



City of Pointe-Claire

By-Law on Permits and Certificates

In force on June 1st, 2011

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1.1 Title and coming into force

- a) This by-law shall be the “Permits and Certificates By-Law of the City of Pointe-Claire”.
- b) This by-law shall come into force according to law.

1.2 Repeal

Permits and Certificates By-Law 2513, as amended, is repealed.

By-Law 2513 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 of one or more provisions of this by-law on the date that the present by-law comes into force,

Furthermore, the repeal of the aforementioned by-law shall not affect the permits and certificates legally issued under its provisions, nor shall it affect acquired rights existing prior to the present by-law coming into force.

1.3 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](#).

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.

Notwithstanding the foregoing, the requirement to obtain a permit or certificate is not incumbent on the City of Pointe-Claire for works carried out on public land and municipal parks, nor for works carried out on private property which are necessary as a consequence of the work carried out on public land. However, the requirement to obtain a permit is incumbent on the City for building or extending a public building. Exemption from the requirement to obtain a permit or certificate shall not diminish in any way the City’s obligation to comply with this by-law and any other applicable by-laws.

1.5 Violations, penalties and recourse

- a) Whoever contravenes any of the provisions contained in this by-law, or tolerates or allow such violation thereof is liable, in addition to the fees, to the following fine:
 - i) For a first offence: a minimum fine of \$100 and a maximum fine of \$1,000 if the offender is a natural person or a minimum fine of \$100 and a maximum fine of \$2,000 if the offender is a legal person;
 - ii) For a second or subsequent conviction: a minimum fine of \$200 and a maximum fine of \$2,000 if the offender is a natural person or a minimum fine of \$200 and a maximum fine of \$4,000 if the offender is a legal person.

- b) 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, occupant or contractor, to enforce compliance with the provisions of this by-law.
- c) When fortification or protective elements are added to a building, notwithstanding the provisions of paragraph a) above, whoever contravenes to paragraphs xi) or xii) of article 4.2 commits an infraction and is liable to a minimum fine of \$1,000, plus costs, if the offender is a natural person and of \$2,000, plus costs, if the offender is a legal person. For any repeated offence, the offender shall be liable of a minimum fine of \$2,000, plus costs, if he is a natural person and of \$4,000, plus costs, if it is a legal person

1.6 Interpretation

- a) Unless specifically stated otherwise, or unless the context 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 by their equivalents in imperial dimensions and measures indicated 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, except in the case of an obvious typographical error.
- f) All plans, appendices, tables, charts, diagrams, graphs, symbols and all forms of expression other than the text proper and contained herein shall form an integral part of this by-law, with the exception of the Table of Contents and the text headings.
- g) In the event of contradiction between the English and French versions of this by-law, the French version shall prevail.

1.7 Activities governed

No certificate of authorisation, building permit, certificate of occupancy or subdivision permit shall be issued for any property anywhere within the City of Pointe-Claire unless it conforms to the provisions of the present by-law.

2.1 Application of by-laws

- a) Administration of this by-law is entrusted to the Director of the Planning Department of the City of Pointe-Claire, whose duties and responsibilities are defined hereafter.
- b) Without restricting the scope of responsibilities which he may be entrusted with by the City Council, the Director shall see to the administration and enforcement of this by-law, and of the [Zoning By-Law](#), [Subdivision By-Law](#), [Construction By-Law](#), [Demolition By-Law](#), [SPAIP By-Law](#) and [Conditional Uses By-Law](#) of the City of Pointe-Claire.
- a) In case of absence of the director, he is replaced either by the Construction Division Manager or the Planning and Zoning Division Manager.
- b) Unless expressly indicated otherwise, the persons contemplated by the preceding paragraph are referred to in this by-law by the terms “Director of the Planning Department” or simply by the term “Director”.
- c) Notwithstanding paragraph a) above, in the case of the felling of a tree, the duties and powers of the Director of the Planning Department are attributed to the Parks and Horticulture Division Manager of the Public Works Department or to its authorised representative.
- d) The Director shall refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

2.2 Permits and certificates

The Director of the Planning and Building Department shall

- a) Study applications for permits and certificates and, if they comply with this by-law and all other applicable by-laws, issue the said permits and certificates;
- b) Keep a register of all permits and certificates issued or refused, including the reason for any refusal of a permit or certificate;
- c) Keep copies of all applications received, permit and certificates and ordinances issued, reports of tests and inspections carried out and all documents related to the application of this by-law and of all other by-laws he is responsible for applying;
- d) When required, refer to Council or to the Committee responsible for matters governed by this by-law;
- e) Keep a register of sums received for permits and certificates.

2.3 Inspection of worksites and buildings

The Director is empowered to

- a) Conduct inspections of work in progress in order to verify that it conforms to the by-laws and to the plans and specifications approved for the issuance of the permit or certificate; also, conduct inspections of existing structures when there is reason to believe that they might not conform to this by-law or to any other applicable by-law;

- b) Ensure that any property on which there is an excavation that poses a hazard to the public is adequately fenced;
- c) Ensure that no construction site or installation encroaches onto the public thoroughfare right-of-way or, where necessary under certain conditions, authorise temporary encroachment or certain operations in the public thoroughfare right-of-way;
- d) Conduct inspections of buildings which are, in his opinion, unsuitable for occupancy;
- e) Require that tests be conducted on materials, equipment, devices, construction methods or structural assemblies to be used or already in use for any structure, and reject or disallow the use of any material, equipment, device, construction method or structural assembly which does not meet the requirements of the by-laws;
- f) Require that tests of foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the foundation condition meets the requirements of the applicable by-laws.
- g) Keep up-to-date reports of inspections, violations and complaints lodged, and any other reference documents;

2.4 Powers of the Director and obligations of property owners, tenants, occupants and contractors

- a) The Director is empowered, upon presenting identification, to visit any premises and enter any building or structure being built, renovated, repaired, transported or demolished, in order to ensure that all provisions of applicable by-laws are complied with.
- b) The Director is empowered to require any owner or contractor, at said owner's or contractor's expense, to uncover any work or part thereof which has been covered prior to inspection.
- c) The Director is also empowered to enter, between 7.00 a.m. And 7.00 p.m., any property or building for any purpose of inspection when he considers there is reason to believe that the property or building is in an unsafe or defective condition due to fire or any other cause, or that the property or building is being used in a manner that contravenes this by-law or any other applicable by-law.
- d) The owner, tenant or occupant of said property or building, or the contractor, shall be obliged to receive the Director. Should access be refused, the Director shall report to the Director General, and the latter will authorise the visit should it deem the Director's reasons satisfactory.

2.5 Powers of the Director with regard to safety

- a) The Director may issue to the owner an order or notice in writing to correct any unsafe condition observed in any building.
- b) When any building, construction or excavation or part thereof is in an unsafe condition as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or otherwise, and when due notice to correct such condition has not been complied with, the Director, shall refer to Council, in order for the latter to proceed according to Law.

2.6 Violations

- a) The Director is empowered to order:
 - i) A person who contravenes this by-law or any other by-law he is responsible for applying to comply with it within the time period specified,
 - ii) Work to stop on the building or any part thereof if such work is proceeding in contravention of this by-law or any other by-law he is responsible for applying, or if there is deemed to be an unsafe condition,
 - iii) The removal of any unauthorised encroachment on public property,
 - iv) The removal of any building or part thereof constructed in contravention of this by-law or any other by-law he is responsible for applying,
 - v) The cessation of any occupancy in contravention of this by-law or any other by-law he is responsible for applying,
 - vi) The cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed, and
 - vii) Correction of any unsafe condition.
 - b) Whenever there is violation of this by-law or any other by-law he is responsible for applying, the Director is empowered to undertake recourse before the appropriate Court of justice.
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3.1 Certificate of authorisation requirement

- a) Throughout the City of Pointe-Claire, a certificate of authorisation shall be required in order to:
- i) Change the use or purpose to which a property or a structure is put,
 - ii) Move or demolish a building,
 - iii) Excavate the ground, or modify the configuration of a property through earthmoving,
 - iv) Carry out shore stabilization work or install a dock; or undertake a construction, build a structure or carry out works that are liable to modify the shore's vegetation cover, expose the soil, affect the shore's stability or encroach on the riverbed,
 - v) Undertake a construction, build a structure or carry out works in floodplains, that are liable to alter the water regime or that may have an impact on the free flow of water during flood periods, on plant or wildlife habitats or on the safety of persons or property.
 - vi) Develop a property in another way than by planting, seeding or laying down turf, or by repairing or resurfacing an area that is already paved,
 - vii) Fell a tree,
 - viii) Build a tennis court or any other permanent outdoor recreational facility,
 - ix) Install a fence or build a wall,
 - x) Build or install a swimming pool or a hot tub,
 - xi) Install a heat pump, an air conditioning system or another external mechanical equipment (other than the ones designed to be installed in windows or wall mounted with an area less than 0.4 square metres (4.3 square feet)),
 - xii) Installation of a propane tank,
 - xiii) Installation, removal or replacement of an underground reservoir or water, sewer or drainage pipes,
 - xiv) Commercial storage of portable propane containers for barbecues,
 - xv) Install a dish-type antenna more than 60 centimetres (2 feet) in diameter, another type of antenna or a tower for class "D" public utility use,
 - xvi) Construct, install or modify a sign, poster or billboard, other than the ones listed below, subject however to the provisions of [article 8.3 of Zoning By-law](#),
 - Municipal signs;
 - Signs indicating that a property, building or premises is for sale or rent, not exceeding 0.60 square metres (6.5 square feet) in area;
 - Directional signs not exceeding 0.5 square metres (5.4 square feet) in area;
 - Temporary signs for an election or for a public consultation;
 - Temporary signs authorised by a resolution from Council;
 - Credit card, Loto-Québec or STM posters, and signs with business hours;
 - Restaurant menus and show times;
 - Theatre and cinema bills;
 - Posters and placards installed behind a display window of a commercial establishment;

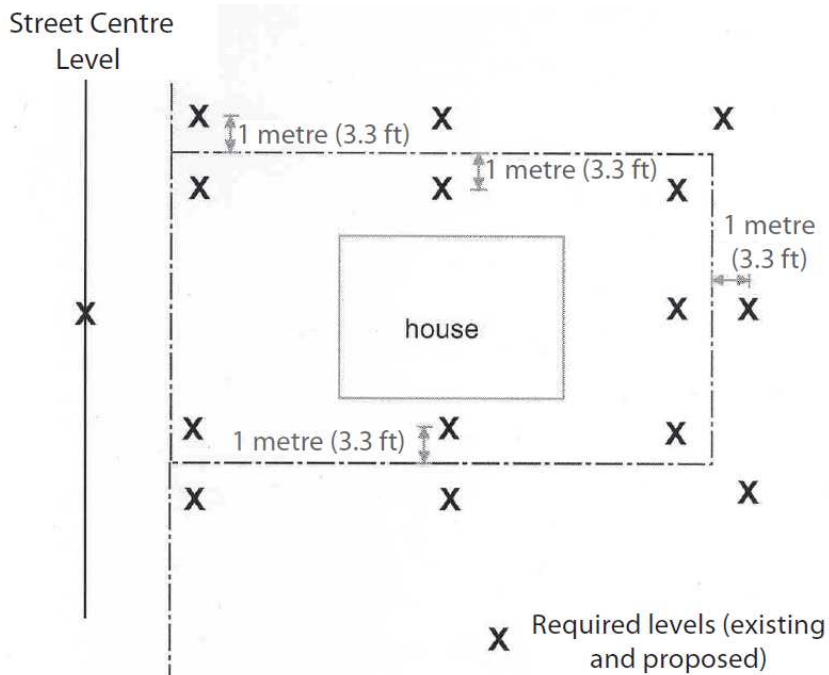
- Temporary signs for garage sales,
 - xvii) Install a temporary building,
 - xviii) Operate a commercial terrace,
 - xix) Operate a seasonal or occasional business, such as the sale of Christmas trees, flowers and landscaping material, or the garden centre of a mega home renovation centre.
- b) Certificates of authorisation shall not be required for regular maintenance or minor repairs such as indoor painting, interior renovations of esthetical nature, repairs of electrical, plumbing and central heating systems (or replacement by same) nor for any repairs as defined in [Appendix "1" of Zoning By-Law](#), provided that the works do not imply any modification to exterior forms, plan, structure or any other basic element of the building.
- c) Exemption from the requirement to obtain a certificate of authorisation shall not diminish in any way the obligation to comply with this by-law and any other applicable by-laws; or the obligation to obtain clarification from the Director in cases of uncertainty.

3.2 Application procedure for a certificate of authorisation

- a) All applications for a certificate of authorisation must be submitted to the Director in writing on forms provided by the City for this purpose, it must be signed by the owner of the property contemplated by the work, or by his authorised representative, and include the following information:
- The date of the application,
 - The family name, given name and address of the applicant,
 - A telephone number, a fax number and an e-mail address where the applicant may be easily reached.
 - The cost of the work.
- b) All applications for a certificate must be accompanied by the cadastral description and dimensions of the concerned lot or lots, details on the proposed work, its schedule and its estimated cost.
- c) All applications for a certificate of authorisation for an operation for which a permit, certificate or any other form of authorisation is required by virtue of the Law or a by-law or regulation of any other relevant authority, must be accompanied by a copy of all such authorisations unless delivery of the municipal certificate of authorisation is prerequisite to the issuance of the said permit, certificate or other form of authorisation.
- d) Where off-street parking is required, applications for a certificate of authorisation must be accompanied by a scale plan of the layout showing:
- i) The shape and dimensions of the parking spaces and lanes;
 - ii) The proposed number of projected spaces and the information needed to establish the number of parking spaces required in accordance with the provisions of [chapter 7 of the Zoning By-Law](#);
 - iii) The location of entrances and exits;
 - iv) The surface drainage system;
 - v) The design and location of directional signs;
 - vi) The design and location of hedges and fences.

- e) All applications for a certificate of authorisation to move a building within its own landsite must be accompanied by a location plan at a scale of 1:500 or better indicating, with dimensions, the position of the building before and after the move in relation to the boundaries of the property and, where applicable, to any other building on the same lot.
- f) All applications for a certificate of authorisation to move a building by using a public street must be accompanied by a location plan for the property onto which the building is to be moved, which meets the requirements described in paragraph e) above, as well as the following information:
 - i) A plan indicating the proposed route,
 - ii) The dimensions of the building and its approximate weight,
 - iii) The proposed date and time of the move,
 - iv) The name of the mover,
 - v) The probable duration of the move,
 - vi) Photographs of the building.
- g) All applications for a certificate of authorisation for undertakings or works to be carried out in the floodplain, as defined in [Appendix "1" of the Zoning By-Law](#), must be accompanied by a plan, to scale and prepared by a land surveyor, showing the land levels, the boundaries of the 2-year, 20-year and 100-year floodplains and the location of the proposed undertakings, structures or works.
- h) All applications for a certificate of authorisation for shore stabilization work must be accompanied by the following information:
 - i) A plan showing the location of the proposed structures or works on the landsite, the high-water mark and the riverbank protection area,
 - ii) Plans and specifications prepared by a professional in the field, indicating the proposed stabilization method, the material to be used and their method of assembly, the vegetation to be planted and plantation techniques, and the areas of embanking or exaction,
 - iii) As the case may be, a report prepared by a professional which will support the choice for the proposed structures or works, and will demonstrate that the slope, the nature or the soil and the conditions of the landsite are not favourable to the reestablishment of the vegetation cover and the natural aspect of the shore by means of seeding or planting of vegetation, scarifying work, levelling or adding arable soil,
 - iv) List and identification of all equipment to be used, proposed means of access and circulation on the site for the equipment and disposal site for excess material,
- i) All applications for a certificate of authorisation to improve the landsite of a property must be accompanied by a plan (or a sketch in the case of a single-family dwelling or duplex), at the scale of 1:50 or larger, showing
 - i) The property boundaries,
 - ii) All existing registered servitudes,
 - iii) The location of all existing and proposed structures on the landsite, including, as the case may be, any public utility poles and equipment, fire hydrants, mailboxes and signs located on the landsite or near the vehicular accesses in the street right-of-way,
 - iv) The location of the proposed trees, shrubs, walls, fences and other landscaping features,

- v) The ground-covering materials, with the dimensions of all existing and proposed paved areas,
- vi) The existing and proposed elevations. When the works result in the modification of the elevation of the landsite in relation to a thoroughfare, the existing and proposed elevations shall be measured at least at six different locations and shall be indicated as much as possible in accordance with the sketch shown hereinafter. These measurements shall be established in relation with the average elevation of the crown of any street to which such landsite is adjacent at least at one meter but without exceeding 2 meters from and along the property lines.



- vii) Any drainage ditch located in whole or in part on the landsite contemplated by the application or within 5 meters (16.4 feet) of same, and indicating the elevation difference between the water level and the top ridge of the ditch at the time of the application.
- j) All applications for a certificate of authorisation to fell a tree must state the reasons for which the tree must be felled, the safety measures to be taken during the operation to prevent any accident and to avoid any damage to neighbouring properties.
- k) All applications for a certificate of authorisation to install a fence or build a wall must be accompanied by the following information:
- i) The material of which the fence or the wall is to be made,
 - ii) The height of the fence or the wall,
 - iii) The location of the fence or wall on the property and the distances between it and other structures, buildings and property lines,
 - iv) All existing registered servitudes.
- l) All applications for a certificate of authorisation to build a retaining wall must be accompanied with a plan showing:
- i) The materials to be used in building such wall, their specifications and the manner in which they will be assembled.
 - ii) The details with respect to the manner by which the drainage system will be installed along the wall.
 - iii) The details with respect to the manner by which the wall is to be anchored.

Whenever the certificate of authorisation is applied for in order to build more than one retaining wall, as shown on cross section B-B of [article 5.3 a\) of the Zoning By-Law](#), the plan shall bear the seal and signature of the engineer or professional technologist who prepared it.

- m) All applications for a certificate of authorisation to build or install a swimming pool or a hot tub must be accompanied by the following information:
 - i) The shape and dimensions of the pool or hot tub
 - ii) The location of the pool or hot tub on the property and the distances between it and other structures, buildings and property lines,
 - iii) The proposed location of mechanical equipment and the distances between it and other structures, buildings and property lines,
 - iv) The proposed location of the back-wash pipe and the direction of water,
 - v) All existing registered servitudes,
 - vi) The location of aerial wires,
 - vii) The location of the fence, existing and/or to be installed,
 - viii) The shape, height and material of said fence.
- n) All applications for a certificate of authorisation to install a heat pump, an air conditioning system or other mechanical equipment or a reservoir must be accompanied by the following information:
 - i) The make, the manufacturer, and the dimensions of the equipment or reservoir,
 - ii) The noise level generated by the equipment, in decibels,
 - iii) The location of the equipment or reservoir on the property and the distances between it and the property lines,
 - iv) The plans and details of the screen that will conceal the equipment or reservoir from the public thoroughfare.
- o) All applications for a certificate of authorisation to install an antenna must be accompanied by the following information:
 - i) The make and manufacturer of the antenna,
 - ii) The total height of the antenna and of its supporting structure,
 - iii) In the case of a dish-type antenna, its diameter,
 - iv) The location of the antenna on the property and the distances between it and other structures, buildings and property lines.
- p) All applications for a certificate of authorisation for a sign, poster or billboard must be accompanied by plans showing:
 - i) An elevation of the sign, poster or billboard, at a scale of 1:10 or better, showing its shape, its exact dimensions (indicated directly on the plan), its materials and its colours,
 - ii) Its exact location in relation to the property boundaries and to existing or proposed signs and buildings thereon,
 - iii) A plan or description of the alignments and elevations of public streets and roads, the lot and the building,
 - iv) Details of how it will be secured to the ground or attached to a building,
 - v) How it will be illuminated, where applicable.

- q) All applications for a certificate of authorisation to operate a commercial terrace must be accompanied by the following information:
 - i) The location of the terrace on the property and the distances between it and other structures, buildings and property lines,
 - ii) The proposed date of opening and closure of the terrace and the opening hours,
 - iii) The seating capacity and the proposed organisation of tables and chairs,
 - iv) The proposed separations between the terrace and public or residential properties, where applicable,
 - v) The building plans of the temporary roof or the awning specifications, where applicable.

3.3 Fees and deposits

Fees for the study of an application for a certificate of authorisation shall be paid upon filing the application.

The deposits shall be paid at the issuance of the certificate of authorisation.

Fees and deposits are calculated in accordance with the applicable provisions of the by-law decreeing the financing of properties, services and activities offered by the City of Pointe-Claire in force at the time of the application.

3.4 Study of applications

Upon receiving an application for a certificate of authorisation, the Director shall:

- a) Ensure that the application file is complete. The Director may request any other details or information necessary to properly understand the application and to ensure that the provisions of the applicable by-laws are fully complied with;
- b) Postpone analysis of the application until any information or details missing from the application or from the plans and specifications are provided;
- c) Once the application file is complete, study the application to determine whether it conforms to this by-law and to all other applicable by-laws.

3.5 Prerequisites

- a) Certificates of authorisation shall not be issued for any operation which renders the immovable or its use non-conforming to this by-law, to any other applicable by-laws or to the [Planning Programme](#) of the City of Pointe-Claire.
- b) Certificates of authorisation shall not be issued for modifications to the use of an immovable or parts thereof that would render the immovable non-conforming to the [Zoning By-Law](#) or to the [Construction By-Law](#).
- c) Certificates of authorisation shall not be issued for moving a building unless the applicant deposits proof of insurance coverage for any damages which might be incurred by the City or by a third party as a result of the moving operation in question, and unless the applicant deposits to the City an amount equivalent to the estimates made by the Director of the Engineering and

Water Treatment Plant Department of the City for relocation of wires, poles, signs, traffic controllers, etc.

- d) Certificates of authorisation shall not be issued if the fees for the study of an application have not been paid.

3.6 Approval or refusal, and issuance of a certificate of authorisation

- a) In the case of an application that conforms to the by-laws, the Director shall approve the project by stamping and signing the plans and specifications in duplicate (2) copies. The approval by the Director shall be done within a period of thirty (30) days from the time the application is complete, unless the planned work is subject to other planning by-laws, in addition to the Zoning and Construction By-Laws, which justifies that a longer treatment period is necessary.

The applicant is then invited to present himself for the issuance of the certificate of authorisation. When the certificate of authorisation, signed by the Director, is issued to the applicant, one copy of the plans and specifications is kept by the City for control purposes; the other copy is returned to the applicant with the certificate; this copy shall be made available to the Director for inspections.

- b) In the event that the application does not conform to the by-laws, the Director shall refuse to issue the certificate, giving the reasons in writing why the application is non-conforming and citing the relevant articles of the by-law. If possible, he may specify the conditions under which the certificate could be issued, and this explanation must be attached to the certificate application form; one stamped copy of the documents is then retained by the City and another delivered to the applicant. The report justifying the refusal shall be forwarded to the applicant within thirty (30) days from the time the application file is complete, unless the planned work is subject to other planning by-laws, in addition to the Zoning and Construction By-Laws, which justifies that a longer treatment period is necessary.

3.7 Conditions attached to certificates, and obligations of the City

- a) Work shall not commence prior to issuance of the certificate. Anyone who contravenes the present provision commits an infraction.
- b) An application that is approved, or a certificate issued under the present by-law, shall be considered null and void if within six (6) months from the date of its approval by the Director (the date when the applicant is invited to present himself to obtain the certificate), the certificate of authorisation has not been issued or the work has not commenced.
- c) A certificate of authorisation issued under the present by-law shall be considered null and void if the work has not been completed within one (1) year from the date of the issuance of the certificate of authorisation.
- d) In the event of a situation stated in paragraphs b) or c) above, in order to commence or pursue the work, a new application must be filed, fees must be paid again and a new certificate must be issued in accordance with the provisions of this by-law.
- e) Any modifications made to a project for which a certificate of authorisation has been issued must be submitted to the Director in order to verify that it conforms to the by-laws; the certificate shall become null and void if the project is modified such that it no longer conforms to the project description approved by the Director, including, but not limited to, any modification that renders the project non-conforming to this by-law or to any other applicable by-law.

- f) Any certificate of authorisation which is not issued in compliance with this by-law or any other applicable by-laws shall be null and void, shall not confer any acquired rights, and shall not under any circumstances be used as a defence against the City of Pointe-Claire or against any of its officials.
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4.1 Building permit requirement

- a) Throughout the City of Pointe-Claire, any operation listed hereafter is prohibited unless a building permit is first obtained:
 - i) All construction,
 - ii) Alteration of a building or modification to one of the systems that are attached to the building,
 - iii) Extension of a building,
 - iv) Addition to a building,
 - v) Any excavation for the purpose of the aforementioned operations,
 - vi) Installation of a wood or propane fireplace or heating system,
 - vii) Replacement of heating system by another type of system.
 - viii) Modification to the external appearance of a building that is subject to the [SPAIP By-Law](#), for examples: a modification to the shape of its roof, changes to the dimensions of its openings, change of the principal cladding material or its color, or of the roof material, replacement of the windows or doors of a building of heritage interest with another type of windows or doors.
- b) Notwithstanding the provisions of paragraph a)i) above, a building permit shall not be required for the installation of an ancillary building with a floor area of 12 square metres (129.2 square feet) or less, provided it is not installed on permanent foundations.
- c) Building permits shall not be required for regular maintenance or minor repairs such as indoor painting, interior renovations of esthetical nature, repairs of electrical, plumbing and central heating systems (or replacement by same) nor for any repairs as defined in [Appendix "1" of Zoning By-Law](#), provided that the works do not imply any modification to exterior forms, plan, structure or any other basic element of the building.
- d) Exemption from the requirement to obtain a building permit shall not diminish in any way the obligation to comply with this by-law and any other applicable by-law, nor the obligation to obtain clarification from the Director in cases of uncertainty.

4.2 Application procedure for a building permit

- a) All applications for a building permit must be submitted to the Director in writing on forms provided by the City for the purpose, it must be signed by the owner of the property contemplated by the work, or by his authorised representative, and include the following information:
 - The date of the application,
 - The family name, given name and address of the applicant,
 - A telephone number, a fax number and an e-mail address where the applicant may be easily reached
 - The cost of the work.

- b) All applications for a building permit must be accompanied by two (2) copies a site plan prepared by a land surveyor, and any plans, elevations, cross-sections, details, specifications and other documents needed by the Director to properly understand the proposed construction or use, in order to ensure that all provisions of applicable by-laws are complied with; the plans shall be drawn to scale and reproduced by an indelible process.

Among other things, the abovementioned plans and specifications must show:

- i) The dimensions of the property on which the building is, or is to be situated;
 - ii) The dimensions of the building;
 - iii) The position, height and horizontal dimension of all other buildings on the landsite;
 - iv) The location of major drainage ditches, piped or otherwise, situated on the property upon which the building is or is to be situated;
 - v) The location of any servitude, right of way, or homologated lines, affecting the property upon which the building is, or is to be situated;
 - vi) The elevation of any street adjacent to the property on which the building is situated or is to be erected in relation to the ground floor elevation of said building (street elevation will be supplied by the City if the street has not been completed on the date of application);
 - vii) When off-street parking spaces must be provided, the layout of the parking areas and open space;
 - viii) The proposed use of each room or floor area;
 - ix) Structural details in conformity with the provisions of the Quebec Construction Code;
 - x) Excavation levels;
 - xi) For all uses listed in article 3.2 a) of the [Construction By-Law](#), a statement to the effect that no fortification or protective elements is or will be used in the building;
 - xii) When fortification or protective elements are planned in a building project for uses that are not listed in article 3.2 a) of the [Construction By-Law](#), a statement to the effect that the fortification or protective elements are necessary in view of the use or activities which will take place in the building, in view of the value of the properties or heritage it will shelter or in view of the necessity to protect life, health or public safety.
- c) When a construction project includes some of the operations that are subject to obtaining a certificate of authorisation as per article 3.1 above, the application must be accompanied by the appropriate information required by article 3.2.
- d) The plans contemplated in paragraphs b) above, other than a site plan prepared by a land surveyor, shall bear the signature and identification of the architect, engineer or any other person who has prepared them.
- i) In the case of works listed hereafter, the plans shall bear the seal and signature of an architect or a professional technologist:
 - The construction of a new single-family residential building, or
 - The addition of an additional floor on an existing single-family residential building, or to
 - The extension of a single-family residential building, resulting in an increase of at least one third (1/3) of the floor area above-ground, as defined in [Appendix “1” of the Zoning By-Law](#).

- ii) In the case of work involving the interior renovation or finishing of basements of single-family dwellings, a sketch drawn to scale illustrating the proposed work can be submitted in lieu of plans and specifications, provided that none of this work involves:
 - The removal or construction of a supporting wall or part of a supporting wall,
 - The removal or severing of a joist, beam or column,
 - The removal, modification or blocking of a stairway or other means of exit,
 - The modification of an access to or from an exit.
- e) A separate application must be submitted for each single-family semi-detached house, for each residential semi-detached duplex, triplex or quadruplex and for each single-family house in a row of townhouses (contiguous houses).

4.3 Fees and deposits

Fees for the study of an application for a building permit shall be paid upon filing the application.

The deposits and tariffs required by the Engineering and Water Treatment Plant Department and other departments shall be paid at the issuance of the building permit.

Fees and deposits are calculated in accordance with the applicable provisions of the by-law decreeing the financing of properties, services and activities offered by the City of Pointe-Claire in force at the time of the application.

4.4 Study of applications

Upon receiving an application for a permit, the Director shall:

- a) Ensure that the application file is complete and that it is completed if necessary; the Director may request any other detail or information that he may deem necessary to properly understand the application and to ensure that the provisions of the applicable by-laws are fully complied with;
- b) Postpone analysis of the application until any information or details missing from the application or from the plans and specifications are provided;
- c) Once the application file is complete, study the application to determine whether it conforms to this by-law or to any other applicable by-laws.

4.5 Prerequisites

- a) Building permits shall not be issued for applications that contravene any provision of this by-law or any other applicable by-law or that contravene the [Planning Programme](#) of the City of Pointe-Claire.
- b) Building permits shall not be issued for modifications to the use of buildings or parts thereof that would render the building non-conforming to the [Zoning By-Law](#) or to the [Construction By-Law](#).
- c) Building permits shall not be issued without payment of all applicable charges, deposits and fees.

4.6 Approval or refusal, and issuance of building permits

- a) In the case of an application that conforms to the by-laws, the Director shall approve it by stamping and signing the plans and specifications in duplicate copies. The Director shall approve the project within a period of thirty (30) days from the time the application file is completed, unless the planned work is subject to other planning by-laws, in addition to the Zoning and Construction By-Laws, which justifies that a longer treatment period is necessary.
- b) The applicant is then invited to present himself for the issuance of the building permit. When the building permit, signed by the Director, is issued to the applicant, one copy of the plans and specifications is kept by the City for control purposes; the other copy is returned to the applicant with the permit; this copy shall be kept at the construction site during the period of construction and made available to the Director for inspections.
- c) In the event that the application does not conform, the Director shall refuse to issue the permit, giving the reasons why the application is non-conforming. If possible, he may specify the conditions under which the permit could be issued, and this explanation must be attached to the application form; one stamped copy of the documents is then retained by the City and another delivered to the applicant. The report justifying the refusal shall be forwarded to the applicant within thirty (30) days from the time the application file is complete, unless the planned work is subject to other planning by-laws, in addition to the Zoning and Construction By-Laws, which justifies that a longer treatment period is necessary.
- d) The Director may refuse to approve any permit request:
 - i) Whenever the information submitted is inadequate to determine compliance with the provisions of this by-law;
 - ii) Whenever incorrect information is submitted,
- e) The Director may revoke a permit if:
 - i) There is a contravention of any condition under which the permit was issued,
 - ii) The permit was issued in error, or
 - iii) The permit was issued on the basis of incorrect information.

4.7 Approval in parts

- a) In any of the areas shown in the [Planning Programme](#) as “City Centre” or designated as “Industrial Land Use”, or for any institutional or public building anywhere within the limits of the City, where in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project, and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Director. The Director may then:
 - i) Issue a permit at the risk of the owner, with conditions if necessary, to ensure compliance with this by-law and any other applicable regulations, to excavate or to construct a portion of a building before the entire plans of the whole project have been submitted or accepted.
 - ii) Issue a permit for the entire project conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issuance, if such data are of secondary importance and are of such nature that the with-holding of the permit until its availability would unreasonably delay the work.

- b) Should a permit be issued for part of a building or project, the holder of such permit may proceed without the assurance that the permit for the entire building or project will be issued.

4.8 Conditions attached to permits, and obligations of the City

- a) Work shall not commence prior to delivery of the building permit. Anyone who contravenes the present provision commits an infraction.
 - b) Every owner shall obtain all permits or approvals required in connection with the proposed work by this by-law or any other by-law or by any applicable provincial law or regulation, prior to commencing the work to which they relate. Excavation for a basement or foundations is deemed to be the commencement of work for a building.
 - c) An application that is approved, or a permit issued under the present by-law, becomes null and void if the building permit has not been issued or if the work has not commenced within six (6) months from the date of its approval (the date when the applicant is invited to present himself to obtain the permit).
 - d) A building permit issued under this by-law becomes null and void if the work is not completed within one (1) year from the date of the issuance of the building permit.
 - e) In the event of a situation stipulated in paragraphs c) or d) above, in order to commence or pursue the work, a new application must be filed, fees must be paid again and a new building permit must be issued in accordance with the provisions of this by-law.
 - f) A building permit can be renewed only once if an application for renewal is filed to that effect. The applicable fees correspond to half of the amount paid for the original permit, without being less than the minimum amount payable for the study of an application for a building permit, as established in the by-law decreeing the financing of properties, services and activities offered by the City of Pointe-Claire in force at the time of the application for renewal.
 - g) All changes made to the approved plans and specifications must be submitted to the Director for approval, who will determine whether the changes conform to the by-laws; should the Director consider that the changes are extensive enough to change the very nature of the project, the applicant shall apply for a new permit in accordance with the provisions of this by-law and again pay the fees stipulated in article 4.3 above; permits shall become null and void should the project in question be modified to the point of being non-conforming with respect to the project description approved by the Director, including, without limitation, should modification of the project render it non-conforming with respect to this by-law or to any applicable by-laws.
 - h) The permit shall be displayed for the entire duration of the construction in a prominent location on the lot where the construction is taking place.
 - i) Drawings approved for construction by the Director and bearing his signature must be kept on the site and available for consultation at all times.
 - j) Any building permit which is not issued in compliance with this by-law or any other applicable by-laws shall be null and void, and shall not under any circumstances be used as a defence against the City of Pointe-Claire or against any of its officials.
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5.1 Alignment and elevation

Any person who proposes to erect a new structure, increase the site coverage of an existing structure or move a structure anywhere within the City of Pointe-Claire must obtain from the Director of the Engineering and Treatment Plant Department, the elevation of the street and its alignment (positioning of the boundaries between a public thoroughfare and private properties), and where applicable, the location of water supply and sewage system connections.

5.2 Certificates of location

- a) For any new construction, moving of a building or extension of an existing structure, a certificate of location prepared by a land surveyor shall be submitted to the Director as soon as the foundations are laid, in default of which the building permit, and the certificate of authorisation in the case of moving a building, shall become null and void.
 - b) Notwithstanding the provisions of paragraph a) above, certificates of location shall not be required either for the installation of an ancillary building with a floor area of 12 square metres (129.2 square feet) or less, provided it is not installed on a permanent foundation, or for a temporary building.
 - c) All certificates of location submitted shall have been prepared by a land surveyor who is a member of the Ordre des Arpenteurs-géomètres du Québec and must indicate the exact location of the foundations in relation to the cadastral boundaries of the lot concerned so that the Director is able to determine whether all provisions of the applicable by-laws have been complied with prior to the pursuance of construction work.
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6.1 Subdivision permit requirement

- a) Throughout the City of Pointe-Claire, no cadastral operation shall be carried out without first obtaining a subdivision permit.
- b) Any cadastral operation for which no subdivision permit has been issued in conformity with the provisions of this by-law shall be null and void, and the City shall be entitled to undertake any legal recourse at its disposal to prevent the filing or registration of such operation or to obtain the annulment or cancellation of such filing or registration.
- c) The reform of the Quebec cadastre as well as a correction or a regularisation made by the Minister of Natural Resources and Wildlife are not considered cadastral operations for the purpose of the present by-law.

6.2 Application procedure

- a) All applications for a subdivision permit must be submitted in writing to the Director; they must take the form of a letter, signed by the property owner or his authorised representative, requesting approval of the cadastral operation. In the case of cadastral operations involving the creation of new streets or roads, the property owner must also undertake, in the same letter, to cede the rights-of-way for the proposed thoroughfares for the nominal sum of one dollar (\$1).
- b) All applications for a subdivision permit must be accompanied by seven (7) copies of a plan of the proposed cadastral operation at a scale of 1: 1,000 or better and indicating:
 - i) The cadastral designation of the official Quebec cadastre, the boundaries of the property contemplated by the cadastral operation and the boundaries of the adjacent properties;
 - ii) Where applicable, the alignment, limits and width of the proposed thoroughfares;
 - iii) The proposed cadastral division, together with the dimensions and area of each of the lots;
 - iv) Where applicable, the boundaries of proposed parks and green spaces, as well as their areas;
 - v) Where applicable, existing or proposed servitudes and rights-of-way, among others for electric power transmission and telecommunications lines.
 - vi) Existing buildings;
 - vii) The date, title, true north and scale, and the seal and signature of the land surveyor who prepared the plan.
- c) Furthermore, any application for a subdivision permit with respect to any cadastral operation resulting in a modification of the dimensions of any built landsite shall be accompanied by at least two copies of a certificate of location prepared by a land surveyor for each built landsite to be affected by the proposed cadastral operation and showing that each such built landsite will remain in conformity with the [Zoning](#) and [Subdivision by-laws](#).

6.3 Fees

- a) The fees charged for studying applications for a subdivision permit become payable upon filing of the application and shall be calculated in accordance with the applicable provisions of the by-law

decreasing the financing of properties, services and activities offered by the City of Pointe-Claire in force at the time of the application.

- b) The fees shall be payable for all cadastral operations involving subdivisions, new subdivisions, replacements or redivisions, equally including annulments, corrections, additions, land assembly, and lot number changes.
- c) The calculation is based on the number of lots, or part lots as the case may be, resulting from the cadastral operation.

6.4 Study of applications

Upon receiving an application for a permit, the Director shall:

- a) Ensure that the application file is complete and that it is completed if necessary; the Director may request any other details or information he may deem necessary to properly understand the application and to ensure that the provisions of the applicable by-laws are fully complied with;
- b) Postpone analysis of the application until any information or details missing from the application or from the plans and specifications are provided;
- c) Once the application file is complete, study the application to determine whether it conforms to the [Planning Programme](#) of the City of Pointe-Claire, to this by-law and to all other applicable by-laws.

6.5 Approval or refusal, and issuance of subdivision permits

- a) In the case of an application that conforms to the by-laws, the Director shall issue the permit.
- b) In the event the application does not conform, the Director shall refuse the permit or, if applicable, suggest to the applicant the changes necessary to make the application conform; in the latter case, the applicant must re-submit his application following the procedure outlined in article 6.2 above. Should it not be possible to make the project conform, the Director shall refuse the application, giving the reasons for the refusal in writing.
- c) Subdivision permits shall be issued within thirty (30) days from the time the application file is complete; in the event the permit must be refused or returned for study, a report giving the reasons for said refusal or return shall be delivered to the applicant within thirty (30) days from the time the application file is complete.

6.6 Prerequisites

- d) Subdivision permits shall not be issued for applications that contravene this by-law, the [Subdivision By-Law](#), any other applicable by-laws or the [Planning Programme](#) of the City of Pointe-Claire.
- e) No subdivision permit shall be delivered unless the fees for its issuance have been paid.

6.7 Conditions attached to permits, and obligations of the City

- f) A subdivision permit shall be null and void unless the final plan authenticated by the Director is registered in accordance with the requirements of the [Civil Code](#) within one hundred and eighty

(180) days following the date the permit is issued, and unless the applicant has sent a copy of the official plan bearing the date of registration to the Director within thirty (30) days following the registration.

- g) Issuance of a subdivision permit shall not oblige the City to accept the transfer of proposed streets appearing on the plan, nor to decree the opening of these streets, nor to accept responsibility for cost of their construction or maintenance, nor to assume liability for them nor to provide public utilities.
 - h) Any permit which is not issued in compliance with this by-law or any other applicable by-laws shall be null and void, and shall not under any circumstances be used as a defence against the City of Pointe-Claire or against any of its officials.
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7.1 Certificate of occupancy requirement

No building or part of a building which has been newly erected or moved or for which the use or purpose has been changed, or that is subject to a change of occupant (other than residential), shall be occupied prior to obtaining a certificate of occupancy.

The operation of a day-care in a domestic setting, an intermediate resource or a family-type resource, as defined by the provincial acts that governs them, is subject to obtaining a certificate of occupancy.

7.2 Application procedure

- a) In the case of an application for a first occupancy of a new building, a building that has been moved or a building of part of that has been transformed, applications for a certificate of occupancy may not be filed until construction, moving or alteration work has been substantially completed.

The application for a certificate of occupancy must be submitted to the Director.

- b) In the case of an application to change the use or purpose of an existing building or part of, or in the case of a change of occupant (other than residential), as well as to operate a day-care in a domestic setting, an intermediate resource or a family-type resource:

Such application must be submitted to the Director in writing on forms provided by the City for the purpose, it must be signed by the owner of the property contemplated by the occupancy, or by his authorised representative, and include the following information:

- The date of the application,
- The family name, given name and address of the applicant,
- A telephone number, a fax number and an e-mail address where the applicant may be easily reached

Such application must be accompanied by:

- i) The cadastral description and dimensions of the lot or lots concerned, details on the proposed work, its schedule and its estimated cost;
- ii) A written description of the principal and secondary activities that will take place in the building or part of subject to the application, and by a floor plan showing the interior layout and indicating the proposed uses of the area;
- iii) For an operation for which a permit, certificate or any other form of authorisation is required by virtue of the Law or a by-law or regulation of any other relevant authority, a copy of all such authorisations unless delivery of the municipal permit is prerequisite to the issuance of the said permit, certificate or other form of authorisation;
- iv) Where off-street parking is required, a plan, to scale, showing the layout of parking areas and open areas.

When the occupancy project includes alterations to the building that entail the issuance of a building permit, said building permit will include the authorisation of occupancy.

- c) The required fee for a certificate of occupancy shall be calculated in accordance with the applicable provisions of the by-law decreeing the financing of properties, services and activities offered by the City of Pointe-Claire in force at the time of the application.

7.3 Prerequisites

- a) Certificates of occupancy shall not be delivered for structures or uses that contravene this by-law or any other applicable by-laws.
- b) No certificate of occupancy shall be delivered unless the fees for its issuance have been paid.

7.4 Approval in parts

- a) The Director may issue a certificate of occupancy when in his opinion it is warranted with respect to a building or occupancy in which existing related construction is not in complete compliance with the applicable by-laws, in which case the permit may be issued subject to certain conditions.

7.5 Coming into force

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

Bill McMurchie, Mayor

Jean-Denis Jacob, City Clerk

