

BY-LAW BEAC-188
PROVISIONAL BY-LAW PROHIBITING THE CARRYING OUT OF CERTAIN WORKS AND
THE USE OF CERTAIN IMMOVABLES

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At the regular meeting of the Municipal Council of the City of Beaconsfield, held at City Hall, 303 Beaconsfield Boulevard, Beaconsfield, Quebec, on DAY MONTH, 202X, at 8 p.m.

WERE PRESENT: Mr. Mayor Martin St-Jean and Councillors Dominique Godin, Marie Léveillé, Robert Mercuri, David Newell, Jason Rossie and Tim Quinn

WHEREAS notice of motion of this by-law was given and the draft by-law was tabled at the regular meeting of Council held on (insert the date of the notice of motion and tabling of the draft) 2026;

WHEREAS a public consultation meeting was held on (insert the date of the public consultation) 2026;

WHEREAS the sanitary sewer network serving the eastern part of the City’s territory will soon reach full capacity;

WHEREAS Municipal Council intends to take measures and carry out work to remedy the situation;

WHEREAS Municipal Council wishes, while developing the measures required to comply with the capacity of municipal infrastructure, to limit the use of certain immovables until concrete measures are implemented to remedy the capacity issue;

WHEREAS sections 29 to 31 of the Municipal Powers Act (CQLR, c. C-47.1) expressly authorize Municipal Council to adopt a provisional control by-law for that purpose;

On motion of Councillor XXXXXXXX XXXXXX, seconded by Councillor XXXXXXXX XXXXXX and UNANIMOUSLY RESOLVED:

THE COUNCIL OF THE CITY OF BEACONSFIELD ENACTS THE FOLLOWING:

CHAPTER 1 - DECLARATORY AND INTERPRETIVE PROVISIONS

1.1 Area of application

This by-law applies to any immovable located in the affected sector identified on the plan in Schedule 1.

1.2 Affected immovables

This by-law applies to any lot, building, construction, dwelling, and any part of a lot, building, construction or dwelling, as applicable, all of which must comply with the provisions of this by-law.

1.3 Persons subject

Any legal person governed by public or private law and any natural person are subject to this by-law.

1.4 Validity of the by-law

Municipal Council adopts this by-law as a whole and also part by part, chapter by chapter, section by section, paragraph by paragraph, subparagraph by subparagraph, and schedule by schedule, so that if any component is or were to be declared null by a court of competent jurisdiction or any other authority, the other provisions of this by-law shall continue to apply.

1.5 Precedence and effects of the by-law

This by-law prevails over any incompatible provision contained in any other by-law of the City. No permit or certificate of authorization may be issued under another by-law unless the requirements of this by-law are met.

1.6 Term

This by-law is effective for a period of two (2) years from its coming into force, unless its effects are renewed by the adoption of a new interim control by-law.

1.7 Québec and Canada laws and regulations

No provision of this by-law may have the effect of exempting any person from the application of a law or regulation of Québec or Canada.

1.8 Schedules

The schedules form an integral part of this by-law.

1.9 Interpretation of the text

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

- a) Regardless of the verb tense used, every provision is deemed to be in force at all times and in all circumstances;
- b) The singular includes the plural whenever the context allows;
- c) The masculine includes the feminine unless the context indicates otherwise;
- d) Between the French and English versions, the French version prevails;
- e) Where it is prescribed that something “is done” or “must be done,” the obligation is absolute; where it is said that something “may” or “can be done,” it is optional;
- f) Authorization to do something includes all powers necessary for that purpose.

CHAPTER 2 — ADMINISTRATIVE PROVISIONS

2.1 Administrative responsibility

Responsibility for the administration and enforcement of this by-law rests with the Director of the Urban Planning and Municipal Patrol Department of the City of Beaconsfield, under the title of responsible officer.

Any employee of the Urban Planning and Municipal Patrol Department and the Public Works Department of the City of Beaconsfield, any member of the Montréal Fire Department and the Montréal Police Department is considered an assistant to the Director of the Urban Planning and Municipal Patrol Department of the City of Beaconsfield.

Council may, by resolution, appoint other persons, natural or legal, in addition to those mentioned in this section, for the purpose of enforcing this by-law.

