



## **TOWN OF MONTREAL WEST**

### **BY-LAW 2009 -011 – BY-LAW CONSOLIDATING THE PERMITS BY-LAW OF THE TOWN OF MONTREAL WEST, MODIFYING VARIOUS PROVISIONS AND AMENDING OTHERS TO COMPLY WITH THE MODIFIED PLANNING PROGRAMME**

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**Administrative consolidation as of October 11, 2023**

**September 25<sup>th</sup>, 2009**

**Prepared by:**





PROVINCE OF QUEBEC  
TOWN OF MONTREAL WEST

BY-LAW 2009-011

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BY-LAW CONSOLIDATING THE PERMITS BY-LAW OF THE TOWN OF MONTREAL WEST, MODIFYING VARIOUS PROVISIONS AND AMENDING OTHERS TO COMPLY WITH THE MODIFIED PLANNING PROGRAMME

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**By-law modifications**

By-law number	Coming into force
2015-013	JANUARY 6 <sup>TH</sup> , 2016
2016-005	JUNE 8 <sup>TH</sup> , 2016
2016-013	NOVEMBER 5 <sup>TH</sup> , 2016
2017-003	APRIL 26 <sup>TH</sup> , 2017
2023-008	OCTOBER 11 <sup>TH</sup> , 2023

**THE MUNICIPAL COUNCIL DECREES THE FOLLOWING:**





## **TOWN OF MONTREAL WEST**

### **PERMIT BY-LAW 2009-011**

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Prepared by:





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## **TOWN OF MONTREAL WEST**

### **PERMIT BY-LAW 2009-011**

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#### **CHAPTER 1 :**

#### **Declaratory, Administrative and Interpretative Provisions**

Prepared by:







CHAPTER 1 :  
Declaratory, Administrative and Interpretative Provisions

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**Division 1.1 : Declaratory provisions**

**1.1.1 : Title of the By-Law**

The present by-law is entitled « *Permit By-Law* » and carries the number 2009-011.

**1.1.2 : Repeal**

1. The present by-law repeals By-Law number 449, entitled « *Permit By-Law* », as modified by all its amendments, as well as any other repugnant provision in another by-law in force;
1. This abrogation does not affect legally-issued permits issued under the authority of the replaced by-law and the acquired rights from before the coming into force of the present by-law.

**1.1.3 : Scope of the by-law and subject territory**

The present by-law, of which the provisions are imposed on all persons, is applied to the entire territory of the Town of Montreal West for the issuance of a building permit, a subdivision permit, an occupancy permit and other requests treated in the present by-law.

**1.1.4 : Incompatibility with other by-laws or laws**

Conforming to the present by-law does not absolve the obligation to law of the provincial or federal government as well as any other applicable municipal by-law.

**1.1.5 : Part-by-part adoption**

The municipal Council of the Town of Montreal West hereby declares that it is adopting the present by-law, 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 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.

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**Division 1.2 : Administrative provisions**

**1.2.1 : Administration and application of the by-law**

The administration and application of the present by-law are entrusted to any person nominated as a « designated official », by a resolution of the Municipal Council.

**1.2.2 : Powers of the designated official**

Without restricting the powers entrusted to the designated official by the laws governing the Town, the powers of the designated official are the following:

1. Ensure that the by-laws he/she manages and applies are respected ;
2. Analyze requests for permits addressed to him/her and verify the compliance with the urban planning by-laws of the submitted documents and plans ;
3. Ensure that the applicable fees for the issuance of permits are paid ;
4. Issue permits and required in compliance to the present by-law if they are compliant with the urban planning by-laws as well as with conditions indicated in a resolution by Town Council, if applicable ;
5. Can inspect and visit any building, construction, equipment or work ;
6. Can send a written notice to any owner, applicant or person carrying out work, obliging him/her to rectify any situation constituting an infraction to the urban planning by-laws ;
7. Can order any owner, applicant or person carrying out work to suspend all work, to close a building or to cease an activity that contravenes to the urban planning by-laws ;
8. Can require that trials and tests mentioned in the present by-law be executed by the applicant and at the applicant's expense ;
9. Can request that the applicant supply all technical rapports allowing to establish compliance of the request to the present by-law ;
10. Can recommend to Town Council a motion of sanctions against an offender of the urban planning by-laws.

**1.2.3 : Visits of sites and constructions**

The designated official is authorized to visit and examine, during reasonable hours, all movable and immovable properties, as well as the interior and exterior of any house, building or construction whatsoever, to assess whether or not the by-laws for which he/she has been entrusted to enforce, are being respected. The owner or occupant of the house, building or construction, must allow him/her access.

The designated official is authorized to be accompanied during the visit by any person likely to help him/her in his/her functions.

**1.2.4 : Infractions, contraventions, penalties and recourses: general provisions**

1. Whomever contravenes the provisions of the urban planning by-laws, other than the provisions relating to tree felling in section 1.2.5, is committing an infraction ;
2. An infraction to the present by-law exposes the offender to the following fines:

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	Individual		Corporation	
	Minimum	Maximum	Minimum	Maximum
<b>First offence</b>	300 \$	1 000 \$	600 \$	2 000 \$
<b>Repeat offence</b>	500 \$	2 000 \$	1 000 \$	4 000 \$

(R. 2016-005, a. 1)

3. In all cases, court fees are added;
4. The delay for payment of imposed fines and fees of the present by-law, and the consequences of default of payment of the said fines and fees within the prescribed delays are determined in compliance to the *Code of Penal Procedure of Quebec (R.S.Q., c. C-25.1)* ;
5. 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 section.

**1.2.5 : Infractions, contraventions, penalties and recourses: specific provisions for tree felling**

1. Whomever contravenes the provisions of the urban planning by-laws relating to tree felling, is committing an infraction ;
2. An infraction of the urban planning by-laws concerning tree felling exposes the offender to a minimum fine of 500 \$ to which is added:
  - a) In the case of felling over an area smaller than 1 hectare, a minimum amount of 100 \$ and maximum of 200 \$ per tree felled illegally, up to 5 000 \$ ;
  - b) In the case of felling over an area 1 hectare or greater, a minimum amount of 5 000 \$ and maximum of 15 000 \$ per completely felled hectare to which is added, for each fraction of felled hectare, an amount determined by the preceding paragraph;
3. The amounts prescribed in paragraph 2 are doubled for a repeat offense ;
4. In all cases, court fees are added ;
5. The delay for payment of imposed fines and fees of the present by-law, and the consequences of default of payment of the said fines and fees within the prescribed delays are determined in compliance to the *Code of Penal Procedure of Quebec (R.S.Q., c. C-25.1)*.

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**Division 1.3 : Interpretative provisions**

**1.3.1 : Interpretation of provisions**

1. When 2 standards or provisions of the present by-law apply to a use, building, lot or any other object governed by the present by-law, the following rule applies:
  - a) A specific standard or provision prevails over a general provision ;
  - b) The most restrictive provision prevails.
2. Unless the context specifies otherwise, it is understood that:
  - a) Singular includes plural and vice versa ;
  - b) Masculine includes feminine and vice versa ;
  - c) The use of the words « MUST » and « SHALL » implies an absolute obligation ;
  - d) The use of the word « CAN » implies an option ;
  - e) The word « WHOMEVER » includes individuals and corporations.
3. The table of contents and the chapter titles, the divisions and sections of the present by-law are provided to improve the text's readability. In case of contradiction between the text and the concerned title(s) of table of contents, the text prevails;
4. Plans, annexes, tables, graphics and symbols and all forms of expression aside from the text, and contained in the present by-law, are an integral part of the by-law for all legal purposes ;
5. In case of contradiction between a table and a graphic, the data in the table prevails ;
6. The dimensions, areas and other measures stated in the by-law are expressed in units of the International System.

**1.3.2 : Numbering**

The numbering method used in this by-law is the following (when the section's text does not contain numbering relating to a paragraph or sub-paragraph, it is referred to as an indented line):

1. Chapter
- 1.1 Division
- 1.1.1 Section
  1. Paragraph
  - a) Sub-paragraph



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**1.3.3 : Terminology**

Unless it is explicitly stated otherwise or unless the context refers to a different meaning, the expressions, terms and words bear the meaning and application attributed to them by the following definitions:

***ACCESSORY BUILDING:***

Building used only in a manner that is subsidiary or accessory to the purpose of the main building or of the main use exercised on the lot.

***ACCESSORY USE:***

Any use exercised on a lot, in a building or construction as a complement to a main use or, in a manner accessory or secondary to the main use.

***ADJOINING CARPORT:***

Accessory building adjoining the main building, formed by a roof resting on pillars resting on columns, open on at least 3 sides, of which 2 have a proportion of at least 50 % of the area (the third being access). A carport is used for the parking and storage of road recreational vehicles.

***AISLE (CIRCULATION AISLE):***

Space required on a lot allowing access to one or several parking spots or loading and unloading areas from the street. The aisle must not serve as parking.

***ANTENNA:***

Device serving to pick-up or diffuse waves.

