

Province of Québec
Municipality of Sheenboro

Regular meeting of the Municipal Council of Sheenboro held March 6th, 2023 at 6:30 P.M.

In-person are present Pro-Mayor, Lorna Brennan Agnesi, Councillors Richard Bradshaw, Dick Edwards, John Brennan and Shamus Morris.

Simon Tessier, Interim Director General and Victoria Vickers, Administrative Assistant, are in attendance.

Mayor Doris Ranger and Councillor Karen Shea are absent.

1. Opening of Meeting

The Pro-Mayor notes that there is quorum and calls the meeting to order at 6:30 pm.

2. Adoption of Agenda

035-2023

Moved by Councillor Bradshaw to adopt the agenda as presented.

Adopted

3. Conflict of Interest

None

4. Adoption of Minutes

The adoption of the February 2023 Minutes has been tabled until the next meeting in April.

5. Questions from the Public

Mrs. Jennings had expressed an interest concerning the proposed Property Standards and appeared before Council.

6. Municipal Inspectors Report

The Municipal Inspector presents his monthly report and submits his first draft of documents requested by Council concerning guidelines for development of waterfront properties in the Municipality.

Waterfront Property (ZONE V01) Residential Building Requirements

7. Administration

A. Payment of the Bills

036-2023

Moved by Councillor Edwards to pay the monthly bills as listed.

Adopted

B. Municipal By-Law: Property Standards

The Property Standards By-Law that has been presented to the community on the Municipal website and through the Municipal newsletter has been tabled for further discussion.

C. Inter-Municipal Co-operation

037-2023

Moved by Councillor Dick Edwards
To allow Councillor Morris and Mayor Ranger, accompanied by the Interim Director General, to discuss the following topics for Intermunicipal Co-operation with the Municipalities of Chichester and L'Isle Aux Allumettes at a meeting to be scheduled this month.

1. Street Sweeping this spring
2. Door to Door organic waste collection as mandate by the province
3. Shared acquisition of a back-hoe or lawnmower, or other large equipment to be shared by the Municipalities.

Adopted

D. Land Sale

038-2023

Motion by Councillor Shamus Morris
that the Director General take the necessary steps to sell all the properties of the Municipality whose property taxes have not been paid during the sale of buildings for unpaid taxes of the MRC Pontiac scheduled for September 8, and this, according to the requirements of article 1022 of the municipal code of Quebec, and to authorize the latter to act and bid on behalf of the Municipality on the day of the sale.

Adopted

E. Park Maintenance

039-2023

Moved by Councillor Brennan that the Park Maintenance for this coming season be put up for public tender in the Pontiac Journal and Mailchimp.

Adopted

F. RESOLUTION OF SUPPORT - MUNICIPALITY OF CHICHESTER
– INCREASE TO MRC SHARES

040-2023

Motion by Councillor Edwards
To pass this motion of support concerning the Municipality of Chichester's motion vis-à-vis this years increase in MRC shares.

RESOLUTION OF SUPPORT - MUNICIPALITY OF CHICHESTER
– INCREASE TO MRC SHARES

WHEREAS the Municipality of Chichester sent a request to support a resolution adopted at a December 2 2022 Regular Council Meeting regarding the increase in MRC Shares;

WHEREAS the MRC shares for the Municipality of Chichester increased over 48% which represents nearly a third of their overall annual general tax revenue;

WHEREAS the Municipality of Chichester is making a formal request to the MRC Pontiac for the following:

- A clear and transparent breakdown of the 2023 budgeted revenues and expenses of the MRC Pontiac, with prior years comparable;
- A clear justification for the increase to the shares to the local municipalities;
- A revision of the way the shares are calculated with consideration for items other than merely the standardized assessment values; which could include, but are not limited to, population, number of dwellings and/or businesses, etc.;
- An adoption of a new MRC Pontiac ByLaw regarding calculation of shares, prior to the adoption of the next Budget;
- A formal process of consultation with the local municipalities prior to, and in preparation for, the adoption of annual budget of the MRC Pontiac;

CONSEQUENTLY; Motioned by Councillor Edwards and resolved to support the Municipality of Chichester's formal request to the MRC Pontiac.

