



City of Pointe-Claire
Construction By-Law

By-Law number PC-2786
In force on October 5, 2011

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1.1 Title and Coming into Force

- a) This by-law shall be the "Construction By-Law of the City of Pointe-Claire."
- b) This by-law shall come into force according to law.

1.2 Adoption by Parts

Council hereby declares that it adopts this by-law part by part, such that any judgment rendered by a court to the effect that any part hereof is null and void shall have no effect on any other part contained herein.

1.3 Repeal

This by-law repeals By-Law 2495C together with all its amendments. By-Law 2495C, as amended, shall nevertheless remain in force and shall be applied in full with respect to any case in which any natural or legal person is in violation, on the date the present by-law comes into force, of one or more of the provisions of By-Law 2495C; furthermore, the repeal of By-Law 2495C shall not have effect with respect to permits legally issued under its provisions, nor shall the repeal affect acquired rights existing prior to the present by-law coming into force.

1.4 Persons and Area Subject to Application of this By-Law

Compliance with the provisions of this by-law is incumbent on both natural and legal persons under public or private law and said by-law shall apply to the entire area within the limits of the City of Pointe-Claire.

1.5 Activities Covered

- a) Anywhere within the limits of the City of Pointe-Claire, no structures shall be erected, moved, repaired, modified, enlarged, installed, demolished or used, the use of no structures shall be changed, and no dwelling units shall be subdivided unless done in conformity with the provisions of this by-law.
- b) This by-law applies to the design, construction and occupancy of new buildings, and to the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings.
- c) Where a building or any part thereof is altered, this by-law applies to the parts of the building that are altered.
- d) This by-law applies where the whole or any part of a building is relocated either within or into the municipality.
- e) When the whole or any part of a building is demolished, this by-law applies to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies remaining after demolition are corrected.

- f) When a building is damaged or demolished by fire or other causes, the present by-law and the appropriate regulations in the Fire Prevention By-Law apply to the work necessary to reconstruct damaged portions of the building.
- g) When an unsafe condition exists in or about a building, this by-law and the appropriate regulations in the Fire Prevention By-Law apply to the work necessary to correct the unsafe condition.
- h) When the use of a building or any part thereof is changed, this by-law applies to all parts of the building affected by the change.
- i) This by-law does not apply to:
 - public works located on a street or on a public transit right of way;
 - hydroelectric dams and structures or flood control structures;
 - mechanical or other equipment and devices not specifically regulated in this by-law;
 - accessory buildings that are not greater than 12 square metres (129.2 square feet) in building area and that do not have a foundation, as described in paragraph 3.1 e), provided they do not create a hazard.

1.6 Compliance with Other Laws, Regulations or Servitudes

- Compliance with this by-law shall not diminish the obligation of complying with any other law or regulation in force including, in particular, the [Civil Code of Québec](#) and any other law or by-law governing the matters governed by this by-law.

1.7 Violations, Penalties and Recourse

- a) Commits an infraction to this by-law:
 - i) whoever fails to comply with any order or notice issued by the Director, or whoever allows a violation of this by-law to continue;
 - ii) whoever works on or authorizes or allows work to proceed on a project for which a permit is required when no valid permit exists for the work being done;
 - iii) whoever deviates from the accepted plans and specifications forming a part of the building permit, or omits or fails to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained in writing the approval of the Director to do so;
 - iv) whoever, having authority in the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a building causes, allows or maintains any unsafe condition;
 - v) whoever excavates, undertakes work on, over or under public property, or erects or places any construction or work, or stores any materials thereon, without approval having first been obtained in writing from the appropriate government authority;
 - vi) whoever allows the property boundaries of a building lot to be so changed as to place a building or part thereof in contravention of this by-law, unless the building or part thereof is so altered, after obtaining the necessary permit, so that no contravention will occur as a result of the change of the property or accepted grades;
 - vii) whoever knowingly submits false or misleading information.
- b) Anyone contravening a provision of this by-law, or tolerating or permitting such a contravention, commits an infraction and is liable to the following fines, with costs:

- i) for a first infraction: a minimum of \$100 and a maximum of \$1,000 if the offender is a natural person or a minimum of \$100 and a maximum of \$2,000 if the offender is a legal person;
 - ii) for a repeat infraction: a minimum of \$200 and a maximum of \$2,000 if the offender is a natural person or a minimum of \$200 and a maximum of \$4,000 if the offender is a legal person.
- c) Every day that the violation persists shall constitute a separate violation, and the penalty levied for such violation may be applied for each day that the violation continues.
 - d) The Director and any peace officer shall be specially designated to sign and issue any affidavit, statement of offence or any other document to give effect to recourse available to the City.
 - e) Notwithstanding the provisions of paragraph b), anyone contravening a provision contemplated in paragraph 1.9c) commits an infraction and is liable to a minimum fine of \$1,000, with costs, if the offender is a natural person and to a minimum fine of \$2,000, with costs, if the offender is a legal person. For a repeat infraction, the offender shall be liable to a minimum fine of \$2,000, with costs, if the offender is a natural person and to a minimum fine of \$4,000, with costs, if the offender is a legal person.
 - f) The provisions of paragraph b) above limiting the fine to \$2,000 (for a natural person) or to \$4,000 (for a legal person) for an infringement to the present by-law does not apply in the case of the demolition of an immovable that could be declared cultural property or that is situated in a territory that could be declared a historic or natural district if such immovable is subject to a prohibition of demolition according to section 96.1 of the [Cultural Property Act](#); in such a case, the maximum fine is twenty-five thousand dollars (\$25,000).
 - g) In addition to obtaining recourse by imposing penalties, the City may, before the Courts entertaining jurisdiction, exercise any legal recourse against any natural or legal person, owner, tenant or occupant, to enforce compliance with the provisions of this by-law, including, among others, for purposes of preventing or halting the use of land or buildings or the building of structures not compliant with the provisions of this by-law or, if necessary, procuring the demolition of any structure built in violation of the present by-law.

1.8 Interpretation

- a) Unless specifically stated otherwise, unless the context indicates a different interpretation, or unless the Quebec Construction Code indicates a different interpretation, the expressions, terms and words defined in [Appendix 1 of Zoning By-Law PC-2775](#) shall be given the meaning and application assigned to them in the said Appendix 1.
- b) Irrespective of the tenses employed in any of the provisions contained in this by-law, such provisions shall be considered to have effect during any period or under any circumstances in which they may apply.
- c) In this by-law, use of the masculine shall include the feminine, unless otherwise indicated by the context in which it is used.
- d) In this by-law, use of the singular shall include the plural, unless the context indicates otherwise.
- e) All dimensions and measures employed herein are given in the international (metric) system, accompanied at times with their equivalents in imperial dimensions and measures given between parentheses; equivalences in imperial dimensions and measures are given for purposes of

information only; dimensions or measures of the metric system shall prevail in the event of any contradiction between the two systems.

- f) All plans, appendices, tables, charts, diagrams, graphs and symbols and all forms of expression other than the text proper and contained herein, with the exception of the Table of Contents and text headings, shall form an integral part hereof.
- g) In case of contradiction between the French version and the English version of this by-law, the French version shall prevail.

1.9 Permits and Certificates

Some of the activities listed in article 1.5 above are subject to the issue of a permit or certificate of authorization by the Director; the conditions governing the issue of permits and certificates are stipulated in the Permits and Certificates By-Law of the City of Pointe-Claire.

2.1 Quebec Construction Code

- a) No building permit required in accordance with this by-law may be issued unless the application is in conformity with the provisions of the current version of the Quebec Construction Code.
- b) The use of a building may be changed only if the new use conforms to the provisions of the current version of the Quebec Construction Code.
- c) The Quebec Construction Code forms an integral part of this by-law. Subject to the special provisions contained in the present by-law, the provisions of the Code are deemed to be part of the present by-law as if herein set forth at length.
- d) Forthcoming amendments to the Quebec Construction Code form an integral part of this by-law without it being necessary to adopt a new by-law for each amendment brought about in this way; however, each of these amendments shall come into force only on the date determined each time by a resolution of Council.
- e) In the present by-law, whenever a provision refers to the Quebec Construction Code, only the standards of this Code referring to the following objects shall apply:
 - i) standards referring to the materials to be used and the manner of assembling them;
 - ii) standards referring to strength, public health, safety or insulation for any structure.

2.2 Site Preparation

- a) A building permit gives the contractor the right to install and keep on site, during the execution of construction work, cranes, freight elevators, offices, sheds, workshops and any other structures, equipment or devices required to perform the work. These structures, equipment and devices shall be removed within thirty (30) days following completion of the construction work. When work is done less than 2 metres (6.6 feet) from the street right-of-way, or when the Director deems it appropriate, worksites shall be closed on the side of the street and all measures shall be taken to ensure public safety. The owner shall be responsible for any accidents, bodily harm or damages to public or private property that occur as a result of the work.
- b) Any excavation exceeding 610 millimetres (2.0 feet) in depth shall be surrounded with a temporary fence made of a sturdy material at least 1.5 metres (4.9 feet) in height in order to ensure public safety at all times.
- c) Any demolition project for a main building or any demolition project for an accessory building intended for industrial, commercial or public use shall be surrounded with a temporary fence made from a sturdy material at least 1.5 metres (4.9 feet) in height.
- d) The City may require any holder of a construction permit or certificate of authorization, at the expense of the holder, to install a protective cage around certain trees during construction.
- e) All worksites shall be kept clean at all times. The street shall be cleaned on a regular basis, and debris deposited in a container designated for this purpose or sent to an authorized landfill or reclamation site.