***ATTIC:***

Space located under a building's roof peak (crest or ridge), under the roof slopes and separated from the space below by a floor.

***AUTOMOBILE GRAVEYARD or SCRAP YARD:***

Field where are accumulated vehicles or scrap metal or objects whatsoever that are not in a functional state, to be demolished or not, or sold in parts or as a whole.

***AUTO PART RECUPERATION SITE:***

See « automobile graveyard or scrap yard ».

***AVERAGE GRADE:***

In all cases, it is the lowest of definitive average grades on a distance of 3 metres. In the case of a building or of a construction, it is the lowest of definitive average grades, when these grades are measured along each exterior wall of a building within a distance of 3 metres from the wall, according to surveys taking into account differences in elevation other than those providing access to entrance doors of the building for vehicles and pedestrians.

***AWNING:***

Overhanging shelter supported by a frame serving to protect from the sun and precipitation, made of flexible, non rigid materials.

***BALCONY:***

Accessory construction composed of a platform overhanging from a building that is not linked to the ground (not resting on a structure or posts) open on a minimum of 2 sides and surrounded by a guardrail.

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**BASEMENT:**

Part of a building located below the ground floor, having a clearance of at least 2.3 metres between the ceiling and the floor.

**BILLBOARD:**

Sign installed on a lot or a building advertising an establishment, a product or a service that is not located on the lot or building in question. Community signs are not considered to be billboards.

**BUFFER ZONE:**

This zone is located between two biogeographical areas separated from one another with landscaping or other means.

(R. 2016-013, a. 1)

**BUILDABLE AREA:**

Area available for construction, resulting from the standards on setbacks.

**BUILDING:**

Any construction having a roof supported by columns or walls and using or designed to be used to shelter or receive persons, animals or objects whatsoever.

(R. 2017-003, a. 2)

**BUILDING ALIGNEMENT:**

Imaginary line established as being the average of distances of constructions from the street's right-of-way, according to the calculation method prescribed in the *Zoning By-Law*.

**BUILDING HEIGHT (in metres):**

The distance measured vertically from average grade adjacent to the building to the highest point of the building, namely the roof peak (parapets or other elements composing the building, having a height of less than 1.2 metres are excluded from the total height of the building).

(R. 2017-003, a. 3)

**BUILDING HEIGHT (IN STOREYS):**

Number of storeys included between the roof and the lowest livable floor. The basement and underground parking are excluded from the height of the building. However, when an attic is used over more than 75% of its area, when the area of a mezzanine covers more than 40% of the storey below it and when the ground floor level is at least 2 metres above average grade, these spaces are considered to be storeys.

**BUILT AREA OF A BUILDING:**

The built area of a building is the exterior area of the building's projection to the ground, including overhanging parts and others that are part of the building. Are excluded from the calculation of built area, overhanging elements such as balconies, decks, cornices.

**CAFÉ TERRACE:**

Accessory construction temporarily set up outside, completely opened or closed or partly, where tables and chairs are available for clients of an establishment serving meals and beverages.

(R. 2017-003, a. 4)

**CADASTRAL OPERATION:**

Cadastral modification prescribed in the first indented line of section 3043 of the *Civil Code of Quebec*.

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***CANOPY (GABLE):***

Accessory construction forming a roof, typically installed as an overhang on a wall or resting on posts.

***CHARGING PLATFORM:***

Device used in the construction of an immovable including a relatively large door, covered or not, giving onto an exterior platform or floor space at the height of truck platforms, specifically designed to facilitate the handling of merchandise.

***CIRCULATION AISLE:***

Any area or structure designated for motorized circulation, whether it be public or private, namely a road, street, alley, path, railroad as well as a public parking area.

***CONSTRUCTION:***

Any orderly assembly of materials connected to the ground or affixed to an object requiring footing on the ground.

***COMMERCIAL SIGN:***

An establishment's sign located on the lot of the building where its main use is exercised.

***COMMUNITY SIGN:***

Sign erected and maintained by the Town, the RCM or an agency, either permanently or for an event.

***COUNCIL:***

The Town Council of the Town of Montreal West.

***CURB CUT:***

Permanent access created on a sidewalk or a street curb in order to allow vehicular access to the lot adjacent to the street.

***DAY CARE SERVICE-CENTRE:***

Day care services and centres as defined by the *Educational Childcare Act* (R.S.Q., S-4.1.1).

***DECK:***

Platform on columns or otherwise linked to the ground with a minimum height of 0.30 metre from average grade, open on a minimum of 2 sides and covered by a roof or not, adjoining the building, surrounded by a guardrail.

(R. 2017-003, a. 5)

***DESIGNATED OFFICIAL:***

Official or municipal employee entrusted with the application and administration of the urban planning by-laws.

***DIRECTIONAL SIGN:***

Sign only indicating a direction to follow in order to reach a destination, identified for orientation, security or convenience of the population.

***DISPLAY:***

Outdoor exposition of merchandise or various products for sale or on display.

***DUMP FOR DRY MATERIALS:***

Site used for the final dumping of shredded or ground residues that are not likely to ferment and that do not contain dangerous waste.

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***DWELLING:***

Building or part of a building serving to house one or more persons or households. Room or series of communicating rooms designed to serve as a domicile for one or more persons, where meals can be prepared and consumed, where persons can sleep, and containing a toilet.

***EAVE:***

Inferior part of roof overhanging the face of exterior walls or the roof of building, including crowns and cornices.

***ESTABLISHMENT:***

A location where a professional, commercial or industrial occupation is exercised.

***EXCAVATION:***

Work consisting in the removal of soil or earth in place, either to level, dig, or to obtain soil for fill.

***EXTENSION:***

Work increasing the area of a main use on a lot, the area of a work, the floor area, the built area, the total area or volume of a building or of a construction, excluding renovation and reconstruction. Is a synonym with extension, the term « modification ».

***EXTERIOR STORAGE:***

Action of depositing merchandise, goods, products or vehicles in a permanent or temporary manner outside a building, in a dedicated space or not.

***EXTRACTION ACTIVITY:***

Extraction of mineral, vegetal or organic substances, for commercial or industrial use, excluding peat. Includes a sand pit, quarry or pit, as well as transformation, storage or sale of products obtained from this exploitation.

***EXTREMITY BUILDING:***

Main building that is part of a set of contiguous buildings and located at an extremity of this set.

***FACADE LENGTH OF LOT (FRONTAGE):***

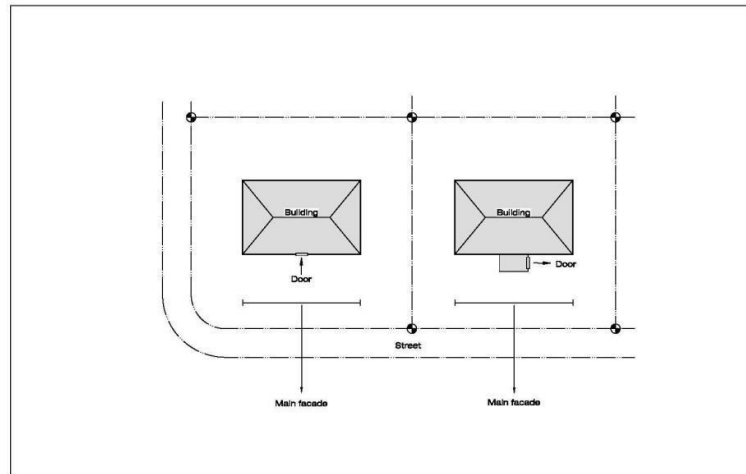
Distance measured along the front lot line, between the side lot lines of a given lot.

***FACADE OF A BUILDING (MAIN FACADE OF A BUILDING):***

Part of a building facing the street (or according to the orientation of the front wall authorized in the planning by-laws) and showing the front entrance (door or porch).

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**FAMILY RESOURCE:**

A family resource as defined by the *Act respecting health services and social services* (R.S.Q., c.S-4.2).

**FENCE:**

Construction, mitoyen or not, constituted of posts and of materials compliant to the planning by-laws, built with the purpose of delimiting, marking, hiding or closing a space, work or a construction.

**FIGURE:**

The essential aspect of a form that is sufficient for recognition.

(R. 2016-2013, a. 1)

**FILL:**

Work consisting of bringing soil, earth or other surface materials to raise or fill a cavity.

**FLOOR AREA:**

Area occupied by a use inside a building.

**FLOOR AREA RATIO (FAR):**

Ratio between the total above ground floor area of a main building including exterior walls and half of the thickness of mitoyen walls and the total area of the lot on which is erected the main building.

**FOUNDATION:**

Set of supporting elements of the building, serving to transfer loads of the building to the ground or bedrock.

**FOUNDATION WALL:**

Load-bearing wall, resting on the footing or strip foundation below the ground floor and of which a part is located above grade and in contact with the ground.

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**FRONT LOT LINE:**

Line separating a lot, marking the limit of the street's right-of-way and considered for the calculation façade length of the lot (frontage).