Adopted

G. Notice of Motion for the ADOPTION OF THE BY-LAW RELATING TO THE DEMOLITION OF HERITAGE BUILDINGS

Notice of Motion by Councillor Richard Bradshaw
To adopt the new Provincial By-Law relating to the demolition of HERITAGE buildings in the Municipality (In accordance with articles 148.0.1 and following of the LAU, as modified by PL 69) at an extraordinary session to be held before April 1st 2023.

BY-LAW RELATING TO THE DEMOLITION OF HERITAGE BUILDINGS

CONSIDERING

the adoption of the *Act to amend the Cultural Heritage Act and other legislative provisions* (SQ 2021, c 10) on March 25, 2021, so that section 120 of the *Cultural Heritage Act* (CQLR, c. P-9.002) now provides that an MRC must adopt an inventory of buildings on its territory that were built before 1940 and/or that have heritage value and that section 148.0.2 of the *Land Use Planning Act and urban planning* (CQLR, c. A-19.1) now requires the adoption and maintenance in force of a demolition by-law by a local municipality;

WHEREAS in the absence of a demolition by-law and an inventory of the heritage of the MRC, a request for authorization must be lodged with the Ministry of Culture and Communications for any request for the demolition of a building constructed before 1940;

WHEREAS a local municipality must now have a Demolition Committee;

WHEREAS a notice of motion for this by-law was given by _____, _____, at the regular meeting of _____ Municipal Council on March 6th 2023 in Sheenboro Quebec _____;

WHEREAS a draft by -law tabled at an extraordinary meeting of _____ was presented by _____;

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

ARTICLE 1: The preamble is an integral part of these rules to be valid for all legal purposes.

ARTICLE 2: **DECLARATORY PROVISIONS**

2.1 Designation

This by-law is entitled "By-law relating to the demolition of buildings" and bears the number _____ 2023-001 _____.

2.2 Territory affected by this regulation

This by-law applies to the entire territory of the Municipality of _____ Sheenboro _____.

2.3 Persons subject to this regulation

This Regulation is subject to any person governed by public or private law, as well as any legal or natural person.

2.4 Modification to this regulation

This by-law may only be modified, amended or repealed, in whole or in part, in accordance with the provisions provided for this purpose in the Act respecting land use *planning and development* (CQLR, c. A-19.1) and the *Act amending the Cultural Heritage Act and other legislative provisions* (SQ 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 void by a court of competent jurisdiction, the other parts of the by-law continue to apply.

2.6 Regulations and laws

No article of this regulation shall have the effect of exempting any person whatsoever from the application of a law of Canada or of the province of Quebec and the regulations resulting therefrom.

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 BE, the obligation is absolute, except with regard to the development objectives where derogations may be made if such a derogation is justifiable with regard to the whole of the proposal for works.
- 3° With the use of the verb POUVOIR, the optional meaning is retained.
- 4° The singular includes the plural, and vice versa, unless the context clearly indicates otherwise.
- 5° The masculine includes the feminine.

2.8 Terminology

In these rules, unless the context indicates a different meaning, the following terms have the meaning attributed to them in this article:

Demolition Committee

The committee established under this by-law, responding to section 148.0.3 of the *Act respecting land use planning and development* (RLRQ, c. A-19.1) and having the functions of studying and authorizing requests demolition and to exercise any other power conferred on it by this by-law and the *Act respecting land use planning and development* (CQLR, c. A-19.1).

Demolition

The act of destroying, dismantling piece by piece a building to more than 40% of its volume, without regard to the foundations, or removing a building in any way whatsoever, with a view to clearing the ground on which it is erected.

Is considered in the same way as a demolition, the displacement of a building on another ground.

Designated official

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

Heritage building

A building cited in accordance with the *Cultural Heritage Act* (RLRQ, c. P-9.002), a building located in a heritage site cited in accordance with this same law or a building listed in an inventory of the heritage of the MRC in accordance with the first paragraph of section 120 of the *Cultural Heritage Act* (CQLR, c. P-9.002).

MRC Heritage Inventory

List of heritage buildings adopted by the MRC of _____Pontiac_____.

Accommodation

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

MRC

The _____Regional _____County _____Municipality _____of _____Pontiac_____.

Preliminary program for the reuse of the vacated soil

The preliminary program for the reuse of the cleared soil is the new development of the land and the new construction projected to replace the building to be demolished.

