PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

CONSOLIDATED

BY-LAW BEAC-045

BY-LAW CONCERNING PERMITS AND CERTIFICATES

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Adopted at the Municipal Council's extraordinary meeting held on Thursday, June 25, 2009.

PROVINCE OF QUEBEC
CITY OF BEACONSFIELD

BY-LAW NO. BEAC-045
BY-LAW CONCERNING PERMITS AND CERTIFICATES

At the extraordinary meeting of the municipal Council of the City of Beaconsfield, held in the Council Chamber, 303, Beaconsfield Boulevard, Beaconsfield, Quebec, on Thursday, June 25, 2009 at 8:00 a.m.

WERE PRESENT: His Honour Mayor Bob Benedetti, Karen Messier, Wade Staddon, Roy Baird and David Pollock.

ABSENT: Councillors Jimmy Shiro Hasegawa and Kate Coulter.

WHEREAS a notice of motion of the presentation of this by-law was given at the meeting of said Council duly called and held on Monday, April 27, 2009;

WHEREAS a public consultation meeting on the said draft By-law was duly called and held by Council on Monday, May 25, 2009;

CONSIDERING section 118 of the Act respecting land use and planning (R.S.Q., chapter A-19.1);

On motion of Councillor K. Messier, seconded by Councillor R. Baird and UNANIMOUSLY RESOLVED:

The Municipal Council of the City of Beaconsfield enacts as follows:

TABLE OF CONTENT

(the last update of the table of content dates from the adoption of By-law BEAC-045)

CHAPTER 1 DECLARATORY AND INTERPRETATIVE PROVISIONS 1

1.1 COMING INTO FORCE 1
1.2 BY-LAW APPLICABILITY 1
1.3 SCOPE OF APPLICATION 1
1.4 VALIDITY 1
1.5 ATTACHED DOCUMENTS 1
1.6 CONFORMITY TO ALL APPLICABLE BY-LAWS 1
1.7 PRECEDENCE OVER OTHER BY-LAWS 1
1.8 REPEAL 2
1.9 TEXT INTERPRETATION 2
1.10 PLANS, TABLES, GRAPHS, SYMBOLS, ANNEXES, SPECIFICATION SCHEDULES AND ALL OTHER MEANS OF EXPRESSION 2
1.11 INTERPRETATION IN CASE OF A CONFLICT 2
1.12 INTERPRETATION OF GENERAL AND SPECIFIC PROVISIONS 2
1.13 UNIT OF MEASURE 3
1.14 TERMINOLOGY 3

CHAPTER 2 ADMINISTRATIVE PROVISIONS 3

2.1 ADMINISTRATIVE RESPONSIBILITY 3
2.2 FUNCTIONS AND POWERS OF THE OFFICER IN CHARGE 3
2.3 BREACH OF THIS BY-LAW 5
2.4 ISSUANCE OF A STATEMENT OF OFFENCE 5
2.5 FINES 5
2.6 FINE FOR FELLING A TREE 6
2.7 FINE FOR THE DEMOLITION OF A BUILDING WITHOUT AUTHORIZATION 6
2.8 FINE DURING THE DEMOLITION WORK 6

CHAPTER 3 ISSUANCE OF PERMITS AND CERTIFICATES 6

3.1 BUILDING PERMIT 6
3.1.1 Issuance of a building permit 6
3.1.2 Work not requiring a building permit 7
3.1.3 Application procedure for a building permit 7
3.1.4 Application procedure for a building permit pursuant to the by-law Respecting Site Planning and Architectural Integration Programs (SPAIP) 11
3.1.5 Reasons for rejection of an application of a building permit 13
3.1.6 Issuance criteria of a building permit 13
3.1.6.1 REPEALED 14
3.1.6.2 REPEALED 14
3.1.7 Validity of a building permit 14
3.1.8 Obligations of the building permit holder 14
3.1.9 Fees 15
3.2 CERTIFICATE OF AUTHORIZATION 15
3.2.1 Issuance of a certificate of authorization 15
3.2.2 Application procedure for a certificate of authorization request 16
3.2.3 Issuance criteria of a certificate of authorization 22
3.2.4 Validity of a certificate of authorization 22
3.2.4.1 Validity of a certificate of authorization for donation containers for clothing and used objects 18
3.3 ISSUANCE OF A CERTIFICATE OF AUTHORIZATION FOR SIGNAGE 23
3.3.1 Mandatory certificate of authorization for signage 19
3.3.2 Application procedure of a certificate of authorization for signage 19
3.3.3 Issuance criteria of a certificate of authorization for signage 19
3.3.4 Validity of a certificate of authorization for signage 19
3.4 ISSUANCE OF A CERTIFICATE OF AUTHORIZATION TO DEMOLISH A STRUCTURE 20
3.4.1 MANDATORY CERTIFICATE OF AUTHORIZATION TO DEMOLISH A BUILDING 20
3.4.2 APPLICATION PROCEDURE FOR A CERTIFICATE OF AUTHORIZATION REQUEST TO DEMOLISH A MAIN BUILDING 20
3.4.2.1 Delays to demolish a building 20
3.4.2.2 The Demolition Committee 20
3.4.2.3 Decision of the Committee 20
3.4.2.4 Notice 21
3.4.2.5 Appeal and hearing 21
3.4.2.6 Carrying out of the works by the City 22
3.4.2.7 Restoration of immovable 22
3.5 ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR A COMMERCIAL USAGE, TO OPERATE A BUSINESS, A FAMILY-TYPE RESOURCE OR A RESIDENCE FOR AUTONOMOUS SENIORS 22

3.5.1 Mandatory certificate of occupancy to operate a business, a family-type resource or a residence for autonomous seniors *24*
3.5.2 Application procedure for a certificate of occupancy for a commercial usage, to operate a business, a family-type resource or a residence for autonomous seniors *25*
3.5.3 Issuance criteria for a certificate of occupancy for a commercial usage, to operate a business, a family-type resource, or a residence for autonomous seniors *26*
3.5.4 Validity of a certificate of occupancy for a commercial usage, to operate a business, a family-type resource, or a residence for autonomous seniors ..... ***Erreur ! Signet non défini.***
3.5.5 Posting of the certificate ..... ***Erreur ! Signet non défini.***
3.6 ISSUANCE OF A SUBDIVISION PERMIT 28
3.6.1 Mandatory subdivision permit *28*
3.6.2 Application procedure for a subdivision permit *28*
3.6.3 Approval process for a subdivision permit ..... ***Erreur ! Signet non défini.***
3.6.4 Formal registration for a subdivision permit *31*
3.6.5 Validity of a subdivision permit *31*
3.6.6 Rights and recourses *316*
3.7 ISSUANCE OF A SUBDIVISION PERMIT 31
3.7.1 Mandatory certificate of authorization to move a building on public horoughfares *31*
3.7.2 Application procedure for a certificate of authorization to move a building on public thoroughfares *31*
3.7.3 Issuance criteria for a certificate of authorization to move a building on public thoroughfares *31*
3.7.4 Validity of a certificate of authorization to move a building on public thoroughfares *32*

CHAPTER 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

1.1 Coming into force

This by-law shall come into force in accordance with the provisions of an Act Respecting Land Use Planning and Development (R.S.Q., chapter A-19.1).

1.2 By-law applicability

Compliances with the provisions of this by-law are incumbent on both natural and legal persons.

1.3 Scope of application

The following elements shall meet the provisions of this by-law:

a) Any landsite, or portion thereof;

b) Any building, or portion thereof, to be erected or used;

c) Any structure, or portion thereof, to be erected or used;

d) Any cadastral operation plan, regardless of whether or not the plan involves creating thoroughfares.

1.4 Validity

The Council enacts this by-law in its entirety, as well as chapter by chapter, section by section, paragraph by paragraph, and subparagraph by subparagraph so that the repeal or declaration of nullity of any chapter, section, paragraph, or subparagraph, or part thereof, shall not affect the validity of other chapters, sections, paragraphs or subparagraphs of this by-law.

1.5 Attached documents

The following documents form an integral part of this by-law:

a) The Terminology Index of the Zoning by-law;

b) The Specifications Schedule, including amendments of the Zoning by-law as annex V.P.11 ;

c) The Zoning Plan, including amendments of the Zoning by-law as annex V.P. 10.