- f) During construction, no building materials or debris may be deposited in a ditch. It shall be the responsibility of the owner to maintain existing drainage facilities during construction.

2.3 Management of the Project

- a) Before the commencement of any work, the owner shall give the Director a written notice stating the name, address, email, fax number and telephone number (24 hours) of:
- the contractor or any other person responsible for the work;
 - the engineer or architect supervising the work;
 - any inspection or testing company in charge of monitoring the work.

Furthermore, during construction, the owner shall inform the Director in writing when any of these people are replaced or when their contract ends, as soon as any such situation occurs.

- b) To enable inspection of the work on the worksite, the owner shall inform the Director:
- of the date at which the work will begin;
 - when a foundation wall has been laid, before the excavation is backfilled;
 - when work requiring inspection is to be completed or covered;
 - of any plans to perform work that must be inspected before the end of the construction;
 - when all work is completed and final inspection can take place.
- c) The owner shall give the Director any other notice required under the present by-law.
- d) When required by the Director, the owner shall uncover and recover, at the owner's expense, any work that was covered in violation of an order issued by the Director.

2.4 Inspections

- a) The building permit or certificate of authorization shall be displayed on the worksite, in a conspicuous location visible from the street for the entire duration of the work.
- b) The owner shall allow the Director access to the building or worksite, at any reasonable time, for the purpose of administering and enforcing this by-law.
- c) The drawings, specifications and other documents required for the proper understanding of the construction or its planned use and based on which the building permit was issued shall be available on the worksite at all times during normal working hours so the Director can examine them.

2.5 Tests and Inspections

The owner shall perform or have performed, at the owner's expense, tests or inspections as necessary to prove compliance with these requirements and shall promptly file a copy of all such test or inspection reports with the Director. The owner shall also keep a copy of such test or inspection reports available on the worksite, for inspection by the Director, during the construction period and for such a period thereafter as required by the Director.

2.6 Certificate of Location of the Foundation

As required by the Permits and Certificates By-Law, the owner shall file with the Director, upon completion of a foundation, a certificate of location prepared by a Quebec land surveyor; this

requirement is mandatory in the case of a new building and shall be provided, upon the request of the Director, in the case of an addition or improvement to an existing building.

2.7 Private Driveways and Obstruction of Ditches

If a culvert needs to be installed or replaced, it shall be installed or replaced at the expense of the owner by the City of Pointe-Claire and in accordance with the by-law respecting the applicable standards for the construction, maintenance, installation and replacement of culverts as well as the piping of front yard ditches.

2.8 Unoccupied, Hazardous, Unfinished, Unused or Burnt Constructions

- a) Any unoccupied, hazardous, unfinished, unused or burnt construction shall be suitably closed, barricaded or demolished in order to prevent accidents. If the construction is not demolished, existing fire protection systems shall be maintained in operable condition at all times.
- b) Any excavation or foundation that is not intended for immediate use on the site of an unfinished, demolished, burnt or moved construction shall be surrounded with a temporary fence made of a sturdy material at least 1.5 metres (5.0 feet) in height in order to ensure public safety at all times.
- c) Any burnt construction shall be demolished, the foundations demolished or filled entirely, and the site cleared within three (3) months following the fire, unless the property owner has decided to restore the construction; in this case, the renovation work shall be started within six (6) months following the fire. Furthermore, during the period between the fire or the demolition and the beginning of the restoration work, the construction shall be suitably closed or barricaded, or, if necessary, surrounded with a fence, conforming to the provisions of paragraph b) above.
- d) If, within forty-eight (48) hours from notification a property owner does not conform to a notice given by the Director relating to the provisions of paragraph a), b) or c) above, the protective work required shall be done by the City at the expense of the property owner and even so the City does not give up its recourses as allowed in article 1.7 of the present by-law.

2.9 Other Responsibilities of the Owner

- a) The owner is responsible for the cost to repair any damage to public property or works located thereon that may occur as a result of work undertaken on the owner's behalf.
- b) The owner shall not deviate from the provisions of this by-law or from the conditions of the permit or omit work required by the provisions of this by-law or the conditions of the permit without first obtaining from the Director permission in writing to do so.
- c) The owner shall not carry out any work at variance with or not indicated on the documents filed with the application for a building permit, without first obtaining from the Director permission in writing to do so.
- d) The owner shall make sure that no unsafe conditions prevail or will prevail because of the work being undertaken or not completed, should occupancy occur prior to the completion of any work being undertaken that requires a permit.
- e) When required by the Director, the owner shall provide a letter to certify compliance with this by-law and the requirements of any permits required.

