

NOTE : IN THE CASE OF ANY DISCREPANCY BETWEEN THE FRENCH AND THE ENGLISH VERSION OF THIS BY-LAW, THE FRENCH VERSION PREVAILS.

**CANADA
PROVINCE OF QUEBEC
TOWN OF DORVAL ISLAND**

**By-law Number C-06-0002
BY-LAW CONCERNING MINOR EXEMPTIONS**

SUMMARY OF ADOPTION PROCEDURE

**NOTICE OF MOTION: AUGUST 30, 2006
ADOPTION OF PROPOSED BY-LAW: SEPTEMBER 18 2006
PUBLIC MEETING: SEPTEMBER 28, 2007
ADOPTION OF BY-LAW: FEBRUARY 27, 2008
EFFECTIVE: MARCH 2008**

In its session on February 27, 2008, the Council of the Town of Dorval Island decrees:

CHAPTER I

PURPOSE, INTERPRETATIVE AND ADMINISTRATIVE PROVISIONS

1. APPLICABLE AREA

1.1 Title and Effective Date

- a) This by-law can be referred to as the “Regulation on Minor Exemptions in the Town of Dorval Island.”
- b) This by-law will take effect as provided by law.

1.2 Validity

The Council decrees the adoption of this by-law both in its entirety and Article by Article. In the event any given Article is declared null and void, the other Articles will not be affected.

1.3 Applicable Area

This by-law applies to all zones under the jurisdiction of the Town of Dorval Island.

1.4 Jurisdiction

A lot or a part thereof, a piece of land, a building or a structure must be built or occupied in accordance with the provisions of the Zoning By-law (Number 51) and of the Building By-law (Number 52).

1.5 Interpretation

- a) Unless otherwise stated, any word or expression has the meaning and significance attributed thereto in this by-law. If a word or expression is not specifically defined in this by-law, it has the meaning as defined in the Zoning By-law or, in its absence, it is used in the sense generally attributed thereto.
- b) All sizes and measures used are expressed in units of the international system (metric) with equivalents, in brackets, in the British system. This equivalence is only given as a guide and in the case of any discrepancy, the international system prevails.
- c) Any plans, schedules and other forms of expression other than the text itself that are included in this by-law are an integral part thereof, with the exception of the table of contents.
- d) In the case of any discrepancy between the text and any other form of expression, the text prevails; in the case of any discrepancy between the French and the English version of this by-law, the French version prevails.
- e) In the case of any inconsistency between two provisions in this by-law or between this by-law and another by-law, the specific provision takes precedence over the general provision; in the same way, unless otherwise indicated, the most restrictive and prohibitive provision must be applied.

1.6 Provisions of the laws and other by-laws

Any person who occupies or uses a lot, a structure, a building or any part thereof, who erects a building or a structure, or who undertakes work on a lot, building or structure must comply with the provisions of this by-law as well as any legislative or regulatory provision, Federal and Provincial, and any provision of another municipal by-law, and must ensure that the lot, building, structure or renovations be occupied, used, erected or executed in compliance with such provisions and those in this by-law, as the case may be.

1.7 Building Inspector

In order to manage and enforce this by-law, the Council will appoint a Building Inspector, whose obligations, powers, duties and functions are outlined in the Permits and Certificates By-law of the Town of Dorval Island.

1.8 Permits and Certificates

- a) Any person who wishes to build, expand, renovate or demolish a building, erect a swimming pool or occupy a lot, must first submit all plans and required documents to the Building Inspector and to the Council for approval and obtain the necessary permit or certificate.
- b) The terms and conditions for issuing permits and certificates of authorization are outlined in the Permits and Certificates By-law of the Town of Dorval Island.

1.9 Violation, Penalty and Appeal

- a) Without prejudice to other municipal proceedings, any person who violates any of the provisions of this by-law commits an offence and is subject to a fine, with or without costs.
- b) The amount of this fine is set at the discretion of the Court having competent jurisdiction that hears the case; the amount of this fine must not exceed \$1,000 nor be less than \$25.
- c) A violation of any of the provisions of this by-law constitutes, day by day, a separate and distinct violation.
- d) In order to enforce the provisions of this by-law, the Town may proceed to any other appropriate civil or penal recourse, cumulatively or alternatively, in conjunction with those provided for in this by-law.

CHAPTER II

PROVISIONS WITH RESPECT TO OBTAINING A MINOR EXEMPTION

2. PROVISIONS WHICH MAY BE SUBJECT TO MINOR EXEMPTIONS

All provisions of the Zoning and Subdivision By-laws can be subject to a minor exemption with the exception of those provisions related to the usage and density of land use.

3. ELIGIBLE AREAS

An application for a minor exemption may be granted in all areas identified in the zoning plan which is an integral part of the Zoning By-law, with the exception of any part of an area where land use is liable to special restrictions for reasons of public security.