**FRONT SETBACK:**

Minimum distance to respect between the front facade of the building (main facade of the building) and the front lot line (the calculation is established in the *Zoning By-Law*).

**FRONT YARD:**

Space included between the street line and the front facade of the building (where the civic address is located) and its extensions (the point of the front wall closest to the street line must be considered). This front yard extends from one side lot line to the other.

**FUNCTION (USE):**

The main use of a lot, building, construction.

**GARAGE:**

Building or part of building, closed on more than 3 sides, in which one or more vehicles are stored, kept or repaired.

**GATEHOUSE / SECURITY POST:**

Accessory building required for the surveillance of an area or of a main use (booth).

**GAS/SERVICE STATION:**

Building or part of a building located on a lot with pumps and reservoirs, having the retail sale of fuel as a main use.

**GAZEBO:**

Seasonal non-insulated accessory building, temporary or permanent, being open on a minimum of 75 % of its sides and having a roof, used for reading or relaxing. The openings can be closed or not by a screen or another similar material.

**GREEN HOUSE:**

Building serving for the cultivation of plants, fruits or vegetables for personal and domestic purposes and not for sale or a commercial activity.

**GREEN ROOF:**

As its name indicates, a green roof is a roof that has been transformed into a garden. Different layouts are possible to adapt to the structure of a building, to the environment and to the allocated budget. Depending on the model, green roofs can accommodate various uses from the cultivation of small plants to recreational uses.

(R. 2016-013, a. 1)

**GROUND FLOOR:**

The storey situated immediately above grade or above the basement.

**GUARDRAIL:**

Barrier serving to protect and prevent accidental falls from any level or from an open space.

**HABITABLE ROOM:**

Space designed for daily living.

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**HEAVY VEHICLE:**

A vehicle as defined in the *Highway Safety Code (R.S.Q., c. C-24.2)*.

**HEDGE:**

An orderly continuous plantation of shrubs or small trees, located at the limit of a property or not, trimmed or not, but sufficiently tight or compact to form a screen or circulation barrier (planting at least 0.60 metres between each of them).

**HOUSEHOLD:**

One of more persons living together and sharing the commodities of a dwelling.

**IDENTIFICATION SIGN:**

Sign affixed to a building, serving to identify the service offered by the establishment or accessory use to residential in the building (identification plaque).

**IMMOVABLE:**

Any lot or building or anything considered as such in the *Civil Code of Quebec*.

**IMPROVEMENT:**

All work carried out on a building, construction, immovable or lot that improves its use, appearance or value.

**IMPROVEMENT CUTTING:**

Operation consisting in the clearing of young growth of whitewood and dead wood on a lot hindering the growth of desirable species in vegetation stand.

**INTERMEDIATE RESOURCE:**

An intermediate resource as defined by the *Act respecting health services and social services (R.S.Q., c.S-4.2)*.

**IRREVERSIBLE DECAY OF A TREE:**

The fact that more than 50% of the crown consists of dead wood.

(R. 2016-2013, a. 1)

**KENNEL:**

Location where dogs are kept in order to breed, rent, sell or supervise them.

**LATERAL SETBACK:**

Minimum distance to respect between the side wall of the building and the side lot line (the calculation is established in the *Zoning By-Law*).

**LEQ:**

A measure stating the sound energy received over a determined period of time.

(R. 2016-013, a. 1)

**LIFT DEVICE (RAMP):**

Device located outside a building, serving to allow handicapped persons, or with reduced mobility, access to the ground floor level of a main building.

**LOADING AND UNLOADING AREA:**

Off-street area reserved for the temporary parking of a vehicle during the loading and unloading of merchandise.

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***LOT:***

Immovable identified and delimited on an official cadastral plan listed in the land register in compliance with the *Cadastre Act* (R.S.Q., c. C-1) or section 3043 or 3056 of the *Civil Code of Quebec*.

***LOT LINE:***

Line serving to delimit a lot.

***LOT DEPTH:***

Corresponds to the average depth of a lot, measured from three (3) distances following the formula prescribed in the *Subdivision By-law*. This depth must be used in the calculation of the lot area.

***LOT WIDTH:***

Shortest distance in a straight line between 2 lateral lot lines.

***MAIN BUILDING:***

Building servant one or more main uses authorized by the present by-law on a lot.

***MAIN CONSTRUCTION:***

Main construction on a lot except farm buildings or those on cultivated land.

***MAIN USE:***

Primary purpose for which are or can be used or occupied a construction, building or lot, or a part of these.

***MAINTENANCE:***

Works required for the maintenance or the restoration of a construction or part of a construction that has been damaged or deteriorated.

*(R. 2017-003, a. 1)*

***MEZZANINE (ABOVE-ROOF CONSTRUCTION):***

Above-roof construction on a building erected for a use whatsoever, yet proper to the construction where it is erected.

***MITOYEN WALL:***

Common wall belonging to two parties and used commonly by both parties, in compliance to an agreement or to the law, and erected on the property limit separating two lot parcels which is each or could each be considered as an independent cadastral parcel.

***MIXED USE:***

Use or occupation of a main building by 2 main uses or more, of which one of the uses is residential, in compliance to the conditions defined in the *Zoning By-Law*.

***MODIFICATION:***

See « extension ».

***MULTIPLE USES:***

Use or occupation of a main building of a lot by 2 main uses or more, excluding residential, in compliance to the conditions defined in the *Zoning By-Law*.

***OCCUPATION:***

See « use ».



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**OFF-STREET PARKING:**

Parking area layout not located within the street right-of-way.

**OPENING:**

Are considered openings doors and windows on a building.

**OVERHANG:**

Part of a building's floor space of which the extremity does not directly rest on a foundation and that is designed to bear its load. Also a part of a building that is salient or projecting from a wall (balcony, deck, canopy, gable, awning, exterior staircase, chimney, eave, etc.).

**PARKING:**

Area specifically laid out to receive vehicles

**PARKING AREA:**

Off-street area including circulation aisles and parking spots.

**PARKING SPOT:**

Lot surface reserved for the parking of a vehicle.

**PATIO:**

Outdoor accessory construction with or without guardrail (platform), located within 0.60 metres of average grade.

**PEDESTRIAN WALKWAY**

Aisle reserved for pedestrian traffic.

(R. 2023-008, a.2)

**PERGOLA:**

Accessory construction made of light columns and beams, of which the roof and sides can be open or covered with lattes or a bay designed to allow plants to climb or to create shade.

**PERSON:**

Any individual or corporation.

**PLANNING ADVISORY COMMITTEE:**

The Planning Advisory Committee (PAC) of the Town of Montreal West.

**PLANNING PROGRAMME:**

By-law adopted and enforced by the Town in compliance to section 97 and subsequent sections of the *Land Use Planning and Development Act*.

**PORCH:**

Overhanging accessory construction, open or closed, sheltering the front entrance of the building.

**POSTING:**

See « sign ».

**PRIVACY SCREEN:**

A semi-opaque panel installed to partially diminish a view. A privacy screen is not considered an acoustic screen within the meaning of this by-law.

(R. 2023-008, a. 3)

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**PRIVATE GARAGE:**

Accessory building adjoining or detached from the main building, serving to store one or more road vehicles or recreational vehicles, with the exclusion of heavy vehicles, used for personal ends by the occupants of the main building. A private garage is integral to the main building and is considered to be part of it when one or more rooms are built above it. The garage is considered to be private when it shall not be used for commercial or industrial activities, for the repair and maintenance of vehicles.

**PRIVATE RESIDENCE FOR SENIORS:**

A group occupancy building which offers, in return for the payment of rent, rooms or dwellings serving seniors, and a more or less extensive gamut of services, mainly tied to the security and assistance to domestic or social life, with the exception of an installation kept by an establishment and an immovable or a dwelling where are offered intermediate or family resource services as defined in the *Act respecting health services and social services* (R.S.Q., c.S-4.2).

**PROPERTY:**

One or more lots constituting a single entity for which there is ownership.

**PRUNING:**

Trim reducing the length and number of branches of trees, shrubs or hedges.

**REAR SETBACK:**

Minimum distance to respect between the rear facade of a building and the rear lot line (the calculation is established in the *Zoning By-Law*).

**REAR YARD:**

Space included between the rear wall of a building and the rear lot line (the point of the wall closest to the rear lot line must be considered). This rear yard extends from one side lot line to the other.

**RECONSTRUCTION:**

Work to rebuild a construction or a work, or a part of these that has been demolished or destroyed. The substantial modification of a construction or a work, when it can be considered as a new entity, is considered to be a reconstruction. Is a synonym of reconstruction, the term « replacement ».

**RECREATIONAL VEHICLE:**

Vehicle, motorized or not, used for purposes, such as a trailer, camper, RV, pleasure boat, all-terrain vehicle or other similar vehicle. Are also included off-road vehicles as defined in the *Highway Safety Code* (R.S.Q., c. C-24.2) and the trailer required to displace a recreational vehicle.

**REFECTION:**

Repealed.

(R. 2017-003, a. 1)

**RENOVATION:**

Any change, extension, modification, excluding maintenance work.