2.2 Duties and powers of the responsible officer

The responsible officer and his/her assistants exercise all powers conferred by this by-law and, in particular, may:

- a) Issue the permits and certificates provided for in this by-law;
- b) Visit and inspect, at any reasonable time, upon presentation of identification and only in the presence of an adult, any immovable property, including the interior and exterior of buildings or structures, to verify compliance with this by-law, or require the owner to provide all necessary assistance to inspect the property, building or structure;
- c) Issue to the owner, tenant, occupant or any other responsible person a notice requiring correction of any situation contravening this by-law;
- d) Recommend to Council any measure to put an end to any situation contravening this by-law;
- e) Recommend to Council that any measure necessary be taken so that the occupancy or use of a building, structure or dwelling, or any part thereof, that is incompatible with this by-law, ceases;
- f) Order in writing the evacuation of a building, structure or dwelling, or any part thereof, that is incompatible with this by-law;
- g) Issue to the owner, tenant, occupant or any other responsible person a statement of offence ;
- h) Inform the owner, tenant or occupant of the nature of the offence and order them to comply with this by-law;
- i) In all other cases, if the offender fails to comply within seven (7) days of the above-mentioned notice, the responsible officer may use any appropriate legal remedies to enforce the by-law.

2.3 Contravention

Any person commits an offence who:

- a) Contravenes any provision of this by-law;

- b) Occupies or uses a lot, building, structure, dwelling, or a part thereof, in contravention of this by-law;
- c) Authorizes the occupancy or use of a lot, building, structure, dwelling, or part of a lot, building, structure or dwelling, in contravention of this by-law;
- d) Constructs a building, structure or dwelling in contravention of this by-law;
- e) Authorizes the construction of a building, structure or dwelling in contravention of this by-law;
- f) Connects, or allows the connection of, a private service pipe to the City's sanitary sewer system without holding a certificate of authorization for that purpose;
- g) Refuses to allow the responsible officer to visit and inspect, at any reasonable time and upon presentation of identification, an immovable property of which the person is the owner, tenant or occupant, to verify whether this by-law and other municipal by-laws are complied with;
- h) Fails to comply with an order issued by the responsible officer.

2.4 Issuance of a statement of offence

The Director of the Urban Planning and Municipal Patrol Department, the Head of Urban Planning and Permits Division, the Technical Urban Planning Officer, the Inspector of the Urban Planning and Municipal Patrol Department, the Municipal Patrol Officer, any other employee of the Urban Planning and Municipal Patrol Department, the Foreman and the Inspector of the Public Works Department, members of the Montréal Police Department and of the Montréal Fire Department are authorized to issue a statement of offence relating to any offence under this by-law.

2.5 Fine

Any person who contravenes any provision of this by-law commits an offence and is liable to a minimum fine, for a first offence, of one thousand dollars (\$1,000) plus costs for a natural person and two thousand dollars (\$2,000) plus costs for a legal person.

For a subsequent 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.

If the offence is continuing, each day constitutes a separate offence and the penalty for that offence may be imposed for each day until the offence is corrected.

CHAPTER 3 — CERTIFICATE FOR THE CONNECTION OF A SERVICE PIPE

3.1 Connection to a sanitary sewer service pipe

Notwithstanding the Permits and Certificates By-law BEAC-045, no certificate of authorization for the connection of a private sanitary sewer service pipe to the City's sanitary sewer may be issued in the affected sector shown on the plan in Schedule 1.

3.2 Exceptions

Section 3.1 does not apply to:

- a) A connection intended to replace an existing connection, if it is not likely to increase wastewater discharges into the City's sanitary sewer system;
- b) A connection intended to repair an existing connection, if it is not likely to increase wastewater discharges into the City's sanitary sewer system;
- c) A connection intended to relocate an existing connection, if it is not likely to increase wastewater discharges into the City's sanitary sewer system.

CHAPTER 4 — NORMATIVE PROVISIONS RELATING TO THE ADDITION OF DWELLING UNITS

4.1 Scope

The provisions of this chapter apply to any residential project.

4.2 Addition of a dwelling unit

It is prohibited to erect, renovate or enlarge a main building where such a project involves the addition of one (1) or more dwelling units on the lot. This prohibition does not apply to an intergenerational dwelling unit within the meaning of Zoning By-law 720.

