



**EXTRACT of Minutes of the regular meeting of the Council of the Town of Hudson held at the Community Centre on December 6<sup>th</sup>, 2004 during which the following by-law was adopted:**

**BY-LAW N<sup>o</sup> 477**

**CONCERNING DEMOLITION**

**WHEREAS** the Town of Hudson is empowered to adopt a by-law concerning demolition according to Division XI, sub-division 5.1 of the “Loi sur les cités et villes” (L.R.Q., c. C-19);

**WHEREAS** Council adopted By-Law n<sup>o</sup> 355 concerning Demolition on August 4<sup>th</sup>, 1997 and was amended by by-law n<sup>o</sup> 386 adopted on March 6<sup>th</sup>, 2000;

**WHEREAS** it is necessary to make several modifications to this by-law;

**WHEREAS** it is necessary to consolidate these by-laws in order to facilitate its application;

**WHEREAS** a notice of motion was duly given at the regular Council meeting held on November 1<sup>st</sup>, 2004;

**WHEREAS** the requirements of Article 356 of the Cities and Towns Act have been met and that Council declares having read By-Law No 477 and relinquishes its reading;

**THEREFORE** it is **moved** by Councillor Peter McArthur, **seconded** by Councillor Jean Dorval and unanimously resolved that By-Law bearing No 477 be and is hereby adopted and decreed as follows:

**Chapter 1**  
**Scope and Enforcement**

- 1.1 This by-law applies to all properties situated within the limits of the Town of Hudson.  
It does not apply to :
- a) *a judicially ordered demolition;*
  - b) a demolition requested by the town or one of its officers or by a governmental authority, because of a contravention to a legal provision.
- 1.2. The moving of a building, other than an accessory building, shall be regarded as both a demolition and a moving, and is governed by the provisions of this by-law.
- 1.3. The Authority having jurisdiction, and/or Fire Chief have the authority to ensure compliance with this by-law.

**Chapter 2**  
**Definitions**

- 2.1 In this by-law, the following words shall be deemed to have or include the following meanings, unless the context otherwise requires:

**Authority having jurisdiction :**

The person or persons authorized by the council for the supervision and application of this by-law.

**Building, accessory:**

means a subordinate detached building appurtenant to a main building and located on the same site.



**Building, main:**

shall mean and include a building serving as the principal use authorized on the lot where it is erected.

**Council:**

means the Municipal Council of the Town of Hudson.

**Demolition:**

shall mean the destruction of more than 25% of the volume of a building, irrespective of the foundations

**Demolition Permits Committee:**

shall mean and include the committee of the Town of Hudson established by virtue of Chapter 8 of the present by-law.

**Floor Area:**

means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces and their enclosing assemblies.

**Heritage Property:**

shall mean and include any immovable property situated within the boundaries of the Town of Hudson whose conservation, from an aesthetic, architectural or historic point of view, is in the public interest.

**Permit:**

shall mean and include a permit authorizing to proceed with the works in accordance with this by-law

**Chapter 3**  
**Application for a demolition permit**

- 3.1. Every application for a demolition permit, other than for an accessory building, shall be submitted by the proprietor of the building to be demolished, or his duly authorized agent, to the Authority having jurisdiction.
- 3.2. An applicant must supply a copy of the property's deed along with the application as possible proof of age of the building to be demolished.
- 3.3. To enable the Committee to review the request for a demolition permit, the owner or his/her duly authorized agent shall submit to the Committee for its study & approval a Preliminary program of re-utilization of the vacated land (hereinafter known as a PPRL)

If the programme is approved, the owner must furnish to the town, prior to the issuance of his permit, a monetary guarantee of execution of that programme in an amount not exceeding the value entered on the assessment roll of the immovable to be demolished. This guarantee shall be in one of the following forms :

- a) *cash;*
- b) *bearer bonds issued by the federal government or a Canadian province or municipality;*
- c) *an irrevocable letter of credit issued by a bank;*
- d) *a surety issued by an insurance company.*

This guarantee must remain in effect until the works of the programme are completed. ”

- 3.4. The Authority having jurisdiction may submit to the Committee for its consideration his/her comments on the application.
- 3.5. The Authority having jurisdiction shall notify the Town Clerk on the receipt of the application for a demolition permit.



- 3.6. The Town Clerk shall then convoke within 30 days from the receipt of the application a meeting of the Committee to consider the application.