Applicant

The owner of a building or his representative presenting a request for authorization of demolition within the framework of this regulation.

ARTICLE 3:

TARGETED BUILDING

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

A building that is not a heritage building is not subject to this by-law.

This regulation does not apply in the following cases:

- The demolition of a listed building or one that has been the subject of an order under the *Cultural Heritage Act* (CQLR, c. P-9.002);
- A demolition of a federally owned building;
- A demolition ordered under articles 227, 229 and 231 of the *Act respecting land use planning and development* (CQLR, c. A-19.1);
- The demolition of a building threatened by the imminence of a disaster within the meaning of the *Civil Protection Act* (CQLR, chapter S-2.3).

ARTICLE 4:

ADMINISTRATION

The administration and application of this by-law are entrusted to the official designated by the Council as well as to the Demolition Committee set up under this by-law.

The Council may appoint an assistant to the designated official to assist or replace him when he is unable to act.

ARTICLE 5:

TRANSMISSION OF A REQUEST

A request for authorization to demolish a building covered by this by-law must be sent to the Town Planning and Environment Department, **on the form prescribed for this purpose**, which must be signed by the applicant.

ARTICLE 6:

CONTENT OF A REQUEST

6.1 Mandatory content

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

- a) Color photographs of each of its exterior faces of the building concerned as well as, where applicable, those of the faces of neighboring buildings;

- b) Photographs of the land on which the building concerned is located as well as, where applicable, those of the neighboring lands;
- c) Photographs of the interior of each room of the building concerned;
- d) The schedule and probable cost of the demolition work, reconstruction and development of land or reclamation of land;
- e) The measures planned to relocate the tenants, if necessary, or, if the building is vacant, since when it has been unoccupied;
- f) If the building in question is occupied by tenants, a copy of the written notice sent to each of the tenants of the building, as provided for in article 13 of this by-law;
- g) The deeds of ownership of the building;
- h) A preliminary program for reusing the vacated land that must include the following documents and information:
 1. A statement made by a land surveyor showing:
 - The location of the existing building as well as adjacent buildings;
 - The location of vehicular and pedestrian entrances for the existing building and adjacent buildings;
 - The location of trees on the ground;
 - A street elevation of the existing building with the adjacent buildings indicating the height (geodetic level) of the roof ridge, the entrance balcony and the street crown in front, for the existing building and for the adjacent buildings;
 - Mineralized and vegetated spaces;
 - Constraints on land use (areas exposed to landslides, wetlands, water bodies, floodplains, etc.)
 2. Preliminary architectural plans of the projected building or construction, by a professional, including:
 - the plans of the foundations, the basement, the standard floors and the roof,
 - the elevations of each side of the building including, in particular, the identification of the exterior cladding materials
 - sections through the building;
 3. The use of the planned constructions;
 4. Any other document or information necessary for a good understanding of the proposed project or the use that will be made of the land following the requested demolition.

6.2 Content that can be requested

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

- a) A description of the methods of demolition and disposal of materials;
- b) An expertise to assess the state of dilapidation of the building and demonstrating the impossibility of saving it, in particular a structural engineer's report and an inspection report in the event of mold;
- c) A qualitative study of the trees, the impacts of the project on the tree resource and the preservation measures carried out by a forest engineer;
- d) An analysis of the heritage value of the building, carried out by an independent expert mandated by the Municipality;
- e) Any other study(s) required at the request of the Demolition Committee or the Urban Planning and Environment Department. The studies must be prepared by a competent and independent professional mandated by the Municipality and whose field of expertise is directly related to the subject of the study requested.

ARTICLE 7:

REQUEST FOR PRELIMINARY OPINION

The applicant may ask the Demolition Committee, by indicating it on his demolition authorization application form, for a preliminary opinion as to the admissibility of his program for the reuse of the vacated soil or the demolition of the building.

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

ARTICLE 8:

FEES FOR OPENING AND ANALYZING THE REQUEST

The applicant must pay, when filing an application for authorization to demolish a building, an amount of \$400 payable to the Municipality as the cost of opening and analyzing the application and publishing the application. public notice.

This article does not apply when the request for authorization concerns a building belonging to the Municipality of _____ Sheenboro_____.

