

PROVINCE OF QUEBEC
MUNICIPALITY OF BONNE ESPERANCE

DRAFT BY-LAW R0126-2024

**DRAFT BY-LAW R0126-2024 CONCERNING THE DEMOLITION OF
HERITAGE BUILDINGS**

CONSIDERING the adoption of the Act to amend the Cultural Heritage Act and other legislative provisions (LQ 2021, c 10) on March 25, 2021, whereby section 120 of the Cultural Heritage Act (RLRQ, c. P-9.002) now provides that an M.R.C. must adopt an inventory of buildings on its territory that were built before 1940 and/or have heritage value, and that section 148.0.2 of the Act respecting land use planning and development (RLRQ, c. A-19.1) now requires a local municipality to adopt and maintain a demolition by-law;

CONSIDERIN in the absence of a demolition by-law and an M.R.C. heritage inventory, a request for authorization must be submitted to the Ministère de la Culture et des Communications for any request to demolish a building constructed before 1940;

CONSIDERING a local municipality must now have a Demolition Committee;

WHEREAS a notice of motion of this draft by-law was given by **Garland Nadeau**, at the regular meeting of October 21, 2024;

WHEREAS a draft by-law tabled at the regular meeting of October 21, 2024 was presented by **Angela Spingle** and seconded by **Robbie Thomas**;

Be it resolved that this by-law be adopted and that it read as follows:

ARTICLE 1: The preamble forms an integral part of the present by-law for all legal purposes.

ARTICLE 2: DECLARATORY PROVISIONS

2.1 Name

This by-law is entitled "By-law concerning the demolition of buildings" and bears number R0126-2024.

2.2 Territory affected by this by-law

This by-law applies to the entire territory of the Municipality of Bonne Espérance.

2.3 Persons subject to this by-law

The present by-law applies to any public or private entity, as well as to any natural or legal person.

2.4 Modification to this regulation

This by-law may be modified, amended or repealed, in whole or in part, only in accordance with the provisions set out to that effect in the Act respecting land use planning and development (RLRQ, c. A-19.1) and the Act to amend the Cultural Heritage Act and other legislative provisions (LQ 2021, c 10).

2.5 Partial invalidity of this regulation

The Municipal Council declares that it has adopted this by-law part by part, article by article, paragraph by paragraph, so that if any of these parts should be declared null and void by a competent court, the other parts of the by-law shall continue to apply.

2.6 Regulations and laws

Nothing in this by-law shall have the effect of exempting any person from the application of any law of Canada or of the Province of Quebec and the regulations thereunder.

2.7 Text and words

In these regulations, the following reading rules apply:

- 1° The use of a verb in the present tense includes the future tense.
- 2° With the use of the verbs "MUST" or "SHALL", the obligation is absolute, except in the case of development objectives, where a derogation may be made if it can be justified in terms of the overall work proposal.
- 3° With the use of the verb MAY, the optional meaning is retained.

The singular includes the plural, and vice versa, unless the context clearly indicates otherwise.
- 5° The masculine includes the feminine.

2.8 Terminology

In the present by-law, unless the context indicates otherwise, the following terms have the meaning attributed to them in this article:

Demolition committee

The committee constituted by virtue of the present by-law, responding to article 148.0.3 of the Act respecting land use planning and development (RLRQ, c. A-19.1) and having as its functions to study and authorize demolition requests and to exercise all other powers conferred upon it by this by-law and the Act respecting land use planning and development (RLRQ, c. A-19.1).

Board

The Municipal Council of the Municipality of Bonne Espérance.

Local heritage council

Local Heritage Council as defined in section 117 of the Cultural Heritage Act (RLRQ, c. P-9.002)

Demolition

Destroying a building, dismantling it piece by piece to more than 40% of its volume, regardless of the foundations, or removing a building in any way whatsoever in order to clear the ground on which it stands.

Moving a building to another plot of land is considered demolition.

