

**BY-LAW NO. 1467 CONCERNING THE MAINTENANCE AND OCCUPATION OF BUILDINGS**

<b>ADOPTION PROCEDURE SUMMARY</b>	
<b>NOTICE OF MOTION AND FILING:</b>	<b>APRIL 25, 2023</b>
<b>ADOPTION OF THE DRAFT BY-LAW:</b>	<b>APRIL 25, 2023</b>
<b>ADOPTION OF THE BY-LAW:</b>	<b>MAY 16, 2023</b>
<b>COMING INTO EFFECT:</b>	<b>MAY 19, 2023</b>

**WHEREAS** notice of motion was given on April 25, 2023, and the draft by-law was filed at the same meeting;

**ON MAY 16, 2023, COUNCIL ENACTED THE FOLLOWING:**

**CHAPTER I**  
DECLARATIVE AND INTERPRETIVE PROVISIONS

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|-----------------------------------|--|
| <b>Title of the by-law</b>        | 31. This by-law is titled By-law Concerning the Occupation and Maintenance of Buildings of Town of Mount Royal.  |
| <b>Purpose</b>                    | 32. The purpose of this by-law is to establish minimum occupation and maintenance standards for buildings on the territory of Town of Mount Royal.   |
| <b>Interpretation of the text</b> | <p>33. In general, the text shall be interpreted in accordance with the following rules:</p> <ul style="list-style-type: none"> <li>j) the titles contained herein an integral part hereof. In the event of a contradiction between the text and the titles, the text shall have precedence. In the event of a contradiction between the text and any other form of expression, the text shall have precedence;</li> <li>k) irrespective of the verb tense used herein, all provisions are considered as being in force and effect at all times and under all circumstances;</li> <li>l) the verb “shall” is used to imply an absolute obligation and the verb “may” is used to imply option, except in the expression “may not”, which means “shall not”;</li> <li>m) words written in the singular include the plural and the plural includes the singular, whenever the context lends itself to such an extension;</li> <li>n) any specific provision hereof shall have precedence over a contradictory general provision;</li> <li>o) when a standard prescribed hereby is found to be incompatible with or contradictory to any other by-law or with another provision hereof, the more restrictive or prohibitive restriction shall apply;</li> <li>p) the words “person” and “whoever” refer to any legal or natural person;</li> <li>q) the masculine gender includes the feminine gender, unless the context indicates otherwise;</li> <li>r) the authority given to do a thing shall carry with it all the powers necessary for that purpose.</li> </ul> |
| <b>Terminology</b>                | 34. The expressions, terms and words used herein shall have the meaning and application given to them in the terminology chapter of the Town of Mount Royal Zoning By-law in effect.   |

35. The undefined expressions, terms and words used in the terminology chapter of the Zoning By-law in effect have their usual meaning.

## **CHAPTER II**

### **SCOPE OF APPLICATION**

- Territory covered** 36. This by-law covers the entire territory of Town of Mount Royal
- Buildings covered** 37. This by-law covers all buildings and parts of buildings and all of their appurtenances.
- Persons affected by this by-law** 38. This by-law applies to any public or private legal person or natural person.

## **CHAPTER III**

### **POWERS OF THE COMPETENT AUTHORITY**

- Administration of the by-law** 39. Administration of this by-law is entrusted to the head and the inspectors of the Urban Planning and Development Department of Town of Mount Royal and to any other person designated by Town Council, hereinafter referred to as the “competent authority”.
- The competent authority may exercise the powers provided herein and issue statements of offence on behalf of the Town in respect of any violation of a provision hereof.
- Inspection** 40. The competent authority may, at any reasonable time, visit, examine and enter a building to ensure the building is in compliance herewith. To this end, the competent authority may be accompanied by any person whose expertise or assistance it requires.
- A person shall give the competent authority access to the building for inspection purposes at any reasonable time without interfering with its duties. The person shall also provide to the competent authority the information and documents it requires.
- Tests, analyses and verifications** 41. The competent authority may require any information related to the administration hereof and the production of any related document. In particular, the competent authority may carry out or require the carrying out of tests, analyses and verifications, taking of photographs or making of recordings for the purpose of checking the building’s compliance herewith.
- Installation of a measuring device** 42. The competent authority may have installed or require the installation of a measuring device or order that one be installed and require that the data collected be provided to it.
- Failure to meet the prescribed deadline** 43. If the tests, analyses and verifications or the installation of a measuring device required by the competent authority are not carried out within the time period prescribed by the competent authority, the competent authority may retain the services of an expert at the expense of the person to whom the requirement was stipulated.
- A person referred to in the preceding paragraph may not refuse access to the expert retained by the competent authority and shall prepare the building so as to facilitate the expert’s work.

**Safety hazard**

44. The competent authority may fence off or have fenced off, at the owner's expense, a property that is not safe when the owner is unlocatable or refuses, neglects or is unable to do the work necessary to eliminate the safety hazard after having received the order from the competent authority.

**Other functions and powers of the competent authority**

45. In administering this by-law, the competent authority may also exercise all other powers granted to it as stipulated in the Zoning By-law and in the Permits and Certificates By-law.

**CHAPTER IV  
BUILDING MAINTENANCE**

**Maintaining a building in good condition**

46. All the component parts of a building shall be maintained in good condition in their entirety and shall be able to serve the purpose for which they were designed.

They shall be sufficiently solid to withstand the combined efforts of the dynamic loads, roof loads, wind loads and the weight of the snow and other elements of nature to which they are exposed and be repaired or replaced as needed so as to prevent any potential hazard or accident.

