

**PERMITS AND CERTIFICATES
BYLAW –
NUMBER 730
VILLE DE HAMPSTEAD**

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PREAMBLE

Whereas
the Ville de Hampstead adopted on June 1, 1990, a Planning Program in conformity with
the Québec Act respecting land use planning and development;

Whereas
the Ville de Hampstead adopted on September 1, 1990, a Permits and Certificates Bylaw
having Number 648, in conformity with the Planning Program;

Whereas
the Ville de Hampstead has adopted amendments to Permits and Certificates Bylaw 648 in
conformity with the Québec Act respecting land use planning and development;

Whereas
the Council of the Ville de Hampstead has adopted a first draft Permits and Certificates
Bylaw on July 31, 2001;

~~Whereas
the Ville de Hampstead has adopted a second draft Permits and Certificates Bylaw on
August xx, 2001;~~

~~It was moved by Counselor:~~

~~And seconded by Counselor:~~

~~And resolved
that the present document be named Permits and Certificates Bylaw Number 730 of the
Ville de Hampstead and is adopted on this day of 2001, and as of this day the whole of
the territory of the Ville de Hampstead shall be administered in accordance with the
provisions of this Bylaw.~~

Chapter 1 Declaratory Provisions

1.1 Title and Effect

1. The present Bylaw is entitled the Permits and Certificates Bylaw of the Ville de Hampstead and bears Number 730. It is referred to herein as the Permits and Certificates Bylaw, the present Bylaw and the Bylaw, depending on the circumstances. The Ville de Hampstead is also referred to herein as the municipality.
2. The present Bylaw applies to all the territory of the Ville de Hampstead.
3. In the present Bylaw, the masculine gender includes the feminine gender and the singular includes the plural unless otherwise indicated within the text.
4. All dimensions and measures are provided in the international system (metric). English dimensions and measures are provided from time to time for information purposes only. If there is a contradiction between the two, the international system will prevail.
5. In the present Bylaw, the main text, except for the headings and table of contents, and all tables and symbols together form the enforceable content.
6. This Bylaw applies to all land, buildings and structures that shall be erected, modified, repaired, remodelled, transported or altered.

1.2 Repeal

The present Bylaw repeals Bylaw 648 of the Ville de Hampstead and all its amendments.

1.3 Contradiction between Provisions and Bylaws

If there should be a contradiction between the provisions of this Bylaw or between the provisions of this Bylaw and any other municipal bylaw, the most stringent provision will apply.

1.4 Other Concordance Bylaws and Bylaws

The present Bylaw is a concordance bylaw as per the definition given in the Québec Act respecting land use planning and development (the Act). In erecting, restoring, renovating, transforming, repairing, modifying, arranging, occupying, demolishing or replacing a building or structure, the owner of a property must conform to all municipal concordance bylaws passed pursuant to the Act, as well as all other bylaws that the municipality may have adopted pursuant to other laws.

Chapter 2 Definitions

2.1 Terminology

The terminology used in the present Bylaw is defined in the Zoning Bylaw Number 727 of the Ville de Hampstead.

Chapter 3 Administrative Provisions

3.1 Enforcement of the Bylaw

The Building Inspector is entrusted with the enforcement of the Bylaw.

3.2 Duties of Building Inspector

The Building Inspector shall:

- a. Prior to the granting of a Building Permit, determine whether or not the proposal requires to be submitted to the Architectural Advisory Board, and if required, ensure that the applicant has provided all documentation required by the municipality. Prior to the granting of a Building Permit, determine whether or not the applicant is required to complete the form entitled Déclaration de travaux of the Régie du bâtiment du Québec;
- b. Obtain all other information that he or the Architectural Advisory Committee may require from time to time in order that it may make its report;
- c. Undertake an analysis of the application from the standpoint of all municipal bylaws and share this report with the Architectural Advisory Committee;
- d. Issue or refuse to issue a permit or a certificate needed in conformity with municipal bylaws;
- e. Keep proper records of all applications received, permits, certificates and orders issued, inspections and tests made and retain copies of all papers and documents connected with the administration of the office's duties and responsibilities;
- f. As is required under law, enter any building or premises at any reasonable time for the purpose of administering or enforcing municipal bylaws;
- g. When required, cause a written notice to be delivered to the owner of any property directing the correction of any condition that, in the opinion of the Building Inspector, is a violation of a municipal bylaw;
- h. As and when required, and according to law, either a) direct tests of materials, devices and construction methods, or b) have sufficient evidence of proof submitted to the municipality, at the expense of the owner, where such evidence of proof is necessary to determine whether the materials, devices and construction methods conform to municipal bylaws; and
- i. Ensure that all fees have been paid prior to issuing approval documents and permits.