- f) The granting of a permit, the approval of drawings and specifications and the inspections performed by the Director shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with this by-law.
- g) When a building or a part thereof is in an unsafe condition, the owner shall forthwith take all necessary actions to put the building in a safe condition. Notwithstanding any such measures, the owner shall remain responsible for the safety of the premises at all times.

2.10 Other Responsibilities of the Contractor

- a) The contractor shall ensure compliance with all construction safety requirements of this by-law.
- b) The contractor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the appropriate government authority.
- c) The contractor is responsible jointly and severally with the owner for any work actually undertaken.

2.11 Responsibilities of the Director of the Planning Department

The duties and responsibilities of the Director are stipulated in the Permits and Certificates By-Law.

Additional Provisions

Notwithstanding any provision of the Quebec Construction Code to the contrary,

3.1 Foundations

a) Continuous cast-in-place concrete foundations

Subject to paragraphs 3.1 b) to 3.1 e), all constructions shall be erected on a continuous cast-in-place concrete foundation. The exposed surface of a foundation wall shall be covered with parging.

b) Concrete block foundations

Foundation walls made of concrete blocks are authorized for buildings with no basement or with a crawl space whose lower part is at the same height as or higher than the adjacent ground level.

c) Constructions on piles and posts

Part of a building may be erected on piles, and unless it is built above a porch, a portico or a veranda, it shall meet the following conditions:

- i) The pile foundations shall be designed by a member of the Ordre des ingénieurs du Québec or of the Ordre des technologues professionnels du Québec.
- ii) The height of the said part of the building or of the said extension shall not exceed two (2) storeys.
- iii) The height of the ground floor shall not be more than 1.5 metres (4.9 feet) above the average adjacent ground level.
- iv) The space under the level of the ground floor shall be screened with facing materials. In the case of stairs, solid risers shall be placed between the treads.
- v) If an existing carport is erected on posts, it shall not serve to support an additional storey and it may not be transformed or used as an enclosed extension of the main building.

d) Special foundations

Notwithstanding the provisions of paragraph f) below, in the case where a building is to be erected on:

- land reclaimed from a river or a lake,
- soil containing gypsum or other similar material,
- a swamp or marsh,
- any other soil that differs from a standard construction soil,

a report shall be produced by a recognized firm specializing in soil testing; such report shall describe the condition of the soil at the precise location of the planned construction and shall prescribe the appropriate methods of construction with regard to the soil condition.

e) Foundations of accessory buildings

Any accessory building with a floor area of more than 12 square metres (129.17 square feet) shall be built or installed on a slab on grade or on permanent foundations under frost level. For a detached garage, the slab shall be a structural concrete slab.

f) Minimum depth for foundations

Minimum depth for foundations is set at 1.37 metres (4.5 feet) under finished grade.

g) Thickness of foundation walls

Foundation walls shall not be less than 250 millimetres in thickness, regardless of the height of the finished grade above the basement floor; however, the minimum thickness is 200.3 millimetres if the wall is reinforced horizontally with a 12.7-millimetre steel bar at the top and the bottom of the wall. Any other design shall be prepared by a member of the Ordre des ingénieurs du Québec or a member of the Ordre des technologues professionnels du Québec.

3.2 Party Walls and Retaining Walls

a) Party walls

A party wall shall be built to conform to the Quebec Construction Code, article 9.10.11.3. Any semi-detached buildings or townhouses shall be built simultaneously. It is not permitted to build the first of a pair of semi-detached buildings without building the second.

Sentence 3.1.10.2(4) of the Quebec Construction Code is repealed.

For any multi-tenant industrial building, each single room or series of rooms of complementary use occupied by a single occupant (tenant or owner), shall be separated:

- i) vertically from the other single rooms or series of rooms of complementary use occupied by another occupant (tenant or owner) by a fire separation built of 20 centimetres (8 inches) wide concrete blocks with a fire-resistance rating of 2 hours and a height of at least 3.66 metres (12 feet); for a building with more than one storey, the height of the concrete block fire separation shall extend to the top of the floor of the first storey. The remainder of the vertical separation shall extend to the underside of the roof and shall be made of noncombustible materials with a fire-resistance rating of 2 hours. There shall be no penetrations in this separation, except those permitted in subsection 3.1.8 of the Quebec Construction Code. Any steel columns or framework located in said fire separation shall be protected so as to maintain the 2-hour fire-resistance rating;
- ii) horizontally from the other single rooms or series of rooms of complementary use occupied by another occupant (tenant or owner) by a fire separation with a fire-resistance rating of 2 hours. Load-bearing arches shall be protected with the same 2-hour fire-resistance rating.

b) Retaining walls

The wood used in a retaining wall shall conform to standard CAN/CSA O80 SERIES-08 - Wood Preservation.

