



PROVINCE OF QUÉBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-128

**BY-LAW CONCERNING CONTRIBUTIONS FOR THE ESTABLISHMENT, MAINTENANCE
AND IMPROVEMENT OF PARKS, PLAYGROUNDS AND NATURAL AREAS ON THE CITY
OF BEACONSFIELD'S TERRITORY**

CONSOLIDATED

Warning: This consolidated version of the by-law was prepared for convenience of the reader and has no official value. No warranty is given as to the accuracy of the text. For all legal purposes, the reader should consult the official version of the by-law and each of its amendments.

(BEAC-128-1) 2022-02-28

(BEAC-128-2) 2023-06-19



Adopted at the regular Council meeting
held on June 17, 2019

PROVINCE OF QUÉBEC
CITY OF BEACONSFIELD

BY-LAW BEAC-128

BY-LAW CONCERNING CONTRIBUTIONS FOR THE ESTABLISHMENT, MAINTENANCE AND IMPROVEMENT OF PARKS, PLAYGROUNDS AND NATURAL AREAS ON THE CITY OF BEACONSFIELD'S TERRITORY

At the regular meeting of the Municipal Council of the City of Beaconsfield, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on Monday, June 17, 2019, at 8 p.m.

WERE PRESENT: His Honour the Mayor Georges Bouelle, Councillors Dominique Godin, Karen Messier, Robert Mercuri, David Newell, Roger Moss and Al Gardner

WHEREAS a presentation and a notice of motion of the present by-law were given at the regular Council meeting held on Tuesday, April 23, 2019;

WHEREAS a public consultation meeting on this by-law was duly called and held by Council on Tuesday, May 21, 2019;

CONSIDERING sections 117.1 to 117.16 of the Act respecting land use and planning (RLRQ, chapter A-19.1);

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

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

CHAPTER 1 DECLARATORY AND INTERPRETATIVE PROVISIONS

1. Coming into force

This by-law shall come into force in accordance with the law.

2. By-law applicability

Compliance with the provisions of this by-law are incumbent on both natural and legal persons and on all the territory under the City's jurisdiction.

3. Scope of application

The provisions of the by-law apply to:

1° any subdivision permit application for the approval of a cadastral operation;

2° any building permit application relating to the establishment of a new main building on an immovable in respect of which no subdivision permit has been issued under registration as a separate lot by reason of the fact that the registration resulted from a cadastral renewal;

3° any building permit application for a redevelopment plan on an immovable;

4° any building permit application for the intensification of existing activities on an immovable;

5° any building permit application in order to permit new activities on a immovable.



4. Terminology

For the purposes of the application of this by-law, the following words and expressions shall have the following meanings:

“central sector” (*secteur central*): See the map attached as Annex 1 of this by-law.

“City” (*Ville*): City of Beaconsfield.

“green space” (*espace vert*): A plant-dominated space, of natural or human origin, located in an urban or built environment, including wetlands and bodies of water.

“intensification of existing activities” (*intensification des activités existantes*): Any construction project whose purpose is:

- a) the addition of 2 or more dwellings in a building, or;
- b) the extension of a commercial building by more than 25% of its original floor area.

“new activities” (*nouvelles activités*): Any change in the usage of an existing building, other than the addition of a complementary usage in a single-family residential building.

“redevelopment plan” (*projet de redéveloppement*): Any construction project intended to install a new main building on a vacant or non-vacant land, to replace an existing main building by another construction or any construction, extension or renovation project on an existing building requiring a certificate of authorization for demolition.

“site” (*site*): In a case referred to in paragraph 1° of section 3, corresponds to the land included in the plan relating to a cadastral operation.

In a case referred to in paragraphs 2°, 3°, 4° or 5° of section 3, corresponds to the “site of the immovable” (*assiette de l’immeuble*).

“site of the immovable” (*assiette de l’immeuble*): In the case of a building that is not the subject of a divided co-ownership, corresponds to the total area of the land on which it is established, regardless of the indivision agreement, if applicable.

