



By-Laws of the Municipality of Blanc-Sablon

**PROVINCE OF QUEBEC
MUNICIPALITY OF BLANC-SABLON**

BY LAW 2023-R-004

BY-LAW 2023-R-004 RESPECTING THE DEMOLITION OF HERITAGE BUILDINGS

- WHEREAS** the adoption of the Act to amend the Cultural Heritage Act and other legislative provisions (R.S.Q. 2021, c. 10) on March 25, 2021, whereby section 120 of the Cultural Heritage Act (R.S.Q., c. P-9.002) now provides that an M.R.C. must adopt an inventory of buildings on its territory that were built before 1940 and/or that have heritage value and that section 148.0.2 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) now requires the adoption and maintenance in force of a demolition bylaw by a local municipality;
- WHEREAS** the absence of a demolition by-law and a heritage inventory of the M.R.C., a request for authorization must be submitted to the Ministry of Culture and Communications for any request for demolition of a building built before 1940;
- WHEREAS** a local municipality must now have a Demolition Committee;
- WHEREAS** a notice of motion of this by-law was given by Councillor **Jarvin Joncas**, at the regular meeting of April 19th, 2023;
- WHEREAS** a draft by-law was presented at the regular meeting of April 19, 2023 by Councillor **Jarvin Joncas**;

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

ARTICLE 1:

The preamble is an integral part of the present by-law for all legal purposes.

ARTICLE 2: DECLARATORY PROVISIONS

2.1 Name

This by-law shall be known as the "Building Demolition By-Law" and shall be known as By-Law 2023-R-004.

2.2 Territory affected by this regulation

This by-law applies to the entire territory of the Municipality of Blanc-Sablon.



2.3 Persons subject to this by-law

This by-law applies to any public or private corporation or individual.

2.4 Amendment to this by-law

This by-law may only be modified, amended or repealed, in whole or in part, in accordance with the provisions set out to that effect in the Land Use Planning and Development Act (R.S.Q., c. A-19.1) and the Act to amend the Cultural Heritage Act and other legislative provisions (S.Q. 2021, c. 10).

2.5 Partial invalidity of this regulation

Council declares that it has enacted this by-law part by part, section by section, paragraph by paragraph, so that if any part of the by-law is declared void by a court of competent jurisdiction, the remaining parts of the by-law shall continue to apply.

2.6 Regulations and laws

Nothing in this by-law shall operate to exempt any person from the application of any law of Canada or the Province of Quebec and the regulations made thereunder.

2.7 Text and words

In this by-law, the following rules of reading apply:

- 1° The use of a verb in the present tense includes the future.
- 2° With the use of the verbs **MUST** or **SHALL**, the obligation is absolute, except with regard to the development objectives, where a derogation may be made if such a derogation is justifiable with regard to the overall work proposal.
- 3° With the use of the verb **MAY**, the optional meaning is retained.
- 4° The singular includes the plural, and vice versa, unless the context clearly indicates that it cannot be otherwise.
- 5° The masculine includes the feminine.

2.8 Terminology

In this by-law, unless the context otherwise requires, the following terms have the meanings assigned to them in this section

Demolition Committee

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



By-Laws of the Municipality of Blanc-Sablon

Council

The Municipal Council of the Municipality of Blanc-Sablon.

Local Heritage Council

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

Demolition

Destroying, dismantling piece by piece a building to more than 40% of its volume, without regard to the foundation, or removing a building in any manner whatsoever, for the purpose of clearing the ground on which it is erected.

The relocation of a building to another site is considered to be the same as a demolition.

Designated official

An officer designated by resolution of City Council to administer this by-law.

Heritage building

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

Inventory of the M.R.C.'s heritage

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

Housing

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

M.R.C.

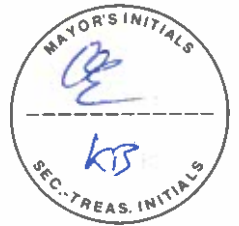
The Regional County Municipality of Golfe-du-Saint-Laurent.