3.3 Duties of the Property Owner

Every owner of a property shall:

- a. Provide the Building Inspector with all documentation required by the municipality to study the request for a permit or certificate;
- b. Promptly pay all fees associated with obtaining the required permit and certificate;
- c. Permit the Building Inspector or deputy to enter any building or premises at any reasonable time in order that he may carry out his duties;
- d. Give at least 48 hours notice to the Building Inspector, after having obtained the required permit or certificate, of the intention to start work on the building site;
- e. Give notice to the Building Inspector where a footing and foundation wall has been located and this before any backfilling of the excavation has commenced. Provide the Building Inspector with a plan signed by a land surveyor attesting to the legal positioning of all new footings and foundation walls after all foundation works have been completed;
- f. Give notice to the Building Inspector where plumbing work has been carried out in order that this work may be inspected before being hidden behind interior walls on under floors;
- g. Provide all other notices that might be required by municipal bylaws;
- h. Advise the Building Inspector of any divergence from approved plans and permits prior to initiating the works in order to obtain the required approvals;
- i. Give written notice to the Building Inspector within 30 days of completion of the work described in the permit or certificate.

3.4 Infringements and Penalties

An infraction to this Bylaw is committed by whomever, is in contravention to a provision of this Bylaw.

Anyone committing an infraction to this Bylaw is liable to a fine and costs, and the person or persons responsible for the infraction must also, at its sole cost, remedy the situation so caused.

When an infraction of the present Bylaw occurs, the Building Inspector shall inform the person concerned of the infraction by written notice or order. If the person concerned does not then comply with the notice within ten (10) calendar days of receiving it, he is liable to a fine of five hundred dollars (\$500.00) plus costs for each infraction.

If the infraction continues, the offender shall be liable to pay an amount up to and including five hundred dollars (\$500.00) for each day during which the infraction continues.

Notwithstanding the foregoing, the municipality may exercise any recourse necessary to ensure that the provisions of the present Bylaw are observed, including recourse to the appropriate tribunals.

Chapter 4 The Subdivision Permit

4.1 Obligation

Any person wishing to undertake any cadastral operation, whether or not streets are to be provided, must first obtain a subdivision permit.

4.2 Conditions

The Building Inspector shall issue a Subdivision Permit where:

- a. The application is in conformity with the bylaws of the municipality;
- b. The application is accompanied with all plans and documents required;
- c. The applicant has paid the fee for obtaining the permit and all other required costs.

The issuance of a Subdivision Permit shall not in any way oblige or force the municipality to issue a Building Permit. The issuance of a Subdivision Permit in no way shall be construed to mean that the Government of Québec will accept the proposed subdivision.

The municipality may decide to only issue a Subdivision Permit simultaneously with a Building Permit and this, conditional upon acceptability of the legal land description by the Government of Québec. If the Government of Québec should decline the proposed subdivision, the municipality shall retract the conditional Subdivision Permit and conditional Building Permit, and shall not be obliged to reimburse any fees made to that point by the applicant.

4.3 Plans and Documents in Support of the Application

An application for a Subdivision Permit shall be made in the form prescribed by the municipality, or in the form of a letter, and shall include all of the following information:

1. Name of applicant and legal attachment to the lands.
2. Date of application.
3. Reason for the application and whether the application is being made simultaneously for purposes of seeking a Demolition Permit and/or Building Permit.
4. A general plan drawn at the scale of 1:1000 or larger, and signed by a land surveyor (Arpenteur géomètre du Québec) showing the location of the original lot on which the cadastral operation is proposed and illustrating:
 - a. the proposed lots within the original lot;
 - b. the public and private streets bordering the proposed lots, as well as all electrical transmission lines, telecommunications lines and servitudes;
 - c. the numbers and boundaries of original lots located adjacent to the proposed lots, and showing the location of existing buildings; and
 - d. the date, scale and north arrow.
5. A plan of the proposed lots drawn to a scale of 1:250, and signed by a land surveyor (Arpenteur géomètre du Québec), showing the following:
 - a. the proposed lot lines and their dimensions;
 - b. the servitudes and rights-of-way proposed; and
 - c. the existing structures, and the title of the plan, the date, scale and north arrow.