Designated official

Official designated by resolution of the Municipal Council for the application of the present by-law.

Heritage building

An immovable cited in accordance with the Cultural Heritage Act (RLRQ, c. P-9.002), an immovable situated in a heritage site cited in accordance with the same Act or an immovable registered in a heritage inventory of the M.R.C. in accordance with the first paragraph of section 120 of the Cultural Heritage Act (RLRQ, c. P-9.002).

M.R.C. heritage inventory

List of heritage buildings adopted by the M.R.C. du Golfe-du-Saint-Laurent

Housing

A dwelling within the meaning of the Act respecting the Administrative Housing Tribunal (chapter T-15.01).

M.R.C.

The regional county municipality of du Golfe-du-Saint-Laurent.

Preliminary reuse program for cleared soil

The preliminary program for reusing the cleared land is the new development of the site and the planned new construction to replace the building to be demolished.

Applicant

The owner of an immovable or his agent submitting an application for authorization to demolish under the present by-law.

ARTICLE 3: BUILDING CONCERNED

The demolition of a heritage building is prohibited, unless authorized in accordance with this by-law.

An immovable that is not a heritage immovable is not subject to this by-law.

These regulations do not apply in the following cases:

- Demolition of a classified immovable or one for which an order has been issued under the Cultural Heritage Act (RLRQ, c. P-9.002);
- Demolition of a federally-owned building;
- Demolition ordered under sections 227, 229 and 231 of the Act respecting land use planning and development (RLRQ, c. A-19.1);
- Demolition of an immovable threatened by an imminent disaster within the meaning of the Civil Protection Act (RLRQ, chapter S-2.3).

ARTICLE 4: ADMINISTRATION

The administration and enforcement of this by-law shall be entrusted to the official designated by the Council and to the Demolition Committee established pursuant to this by-law.

The Board may appoint an assistant to the designated officer to assist or replace him or her when unable to act.

ARTICLE 5: TRANSMISSION OF A REQUEST

A request for authorization to demolish an immovable covered by the present by-law must be submitted to the Municipality's Service de l'urbanisme et de l'environnement, on the prescribed form, which must be signed by the applicant.

ARTICLE 6: CONTENT OF A REQUEST

6.1 Mandatory content

In support of an application for authorization to demolish a building, the applicant is asked to provide the following information and documents:

- a) Color photographs of each of the exterior faces of the immovable in question and, where applicable, of the faces of neighbouring immovables;
- b) Photographs of the property on which the immovable is located and, if applicable, of neighbouring properties;

- c) Photographs of the interior of each room in the building;
- d) The schedule and probable cost of demolition, reconstruction and site development or site restoration;
- e) Measures planned to rehouse tenants, if any, or, if the building is vacant, how long it has been vacant;
- f) If the immovable in question is occupied by tenants, a copy of the written notice sent to each tenant of the immovable, as provided for in article 13 of the present by-law;
- g) Deeds of ownership of the building;
- h) A preliminary reuse program for cleared soil, including the following documents and information:
 - 1. A survey by a land surveyor showing :
 - The layout of the existing building and adjacent buildings;
 - Location of vehicular and pedestrian entrances to existing and adjacent buildings;
 - Location of trees on the site;
 - A street elevation of the existing building with adjacent buildings, showing the height (geodetic level) of the roof ridge, entrance balcony and street crown on the façade, for the existing building and for adjacent buildings;
 - Mineralized and planted areas;
 - Land-use constraints (landslide-prone areas, wetlands, water environments, flood plains, etc.).
 - 2. Preliminary architectural plans of the proposed building or construction, by a professional, including :
 - foundation, basement, floor and roof plans,
 - elevations of each face of the building, including identification of exterior cladding materials
 - cross-sections and longitudinal sections through the building;
 - 3. Use of proposed buildings ;
 - 4. Any other document or information required for a proper understanding of the proposed project or use of the land following the requested demolition.