ARTICLE 9:

NON-COMPLIANT OR INCOMPLETE REQUEST

When an application for authorization to demolish a building submitted to the Urban Planning and Environment Department is non-compliant or incomplete under the applicable municipal regulations, the Urban Planning and Environment Department inform the applicant in writing. This notice must indicate the reasons that make the application non-compliant.

ARTICLE 10:

DEEMED WITHDRAWAL OF THE REQUEST

The applicant is deemed to have withdrawn his application for authorization to demolish a building under this by-law if he does not modify or complete it, as the case may be, within six (6)

months following the presumed date of receipt of the notice sent under section 9 of these rules.

SECTION 11:

PUBLIC NOTICE

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

- A public notice must be posted on the property concerned by the request, it must be easily visible to passers-by.
- The public notice setting out the request for authorization to demolish a building must be published without delay in accordance with the by-law governing the publication of public notices by the Municipality at least ten (10) days before the meeting during which the Committee of demolition must study the request.

The notices mentioned in this article must reproduce the first paragraph of section 148.0.7 of the *Act respecting land use planning and development* (CQLR, c. A-19.1) , in order to indicate the procedure to be followed to oppose the demolition of the building in question, below : " Any person who wishes to oppose the demolition must, within 10 days of publication of the public notice or, failing that, within 10 days of following the posting of the notice on the building concerned, make known in writing its reasoned opposition to the clerk-treasurer of the Municipality. » The notices must also indicate the day, time, place and purpose of the meeting of the Demolition Committee where it will rule on the demolition of the building.

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

ARTICLE 12:

NOTICE TO TENANTS

When 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 sent to them, to each of them, by registered or certified mail.

The applicant must send the Urban Planning and Environment Department a copy of the proof of receipt of the notice by each of the tenants.

ARTICLE 13:

OBJECTION

Any person wishing to oppose the issuance of a demolition authorization must send, in writing, their reasoned opposition to the Municipality, for the attention of the clerk-treasurer, by email, to the address determined by this Department, in ten (10) days following the publication of the public notice or, failing that, within ten (10) days following the posting of the notice on the building concerned.

However, when the objector 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 period as that provided for in the previous paragraph.

ARTICLE 14:

STUDY OF THE REQUEST BY THE DEMOLITION COMMITTEE

When the application is complete, the project complies with the applicable municipal regulations and the fees have been paid, the Urban Planning and Environment Department prepares a preliminary report summarizing the application and indicating its decision on it . , the request and the report are forwarded to the Demolition Committee for study and decision.

As part of its assessment of the application for authorization to demolish a building, the Demolition Committee takes into consideration the following criteria:

- The condition of the building;
- The deterioration of the architectural appearance, the aesthetic character or the quality of life of the neighborhood;
- The impact of the loss of the building in its environment;
- The cost of catering;
- The heritage value of the building (including the history of the building, its contribution to local history, its degree of authenticity and integrity, its representativeness of a particular architectural trend and its contribution to a preserve) ;
- When the building includes one or more dwellings, the damage caused to the tenants, the housing needs in the surrounding area and the possibility of rehousing the tenants;
- If applicable, the objections received to the issuance of a certificate of authorization for the demolition;
- Any other criteria deemed relevant by the Demolition Committee.

The Demolition Committee also studies the preliminary program for the reuse of the vacated soil, taking into account, in particular, compliance with the following objectives:

- a) Ensure harmonious integration of the project in terms of location, orientation, height and volumetry in relation to the built environment of the neighborhood unit concerned;
- b) Plan a layout to reduce the impacts that could contribute to increasing the too pronounced differences in volume with the adjacent buildings;
- c) Ensure the preservation of existing quality vegetation and optimize the presence of vegetation on the land in order to improve the visual appearance of the premises or even serve as an interface;
- d) Create a quality architectural ensemble that harmonizes with the buildings already built;
- e) Favor materials for the exterior covering of walls and roofs of quality, in a sober color, with the exception of decorative elements which may be of contrasting color and which match the exterior covering of buildings of heritage interest in the middle of insertion;
- f) Insist on the integration of the project into the existing heritage landscape, where applicable, in order to ensure the sustainability of quality heritage areas;
- g) Insist on the recycling and recovery of building materials from demolition, where applicable;
- h) Respect the characteristics of the cadastral grid of the street

and the land of the neighborhood unit concerned during any planned cadastral operation.