4.4 Fees

4.4.1 Part Affecting Private Land Only

The fee for the issuance of a Subdivision Permit is \$400. This sum must be accompanied with the application for the Subdivision Permit and is non-reimbursable. The sum shall be in a form acceptable to and made payable to the Ville de Hampstead.

4.4.2 Part Affecting Public Rights-of-Way

If the cadastral operation being proposed will also result in part of the private land becoming a public right-of-way or street, the applicant, if the proposal is approved, is responsible for the payment of all professional and legal costs associated with the transfer of ownership to the Ville de Hampstead, including those direct and indirect costs that must be borne by the Ville de Hampstead and a non-reimbursable administrative charge of two hundred dollars (\$200.00).

The land to be transferred to the municipality shall take place free of charge to the municipality.

Prior to executing the cadastral operation, the applicant will submit a sum to the Ville de Hampstead to cover the costs anticipated by the municipality, as determined by the Ville de Hampstead. At the time of concluding the transfer of ownership, the municipality will provide the applicant with a detailed accounting of all costs. The applicant will be eligible to receive, if this is the case, a reimbursement for any overpayment or will be required to submit to the municipality a sum equal to the amount outstanding.

The sums mentioned in 4.4.1 and 4.4.2 are cumulative.

Chapter 5 The Building Permit

5.1 Obligation

No person shall commence or continue any project for the construction, alteration, renovation, enlargement or extension of a building or structure unless the owner of the building to be constructed or in respect of which the work is to be carried out, or his representative, has obtained a Building Permit.

5.2 Conditions

The Building Inspector shall issue a Building Permit where:

- a. The application is in conformity with all bylaws of the municipality;
- b. The application had been accompanied with all plans and documents required and the application fee had been paid;
- c. If required, the application had been reviewed by the Architectural Advisory Board;
- d. If required, the application had been approved by Council; and
- e. The fee for obtaining the Building Permit has been paid.

5.3 Plans and Documents in Support of the Application for a Building Permit

The application seeking a Building Permit shall be made on the form prescribed by the municipality or in the form of a letter providing all the information required.

The form or letter shall be signed and dated by the applicant. If the applicant is not the property owner, the application shall be accompanied with a letter from the property owner explaining the applicant's role and authorizing the applicant to make the application.

The application shall contain the following information for all new buildings to be erected, for all existing main buildings to be enlarged and for all existing main buildings to undergo modifications. For swimming pools only, the information in paragraphs d, e, f, i, j, k and l, shall be provided. For detached garages only, the information in paragraphs a, c, e, f, g, h, i, j, l, m and n shall be provided. For landscaping projects only, the information in paragraphs f, i, m and n shall be provided. For projects requiring the installation of outdoor equipment, the information in a, e, f, m and n shall be provided.

- a. the intended use of the building and/or structure;
- b. copies in duplicate of the specifications and scale drawings (not less than 1:100 or 1/8 inch to one foot) of the building and/or structure with respect to which the work is to be carried out showing the dimensions of the building and/or structure and, in the case of a building, the proposed use of each room or floor area, and proposed decks, porches, stairs, balconies, and outdoor heating and/or air conditioning equipment;
- c. copies in duplicate of the specifications and scale drawings (not less than 1:100 or 1/8 inch to one foot) of the detached garage, if there is one;
- d. copies in duplicate of the specifications and scale drawings (not less than 1:100 or 1/8 inch to one foot) of the swimming pool, the associated landscaping and any related outdoor structures, if being proposed;
- e. two copies of a site plan at a scale of not less than 1:50 (1/4 inch to one foot) showing the location of the existing or proposed building(s) and/or structure(s) on the lot with all relevant site dimensions, official lot numbers and servitudes, the location of trees to retain and to fell, exterior equipment, the location of the sidewalk and street, the location of servitudes, the location of buildings on adjacent lots and for all main buildings, the location of existing and proposed stairs, decks, porches and swimming pools and the location of municipal infrastructure;
- f. plans in duplicate showing landscaping details (to a scale of not less than 1:50 or 1/4 inch to one foot) including the identification and location of trees proposed to be removed and planted; the existing and proposed location of fences as well as

