

PROVINCE OF QUEBEC
CITY OF DORVAL

BY-LAW NO RCM-91-2022

INTERIM CONTROL BY-LAW TO INITIATE A REFLECTION
ON THE VOCATION OF THE AREA LOCATED BETWEEN
HIGHWAY 20, CÔTE-DE-LIESSE ROAD AND 55TH AVENUE

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| Notice of motion | April 19, 2022 |
| Tabling | April 19, 2022 |
| Adoption | May 16, 2022 |
| Publication | May 20, 2022 |
| Modified by RCM-91-1-2023 | October 23, 2023 |

Municipal council meeting held in Dorval, Québec, on May 16, 2022, Mayor Marc Doret presiding.

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WHEREAS the municipal council of the City of Dorval has given notice of motion and filed a draft by-law to amend its Sustainable Master Plan in order to review the use of the lands located in the area between Highway 20, Côte-de-Liesse Road and 55th Avenue;

WHEREAS, pursuant to Articles 109.1 et seq. and Articles 111 et seq. of the *Act respecting land use planning and development* (RSQ, c. A-19.1), the City may avail itself of the provisions relating to interim control when it has initiated the process of amendment of its Sustainable Master Plan;

WHEREAS the revision of the vocation of the area located between Highway 20, Côte-de-Liesse Road and 55th Avenue is intended to ensure a development that meets the best practices in land use planning;

WHEREAS this sector is strategic, being located near the intermodal station and the Montreal International Airport;

WHEREAS Article 112.2 of the *Act respecting land use planning and development* (RSQ, c. A-19.1) allows council to adopt an interim control by-law for a portion of its territory;

WHEREAS a notice of motion was given at the council meeting of April 19, 2022, in accordance with Article 356 of the *Cities and Towns Act* (RSQ, c.C-19);

THEREFORE:

The municipal council decrees as follows:

CHAPTER 1 : DECLARATORY, ADMINISTRATIVE AND INTERPRETATIVE PROVISIONS

1.1 Title of the by-law

This by-law is entitled "Interim control by-law to initiate a reflection on the vocation of the sector located between Highway 20, Côte-de-Liesse Road and 55th Avenue" and bears the number RCM-91-2022.

1.2 Scope of the by-law and affected territory

This by-law, the provisions of which are binding on all persons, applies to part of the territory of the City of Dorval covering lots included within zones I05-15, I05-16, C05-13, and I05-14 excluding its northern part of Avenue Michel Jasmin, which are illustrated in the zoning plan attached to the Zoning By-law RCM-60A-2015. This sector represents the

boundaries of the SPP of the Michel-Jasmin Sector, as illustrated in Annex A of this by-law. (modified by RCM-91-1-2023, art. 2)

1.3 Incompatibility with other by-laws or laws

Compliance to the present by-law does not absolve the obligation to comply with any other law or by-law of the provincial or federal government as well as any other applicable municipal by-law t

1.4 Part-by-part adoption

The municipal council of the City of Dorval hereby declares that it is adopting the present by-law as a whole and also, chapter by chapter, section by section and article by article, paragraph by paragraph, sub-paragraph by sub-paragraph, so that if a part of the present by-law was or were to be declared null and void by a tribunal, such a decision would have no effect on the other parts of the by-law, except in cases where the significance and scope of the by-law or of one of its provisions should be altered or modified as a result.

1.5 Precedence of the by-law

The interim control by-law takes precedence over any municipal by-law dealing with the same subject matter, unless the requirement of the municipal by-law is equivalent to or more restrictive than that of the present by-law.

1.6 Administration and application of the by-law

The administration and application of the present by-law are entrusted to any person nominated by a resolution of the municipal council, hereinafter the “competent authority”. No permit or certificate shall be issued by the competent authority in contravention of the present by-law.

1.7 Powers of the competent authority

The powers of the competent authority, of its assistant, and of the building inspectors are stated in Section 3 of Chapter 1 of the Permits and Certificates By-law number RCM-60F-2016.

