

PROVINCE OF QUÉBEC
CITY OF DORVAL

BY-LAW NO RCM-95-2023

BY-LAW CONCERNING THE IMPOSITION OF A CONTRIBUTION TO FINANCE ALL OR PART OF AN EXPENSE RELATED TO ANY ADDITION TO OR ENLARGEMENT OR ALTERATION OF MUNICIPAL INFRASTRUCTURES OR EQUIPMENT

Notice of motion	January 23, 2023
Adoption of the draft By-Law	January 23, 2023
Adoption of the By-Law	March 20, 2023
Entry into force	March 27, 2023
Amended by RCM-95-1-2023	December 15, 2023

Meeting of the Council of the City of Dorval held in the chapel of the “Quatre Vents” residence located at 12 Dahlia Avenue, Dorval, Québec, on March 20, 2023, at 7 p.m. Mayor Marc Doret presides the meeting.

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WHEREAS the City has the obligation to adopt yearly a capital expenditures program for the next three fiscal years;

WHEREAS under section 145.21 of the *Act respecting land use planning and development*, it is possible for a municipality to require a financial contribution related to any addition to or enlargement or alteration of municipal infrastructures or equipment required to ensure the increased provision of municipal services necessary as a result of the intervention authorized under the permit application;

WHEREAS the City of Dorval wishes to subordinate the issue of a construction permit for certain building projects to the payment of a financial contribution placed in a fund reserved to finance, in the short, medium, or long-term, municipal infrastructures or equipment required to ensure the increased provision of municipal services;

WHEREAS the City wishes to set the amount of the financial contribution for each project based on the cost of the municipal infrastructures and equipment, regardless of their location within the municipality, destined to serve not only immovables to which the permit or certificate applies but also other immovables in the territory of the municipality;

WHEREAS a notice of motion for the present by-law was duly given at the regular meeting of the Council held on January 23, 2023 and the draft by-law was tabled at said meeting;

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

PREAMBLE

SECTION 1

The preamble is an integral part of this by-law.

DEFINITIONS

SECTION 2

In this by-law, unless the context indicates a different meaning, the following definitions apply:

- 2.1 “Applicant”: Any person applying for a permit or certificate necessary for the construction of a project subject to the contribution provided for in this by-law;
- 2.2 “Housing unit”: One or more rooms containing hygiene, heating, or cooking facilities and used as a residence, excluding hotels and motels;
- 2.3 “City”: the City of Dorval.
- 2.4 “Hotel or Motel”: Establishment that rents rooms to individuals or families usually for short-term stays that may also provide other services such as restaurants.

SCOPE AND PURPOSE OF THE BY-LAW

SECTION 3

This by-law applies to the entire territory of the City. Its purpose is to create a fund to finance the addition to, enlargement or alteration of municipal infrastructures or equipment required to ensure the increased provision of municipal services necessary as a result of the intervention being the subject of certain construction permit applications, by subjecting the said applications to the payment of a financial contribution.

CREATION OF THE FUND

SECTION 4

The « *Fees fund for the financing of municipal infrastructures and equipment* » is created as of the date of entry into force of the present by-law.

The fund is created for an indefinite period and consists of sums paid by the applicants and the interest accrued.

CONTRIBUTION TO THE FUND

SECTION 5

The issuance of a construction permit aiming to realize one of the following projects is subordinated to the payment, by the applicant, of a contribution aiming to finance the addition to, enlargement or alteration of municipal infrastructures or equipment subject to the present by-law:

- 1. The construction of a partially or entirely residential building of six (6) housing units or more;
- 2. The extension or renovation of a building which will ultimately add six (6) housing units or more;
- 3. The construction of a building in several phases comprising a total of six (6) housing units and more;
- 4. The construction or extension of a commercial or industrial building which includes the addition of floor area;

5. The construction or extension of a hotel or a motel.

This contribution is payable prior to the issuance of a building permit for a project subject to this by-law and which has or has not been the object of an agreement under By-Law RCM-37-2011 on agreements relating to municipal work required for the realization of residential projects and its amendments or of an authorization under By-Law RCM-60E-2015 concerning specific construction, alteration or occupancy proposals for immovables (SCAOPI) and its amendments.

SECTION 6

6.1 Establishment of the contribution

The amount of the contribution provided for in the present by-law is established at \$3,163 per residential housing unit or per equivalent commercial or industrial unit.

This amount is established by taking into account the proportion of new housing units and new commercial and industrial spaces estimated in the short, medium and long term according to known projects, demographic projections and the territory's potential for development, in relation to the existing housing units and commercial and industrial spaces. This allows to determine the portion of the cost of municipal infrastructures and equipment appearing in Schedule A which will be financed by the Fund, the remainder being financed with the City's general taxation fund. As such, the portion of the projects' costs estimated in Schedule A that will be financed with the Fund is proportional to the increase in population and users resulting from new constructions.

The amount of the contribution will be indexed annually on January 1 of each year, according to the variation in the general consumer price index in the Montreal region, from October to October.