**Foundation**

47. All the foundations of a building shall at all times be maintained in a state that ensures their preservation, protection and soundness.

The foundation walls shall be maintained and repaired so as to maintain the appearance of cleanliness and prevent any infiltration of air or water or intrusion of insects, vermin, rodents or any other animals.

**Exterior**

48. The exterior walls and covering of a building, irrespective of the materials involved, shall:

- 4. be maintained in good condition and repaired or replaced as needed so as to prevent mould, rot, corrosion and any infiltration or intrusion;
- 5. be strong and stable so as to prevent the walls from being damaged or from leaning, the beams from being twisted and the joists from sagging;
- 6. be cleaned, repainted, repointed, otherwise treated or maintained so as to maintain the appearance of cleanliness and prevent deterioration.

**Openings**

49. All the exterior openings of a building, such as the doors and windows, including their frames, shall be maintained or repaired so as to prevent any infiltration of water, air or snow and replaced when they are damaged or defective. The frames shall be caulked as needed.

All mobile parts shall operate normally.

The openings shall be periodically cleaned, repainted, otherwise treated or maintained so as to appear clean and in good condition and to prevent any deterioration.

**Barrier banned**

50. Any barrier on the openings of a building is banned unless the building has been damaged by fire, presents a public safety hazard or is subject to a demolition or construction permit issued by the Urban Planning and Development Department.

**Roof**

51. All component parts of the roof and eaves of a building shall:
4. be maintained in good condition and repaired or replaced as needed so as to prevent any curving of the roof structure, ensure complete watertightness and prevent birds, vermin, rodents or insects from entering;
  5. maintain the roof covering over the entire roof and all its component parts;
  6. capture in gutters the water from rain or snow melt from the roof to the soil. These gutters shall be waterproof, solidly installed and maintained in good condition.

**Balconies,  
galleries and  
other component  
parts**

52. All parts of a balcony, gallery, stoop, exterior staircase and all other constructions protruding from a building shall:
4. be maintained in good condition, repaired or replaced as needed so as to appear clean;
  5. be maintained so as to prevent any rot or deterioration;
  6. be kept free of any large items that interfere with passage or access to the exterior doors and emergency exits.

**Drinking water  
supply system,  
plumbing and  
heating**

53. A building shall also be provided with a drinking water system, plumbing, lighting and heating, which shall be maintained continuously and in good operating condition and shall be able to be used for the purposes for which they are intended.

For the purpose of a building intended for habitation, a permanent heating installation shall allow the occupant to maintain a minimum temperature of 15°C, as measured at the centre of each room at 1 m above the floor, without using supplementary heating.

**Heritage  
immovable**

54. For a heritage immovable as defined in the Cultural Heritage Act (CRLQ, c. P-9.002), located on a heritage site as defined in this act or entered in an inventory covered by the first paragraph of article 120, the maintenance work performed shall not distort or alter the heritage character of the immovable.

This provision also applies to the buildings of heritage character listed in the By-law Regarding Site Planning and Architectural Integration (PIIA) of Town of Mount Royal.

55. The maintenance operations shall allow the integrity, quality and architectural appearance of the immovable to be preserved.

**CHAPTER V**  
**PENAL PROVISIONS**

**Fines**

56. Any person who contravenes any provision of this by-law shall have committed an offence and shall be liable to:

3. If a physical person:

- iv. A fine of no less than \$2,000 and no more than \$250,000 for a first offence;
- v. A fine of no less than \$4,000 and no more than \$250,000 for a repeat offence;
- vi. A fine of no less than \$20,000 and no more than \$250,000 for an offence against a heritage immovable;

4. If a legal person:

- iv. A fine of no less than \$4,000 and no more than \$250,000 for a first offence;
- v. A fine of no less than \$8,000 and no more than \$250,000 for a repeat offence;
- vi. A fine of no less than \$40,000 and no more than \$250,000 for an offence involving a heritage immovable.

**Aggravating factors**

57. The amount of the fine shall be determined on the basis of the following aggravating factors:

- h) the fact that the offender acted intentionally, negligently or recklessly;
- i) the seriousness of the harm or risk of harm to human health and safety;
- j) the intensity of the nuisances suffered by the neighbourhood;
- k) the foreseeable character of the offence of the failure to follow the recommendations or warnings to prevent it, in particular, when the work required by the Town or described in a notice of deterioration has not been carried out;
- l) whether the building concerned is a heritage immovable, as defined in the Cultural Heritage Act (CRLQ, c. 9.002) or entered in an inventory covered by the first paragraph of article 120 thereof;
- m) whether the offender's actions or omissions have resulted in such deterioration to the building that the only useful remedy is to demolish it;
- n) the offender's attempts to cover the offence or failure to try to mitigate its consequence.

**Multiple offences**

58. If the offence continues, day after day, each day shall be considered as a separate offence. A fine imposed due to an offence does not exempt the person concerned from the obligation to comply with this by-law.

**Other recourses**

59. The Town may, for the purposes of ensuring compliance with the provisions hereof, exercise cumulatively or alternatively, with those provided herein, any other appropriate recourse of a civil or criminal nature.

**CHAPTER VI  
FINAL PROVISION**

**Coming into effect**

60. This by-law shall come into effect according to law.

(signed Peter J. Malouf)

(signed Alexandre Verdy)

Peter J. Malouf  
Mayor

Alexandre Verdy  
Town Clerk