6.2 Content that can be requested

In support of its request for authorization to demolish a building, the Demolition Committee may ask the applicant to provide the following information and documents:

- a) A description of demolition and material disposal methods;
- b) An expert's report assessing the dilapidated condition of the building and demonstrating the impossibility of saving it, including a structural engineer's report and a mold inspection report;
- c) A qualitative study of the trees, the project's impact on the tree resource and preservation measures, carried out by a forestry engineer;
- d) An analysis of the building's asset value, carried out by an independent expert commissioned by the Municipality;
- e) Any other study(s) required at the request of the Demolition Committee or the Service de l'urbanisme et de l'environnement. Studies must be prepared by a competent, independent professional mandated by the Municipality and whose field of expertise is directly related to the object of the requested study.

ARTICLE 7: REQUEST FOR PRELIMINARY OPINION

The applicant may request a preliminary opinion from the Demolition Committee, by indicating this on the demolition authorization application form, as to the admissibility of his or her program to reuse the cleared land or demolish the building.

The Demolition Committee's preliminary opinion must be substantiated and sent to the applicant as soon as possible.

ARTICLE 8: APPLICATION OPENING AND ANALYSIS FEES

When filing an application for authorization to demolish an immovable, the applicant must pay the Municipality an amount of \$400 to cover the costs of opening and analyzing the application and publishing the public notice.

This article does not apply when the applicant is the Municipality of Bonne Espérance or when the request for authorization concerns an immovable owned by the Municipality of Bonne Espérance.

ARTICLE 9: NON-COMPLIANT OR INCOMPLETE APPLICATIONS

When an application for authorization to demolish an immovable filed with the Service de l'urbanisme et de l'environnement is non-compliant or incomplete under the applicable municipal bylaws, the Service de l'urbanisme et de l'environnement informs the applicant in writing. This notice must indicate the reasons why the application is non-compliant.

ARTICLE 10: DEEMED WITHDRAWAL OF THE APPLICATION

The applicant is deemed to have withdrawn his application for authorization to demolish an immovable pursuant to this by-law if he does not amend or complete

it, as the case may be, within six (6) months of the deemed date of receipt of the notice sent pursuant to section 9 of this by-law.

ARTICLE 11: PUBLIC NOTICE

When an application for authorization to demolish an immovable covered by the present by-law is filed, the application is complete and the required fees have been paid;

- A public notice must be posted on the property to which the application applies and must be easily visible to passers-by.
- The public notice setting out the request for authorization to demolish an immovable must be published without delay in accordance with the Municipality's by-law governing the publication of public notices, at least ten (10) days before the meeting at which the Demolition Committee is to study the request.

The notices referred to in this article must reproduce the first paragraph of section 148.0.7 of the Act respecting land use planning and development (RLRQ, c. A-19.1), in order to indicate the procedure to be followed to oppose the demolition of the immovable concerned, hereinafter: "Any person who wishes to object to the demolition must, within 10 days of publication of the public notice or, failing that, within 10 days of posting of the notice on the immovable concerned, make known in writing his reasoned objection to the clerk-treasurer of the Municipality." Notices must also indicate the day, time, place and purpose of the meeting of the Demolition Committee at which it will rule on the demolition of the immovable.

When the request relates to a heritage building, a copy of the public notice must be sent without delay to the Minister of Culture and Communications.

ARTICLE 12: NOTICE TO TENANTS

Where the immovable covered by the application is occupied by tenants, the applicant must send a written notice as soon as possible informing them of the application for authorization to demolish the immovable, which must be forwarded to each of them by registered or certified mail.

The applicant must forward to the Service de l'urbanisme et de l'environnement a copy of the proof of receipt of the notice by each tenant.

ARTICLE 13: OPPOSITION

Any person wishing to object to the issuance of a demolition permit must send a written objection, with reasons, to the Municipality, for the attention of the clerk-treasurer, by e-mail, to the address determined by this department, within ten (10) days of publication of the public notice or, failing that, within ten (10) days of posting of the notice on the property concerned.