1.6 Conformity to all applicable by-laws

The issuance of a building permit or a certificate of authorization, approved plans and specifications, and inspections carried out by the officer in charge shall not release the owner or the applicant from the obligation to execute, or have the work executed, in conformity with the requirements of this by-law or with any other applicable by-laws.

1.7 Precedence over other by-laws

The provisions of this by-law shall take precedence over:

a) Any similar provisions contained in any other by-law regarding the inspection of buildings and the issuance of permits and certificates;

b) Any provisions in any other by-laws that are inconsistent with the provisions of this by-law.

1.8 Repeal

By-law no. 723, entitled “Inspection of buildings and the issuance of permits and certificates,” and its amendments are hereby repealed and replaced with this by-law. The repealed by-law shall nevertheless remain in force and shall be applied in its entirety to any situation where any person, company, corporation, institution, or other entity contravenes any of its provisions prior to the coming into force of this by-law. Moreover, this repeal shall not affect permits legally issued pursuant to the authority of the repealed provisions, nor shall it affect any rights acquired prior to the coming into force of this by-law.

1.9 Text interpretation

The present rules of interpretation apply to this by-law:

a) Regardless of the verb tense used in this by-law, every provision is held to be in force during every time period and in all circumstances;

b) The singular shall extend to several people or things of the same nature, each time that the context allows for this extension;

c) The masculine form includes the feminine, unless the context indicates otherwise;

d) Between the French version and the English version, the French version prevails;

e) The use of the auxiliary verb "shall" indicates an absolute obligation, while the auxiliary verb "may" indicates a choice;

f) The authorization to do something includes all the powers necessary to this end.

1.10 Plans, tables, graphs, symbols, annexes, specification schedules and all other means of expression

Plans, tables, graphs, symbols, annexes, specification schedules and any other means of expression included in this by-law, other than words, shall form an integral part thereof.

1.11 Interpretation in case of a conflict

In case of a conflict between provisions in this by-law, unless otherwise provided, the following rules apply:

a) Between the text and a title, the text prevails;

b) Between the text and any other form of expression except for the specification schedules, the text prevails;

c) Between a table and a graph, the table prevails;

d) Between the specification schedules and the Zoning Plan, the specification schedules prevail;

e) Between the text and the specification schedules, the specification schedules prevail;

1.12 Interpretation of general and specific provisions

In case of a conflict between two provisions in this by-law, or as between this by-law and another by-law, the specific provision shall prevail over the general provision.

When a restriction or a prohibition prescribed by this by-law or any one of its provisions conflicts with, or is inconsistent with, any other by-law or another provision of this by-law, unless otherwise stated, the more restrictive or prohibitive provision shall apply.

1.13 Unit of measure

All dimensions specified in this by-law shall refer to the International System of Units (SI)

1.14 Terminology

For the purpose of interpreting this by-law, unless the context indicates otherwise, any word or expression has the meaning and the significance attributed to it in the Terminology Index of the Zoning by-law which forms an integral part thereof. If a word or a term is not specifically indicated in this index, it is used in its commonly attributed meaning.

CHAPTER 2 ADMINISTRATIVE PROVISIONS

2.1 Administrative responsibility

The responsibility for the administration and application of this by-law is incumbent to the Director of the Urban Planning and Municipal Patrol Department of the City of Beaconsfield, under the title of officer in charge.

Any employee of the Urban Planning and Municipal Patrol Department and any employee of the Public Works Department of the City of Beaconsfield, any employee of the Service de Sécurité Incendie de Montréal (Fire Security Department), and of the City of Montreal Police Service is considered as an assistant to the Director of the Urban Planning and Municipal Patrol Department of the City of Beaconsfield.

The Council may, by resolution, appoint other natural or legal persons, in addition to those mentioned in the present section, for the application of the current by-law.

2.2 Functions and powers of the officer in charge

The officer in charge and his assistants may exercise all powers conferred upon them under this by-law, such as:

a) Issue permits and certificates stipulated in this by-law;

b) Visit and examine, at any reasonable hour and presenting an identity card, any immovable property, including the interior and exterior of buildings or structures, to ascertain compliance with this by-law, or to require the owner to provide assistance with the inspection of the property, building or structure;

c) Issue to the owner, tenant, occupant, or any other person in charge, a notice requiring the correction of a dangerous situation or any situation contravening this by-law;

d) Recommend that Council take any measure necessary to put an end to any situation in breach of this by-law;

e) Order that tests be carried out on the materials, devices or mechanisms, methods of construction, functional or structural elements of the construction, or regarding the condition of the foundations, where proof of their compliance with the specifications of this by-law and the Construction by-law is required;

f) Order that the work be stopped when test results demonstrate that the specifications of this by-law or any other by-law are contravened;

g) Order the temporary evacuation of any building that could put any person's life in danger;

h) Order the execution of any repair work that seems appropriate for the safety of the structure and recommend to Council all emergency measures;

i) Order the fencing of any land representing a danger to the public;

j) Order the closing of any thoroughfare, or part of a thoroughfare, for as long as a danger persists;

k) Order the owner, tenant, occupant or any other person in charge to suspend any dangerous work or the exercise of a usage that is in breach of this by-law;

l) Require that a signed and sealed report attesting to the conformity of the work be submitted by the appropriate professional;

m) Recommend that the Council take any measure necessary to put an end to any construction, occupation, or use of a lot, landsite, building, or structure, or any part of a lot, landsite, building, or structure that contravenes this by-law or the Construction by-law;

n) Recommend that Council take any measure necessary to put an end to a breach of this by-law or the Construction by-law;

o) Order in written the interruption of work or usages;

p) In case of emergency or if the offence endangers the public, the officer in charge may, if the offender does not immediately comply with the notice, order that the work be stopped, as soon as possible. Furthermore, if the offender refuses to comply, the officer in charge may order remedial work to be carried out to ensure public safety. The cost of this work are at the offender's expense;

q) Take legal action in the name of the City in case of a breach of this by-law;

r) Issue a statement of offence to the owner, tenant, occupant, or any other person in charge;

s) Advise the owner of a property in breach of this by-law of the nature of the offence and compel him to comply with this by-law and, if necessary, to restore the premises, landsites or buildings to their condition before the breach;

t) In all other cases, if the offender does not comply with the above mentioned order within seven (7) days, the officer in charge may take any necessary legal action to enforce the application of this by-law.

2.2.1 Responsibilities of the owner covered by a certificate of occupancy for a principal residence establishment usage from the class of usages "Lodging services" (c5)

The owner of an immovable covered by a certificate of occupancy for the Principal residence establishment usage from the class of usages "Lodging services" (c5) must:

a) Be reachable at all times by the officer in charge

b) Produce rental regulations for the immovable referring to municipal by-laws and the minimum fines that could be given in the event of an infraction;

c) Keep a copy of the rental regulations rules signed by all tenants for the duration of the validity of the certificate of occupancy.

(BEAC-045-15, sec. 1)

2.3 <u>Breach of this by-law</u>

Commits an offence any person that:

a) Occupies or uses a lot, landsite, building, or structure, or part of a lot, landsite, building or structure, in breach of this by-law;

b) Authorizes the occupation or use of a lot, landsite, building or structure, or part of a lot, landsite, building or structure, in breach of this by-law;

c) Erects or permits the erection of a structure in breach of this by-law;

d) Refuses to allow the officer in charge to visit and examine, at any reasonable hour and presenting an identity card, an immovable property of which he is the owner, tenant, or occupant to ascertain if this by-law and other municipal by-laws are respected;

e) Does not comply with an order issued by the officer in charge.

2.4 <u>Issuance of a statement of offence</u>

The director of Urban Planning and Municipal Patrol, the division head of Urban Planning and Permits, the technical agent in Urban planning, the Urban Planning and Municipal patrol inspector, the Municipal patrol agents, any other employee of the Urban Planning Department, the Public Works foremen and inspectors, the members of the City of Montreal Police Department and of the Service de Sécurité Incendie de Montréal (Fire Safety Department) are authorized to issue a statement of offence regarding any offence under this by-law.

2.5 <u>Fines</u>

Any person who contravenes any of the provisions of this by-law commits an offence and is liable to a minimum fine, for a first offence, of two hundred dollars ($200) plus costs if the offender is a natural person and four hundred dollars ($400) plus costs if the offender is a legal person.

For a second offence, the minimum fine is three hundred dollars ($300) plus costs if the offender is a natural person and six hundred dollars ($600) plus costs if the offender is a legal person.