In the case of a divided co-ownership, corresponds to the portion of the land equal to the surface area of the private portion targeted in relation to the sum of the surface areas of all the private portions, that is: (surface area of the private portion / sum of the surface areas of the private portions) X (area of the land).

(BEAC-128-1, sec. 1 and 2)

5. Validity

The Council enacts this by-law in its entirety, as well as chapter by chapter, section by section, paragraph by paragraph, 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 of this by-law.

6. Attached documents

The attached documents form an integral part of this by-law.

7. Repeal

This by-law repeals:

1° sections 3.4 et 3.5 of *Subdivision By-Law BEAC-043*;

2° sections 3.1.6.1 et 3.1.6.2 of *By-Law Concerning Permits and Certificates BEAC-045*.



CHAPTER 2 ADMINISTRATIVE PROVISIONS

8. 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 under the title of officer in charge.

Any employee of the Urban Planning and Municipal Patrol Department 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.

9. Offences, sanctions, recourses and actions

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.

CHAPTER 3 PROVISIONS REGARDING CONTRIBUTIONS

10. Conditions prior to the issuance of a subdivision permit

As a condition prior to the issuance of a subdivision permit referred to in paragraph 1° of section 3, the owner of the immovable must fulfill one of the following obligations:

1° undertake to transfer to the City, free of charge, a parcel of land of the site, the area of which is equal to 10% of the area of the site and which, in the opinion of the City, is suitable for the establishment or enlargement of a park or playground or the preservation of a natural area;

2° pay to the City an amount of money equal to 10% of the value of the site;

3° undertake to transfer to the City, free of charge, a parcel of land of the site and pay the City an amount of money that together represent 10% of the value of the site;

The Council decides in each case which obligation must be fulfilled. Nothing in this by-law shall be interpreted as requiring the City to accept the transfer of an area of land or the payment of an amount of money.

The City may allow the owner to transfer land or undertake to transfer land that is not included in the site and that lies within the boundaries of the City's territory.

The undertaking to transfer land must be the subject of a promise of transfer signed by the owner of the land and the City.



11. Conditions prior to the issuance of a building permit

As a condition prior to the issuance of a building permit referred to in paragraphs 2°, 3°, 4° or 5° of section 3, the owner of the immovable must fulfill one of the following obligations:

1° undertake to transfer to the City, free of charge, a parcel of land of the site, the area of which is equal to 10% of the area of the site and which, in the opinion of the City, is suitable for the establishment or enlargement of a park or playground or the preservation of a natural area;

2° pay to the City an amount of money equal to 10% of the value of the site;

3° undertake to transfer to the City, free of charge, a parcel of land of the site and pay the City an amount of money that together represent 10% of the value of the site;

The Council decides in each case which obligation must be fulfilled. Nothing in this by-law shall be interpreted as requiring the City to accept the transfer of an area of land or the payment of an amount of money.

The City may allow the owner to transfer land or undertake to transfer land that is not included in the site and that lies within the boundaries of the City's territory.

The undertaking to transfer land must be the subject of a promise of transfer signed by the owner of the land and the City.

12. Special rules regarding central sectors and green spaces

Notwithstanding the application of sections 10 and 11 of this by-law, as a condition prior to the application of paragraphs 1°, 2°, 3°, 4° or 5° of section 3, the owner of an immovable located in a central sector and constituting, in whole or in part, a green space, must fulfill one of the following obligations:

1° undertake to transfer to the City, free of charge, a parcel of land of the site, the area of which is equal to 20% of the area of the site and which, in the opinion of the City, is suitable for the establishment or enlargement of a park or playground or the preservation of a natural area;

2° pay to the City an amount of money equal to 10% of the value of the site;

3° undertake to transfer to the City, free of charge, a parcel of land of the site and pay the City an amount of money.