However, if the opposing party is unable to send his opposition by e-mail, it may be sent in writing by registered or certified mail to the attention of the clerk-treasurer, within the same time limit as that stipulated in the previous paragraph.

ARTICLE 14: STUDY OF THE REQUEST BY THE DEMOLITION COMMITTEE

When the application is complete, the project complies with applicable municipal by-laws and the fees have been paid, the Urban Planning and Environment Department prepares a preliminary report summarizing the application and indicating its decision. The application and report are forwarded to the Demolition Committee for review and decision.

When evaluating a request for authorization to demolish a building, the Demolition Committee takes the following criteria into consideration:

- The condition of the building;
- Deterioration of the architectural appearance, aesthetic character or quality of life of the neighbourhood;
- The impact of the loss of the building in its environment ;
- The cost of catering ;
- The building's heritage value (including its history, its contribution to local history, its degree of authenticity and integrity, its representation of a particular architectural movement and its contribution to a group to be preserved);
- Where the building includes one or more dwellings, the damage caused to tenants, the need for housing in the vicinity and the possibility of rehousing tenants;
- If applicable, objections received to the issuance of a certificate of authorization for demolition;
- Any other criteria deemed relevant by the Demolition Committee.

The demolition committee also studies the preliminary program for reusing the cleared soil taking into account, in particular, compliance with the following objectives:

- a) Ensure harmonious integration of the project in terms of siting, orientation, height and massing in relation to the built environment of the neighborhood unit concerned;
- b) Plan layouts to reduce impacts that could increase differences in massing with adjacent buildings;
- c) Ensure the preservation of existing quality vegetation and optimize the presence of vegetation on the site in order to improve the visual aspect of the site or serve as an interface;
- d) Create a quality architectural ensemble that blends in with existing buildings;
- e) Use quality exterior cladding materials for walls and roofs, in subdued colors, with the exception of decorative elements, which may be in contrasting colors to match the exterior cladding of buildings of heritage interest in the area;

- f) Insist on integrating the project into the existing heritage landscape, where appropriate, to ensure the sustainability of quality heritage areas;
- g) Emphasize recycling and recovery of building materials from demolition, where appropriate;
- h) Respect the characteristics of the cadastral grid of the street and lots in the neighborhood unit concerned during any planned cadastral operation.

ARTICLE 15: DEMOLITION COMMITTEE

The present by-law establishes a Demolition Committee whose functions are to study and authorize demolition applications and preliminary programs for the reuse of cleared land, and to exercise all other powers conferred upon it by the present by-law and the Act respecting land use planning and development (RLRQ, c. A-19.1).

ARTICLE 16: COMPOSITION OF THE DEMOLITION COMMITTEE

The Board is mandated to appoint the members of the Demolition Committee

The Demolition Committee is made up of three (3) members of Council, appointed by resolution, for a period of one year. The 3 councillors are: .

A member of the Demolition Committee may be reappointed.

The Board appoints a Chairman from among the members of the Demolition Committee, whose mandate is to maintain order and decorum during the meeting and to decide on any matter or question incidental to the proper conduct of the meeting or any point of order.

A member of the Board who ceases to be a member of the Demolition Committee before the end of his or her term of office, who is prevented from acting or who has a direct or indirect personal interest in a matter before the Demolition Committee, is replaced by another member of the Board designated by the latter either for the remainder of the member's term of office, for the duration of the member's inability to act or for the duration of the hearing of the matter in which the member has an interest, as the case may be.

The Board may designate in advance a substitute member whose mandate is to replace a member of the Demolition Committee for the duration of a member's absence or for the duration of the hearing of a case in which one of them has an interest

The person appointed by the Board acts as secretary to the Demolition Committee and, in particular, draws up the agenda and minutes of meetings.