1.8 Terminology

Unless there is an explicit indication to the contrary or unless the context indicates otherwise, the expressions, terms and words have the meaning and application attributed to them in Zoning By-law number RCM-60A-2015.

CHAPTER 2: NORMATIVE PROVISIONS

2.1 Prohibitions

New uses of the land, new structures, demolitions, applications for cadastral operations and the parcelling out of lots by alienation within the Affected Territory are prohibited.

Such prohibition does not, however, apply to:

- a) the issuance of a permit to carry out work that is required for safety reasons and for which a qualified professional in the field has provided a documented opinion as to the urgency of carrying out the work to prevent the loss of the building or the urgency of carrying out the work to remedy a hazard;
- b) new uses of the land, structures, demolitions, applications for cadastral operations and the parcelling out of lots by alienation for the purpose of the installation, by the City, of water or sewer services in an existing public street in execution of an order made under the *Environment Quality Act*;
- c) new uses of the land, structures, demolitions, applications for cadastral operations, and the parcelling out of lots by alienation for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks, or a hotel project; (modified by RCM-91-1-2023, art. 3)

- d) applications for cadastral operations required by a declaration of co-ownership made under article 1038 of the Civil Code or by the alienation of part of a building requiring the partitioning of the land on which it is situated
- e) work required by law or by court order;
- f) new uses of the land in accordance with the zoning by-law in force that do not require the issuing of a building or enlargement permit.

CHAPTER 3: PENAL PROVISIONS

3.1 Infractions and penalties

Whoever contravenes the provisions of the present by-law, fails or neglects to complete or fulfill such obligations within the time provided for in the present by-law, or contravenes the present by-law in any way, is committing an infraction.

If the offender is a natural person, the fine for a first infraction is \$1,000 plus fees for each infraction. In the case of a second or subsequent infraction, the fine is \$2,000 plus fees for each infraction.

If the offender is a legal person, the fine for a first infraction is \$2,000 plus fees for each infraction. In the case of a second or subsequent infraction, the fine is \$4,000 plus fees for each infraction.

3.2 Distinct infraction

If an infraction lasts more than one day, the infraction on each day constitutes a distinct infraction and the enacted penalties for each infraction can be imposed for each day the infraction lasts, in compliance to the present by-law.

3.3 False statement

Any person who, for the purpose of obtaining a certificate, permit, licence or approval under the present by-law, makes a statement to the designated officer knowing that the statement is false or misleading or produces false documents is also guilty of an infraction and liable to the penalties provided for in the present by-law.

3.4 Offenders

Commits an infraction to the present by-law:

- a) whoever actually commits the infraction;
- b) whoever advises, encourages or incites another person to do anything that constitutes an infraction;
- c) whoever does or omits to do anything for the purpose of aiding any person to commit an infraction;
- d) any owner, lessee or occupant of immovable or movable property who causes, tolerates or permits to remain a violation to the provisions of this by-law or whose property which they own, lease or occupy does not comply with one or more provisions of the present by-law.

Whoever commits an offence under this by-law is liable to the same penalty as that provided for the offender, whether or not the offender or any other person who also committed the offence has been prosecuted or convicted.

3.5 Further remedies

In addition to penal remedies, the City may pursue all other remedies necessary to enforce the provisions of the present by-law in the courts of civil jurisdiction.

More specifically, the City may obtain an order from the Superior Court of Quebec ordering the cessation of a use of land that is incompatible with the present interim control by-law, and ordering, at the expense of the owner, the carrying out of the works required for the demolition of any construction ~~the structure~~ or the restoration of the land. The City may be authorized to carry out the demolition and restoration work at the expense of the owner of the property.

CHAPTER 4: FINAL PROVISIONS

4.1 Coming into force

The present by-law will come into force according to Law.

APPROVED_____MAYOR

APPROVED_____CITY CLERK

The boundaries of the Michel-Jasmin Special Planning Program

