

**MARCH 13, 2023**

**MINUTES** of the regular sitting of the council of the Municipality of Grosse Ile hereby declared in session by the Mayor, Mrs. Diana-Joy Davies, this thirteenth day of March 2023 at 6:30 p.m. in the municipal conference room situated at 1-006, chemin Jerry, Grosse Ile, Quebec, at which time there is quorum.

The following persons are present:

Mayor:	Diana-Joy Davies
Councillors:	Marlene Boudreau Kathy Burke Johanne Clark Nancy Clark Miranda Matthews
Assistant Clerk-Treasurer:	Myriam Pealey
Absent with regrets Councillors:	Katrina Keating

**OPENING OF THE SITTING AND  
WELCOME WORD BY THE CHAIR**

**N2023-029** The Mayor, Diana-Joy Davies, opens the sitting and welcomes the persons in attendance.

**ADOPTION OF THE AGENDA**

**R2023-030** It is proposed by Kathy Burke  
Seconded by Nancy Clark  
And unanimously approved by the Councillors present

**THAT** the following agenda be hereby adopted with additions:

1. Opening of the sitting
  - 1.1 Welcome word by the chair
  - 1.2 Adoption of the agenda
  - 1.3 Adoption of the minutes
  - 1.4 Correspondence
    - 1.4.1 Business arising from the correspondence
      - 1.4.1.1 Grosse Ile School – Youth Club – Request to use the service building – Recreational Site
      - 1.4.1.2 Entreprise Sociale les Îles – Request to use the service building – Recreational Site
2. Administrative acts of council
  - 2.1 Administrative updates
    - 2.1.1 Accounts paid
    - 2.1.2 Revenue and Expenses – Comparative Statements
    - 2.1.3 Maritime Community Regional Files – Update

3. Legislative acts of council
  - 3.1 Adoption of Bylaw 2023-001 – Concerning the Demolition of Immovables
  - 3.2 Call for tenders – Roadworks – Chemin Wide
  - 3.3 Repeal resolution R2020-124 – Gymnasium floor – Call for tenders
  - 3.4 Call for tenders – Gymnasium floor
4. Varia
  - 4.1 Offers of Employment
    - a) Interim Director General/Clerk-Treasurer
    - b) Administrative Assistant
  - 4.2 Community and Government Forum
5. Question period
6. Close

### **ADOPTION OF THE MINUTES**

The members of council received a copy of, and declare having read, the minutes of the resumption of the adjourned sitting of council held on February 20, 2023.

R2023-031

It is proposed by Johanne Clark  
 Seconded by Nancy Clark  
 And unanimously approved by the Councillors present

**To** adopt the minutes of the resumption of the adjourned sitting of council held on February 20, 2023.

### **CORRESPONDENCE**

N2023-032

The members of council received a copy of the list of correspondence received at the office since the last sitting, prior to the meeting for review. The Mayor addresses the correspondence, and the list is deposited in the Correspondence Register of the Municipality.

### **BUSINESS ARISING FROM THE CORRESPONDENCE**

#### **GROSSE ILE SCHOOL – YOUTH CLUB REQUEST TO USE THE SERVICE BUILDING – RECREATIONAL SITE**

**WHEREAS** during the bitter cold air mass that passed through our region on Saturday, February 4, 2023, a water pipe burst at the Grosse Ile High School and caused damage in the basement where the members of the youth club usually gather on Friday evenings;

**WHEREAS** the clean-up and replacement of the damaged furnishings and equipment may take several weeks therefore, the Grosse Ile School Youth Club is requesting to use the service building located at the recreational site on Friday evenings in order to host activities;

**THEREFORE**

R2023-033

It is proposed by Kathy Burke  
Seconded by Nancy Clark  
And unanimously approved by the Councillors present

**THAT** the Municipality of Grosse Ile shall grant use of the service building located at the recreational site to the Grosse Ile School Youth Club on Friday evenings, beginning on March 17<sup>th</sup>, 2023 until April 30<sup>th</sup>, 2023, if necessary.