(R. 2017-003, a. 1)

**REPLACEMENT:**

Repealed.

(R. 2017-003, a. 1)

**REPAIR:**

Repealed.

(R. 2017-003, a. 1)

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CHAPTER 1 :  
Declaratory, Administrative and Interpretative Provisions

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**RETAINING WALL:**

Work designed to retain or support fill materials, the ground in place or any part of a lot.

**RIGHT-OF-WAY:**

Space occupied by circulation lanes and public utility services.

**ROAD VEHICLE:**

A vehicle as defined in the *Highway Safety Code (R.S.Q., c. C-24.2)*.

**ROOM:**

Part of a dwelling or of a main building serving mainly to sleep in and which can be occupied by a household. A room must not have the physical characteristics of a dwelling (no cooking or sanitary equipment).

**SANITATION CUTTING:**

Sanitation cutting consisting in the felling or harvest of deficient, rotting, damaged or dead trees.

**SHED:**

Accessory building serving for storage of equipment required for the maintenance of the yard or of the main use.

**SIDEWALK:**

Part of a street reserved for pedestrian circulation.

**SIDE YARD:**

Space included between the side wall of the building and the side lot line (the point of the side wall closest to the side lot line must be considered). This side yard extends from the front yard to the rear yard.

**SIGN:**

Any construction, text, pictorial representation, emblem, flag or other object, form, painting or light source, located outside a building or a window and used to warn, inform, announce, advertise or attract attention.

**SIGNAGE:**

The result of posting, installing, and keeping in place a sign.

**SLEEPER WALL:**

Construction separating two open areas.

**STORAGE:**

Action of depositing merchandise, goods, products or vehicles in a permanent or temporary manner in a warehouse.

**STOREY:**

Part of a building delimited by the upper (open) side of a floor to that of the floor directly above it, or if absent, the ceiling above it.

**STREET:**

Public street ceded to the Town for public use and serving as a means of an access to adjacent properties and whose path and opening have been approved by the Town.

**STREET LINE:**

Line separating a lot and the limit of the street right-of-way.

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**CHAPTER 1 :**  
**Declaratory, Administrative and Interpretative Provisions**

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***STREET WIDTH:***  
Width of street right-of-way.

***SUBDIVISION LAYOUT:***  
Plan illustrating a subdivision of land into lots, streets or other subdivisions and prepared by a land surveyor.

***SWIMMING POOL (POOL):***  
Basin located indoors or outdoors, permanent or temporary, that can be filled with a depth of water exceeding 0.60 metres.

***TAMBOUR:***  
Dismountable temporary construction, having a metallic or wooded structure, covered by a textile or a non-rigid material, used in winter to cover decks and their access to a building.

***TEMPORARY CONSTRUCTION:***  
Fixed or mobile construction, erected or installed for a specific purpose and for a limited period for this purpose.

***TEMPORARY SIGN:***  
Sign installed in a non permanent manner concerning an activity or event limited in time.

***TOOL TRUCK:***  
A vehicle as defined in the *Highway Safety Code (R.S.Q., c. C-24.2)*.

***TOTAL AREA OF A BUILDING:***  
The total area of a building is equal to the sum of all floors in the building, including the floors in basements used for main functions. The area is established from the exterior edge of exterior walls or from the midpoint of mitoyen walls. Is excluded from the calculation of area a basement having a ceiling height of less than 1.2 metres and underground parking.

***TOTAL LATERAL SETBACK:***  
The total of the distances established for both lateral setbacks.

***TOWN:***  
The Town of Montreal West.

***TREE:***  
Ligneous vegetation of which the diametre is determined in the *Zoning By-Law*.

***TRIMMING:***  
Trim eliminating dead, damaged or diseased branches.

***TYOLOGY:***  
The typology of a construction in relation to adjacent constructions, namely detached, semi-detached or contiguous:

1. A detached construction is a construction built with recess from the side lot lines and detached from other constructions on the lot or on adjacent lots and can benefit of natural light on all its sides ;
2. A semi-detached construction is a construction built on one side lot line while being mitoyen to another construction built in a similar manner on the adjacent lot or a construction adjacent to another construction on the same lot and that can benefit of natural light on at least 3 of its sides;

**CHAPTER 1 :**  
**Declaratory, Administrative and Interpretative Provisions**

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3. A contiguous construction is a construction built on both side lot lines, while being mitoyen and that can benefit of natural light on at least 2 of its sides. In the case of an accessory construction, the construction is built between 2 constructions on the same lot.

**URBAN PLANNING BY-LAW:**

Any by-law adopted by the Town in compliance with Chapter IV of the *Land Use Planning and Development Act*.

**USE:**

Purpose for which is or can be used or occupied a construction, building or lot, or a part of these.

**VERANDA (OR SOLARIUM):**

Accessory construction closed on all of its sides by windows or screens, adjoining the building, but not being an integral part of the building. A veranda or solarium is not heated and is used for three (3) seasons. The veranda must have openings on 75 % of its sides not being an integral part of the main building. In the case of use for four (4) seasons, the presence of insulation or the presence of a full foundation, the veranda is considered to be an extension of the main building.

**VISIBILITY TRIANGLE:**

Represents, at each of the quadrants of a street intersection, the triangle formed at the ground by a line traced by joining two points at a distance from the intersection determined by the *Zoning By-Law*. In the case where there is a turn radius, this distance is measured in a straight line from the end of the radius.

**WAREHOUSE:**

Any building or construction serving for storage.

**WATER GARDEN:**

A landscaped water basin on a lot, serving to improve the appearance of the lot.

**WHOMEVER:**

Refers to the owner, tenant, occupant of an immovable or the person carrying out the work.

**WIND TURBINE:**

Work serving the production of electrical energy from a « wind » resource, for domestic or commercial purposes.

**WORK:**

Any building, construction, use, excavation or transformation of the ground including clearing vegetation excavation and fill.

**ZONING PLAN:**

Plan that is an integral part of the *Zoning By-Law* and show the delimitation of the whole municipal territory into zones.





## **TOWN OF MONTREAL WEST**

### **PERMIT BY-LAW 2009 -011**

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#### **CHAPTER 2 :**

#### **General Provisions Relating to Permits**

Prepared by:







CHAPTER 2 :  
General Provisions Relating to Permits

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**Division 2.1 : General provisions**

**2.1.1 : Preconditions for a permit request**

The following conditions apply to all permit requests:

1. The request must be made in 2 copies on the forms prescribed by the Town of Montreal West and must be submitted to the office of the designated official ;
2. The request must be accompanied by the plans and documents required by the urban planning by-laws ;
3. The fees applicable to the request must be paid.

The permit request is considered complete when the 3 conditions have been met.

**2.1.2 : Provisions concerning required plans and documents**

1. Any plan required for a permit request must be prepared according to habitual standards must present, in the very least, the title of the plan, the name of the designer, the scale of the plan, the direction of North as well as the date of the plan and of its modifications, if applicable ;
2. The system of measures on plans must be metric ;
3. The documents and plans must be submitted in paper form that can be copied ;
4. The designated official can request that the applicant provide plans and documents complementary to this required in the urban planning by-laws, namely technical reports, tests and trials required to establish compliance of the permit request with the planning by-laws.

**2.1.3 : Provisions concerning applicable fees**

The applicable fees for permit requests are established in the *By-law concerning Tariffs*.

The payment of applicable fees upon a permit request is not refundable, even in the case of a refusal to issue the permit. This provision also applies to the payment of fees for any analysis, request for modification, studies or other request by the urban planning by-laws.

**2.1.4 : Interruption of a request's analysis**

When the information, plans and documents provided by the applicant are inexact, erroneous, insufficient or non compliant, the designated official advises the applicant that the analysis procedure and the maximum time delay for issuance are interrupted, for a period of 30 days, so that the applicant may supply information, plans and documents that are exact, corrected, sufficient and compliant for the analysis of the request to resume. Once this delay has expired, in the information, plans and documents have not been submitted, the permit request is cancelled and a new request must be presented to the designated official.

**2.1.5 : Issuance of the permit**

If the request is compliant with the planning by-laws, the designated official issues the permit within 30 days following the date the request was completed, as determined by section 2.1.1.

In the case of a request requiring a resolution from Town Council, the delay of 30 days begins following the reception of the compliant copy of the resolution by which the Town Council approves the project.

**CHAPTER 2 :**  
**General Provisions Relating to Permits**

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If the request is not compliant with the planning by-laws, the designated official refuses issuance of the permit. Refusal of issuance of a permit must be motivated and sent in written form to the applicant.

**2.1.6 : Posting of the permit**

The permit must be posted for the entire period of work in a location visible from the street, on the lot or building where the intervention is taking place. In the case of an occupancy permit, it must be permanently posted in order to be visible by the public.

**2.1.7 : Effect of issuance of the permit**

The issuance of a permit allows an applicant to proceed with only the operations that are mentioned in the permit, in compliance to all the provisions of the applicable by-laws.