ARTICLE 15:

DEMOLITION COMMITTEE

A Demolition Committee is established by this by-law, the functions of which are to study and authorize demolition requests and preliminary programs for the reuse of the vacated land, as well as to exercise any other power conferred on it by this by-law and the Law . *on development and urban planning* (CQLR, c. A-19.1).

ARTICLE 16:

COMPOSITION OF THE DEMOLITION COMMITTEE

The Council has the mandate 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 mandate of a member of the Demolition Committee may be renewed.

The board appoints, from among the members of the Demolition Committee, its chairman whose mandate is to maintain order and decorum during the meeting and to decide on any matter or incidental question to the smooth running of the meeting or any point of order.

A member of the Council who ceases to be a member of the Demolition Committee before the end of his term, who is unable to act or who has a direct or indirect personal interest in a matter referred to the Demolition Committee, is replaced by another member of the Council designated by the latter either for the remaining duration of the mandate, for the duration of the impediment of the member or for the duration of the hearing of the case in which the latter has an interest, according to the applicable case.

The Council 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 impediment or for the duration of the hearing of a matter in which the one of them has an interest.

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

ARTICLE 17:

DEMOLITION COMMITTEE MEETING

The meetings of the Demolition Committee are convened by the Urban Planning and Environment Department, by means of a written notice to that effect, which must be given at least 48 hours before the fixed 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 the notice of meeting or an irregularity thereof, if he participates in the meeting of the Demolition Committee, unless he attends specifically to oppose his held, invoking the irregularity of his summons. Such waiver is recorded in the minutes of the meeting.

ARTICLE 18:

PUBLIC HEARING

When an application for authorization to demolish a building concerns 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 the Council presents the request for authorization to demolish a building to the Demolition Committee;
- 2- the applicant proceeds with the presentation of his request to the Demolition Committee and, where applicable, the preliminary program for the reuse of the vacated soil;
- 3- the Demolition Committee hears the persons who have sent a written notice of opposition in accordance with this by-law, if applicable;
- 4- the Demolition Committee may hear, if it deems it appropriate, any other person present at the meeting who so requests;
- 5- the applicant may make a short reply at the end of the speeches.

ARTICLE 19:

INTERVENTION OF A THIRD PARTY

A person wishing to acquire an immovable covered by an application for authorization to demolish in order to preserve its heritage character may, as long as the Demolition Committee has not 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 a building comprising one or more dwellings covered by an application for authorization to demolish in order to retain its residential rental character may, as long as the Demolition Committee has not rendered its decision, intervene in writing with of the clerk-treasurer to request a delay in order to undertake or pursue steps with a view to acquiring the immovable.

If the Demolition Committee considers that the circumstances justify it, it may postpone the pronouncement of its decision and grant the intervener a period of no more than two (2) months from the end of the hearing to allow negotiations to succeed. However, the Demolition Committee may only postpone the pronouncement of its decision for this reason once.

When the building is the subject, in whole or in part, of an assignment to a third party before the work is fully completed, the new purchaser cannot continue this work before having obtained, in accordance with the provisions of this by-law and by-law on the permit and certificate in force, a new demolition authorization certificate.

When the building is the subject, in whole or in part, of an assignment to a third party, during the work or after the 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.

When the building is the subject, in whole or in part, of a transfer to a third party, the Municipality may collect the financial guarantee, which had been provided by the seller, if the new buyer does not carry out the work undertaken. or does not meet the conditions imposed by the committee.

ARTICLE 20:

DEMOLITION COMMITTEE DECISION

The Demolition Committee grants the authorization if it is convinced of the advisability of the demolition, taking into account the public interest and the interest of the parties, taking care to consider the evaluation criteria provided for by law. and by this Regulation. Otherwise, the Demolition Committee refuses the authorization request.

The decisions of the Demolition Committee are taken by majority vote of the members during the meeting. The Demolition Committee must, after deliberation, render a decision and explain the reasons therefor.

Before rendering its decision, the Demolition Committee must:

- Consider the objections received;
- Consult the Local Heritage Committee within the meaning of the Act for any request relating to a heritage building if it was constituted by the Council.

The Demolition Committee may also consult the Urban Planning Advisory Committee on any subject if it deems it appropriate to do so.