In case of subsequent offences, the minimum applicable fine is four hundred dollars ($400) plus costs if the offender is a natural person

and six hundred dollars ($600) plus costs if the offender is a legal person.

If the offence is continuous, each day constitutes a separate offence and the penalty imposed for this offence may be imposed for each day that the offence is not corrected.

2.6 Repealed

(BEAC-045-9), sec. 1; BEAC-045-14, sec.1)

2.7 Repealed

(BEAC-045-10, sec. 1, BEAC-045-16, sec. 1)

2.8 Repealed

(BEAC-045-16, sec. 2)

2.9 Fines relating to the Principal residence establishment usage from the class of usages “Lodging services” (c5)

Any person who contravenes one of the provisions of this by-law relating to the Principal residence establishment usage in class of usages "Lodging services" (c5) commits an offense and is liable to a minimum fine, for a first offence, of five hundred dollars ($500) plus costs for a natural person and one thousand dollars ($1000) plus costs for a legal person.

For a repeat offence, the minimum fine is two thousand dollars ($2,000) plus costs for a natural person and four thousand dollars ($4,000) plus costs for a legal person.

In the event of a subsequent offense, the minimum applicable fine is two thousand dollars ($2,000) plus costs for a natural person and four thousand dollars ($4,000) plus costs for a legal person.

If the offense is continuous, each day is a separate offense and the penalty imposed for that offense may be imposed for each day until the offense is corrected.

(BEAC-045-15, sec. 2)

CHAPTER 3 ISSUANCE OF PERMITS AND CERTIFICATES

3.1 Building permit

3.1.1 Issuance of a building permit

No one shall erect a structure, alter, renovate, repair, transform, or move any structure, or portion thereof, or undertake excavation work for the purpose of erecting and installing a structure, unless a building permit for this purpose has been issued beforehand.

Building permits for groups of semi-detached or attached structures shall be issued simultaneously.

No building permit shall be issued for the alteration, repair or transformation of a building if said alteration, repair or transformation requires a demolition as prescribed in By-law 152 concerning demolition, unless a certificate of authorization has been issued by the officer in charge pursuant to said by-law.

No building permit shall be issued before the subdivision plan has been made part of the plans and book of reference or before the

receipt of a letter signed by a land surveyor attesting that the application for inscription on the plans and book of reference has been forwarded to the Quebec Ministry of Natural Resources and Wildlife.

Exemption from the requirement to obtain a certificate of authorization shall not diminish in any way the obligation to comply with this by-law and any other applicable by-laws.

The permit shall be prominently posted at the construction site for the duration of the building work.

(BEAC-045-16, sec. 3)

3.1.2 Work not requiring a building permit

Notwithstanding the provisions of section 3.1.1, no building permit shall be required for repairs and maintenance. The meaning of "repair" and "maintenance" shall be restricted to the replacement of materials by others almost identical in their nature and size and shall not include the removal or erection of walls, partitions, or portions thereof; the removal or division of beams, joists or other supporting devices; the removal, relocation, or blocking up of stairs, exits or windows or any other change in existing materials.

3.1.3 Application procedure for a building permit

All applications for a building permit shall be submitted in writing on forms provided by the City for this purpose. Applications shall include the date, the name, surname and address of the applicant and, if necessary, that of a representative of the applicant as well as the cadastral number, including the dimensions of the landsite, or landsites, details regarding the proposed work, the anticipated duration of the work, and its estimated cost.

a) The application shall be signed by the owner, or authorized representative, of the building where the work will be done.

b) All application must be accompanied by two (2) paper copies of the following plans and specifications:

   i. a plan drawn by a land-surveyor that sets out:

      1. the shape and the size of the existing and proposed building and the dimensions of the landsite;

      2. The front, rear and lateral elevation of the existing and proposed building;

      3. The distance between the existing and proposed building and the limit of property, calculated from the wall of the foundation. In the case of a building erected on piles or parts of it in overhang, the distance is calculated from the exterior finish of the building;

      4. the exact location of all existing buildings and trees on the land;

      5. the existing and proposed grading, landscaping, and surface drainage in relation to adjacent streets and landsites;

      6. the location of any servitude or right-of-way affecting the property on which the building is or will be situated;

      7. the location of major ditch, piped or otherwise, situated on the property on which the building is or will be built;

ii. plans drawn to scale showing the elevations, cross-sections and the projected use of each room or floor area in the proposed construction;

iii. the various excavation levels, the floors and finished grades in relation to the level of the centre line of the fronting street;

iv. the details of the structures according to the Quebec Building Code;

v. a cost estimate of the work;

vi. a construction schedule;

vii. a report signed by a professional as defined in section 31.42 of LQE

c) A request for an extension or new construction permit must be accompanied by a deposit as provided in the tariff by-law. This amount will be refunded following the filing with the City of a copy of the certificate of location prepared by a land surveyor, in accordance with section 3.1.8 of this by-law.

All plans, sketches and illustrations shall be drawn to scale and reproduced by an indelible process. All measures showing on the plan shall be expressed according to the International System (SI). The plans, sketches and illustrations may also be produced using computer software compatible with that of the City of Beaconsfield and which may later be used to produce copies required for permit purposes.

All plans contemplated by this section, except for the site plan prepared by a land surveyor, shall bear the signature and identification of the architect, engineer or any other person who has prepared them. The plans shall bear, either the seal and signature of an architect who is a member of l'Ordre des Architectes du Québec, the seal and signature of a engineer who is a member of l'Ordre des Ingénieurs du Québec, the seal and signature of a technologist who is a member of l'Ordre des Technologues professionnels du Québec or the signature of a designer who is a member of l'Association professionnelle des designers d'intérieur du Québec.

(BEAC-045-6, sec. 3; BEAC-045-17, sec.1)

3.1.3.1 Additional Documents Required for a Building Occupied by a Sensitive Use on Land Adjacent to or Partly Adjacent to a Railway Corridor

A risk assessment must be provided for any construction or development on land adjacent to a railway corridor. The assessment must include:

a) In order to ensure an understanding of the context which could be the source of conflicts, an assessment of the different elements of the following rail corridor:

i. Site condition;
ii. Soil type, geological characteristics;
iii. Natural topography of the land;
iv. Current water flow path of the drainage site;
v. Distance of conservation to rail right-of-way and other rail transportation infrastructure or utilities.

b) In order to appropriately determine potential conflicts associated with any new development near rail activities, an assessment of the various elements of the rail corridor must include:

i. Track geometry and alignment;
ii. Presence of switches or junction points;
iii. Speed permitted for the track, including any possible or planned changes thereto;
iv. History of derailments at this or other similar locations;

v. Current and future planned track occupancy and customers (for the next 10 years);

vi. Details of future or planned improvements or works to the corridor or any protective provisions for future expansion; indicate whether no such plan exists;

vii. Topography of the track (is it built in a trench, on an embankment, or at level).

c) In order to understand whether the building(s) have been designed to withstand any potential conflict related to the rail corridor or to avoid any negative impact on rail infrastructure and activities, information on the development project, including the following design and operational elements must be provided:

i. Distance from the planned development of the rail corridor or any other rail infrastructure;
ii. Clearance and setback of the proposed development in relation to the railway corridor;
iii. Any crash and derailment protection features proposed for the new development.

d) While it is understood that construction details will not be finalized at the planning application stage, a number of implications associated with construction on a site located near a rail corridor must be taken into account as part of the assessment of the viability of the developments, in particular:

i. Details regarding the encroachment on the corridor;
   1. Whether access to the rail corridor is required;
   2. If materials must be lifted above the rail corridor;
   3. Whether temporary crossings or access points are required for necessary vehicles;
   4. If there is to be an interruption of services or any railway activity due to construction.

As a general rule, encroachment on a railway corridor is not permitted for construction work and other solutions must be determined:

i. Provide details on how the safety of the rail corridor will be ensured during construction; (including details on the type and height of security fencing that will be used);
ii. Provide details on the demolition, excavation and construction of retaining structures that will be carried out within 30 meters of the rail corridor and specify the type and volume of work;
iii. Specify regarding public services

iv. If certain services must cross the rail corridor;
v. If the work will hamper certain rail or public services.
vi. Provide, with respect to stormwater management, drainage, and erosion and sedimentation control, details on how temporary stormwater management and drainage facilities will operate and how erosion and sedimentation control will be ensured.

e) Determination of hazards and risks

Each risk must be established and assessed, and mitigation measures must be planned for each of them. Such risks may include injury or death or damage to public and private infrastructure.

i. The safety of people who will be on the site to be developed and the possibility of death in the event of a derailment;
ii. Possible structural damage to the planned development due to a collision due to a derailment;
iii. The possibility of intruders gaining access to the rail corridor.