**2.1.8 : Modifications of plans and documents**

Any modification brought to plans and documents approved by the designated official cancels the permit delivered when these modifications result in non-compliance of an intervention with the planning by-laws. In this case, a new request must be submitted and the applicable fees are set at half the permit fees.

Any modification brought to plans and document must be approved by the designated official before execution of work or occupation of the site.

CHAPTER 2 :  
General Provisions Relating to Permits

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**Division 2.2 : Obligations of the applicant**

**2.2.1 : Obligations of the applicant for a permit**

The applicant for a permit must:

1. Allow the designated official and all persons accompanying him/her, to visit, examine or inspect the lot and all constructions in compliance with the provisions prescribed in the planning by-laws ;
2. Supply plans and documents required, pay the applicable fees and fill out the forms required by the designated official ;
3. Obtain all permits and authorizations required before beginning the work in question;
4. Post all permits in a location visible from the street during all the work ;
5. Execute the work in compliance with permits issued and with the by-laws in force, and do so within the prescribed delays ;
6. Have all modifications to plans and documents approved by the designated official for the permit request before beginning the modifications in question ;
7. Supply the designated official with reports, tests or trials requested for evaluation of the permit request.

**2.2.2 : Form of proxy**

If the applicant of the permit is not the owner of the building, construction or terrain in question, he/she must, upon the permit request, present a form of proxy, signed by the owner or agent authorized by the owner, authorizing the request or the work or occupation in question.

CHAPTER 2 :  
General Provisions Relating to Permits

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**Division 2.3 : Provisions relating to tests and trials**

**2.3.1 : Requested tests and trials**

1. The designated official can request that a trial be practiced on a material, device, construction method, functional or structural construction element, on the condition of foundations and require that the owner or applicant of the permit supply, at his/her expense, the written conclusions of this trial ;
2. The designated official can request proof or verifying calculations (or both) be supplied if judged that a building or construction does not meet the standards for resistance and security (load-bearing capacity and other) and require that the owner or applicant of the permit supply, at his/her expense, the written conclusions;
3. The designated official can request a verification of the specific yield of the ground or of the water table be executed and require that the owner or applicant of the permit supply, at his/her expense, the written conclusions;
4. The designated official can request a verification of the load-bearing capacity of the ground be executed for the erection of any building, construction or work in the case of unstable or potentially unstable land and require that the owner or applicant of the permit supply, at his/her expense, the written conclusions;

Trials and tests must be carried out by a laboratory that is accredited by the Standards Council of Canada or accredited by a standards agency authorized to do so by the Standards Council of Canada, or an expert of the discipline appropriate to the nature of the trial or test.

CHAPTER 2 :  
General Provisions Relating to Permits

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**Division 2.4 :** Provisions relating to main water and sewer lines to protect them against hole drilling and pile driving on private property (*R. 2015-013, a. 1*)

**2.4.1 :** General provisions

In this Division, the term "Waterworks and sewer system mains" shall refer to mains that are identified as trunk lines within the waterworks and sewer systems, in accordance with section 27 of An Act respecting the exercise of certain municipal powers in certain urban agglomerations (CQLR, chapter E-20.001).

(*R. 2015-013, a. 1*)

**2.4.2 :** Application for authorization

Any drilling or post-hole digging work on private property must be authorized by the Town if:

1. A waterworks or sewer system main passes under the lot or neighbouring lot of the planned drilling or post-hole digging site;
2. The construction of a permanent installation more than 15 metres underground is proposed.

Authorization may only be issued if the information and documents listed in the form attached hereto as Annex A is provided.

(*R. 2015-013, a. 1*)

**2.4.3 :** Sending of the application

Prior to issuing the authorization, the Town shall transmit the request for authorization received in accordance with the preceding section to the "Service de l'eau" of the Town of Montreal and obtain confirmation that the drilling or post-hole digging to be authorized may be carried out in compliance with the criteria listed in the form attached hereto as Annex A.

(*R. 2015-013, a. 1*)

**2.4.4 :** Register

The Town must keep a register of permanent installations located more than 15 metres underground as well as of authorizations issued in accordance with sections 2 and 3 of this by-law, including the information and documents required in the form attached in Annex A.

(*R. 2015-013, a. 1*)

CHAPTER 2 :  
General Provisions Relating to Permits

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**Division 2.5 :**           **Provision related to an archeological sector of interest (R. 2016-013, a. 2)**

**2.5.1 :**           **Provision related to an archaeological sector of interest**

With every request for a construction permit, subdivision permit or certificate of authorization related to work requiring excavation that aims to create a public right of way in an area of archaeological interest, as identified in map 1 of the present by-law, the lot owner must commission, at his own expense, a report on the potential archaeological interest and, if applicable, on the protection of remains, by a professional archaeologist.

This report must include:

- i. A summary of the historical and archaeological existing data;
- ii. The indication and characterization of archaeological potential supported by a plan;
- iii. An intervention strategy, if applicable. This can include site supervision by a professional archaeologist.

*(R. 2016-013, a. 2)*



## TOWN OF MONTREAL WEST

### **PERMIT BY-LAW 2009 -011**

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#### **CHAPTER 3 :**

#### **Provisions Relating to Building Permits**

Prepared by:







CHAPTER 3 :  
Provisions Relating to Building Permits

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**Division 3.1 : General provisions**

Over the whole territory of the Town of Montreal West, no one may proceed with one of the following interventions without obtaining a building permit in compliance with the provisions of the present by-law:

1. The construction of a new main building or the modification of a main building ;

*(R. 2017-003, a. 6)*

2. Renovation, extension, reconstruction of a main building ;

3. A new accessory building or construction, except for the café terrace ;

*(R. 2017-003, a. 9)*

4. Renovation, extension, reconstruction or modification of an accessory building or construction ;

*(R. 2017-003, a. 7)*

5. The installation of a pool or spa ;

6. The displacement of a building ;

7. The demolition of a main or an accessory building ;

*(R. 2017-003, a. 8)*

8. The construction and installation of a fence and the planting of a hedge ;

9. The construction, installation, extension or reconstruction of a retaining wall;

10. The layout or extension of a parking area;

11. The felling of trees, except in the case of tree felling required for construction work, if a building permit is required;

12. The construction, installation, extension, reconstruction or displacement of a sign, including its support, unless it is stated otherwise in the *Zoning By-Law* ;

13. Another temporary use or temporary building;

14. Excavation works.

*(R. 2017-003, a. 10)*

**3.1.1 : Work not requiring a building permit**

No building permit is required for regular maintenance or minor repairs such as interior painting, interior renovations of esthetic nature, as well as any maintenance as defined in article 1.3.3., provided however, that no modification is made to the exterior forms, plan, structure or any other basic building element.

*(R. 2017-003, a. 11)*

An exemption from the obligation to obtain a building permit does not void the obligation to comply to the present by-law and with any other applicable by-law.

CHAPTER 3 :  
Provisions Relating to Building Permits

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**Division 3.2 : Presentation of a building permit request**

**3.2.1 : Content of a building permit request**

A building permit request must be accompanied by the following plans and documents:

1. Name, address and telephone number of the owner or, of the authorized agent (complete coordinates) ;
2. The current use of the immovable or part of the immovable as well as a description of the use and constructions in the request ;
3. Identification and complete coordinates of all professionals and stakeholders in the project in question ;
4. Identification and complete coordinates of the contractor, including the license number of the contractor issued by the *Régie du bâtiment du Québec* ;
5. The information required in the declaration of all building permits to *Régie du bâtiment du Québec* ;
6. A project site plan with an approximate scale of 1/500 indicating lot dimensions, the projected location of constructions or works, including dimensions, setbacks as well any element, existing or projected, likely to affect construction, namely: easements (servitudes), passages, trails, infrastructure, public equipment, electrical transmission lines, etc. ;
7. Building plans (maximum scale of 1/50) and a description of the projected work, including plans, elevations, sections, profiles (of all storeys and facades), insulation materials, exterior cladding materials and their colours, specifying the applicable standards in compliance with the urban planning by-laws. In the case of a main building or of an extension of the main building, the plans must be prepared by an architect or technologist ;
8. The plans must indicate the location parking areas, aisles, location and width of curb cuts, loading and unloading areas and access for emergency vehicles;
9. The location and detail of exterior lighting systems;
10. The location of fences, hedges, sleeper walls and retaining walls ;
11. The location of garbage and recycling bins ;
12. Excavation, street, and sewer levels adjacent to the lot ;
13. The location of trees, their species and their diameter indicating those that will need to be felled for construction and those being conserved as well as the protection measures during work. The applicant must also supply the reasons for each felling;
14. In the case of a use other than residential, a landscaping plan;
15. Reports, attestation, authorizations, tests and trials required by the urban planning by-laws and other applicable laws or by-laws;
16. An evaluation of the total cost of work ;
17. Schedule for the execution of work (beginning and end of work) ;
18. Any other information deemed necessary by the designated official to evaluate the request.