details with respect to the design, materials, height and foundations of proposed new fences; the location of proposed hedges and information on the type of hedge to be planted including information on maximum heights; the shape and location of driveways and walkways with information on the surface material being proposed; and all other information deemed necessary to show the activities and structures on the grounds in and around the buildings.

- g. two copies of appropriate cross sections at a scale of not less than 1:50 (¼ inch to one foot);
- h. two copies of exterior elevations of all facades at a scale of not less than 1:50 (¼ inch to one foot);
- i. the name of the general contractor, if known at the time of submission;
- j. two copies of a structural plan for each floor and the basement signed by a professional engineer providing details of the footings, foundations, piles, support beams, joists, framing, columns, bearing walls, size of headers over doorways and windows, roofing details and trusses and all other information that may be required to understand the structural solution for the building. The engineer's structural plans shall be based on the architect's plans;
- k. two copies of a mechanical plan showing general details on each floor of the HVAC system, the plumbing system, the heating system (including outdoor elements), the cooling system and any elevating devices;
- l. two copies of an electrical plan of the house wiring system, showing sufficient details on each floor and the basement, identifying switches, plugs, the location of light fixtures and the location of major household appliances. To also provide information pertaining to the electrical panel's capacity;
- m. a description (two copies) of any special precautions to be taken to minimize the impact of construction on the neighbourhood; and
- n. if crossing or using a neighbour's property during construction, a letter signed by the neighbour indicating his approval and under what conditions.

All architectural plans shall be signed by an architect who is a full and active member of the Ordre des architectes du Québec and all engineering plans shall be signed by a professional engineer who is a full and active member of the Ordre des ingénieurs du Québec. The Ville de Hampstead retains at all times the right to demand other plans and documents signed by professionals in order to certify the conformity of proposed projects with municipal bylaws. It is recommended that proponents consult the representatives of the Ville de Hampstead before starting a project that is expected to involve the issuance of a building permit.

The issuing of a building permit by the Ville de Hampstead in no way relieves the architect or the engineer from his or her professional responsibility.

5.4 Plans and Documents in Support of the Application for a Building Permit for Plumbing Improvements Only

The application seeking a Building Permit for plumbing improvements only shall be made on the form prescribed by the municipality or in the form of a letter providing all the information required.

The form or letter shall be signed and dated by the applicant. If the applicant is not the property owner, the application shall be accompanied with a letter from the property owner that explains the applicant's role and authorizing the applicant to make the application.

The application for the Building Permit related solely to plumbing is treated in two ways.

5.4.1 Application Respecting Properties Obligated to Complete Form Déclaration de travaux of the Régie du bâtiment du Québec

In such situations, the applicant shall first make an application, with application fee, for a Building Permit from the municipality providing the following information:

1. Name of applicant;
2. Address of property;
3. Legal status of applicant with respect to property. Only the property owner or representative, as confirmed in a letter signed by the property owner, shall be an acceptable form of application;
4. Name of contractor;
5. Description of the proposal including any changes that might occur to the base building;
6. A description of any excavation proposal and any requirement of the municipality to become involved in the works;
7. A copy of the Déclaration de travaux form of the Régie du bâtiment du Québec; and
8. Two copies of plans drawn to scale prepared in support of the Déclaration de travaux form of the Régie du bâtiment du Québec.

The municipality will assess to what extent the project is in conformity with the applicable bylaws of the municipality.

Prior to the commencement of construction, the municipality will determine the fees to be paid and demand full payment prior to the commencement of the work, all in compliance with the present Bylaw.

On the day that construction is to commence, the plumber shall register in compliance with the Building Bylaw.

The applicant shall inform the municipality when the work has been completed.

5.4.2 Application Respecting Properties Not-Obligated to Complete Form Déclaration de travaux of the Régie du bâtiment du Québec

In such situations, the applicant is not obliged to complete the form entitled Déclaration de travaux of the Régie du bâtiment du Québec.