The Council decides in each case which obligation must be fulfilled. Nothing in this by-law shall be interpreted as requiring the City to accept the transfer of an area of land or the payment of an amount of money.

The undertaking to transfer land must be the subject of a promise of transfer signed by the owner of the land and the City.

13. Exemptions regarding contributions

Sections 10 and 12 do not apply in the following cases:

- a) a cadastral operation for the purpose of cancelling, correcting or replacing lot numbers resulting in no increase in the number of lots;
- b) a cadastral identification of parcels of land to permit the transfer of ownership for the purpose of acquiring green spaces or natural areas;



- c) a cadastral identification of parcels of land to allow expropriation.

Sections 11 and 12 do not apply in the case of a redevelopment plan regarding a building that has lost at least half of its value as a result of a fire or disaster.

14. Establishment of the area and the value of the site

The following rules apply to establishing the area or value of the site:

1° the value of the site is considered, as the case may be, on the date of receipt by the City of the plan relating to the cadastral operation or on the date of receipt by the City of the building permit application;

2° if, on the date of receipt of the plan relating to the cadastral operation or of the building permit application, the site whose value is to be established constitutes a unit of assessment entered on the property assessment roll or part of a unit of assessment whose value is entered on the roll separately, its value is the product of the value entered on the roll for the unit or part of the unit of assessment corresponding to the land whose value is to be established, as the case may be, multiplied by the roll factor established in accordance with section 264 of the *Act respecting municipal taxation*, RLRQ, chapter F-2.1;

3° if, on the date of receipt of the plan relating to the cadastral operation or of the building permit application, the site whose value is to be established does not constitute a unit of assessment or part of a unit of assessment whose value is entered on the property assessment roll, the value must be established, at the owner's expense and in accordance with expropriation principles, by a chartered appraiser commissioned by the City;

4° land to be transferred to the City under a provision of this by-law is included in the calculation of the area or value of the site;

5° the part of a site intended to constitute or remain the right of way of a traffic lane under a cadastral operation carried out by a public body having a power of expropriation is excluded from the calculation of the area or value of the site.

15. Owner's credit

The following rules also apply to the establishment of the area or value of the site and the calculation of the required contribution, where one or more previous contributions, in land or money, have been paid by the owner or by a previous owner:

1° any part of the site that has already been the subject of a previous contribution in the form of a transfer of land is excluded from the calculation of the area or the current value of the site;

2° any amount paid as a previous contribution in regards to a portion of the site is deducted from the value of the required contribution;

3° where a previous contribution took the form of a transfer of land and the payment of a sum, the exclusion and the deduction shall be calculated proportionately.



16. Land free of constraints

Any transferred land must be free of mortgages, priorities, charges or real rights.

Any transferred land must not be contaminated beyond the standards provided for in the Environment Quality Act, RLRQ c. Q-2 and its regulations for the prescribed use.

17. Documents to be given to the City by the owner

The owner must submit to the City, after the filing of the application for a building permit or subdivision permit but before the approval of any of these applications, the following documents, where appropriate:

1° a notarized certificate certifying that the owner is the sole owner of the land to be transferred to the City and that the land is free of mortgages, priorities, charges or real rights;

2° a characterization study of the land to be transferred in order to determine the degree of contamination of the land. This study must meet the requirements of the guide developed under section 31.66 of the *Environment Quality Act*, RLRQ, chapter Q-2. The study must also be certified for this purpose by an expert within the meaning of section 31.65 of the *Environment Quality Act*, RLRQ, chapter Q-2, where the land is subject to the requirements of Division IV.2.1 concerning the protection and rehabilitation of the lands of Chapter I of that Act;

3° a certificate of location or a plan and technical description of the land to be transferred to the City;

4° the payment of the amount of money due;

5° the promise of transfer signed by the owner, to surrender the land or part of the land to the City free of charge.

MAYOR

CITY CLERK



Annex 1: Central sector