**3.2.2 : Additional content for a pool or hot tub**

In addition to the plans and documents required in section 3.2.1, the plans and documents required to establish compliance with the provisions of the *Swimming Pool By-Law* must be submitted with a building permit request for a pool or hot tub.

**CHAPTER 3 :**  
**Provisions Relating to Building Permits**

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**3.2.3 : Additional content for a private seniors residence (9 rooms or more)**

In addition to the plans and documents required in section 3.2.1, the following plans and documents must be submitted upon a building permit request concerning a private immovable to serve as a private seniors residence (9 rooms or more):

1. A written declaration from the applicant establishing that the permit request will apply to an immovable as a private seniors residence.

**3.2.4 : Documents required for a contaminated lot**

In addition to the plans and documents required in section 3.2.1, the following documents must be supplied by the applicant in the case of a contaminated lot:

1. Obtain from the applicant, in the case where the lot in the building permit request is listed in the registry of contaminated lots constituted by the Town of Montreal West in the application of section 31.68 of the *Environment Quality Act* and subject to the approval of rehabilitation plan by the minister *du Développement durable, de l'Environnement and des Parcs*, an attestation from an expert as mentioned in section 31.65 of the *Environment Quality Act* establishing that the project for which the permit is requested, is compatible with the provisions of the rehabilitation plan.

**3.2.5 : Additional content for a sign**

In addition to plans and documents required in section 3.2.1, the following plans and documents must be submitted upon request for a sign permit:

1. Detailed plans of the sign, presenting its dimensions and areas, its location on the building and its height from average grade ;
2. recent photos, taken in the thirty (30) days preceding the request, of the building where the sign is to be affixed ;
3. A description of materials, colours, lighting type and of the support used.

**3.2.6 : Additional content for the displacement of a building**

In addition to plans and documents required in section 3.2.1, the following plans and documents must be submitted upon request for a permit for the displacement of a building:

1. The complete coordinates of the person or contractor responsible for the displacement of the building ;
2. The date and time the displacement will take place and the path it will take ;
3. A project site plan prepared by a land surveyor presenting the future location of the displaced building.

**3.2.7 : Additional content for the demolition of a construction**

In addition to plans and documents required in section 3.2.1, the following plans and documents must be submitted upon request for a permit for the demolition of a construction:

1. The dimensions of the construction to demolish ;
2. Recent photos of the construction to demolish ;
3. Protective measures taken by the applicant during demolition.

CHAPTER 3 :  
Provisions Relating to Building Permits

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**3.2.8 : Additional content for a parking area with more than 20 spots**

In addition to plans and documents required in section 3.2.1, the following plans and documents must be submitted upon request for a permit for a parking area with more than 20 cases:

1. The plans and specifications must be prepared and signed by an engineer who is a member of *l'Ordre des ingénieurs du Québec*.

The plans and specifications must describe the surface drainage system, water runoff and lighting system.

**3.2.9 : Additional content for a temporary use or building**

In addition to plans and documents required in section 3.2.1, a declaration by the property owner authorizing the temporary occupation of the site must be submitted upon request for a permit for a temporary use or building that is located elsewhere than the lot or building of the applicant.

CHAPTER 3 :  
Provisions Relating to Building Permits

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**Division 3.3 : Conditions of issuance and specific provisions**

**3.3.1 : Conditions of issuance of a building permit**

The designated official delivers a building permit if the following conditions are respected:

1. The request is compliant to the planning by-laws ;
2. The request is complete, including the payment of applicable fees ;
3. The lot on which is to be erected each projected construction, including its dependencies, form one or several distinct lots on the official cadastre plan. These lots are compliant to the *Subdivision By-law*, or, if they are not compliant, are protected by acquired rights ;
4. Aqueduct and sewer services for which authorization or a permit has been issued in compliance to the law are established on the street along which the construction is projected, or the by-law decreeing their installation is in force ;
5. The lot on which is to be erected the construction projected is adjacent to a public street, compliant with the requirements of the *Subdivision By-law* ;
6. The amount resulting from the cession for the purposes of parks, playgrounds and natural areas, or, the cession of land or a combination of both must be cleared, according to the provisions of the *Subdivision By-law*.

**3.3.2 : Nullity of a building permit**

A building permit becomes null and without effect in any of the following cases:

1. The work has not been carried out in compliance with the provisions of the urban planning by-laws and with the conditions cited in the building permit ;
2. A modification has been brought to the plan and to the request without authorization from the designated official ;
3. The building permit has been issued on the basis of false or erroneous information, declarations, plans or documents;
4. Any permit becomes null and void if the work has not begun within 6 months following the issuance of the permit. In this case, a new permit request must be made and the new permit will be issued if the applicable regulatory provisions are respected at the moment the new request is made;
5. Any permit becomes null and void if the work is interrupted during a period of more than 12 months. In this case, a new permit request must be made and the new permit will be issued if the applicable regulatory provisions are respected at the moment the new request is made.

**3.3.3 : Term of building permit**

A building permit grants to its holder a term, prescribed in the table of the present section, to proceed with interventions or work that are described in the said building permit.

A building permit can be renewed once, at the end of the term prescribed for the additional period indicated in the present table. the applicant must, to invoke the possibility of a renewal, submit a written request to the designated official within 30 days following the expiration of the term, including a description of the work remaining and reasons for the request. The applicable fees for a renewal request, set by *By-law Concerning Tariffs*, must have been paid before the permit renewal.

**CHAPTER 3 :**  
**Provisions Relating to Building Permits**

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<b>Interventions</b>	<b>Maximum term to proceed with interventions</b>	<b>Maximum term to request a renewal</b>
Main building having a use H1, H2, or H3: construction, extension or reconstruction	12 months	6 months
Main building, for any other main: construction, extension or reconstruction	18 months	6 months
Main building: renovation	6 months	6 months
Accessory buildings for residential, including pools and hot tubs	6 months	3 months
Accessory buildings for uses other than residential	6 months	6 months
Displacement of a building	6 months	3 months
Demolition of a main building	6 months	3 months
Fence or hedge	6 months	3 months
Retaining wall	6 months	3 months
Parking area	6 months	3 months
Tree felling	6 months	3 months
Sign	6 months	3 months
Temporary use or building	6 months	3 months

*(R. 2023-008, a. 1)*

**3.3.4 : Survey certificate after foundations**

As soon as the foundations of the building(s) are in place, the applicant must supply a new survey certificate to the Town, prepared by a land surveyor, within 30 days following the erection of the foundations.



## **TOWN OF MONTREAL WEST**

### **PERMIT BY-LAW 2009 -011**

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#### **CHAPTER 4 :**

#### **Provisions Relating to a Subdivision Permit**

Prepared by:







CHAPTER 4 :  
Provisions Relating to a Subdivision Permit

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**Division 4.1 : General provisions**

**4.1.1 : Requirement to obtain a subdivision permit**

Over the whole territory of the Town of Montreal West, no one shall proceed to a cadastral operation without first obtaining a subdivision permit in compliance to the provisions of the present by-law.

A subdivision permit is also required in the case of a grouping of more than 1 lot or part of lots to form a lot compliant with the planning by-laws (plan for the merging of titles).

Notwithstanding what precedes, a vertical cadastral operation required and carried out upon the constitution or conversion of an immovable in divided co-ownership.

**4.1.2 : Cadastral operation for the conversion of an immovable**

Considering the *By-Law concerning the Conversion of Immovables into Condominiums*, no one shall proceed, over the whole territory of Montreal West, with a vertical cadastral operation upon the conversion of an immovable to divided co-ownership without first obtaining a subdivision permit in compliance to the provisions of the present by-law.

A vertical cadastral operation is not required by the present by-law upon constitution of undivided co-ownership.

**4.1.3 : Non compliant cadastral operation**

A cadastral operation shall not be authorized if it will make another lot non compliant to the *Subdivision By-law* or if it will aggravate the non-compliance of a lot in terms of dimensions and minimum area.

CHAPTER 4 :  
Provisions Relating to a Subdivision Permit

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## Division 4.2 : Presentation of a subdivision permit request

### 4.2.1 : Content of a subdivision permit request

A subdivision permit request must be accompanied by the following plans and documents:

1. Name, address and telephone number of the owner or, of the authorized agent (complete coordinates);
2. Identification and complete coordinates of all professionals and stakeholders in the project in question ;
3. The current use of the immovable or part of the immovable as well as a description of the use and constructions in the request;
4. A plan of the projected cadastral operation, prepared and signed by a land surveyor, including, but not limited to, les following elements (minimum scale of 1/2500):
  - a) Cadastral identification of the lot undergoing the cadastral operation as well as its limits, dimensions and area ;
  - b) Cadastral identification of neighbouring lots, as well as their limits ;
  - c) The path and right of way of existing and projected streets, art works, infrastructure, with which it will communicate ;
  - d) existing or required easements and passages;
  - e) Adjacent lots belonging to the applicant or coming under his/her responsibility ;
  - f) If applicable, the built area of existing buildings on lots that are part of the request as well as the distances between buildings and all lot limits ;
  - g) If applicable, the location of lots to cede cession for the purposes of parks, playgrounds and natural areas.
5. Reports, attestations, authorizations, tests and trials required by the urban planning by-laws or other applicable laws or by-law;
6. The development phases of a project and the term of its work ;
7. Any other information deemed necessary by the designated official to evaluate the request.