(BEAC-045-19, sec. 1)

3.1.3.2 Additional document required for a building occupied by a sensitive use on adjacent land or part of adjacent land located less than 75 meters from a railway line

Any building occupied by a sensitive use on adjacent land or part of adjacent land located less than 75 meters from a railway line must provide a document presenting a vibration study carried out by a professional. The study must:

a) Demonstrate that depending on the construction technique used, the vibrations inside the building or the part of the building where the sensitive use takes place will not be greater than 0.14 mm/s;

b) Demonstrate that before the issuance of an occupancy certificate, the construction once completed will meet the requirements of paragraph a).

(BEAC-045-19, sec. 2)

3.1.3.3 Additional document required for a building occupied by a sensitive use on an adjacent lot or part of an adjacent lot located less than 30 metres from a railroad or major thoroughfare

Any building occupied by a sensitive use on adjacent land or part of adjacent land located less than 30 meters from a railway line or a high-volume route must provide a document presenting an acoustic study carried out by a professional. The study must:

a) Demonstrate that depending on the construction technique used, the sound level inside the building or the part of the building where the sensitive use takes place will not be greater than 40 DBA Leq;
b) Take into account a period of 24 hours;
c) Demonstrate that before the issuance of an occupancy certificate, the construction once completed will meet the requirements of paragraph a).

(BEAC-045-19, sec. 4)

3.1.4 Application procedure for a building permit pursuant to the by-law Respecting Site Planning and Architectural Integration Programs (SPAIP)

All applications for a building permit pursuant to the by-law Respecting Site Planning and Architectural Integration Programs shall be submitted in writing on forms provided by the City for that purpose. The request shall be dated and include name, surname and address of the applicant on it and, if necessary, of the representative. It shall have the cadastral number, the dimensions of the landsite and details regarding the proposed work, the anticipated duration of the work and its estimated cost.

a) The application shall be signed by the owner of the building where the work will be done, or by the authorized representative;

b) All applications must be accompanied by ten (10) hardcopies format Ledger (11 X 17) and one (1) compatible electronic version of the following plans and specifications:

   i. the same documents as those required in section 3.1.3 of this by-law;

   ii. a survey prepared and signed by a land surveyor setting out the:

      1. exterior dimensions of the existing and proposed foundations and total area;
      2. dimension of the lot and total area;
      3. calculated width;
      4. position and layout of all buildings fully represented, with the exception of extension projects;
      5. distance between the existing and proposed building and the limit of property, calculated from the wall of the foundation. In the case of a building erected on piles or parts of it in overhang, the distance is calculated from the exterior finish of the building;
      6. area of the projected or existing building and of the extension;
      7. position of the front yard of the adjacent buildings;
      8. existing ground elevation marks in sufficient detail to reflect natural topography;
      9. existing elevations of adjacent landsites, measured one (1) meter outside the property line, extension projects are exempt;
      10. natural and finished land level at the center of the building façade;
      11. identification of existing servitudes;
      12. roof ridge elevation of the proposed building;
      13. roof ridge elevation of all the buildings adjacent to the proposed building;
      14. elevation of the ground floor of the proposed building and of all adjacent buildings, with the exception of extension projects;
      15. location and diameter of all existing trees, with the exception of extension projects.

iii. A building plan prepared by a professional (architect, engineer, technologist, or designer) showing the:

1. elevations of the front, sides and rear façades;
2. exterior dimensions of basement, ground floor, and other floors;
3. room dimensions and projected uses;
4. floor and roof elevations;
5. building height from the center of the street;
6. exterior covering materials for the exterior walls;
7. outdoor lighting plan.

iv. Site plans for a new construction and extension showing the:

1. outline and location of the proposed building;
2. proposed and existing elevations;
3. location and dimensions of hard and paved surfaces;
4. location of existing trees;
5. location and height of retaining walls;
6. location and diameter of trees and retaining walls proposed;
7. landscaping plans;
8. location of sump pump and connection for water evacuation.

v. Samples of exterior roofing and building materials, in particular:

1. roofing materials;
2. exterior siding materials;
3. fascias, window and door materials.

vi. Pictures of adjacent buildings identified by civic numbers and street names;

vii. Perspectives and/or 3D modeling (volumetric) for new construction or in the case of an extension, the actual building allowing to visualize the project in its hosting environment.

c) In the case of an application for a multifamily residential use class (h3) or an integrated project of the "Residential" use group as defined in the current Zoning By-law, proof of availability of financing or credits.

All plans, sketches and illustrations shall be drawn to scale and reproduced by an indelible process. All measures showing on the plan shall be expressed according to the International System (SI). The plans, sketches and illustrations may also be produced using computer software compatible with that of the City, which may later be used to produce copies required for permit purposes.

All plans contemplated by this section, except for the site plan prepared by a land surveyor, shall bear the signature and identification of the architect, engineer or any other person who has prepared them. The plans shall bear, either the seal and

signature of an architect who is a member of l'Ordre des Architectes du Québec, the seal and signature of a engineer who is a member of l'Ordre des Ingénieurs du Québec, the seal and signature of a technologist who is a member of l'Ordre des Technologues professionnels du Québec or the signature of a designer who is a member of l'Association professionnelle des designers d'intérieur du Québec.

d) In the case of a SPAIP application concerning a wetland of interest under section 27 of Chapter 3 of By-law BEAC-098 on Site Planning and Architectural Integration Programs (SPAIP), a characterization study must be carried out in accordance with the requirements of Appendix F – "Wetland Characterization Study" of Zoning By-law 720.

   For the purposes of this section, in the event of a discrepancy between the boundaries of a wetland of interest to be protected or restored and its protection area as determined by the characterization study, and those illustrated on the "Wetlands" map in Appendix E of Zoning By-law 720, the boundaries determined by the characterization study are deemed to prevail.

(BEAC-045-3, sec. 1; BEAC-045-18, sec. 1, BEAC-045-20, art. 1)

3.1.5 Reasons for rejection of an application of a building permit

A building permit shall not be granted if:

a) The landsite on which each proposed main structure, including its annexes, will be built, does not form one (1) separate lot or one (1) separate lot for each original lot, on the official cadastral or subdivision plan prepared and filed pursuant to the law, except for structures included in a development program, in which case there can be more than one (1) structure, including annexes, on a same lot;

b) The waterworks and sewer services, for which an authorization has been received or a permit issued under the law, are not yet installed in the street on which the proposed structure is to be erected or the by-law ordering their installation is not in force;

c) The land on which a structure is to be erected is not adjacent to a public street;

d) All drawings and specifications for the construction, extension or alteration of a structure are not signed or sealed by a member of l'Ordre des Architectes du Québec, when the total cost of the work exceeds $500,000 or when it applies to a public building. However, this provision shall not apply to single family residences;

e) All drawings and specifications regarding the foundations, structures and electrical or mechanical systems are not signed or sealed by a member of l'Ordre des Architectes du Québec when the cost of the work exceeds 500,000$ or when it applies to public buildings. However, this provision shall not apply to single family residences.

3.1.6 Issuance criteria of a building permit

The officer in charge shall not issue a building permit unless:

a) The application conforms with all the provisions of all municipal by-laws;

b) The application includes all the plans and documents required by this by-law;

c) The fees for obtaining the permit, as specified in the by-law regarding the applicable fees for valid permits and certificates of authorization, and all other applicable fees, have been paid in full, at the application for the permit.

d) The financial guarantee, as specified in the Site Planning and Architectural Integration By-law, has been deposited;

e) A minimum protective perimeter must be erected around each tree to be preserved in conformity with the dispositions of the zoning by-law.

f) if the permit application is subject to a site planning and architectural integration program, the plans relating to the building's layout and architecture have received the required approval.