ARTICLE 17: DEMOLITION COMMITTEE MEETING

Meetings of the Demolition Committee are convened by the Service de l'urbanisme et de l'environnement, by means of a written notice to that effect, to be given at least 48 hours before the scheduled time of the meeting.

A member of the Demolition Committee may waive notice of the meeting or any irregularity therein. A member of the Demolition Committee is deemed to have waived notice of the meeting or any irregularity therein if he or she attends the meeting of the Demolition Committee, unless he or she attends specifically to oppose the holding of the meeting on the grounds that it was convened irregularly. Any such waiver is recorded in the minutes of the meeting.

ARTICLE 18: PUBLIC HEARING

When a request for authorization to demolish a building involves a heritage building, the Demolition Committee holds a public hearing.

The public hearing takes place according to the following procedure:

- 1- The person designated by Council presents the request for authorization to demolish a building to the Demolition Committee;
- 2- the applicant submits the application to the Demolition Committee and, if applicable, the preliminary program for reusing the cleared soil;
- 3- the Demolition Committee hears from anyone who has sent a written notice of opposition in accordance with this by-law, if applicable;
- 4- the Demolition Committee may hear any other person present at the meeting who so requests;
- 5- the petitioner may formulate a short reply at the end of the interventions.

ARTICLE 19: THIRD PARTY INTERVENTION

A person wishing to acquire an immovable covered by a request for authorization to demolish in order to preserve its heritage character may, until such time as the Demolition Committee has rendered its decision, intervene in writing with the Clerk-Treasurer to request a delay in order to undertake or pursue steps to acquire the immovable.

A person wishing to acquire an immovable containing one or more dwellings covered by a request for demolition authorization in order to preserve its residential rental character may, until such time as the Demolition Committee has rendered its decision, intervene in writing with the Clerk-Treasurer to request a delay in order to undertake or pursue steps to acquire the immovable.

If the Demolition Committee deems that circumstances justify it, it may postpone its decision and grant the intervener a period of up to two (2) months from the end of the hearing to allow negotiations to be completed. However, the Demolition Committee may postpone its decision for this reason only once.

When all or part of an immovable is transferred to a third party before the work has been fully completed, the new purchaser may not proceed with the work until he or she has obtained a new certificate of authorization for demolition, in accordance with the provisions of the present by-law and the permit and certificate by-law in force.

When all or part of the building is transferred to a third party, during or after completion of the work, the person who provided the Municipality with the required financial guarantee continues to be subject to the obligation to maintain it in force until the conditions imposed by the Committee are met, unless the new purchaser provides the new financial guarantee required by the Committee.

If all or part of the building is sold to a third party, the Municipality may collect the financial guarantee provided by the seller if the new buyer fails to carry out the work undertaken or meet the conditions imposed by the committee.

ARTICLE 20: DECISION OF THE DEMOLITION COMMITTEE

The Demolition Committee grants authorization if it is convinced of the desirability of demolition, taking into account the public interest and the interests of the parties involved, and taking care to consider the evaluation criteria provided for by law and by the present by-law. Otherwise, the Demolition Committee will refuse the request for authorization.

Decisions of the Demolition Committee are taken by a majority of votes cast at the meeting. After deliberation, the Demolition Committee must render a decision and explain the reasons for its decision.

Before rendering its decision, the Demolition Committee must :

- Consider the objections received;
- Consult the Local Heritage Committee, as defined in the Act, for any application relating to a heritage immovable if it has been established by the Council.

The Demolition Committee may also consult the Planning Advisory Committee on any matter it deems appropriate.

ARTICLE 21: TRANSMISSION OF THE DEMOLITION COMMITTEE'S DECISION

The Demolition Committee's decision, with reasons, is forwarded as soon as possible to the Council, to the applicant and to anyone who has submitted a written objection. In the latter case, the decision is sent by registered mail.