3.3 Exterior Smoke Stacks and Heating Systems

a) Smoke stacks

Prefabricated smoke stacks installed on the exterior of a building are prohibited on the front facade of any building, except for the section that normally protrudes from the roof.

b) Heating systems

- i) No building shall have as its principal heating system a solid fuel burning furnace.
- ii) For any secondary heating system utilizing solid fuel, the installation shall be certified by the EPA (Environmental Protection Agency) or CAN/CSA B415.1 (Performance Testing of Solid-Fuel-Burning Heating Appliances). A certificate of conformity issued by the installer or contractor shall be submitted when construction is complete.
- iii) Buildings containing more than one apartment or dwelling unit shall be heated by a central heating system using a fuel other than a solid fuel, or by individual electrical heating systems in each apartment or dwelling unit.

3.4 Fire Protection and Safety

a) Non-combustible elements and fire protection:

- i) Subject to the provisions of subparagraphs ii) to vi) below, any new building, or addition or modification (renovation) of an existing building made of combustible or noncombustible materials (as defined in the Quebec Construction Code), anywhere within the limits of the City of Pointe-Claire, shall be of noncombustible construction (as defined in the Quebec Construction Code), except as provided by subsection 3.1.5 of the Quebec Construction Code;
- ii) Within the Village Sectors (as identified in the City's [Zoning Plan](#)), any extension or any modification (renovation) of an existing building of combustible construction may be constructed of combustible materials, if permitted by the Quebec Construction Code;
- iii) Within the Village Sectors (as identified in the City's [Zoning Plan](#)), any stairway leading from the ground floor to the first floor and any ramp, deck or other similar structure may be constructed of combustible materials, if permitted by the Quebec Construction Code;
- iv) Buildings used for major occupancies belonging to Group B, Division 2, shall have a 2-hour fire-resistance rating for floor assemblies, garbage chutes, locker rooms, common areas and any other areas required in the Construction by-law, as well as a 1-hour fire-resistance rating for mezzanines and roof assemblies and a fire-resistance rating at least equal to that required for the supported assembly for all load-bearing walls, columns and arches;
- v) Any Group C building of 3 storeys or more, other than detached single-family houses, semi-detached houses, contiguous row-houses, duplexes, triplexes and quadruplexes, shall conform to the provisions of subparagraphs i) to iii) and x) to xiii); they shall also be equipped with an elevator in compliance with the Quebec Construction Code;
- vi) All detached single-family houses, semi-detached houses, contiguous row-houses, duplexes, triplexes and quadruplexes shall conform to the provisions of paragraphs vii) to ix) below for floor assemblies and garages;
- vii) Standard wood joists shall be protected at all levels with a Type C gypsum board with a minimum thickness of 19.7 millimetres (5/8 inches) or with any other material with an equivalent fire-resistance rating;

- viii) All other types of joists shall be protected at all levels with a Type C gypsum board with a minimum thickness of 19.7 millimetres (5/8 inches) or with any other material with an equivalent fire-resistance rating; furthermore, all floor cavities for all levels shall be separated by a compartmentalized firewall with a maximum area of 20 square metres (215 square feet), with a Type C gypsum board with a minimum thickness of 19.7 millimetres (5/8 inches) or with any other material with an equivalent fire-resistance rating;
- ix) The interior walls of attached garages, when adjacent to a habitable room, shall be protected with a Type C gypsum board with a minimum thickness of 19.7 millimetres (5/8 inches) or with any other material with an equivalent fire-resistance rating;
- x) Any new building, with the exception of industrial gatehouses, any building used only to shelter public utility equipment, accessory buildings for commercial, industrial or public use, detached single-family houses, semi-detached houses, contiguous row-houses, duplexes, triplexes and quadruplexes, shall be equipped with an automatic sprinkler system in conformity with article 3.2.5.13 of the Quebec Construction Code; the automatic sprinkler systems of existing buildings shall be maintained in operable condition.
- xi) Extensions to a non-sprinklered building shall require the installation of such a system in the existing part of the building as well as in the extended part, if it is required by any of the provisions of the Quebec Construction Code;
- xii) Extensions to a sprinklered building shall include the installation of such a system into the extended part of the building in compliance with article 3.2.5.13 of the Quebec Construction Code;
- xiii) Fire protection system:
 - Except for fire protection systems containing fewer than nine (9) sprinkler heads, two separate lines, from the City's water main to the building, are required for domestic water supply and fire protection water supply;
 - Any fire hose connection included in the fire protection system of a building shall be connected to the alarm system.

b) Exits

Every house, every dwelling unit and every apartment shall have two (2) separate and independent exits. For a single-family townhouse, a secondary exit located at the rear of an interior unit does not have to provide direct access to a public thoroughfare. None of these exits may:

- i) pass through an attached or built-in garage; furthermore, for a condominium-type townhouse, the exit cannot pass over a shared lane or garage with a roof not made of a concrete slab;
- ii) pass through a room or dwelling unit that is not under the immediate control of the dwelling unit served by such exit.

c) Maximum occupancy load for a building or for a part of a building

For any new use and for all existing uses for which a modification of the occupancy load is requested, the maximum occupancy load of a building or of a part of a building shall be equal to the lesser of the occupancy loads based on:

- i) article 3.1.16.1 of the Quebec Construction Code, or;

- ii) criteria established by the Quebec Construction Code with respect to available means of egress, or;
- iii) criteria established by the Quebec Construction Code with respect to the available sanitary equipment, or;
- iv) the number of available parking spaces for this building or part of a building.