(BEAC-045-12, sec. 1; BEAC-045-3, sec. 2; BEAC-045-18, sec. 2 and 3)

3.1.6.1 Repealed

(BEAC-128, c. 1, par. 7, sub-par. 2º)

3.1.6.2 Repealed

(BEAC-128, c. 1, par. 7, sub-par. 2º)

3.1.7 Validity of a building permit

a) Any building permit shall be deemed null and void if the work has not yet begun three (3) months after it was issued, or if work has been interrupted for three (3) months. Excavation for a basement or foundations is deemed to be the commencement of work for a building.

b) For any structure being erected, the exterior work must be entirely completed, in conformity with the drawings submitted and approved, within twelve (12) months from the issue date of the permit. An extension of six (6) months may be granted, if necessary.

c) No building permit shall be renewed beyond the extension granted by paragraph b) of this section. If a building permit is null and void for one of the reasons specified in paragraphs a) and b) above, a new permit request must be completed and a new permit shall be issued in accordance with this by-law. The fees for a certificate of authorization that is revoked or cancelled shall not be refunded. The fees for any new request shall be paid.

3.1.8 Obligations of the building permit holder

Failure by the permit holder to comply with any of the following obligations shall result in the permit being revoked and the work being suspended:

a) Before commencing excavation work, all permit holders shall have the proposed landsite staked by a land surveyor;

b) Immediately upon erecting the foundation walls, the permit holder shall stop all construction and forward to the officer in

charge a site plan establishing that the distance of the foundations to the property line and of the main building dimensions have been respected. This site plan shall be prepared and signed by a registered land surveyor and submitted in two (2) copies. Construction shall resume only when this site plan has been filed and the location of the building is in conformity with the permit issued;

c) As soon as the construction or extension work is complete, the permit holder shall forward to the officer in charge a certificate of location establishing the size of the building; the existing front, rear and side setbacks, the trees that were kept and the natural ground levels of the land. The elevation marks shall be sufficient to reflect natural topography;

d) This certificate of location shall be prepared and signed by a land surveyor and submitted in two (2) copies.

3.1.9 Fees

The fees are established according to the tariffs by-law in force in the City of Beaconsfield.

3.2 Certificate of authorization

3.2.1 Issuance of a certificate of authorization

Unless a certificate of authorization has been issued, no one shall begin or continue the following types of work:

a) Install a pool;

b) Install a spa;

c) Build of a deck around an above-ground pool;

d) Build a gallery or a terrace of more than 60 centimeters in height;

e) Build a fence or a decorative fence;

f) Install a telecommunication antenna and its ancillary building;

g) Work in in the riverbank, littoral zone and floodplains areas:

i. all constructions, works and structures likely to destroy or modify the vegetation cover of the riverbank, expose the soil, affect its stability or encroach on the littoral;

ii. all constructions, works and structures likely to modify the water regime, interfere with the free flow of water during flood periods, disturb wildlife or plant habitats, or compromise the safety of people and property (within a floodplain);

h) Landscape and modification of an access alley and a parking space in the front yard;

i) Fell a tree;

j) Excavation, cutting, and landfilling work;

k) Foundation work for a temporary building, a new building or an extension of an existing building;

l) Install mechanical equipment;

m) Install a certified solid fuel appliance in accordance with By-law BEAC-170 regarding solid fuel appliances and fireplaces;

n) Install or build an ancillary building, such as a detached garage, a permanent car port, a shed, a gazebo or a pergola;

o) Build a retaining wall;

p) Build a tennis court in a residential area;

q) Install a temporary building, not including a construction site trailer;

r) Demolish an ancillary building;

s) Partial or total demolition of a building;

t) Build a septic tank;

u) Build a terrace for a commercial usage;

v) Seasonal or event-based businesses;

w) Filming operation;

x) Garage sale;

y) Block party;

z) The installation, moving or modification of a community mailbox;

aa) Replacement of an appliance using solid fuel;

bb) Replacement, installation or moving of a donation container for clothing and used objects.

cc) Installation or replacement of a diving board;

dd) Connection to water, storm or sanitary sewer lines.

The certificate of authorization shall be prominently posted for the duration of the construction period or of the event.

(BEAC-045-3, sec. 3; BEAC-045-6, sec. 1 and 5; BEAC-045-13, sec. 1; BEAC-045-16, sec. 4; BEAC-045-17, sec. 2; BEAC-045-19, sec. 3, BEAC-045-21, sec. 1)

3.2.2 Application procedure for a certificate of authorization request

All applications for a certificate of authorization shall be submitted in writing on the form provided by the City for this purpose. The request shall be dated and bear the name, surname, and address of the applicant or, if applicable, the representative. The appropriate plans or documents shall be joined to this application, for the following types of work:

a) For the installation of an above or inground pool or a spa:

i. For the installation of an above-ground pool:

1. A site plan showing the localisation of the following elements :
   - The above ground pool ;
   - The existing or projected fence;
   - The existing or projected pool shed;
   - The mechanical equipment such as the pump;
   - The filtration and heating system.

2. An updated copy of the certificate of location

prepared by a land surveyor;

3. The construction details of :
   - Details of the self-closing/selflocking security mechanism
   - Height and material of the existing or projected fence;
   - Height and material of the existing or projected pool shed;
   - Any technical details pertaining the above ground pool to be installed.

4. Any pertaining documentation to support the installation of a diving board, if applicable, is done in accordance with BNQ Standard 9461-100, "Residential Swimming Pools Equipped with a Diving Board – Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving from a Diving Board", in force at the time of the installation.

ii. For the installation of an inground pool, semi inground-pool or an above ground-pool whose walls are made of concrete, the applicant must provide the following plans and documents:

1. A site plan showing the localisation of the following elements:
   - The inground pool;
   - The existing or projected fence;
   - The existing or projected pool shed;
   - The mechanical equipment such as the pump;
   - The filtration and heating system.

2. A projected implantation plan prepared by a land surveyor detailing:
   - The implantation of the pool;
   - The distance between the buildings (main and ancillary) and the pool;
   - The property limits;
   - The ancillary buildings;
   - The existing and projected land levels;
   - Any existing servitudes.
3. An updated copy of the certificate of location prepared by a land surveyor;
4. The construction details:
   - Details of the self-closing/selflocking security mechanism;
   - Height and material of the existing or projected fence;
   - Height and material of the existing or projected pool shed;
   - Any technical details pertaining the inground pool, semi inground-pool or an above ground-pool whose walls are made of concrete to be installed.

5. Any pertaining documentation to support the installation of a diving board, if applicable, is done in accordance with BNQ Standard 9461-100, "Residential Swimming Pools Equipped with a Diving Board – Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving

from a Diving Board", in force at the time of the installation.

6. A refundable deposit in the amount provided for in the tariff by-law in-force. This amount will be refunded following the filing with the City of a copy of the certificate of location, prepared by a land surveyor, showing the localisation of the inground pool, sufficient elevation marks to reflect natural topography, and upon determination of compliance of the work by the officer in charge.

iii. For the installation of a spa:

1. A site plan showing the localisation of the following elements:
   - The spa;
   - The existing or projected fence.
2. An updated copy of the certificate of location prepared by a land surveyor;
3. The construction details of :
   - Height and material of the existing or projected fence;
   - Any technical details pertaining spa to be installed including the locking of the lid and the total volume of the spa in liters.

b) To build a deck around an above-ground pool:

i) a certificate of location showing the location of the deck around the above-ground pool;

ii) details regarding the construction of the deck, including types of materials.

c) To build a gallery or terrace more than sixty (60) centimeters in height:

i) a certificate of location showing the location of the gallery or the terrace;

ii) details of the construction of the gallery or terrace, including types of materials.

d) To build a fence or decorative fence:

i) a certificate of location showing the location of the fence or decorative fence;

ii) details of the construction of the fence or decorative fence, including types of the materials.

iii) a drawing prepared and signed by an engineer in the case of a sound wall.

e) To install a telecommunication antenna and to build an ancillary building:

i) a site plan prepared by a land surveyor indicating the location of the future antenna and its ancillary building;

ii) a certificate of location showing the location of the antenna and its ancillary building;

iii) details of the construction of the telecommunication antenna and its ancillary building.

f) For landscaping and other work along the riverbank:

i) a certificate of location prepared and signed by a land surveyor indicating the location of the high water line and the riverbank;

ii) a plan prepared and signed by a landscape architect showing the landscaping work, the type of plants, trees or bushes to be planted, the accesses and the hard surfaces as well as the level of the land and the retaining wall, if applicable.