**Chapter 4**  
**Notice of Application for a demolition permit**

- 4.1. On being seized of an application for a demolition permit, the committee must cause a notice of the application, easily visible to passers-by, to be posted on the immovable contemplated in the application. Furthermore, it must immediately cause a public notice of the application to be published.  
*Notice:* Every notice contemplated in this section must reproduce the first paragraph of section 412.6 of the C.T.A. (*article 412.4 of C.T.A.*)
- 4.2. The applicant must send, by registered or certified mail, a notice of the application to each of the lessees of the immovable. (*article 412.5 of C.T.A.*)
- 4.3. Every person wishing to oppose the granting of a demolition permit must, within ten days of publication of the public notice or, failing such notice, within the ten days following the posting of the notice on the immovable concerned, make his objections known in writing to the clerk of the municipality, giving the reasons for his objections.  
*Decision:* Before rendering its decision, the committee must consider the objections received. Its sittings are public.  
*Public hearing:* The committee may, in addition, hold a public hearing if it considers it advisable. (*article 412.6 of C.T.A.*)

**Chapter 5**  
**Application - deliberations**

- 5.1. Within 60 days of receiving an application for a permit, the Committee must submit its decision to Council.
- 5.2. No decisions shall be rendered by the Committee without a quorum.
- 5.3. Where the immovable contemplated in the application includes one or more dwellings, a person wishing to preserve that immovable as rental housing may, at the hearing of the application, intervene to ask for time to undertake or pursue negotiations to acquire the immovable.

The Committee shall postpone its decision if it believes that circumstances justify it and grant the intervener a period of not more than 60 days from the end of the hearing to allow negotiations to reach a conclusion. The Committee shall postpone its decision for that reason only once. (*article 412.8 of C.T.A.*)

- 5.4. The Committee shall grant the permit if it is convinced of the advisability of the demolition, taking into account the public interest and the interest of the parties.  
*Consideration:* The Committee, before deciding on an application for a demolition permit, must consider the condition of the immovable contemplated in the application, the deterioration of the architectural appearance, the esthetic character of the neighborhood or the quality of life in the neighborhood, the cost of restoration, the intended use of the vacated land and any other pertinent criteria, in particular, where the immovable includes one or more dwellings, the prejudice caused to lessees, the housing needs in the area and the possibilities of relocation of the lessees. (*article 412.9 of C.T.A.*)
- 5.4.1 The committee must, in addition, reject the application for a permit if the preliminary programme of re-utilization of the vacated land has not been approved, if the procedure of application for permits has not been substantially complied with or if the fees due have not been paid.



- 5.5. If the work is not completed within the time fixed, the council may cause it to be carried out and recover the costs thereof from the proprietor. The costs constitute a prior claim on the land where the immovable was situated, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec; the costs are secured by a legal hypothec on the land. (*article 412.16 of C.T.A.*)

## **Chapter 6** **Permit for a demolition**

- 6.1. It is forbidden to proceed with the demolition or partial demolition of a building without having first obtained the appropriate permit(s) from the Town of Hudson.
- 6.2. Where the committee grants the permit, it may impose any condition relating to the demolition of the immovable or the re-utilization of the vacated land. It may, in particular, determine the conditions of the relocation of a lessee, where the immovable includes one or more dwellings. (*article 412.11 of C.T.A.*)
- 6.3. When the committee grants the permit, this permit is valid for six (6) months to undertake and complete the demolition work.  
*Extension:* The committee may, for reasonable cause, change the time fixed, provided that a written application for the change is made to it before the six (6) months expire.
- 6.4. If the Committee grants the permit, the Authority having jurisdiction issues the permit.
- 6.5. If the demolition work is not undertaken before the expiry of the period contemplated in article 6.3, the demolition permit is null and without effect.  
*Extension of lease:* If, on that date, in the case of an immovable that includes one or more dwellings, a lessee continues to occupy his dwelling, the lease is extended of right and the lessor may, within one month, apply to the "Régie du logement" to fix the rent.
- 6.6. The decision of the Committee concerning the issuance of the permit must be substantiated and be sent immediately to every party concerned by registered or certified mail. (*article 412.17 of C.T.A.*)
- 6.7. No demolition permit may be issued before the expiry of thirty days as provided in Chapter 9 nor, if there has been any appeal under that Chapter, before the council has rendered a decision authorizing the issuance of such a permit. (*article 412.20 of C.T.A.*)
- 6.8. At all times while the demolition work is being carried out, a person in authority on the premises must have a copy of the permit in his possession. An officer or employee of the municipality designated by the council may, at any reasonable time, enter the premises where that work is being carried out to ascertain whether the demolition is in conformity with the permit. The officer or employee shall, on request, identify himself and produce a certificate of his capacity issued by the municipality. The refusal to allow the officer or the employee of the municipality on the premises or to let him see the copy of the permit renders the contravening person liable to a fine not exceeding five hundred dollars. (*article 412.22 of C.T.A.*)