The decision is accompanied by a notice explaining the rules for filing an application for review, in accordance with sections 148.0.19 to 148.0.21 of the Act respecting land use planning and development (RLRQ, c. A-19.1).

ARTICLE 22: REQUEST FOR REVISION

Any person may, within thirty (30) days of the Demolition Committee's decision, request a review of this decision by the Council by sending a written notice to this effect to the Municipality.

The Municipality notifies, in writing, the applicant and, if applicable, the appellant, of the date on which the request for review will be heard by the Council, in a public meeting.

The Board examines the request for review on the basis of the file, but, if it deems it appropriate, it may allow representations to be heard from the applicant and the appellant, as the case may be.

After analyzing a request for review, the Board must confirm the decision of the Demolition Committee or render any decision that the Demolition Committee should have rendered.

The Board's decision must be made in writing and must state the reasons on which it is based.

No certificate of authorization may be issued before the expiry of the time limit for submitting an application for review or, if the Board is seized of such an application, before the Board has rendered its decision to that effect.

Any member of the Board, including a member of the Demolition Committee, may sit to review a decision of the Committee.

ARTICLE 23: REQUEST FOR BOARD REVIEW

The Council may, on its own initiative, within (30) days of a decision by the Demolition Committee authorizing the demolition of a heritage immovable, adopt a resolution expressing its intention to review this decision.

Where applicable, the provisions of article 26 hereof shall apply with the necessary adaptations.

The Board's decision must be transmitted without delay to any party involved.

ARTICLE 24: DEMOLITION NOTICE

When the Demolition Committee authorizes the demolition of a heritage immovable and its decision is not reviewed pursuant to section 148.0.19 of the Act respecting land use planning and development (RLRQ, c. A-19.1), the M.R.C. must be notified of its decision as soon as possible. The M.R.C. must also be notified, as soon as possible, of the Council's decision to review a committee decision, when the Council authorizes such demolition.

A notice sent to the M.R.C. in accordance with this article shall be accompanied by copies of all documents produced by the owner.

ARTICLE 25: POWER OF DISALLOWANCE OF THE M.R.C.

Under section 148.0.20.1. of the Act respecting land use planning and development (RLRQ, c. A-19.1), the M.R.C. has the power to disallow the decision of a city/municipality to authorize the demolition of a heritage building.

The M.R.C. Council may, within 90 days of receiving the notice, overrule the decision of the Demolition Committee or Council. If the M.R.C. has a local heritage council within the meaning of section 117 of the Cultural Heritage Act (RLRQ, c. P-9.002), it may consult the council before exercising its power of disallowance.

A resolution adopted by the M.R.C. pursuant to the preceding paragraph shall state the reasons on which it is based, and a copy shall be sent without delay to the Municipality and to any party involved, by registered mail.

When the decision of the Demolition Committee or Council to authorize the demolition of a heritage building is not reviewed by the M.R.C., no certificate of authorization for demolition may be issued before the earliest of the following dates:

- (1) the date on which the M.R.C. notifies the Municipality that it does not intend to avail itself of the power of disallowance provided for in the first paragraph of this section ;
- (2) the expiry of the 90-day period referred to in that paragraph.

ARTICLE 26: CONDITIONS RELATING TO DEMOLITION AUTHORIZATION

When the Demolition Committee grants a demolition permit, it may, but is not limited to :

- 1- impose any conditions relating to the demolition of the building or the reuse of the cleared land;
- 2- determine the conditions for relocating a tenant, in accordance with sections 148.0.13, 148.0.14 and 148.0.16 of the Act respecting land use planning and development (RLRQ, c. A-19.1).
- 3- set the deadline by which demolition work and reuse of cleared soil must be undertaken and completed.

ARTICLE 27: DEADLINE EXTENSION

The Demolition Committee may, for reasonable cause, extend the time limit within which demolition work or work to reuse cleared land must be undertaken and completed, provided that a written request to this effect is forwarded by the applicant to the Service de l'urbanisme et de l'environnement before the expiry of this time limit.