**THAT** the use of the service building shall be offered to Grosse Ile School Youth Club free of charge.

**ENTREPRISE SOCIALE LES ÎLES –  
REQUEST TO USE THE SERVICE BUILDING –  
RECREATIONAL SITE**

**WHEREAS** Entreprise Sociale les Îles is requesting to use a portion of the service building located at the recreational site to offer childcare services during the time in which the municipal complex is being renovated in order to house the new *Centre de la petite enfance de l'Est*;

**WHEREAS** childcare services are essential for community growth and sustainability;

**THEREFORE**

R2023-034

It is proposed by Kathy Burke  
Seconded by Miranda Matthews  
And unanimously approved by the Councillors present

**THAT** the Municipality of Grosse Ile shall grant Entreprise sociale les Îles to use a portion of the service building located at the recreational site to provide childcare services during the time in which the municipal complex is being renovated in order to house the *Centre de la petite enfance de l'Est*;

**THAT** the portion of the service building to be used as a daycare shall be offered to Entreprise Sociale les Îles free of charge.

**THAT** the Assistant Clerk-Treasurer, Maxine Matthews, be hereby authorized to sign, on behalf of the Municipality of Grosse Ile, the service agreement with Entreprise Sociale les Îles outlining the responsibilities of both parties.

**ADMINISTRATIVE UPDATES**

**ACCOUNTS PAID**

R2023-035

It is proposed by Marlene Boudreau  
Seconded by Johanne Clark  
And unanimously approved by the Councillors present

To approve the accounts paid for the month ending February 28, 2023, for an amount of \$31, 769.95; this list is deposited in the register of accounts paid.

### **REVENUE AND EXPENSES COMPARATIVE STATEMENTS**

R2023-036

It is proposed by Johanne Clark  
Seconded by Miranda Matthews  
And unanimously approved by the Councillors present

**THAT** the members of council hereby acknowledge the tabling of the two (2) comparative statements of the Municipality of Grosse Ile as required by Article 176.4 of the Municipal Code of Quebec; these statements are presented in their entirety by the Assistant Clerk-Treasurer, Myriam Pealey.

### **MARITIME COMMUNITY REGIONAL FILES UPDATE**

N2023-037

The Mayor, Diana-Joy Davies, reviews the items on the agenda for the sitting of council of the Magdalen Islands Maritime Community, which will take place on Tuesday, March 14, 2023.

### **LEGISLATIVE ACTS OF COUNCIL**

#### **ADOPTION OF BYLAW 2023-001 BYLAW CONCERNING THE DEMOLITION OF IMMOVABLES**

**WHEREAS** pursuant to sections 148.0.2 and those thereafter in the *Act respecting land use planning and development* (CQLR, C. A-19.1), a municipality must adopt a bylaw concerning the demolition of immovables;

**WHEREAS** *Bylaw number 2012-005 concerning permits and certificates and the administration of the zoning, subdivision and construction bylaws* is in force within the territory of the Municipality of Grosse Ile and requires a certificate to demolish an immovable before proceeding;

**WHEREAS** a bylaw on the demolition of immovables may prove useful for urban planning regulations, for the protection of heritage property and the intended use of the vacated land;

**WHEREAS** the Municipal Council wishes to allow citizens to be heard regarding demolition requests affecting heritage property located within the municipality;

**WHEREAS** the Municipal Council deems it appropriate to regulate the demolition projects of heritage immovables on its territory;

**WHEREAS** a notice of motion of this bylaw was given at the resumption of an adjourned sitting of council held on **February 20, 2023** and a draft bylaw was also tabled at this same sitting;

**WHEREAS** this bylaw was submitted to a public consultation held on March 6, 2023;

**WHEREAS** a copy of this present bylaw was submitted to the members of council at least 72 hours before this present sitting;

**WHEREAS** the members of council declare having read this bylaw;

**WHEREAS** during the course of the sitting, the Assistant Clerk-Treasurer, mentions the content and scope of the bylaw;

**THEREFORE**

R2023-038

It is proposed by Miranda Matthews  
Seconded by Kathy Burke  
And unanimously approved by the Councillors present

**THAT** bylaw number 2023-001 entitled “**Bylaw Concerning the Demolition of Immovables**” be hereby adopted and that the following is ordered and decreed by the said bylaw:

**THAT** bylaw number 2023-001 entitled “**Bylaw Concerning the Demolition of Immovables**” be forwarded to the Maritime Community of the Magdalen Islands.