6.2 Calculation of the payable contribution

6.2.1 For residential buildings which are subject to the present by-law, the contribution is \$3,163 per housing unit.

6.2.2 For commercial and industrial buildings which are subject to the present by-law, including hotels and motels, the contribution is \$3,163 per equivalent commercial or industrial unit. The number of equivalent units is calculated by dividing the construction cost declared at the time of the construction permit application by the average value of a housing unit in the City of Dorval according to the summary of the property assessment roll in force at the time of the permit application. The result is rounded up to the next number.

6.2.3 For a building comprising a mix of uses, the contribution is calculated according to the total contributions payable, for each of their uses.

6.2.4 The contribution for commercial and industrial buildings will be adjusted following the filing of the appraiser's certificate confirming the value of the building at the time of its registration on the assessment roll, if this value is greater than the declared construction cost, all according to the same calculation established in subparagraph 6.2.2. Payment for any adjustment will be made within 30 days of the issue of the invoice.

SECTION 7

The applicant who has paid a contribution provided for in this by-law is entitled to a reimbursement of the contribution provided for in section 5, in the following proportions, when the building being the subject of the permit application receives one of the following certifications:

1. LEED Silver: reimbursement of 10 % the contribution.
2. LEED Gold: reimbursement of 20% of the contribution.
3. LEED Platinum: reimbursement of 30% of the contribution.
4. NET-ZERO: reimbursement of 30% of the contribution.

To obtain said reimbursement, the applicant must provide the City with proof of certification within one hundred and twenty (120) days following the completion of the construction of the building.

ISSUANCE OF PERMITS

SECTION 8

No construction permit for a project subject to this by-law may be issued if the applicant has not complied with the obligations provided for in this by-law.

USE OF THE FUND

SECTION 9

The fund is intended to finance expenditures relating to the creation, development, redevelopment, upgrading, addition, expansion or modification of any equipment or infrastructure included in the capital expenditures program in force.

The contribution paid to the fund can be used to finance infrastructures and equipment, regardless of their location, if they are required to serve not only immovables to which the permit applies but also other immovables on the territory of the City of Dorval.

The fund may be used by allocating funds to expenses incurred with respect to interest and capital repayment of the annual instalments of any loan contracted for the purposes of carrying out the work covered by such expenses, if necessary.

SECTION 10

The fund may be used to finance projects provided for in Schedule A of the present by-law which could be for :

1. The fight against climate change and the acquisition of natural environments;
2. Municipal infrastructures and roads;
3. Parks and infrastructures for sports, recreational or community use;
4. The construction, expansion, or improvement of municipal buildings.

USE OF A SURPLUS

SECTION 11

If the municipality has recorded a surplus that cannot be used for the purposes for which the contribution was intended, the residual balance of the fund must be apportioned by the City among the owners of the immovables for which the issue of the permit or certificate was subordinated to the payment of the contribution, in proportion to the amounts paid for each immovable. That apportionment must be completed not later than 31 December of the fiscal year following that in which the surplus is recorded.

EXCLUSION

SECTION 12

The requirement to pay a contribution under the present by-law is not applicable to :

- 1. A public body within the meaning of the first paragraph of section 3 of the *Act respecting Access to documents held by public bodies and the Protection of personal information* (chapter A-2.1);
- 2. A childcare centre within the meaning of the *Educational Childcare Act* (chapter S-4.1.1);
- 3. A housing project for social or affordable housing purposes implemented under the *Act respecting the Société d'habitation du Québec* (CQLR c. S-8);
- 4. A seniors' residence within the meaning of section 346.0.1 of the *Act respecting health services and social services* (CQLR c.S-4.2).

APPLICATION OF THE BY-LAW

SECTION 13

The Municipal Council appoints the Director of the Urban Planning Department as the person in charge of the application of the present by-law.

The Municipal Council may also appoint, by resolution, any other person to replace or assist the Director of Urban Planning.

COMING INTO FORCE

SECTION 14

The present by-law comes into force according to law and will take effect from January 1st, 2024.

APPROVED_____ MAYOR

APPROVED_____ASSISTANT CITY CLERK

SCHEDULE A

LIST OF THE COSTS OF PLANNED PROJECT RELATED TO THE ADDITION TO, ENLARGEMENT OR ALTERATION OF MUNICIPAL INFRASTRUCTURES OR EQUIPMENT REQUIRED TO ENSURE THE INCREASED PROVISION OF MUNICIPAL SERVICES RESULTING FROM THE TARGETED INTERVENTIONS

Name of the project	Estimated cost of the project
Construction of a park (Ballantyne Park + Public Works terrain)	\$11,338,650
Reconstruction of Bouchard Boulevard (with reconstruction of services)	\$7,555,383
Redevelopment of Dorval Avenue	\$7,285,650
Construction of an elevated park (BDL and Dorval)	\$7,499,754
Demolition of Public Works (to integrate the terrain to Ballantyne Park to extend the park)	\$2,323,837
Revitalization of chemin du Bord-du-Lac-Lakeshore	\$24,117,782
Total	\$60,121,056