g) For the landscaping of a parking space in the front yard:

i) a certificate of location showing the location of the front yard and its dimensions;

ii) a plan showing:

1. the location of the parking space as proposed or to be modified;
2. the dimensions of the parking space;
3. the number of access ways to the parking area from the public roads;
4. the width of the access road to the parking area;
5. the surface material;
6. the set back of the parking space from the main building and to any property line;
7. landscaping.

h) To fell a tree:

i. the location, the species, and the diameter of the tree other than an ash to be felled.

ii. A general picture overview of the yard showing the exact location of the replacement tree using positioning marking in replacement of the tree to be felled.

iii. In the event of a refusal by the City to fell a tree, an expert report may be filed citing the reasons and justifying the tree felling request. This expert report must be produced and signed by an arborist certified by the Québec International Society of Arboriculture Inc. (SIAQ)";

iv. The study of a professional in arboriculture, in the case where the tree is affected by an incurable disease, a structural deficiency affecting its solidity or if the tree causes serious damage to property.

v. The study of a professional in arboriculture for the presentation of a silvicultural management plan

i) For felling a tree of the ash species:

i. The location and diameter of the tree to be felled.

j) For felling a tree of the ash species on a lot larger than 3,000 square metres and including a managed forest:

i. A plan illustrating the location and diameter of all existing ash trees and those to be felled;

ii. A five (5)-year forest management plan including a replacement plan for the felled trees, prepared by a forest engineer.

k) For felling a tree of the ash species on a lot larger than 3,000 square metres and including an unmanaged forest:

i. The location and diameter of the tree to be felled.

l) For excavation, cutting and landfilling work:

i. the description of the work;

ii. the type of soil used for landfilling work;

iii. the place where the soil will be disposed for cutting work;

iv. a plan prepared by a land surveyor showing the existing ground elevation to reflect natural topography;

v. a plan prepared by a land surveyor showing the existing ground elevation to reflect natural topography after the cutting or landfilling work.

m) For foundation work:

i. a site plan prepared and signed by a land surveyor indicating the building to be built, to be moved, or to be seated on new foundations;

ii. existing ground elevation marks in sufficient detail to reflect natural topography;

iii. calculated roof ridge elevation;

iv. above ground height of the foundations;

v. location of all trees to be cut.

n) To install mechanical equipment:

i. a plan showing the place where the mechanical equipment will be installed;

ii. protective screens, if necessary.

o) For the installation or construction of an ancillary building:

i. the intended use of the ancillary building to be installed or constructed;

ii. a certificate of location indicating where the ancillary building will be installed or constructed;

iii. the dimensions and height of the ancillary building;

iv. construction details of the ancillary building.

In the case of a detached garage, in addition to the aforementioned documents, the applicant must provide the following plans and documents:

i. a projected implantation plan prepared by a land surveyor showing the location of the detached garage including the distance between the main building, property limits, ancillary buildings and any existing servitudes;

ii. an updated copy of the certificate of location prepared by a land surveyor;

iii. a refundable deposit of the amount provided for in the tariff by-law. This amount will be refunded following the filing with the City of an updated copy of a certificate of location prepared by a land surveyor demonstrating the location of the detached garage.

p) To build a retaining wall:

i. the construction details of the retaining wall, in particular the place where the wall will be built and where the drainage system will be installed;

ii. dimensions of the wall (height, length and thickness of the wall);

iii. details of the drainage system.

q) To build a tennis court in a residential area:

i. a certificate of location showing the location of the tennis court;

ii. the height and the type of the fence around the tennis court.

r) To install a temporary building, not including a construction site trailer:

i. a certificate of location or site plan showing where the temporary building will be installed.

s) To install a terrace for a commercial usage:

i. a certificate of location showing the location of the terrace and its distance from the property lines;

ii. details of the construction.

t) Seasonal or event-based business:

iii. a plan showing the location where the business will be located on the landsite;

iv. the land owner's written authorization, name and telephone number;

v. the beginning and end dates of the business's operations.

u) Filming operation:

i. the synopsis of the film;

ii. a profile of the film company;

iii. a summary of the planned activities:

- date and time of filming
- location of filming
- equipment used during filming
- description of the planned activities

v) Garage sale:

i. the address where the garage sale will be held;

ii. the date when the garage sale will be held.

w) Block party:

i. the date of the party;

ii. the street name and the addresses involved.

x) For the installation, moving or modification of a community mailbox (CMB):

i. A CMB deployment plan for the entire territory including the number of compartments provided by each site and the addresses of the properties served by each of them;

ii. A layout plan of the site and its surroundings;

iii. CMB type, colour, size, materials and architecture;

iv. Map locating public infrastructure and public easements;

v. Projected plan of implantation of the CMB including distances to the road and intersections;

vi. Photo montage of the implementation of the CMB in its host environment.

y) For the replacement of an appliance using solid fuel:

i Manufacturer's brochure showing the emission levels of fine particles in grams / hour and certification of the Environmental Protection Agency (US Environmental Protection Agency, or EPA);

ii. Proof of purchase of the appliance indicating the model number;

iii. A picture showing the location where the appliance will be installed.

z) For the replacement by another format, the installation or moving of a donation container for clothing and used objects:

i. a certificate of location indicating where the container will be installed;

ii. photographs of the installation site;

iii. dimensions of the container;

iv. written authorization from the landowner;

v. a copy of the registration of the charity organization who will be in charge of the container in accordance with the federal Income Tax Act.

aa) For the installation or replacement of a diving board:

i. Any pertaining documentation to support the installation of a diving board, if applicable, is done in accordance with BNQ Standard 9461-100, "Residential Swimming Pools Equipped with a Diving Board – Minimum Water Envelope to Prevent Cervical Spinal Cord Injuries Resulting from Diving from a Diving Board", in force at the time of the installation.

(BEAC-045-1, art. 1; BEAC-045-3, art. 4; BEAC-045-5, art. 2; BEAC-045-6, art. 2, 6, 7, 8; BEAC-045-8, art. 2, 3, 4; BEAC-045-11, art. 1 a), b); BEAC-045-11-1, art. 1; BEAC-045-13, art. 2,3; BEAC-045-14, art. 2; BEAC-045-19, art. 5)

3.2.3 Issuance criteria of a certificate of authorization

The officer in charge shall issue a certificate of authorization only if:

a) The application is in conformity with all the provisions of all municipal by-laws;

b) The application includes all the plans and documents required by this by-law;

c) The fees for obtaining the certificate, as specified in the by-law regarding the applicable tariffs for valid permits and certificates of authorization have been paid in full at the application for a permit.

d) if the certificate application is subject to a site planning and architectural integration program, the plans relating to the building's layout and architecture have received the required approval.

(BEAC-045-18, sec. 4)

3.2.4 Validity of a certificate of authorization

a) Any certificate of authorization shall be deemed null and void if the work has not yet commenced thirty (30) days after it was issued;

b) All work shall be completed in conformity with the drawings submitted and approved, within three (3) months from the issue date of the certificate of authorization;

c) No certificate of authorization shall be renewed beyond the extension granted pursuant to paragraph b) of this section. If a certificate of authorization is null and void for one of the reasons mentioned at paragraphs a) and b) in this section, a new certificate of authorization request must be completed and a new certificate of authorization shall be issued in accordance with this by-law. The fees for a certificate of authorization that is revoked or cancelled shall not be refunded. The fees for the new certificate of authorization request shall be paid in full.

3.2.4.1 Validity of a certificate of authorization for donation containers for clothing and used objects

A certificate authorizing the installation, moving or replacement of a donation container for clothing and used objects remains valid only if the conditions under which it was granted are not modified.

The certificate of authorization shall cease to be valid as soon as the occupation, activity or operation of the commercial establishment to which it relates ceases. The owner must remove any container within 30 days of the cessation of commercial activity.

(BEAC-045-6, sec. 4)

3.3 Issuance of a certificate of authorization for signage

3.3.1 Mandatory certificate of authorization for signage

No person, enterprise, company, corporation, institution or other entity shall install, erect, extend, reconstruct, change, move, or draw a poster, advertisement, sign, billboard or awning, unless a certificate of authorization has been issued by the officer in charge.

3.3.2 Application procedure of a certificate of authorization for signage

The application for a certificate of authorization shall be made in writing using the form provided by the City for this purpose. The application form shall be dated and bear the names, surnames and addresses of the owner and the applicant and provide all details pertaining to the proposed work.

