

BY-LAW NO RCM-102-2024

**BY-LAW AIMING TO EXEMPT THE ENTIRE TERRITORY OF THE CITY OF DORVAL
FROM THE APPLICATION OF THE FIRST PARAGRAPH OF SECTION 94 OF AN ACT
TO AMEND VARIOUS LEGISLATIVE PROVISIONS WITH RESPECT TO HOUSING**

Notice of motion and tabling of the draft by-law	June 17, 2024
Adoption of the by-law	July 15, 2024
Entry into force	July, 19, 2024

Regular meeting of the Municipal Council of the City of Dorval held in the chapel of the "Quatres Vents" residence located at 12 Dahlia Avenue, Dorval, Québec, on July 15, 2024, at 7:00 p.m. Mayor Marc Doret presides the meeting.

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WHEREAS An *Act to amend various legislative provisions with respect to housing* (2024, chapter 2), hereafter the “Act”, commonly known under the name Bill 31, came into force on February 21, 2024, with the exception of certain provisions;

WHEREAS the first paragraph of section 94 of the Act provides that the building of an accessory dwelling in a residential principal building is permitted despite any municipal planning by-law providing otherwise;

WHEREAS the first paragraph of section 94 of the Act will come into force on August 21, 2024, and will be in effect till August 21, 2029;

WHEREAS the third paragraph of section 94 of the Act provides for the possibility for a municipality to exempt any part of its territory from the application of the first paragraph of section 94 of the said Act;

WHEREAS the City of Dorval’s planning by-law in force prohibits accessory dwelling units other than intergenerational dwellings due to the inconveniences they bring to residential neighbourhoods;

WHEREAS the City of Dorval wishes to exempt its territory to the application of the first paragraph of section 94 of the Act to maintain its current provisions on accessory dwelling units;

WHEREAS during the regular meeting held on June 17, 2024, a notice of motion was duly given and the draft by-law was tabled;

The Municipal Council decrees by the present by-law the following:

SECTION 1: DECLARATORY, ADMINISTRATIVE AND INTERPRETATIVE PROVISIONS

1.1 Territory of application

This by-law applies to the entire territory of the City of Dorval.

1.2 Adoption part by part

This by-law is adopted as a whole and also chapter by chapter, section by section, , paragraph by paragraph and subparagraph by subparagraph, so that, if any part of this by-law is declared null and void by a court, such a decision has no effect on the other parts of this by-law, except in the case where the meaning and scope of the by-law or one of its provisions are altered or modified as a result.

1.3 Management and application of the by-law

The administration and application of this by-law are entrusted to the competent authority, as well as to its assistant and to building inspectors. The Council may also appoint any other employee for the application of this by-law.

For the purposes of this by-law, the competent authority means the Urban Planning Department Director, or a person nominated by the City Council to assist or replace the Director if necessary.

1.4 Powers of the competent authority

The powers of the competent authority, its assistant and building inspectors are set out in section 3 of chapter 1 of the Permits and Certificates By-law no. RCM-60F-2016.

1.5 Terminology

Unless expressly indicated otherwise or unless the context indicates a different meaning, the expressions, terms and words in this by-law have the meaning and application assigned to them by Zoning By-law no. RCM-60A-2015 and its amendments.

SECTION 2: PROHIBITION TO BUILD AN ACCESSORY DWELLING

- 2.1** The building of an accessory dwelling in a main residential building is prohibited on the territory of the City of Dorval.

SECTION 3: ENFORCEMENT OF THE BY-LAW

3.1 Fines

Commits an offence to this by-law:

- a) Any person who fails or neglects to fulfill any obligation set by this by-law, fails or neglects to complete or fulfill these obligations within the time limit provided for in this by-law or contravenes this by-law in any way;
- b) Any person actually committing the offence;
- c) Any person who advises, encourages or incites another person to do something that constitutes an offence;
- d) Any person who does or omits to do anything that has the effect of helping another person to commit an offence;
- e) any owner, tenant or occupant of an immovable or movable property who causes, tolerates or allows a contravention of this by-law to persist or whose property they own, rent or occupy does not comply with one or more of the provisions of this by-law.

3.2 Separate offence

If an offence lasts for more than one day, the offence committed on each day constitutes a separate offence and the penalties imposed for each offence may be imposed for each day that the offence lasts.

3.3 False declaration

Also commits an offence liable to the penalties provided for in this by-law, any person who, in order to obtain a certificate, permit, permission or approval under the by-law, makes a declaration to the designated official knowing that it is false or misleading or produces erroneous documents.

3.4 Penalties

If the offender is a natural person, he or she is liable, for a first offence, to a fine of \$1,000 plus costs for each offence. In the event of a subsequent offence, the fine is \$2,000 plus costs for each offence.

If the offender is a legal person, it is liable, in the event of a first offence, to a fine of \$2,000 plus costs for each offence. In the event of a subsequent offence, the fine is \$4,000 plus costs for each offence.

Anyone who commits an offence to this by-law is liable to the same fine as that provided for the offender, regardless of whether or not the offender, as well as any other person having committed the offence, has been prosecuted or declared guilty.

3.5 Other recourses

To ensure that the provisions in this by-law are respected, the City may exercise, cumulatively or alternatively with those specified in this by-law, all other appropriate remedies, whether civil or penal in nature.

SECTION 4: COMING INTO FORCE

This by-law comes into force in accordance with the law.

APPROVED _____ MAYOR

APPROVED _____ ASSISTANT CITY CLERK