ARTICLE 28: EXPIRY OF DEADLINES

The demolition authorization is null and void if the authorized work is not undertaken within the time limit set by the Demolition Committee for this purpose.

The applicant may not undertake demolition work if it has not been undertaken within the time limit set by the Demolition Committee.

All work must be completed within the timeframe set by the Demolition Committee, subject to the granting of an extension in accordance with Article 27 hereof. In such a case, the provisions of this article shall apply with respect to the new deadline.

ARTICLE 29: UNFINISHED WORK

If the work is not completed within the time limit set by the Demolition Committee, the Council may have it carried out and recover the costs from the applicant without further notice.

Where applicable, these costs constitute a prior claim on the immovable in question, in the same capacity and with the same rank as the claims referred to in paragraph 5 of the first paragraph of article 2651 of the Civil Code of Québec. These costs are also secured by a legal hypothec on the immovable.

ARTICLE 30: REVOCATION OF AN AUTHORIZATION

The person designated by the Council or the Demolition Committee may revoke a demolition authorization or certificate of authorization after notifying the applicant in writing, in particular when:

- 1- a condition of the demolition authorization or certificate of authorization has not been complied with;
- 2- when the authorization or certificate of authorization was issued in error or on the basis of inaccurate information.

In such a case, the applicant must cease all demolition work upon receipt of the notice of revocation of an authorization or certificate of authorization for demolition and must return, within ten (10) days of the notice received to this effect, such authorization or certificate to the Service de l'urbanisme et de l'environnement.

ARTICLE 31: FINANCIAL GUARANTEE

If the Demolition Committee approves the preliminary program for the reuse of cleared land, the applicant must provide the Municipality, prior to the issuance of the certificate of authorization, with a financial guarantee equal to twenty percent (20%) of the value of the land and building entered on the assessment roll in effect at the time of the application, not to exceed \$100,000, in order to guarantee the execution of this program.

The financial guarantee may be given in the form of a certified cheque or bank draft payable to the Municipality, an irrevocable letter of guarantee issued by a financial institution or a performance bond provided by an insurance company legally authorized to do business in Quebec.

Where applicable, a letter of guarantee or performance bond must be valid for a period of 365 days. If the letter of guarantee does not cover the entire duration of the work, the applicant must replace it, no later than the 22nd day prior to its expiry, with another letter of guarantee of the same nature and for an amount equivalent to the balance of the letter of guarantee. Failure by the applicant to renew a letter of guarantee entitles the Municipality to demand payment of the balance of the letter of guarantee as of the 21st day prior to its expiry date.

Work on the preliminary reuse program must be completed by the end of the deadline set by the Demolition Committee or, if applicable, by the end of the extension period, failing which the Municipality may demand payment of the letter of guarantee.

This article does not apply when the applicant is the Municipality of Bonne Espérance or when the request for authorization concerns an immovable owned by the Municipality of Bonne Espérance.

ARTICLE 30: PERFORMANCE OF WARRANTIES

In addition to the other cases provided for in this by-law, the Municipality may require payment of the financial guarantee in the following situations:

- a) if the applicant does not comply with the preliminary reuse program for cleared soil;
- b) if he fails to meet the agreed deadlines;
- c) if it commits an act of bankruptcy, makes a proposal or becomes insolvent;
- d) if he abandons the work.

ARTICLE 31: SURRENDER OR RELEASE OF THE FINANCIAL GUARANTEE

The financial guarantee is returned to the applicant when the work covered by the preliminary program for the reuse of cleared soil has been completed, subject to the application of article 29 of the present by-law.

Nevertheless, fifty percent (50%) of the guarantee may be returned to the applicant, upon request, when the work covered by the preliminary cleared soil reuse program relating to the building has been completed and only the work relating to landscaping, including floor coverings, needs to be completed.