Preliminary program for reuse of cleared soil

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

Applicant

The owner of a building or the owner's agent submitting an application for a demolition permit under this by-law.



ARTICLE 3: BUILDING TARGET

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

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

This regulation does not apply in the following cases:

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

ARTICLE 4: ADMINISTRATION

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

Council may appoint a deputy to the designated officer to assist or act in his or her stead when unable to do so.

ARTICLE 5: TRANSMISSION OF A REQUEST

An application for authorization to demolish an immovable covered by this by-law must be submitted to the Planning and Environment Department of the Municipality, on the form prescribed for this purpose, which must be signed by the applicant.

ARTICLE 6: CONTENT OF AN APPLICATION

6.1 Mandatory content

In support of an application for a building demolition permit, the applicant is requested to provide the following information and documentation:

- (a) Color photographs of each exterior face of the subject building and, where applicable, those of the faces of adjacent buildings;
- (b) Photographs of the land on which the building is located and, if applicable, of the surrounding land;
- (c) Photographs of the interior of each room in the subject building;



By-Laws of the Municipality of Blanc-Sablon

- (d) The schedule and probable cost of demolition, reconstruction, and land development or reclamation;
- (e) The measures planned to relocate tenants, if any, or, if the building is vacant, how long the building has been vacant;
- (f) If the building in question is occupied by tenants, a copy of the written notice sent to each tenant of the building as provided for in section 13 of this by-law;
- (g) The deeds of ownership of the building;
- (h) A preliminary cleared soil reuse program to include the following documents and information:
 - 1. A survey by a land surveyor showing:
 - The layout of the existing building and adjacent buildings;
 - Location of vehicular and pedestrian entrances for the existing building and adjacent buildings;
 - The location of the trees on the ground;
 - A street elevation of the existing building with adjacent buildings showing the height (geodetic level) of the roof ridge, entrance balcony and front street crown for the existing building and for adjacent buildings
 - Mineralized and vegetated spaces;
 - Land use constraints (landslide prone areas, wetlands, water environments, flood plains, etc.)
 - 2. Preliminary architectural plans of the proposed building or construction, by a professional, including:
 - Foundation, basement, floor and roof plans,
 - The elevations of each face of the building including, in particular, the identification of the exterior cladding materials
 - Cross-sections and longitudinal sections through the building;
 - 3. The use of the projected constructions;
 - 4. Any other document or information necessary for a proper understanding of the proposed project or the use to be made of the land following the requested demolition.

6.2 Content that can be requested

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

- (a) A description of the methods of demolition and disposal of materials;



- (b) An expert opinion to assess the state of disrepair of the building and to demonstrate the impossibility of saving it, including a structural engineer's report and a mold inspection report;
- (c) A qualitative study of the trees, the impacts of the project on the tree resource and the preservation measures carried out by a forestry engineer;
- (d) An analysis of the property value of the building, carried out by an independent expert mandated by the Municipality;
- (e) Any other study(s) required upon request of the Demolition Committee or the Planning and Environment Department. The studies must be prepared by a competent and independent professional mandated by the Municipality and whose field of expertise is directly related to the object of the requested study.

ARTICLE 7: REQUEST FOR PRELIMINARY OPINION

The applicant may request a preliminary opinion from the Demolition Committee, by indicating so on the demolition permit application form, as to the acceptability of the applicant's cleared land reuse program or the demolition of the building.

The preliminary opinion of the Demolition Committee shall be reasoned and transmitted to the applicant as soon as possible.

ARTICLE 8: APPLICATION AND ANALYSIS FEES

The applicant shall pay, upon filing an application for authorization to demolish an immovable, an amount of \$400 payable to the Municipality as a fee for opening and analyzing the application and for publishing the public notice.