4. CONDITIONS UNDER WHICH MINOR EXEMPTIONS MAY BE GRANTED

Minor exemptions may be granted if all of the following conditions are met:

- a) the application concerns a provision of the Zoning and Subdivision By-laws that can be subject to a minor exemption under this by-law;
- b) the application for a minor exemption complies with the objectives of the development plan of the Town of Dorval Island;
- c) the enforcement of the provisions of the Zoning and Subdivision By-laws referred to in the application for a minor exemption would have the effect of causing serious prejudice to the applicant;
- d) the minor exemption would not distract from any enjoyment that the owners of neighbouring buildings may derive from their property rights.

5. APPLICATION FOR A MINOR EXEMPTION

Applicants for a minor exemption, or their duly-authorized agent, must present a written application to the Building Inspector appointed by the Town Council.

6. CONTENT OF APPLICATIONS

An application for a minor exemption must include the following documents and information:

- a) the applicant's (or agent's, if applicable) last name, given name and address;
- b) a copy of the title of ownership for the building in question;
- c) if the exemption concerns the dimension of the space that must be left open between buildings on the same lot or the space that must be left open between a building and a street line or lot line:
 - 1) an up-to-date certificate of location prepared by a land surveyor if this is for an existing building;
 - 2) a layout plan prepared by a land surveyor if this is for a proposed building;
 - 3) a plan showing the requested exemption, if so required to analyze the application.
- d) details of all proposed and existing exemptions and identification of the by-law provision referred to in the application;
- e) reasons explaining why the project could not be carried out in accordance with the Zoning and Subdivision By-laws;
- f) reasons explaining why the work in progress or already completed does not comply with the by-law provisions in question;
- g) a demonstration of the existence and nature of the prejudice caused to the owner of the building due to enforcement of the provision referred to;
- h) a demonstration of the fact that the minor derogation would not detract from any enjoyment that the owners of neighbouring buildings may derive from their property rights;
- i) photos of the building in question, showing the reason for the application for a minor exemption or, in the absence thereof, a plan demonstrating the proposed work.

After verification of the content of the application by the Building Inspector, the applicant must provide any additional information required by the Inspector to clarify such application.

7. FEES

The amount required for examining an application for a minor exemption covers the cost of publication of the public notice as stipulated in Article 145.6 of the *Land Use Planning and Development Act*, as well as for analytical costs incurred by the Town.

8. STUDY OF APPLICATIONS BY THE BUILDING INSPECTOR

The Building Inspector examines the application and verifies that all the required information and documents have been provided and that the project complies with the provisions of the municipal by-law.

If the required information or documents are incomplete or inaccurate, examination of the application is suspended until the necessary information or documents have been provided by the applicant. The application is then considered to have been received on the date when the additional information and documents were received.

If the project described in the application does not comply with the provisions of another municipal by-law, the Building Inspector will inform the applicant thereof, within thirty (30) days following the received date, mentioning those elements that are non-compliant.

9. STUDY OF APPLICATIONS BY THE PLANNING ADVISORY COMMITTEE AND TRANSFER TO CITY COUNCIL

The Planning Advisory Committee has thirty (30) days following receipt of the application to evaluate its compliance with the criteria set forth in Article 3 of this by-law and to formulate its recommendations by resolution to the Town Council.

10. PUBLIC NOTICE

At least fifteen (15) days prior to the meeting at which the Council is to render a decision on the application for the minor exemption, a notice shall be published stating:

- a) the date, time and place of the Council meeting;
- b) the nature and effects of the exemption in the application;
- c) the identification of the property in question by means of its street address or, in the absence thereof, its cadastral number;
- d) that any interested party may be heard by Council with respect to this application.

11. STUDY AND DECISION OF COUNCIL

After examination and before rendering its decision, the Council, or the person it designates, must set out the application for exemption. After having heard any person who wishes to speak about the application and having considered the recommendation of the Planning Advisory Committee, the Council renders its decision by resolution during the next regular session. A certified copy of this resolution shall be transmitted to the applicant.

Once the Council has approved the application, the resolution by which it renders its decision may provide for any limitations in view of the powers of the Town of Dorval Island, in order to mitigate the effects of the impact of the exemption.

12. ISSUE OF THE PERMIT

Upon presentation of a certified copy of the resolution granting the minor exemption, the Building Inspector will deliver to the applicant the necessary permit or certificate, providing that the application for the permit or certificate complies with the provisions of other municipal by-laws, with the exception of those for which the minor exemption was granted.

13. DEADLINE FOR THE EXECUTION OF WORK

The applicant has a period of two (2) years following of the date of adoption of the resolution by which the Council granted the minor exemption to complete the work referred to in the application. If the applicant does not complete this work within the specified period, the rights granted by the resolution are rescinded and a new application for minor exemption must be filed.

14. EXTENT OF THE MINOR EXEMPTION GRANTED BY TOWN COUNCIL

The minor exemption granted by the Town Council applies only to the derogatory part of the building in question and does not grant any acquired rights. The right to a minor exemption is terminated when the building in question is demolished or destroyed in a ratio of fifty per cent or more of its valuation role as of the day preceding the event.

CHAPTER III

15. EFFECTIVE DATE

This by-law takes effect in accordance with the law.