### 4.2.2 : Documents required for certain cadastral operations

The following provisions apply to all subdivision permit requests for a cadastral operation on 2 or more lots and a cadastral operation for the creation of 1 or more streets. The request must include the following plans and documents:

1. The plans and documents required in section 4.2.1 ;
2. An additional fragmentation plan covering an area greater than the one in the request ;
3. A table giving the total lot area, the area allocated to each use and their relation with the total lot area, the number of units per use type as well as the gross and net densities per use type.

### 4.2.3 : Documents required for a contaminated lot

In addition to the plans and documents required in section 4.2.1, the following documents must be supplied by the applicant in the case of a contaminated lot:

1. Obtain from the applicant, in the case where the lot in the building permit request is listed in the registry of contaminated lots constituted by the Town of Montreal West in the application of section 31.68 of the *Environment Quality Act* and subject to the approval of rehabilitation plan by the minister *du Développement durable, de l'Environnement and des Parcs*, an attestation from an expert as mentioned in section 31.65 of the
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**CHAPTER 4 :**  
**Provisions Relating to a Subdivision Permit**

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*Environment Quality Act* establishing that the project for which the permit is requested, is compatible with the provisions of the rehabilitation plan.

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Provisions Relating to a Subdivision Permit

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**Division 4.3 : Conditions of issuance and specific provisions**

**4.3.1 : Conditions of issuance of a subdivision permit**

The designated official issues the subdivision permit if the following conditions are respected:

1. The request is compliant to the present by-law, to the *Subdivision By-law* ;
2. The request is complete, including the payment of applicable fees ;
3. The amount resulting from the cession for the purposes of parks, playgrounds and natural areas, or, the cession of land or a combination of both must be cleared, according to the provisions of the *Subdivision By-law*;
4. Unpaid municipal taxes for the lot in the request have been cleared ;
5. If applicable, the applicant commits to supplying a plan for the merging of titles of a lot with an adjacent lot following the issuance of the subdivision permit, in the case of a cadastral operation for the purpose of alienation that does not respect the minimum area and dimensions for subdivision.

**4.3.2 : Nullity of a subdivision permit**

The subdivision permit becomes null and void if any of the following cases applies:

1. The cadastral operation plan has not been submitted to the minister responsible for the cadastre within 6 months following the subdivision permit's issuance date;
2. The cadastral operation plan submitted to the minister responsible for the cadastre is not compliant to the plan in the subdivision permit request;
3. A modification has been brought to the plan and to the request without having received authorization from the designated official ;
4. The subdivision permit has been issued on the basis of false or erroneous information, declarations, plans or documents.

**4.3.3 : Effects of issuance of a subdivision permit**

The approval by the designated official of a project relating to a cadastral operation does not result in an obligation for the Town of Montreal West to issue building permit or an occupancy permit.



**TOWN OF MONTREAL WEST**  
**PERMIT BY-LAW 2009 -011**

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**CHAPTER 5 :**

**Provisions Relating to Occupation Permits**

Prepared by:





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**Division 5.1 :        General provisions**

**5.1.1 :        Requirement to obtain an occupancy permit**

Over the whole territory of the Town of Montreal West, no one shall proceed with any of the following interventions without first obtaining an occupancy permit in compliance to the provisions of the present by-law:

1.    For any main use, except residential uses;
2.    For home-based professional activities (use accessory to residential);
3.    For a change in use or occupancy of an immovable or part of an immovable.

## **Division 5.2 :        Presentation of request for an occupancy permit**

### **5.2.1 :        Content of request for an occupancy permit**

A request for an occupancy permit must be accompanied by the following plans and documents:

1. Name, address and telephone number of the owner or, of the authorized agent (complete coordinates);
2. The current use of the immovable or part of the immovable as well as a description of the use in the request and a sketch showing the use of space;
3. Postal address or cadastral number of the concerned immovable;
4. The date on which occupation will begin ;
5. The area occupied by this occupation ;
6. Existing parking areas ;
7. Any other information deemed necessary by the designated official to evaluate the request.

### **5.2.2 :        Additional content for a use change**

In addition to plans and documents required in section 5.2.1, the following plans and documents must be submitted upon request for a permit for a use change:

1. The date on which the existing use will cease and the date on which the new use will start ;
2. A description of the new use and its activities ;
3. The area occupied by this new use ;
4. A description of existing exterior layouts, including parking areas and loading and unloading areas, if applicable.

### **5.2.3 :        Documents required for a contaminated lot**

In addition to the plans and documents required in section 5.2.1, the following documents must be supplied by the applicant in the case of a change in use or occupancy on a contaminated lot:

2. Obtain from the applicant, in the case where the lot in the building permit request is listed in the registry of contaminated lots constituted by the Town of Montreal West in the application of section 31.68 of the *Environment Quality Act* and subject to the approval of rehabilitation plan by the minister *du Développement durable, de l'Environnement and des Parcs*, an attestation from an expert as mentioned in section 31.65 of the *Environment Quality Act* establishing that the project for which the permit is requested, is compatible with the provisions of the rehabilitation plan.



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## **Division 5.3 : Conditions of issuance and specific provisions**

### **5.3.1 : Conditions of issuance for an occupancy permit**

The designated official issues an occupancy permit if the following conditions are respected:

1. The request is compliant with the prescribed use in the planning by-laws ;
2. The request is complete, including the payment of applicable fees.

### **5.3.2 : Nullity of an occupancy permit**

An occupancy permit becomes null and void if one or more of the following situations apply:

1. The occupation has not been carried out in compliance with the provisions of the urban planning by-laws and to the conditions listed on the occupancy permit ;
2. A modification has been brought to the request without approval from the designated official ;
3. The occupancy permit has been issued on the basis of false or erroneous information, declarations, plans or documents;
4. The use must begin within 6 months following the issuance of an occupancy permit. In the opposite case, a new request must be submitted to designated official.

### **5.3.3 : Term of an occupancy permit**

No term limit is prescribed for an occupancy permit.



## **TOWN OF MONTREAL WEST**

### **PERMIT BY-LAW 2009 -011**

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#### **CHAPTER 5A:**

**Provisions relating to permits for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator**  
*(R. 2023-008, a. 4)*

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## **Section 5A.1: General Provisions**

### **5A.1.1: Need to obtain a permit for the exterior installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator**

On the entire territory of the Town of Montreal West, no one may proceed with the exterior installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator without first obtaining a permit.

## **Section 5A.2: Submission of a permit application for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator**

### **5A.2.1: Content of the permit application for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator.**

Any permit application for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator must be accompanied by the following information:

1. Technical sheet indicating the brand and manufacturer of the heating, ventilation, cooling equipment, solar collector, heat pump or generator and the number of decibels emitted by it ;
2. Certificate of location produced by a land surveyor;
3. Digital or paper layout plan including:
  - a) Location, dimensions and area of the future heating, ventilation, cooling equipment, solar collector, heat pump, or generator;
  - b) Distances between the different physical elements present on the ground.

## **Section 5A.3: Conditions of issuance and special provisions**

### **5A.3.1: Conditions for issuing a permit for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator**

The designated official will issue the permit if the following conditions are met:

1. The application complies with urban planning by-laws;
2. The application is complete, including payment of the required fees.

### **5A.3.2: Invalidity of the permit for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator**

The permit becomes null and void in any of the following cases:

1. An amendment has been made to the application without having received the approval of the designated official;
2. The permit was issued on the basis of false or erroneous information, declarations, plans or documents.

### **5A.3.3: Duration of the permit for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator**

The duration of a permit for the installation of heating, ventilation, cooling equipment, solar collector, heat pump, or generator is 6 months.



## TOWN OF MONTREAL WEST

### PERMIT BY-LAW 2009 -011

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#### CHAPTER 5B:

**Provisions relating to permits for occupation of the public domain**  
(R. 2023-008, a. 5)

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## **Section 5B.1: General Provisions**

### **5B.1.1. PROHIBITION OF OC-CUPATION OF THE PUBLIC DOMAIN WITHOUT A PERMIT**

The occupation of the public domain is prohibited without an authorization in accordance with this by-law.

If the authorization is granted, it must be the subject of a permit.

The holder of a permit to occupy the public domain must comply with the terms and conditions of occupancy that are established.

### **5B.1.2. TEMPORARY OCCUPANCY**

An occupation of the public domain for a continuous period of no more than one year is a temporary occupation and, subject to articles 5B.1.6 and 5B.1.7, the related permit is only valid for the period of the occupancy permitted. This period is indicated on the permit and cannot be extended beyond one year. At this term, a new permit is required to continue to occupy the public domain.