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

ARTICLE 9: NON-COMPLIANT OR INCOMPLETE APPLICATION

Where an application for authorization to demolish a building filed with the Planning and Environment Department is non-compliant or incomplete under the applicable municipal by-law, the Planning and Environment Department shall notify the applicant in writing. Such notice shall state the reasons for the non-compliance.

ARTICLE 10: DEEMED WITHDRAWAL OF THE APPLICATION

An applicant shall be deemed to have withdrawn an application for permission to demolish a building under this by-law if the applicant does not amend or complete the application, as the case may be, within six (6) months after the deemed date of receipt of the notice sent pursuant to section 9 of this by-law.



By-Laws of the Municipality of Blanc-Sablon

ARTICLE 11: PUBLIC NOTICE

When an application for authorization to demolish a building to which this by-law applies is filed and is complete and the required fee is paid

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

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

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

ARTICLE 12: NOTICE TO TENANTS

Where the building in respect of which the application is made is occupied by tenants, the applicant shall promptly give written notice to the tenants of the application for permission to demolish the building, of which notice shall be sent to each tenant by registered or certified mail.

The applicant shall forward to the Planning and Environment Department a copy of the proof of receipt of the notice by each tenant.

ARTICLE 13: OPPOSITION

Any person wishing to object to the issuance of a demolition permit must transmit, in writing, his or her reasoned objection to the Municipality, to the attention of the clerk-treasurer, by e-mail, to the address determined by this department, within ten (10) days following the publication of the public notice or, failing that, within ten (10) days following the posting of the notice on the building concerned.

However, if the objector is unable to send the objection by e-mail, it may be sent in writing by registered or certified mail to the attention of the clerk-treasurer within the same time period as provided in the preceding paragraph.



ARTICLE 14: REVIEW OF APPLICATION BY DEMOLITION COMMITTEE

Where the application is complete, the project complies with applicable municipal by-laws and the fees are paid, the Planning and Environment Department shall prepare a preliminary report summarizing the application and indicating its decision on the application, and the application and report shall be forwarded to the Demolition Committee for review and decision.

In evaluating an application for permission to demolish a building, the Demolition Committee shall consider the following criteria:

- The condition of the building;
- Deterioration of the architectural appearance, aesthetic character or quality of life of the neighborhood;
- The impact of the loss of the building in its environment;
- Cost of restoration;
- The heritage value of the building (including the history of the building, its contribution to local history, its degree of authenticity and integrity, its representation of a particular architectural style and its contribution to a group to be preserved);
- Where the building includes one or more dwelling units, the harm to tenants, the need for housing in the vicinity, and the possibility of relocation of tenants;
- If applicable, objections received to the issuance of a certificate of authorization for demolition;
- Any other criteria deemed relevant by the Demolition Committee.

The Demolition Committee shall also review the preliminary program for reuse of the cleared soil, considering, among other things, compliance with the following objectives

- a) Ensure harmonious integration of the project in terms of the siting, orientation, height and sizing in relation to the built environment of the neighbourhood unit concerned;
- (b) Provide for the siting to reduce impacts that may contribute to excessive differences in sizing with adjacent buildings;
- c) Ensure the preservation of existing quality vegetation and optimize the presence of vegetation on the site to enhance the visual appearance of the site or serve as an interface;
- d) Create a quality architectural ensemble that harmonizes with the buildings already constructed;
- e) Give preference to quality exterior wall and roof cladding materials of sober color, with the exception of decorative elements which may be of contrasting color and which match the exterior cladding of buildings of heritage interest in the area of insertion;



By-Laws of the Municipality of Blanc-Sablon

- f) Emphasize the integration of the project with the existing heritage landscape, where appropriate, to ensure the sustainability of quality heritage areas;
- (g) Emphasize recycling and salvaging of building materials from demolition, where appropriate;
- (h) Respect the cadastral grid characteristics of the street and land within the affected neighbourhood unit in any proposed cadastral operation.

ARTICLE 15: DEMOLITION COMMITTEE

A Demolition Committee is hereby established to review and authorize demolition applications and preliminary programs for the reuse of cleared land and to exercise any other powers conferred upon it by this by-law and the Act respecting land use planning and development (R.S.Q., c. A-19.1).