4.3 Subdivision

It is prohibited to proceed with any cadastral operation as well as any subdivision of lots by alienation for the purpose of erecting, renovating or enlarging a main building, where the cadastral operation or subdivision aims to add one (1) or more dwelling units on the lot.

4.4 Exceptions

Despite sections 4.2 and 4.3, a construction permit or subdivision permit may be issued in the following cases:

- a) Reconstruction of a building destroyed or damaged as a result of a disaster after the coming into force of this by-law and that does not involve the addition of a dwelling unit;
- b) Reconstruction of a building demolished pursuant to a demolition permit issued after (insert the date of the notice of motion) 2026 and that does not involve the addition of a dwelling unit;
- c) Reconstruction of a building demolished pursuant to a court order after (insert the date of the notice of motion) 2026 that does not involve the addition of a dwelling unit;
- d) Construction of a new residential building for which the owner undertakes not to immediately connect it to the sanitary sewer system by signing a written undertaking in the form set out in Schedule 2.

CHAPTER 5 — NORMATIVE PROVISIONS RELATING TO A COMMERCIAL OR INSTITUTIONAL BUILDING

5.1 Scope

The provisions of this chapter apply to any commercial or institutional project.

5.2 Erection, renovation or extension of a main building

It is prohibited to erect, renovate or enlarge any main building where such project is likely to result in increased wastewater discharges into the City's sewer system compared to the situation that prevailed immediately before the coming into force of this by-law.

5.3 New uses

It is prohibited to transform or convert an existing use or replace it with a new use where such activities are likely to increase wastewater discharges into the City's sewer system compared to the situation that prevailed immediately before the coming into force of this by-law.

This section also applies to vacant buildings in which no use is carried out, except for buildings for which a construction permit was issued before (insert the date of the notice of motion) and that was still valid on that date.

5.4 Increase in discharges

For the purposes of sections 5.2 and 5.3, a project is considered likely to increase wastewater discharges into the City's sewer system if it results in an increase in flow (litres per day) assessed based on the *Guide pour l'étude des technologies conventionnelles de traitement des eaux usées d'origine domestique* (preliminary version 2023) published by the Ministère de l'Environnement et de la Lutte contre les changements climatiques or any other document accepted by that ministère.

5.5 Expert report

Any application for a construction permit or certificate of authorization for work covered by sections 5.2 or 5.3 must, in addition to the requirements of Permits and Certificates By-law No. BEAC-045, be accompanied by a study signed by a qualified professional attesting to the impact of the project on flows (litres per day) in the City's sanitary sewer system.

Notwithstanding the foregoing, where the City deems it appropriate, the required study may be prepared and provided by the City, at the applicant's expense where applicable, and may be filed in the record in place of the study provided by the applicant.

CHAPTER 6 — FINAL PROVISION

6.1

This by-law comes into force in accordance with the law.

MAYOR

CITY CLERK

DRAFT

Schedule 1

Sector affected by the by-law

DRAFT



Schedule 2

Owner's undertaking
CITY OF BEACONSFIELD

Owner's name:
Address:
Telephone:
Email: :
Address or lot number of the immovable covered by the undertaking:

I, the undersigned, declare as follows:

1. I am the owner of the immovable identified above;
2. I am applying to the City of Beaconsfield for the issuance of a subdivision or construction permit in order to build a new residential building on the immovable;
3. I am informed that the Interim Control By-law BEAC-188 prohibiting the carrying out of certain works and the use of certain immovables does not currently allow a private sanitary sewer service pipe to be connected to the City's sanitary sewer;
4. I am informed that this by-law is effective for a period of two (2) years from (insert the effective date) and that this prohibition may be renewed by means of a new interim control by-law;
5. Despite this, I wish to undertake the construction of a new residential building on my immovable;
6. I undertake not to connect this building to the City's sanitary sewer system unless and until a certificate of authorization is issued to me for that purpose;
7. I understand that the new building must remain unoccupied as long as it is not connected to the sanitary sewer system;
8. I accept this risk with full knowledge of the facts.

In witness whereof, I have signed:

Owner's name	Date
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