ARTICLE 21:

TRANSMISSION OF DEMOLITION COMMITTEE DECISION

The reasoned decision of the Demolition Committee is transmitted as soon as possible to the Council as well as to the applicant and to the persons having transmitted a written notice of opposition. In the latter case, the transmission of the decision is made by registered post.

The decision is accompanied by a notice that explains the applicable 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* (CQLR, c. A -19.1).

ARTICLE 22:

REVIEW REQUEST

Any person may, within thirty (30) days of the decision of the Demolition Committee, request a review of this decision by the Council by sending, in writing, a reasoned 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, and this, in public session.

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

The Council, after analyzing a request for review, 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 rendered in writing and reasoned.

No certificate of authorization may be issued before the expiry of the time limit for submitting a request for review or, if the Council is seized of such a request, before it has rendered its decision to this effect.

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

ARTICLE 23:

REQUEST FOR COUNCIL REVIEW

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

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

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

ARTICLE 24:

NOTICE OF DEMOLITION

When the Demolition Committee authorizes the demolition of a heritage building and its decision is not reviewed pursuant to section 148.0.19 of the *Act respecting land use planning and development* (CQLR, c. A-19.1), a notice of its decision must be notified as soon as possible to the MRC. Must also be notified to the latter, as soon as possible, a notice of the decision taken by the Council in review of a decision of the committee, when Council authorizes such demolition.

A notice sent to the MRC in accordance with this article is accompanied by copies of all the documents produced by the owner.

ARTICLE 25:

POWER OF DISAVONDATION OF THE MRC

The power of disallowance is a power available to the MRC, under article 148.0.20.1. of the *Act respecting land use planning and development* (CQLR, c. A-19.1), allowing it to disavow the decision of a city/municipality to authorize the demolition of a heritage building.

The MRC Council may, within 90 days of receipt of the notice, disavow the decision of the Demolition Committee or the Council. He may, when the RCM has a local heritage council within the meaning of section 117 of the *Cultural Heritage Act* (CQLR, c. P-9.002), consult it before exercising his power of disallowance.

A resolution adopted by the MRC by virtue of the preceding paragraph is substantiated and a copy is transmitted without delay to the Municipality and to any party in question, 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 MRC, no demolition authorization certificate may be issued before the earliest of the following dates:

ARTICLE 30:

REVOCATION OF AN AUTHORIZATION

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

- 1- one of the conditions for the issuance of the demolition authorization or authorization certificate has not been respected;
- 2- when the authorization or the authorization certificate was issued by mistake 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 a demolition authorization certificate and must return, within ten (10) days of the notice received to that effect, such an authorization or such a certificate to the Urban Planning and Environment Department.

ARTICLE 31:

FINANCIAL GUARANTEE

If the Demolition Committee approves the preliminary program for the reuse of the cleared soil, 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 listed on the assessment roll in effect at the time of the application, without however exceeding \$100,000, in order to guarantee the execution of this program.

The financial guarantee can be given, in the form of a certified check 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 operate in Quebec.

If 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 this letter of guarantee, at the latest on the 22nd day preceding its expiry, by another letter of guarantee of the same nature and for an amount equivalent to the balance of the letter of guarantee. The non-renewal of a letter of guarantee, by the applicant, allows the Municipality to demand payment of the balance of the letter of guarantee from the 21st day preceding the expiry date of the letter.

The work of the preliminary program for the reuse of the vacated soil must be completed at the end of the period set by the Demolition Committee or, where applicable, at the end of the extension period, failing which the Municipality may demand the payment of the letter of guarantee.

This article does not apply when the applicant is the Municipality of _____ Sheenboro _____ or when the request for authorization concerns a building belonging to the Municipality of _____ Sheenboro _____.

ARTICLE 30:

EXECUTION OF GUARANTEES

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 program for the reuse of the vacated land;
- b) if it does not respect the planned deadlines;
- c) if he commits an act of bankruptcy, makes a proposal or becomes insolvent;
- d) if he abandons the work.

ARTICLE 31:

DELIVERY OR RELEASE OF THE FINANCIAL GUARANTEE

The financial guarantee is given to the applicant when the work covered by the preliminary program for the reuse of the vacated soil is completed, subject to the application of article 29 of this by-law.

Nevertheless, fifty percent (50%) of the guarantee may be returned to the applicant, if he so requests, when the work covered by the preliminary program for the reuse of the vacated soil relating to the building has been completed and only the landscaping work, including flooring, must be completed.