3.5 Other Provisions

- a) Tents and air-supported structures

Except in the case of a special event authorized by resolution of Council, tents and air-supported structures are prohibited.

- b) Temporary roof over a terrace

It is permitted to install a temporary roof over all or part of a terrace used for commercial purposes; this roof shall be made of wood and may be supported by posts that may or may not rest on a permanent foundation; it is not required that the part of the terrace covered by such a roof be protected by an automatic sprinkler system.

- c) Fortification or protective elements

- i) Prohibition of fortification or protective elements according to the use of the building

The use of any fortification or protective element shall be prohibited in any building used, in whole or in part, for any of the following uses:

- residential;
- hotel;
- restaurant, caterer;
- bar, brasserie;
- auditorium;
- erotic establishment;
- club, as defined pursuant to the [Act respecting liquor permits](#);
- dance hall;
- meeting hall;
- socio-cultural or community activity;
- office;
- physical activity centre;
- amusement arcade;
- billiard room;
- recreational games establishment.

For any other use than those contemplated in the first paragraph, the use of any fortification or protective element shall be prohibited whenever the use of one or many of these elements is not justified in view of the use and the activities that take place in the building, in view of the value of the properties or heritage it shelters or in view of the necessity to protect life, health or public safety.

Without limiting the generality of the foregoing, financial institutions, foreign exchange offices, government buildings, jewellery stores, museums, art galleries or dangerous or toxic products laboratories are deemed to justify the use of one or many fortification or protective elements.

ii) Application to existing buildings

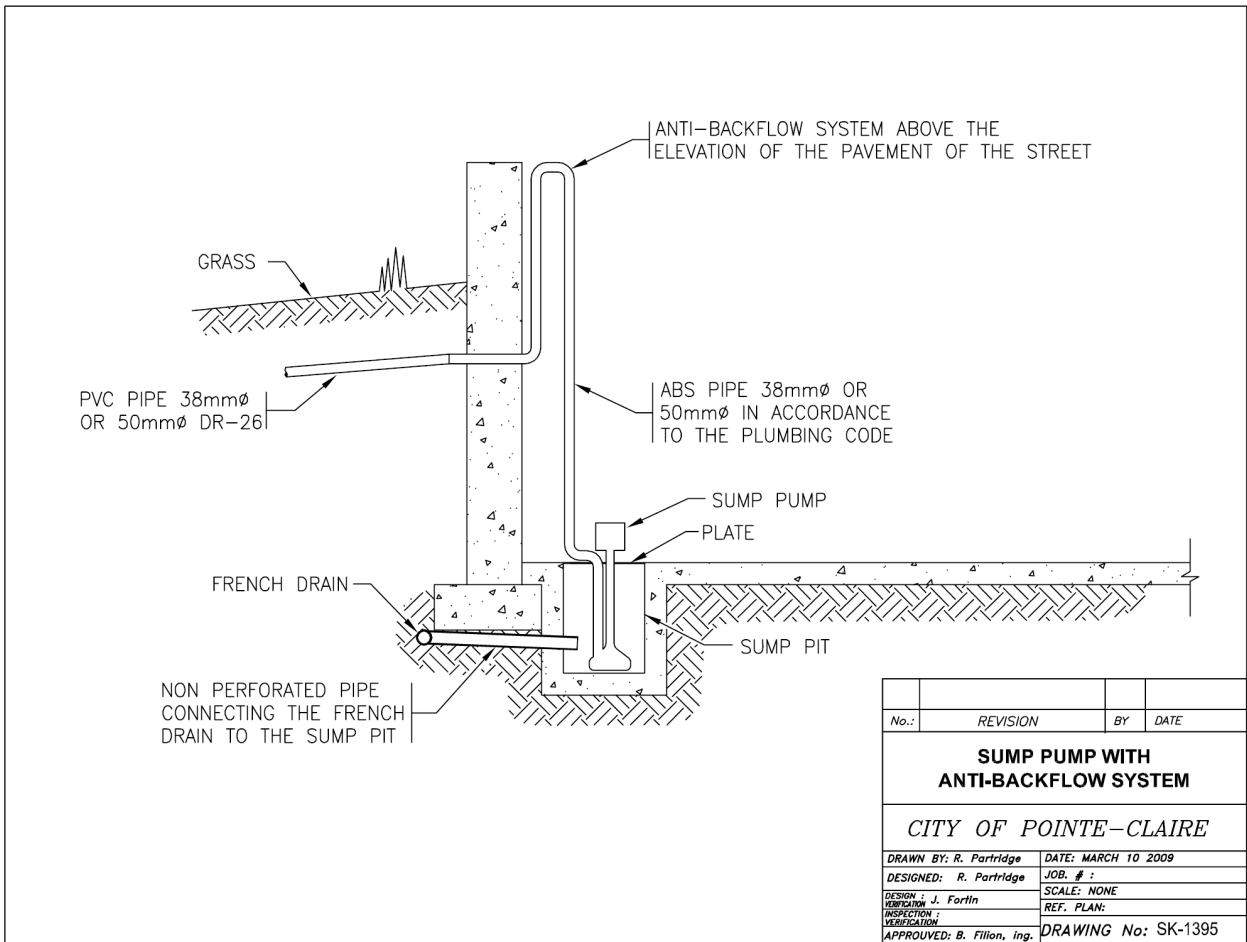
Any building existing on the (day of the coming into force of the by-law) that is not in conformity with the present by-law shall be brought into conformity no later than six (6) months after said date.

