

**C A N A D A
PROVINCE OF QUEBEC**

CITY OF MONTREAL

Borough of Côte Saint-Luc,
Hampstead, Montreal West

BY-LAW No. G-18-0005

**BY-LAW CONCERNING
MINOR EXEMPTIONS**

**(as modified in By-Laws Nos.
G-18-0016 and 2007-005)**

At a Regular Monthly Meeting of the Borough Council of Côte Saint-Luc, Hampstead, Montreal West, held at the Bernard Lang Civic Center at 5801 Cavendish Boulevard, June 3, 2002, at 8:00 p.m., at which were present:

Mr. Robert Libman, Borough Chairman

Mrs. Dida Berku, B.C.L., Councillor

Mr. Anthony Housefather, B.C.L., Councillor

ALSO PRESENT:

Mr. David Johnstone, Borough Manager

Mr. Jonathan Shecter, Borough Secretary

CITY OF MONTREAL

Borough of Côte Saint Luc,
Hampstead, Montreal West

- 2 -

Administrative consolidation (April 06, 2011)

WHEREAS the Borough Council wishes to simplify the administration of the different regulations concerning Minor Exemptions throughout all of the sectors of our Borough.

IT IS ENACTED AND ORDAINED by By-Law G-18-0005 entitled: "BY-LAW CONCERNING MINOR EXEMPTIONS", as follows:

1. Zoning and Subdivisions

The Borough Council may, by resolution, grant one or several minor exemptions following the deposit of an application in accordance with the present By-law. A minor exemption may only be granted with respect to the following provisions:

- a) every provision of the zoning By-law other than those relating to land use and land occupation density;
- b) those of the subdivision By-Law relating to the dimensions of lots, excluding the minimum area.

2. Territory

A minor exemption may be granted in every zone provided on the Zoning Plan annexed to the zoning By-law of every sector of the Borough.

3. Restriction

A minor exemption may be granted upon the following conditions:

- a) the aims of the planning programme be respected;
- b) the application of the By-law could cause a serious prejudice to the person who applies for the minor exemption;
- c) the granting of the minor exemption will not hinder the owners of neighbouring properties in the enjoyment of their right of ownership.

The expression "*owners of neighbouring properties*" used in the present By-law means the owners of contiguous properties to the land subject to the application for a minor exemption.

CITY OF MONTREAL

Borough of Côte Saint Luc,
Hampstead, Montreal West

- 3 -

4. Works contemplated

An application for a minor exemption may be granted for the following works:

- a) the works not yet carried-out upon the date when the Borough Council rules on the application;
- b) the works in progress or already carried-out that were authorized by a building permit and carried-out in good faith.

5. Procedure

Any person who seeks a minor exemption must act according to the following procedure:

- a) file a written application on the form provided by the Borough;
- b) provide a copy of the deed of acquisition of the land by the owner;
- c) provide duplicate copies of a site plan if the application for a minor exemption contemplates a building to be erected;
- d) provide duplicate copies of a certificate of location duly signed by a land surveyor if a construction has already been erected on the land;
- e) if the application contemplates works in progress or already carried-out, provide duplicate copies of the construction permit or the certificate as well as the plans attached thereto;
- f) when the application for a minor exemption contemplates a land for which an application for a construction permit or a certificate has already been presented, provide duplicate copies of such application as well as the plans attached thereto;
- g) provide details and locate on the certificate of location or on the site plan the minor exemption contemplated;
- h) locate the neighbouring properties and buildings on such plans or on another plan;

CITY OF MONTREAL

Borough of Côte Saint Luc,
Hampstead, Montreal West

- 4 -

- i) Pay the required cost according to By-Law No. 2007-005 Relating to Tariffs; (*G-18-0016, s. 14; 2007-005, s. 6*)
- j) provide any other relevant information or document requested by the Director.

6. Administration of the application

As soon as the application is duly completed and conforms in accordance with the conditions of the present By-law, the Director shall transmit same to the Planning Advisory Committee at the latest thirty (30) days following the date of completion of such application.

7. Study of the application by the Planning Advisory Committee

The Planning Advisory Committee shall study the application on the first regular meeting following the transmission of the application by the Director. Upon this study, the Planning Advisory Committee may, notably, recommend the granting or the refusal of the application, request that the applicant provide additional information or documents, seek the authorization to examine the land contemplated by the application or report its study to a subsequent meeting.

8. Public notice

At least fifteen (15) days prior to the meeting where the Borough Council shall rule on the application, the Borough Secretary must publish a public notice. The public notice will indicate:

- a) the date, time and place of the Borough Council's meeting;
- b) the nature and consequences of the application;
- c) the designation or description of the neighbouring properties using the name of the street and civic number or, failing which, the cadastral number;
- d) that any interested person may be heard by the Borough Council in relation to the application.

9. Decision by Borough Council

The Borough Council shall render its decision upon receipt of the advice of the Planning Advisory Committee and having heard any interested party at a public meeting.

CITY OF MONTREAL

Borough of Côte Saint Luc,
Hampstead, Montreal West

- 5 -

A copy of the resolution containing the decision of the Borough Council shall be sent to the applicant of the exemption, as well as to the Director.

10. Application for a construction permit or a certificate

Notwithstanding the obtaining of a minor exemption, an application for the issue of a construction permit or a certificate shall accompany all plans and documents required by the relevant By-law and be consistent with all other provisions of the By-laws in force on the territory of the Borough.

11. By-laws repealed

This By-law repeals Chapter 13 of the Zoning By-Law 2217 of the former City of Côte Saint Luc, Chapter 7 of the Permits and Certificates By-Law 730 of the former Town of Hampstead and By-Law 530 concerning Minor Exemptions of the former Town of Montreal West.

12. Coming into force

The present By-Law shall come into force according to law.

(S) ROBERT LIBMAN
BOROUGH PRESIDENT

(S) JONATHAN SHECTER
BOROUGH SECRETARY

PROVINCE OF QUEBEC

CITY OF MONTREAL

Borough of Côte Saint Luc,
Hampstead, Montreal West

BY-LAW NO G-18-0005

BY-LAW CONCERNING MINOR EXEMPTIONS.

ADOPTED ON: _____

IN FORCE ON: _____

ORIGINAL