ARTICLE 16: COMPOSITION OF THE DEMOLITION COMMITTEE

Council is mandated to appoint the members of the Demolition Committee.

The Demolition Committee shall consist of three (3) members of Council, appointed by resolution, for a period of one year. The three councillors are: Jean-Roger Dumas, Colin Shattler and Dany Gaudreault.

A member of the Demolition Committee may be reappointed.

The Board shall appoint from among the members of the Demolition Committee a Chairperson whose duty it shall be to maintain order and decorum during the meeting and to decide any matter or question incidental to the proper conduct of the meeting or any point of order.

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

The Council may designate in advance an alternate member whose mandate is to replace a member of the Demolition Committee for the duration of a member's incapacity or for the duration of the hearing of a matter in which one of them has an interest.

The person designated by Council shall act as secretary to the Demolition Committee and shall, among other things, prepare the agenda and minutes of the meetings.



ARTICLE 17: DEMOLITION COMMITTEE MEETING

Meetings of the Demolition Committee shall be convened by the Planning and Environment Department, by written notice to that effect, to be given at least 48 hours prior to the time set for the meeting.

A member of the Demolition Committee may waive notice of the meeting or any irregularity therein. A member of the Demolition Committee shall be deemed to have waived notice or an irregularity therein if he or she attends the meeting of the Demolition Committee, unless he or she specifically attends to object to the holding of the meeting on the grounds that it was improperly called. Such waiver shall be recorded in the minutes of the meeting.

ARTICLE 18: PUBLIC HEARING

When an application for building demolition approval is made for a heritage building, the Demolition Committee shall hold a public hearing.

The public hearing is conducted according to the following procedure:

- 1 Council's designee shall submit the application for authorization to demolish a building to the Demolition Committee;
- 2 Applicant shall proceed with the presentation of his or her application to the Demolition Committee and, if applicable, the preliminary program for the reuse of cleared land;
- 3 The Demolition Committee shall hear from persons who have filed written notices of objection in accordance with this by-law, if any;
- 4 The Demolition Committee may hear, if it deems it appropriate, any other person present at the meeting who so requests;
- 5- The Applicant may formulate a short reply at the end of the interventions.

ARTICLE 19: INTERVENTION OF A THIRD PARTY

A person who wishes to acquire an immovable that is the subject of an application for demolition authorization in order to preserve its heritage character may, until the Demolition Committee has rendered its decision, intervene in writing with the clerk-treasurer to request a delay in order to undertake or pursue steps to acquire the immovable.

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

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



By-Laws of the Municipality of Blanc-Sablon

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

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

ARTICLE 20: DECISION OF THE DEMOLITION COMMITTEE

The Demolition Committee shall grant permission if it is satisfied as to the desirability of the demolition, having regard to the public interest and the interest of the parties, and having regard to the evaluation criteria set out in the Act and in this by-law. If not, the Demolition Committee shall refuse the application for authorization.

Decisions of the Demolition Committee shall be made by a majority vote of the members at the meeting. The Demolition Committee shall, after deliberation, render a decision and explain the reasons therefor.

Before rendering its decision, the Demolition Committee shall:

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

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

ARTICLE 21: TRANSMISSION OF THE DECISION OF THE DEMOLITION COMMITTEE

The decision of the Demolition Committee, with reasons, shall be forwarded as soon as possible to Council and to the applicant and to the persons having sent a written notice of opposition. In the latter case, the decision shall be sent by registered mail.

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

ARTICLE 22: REQUEST FOR REVIEW

Any person may, within thirty (30) days of the decision of the Demolition Committee, request a review of such decision by Council by transmitting a written notice to that effect to the Municipality.



The Municipality shall notify the applicant and, if applicable, the appellant, in writing, of the date on which the application for review will be heard by Council in open session.