ARTICLE 32: IDENTIFICATION

Any person responsible for the enforcement of this by-law who has reasonable grounds to believe that a person has committed an offence may require the person to declare his or her name, address and date of birth, if not known.

If the company has reason to believe that the offender has not declared his or her true name, address or date of birth, it may also require the offender to provide the necessary documents to confirm their accuracy.

A person may not refuse to declare his or her name, address and date of birth, or to provide information to confirm their accuracy, once he or she has been informed of the offence of which he or she is accused.

ARTICLE 33: SITE VISIT

The designated officer may enter the premises where the work is being carried out at any reasonable time to verify that the demolition complies with the committee's decision.

Any owner, lessee, occupant or person in charge of any real property, building or construction whatsoever must allow the designated official responsible for enforcing the present by-law to enter.

Upon request, the Municipality's designated officer must identify himself or herself and show the certificate issued by the Municipality attesting to his or her status.

ARTICLE 34: DISPLAY OF CERTIFICATE OF AUTHORIZATION

A copy of the certificate of authorization must be posted at all times on the premises where the demolition work is to be carried out.

The owner or person responsible for carrying out the demolition work on the premises where the work is to be carried out is required to produce a copy of the certificate of authorization upon request by a person responsible for enforcing the present by-law.

ARTICLE 35: ENTRAVE

Any person who prevents a designated officer responsible for the application of the present by-law from entering the premises where demolition work is being carried out, or any person in authority responsible for carrying out demolition work who, on the premises where the work is to be carried out, refuses to produce a copy of the certificate of authorization when requested to do so by a designated officer responsible for the application of the present by-law, is liable to a fine of up to \$500.

ARTICLE 36: ILLEGAL DEMOLITION OF AN IMMOVABLE

Any person who demolishes or causes the demolition of an immovable without having first obtained an authorization and a certificate of authorization in compliance with this by-law, or who contravenes the conditions issued by the Demolition Committee in connection with such authorization or the issuance of such certificate of authorization, commits an offence and is liable to a fine of not less than \$10,000 and not more than \$250,000.

The maximum fine, however, is \$1,140,000 for the demolition, by a legal person, of an immovable cited in accordance with the Cultural Heritage Act (RLRQ, c. P-9.002) or located in a heritage site cited in accordance with this Act.

ARTICLE 37: RECONSTRUCTION OF AN ILLEGALLY DEMOLISHED BUILDING

Any person having demolished an immovable or having allowed such demolition without having first obtained an authorization and a certificate of authorization in compliance with the present by-law may be required to rebuild the immovable, upon resolution of the Council to this effect.

In the event of failure to comply within the time limit set by the resolution adopted to this effect in accordance with the first paragraph of this article, the Municipality may, at its discretion, have the work carried out and recover the costs from the person and/or owner. Where applicable, these costs constitute a prior claim on the immovable in question, in the same capacity and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec. These costs are also secured by a legal hypothec on the property.

ARTICLE 38: STATEMENT OF OFFENCE

In accordance with the Quebec Code of Penal Procedure, the designated officer and his assistants of the Urban Planning and Environment Department are authorized to issue statements of offence, for and in the name of the Municipality of Bonne Espérance, for any offence provided for in the present by-law.


ARTICLE 39: ENTRY INTO FORCE

These regulations come into force in accordance with the law.

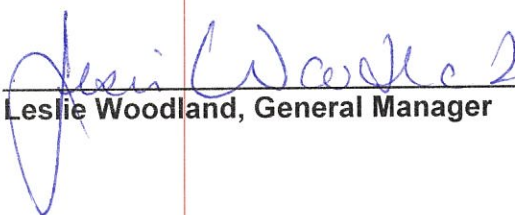
Notice of motion was given : **October 21, 2024**

These regulations have been adopted : **October 21, 2024**

Forwarded to the MRC :



Dale Roberts-Keats,



Leslie Woodland, General Manager