If a Building Permit is required, an application for a Building Permit, with the appropriate application fee, shall first be presented to the Ville de Hampstead, in compliance with this Bylaw.

The applicant shall provide the following information to the municipality at the time of making an application for a Building Permit, in advance of the proposed construction start date:

1. Name of applicant;
2. Address of property;
3. Legal status of applicant with respect to property. Only the property owner or representative, as confirmed in a letter signed by the property owner, shall be an acceptable form of application;
4. Name of contractor;
5. Description of the proposal including any changes that might occur to the existing building;
6. A description of any excavation proposal and any requirement of the municipality to become involved in the works;
7. Confirmation that the current proposal does not require the completion of the Déclaration de travaux form of the Régie du bâtiment du Québec by citing appropriate sections in Law or Code that make the current proposal exempt;
8. Two copies of plans drawn to scale (not less than 1:100 or 1/8 inch to a foot) showing, by floor, the existing and proposed plumbing systems that are affected by the proposal.

The municipality will assess to what extent the project is in conformity with the applicable bylaws of the municipality.

Prior to the commencement of construction, the municipality will determine the fees to be paid and demand full payment prior to the commencement of the work, all in compliance with the present Bylaw.

On the day that construction is to commence, the plumber shall register in compliance with the Building Bylaw.

The applicant shall inform the municipality when the work has been completed.

5.5 Improvements Subject to a Building Permit

All improvements to a building or to the lands around a building shall not commence without a Building Permit being issued, even in the case of buildings and elements that fall within the jurisdiction of the Régie du bâtiment du Québec.

An improvement includes construction, reconstruction, renovation, addition, enlargement and/or alteration.

An application for a Building Permit is not required for regular maintenance and for alterations and repairs estimated to cost \$2000 or less except for the following:

1. The proposed works shall affect the architectural form of the main building and/or structures;
2. Excavation is required;
3. Exterior heating and/or cooling equipment is to be installed outside the main building;
4. A propane gas tank with a capacity in excess of 25 litres is to be installed on the lands;
5. The proposed works involves the building or repairing of footings and /or foundation walls or involves changes to water mains and sewers outside the main building;
6. The water metre is to be relocated or reconnected;
7. The plumbing activities are not minor, that is, they do require the introduction, in a material way, of new pipes, fittings, fixtures and equipment, or they go beyond the simple replacement of defective or out-dated pipes, fittings, fixtures and equipment;
8. The works involve the installation of a new furnace within the building;
9. The works involve the installation of a new roof deck;
10. The works involve the construction, reconstruction or widening of a driveway or walkway;
11. The works involve the construction, reconstruction or enlargement of a front porch and/or front stairs where the architectural features shall be changed;
12. The project involves the felling or planting of trees.
13. The project involves the construction of a in-ground or above-ground swimming pool;
14. A new deck or balcony is proposed;
15. An enclosed accessory building is proposed;
16. The removal of any underground oil tank;
17. A satellite antenna with a diameter greater than 1 metre or a tower antenna is to be installed; and
18. A detached garage is to be built or rebuilt.

Activities such as the repainting of a building, the repaving of a driveway without changing the driveway's configuration and the putting down of sod, irrespective of cost, do not require a Building Permit.

5.6 Approval of Plans and Documents

In conformity with the Act, the advice and recommendations of the Architectural Advisory Board may be sought for certain proposals requiring a Building Permit.

In examining these and all applications, the municipality and its staff and agents shall take the following design and community principles into account in making recommendations or deciding on the acceptability of a project:

1. The placement of the building or improvement on the lot;
2. The quality of materials;
3. Impact on neighbours;

4. Safety and security;
5. Environmental necessities and greening programs;
6. Access for physically challenged persons;
7. Respect for existing architectural elements;
8. Conformity with all concordance bylaws of the municipality; and
9. The harmonious integration of the improvement in the surrounding area.