The application shall also be supported by two (2) copies of the following:

a) A document signed by the owner of the property on which the sign shall be installed, requesting the authorization to install said sign;

b) Drawings showing the size, design, lettering, colours, materials and lighting system of the proposed sign;

c) Drawings showing supporting devices, installation details and the location of the proposed sign;

d) Recent photographs of the exterior of the building or property showing all existing signs.

3.3.3 Issuance criteria of a certificate of authorization for signage

The officer in charge shall issue a certificate authorizing the installation of a sign only if:

a) The application is in conformity with the zoning by-law;

b) The application includes all the plans and documents required by this by-law;

c) The fee for obtaining the certificate, as specified in the by-law regarding the applicable fees for valid permits and certificates of authorization have been paid in full.

3.3.4 Validity of a certificate of authorization for signage

The certificate authorizing the installation of a sign is and shall remain valid only if the original drawings and conditions under which it has been issued remain unchanged.

Furthermore, if the erection or installation of the sign for which the certificate has been issued is not complete within six (6) months from the date of issue of the certificate, the certificate shall be null and void.

The certificate of authorization for signage shall expire upon termination of the occupancy, activity or operation of the business to which the sign refers. he owner of the immovable on which the sign has been installed shall remove such sign and all supporting devices that are a part of it within thirty (30) days following termination of the occupancy, activity or operation of the business to which the sign refers.

3.4 to 3.4.2.7 are replaced by By-law BEAC-152 concerning demolition, for any application for a certificate of authorization for demolition after its entry into force.

(BEAC-045-16, sec. 5)

3.5 <u>Issuance of an occupancy certificate for a commercial usage, for an additional usage in the "Housing" group of usages or for a Principal residence establishment usage from the class of usages "Lodging services" (c5)</u>

(BEAC-045-15, sec. 3)

3.5.1 Obligation to obtain a certificate of occupancy for commercial use, for an additional usage in the Housing group of usages or for a Principal residence establishment usage from the class of usages "Lodging services" (c5)

Anyone wishing to occupy, for commercial usage, for an additional usage in the "Housing" group of usages or for a Principal residence establishment usage from the class of usages "Lodging services" (c5), an immovable or a part of an immovable which has been newly erected or modified or whose destination or usage has been changed for commercial purposes, must obtain a certificate of occupancy. This certificate is only issued if the immovable or the part of a newly erected or altered immovable or part of the building whose use or proposed use has been changed complies with all the provisions of all relevant by-laws.
(BEAC-045-15, sec. 4)

3.5.2 Application procedure for a certificate of occupancy for a commercial usage, for an additional usage in the "Housing" group of usages or for a Principal residence establishment usage from the class of usages "Lodging services" (C 5)

a) The application for a certificate of occupancy shall be made in writing using the form provided by the City for that purpose. The application form shall be dated and bear the names, surnames, and addresses of the owner and the applicant and provide all details pertaining to the proposed work, including the following:

   i. the address of the building, or portion thereof, for which a certificate of occupancy is requested;

   ii. the cadastral number of the landsite on which the building, or portion thereof, is located and for which the application is made;

   iii. the floor area of the building or portion thereof for which the application has been filed and a plan showing the interior layout including its dimensions;

   iv. a complete description of the proposed use of the immovable, or part thereof, and any other information contained in the application form prepared by the City;

   v. the required information regarding the prior use of the building, or portion thereof, for which the application is made;

   vi. where the owner of the commercial establishment is the tenant of the immovable, a copy of the lease signed by the owner of the building authorizing the commercial use for the place for which the certificate of occupancy is requested;

   vii. a plan showing the interior layout where the commercial use will occur and the floor area of the building or part of the building concerned by the request;

   viii. the expected date of occupancy;

   ix. in the case of a family-type resource or a residence for autonomous seniors, the number and ages of the people who will be residing there.

b) Any request for a certificate of occupancy shall be made by the occupant of the building, or portion thereof, for which the application is made.

c) Where the applicant is not the owner of the building, or a portion thereof, for which the application is made, he must prove that he is authorized to proceed with the proposed work and to operate this type of usages.

(BEAC-045-15, sec. 5)

3.5.2.1 <u>Application procedures for a certificate of occupancy for a Principal residence establishment usage from the class of usages “Lodging services” (c5)</u>

In addition to the documents required in section 3.5.2 a) of this by-law, an application for a certificate of occupancy for a Principal residence establishment usage from the class of usages “Lodging services” (c5) must also be accompanied by all the following information and documents:

a) The number of bedrooms;

b) The maximum number of people who can be accommodated simultaneously in the principal residence establishment;

c) an exterior landscaping plan locating the neighbouring properties and their current usages, including the location of accesses and circulation aisles, parking areas, buffer zones, galleries, balconies and porches, free residual spaces, ancillary buildings, access to buildings, the swimming pool (if it is not represented on the certificate of location) and all other facilities likely to be used by the tenants of the establishment;

d) A certificate of location issued no more than 5 years prior to this application;

e) The dates or rental periods of the residence for the validity period of the certificate of commercial occupancy;

f) The contact details of the person responsible for monitoring the activities of the Principal residence establishment (surname, first name, telephone number, postal address and email) where this person can be reached at any time;

g) A copy of the rental regulations of the building referring to the municipal by-laws and the minimum fines that could be given in the event of an infraction to be signed by all tenants of the concerned immovable.

(BEAC-045-15, sec. 6)

3.5.3 Issuance criteria for a certificate of occupancy for a commercial usage, for an additional usage in the "Housing" group of usages or for a Principal residence establishment usage from the class of usages "Lodging services" (c5)

The officer in charge shall issue a certificate of occupancy only if:

a) The application is in conformity with the provisions of all municipal by-laws and provincial regulations;

b) The application is accompanied by all the plans, documents and information required by the present by-law;

c) The fees for obtaining the certificate of occupancy, as specified in the by-law regarding the applicable tariffs for valid permits and certificates of authorization have been paid in full;

d) The building is connected to the waterworks system, sewer system, and electrical grid and is sufficiently accessible by unrestricted streets.

(BEAC-045-15, sec. 7 and 8)

3.5.3.1 Issuance criteria for a certificate of occupancy for a Principal residence establishment usage from the class of usages “Lodging services” (c5)

In addition to the criteria provided in section 3.5.3 of the present by-law, a request for a Principal residence establishment from the class of usages “Lodging services” (c5) must allow fulfill the following conditions:

a) The application must meet the requirements of the current Zoning By-law;

b) The building in question holds a valid certification certificate issued by the Corporation de l'industrie touristique du Québec (CITQ) in accordance with the Tourist Accommodation Act, SQ 2021, c 30 and its regulations;

c) The immovable concerned by the application has a rental regulation referring to municipal by-laws and the minimum fines that could be given in the event of an infraction;

d) The owner has provided all of these contact details enabling the officer in charge to reach him at any time.

(BEAC-045-15, sec. 9)

3.5.4 Validity of a certificate of occupancy for a commercial usage, for an additional usage in the "Housing" group of usages or for a Principal residence establishment usage from the class of usages "Lodging services" (c5)

A certificate of occupancy is valid for a period of three (3) months following its date of issuance. After this date, the certificate of occupancy shall become null and void if there is no occupancy of the immovable, or part thereof, for which the certificate is issued.

Any modification of activity, usage or transformation of the local will annul the occupancy certificate. It cannot be transferred.

(BEAC-045-15, sec. 10)

3.5.4.1 Validity of a certificate of occupancy for a Principal residence establishment usage from the class of usages "Lodging services" (c5)

A certificate of occupation for the Principal residence establishment usage from the class of usages "Lodging services" (c5) is valid for the year during which it is issued. The certificate of occupancy must be renewed before January 1 of each year in order to allow the continuity of operation.

No reduction in the cost of the certificate of occupancy will be granted based on the date of the request.

The officer in charge may suspend a certificate of occupancy for a maximum period of six (6) months in the following situation:

a) one of the conditions for the issuance of the certificate of occupancy is not respected.

During this period, the applicant must contact the officer in charge to regularize his situation. After the expiry of the six (6) month period and if no correction is made, the certificate of occupancy will be automatically revoked.

