

MINUTES
SPECIAL COUNCIL MEETING

NOVEMBER 8, 2018
8:00 a.m.

Minutes of the Special Meeting of the Council of Montreal West held on November 8, 2019 at the Town Hall located at 50 Westminster Avenue South.

Present: Mr. Beny Masella, Mayor
Ms. Elizabeth Ulin, Councillor
Ms. Colleen Feeney, Councillor

Absent: Mr. Dino Mazzone, Councillor
Ms. Maria Torres, Councillor

Also present: Ms. Raffaella Di Stasio, Director General
Mr. Mathieu Boissonneault, Assistant Town Clerk

Mayor Beny Masella acted as chairperson of the meeting.
Mr. Mathieu Boissonneault, Assistant Town Clerk, acted as secretary of the meeting.

Two (2) persons were in attendance.

1. Opening of the Meeting

It was moved by Councillor Elizabeth Ulin, seconded by Councillor Colleen Feeney and resolved:

That the Meeting be declared open.

Carried unanimously
20191108-001

The Mayor called the Meeting to order at 8:33 a.m.

2. Adoption of the Agenda

It was moved by Councillor Colleen Feeney, seconded by Councillor Elizabeth Ulin and resolved:

To adopt the Agenda of the Special Meeting of Friday, November 8, 2018 as presented.

Carried unanimously
20191108-002

3. Minor exemption request – 325 Brock North

NOTE Councillor Colleen Feeney summarized the issues involved in the following matter. She also noted that it had been advertised in the newspaper. Mr. Andy Malolepszy raised concerns over the possible loss of privacy if the owners were to sell, as well as concerns over a potential loss of value for his property as a result of this minor exemption.

It was moved by Councillor Colleen Feeney, seconded by Councillor Elizabeth Ulin and resolved:

That the plans and request submitted to the October 9, 2019 meeting of the Planning Advisory Committee be approved, in accordance with By-Laws 2010-002 and G-18-0005, for the following minor exemptions from section 3.2.2 of the Zoning By-Law, regarding the immovable located at 325 Brock North in Zone RA-4 to:

- Normalize a lateral setback on the south side of the main building which is 0.51 metre, while the minimum is 1.2 metres as per the relevant schedule of uses and standards, the consequence being to reduce this requirement by 0.69 metre.
- Normalize the combined lateral setback of the main building which is 1.42 metres, while the minimum is of 4.0 metres as per the relevant schedule of uses and standards, the consequence being to reduce this requirement by 2.58 metres.

- Normalize the lateral setback of a rear extension which is 0.66 metre, while the minimum is 1.2 metres as per the relevant schedule of uses and standards, the consequence being to reduce this requirement by 0.54 metre.

Carried unanimously
20191108-003

4. Site Planning and Architectural Integration Program (SPAIP)

It was moved by Councillor Colleen Feeney, seconded by Councillor Elizabeth Ulin and resolved:

- 1) To acknowledge receipt of the minutes of a meeting held by the Planning Advisory Committee (PAC) on November 4, 2019.
- 2) To approve as presented under the SPAIP the following plans submitted to this meeting, in accordance with the recommendations of the PAC as outlined in the minutes:

Address	Project
87 Percival	Replacement of ten basement windows;
43 Nelson	Replacement of one window on the attached garage.

- 3) To approve with conditions under the SPAIP the following plans submitted to this meeting, in accordance with the recommendations of the PAC as outlined in the minutes:

Address	Project
31 Banstead	Modifications to openings on the side and back facades;
14-16 Westminster N.	Replacement of commercial sign;
354 Brock N.	Replacement of one window on the back façade.

Carried unanimously
20191108-004

5. Settlement out-of-court – file number 500-17-092970-162

It was moved by Councillor Elizabeth Ulin, seconded by Councillor Colleen Feeney and resolved:

- 1) That the Town of Montreal West accept the terms of an out-of-court settlement recommended by its attorney Bélanger Sauvé with the owner of lots 1 291 426 and 1 292 545, without admission of liability, in order to terminate litigation before the court hearing with regard to a request launched in accordance with section 227 of the Act Respecting Land Use Planning and Development.
- 2) That the Director General, Me Raffaella Di Stasio, be authorized to sign the necessary documents to implement this resolution on behalf of the Town.