**BYLAW 2023-001  
BYLAW CONCERNING THE DEMOLITION OF  
IMMOVABLES**

**DECLARATORY AND INTERPRETATIVE PROVISIONS**

ARTICLE 1

The preamble of this present bylaw is an integral part of thereof.

ARTICLE 2

This bylaw number 2023-001 is entitled "**Bylaw concerning the demolition of immovables**"

ARTICLE 3

Terminology:

"Council": The municipal council of the Municipality of Grosse Ile.

"Demolition": An intervention that results in the destruction of more than 50% of the volume of a building, regardless of the foundation, including its relocation or displacement.

"Immovable":	Building, structure or work of a permanent nature erected on land and everything that forms an integral part thereof.
"Heritage immovable":	an immovable mentioned in accordance with the <i>Cultural Heritage Act</i> (chapter P-9.002), located on a heritage site mentioned in accordance with the Act or entered in an inventory referred to in the first paragraph of section 120 of this Act.
"Dwelling":	dwelling within the meaning of the <i>Act respecting the Administrative Housing Tribunal</i> (CQLR, c. T-15.01).
"Municipality":	the Municipality of Grosse Ile.
"Urban planning bylaws":	Bylaws adopted by the Municipality under the <i>Act respecting land use planning and development</i> (CQLR, c. A-19.1)
"Applicant":	The owner of the building covered by the demolition permit application or his duly authorized representative.
"Vacated land":	The site vacated by the demolition of a building. This is strictly the ground where the latter was erected.

## APPLICATION OF THE BYLAW

### ARTICLE 4

Any designated officer, appointed in accordance with the provisions of **Bylaw 2012-005 concerning permits and certificates and the administration of the zoning, subdivision and construction bylaws** is responsible for the application and compliance with this bylaw and is authorized to issue statements of offence.

## SUBJECT INTERVENTION

### ARTICLE 5

All demolition work on a heritage immovable is prohibited unless the owner of the immovable has previously obtained an authorization in accordance with this Bylaw.

The provisions of this bylaw apply to the following heritage immovables;

- a) those that are listed in a heritage inventory produced by a MRC;
- b) those that are designated by a local municipality or a MRC;
- c) those that are located in a heritage site that has been designated by a local municipality or a MRC.

The fact that all other immovables is not subject to this Bylaw under the second paragraph does not relieve the applicant of the obligation to obtain the necessary certificate of authorization before proceeding with the demolition under the Regulation respecting permits and certificates –

**Bylaw 2012-005 concerning permits and certificates and the administration of the zoning, subdivision and construction bylaws.**

## **DEMOLITION COMMITTEE**

### **ARTICLE 6**

The council chooses not to form a demolition committee therefore, the members of council will authorize demolition applications and exercise any other power conferred by chapter V.0.1 of the *Act respecting land use planning and development* (CQLR, c. A-19.1).

## **APPLICATION FOR A CERTIFICATE OF AUTHORIZATION**

### **ARTICLE 7**

A written application for an authorization certificate to demolish a heritage immovable must be sent to the Municipality, accompanied by any document required by this bylaw and the deposit of the amount required in article 10.

### **ARTICLE 8**

All requests must be made in writing, on a form or by letter, and be accompanied by documents relevant to the Council's decision, the following shall be submitted with the application:

- a) the name, address and telephone number of the applicant or the applicant's authorized representative;
- b) the identification and location of any immovable or building that is the subject of the application;
- c) photographs of the immovable concerned by the request;
- d) a description of any other existing structure on the immovable;
- e) the current and intended use of the immovable;
- f) the reasons for the demolition;
- g) the work schedule, including, in particular, the date and time of the demolition;
- h) if it is an immovable with housing units, their number, the state of the occupation at the time of the request and the possibilities of re-locating the occupants;
- i) an up-to-date localisation certificate;
- j) a site plan for any proposed buildings and layouts;
- k) the preliminary program for the intended use of the vacated land.