(BEAC-045-15, sec. 11)

3.5.4.2 The exercise of the Principal residence establishment usage from the class of usages "Lodging services" (c5) is revoked in any of the following situations:

a) One of the conditions for the issuance of the certificate of occupancy is not respected and no correction has been made within six (6) months following the observation by the officer in charge;
b) The building in question has been the subject of two statements of offense under the nuisances By-law within a period of at least twelve (12) months;
c) the certificate of occupancy was granted on the basis of inaccurate information.

One year after the date of revocation of the activity, the owner of the immovable may file a new application for the operation of the Principal residence establishment usage in the class of usages “Lodging services” (c5) with all the improvements and required corrections.

Any new owner or new purchaser of an immovable that has been revoked may request a new certificate of occupancy at any time, provided that they comply with all the provisions of this by-law and the Zoning By-law in force.

The revocation of a certificate of occupancy, in accordance with this article, does not give rise to any reimbursement of the tariff of said certificate of occupancy.

(BEAC-045-15, sec. 12)

3.5.5 Posting of the certificate of occupancy for a commercial usage, for an additional usage in the "Housing" group of usages or for a Principal residence establishment usage from the class of usages" Lodging services" (c5)

Anyone who has obtained a certificate of occupancy must conspicuously affix the certificate of occupancy at the place where the intended usage will occur and for which the certificate was issued.

(BEAC-045-15, sec. 13)

3.6 Issuance of a subdivision permit

3.6.1 Mandatory subdivision permit

No cadastral operation shall take place, unless a subdivision permit has been issued by the officer in charge.

3.6.2 Application procedure for a subdivision permit

The application for a subdivision permit shall be made in writing using the form provided by the City for that purpose. The application form shall be dated and bear the names, surnames, and addresses of the owner and the applicant.

It shall also be supported by ten (10) copies of the following documents:

a) For cadastral operation projects not involving the transfer of streets, parks or natural spaces:

   i. a location plan of the subdivision project drawn to a scale of 1:1000, including the number or numbers of the identified lot or lots, pursuant to the law;

   ii. the list of the lot numbers, pursuant to the law;

   iii. the numbers and limits of the original lots affected by the proposed subdivision;

   iv. the location of the high waterline and the riverbank, if the project is on the waterfront;

   v. the layout of existing or proposed buildings on lots or landsites covered by the cadastral operation;

   vi. the projected lot lines and their lengths;

   vii. the area of the projected lots;

viii. all existing or proposed street lines, right-of-ways, servitudes and easements;

ix. the date, title, astronomical North, scale, as well as the names and signatures of the land surveyor and owner.

x. a report signed by a professional as defined in section 31.42 of LQE

xi. Any intervention proposed on a lot located in whole or in part within thirty (30) metres of a wetland of interest to be protected or restored requires the production of a characterization study conducted by a qualified professional. This study must comply with the requirements of Appendix F – “Wetland Characterization Study” of Zoning By-law 720.

For the purposes of this section, in the event of a discrepancy between the boundaries of a wetland of interest to be protected or restored and its protection area as determined by the characterization study and those illustrated on the “Wetlands” map in Appendix E of Zoning By-law 720, the boundaries determined by the characterization study shall be deemed to prevail.

b) For cadastral operation projects involving the transfer of streets, parks or natural spaces, the application shall, in addition to the documents required in a), include the following information:

i. a plan showing the contours of the territory to be developed and the proposed changes to the topography illustrated by contour lines of no more than one (1) meter;

ii. a plan showing the natural features of the land such as lakes, streams, surface drainage, swamps, surface rocks and wooded areas;

iii. the existing public structures and services;

iv. the identification and delineation of the various uses of the landsite cited in the subdivision plan;

v. a table indicating the total area of the landsite and proposed area for each usage identified in the subdivision project;

vi. the development phases of the project;

vii. where applicable, a diagram drawn to a scale of 1:2000 showing the surrounding territory and how the proposed subdivision is integrated with it;

viii. where applicable, a diagram drawn to a scale of 1:2000 showing the parcelling out of the contiguous undeveloped territory;

ix. preliminary site plans showing the layout of proposed buildings;

x. preliminary sketches showing plans, elevations and cross-sections of proposed buildings.

xi. a report signed by a professional as defined in section 31.42 of LQE

xii. A study of the archaeological potential including a summary of existing historical and archaeological data, the indication

and characterization of the archaeological potential using a plan and an intervention strategy, if applicable.

xii Any intervention proposed on a lot located in whole or in part within thirty (30) metres of a wetland of interest to be protected or restored requires the production of a characterization study conducted by a qualified professional. This study must comply with the requirements of Appendix F – “Wetland Characterization Study” of Zoning By-law 720.

For the purposes of this section, in the event of a discrepancy between the boundaries of a wetland of interest to be protected or restored and its protection area as determined by the characterization study and those illustrated on the “Wetlands” map in Appendix E of Zoning By-law 720, the boundaries determined by the characterization study shall be deemed to prevail

c) In addition to the documents required in Article 3.6.2, a subdivision plan illustrating the entire property is required for any cadastral operation, except a cancellation, correction or replacement of a lot number located in an ecoterritory.

(BEAC-045-17, sec. 3 and 4; BEAC-045-19, sec. 6 and 7, BEAC-045-20, sec. 2 and 3)

3.6.3 Issuance criteria of a subdivision permit

a) For cadastral operation projects not involving the transfer of streets, parks or natural spaces, the officer in charge shall issue a subdivision permit, if:

i. the cadastral operation is in conformity with the provisions of the subdivision by-law;

ii. the application includes all the plans and documents required by this by-law;

iii. the fees to obtain the permit, as specified in the by-law regarding the applicable fees for valid permits and certificates of authorization, have been paid.

iv. if the permit application is subject to a site planning and architectural integration program, the plans relating to the building's layout and architecture have received the required approval.

b) For cadastral operation projects involving the transfer of streets, parks or natural spaces the officer in charge shall first present the application to the Council, and it is only after Council has studied and approved the application that the officer in charge shall issue a subdivision permit, if:

i. the cadastral operation is in conformity with all municipal by-laws;

ii. the cadastral operation is in conformity with the Planning Programme;

iii. the cadastral operation is in conformity with the Public Streets Act (R.S.Q. chapter R-27);

iv. the application includes all the plans and documents required by this by-law;

v. the fees for obtaining the permit have been paid;

vi. the park fees have been paid.

vii. if the permit application is subject to a site planning and architectural integration program, the plans relating to the building's layout and architecture have received the required approval.

(BEAC-045-18, sec. 5, 6 and 7)

3.6.4 Formal registration for a subdivision permit

The subdivision permit issued under this by-law constitutes an authorization to submit the plans and books of reference to the Minister of Energy and Resources, pursuant to the law.

3.6.5 Validity of a subdivision permit

A subdivision permit shall be deemed null and void if it has not been approved by the Minister of Energy and Resources within twelve (12) months from the date the permit was issued.

3.6.6 Rights and recourses

Any plan governed by this by-law and any filing or registration of such a plan that is not in conformity with any of the provisions of this by-law shall be deemed null and void, and the City shall have every recourse to prohibit or cancel the registration of the plan.

3.7 Issuance of a subdivision permit

3.7.1 Mandatory certificate of authorization to move a building on public thoroughfares

No building shall be moved, unless a certificate of authorization for this purpose has been issued by the officer in charge.

3.7.2 Application procedure for a certificate of authorization to move a building on public thoroughfares

The application for a certificate of authorization to move a building on public thoroughfares shall be made in writing using the form provided by the City for that purpose. The application shall be dated and bear the names, surnames, and addresses of the owner and the applicant and provide all details, including:

a) A site plan showing the proposed location on the landsite of the building to be moved;

b) An assessment of the impact of moving a building in the neighbouring area, both during and after it takes place;

c) A proposed route for moving the building.

3.7.3 Issuance criteria for a certificate of authorization to move a building on public thoroughfares

The officer in charge shall issue a certificate of authorization to move a building on public thoroughfares if:

a) The application is in conformity with the municipal by-laws;

b) The application includes all the plans and documents required by this by-law;

c) The fees for obtaining the certificate, as specified in the by-law regarding the applicable fees for valid permits and certificates of authorization have been paid.

3.7.4 Validity of a certificate of authorization to move a building on public thoroughfares

Any certificate of authorization shall be deemed null and void if the building is not moved within six (6) months from the date it was issued.

MAYOR	**CITY CLERK**