Carried unanimously
20191108-005

6. Brock South file

WHEREAS resolutions No. 20180626-008 and No. 20181217-013 (2) were adopted by the Town of Montreal West;

CONSIDERING that, with the adoption of Decree 706-2015 on August 11, 2015, a portion of Route 138 and the connection of Brock South to this road were transferred under the responsibility of the Ministry of Transportation (MTQ) and have been closed to all traffic by the implementation of security devices ("Jerseys");

WHEREAS the MTQ completely redesigned and redeveloped this section of Brock South as part of the Turcot interchange reconstruction project;

WHEREAS in March 2019, the MTQ granted an occasional access tolerance to 9215-3790 Québec Inc (Promoter) to Brock South despite being closed on the condition that it limits the comings and goings on this street, while taking all necessary measures to

limit all damages to the existing infrastructure, and provide an irrevocable letter of guarantee in the amount of \$ 150,000 (hereinafter referred to as LC S602507);

WHEREAS since the Decree 633-2019 adopted on June 19, 2019, the responsibility of the portion of Brock South located on the territory of the Town of Montreal West was given to the Town and it remained closed to circulation by keeping the *Jerseys* already in place;

CONSIDERING the Promoter's requests regarding access to Brock South despite its closure during and at the end of its construction work for its residential development of phases I and II and the eventual phase III;

THEREFORE

It was moved by Councillor Elizabeth Ulin, seconded by Councillor Colleen Feeney and resolved:

THAT the Town Council allows access to Brock South at the intersection of Ronald Drive occasionally to the Promoter during its work despite its closure and under the following conditions:

1. Provide an irrevocable letter of guarantee for a minimum amount of one hundred and fifty-thousand dollars (\$150,000) in favour, in particular, of Montreal West, under the same conditions as the irrevocable letter of guarantee LC S602507;
2. That it adds Montreal West as a beneficiary of 9215-3790 Québec Inc's construction insurance coverage for the duration of all of its work to the end of the project.
3. That an agreement between the Promoter and the Town of Montreal West be agreed to define what they mean by "occasional" access and to establish that a 48-hour notice prior to any access will have to be sent to the Town of Montreal West. This agreement shall also provide for a commitment by the Promoter to repair, at its expense, all damages that may be caused to this section of Brock South during the course of its construction work.

THAT the Town Council takes note of the Promoter's recent request that the opening of Brock South is to be decreed in May 2020.

THAT an analysis of this request be done diligently within a reasonable time, in particular by consulting all the stakeholders, namely the City of Montreal and the MTQ (which has closed this portion of Brock South); such an analysis has not been completed so far, it is thus not possible for the Town to decide.

THAT the portion of Brock South located in Montreal West remains closed until the Town receives authorization from the MTQ according to their detailed planning for the completion of the infrastructure work of the street and until it removes the "Jerseys" it installed on this section of Brock South.

THAT this resolution be forwarded to the Borough of Côte-des-Neiges – Notre-Dame-de-Grâce, to the City of Montreal, to the Ministry of Transportation and to the Promoter.

Carried unanimously
20191108-006

7. Public Question Period

The Mayor noted the beginning of the Public Question Period at 8:47 a.m.

Mr. Andy Malopszy asked if he will need to move his fence following the Council's decision to approve the minor exemption request for 325 Brock North. He was answered that he does not have to move the fence. He then asked if he needed to sign a servitude of view and if he could ask for one also. He was answered that it is something to be negotiated between the parties, namely him and his neighbors. Lastly, he was wondering if he needed a new certificate of location for his property as a result of the Council's decision to approve this minor exemption. He was answered that he does not need to get a new one; these certificates are needed for certain operations, e.g. selling the property, and are only valid for a limited period.

Mr. Lorne Miller, a representative of 9215-3790 Québec Inc, asked if it could receive a copy of the minutes and when would they be sent. He was answered that a copy of the minutes will be sent on Monday, November 11, 2019. He then reiterated the company's

concerns over the access to Brock South with the upcoming opening of parts of the residential project in May. The Council did not comment on the matter since both parties are represented by lawyers.

8. Termination of the Meeting

At 8:53 a.m., no further questions being asked,

It was moved by Councillor Colleen Feeney, seconded by Councillor Elizabeth Ulin and resolved:

That the Meeting be terminated.

Carried unanimously
20191108-007

Beny Masella
Mayor

Mathieu Boissonneault
Assistant Town Clerk

The annexes mentioned above are deposited
in the municipal archives in File *Archives-20191108*