Lummis Park by allowing access to non-residents, depending on whether they are residents or owners of the MRC des Pays-d'en-Haut or not and whether they are not residents or owners of the Municipality.*

*Finally, it imposes access fees to the Municipality's pickleball courts while maintaining free access for residents or owners.*

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CONSIDERING By-law (627-2021) regarding taxes, tariffs, service charges and compensation for the fiscal year 2022;

WHEREAS THAT a notice of motion was given by Councillor Carole Patenaude at the regular Council meeting of April 13<sup>th</sup>, 2022 and this draft by-law was tabled and explained;

CONSEQUENTLY, Council decrees the following:

#### CHAPTER 1 : INTRODUCTORY PROVISIONS

1. **Goal** – The purpose of this by-law is to adjust the rates for various services of the outdoor, recreation and sport network by modifying the rates for non-residents or property owners.
2. **Objective** – The provisions of the by-law are to be interpreted to allow the Municipality to further differentiate the rates for certain of the Municipality's recreation, sport and outdoor services for non-resident or non-owners.

#### CHAPTER 2 : AMENDING PROVISIONS

3. **Tariff- Lummis park** – Paragraph 6 of Article 64 is modified with the addition of, after the word « anyone » with « of 18 years of age and over ».
4. **Tariff for the use of pickleball courts** – Article 64 is modified with the addition of the following, after paragraph 7 :

#### « 8. Use of the pickleball courts

The following daily fee is imposed for the use of the pickleball courts: \$5 for any person who is neither a property owner nor a resident of the Municipality ».

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The following seasonal fee is imposed for the use of the pickleball courts: \$ 100 for any person who is not an owner or resident of the Municipality ».

5. ***Tariffs – mountain bike*** - Paragraph 7 of Article 64 is replaced by the following:

« 7. Daily use of the outdoor network bike trails

The following daily rate is imposed for the use of the outdoor network's bicycle trails during the spring, summer and fall: \$ 10 for any person over 18 years of age who is neither an owner nor a resident of the Municipality and \$ 8 for any person over 18 years of age who is neither an owner nor a resident of the Municipality but who is an owner or resident of the MRC des Pays-d'en-Haut ».

Persons between the ages of 13 and 17 years, residing within the MRC des Pays-d'en-Haut are granted passes free of charge for the season. »

### CHAPTER 3 : FINAL PROVISION

6. ***Entering into effect*** - The present 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

### QUESTION PERIOD

Council answers questions posed by the public.



**Municipality of Morin-Heights**

**187.05.22**      **END OF THE MEETING**

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The agenda having been completed, it is proposed by Councillor Claude P. Lemire that the meeting end at 21:02.

*I have approved each and every  
resolution in these minutes*

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Timothy Watchorn  
Mayor

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Hugo Lépine  
Director general /  
Registrar-treasurer

Twenty-two people attended the meeting.