### **5B.1.3. OBJECTS COVERED BY THE PERMIT APPLICATION FOR TEMPORARY OCCUPATION**

The permit for temporary occupation of the public domain is aimed in particular at:

- 1° the deposit of materials or goods;
- 2° the erection of equipment, containers, scaffolding, site fencing, temporary shelters, or other works or installations.

### **5B.1.4. PERMANENT OCCUPANCY**

An occupation of the public domain for a continuous period of more than one year is a permanent occupation and, subject to articles 5B.1.6 and 5B.1.7, the related permit is valid as long as the conditions of its issue are not modified.

### **5B.1.5. OBJECTS COVERED BY THE PERMIT APPLICATION FOR PERMANENT OCCUPATION**

The permit for permanent occupation of the public domain is aimed in particular at:

- 1° an encroachment by a building;
- 2° an encroachment by a projecting construction;
- 3° a construction erected in the excess right-of-way of the public domain;
- 4° a rain gauge shelter or other public utility installation;
- 5° cables, poles, pipes, conduits and other similar installations;
- 6° a tunnel or underground parking lot;
- 7° a permanent above-ground shelter.

### **5B.1.6. REVOCATION OF THE PERMIT BY THE TOWN**

Issuance of a permit under section 5B.1.1 is subject to the Town's right to revoke it at any time. The competent authority may give notice to the permit holder specifying a deadline by which the constructions or installations covered by the permit must be removed from the public domain.

The authorization covered by the permit becomes void on the date when the notice of revocation is given under the first paragraph.

### **5B.1.7. EFFECT OF REVOCATION**

The permit holder must have removed from the public domain any construction or installation covered by the permit by the end of the period set in the notice of revocation.

### **5B.1.8. REMOVAL OF ANY CONSTRUCTION OR FACILITY**

The competent authority may, temporarily or permanently, remove any construction or installation that occupies the public domain:

- 1° without being covered by a permit;
- 2° under an expired permit;
- 3° under a revoked permit when the removal period prescribed by the notice of revocation has elapsed;
- 4° in a way that endangers public safety;
- 5° when the permit holder fails to pay the amounts required by this by-law;
- 6° when the permit holder of the occupation permit has not complied with the notice provided in the second paragraph;
- 7° when the Town must urgently use the public domain for its purposes.
- 8° When the competent authority determines that the permit holder, who received authorization under this by-law, is occupying the public domain in violation of the by-laws or the conditions or terms of the permit, it will issue a notice to the permit holder. The notice will include instructions on corrective measures that need to be taken to ensure compliance and a deadline by which the measures must be implemented. Failure to comply by the deadline will result in the competent authority removing the permit holder's constructions or installations.

The costs of a removal carried out under subparagraphs 1 to 8 of the first paragraph are recoverable from the owner of the structure or facility or the permit holder.

### **5B.1.9. PERMIT VALIDITY**

Subject to articles 5B.1.6 and 5B.1.7, the permit is only valid for the period of authorized occupation. This period is indicated in the permit and cannot be extended beyond one year. At this term, a new permit is required to continue to occupy the public domain.

### **5B.1.10. RESPONSIBILITY OF THE PERMIT HOLDER**

Any occupation of the public domain, whether it is the subject of a permit issued under this by-law or is authorized under another by-law, is conditional on the holder of the permit or authorization being responsible for any damage to property or persons as a result of the occupation, defending the Town, indemnifying it and holding it harmless in the event of any claim for such damage.

### **5B.1.11. END OF OCCUPANCY PERIOD**

For the purposes of pricing, occupation of the public domain ends on one or other of the following dates:

- 1° that of the receipt by the competent authority of the notice required in article 5B.2.5 or 5B.2.6;
- 2° that of a removal carried out by the Town under article 5B.1.8;

When an occupation ends, the price of the right to occupy the public domain is, if necessary, adjusted according to the number of days of effective occupation during the current fiscal year.

### **5B.1.12. ALIENATION**

In the event that the building for which a permanent occupation is authorized is alienated, the applicable fee for the right of occupancy is collected from the subsequent owner of the immovable whose name appears on the property tax collection roll for the fiscal year in question.

## **SECTION 5B.2 PUBLIC DOMAIN OCCUPANCY PERMIT**

### **5B.2.1. INFORMATION RE-QUIRED WHEN APPLYING FOR A PERMIT**

For occupation of the public domain, the request for authorization presented to the competent authority must indicate:

- 1° the name, address and phone number of the applicant;
- 2° where applicable, the name and address of the establishment of which the holder is the operator and, if he is the owner of the building, an identification of this building by its lot numbers and building addresses;
- 3° the purposes for which the occupation is requested;
- 4° the works and objects that will occupy the public domain, and the type of work and activities that will be carried out there;
- 5° one (1) copy of a preliminary plan indicating the dimensions and location of the planned occupation;
- 6° a deposit on request and in the amount set by the competent authority.

#### **5B.2.2. PERMIT APPLICATION AUTHORIZATION**

When, upon presentation of an application in accordance with Article 5B.2.1, the competent authority decides to authorize occupation, it shall inform the applicant by issuing the required permit if he complies with the following requirements:

- 1° provides the competent authority, upon request, with proof that he holds the insurance described in article 5B.2.4;
- 2° files with the competent authority a plan and a technical description of the authorized occupation, signed and sealed by a land surveyor;
- 3° pays the Town the applicable fee for the right to occupy the public domain as set out in the tariff by-law.

#### **5B.2.3. CONTENT OF THE PERMIT**

The occupancy permit contains the following information:

- 1° the name, address and phone number of the holder;
- 2° the identification of the establishment of which the holder is the operator and, if he is the owner of the building, its lot numbers and building addresses;
- 3° an identification of the location where the occupation takes place and the dimensions of the occupied public domain;
- 4° a description of the works and objects that will occupy the public domain, and the type of work and activities that will be carried out there;
- 5° the purposes for which occupation of the public domain is authorized;
- 6° the duration of the authorized occupation;
- 7° the measures that must be taken to ensure the safety of persons and the public domain if applicable;
- 8° the other terms and conditions of the authorization that may be determined by the competent authority;
- 9° the text of sections 5B.1.6, 5B.1.8, 5B.2.5 and 5B.2.6.

#### **5B.2.4. INSURANCE**

The liability insurance must be kept in force throughout the duration of the occupation and the amount must be indexed every 5 years according to a rate fixed by the competent authority.

The holder must provide the competent authority, on request, with proof that he complies with the first paragraph.

#### **5B.2.5. OBLIGATIONS OF THE HOLDER**

The holder of an occupation permit must, at the end of the occupation covered by the permit, completely vacate the public domain and remove all residue resulting from the occupation. He must also give the competent authority a notice of the end of the work.

The holder must also comply with the first paragraph if he ceases to occupy the public domain before the end of the term.

**5B.2.6. PUBLIC DOMAIN REPAIR**

The cost of repairing the public domain damaged as a result of the occupation is the responsibility of the permit holder.





## TOWN OF MONTREAL WEST

### PERMIT BY-LAW 2009 -011

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#### CHAPTER 6 :

#### Specific Requests

Prepared by:





CHAPTER 6 :  
Specific Requests

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**Division 6.1 : Request for a regulatory modification**

**6.1.1 : Request for modification of urban planning by-laws**

The applicant of a request to modify the *Zoning By-Law*, *Subdivision By-Law*, *Building By-Law*, or *Planning Programme By-Law* must submit a written request to the designated official, in 2 copies.

**6.1.2 : Content of the request**

The request to modify the planning by-laws must contain the following information:

1. Name, address and telephone number of the owner or, of the authorized agent (complete coordinates);
2. cadastral identification of the concerned lot vise or coordinates of the concerned building;
3. Existing use or existing buildings and constructions;
4. Projected use or projected buildings and constructions;
5. A summary description of the modification requested and the motives of this request ;
6. Any other information deemed necessary by the designated official to evaluate the request.

**6.1.3 : Analysis of the request**

Analysis of the request begins when the request is complete in terms of its required content and when the applicant has cleared the fees applicable to a request to modify (amend) regulation (the fees are prescribed in the *By-law concerning Tariffs*).

**6.1.4 : Approval or refusal**

The Town Council accepts or refuses, by resolution, the request to modify the by-laws.

Any request to modify the *Zoning*, *Subdivision* or *Building By-Law* must be compliant with the objectives of the Planning Programme.

Acceptation of the fees by the Town of Montreal West does not guarantee in any way the acceptance of the request, the adoption of the modification requested, nor its approval by the persons qualified to vote, if applicable.







## **TOWN OF MONTREAL WEST**

### **PERMIT BY-LAW 2009-011**

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#### **CHAPTER 7 :**

#### **Final Provisions**

Prepared by:





**CHAPTER 7 :**  
**Final Provisions**

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**Division 7.1 : Coming into force**

**7.1.1 : Coming into force**

The present by-law comes into force in compliance with the law.

**(S) Campbell Stuart, Mayor**

**(S) Claude Gilbert, Town Clerk**





## TOWN OF MONTREAL WEST

### PERMIT BY-LAW 2009 -011

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#### ANNEX A:

#### Archaeological Heritage

Prepared by:

