

FEBRUARY 20, 2023

MINUTES of the resumption of the adjourned sitting of February 13, 2023 of the council of the Municipality of Grosse Ile, for which notice of adjournment was given to all members of council who were not present at the time of adjournment in accordance with the Quebec Municipal Code; notice of this present sitting was given to all members of council, including those who are not present. The sitting is hereby declared in session by the Mayor, Mrs. Diana-Joy Davies, this twentieth day of February 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:	Kathy Burke Johanne Clark Katrina Keating Miranda Matthews Nancy Clark
Assistant Clerk-Treasurer:	Maxine Matthews
Absent with regrets Councillor:	Marlene Boudreau

OPENING OF THE SITTING AND WELCOME WORD BY THE CHAIR

N2023-019 The Mayor, Diana-Joy Davies, opens the sitting and welcomes the persons in attendance.

ADOPTION OF THE AGENDA

R2023-020 It is proposed by Kathy Burke
Seconded by Miranda Matthews
And unanimously approved by the Councillors present

THAT the following agenda be hereby adopted as presented:

1. Opening of the sitting
 - 1.1 Welcome word by the chair
 - 1.2 Adoption of the agenda
 - 1.3 Adoption of the minutes
2. Legislative acts of council
 - 2.1 2023 Tax Rates and Fees
 - 2.2 Sale of Immovables for non-payment of taxes
 - 2.3 Notice of Motion – Bylaw 2023-001 – Concerning the Demolition of Immovables
 - 2.4 Tabling and Adoption of Draft Bylaw 2023-001 – Concerning the Demolition of Immovables

- 2.5 Unité Régionale Loisir et Sport – GÎM - Membership renewal
- 3. Varia
- 4. Question period
- 5. Close

ADOPTION OF THE MINUTES

The members of council received a copy of, and declare having read, the minutes of the adjourned sitting of council held on February 13, 2023.

R2023-021

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

To adopt the minutes of the adjourned sitting of council held on February 13, 2023.

LEGISLATIVE ACTS OF COUNCIL

2023 TAX RATES AND FEES

R2023-022

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

THAT the 2023 general real estate tax rate for the Municipality of Grosse Ile is established, in accordance with Bylaw 2006-03, for each of the categories as follows:

Residential	\$1.35 per \$100
Immovable with 6 dwellings or more	\$1.35 per \$100
Non-residential immovable	\$2.66 per \$100
Industrial immovable	\$2.94 per \$100

Special tax (generator)

Residential	\$0.02 per \$100
Immovable with 6 dwellings or more	\$0.02 per \$100
Non-residential immovable	\$0.05 per \$100
Industrial	\$0.05 per \$100

THAT the number of installments remains at six (6), per fiscal year.

THAT a fee of twenty-five dollars (\$25.00) per dog shall also be applied.

THAT all overdue tax accounts, in accordance with Bylaw 2006-03, shall be charged an annual interest rate of 10% plus a late penalty of 0.5% of the unpaid principal for each full month overdue, up to a maximum of 5% annually. An annual interest rate of 15% shall be applied to all overdue accounts other than tax accounts.

**SALE OF IMMOVABLES FOR
NON-PAYMENT OF TAXES**

R2023-023

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

THAT a list of all tax accounts in arrears shall be forwarded to the Communauté maritime des Îles-de-la-Madeleine;

THAT the Director General/Clerk-Treasurer, Janice Turnbull, be hereby mandated to act on behalf of the Municipality of Grosse Ile during the sale of property for non-payment of municipal or school taxes, in order to acquire any of the abovementioned properties, if necessary.

**NOTICE OF MOTION
BYLAW 2023-001 – CONCERNING THE DEMOLITION
OF IMMOVABLES**

N2023-024

Councillor Miranda Matthews gives notice of motion that, at a subsequent sitting, she will be submitting for adoption *Bylaw 2023-001 – Concerning the Demolition of Immovables*.

**TABLING AND ADOPTION OF DRAFT BYLAW
2023-001 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 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 _____ ;

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

R2023-025

It is proposed by Miranda Matthews
Seconded by Katrina Keating
And unanimously approved by the Councillors present

TO adopt draft bylaw number 2023-001 entitled «**Bylaw Concerning the Demolition of Immovables**».

TO forward the draft bylaw number 2023-001 entitled «**Bylaw Concerning the Demolition of Immovables**» to the Maritime Community of the Magdalen Islands.

DRAFT BYLAW

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 *Cultural Heritage Act* (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 shall come into force in accordance with the *Act respecting land use planning and development* (CQLR, C. A-19.1).

UNITÉ RÉGIONALE LOISIR ET SPORT – GÎM MEMBERSHIP RENEWAL

R2023-026

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

THAT the Municipality of Grosse Ile shall renew its membership with the Unité Régionale loisir et sport Gaspésie – Îles-de-la-Madeleine at a cost of \$82.00.

THAT the Mayor and Director General/Clerk-Treasurer are hereby delegated to represent the Municipality within this organization.

QUESTION PERIOD

N2023-027

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

CLOSE

R2023-028

The session is closed on a motion from Kathy Burke at 7:10 p.m.

Diana-Joy Davies
Mayor

Maxine Matthews
Assistant Clerk-Treasurer