## **Chapter 7** **Permit Fees**

- 7.1. The applicant for any demolition permit for an immovable, other than an accessory building, shall pay a fee of 250,00\$ with the application.
- 7.2. The fee for a demolition permit for an accessory building shall be as set out in the Permits & Certificate By-Law.
- 7.3. This fee shall be non-refundable, whatever the outcome of the application.



- 7.4. A 500,00\$ deposit must be submitted along with the application, in addition to the above fee, as a deposit towards the cost of publishing the public notice
- 7.5. If the deposit exceeds the actual cost of publication of the said notice, the Town Clerk shall reimburse the balance to the applicant.
- 7.6. If the actual cost of publication of the said notice exceeds the deposit, the applicant shall pay the additional cost to the Town prior to sitting of the Committee.

## **Chapter 8** **Demolition & Permits Advisory Committee**

- 8.1. *Creation:* The DPA Committee of the Town of Hudson (hereinafter referred to as “The Committee”) is hereby constituted, and is composed of three members.
- 8.2. *Mandate:* The Committee decides applications for demolition permits and exercises any other powers conferred on it by this by-law. (*article 412.23 of C.T.A.*)
- 8.3. *Members:* This Committee shall be composed of three members of the council designated for one year by the council. Their term is renewable. (*article 412.23 of C.T.A.*)
- 8.4. The term of each committee member is to expire at the regular Council meeting in the month of November.
- 8.5. Any committee member who ceases to be a member of the Committee before the end of his/her term, is temporarily unable to act, or has a conflict of interest in the matter of which the Committee is analyzing, shall be replaced by another member of council designated by Council for the unexpired portion of his/her term, for the duration of his/her incapacity or for the duration of the hearing of the matter in which he/she has an interest, as the case may be. (*article 412.24 of C.T.A.*)
- 8.6 **Rules of procedures:**
  - 8.6.1. A Council resolution shall designate the Chairman of the Committee and he shall preside at all meetings of the Committee.
  - 8.6.2. The Authority having jurisdiction and Town Clerk, shall attend all public meetings of the committee and shall have voice, but no vote.
  - 8.6.3. The Town Clerk shall act as Secretary of the Committee.
  - 8.6.4. The Committee may adopt such rules of procedure not inconsistent with the law or this by-law as it may deem necessary or advisable for the execution of its functions.
  - 8.6.5. Members of the committee shall not be remunerated for their services.
  - 8.6.6. Sittings of the Committee must be public. (*article 412.6 of C.T.A.*)

## **Chapter 9** **Appeal**

- 9.1 Every interested person may, within 30 days of the rendering of a recommendation by the Committee, appeal the recommendation in writing to the Council. (*article 412.18 of C.T.A.*)
- 9.2 Every member of the Council, including a member of the committee, may sit to hear the appeal prescribed by this present section. (*article 412.18 of C.T.A.*)



- 9.3 The Council may confirm a decision of the Committee or render a different decision. (*article 412.19 of C.T.A.*)

### **Chapter 10** **Penalties**

- 10.1 The refusal to allow either of the said representatives of the Town on the site, or to allow them to see a copy of the permit renders the contravening person liable to a fine not exceeding 500,00\$. (*article 412.22 of C.T.A.*)
- 10.2 Every person who carries out the demolition of an immovable or causes it to be carried out without a permit or in contravention of the conditions of the permit is liable to a fine of not less than five thousand nor more than twenty-five thousand dollars.  
*Restoration:* In addition, that person is required to restore the immovable so demolished to its former condition. Where the offender fails to restore the immovable in accordance with the by-law, the council may cause the work to be carried out and recover the costs thereof from the offender, in which case article 5.5 applies, *mutatis mutandis* (*article 412.21 of C.T.A.*)

### **Chapter 11**

- 11.1 Any by-law or part of by-law contrary to or inconsistent with any of the provisions of the present by-law is hereby repealed.
- 11.2 The present by-law shall come into force upon its publication.

### **CARRIED**

**Original signed:** *Elizabeth A. Corker,, Mayor*

*Louise L. Villandré, Town Clerk*

**Certified extract**

***Louise L. Villandré, o.m.a.***  
**Town Clerk**