ARTICLE 32:

IDENTIFICATION

Any person responsible for the application of this by-law who has reasonable grounds to believe that a person has committed an offense may demand that he declare his name, address and date of birth, if he does not know them.

If she has reason to believe that the offender has not told her his true name, address or date of birth, she may also demand that she provide the necessary documents to confirm its accuracy.

A person may not refuse to declare his name, address and date of birth or to provide information enabling its accuracy to be confirmed, once he is informed of the offense with which he is charged.

ARTICLE 33:

SITE VISIT

The designated official may, at any reasonable time, enter the premises where the work is being carried out in order to verify that the demolition is in accordance with the decision of the committee.

Any owner, tenant, occupant or manager of any property, building or construction whatsoever must let in the designated official responsible for the application of these regulations.

Upon request, the designated official of the Municipality must give his identity and show the certificate, issued by the Municipality, attesting to his capacity.

ARTICLE 34:

DISPLAY OF THE CERTIFICATE OF AUTHORIZATION

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

The owner or the person in charge of carrying out the demolition work on the premises where the work is to be carried out, is required to show, at the request of a person responsible for the application of this by-law, a copy of the certificate of 'authorisation

ARTICLE 35:

OBSTRUCTION

Anyone who prevents a designated official responsible for the application of this by-law from entering the premises where the demolition work is being carried out, or if the person in authority responsible for carrying out the demolition work who, on the premises where the demolition work is to be carried out, carrying out the work, refuses to show, at the request of a designated official responsible for the application of this by-law, a copy of the certificate of authorization, is liable to a maximum fine of \$500.

ARTICLE 36:

ILLEGAL DEMOLITION OF A BUILDING

Anyone who proceeds or causes the demolition of a building to be carried out without first having obtained an authorization and a certificate of authorization in accordance with this by-law or contravenes the conditions issued by the Demolition Committee within the framework of such authorization or issuance of such a certificate of authorization, commits an offense and is liable to a fine of at least \$10,000 and at most \$250,000.

However, the maximum fine is \$1,140,000 in the case of the demolition, by a legal person, of a building cited in accordance with the *Cultural Heritage Act*. (CQLR, c. P-9.002) or located in a heritage site cited in accordance with this law.

ARTICLE 37:

RECONSTRUCTION OF AN ILLEGALLY DEMOLISHED BUILDING

Any person having proceeded to the demolition of a building or having allowed this demolition without having previously obtained an authorization and a certificate of authorization in accordance with the present by-law may be forced to rebuild the building, on resolution of the Council to this effect. .

Failing to perform within the time allowed by the resolution adopted for this purpose in accordance with the first paragraph of this article, the Municipality may have the work carried out and recover the costs from this person and/or the owner, at its discretion. . Where applicable, these costs constitute a prior claim on the immovable in question, in the same way and according to the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of *Québec* . These costs are also guaranteed by a legal hypothec on the building.

ARTICLE 38:

STATEMENT OF INFRINGEMENT

Under the *Code of Penal Procedure of Quebec* , the designated official and his assistants from the Urban Planning and Environment Department (in this case the Municipal Inspector) are authorized to issue statements of offense, for and on behalf of the Municipality of _____Sheenboro_____, for any offense provided for in this regulation.

ARTICLE 39:

APPENDIX TO THE RULES

Appendix I: MRC Heritage Inventory

ARTICLE 40:

ENTRY INTO FORCE

This Regulation comes into force in accordance with the law.

8. Public Works

9. Public Security

10. Correspondence

A. Pontiac Scholarship Fund

The Pontiac Scholarship Fund has requested a donation to go towards bursaries in the Pontiac.

Tabled for further discussion

11. In- Camera Session

12. Out of Camera

13. Date of the next meeting

The next regular meeting will be April 3rd, 2023 at 6:30 pm.

14. Closing of meeting

041-2023

Moved by Councillor Brennan
that the meeting be adjourned at 7:40 pm.

Adopted

Director General

Mayor / Secretary Treasurer

I, *Lorna Agnesi, pro-mayor*, attest that the signature of this minutes is equivalent to the signature by me of all the motions it contains within the meaning of Article 142 (2) of the Municipal Code.