The application must be signed by the applicant or the duly authorized representative.

### **ARTICLE 9**

Before considering the application, the owner must submit to the Council, for approval, a preliminary program for the intended use of the vacated land.

The preliminary program for the intended use of the vacated land must:

- a) specify the proposed developments if the vacated land remains vacant;
- b) specify facilities and use if the vacated land does not include the construction of one or more main buildings;
- c) the ground dimensions of each proposed building;
- d) construction plans for each proposed building;

This program may be approved only if it complies with the bylaws of the Municipality. To determine such compliance, the Council must consider the bylaws in force at the time that the program is submitted, except in the case that the issuance of a building permit for the proposed program is suspended due to a notice of motion. When the issuance of permits is suspended, the Council may not approve the program before the expiry of the suspension or before the coming into force of the amending bylaw that was the subject of the notice of motion if the coming into force is prior to the expiry of the suspension; the decision of the Council shall then be rendered regarding the bylaws in force at the time of the decision. The examination of the application for an authorization certificate to demolish cannot begin without the approval of this program by the Council.

#### ARTICLE 10

The applicant for an authorization certificate to demolish must pay, at the time of his application, the sum of three hundred dollars (\$ 300) to cover the costs to study and issue the authorization certificate. These fees are non-refundable regardless of the Council's decision.

### **ANALYSIS PROCESS**

#### ARTICLE 11

As soon as the Council receives an application for an authorization certificate to demolish a heritage immovable, a notice must be posted on the concerned immovable, which is easily visible for passers-by. In addition, the Council must immediately publish a public notice of the request.

Any notice referred to in this article must duplicate the text of Article 12 of this Bylaw.

Since the concerned immovable is a heritage immovable, a copy of the notice must be sent without delay to the Minister of Culture and Communications.

#### ARTICLE 12

Any person wishing to oppose the demolition must, within 10 days following the posting of the notice on the concerned immovable, do so by writing to the clerk-treasurer of the Municipality stating the reasons of the opposition.

#### ARTICLE 13

Before rendering its decision, the Council must consider the objections received.

The Council must hold a public consultation concerning the demolition of the heritage immovable.

## **DECISION OF THE COUNCIL**

### **ARTICLE 14**

The Council must refuse an application for an authorization if the preliminary program for the intended use of the vacated land has not been approved or if the required fees have not been paid.

### **ARTICLE 15**

The Council grants authorization if they are convinced that the demolition is appropriate taking into account the public interest and the interest of the parties.

Before deciding on an application for an authorization to demolish a heritage immovable, the Committee shall consider, in particular:

- a) the condition of the immovable that is the subject of the application;
- b) deterioration of the architectural appearance, aesthetic character or quality of life of the neighborhood;
- c) the cost of restoration, the projected use of the vacated land;
- d) prejudice caused to tenants;
- e) housing needs in the surrounding area;
- f) the possibility of relocating tenants;
- g) the heritage value of the immovable, including the immovable's history, its contribution to local history, degree of authenticity and integrity, as well as its representativeness of a particular architectural trend and its contribution to be preserved.

### **ARTICLE 16**

If a person wishes to acquire an immovable in order to preserve its heritage character, he or she may, until the Council has rendered their decision, intervene in writing with the clerk-treasurer to request a delay in undertaking or continuing steps to acquire the immovable.

### **ARTICLE 17**

The Council may, if it considers it necessary for a better understanding of the application, request the applicant to provide, at its own expense, any additional details, such as information or reports prepared by a professional.

### **ARTICLE 18**

If the Municipality has a local heritage committee within the meaning of section 117 of the Cultural Heritage Act (CQLR, chapter P-9.002), the Council must consult with that committee before rendering its decision.

## ARTICLE 19

When the Council grants the authorization, it may impose any condition relating to the demolition of the immovable or the reuse of the vacated land.