4.1 Storm Drainage and Sewer Systems

- a) Every landsite shall be equipped with a drainage system or slope in such a way that storm water will drain towards the public thoroughfare or towards a ditch.
- b) All private sanitary sewers shall be connected to a public sanitary sewer.
- c) All private storm sewers shall be connected to a public storm sewer or, if this is technically impossible, in a manner authorized by the Director.
- d) All private subsoil drains shall be connected to a storm sewer.
- e) Any private sanitary sewer discharging solids, liquids or gases that might damage or deteriorate the public sewer system or that might prevent it from operating properly shall be equipped with a treatment system, at the owner's expense, that intercepts the effluent prior to its discharge in the public sewer and that treats such effluent in order to eliminate any risk of damage to the public sewer system.
- f) In the case where a treatment system installed according to paragraph e) above is not efficient, an interception system for the said product(s) shall be installed.
- g) In the cases covered by paragraphs 4.1 a) and 4.1 b), where waste water is at a temperature higher than 65°C (149°F), a cooling system shall be installed to lower the temperature of the effluent below 65°C (149°F) before it is discharged in a public sewer.
- h) Garbage grinding or reducing units may not be installed or used on a plumbing system that discharges in a public sewer.
- i) Any detached residential garage equipped with a floor drain or served by an aqueduct shall be equipped with a sanitary sewer connected to the house sewer.

4.2 Protection Against Backflows

- a) In order to prevent backflows, any connection to a public sanitary, storm or combined sewer shall be equipped with a back-flow valve, in compliance with the provisions of the Quebec Plumbing Code.
- b) Any rain water disposal, for any residential building, to the storm drainage system shall be done with a submersible pump; its installation shall be in compliance with sketch SK-1395 below.



c) Any back-flow valve shall be maintained in good working condition by the owner.

4.3 Water Supply

Within the limits of the City of Pointe-Claire, water management shall comply with the provisions of By-Law 2552 (and its amendments).

4.4 Precautionary Standards in Floodplains

For constructions, structures and other work in certain floodplains authorized in special circumstances, the following precautionary standards, adapted to the context of the work to be carried out, shall apply:

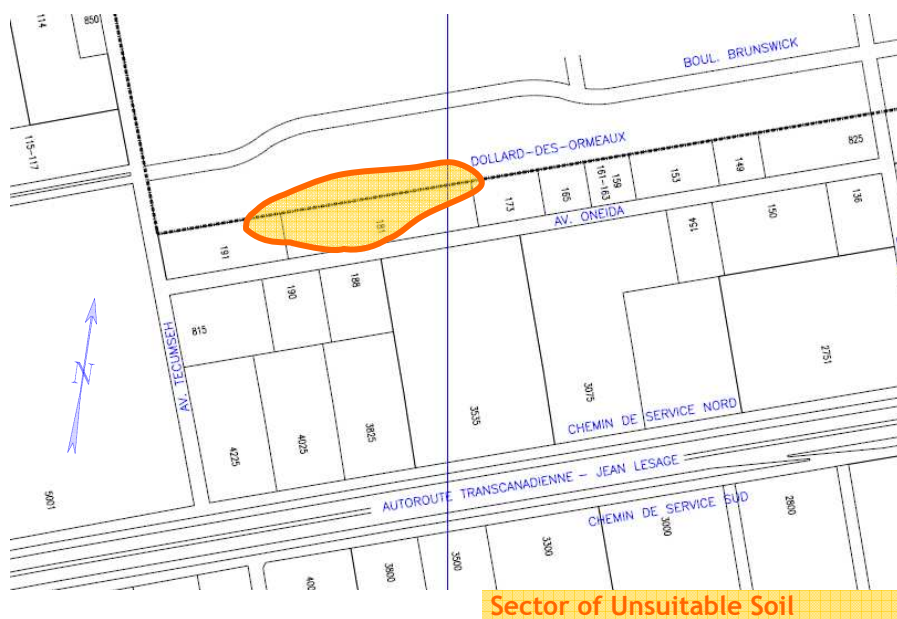
- a) No opening (window, basement window, door giving access to a garage, etc.) shall be permitted beneath the 100-year flood level mark;
- b) No ground floor may be located at or beneath the 100-year flood level mark;
- c) Evacuation drains shall be equipped with a back-flow valve;
- d) Any structures or parts of structures built beneath the 100-year flood level mark shall require approval by a member of the Ordre des ingénieurs du Québec. A study shall be performed to

demonstrate the capacity of the structures to withstand flooding and shall include calculations with respect to:

- i) waterproofing,
 - ii) structure stability,
 - iii) required reinforcement framing,
 - iv) pumping capacity for infiltration water evacuation,
 - v) concrete compressive and tensile strengths;
- e) Backfilling shall be done only to protect the immediate area around the construction or the structure and shall not extend to the entire worksite. The average slope, from the top of the fill adjacent to the construction or the structure protected to the bottom of the fill shall not be lower than 33.33% (1:3 vertical to horizontal ratio);
- f) A certificate of conformity for the installation, prepared by the engineer, shall be submitted when work is complete.

4.5 Sector of Unsuitable Soil Conditions

In the sector of unsuitable soil conditions, as shown on the following drawing, no construction shall be authorized unless said construction meets the following conditions:



- a) that geotechnical readings be taken by a qualified person or firm to determine and identify the presence of underground gases, the possibility of unstable soil, soil aggressiveness due to the presence of sulphates and/or the presence of dangerous substances;
- b) that, following readings made in conformity with paragraph a) above, recommendations be made in respect to the appropriate measures to be taken to render the site suitable for construction;
- c) that recommendations made in pursuance of paragraph b) above be applied;

- d) that the whole project and file related to the geotechnical readings be referred to the Ministère du Développement durable, Environnement et Parcs du Québec so that written permission from the Minister be obtained in conformity with section 65 of the [Environment Quality Act](#).

4.6 Retention of Rainwater on Private Properties

- a) Rainwater shall not drain into the municipal drainage system (pipe or ditch) at a rate exceeding 10 litres per second and per hectare, calculated on the basis of a flood recurrence interval of one in 25 years.
 - b) When a new structure is erected, when an existing structure is enlarged, when an accessory building is erected or when an area of land is paved with asphalt, concrete or another material, the owner of the property shall install and maintain, on this property, a rainwater retention control system that prevents any run-off exceeding the maximum determined by paragraph a) above.
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5.1 Non-Conforming Structure

A non-conforming structure shall be considered to be any structure that contravenes one or more of the provisions of this by-law but that already existed when this by-law came into effect, or the construction of which was not completed when this by-law came into effect but for which a construction permit, in conformity with the provisions of the by-laws repealed herein, had been issued prior to this by-law coming into effect provided that such permit remains valid.

5.2 Acquired Rights

A non-conforming structure shall not enjoy acquired rights unless it existed before the date a building by-law in the City of Pointe-Claire came into effect, or unless a permit was already legally issued for it under a construction by-law predating the present by-law.

5.3 Repairs, Improvement or Extensions to Non-Conforming Structures

- a) A structure that is non-conforming to this by-law may be repaired, improved or even extended, but only insofar as it does not become more non-conforming as a result.
- b) A structure that is non-conforming to this by-law may be extended, but only insofar as the extension is made in conformity with this by-law.
- c) A non-conforming structure that has been modified to render it conforming shall not be rendered non-conforming again.

5.4 Replacement of the Use of a Non-Conforming Structure

A non-conforming use of a structure shall not be replaced other than by a conforming use.

5.5 Termination of Acquired Rights

- a) Should a structure non-conforming to this by-law be burned, demolished or damaged in any other way, to a point where it has lost more than 50% of the value ascribed to it by the valuation role (or more than 50% of its market value as established by a chartered appraiser belonging to the Ordre des évaluateurs agréés du Québec), it shall not be rebuilt, restored or reused other than in conformity to this by-law.
- b) Should a non-conforming use of a structure be abandoned, cease to function or be interrupted for a period of twelve (12) consecutive months, or in the event that it is replaced by a conforming use, the owner of the acquired right pertaining to this non-conforming use shall be presumed to have relinquished it, and any subsequent use of the same property or structure shall conform to this by-law.

5.6 Coming into force

The present by-law comes into force according to the Law.

Bill McMurchie, Mayor

Jean-Denis Jacob, City Clerk