The Council shall consider the application for review on the basis of the record but, if it deems it appropriate, may allow for representations from the applicant and the appellant, if any.

The Council, after considering an application for review, shall confirm the decision of the Demolition Committee or make any decision that the Demolition Committee should have made.

The Council's decision must be in writing and include reasons.

No certificate of authorization shall be issued until the time for filing an application for review has expired or, if the Council is seized of such an application, until the Council has rendered its decision thereon.

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

ARTICLE 23: REQUEST FOR BOARD REVIEW

Council may, on its own motion, within 30 days of a decision of the Demolition Committee authorizing the demolition of a heritage building, pass a resolution expressing its intention to review that decision.

Where applicable, the provisions of Article 26 herein shall apply with the necessary modifications.

The decision of the Council shall be transmitted promptly to any party involved.

ARTICLE 24: NOTICE OF DEMOLITION

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

A notice sent to the M.R.C. pursuant to this section shall be accompanied by copies of all documents produced by the owner.

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

The power of disallowance is a power available to the M.R.C. under section 148.0.20.1. of the Act respecting land use planning and development (R.S.Q., c. A-19.1) to disallow the decision of a city/municipality to authorize the demolition of a heritage building.



By-Laws of the Municipality of Blanc-Sablon

The council of the M.R.C. may, within 90 days of receiving the notice, disallow the decision of the demolition committee or council. Where the M.R.C. has a local heritage council as defined in section 117 of the Cultural Heritage Act (R.S.Q., c. P-9.002), that council may consult with the municipal council before exercising its power to disallow.

A resolution passed by the M.R.C. pursuant to the preceding paragraph shall state the reasons for the resolution and a copy shall be forwarded without delay to the Municipality and to any party involved, by registered mail.

Where the decision of the Demolition Committee or Council to authorize the demolition of a heritage building is not reviewed by the M.R.C., no certificate of authorization for demolition shall be issued until the earliest of the following dates;

(1) The date on which the M.R.C. notifies the Municipality that it does not intend to avail itself of the power of disallowance provided for in the first paragraph of that section;

(2) The expiration of the 90-day period provided in this paragraph.

ARTICLE 26: CONDITIONS FOR DEMOLITION PERMIT

When the Demolition Committee grants permission for demolition, it may, but is not limited to:

1. Impose any conditions relating to the demolition of the building or the reuse of the cleared land;
2. Determine the conditions of relocation of a tenant, in accordance with sections 148.0.13, 148.0.14 and 148.0.16 of the Act respecting land use planning and development (RLRQ, c. A-19.1).
3. Setting the time frame within which demolition and reuse of cleared soil must be undertaken and completed.

ARTICLE 27: EXTENSION OF TIME

The Demolition Committee may, for reasonable cause, extend the time within which the demolition or reuse of cleared land must be commenced and completed, provided that a written request for such an extension, with reasons, is submitted by the applicant to the Planning and Environment Department prior to the expiration of such time.

ARTICLE 28: EXPIRATION OF TIME LIMITS

The demolition permit shall be of no effect if the authorized work is not commenced within the time period fixed by the Demolition Committee for that purpose.

The applicant may not proceed with the demolition work if it has not been commenced within the time limit set by the Demolition Committee.



All work shall be completed within the time limits established by the Demolition Committee, subject to obtaining an extension of time in accordance with Article 27 herein. In such event, the provisions of this article shall apply with respect to such extension.

ARTICLE 29: UNFINISHED WORK

If the work is not completed within the time specified by the Demolition Committee, the Council may cause the work to be performed and recover the costs from the applicant without further notice.

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

ARTICLE 30: REVOCATION OF AN AUTHORIZATION

The Board's designee or the Demolition Committee may revoke a demolition permit or certificate of authorization after giving written notice to the applicant, including when:

1. Any of the conditions of the issuance of the authorization or certificate of authorization for demolition has not been complied with;
2. Where the authorization or certificate of authorization was issued in error or on the basis of incorrect information.

In such case, the applicant shall cease all demolition work upon receipt of the notice of revocation of an authorization or certificate of authorization for demolition and shall return, within ten (10) days of the notice received to that effect, such authorization or certificate to the Planning and Environment Department.

ARTICLE 31: FINANCIAL GUARANTEE

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

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



By-Laws of the Municipality of Blanc-Sablon

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

The work of the preliminary cleared land reuse program shall be completed by the expiration of the time limit set by the Demolition Committee or, if applicable, by the expiration of the extension period, failing which the Municipality may require payment of the letter of guarantee.

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

ARTICLE 30: PERFORMANCE OF GUARANTEES

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

- (a) If the applicant fails to comply with the preliminary cleared soil reuse program;
- (b) If he or she fails to meet the scheduled deadlines;
- (c) He commits an act of bankruptcy, makes a proposal or becomes insolvent;
- (d) If he abandons the work.

ARTICLE 31: REMISSION OR RELEASE OF THE FINANCIAL GUARANTEE

The financial security shall be released to the applicant upon completion of the work covered by the preliminary cleared soil reuse program, subject to section 29 of this by-law.

However, fifty percent (50%) of the security may be released to the applicant, upon request, when the preliminary cleared land reuse program work on the building is completed and only the landscaping work, including the flooring, is to be completed.

ARTICLE 32: IDENTIFICATION

Any person enforcing this by-law who has reasonable grounds to believe that a person has committed an offence may require the person to disclose his or her name, address and date of birth to the person if the person does not know the name, address and date of birth.

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



A person may not refuse to state his or her name, address and date of birth, or to provide information to confirm their accuracy, if he or she is aware of the alleged offence.

ARTICLE 33: SITE VISIT

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

Every owner, lessee, occupant or person in charge of any real property, building or structure shall allow the designated officer responsible for the enforcement of this by-law to enter.

Upon request, the designated officer of the Municipality shall identify himself or herself and produce a certificate issued by the Municipality attesting to his or her status.

ARTICLE 34: POSTING OF CERTIFICATE OF AUTHORIZATION

A copy of the certificate of authorization shall be posted at all times on the premises where the demolition work is to be performed.

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

ARTICLE 35: OBSTRUCTION

Any person who prevents a designated officer responsible for the enforcement of this by-law from entering the premises where the demolition work is to be carried out, or any person in authority responsible for carrying out the demolition work who, on the premises where the demolition work is to be carried out, refuses to produce a copy of the certificate of authorization when requested to do so by a designated officer responsible for the enforcement of this by-law, is liable to a fine of not more than \$500.

ARTICLE 36: ILLEGAL DEMOLITION OF A BUILDING

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

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

Formules Municipales, Chambly (Québec) - no 5614-R-MYST



By-Laws of the Municipality of Blanc-Sablon

ARTICLE 37: RECONSTRUCTION OF AN ILLEGALLY DEMOLISHED BUILDING

Any person who has demolished or permitted the demolition of a building without first obtaining an authorization and certificate of authorization in accordance with this by-law may be required to rebuild the building upon resolution of Council to that effect.

If the person fails to comply within the time limit set by the resolution adopted to this effect in accordance with the first paragraph of this section, the Municipality may have the work done and recover the costs from the person and/or the owner, at its discretion. Where applicable, such costs shall constitute a prior claim on the immovable concerned, in the same manner and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec. These costs are also secured by a legal hypothec on the property.

ARTICLE 38: STATEMENT OF OFFENCE

In accordance with the Code of Penal Procedure of Quebec, the designated official and his assistants of the Planning and Environment Department are authorized to issue statements of offence, for and in the name of the Municipality of Blanc-Sablon, for any offence provided for in this by-law.

ARTICLE 39: COMING INTO FORCE

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

The notice of motion was given on:	April 19th, 2023
The present by-law was adopted on:	May 16th, 2023
The present by-law published on:	May 17th, 2023

Andrew Etheridge, Mayor

Karine Benoit, Director General