## ARTICLE 20

The decision of the Council concerning a demolition must be substantiated and immediately sent to any party concerned by registered mail.

## **ISSUING OF THE CERTIFICATE**

### ARTICLE 21

A certificate of authorization can only be issued following the expiry of the 90-day period following the reception of the notice of the council's decision by the MRC.

## **PROVISIONS CONCERNING HERITAGE IMMOVABLES CONTAINING ONE OR MORE DWELLINGS**

### ARTICLE 22

The applicant must send a notice of the application to each tenant of the heritage immovable, if applicable.

### ARTICLE 23

If a person wishes to acquire the heritage immovable in order to preserve it as residential housing, he or she may, as long as the Council has not rendered its decision, intervene in writing with the clerk-treasurer to request for time to undertake or pursue negotiations to acquire the immovable.

### ARTICLE 24

If the Council considers that the circumstances are justifiable, they will postpone the rendering of their decision and allow the intervener a period of no more than two months from the end of the public consultation to allow negotiations to be settled. The council may not postpone its decision for that reason more than once.

### ARTICLE 25

A landlord who has been granted a demolition permit can evict a tenant to demolish a dwelling.

However, no lessee may be compelled to leave a dwelling before the later of the following outcomes, either the expiry of the term of the lease or the expiry of three months from the issuance of the authorization certificate to demolish the said immovable.

### ARTICLE 26

The lessor must pay the lessee who is evicted from his dwelling an indemnity of three months' rent and moving expenses. If the expenses are higher, he or she may apply to the Administrative Housing Tribunal to set the amount of the damages.

The indemnity is payable when the lessee leaves the dwelling, and the moving expenses are payable on presentation of supporting documents.

## **EXECUTION OF THE WORK**

### **ARTICLE 27**

When the Council grants authorization, it may decide the time frame within which demolition work must be undertaken and completed.

The Council may, for reasonable purposes, change the time that was determined, if a request is made before the expiry of that period.

### **ARTICLE 28**

If the demolition work is not undertaken before the expiry of the time period set by the Council, the demolition authorization shall have no effect.

### **ARTICLE 29**

If the work is not completed within the given time, the Council may have the work carried out and recover the costs from the owner. These costs constitute a priority claim on the land where the immovable was located, of the same nature and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code; these costs are guaranteed by a legal hypothec on this land.

## **INSPECTION**

### **ARTICLE 30**

Throughout the demolition work, a person in authority on the premises must have in his possession a copy of the certificate of authorization to demolish a heritage immovable. A municipal officer designated by the Council may, between 7:00 a.m. and 7:00 p.m., enter the premises where this work is being carried out in order to verify whether the demolition is in accordance with the decision of the Council. Upon request, the municipal officer must provide identification and produce a certificate, issued by the Municipality, attesting the authority vested in him.

The following are liable to a fine not exceeding \$500:

1. Anyone who prevents an officer of the Municipality from entering the premises where the demolition work is being carried out;
2. The person in authority responsible for carrying out the demolition work who, on the premises where the demolition work is to be carried out, refuses to show, at the request of the municipal officer, a copy of the authorization certificate.

## **FINES AND PENALTIES**

ARTICLE 31

Complying with this Bylaw does not exempt an individual from the obligation to comply with any other Act or regulation applicable in the present case, in particular, the *Act respecting the Administrative Housing Tribunal*.

ARTICLE 32

Without prejudice to any other option that may be exercised by the Municipality, any person who demolishes a heritage immovable or causes it to be demolished without first obtaining an authorization to demolish a heritage immovable or contrary to the applicable conditions is liable, in addition to costs, to a fine of not less than \$5,000 and not more than \$25,000.

The Municipality may also request the court to order the person to restore the demolished heritage immovable and to authorize the Municipality to proceed with the restoration and recover the costs from the owner, pursuant to section 148.0.17 of *the Act respecting land use planning and development*.

**ENTRY INTO FORCE**

ARTICLE 33

This present Bylaw will come into force in accordance with the *Act respecting land use planning and development* (CQLR, C. A-19.1).

**CALL FOR TENDERS – ROADWORKS  
CHEMIN WIDE**

**WHEREAS** once the plans and specifications for the proposed roadworks on Chemin Wide are completed and forwarded to the Municipality of Grosse Ile as well as the estimated cost of the work to be carried out, the posting of a public call for tenders will be required;

**THEREFORE**

R2023-039

It is proposed by Nancy Clark  
Seconded by Marlene Boudreau  
And unanimously approved by the Councillors present

**THAT** the Interim Director General/Clerk-Treasurer or the Assistant Clerk-Treasurer, as the case may be, be hereby authorized to proceed with a public call for tenders in order to carry out the proposed roadworks on Chemin Wide.

**REPEAL RESOLUTION R2020-124  
GYMNASIUM FLOOR – CALL FOR TENDERS**

R2023-040

It is proposed by Marlene Boudreau  
Seconded by Miranda Matthews  
And unanimously approved by the Councillors present

**THAT** Resolution R2020-124 – Gymnasium floor – Call for tenders be hereby repealed.

**CALL FOR TENDERS  
GYMNASIUM FLOOR**

**WHEREAS** the floor tiles in the gymnasium are lifting in several places and this has created a potential safety issue;

**WHEREAS** the Municipality has consulted a professional and random tile cannot be easily replaced considering that there are several damaged tiles to change;

**THEREFORE**

R2023-041

It is proposed by Marlene Boudreau  
Seconded by Johanne Clark  
And unanimously approved by the Councillors present

**THAT** the Interim Director General/Clerk-Treasurer or the Assistant Clerk Treasurer, as the case may be, be hereby authorized to proceed with a public call for tenders for the refurbishment of the gymnasium floor.

**THAT** the call for tenders will be issued pending a favorable response from the Eastern Shores School Board regarding the expenditure.

**OFFERS OF EMPLOYMENT  
INTERIM DIRECTOR GENERAL/CLERK-TREASURER  
ADMINISTRATIVE ASSISTANT**

**WHEREAS** the Director General / Clerk-Treasurer, Janice Turnbull, is on medical leave for an additional three-month period and the Municipality of Grosse Ile must fill this vacant position;

**WHEREAS** the Administrative Assistant / Assistant Clerk-Treasurer, Maxine Matthews, has informed the Municipality of Grosse Ile that she will be resigning from her position, effective April 27, 2023;

**THEREFORE**

R2023-042

It is proposed by Miranda Matthews  
Seconded by Kathy Burke  
And unanimously approved by the Councillors present

**THAT** the Assistant Clerk-Treasurer, Maxine Matthews, be hereby authorized to proceed with an offer of employment in order to engage the services of an Interim Director General / Clerk Treasurer.

**THAT** the Assistant Clerk-Treasurer, Maxine Matthews, be hereby authorized to proceed with an internal/external offer of employment in order to engage the services of an Administrative Assistant - permanent status.

**THAT** the Assistant Clerk-Treasurer, Maxine Matthews, be hereby authorized to proceed with a 2<sup>nd</sup> posting of both the above-

mentioned offers of employment should no applications be received as of Tuesday, April 11, 2023 at 11:59 p.m.

**COMMUNITY / GOVERNMENT  
FORUM**

**WHEREAS** the Community and Government Forum will be held on March 21 and 22, 2023 in Port Daniel;

**WHEREAS** this forum is an opportunity for government representatives and English-speaking community stakeholders to share knowledge, discuss priority needs and identify solutions;

**THEREFORE**

**R2023-043**

It is proposed by Miranda Matthews  
Secoded by Kathy Burke  
And unanimously approved by the Councillors present

**THAT** the Mayor, Diana-Joy Davies, be hereby authorized to participate in the Community / Government Forum that will be held in Port-Daniel on March 21 and 22, 2023.

**QUESTION PERIOD**

**N2023-044**

No questions are asked as no members of the public are present.

**CLOSE**

**R2023-045**

The session is closed on a motion from Marlene Boudreau at 7:32 p.m.

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Diana-Joy Davies  
Mayor

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Myriam Pealey  
Assistant Clerk-Treasurer