5.7 Procedure Regarding the Application for a Building Permit

The procedure regarding the application for a Building Permit is the following:

- a. Submission by the applicant of all information required;
- b. Determination by the Building Inspector of whether or not all information has been provided and whether or not a Building Permit is in fact required, and if so, by the Régie du Bâtiment du Québec
- c. If a Building Permit is not required, the applicant is so advised in writing;
- d. If a Building Permit is required, and there is missing information, the Building Inspector shall make the appropriate request for information;
- e. Once all information is received, the Building Inspector shall study the application and prepare a report;
- f. If the Building Inspector has delegated authority for the project under study, he shall inform the applicant of his decision in writing, and if the decision is to approve the proposal, the applicant shall make all payments required for the Building Permit prior to it being issued. Otherwise, all information, including the Building Inspector's report, shall be provided to the Architectural Advisory Board if the project falls within the purview of this Board;
- g. The Board shall prepare a report with recommendations regarding the approval or refusal of the application, taking into account the jurisdiction of the Régie du bâtiment du Québec. If the Régie du bâtiment du Québec is the approving authority, the Board's report will deal with subdivision and zoning issues and any other issues that may fall within the purview of the municipality;
- h. The Board's report, along with all information received, is then returned to the Building Inspector who will decide to issue the Building Permit, if the responsibility falls within his purview, or submit the project to Council that will approve or refuse the application, perhaps asking for additional studies to first be undertaken. The process on Site Planning and Architectural Integration, as described in the Zoning Bylaw of the Ville de Hampstead, shall overlap the one described herein ; and
- i. The Building Inspector implements the decision of Council by informing the applicant in writing of the municipality's decision.

5.8 Documents on Site

The person to whom a permit is issued shall during the period of construction keep:

- a. posted in a conspicuous place on the property in respect of which the permit was issued, a copy of the building permit or a poster or placard in lieu thereof; and
- b. a copy of the approved drawings and specifications referred to in the present chapter, on the property in respect of which the permit was issued.

If this is a project falling under the jurisdiction of the Régie du bâtiment du Québec, the applicant shall comply with the requirements of this body.

5.9 Voidance of the Building Permit

Any Building Permit is deemed null and void if:

- a. the proposed work set out in the application has not been started within six months from the date of issuance of the permit;
- b. the work is not carried out continuously until completion; and
- c. all conditions applicable according to any law or bylaw have not been respected.

Each Building Permit shall have an end date, being up to twelve months after the start date of construction. If construction is not completed within the prescribed time, the applicant shall be required to pay to the Ville de Hampstead an additional amount equal to the amount of the fee paid for the original Building Permit. The applicant shall then have an additional period to complete the works this being up to the length of time originally granted for the first Building Permit. The Ville de Hampstead shall grant, based on past experience and best practice, a specific length of time for completing the works, whether part of the original Building Permit or an amended Building Permit.

If after the issuance of the Building Permit, it is determined that the proposed works shall change in a material way, the applicant shall be required to seek an amended approval and associated Building Permit by providing the Ville de Hampstead with all the information required by the municipality, as per section 5.3 of this Bylaw, including the application fee. Construction shall not continue until an amended approval has been provided. A new Building Permit shall be issued, provided the modifications have been approved, and the applicant shall then be responsible for remitting to the Ville de Hampstead any amounts owing based on the adjusted value of the improvements and implemented the improvements as per the amended approval.

5.10 Certificate of Occupancy

For every immovable recently erected or altered or the destination or use of which has been changed in conformity with the bylaws of the Ville de Hampstead, and provided that the building was not occupied during the period of construction for three months or more, the Building Inspector shall provide a certificate of occupancy prior to the building being occupied by anyone in any manner.

This section of the Bylaw does not apply to projects, buildings or elements of buildings that fall under the jurisdiction of the Régie du bâtiment du Québec.

5.11 Fees

5.11.1 Schedule

The schedule of fees for the issuance of a Building Permit is determined in the following manner:

- a. A non-reimbursable application fee of \$50 for a Building Permit (including a Building Permit for plumbing only);
- b. At the time of receiving the Building Permit, the fee for the Building Permit is based on the following formula –
 - \$25.00 for the first thousand dollars of value, and
 - \$5.00 for each subsequent thousand dollars of value up to a maximum of \$1500.

Once paid, the amounts shall not be reimbursed for whatever reason. As per this Bylaw, the amounts may be increased if necessary;

- c. A non-reimbursable fee of \$100.00 if the municipality is asked and provides the applicant with street lines, sidewalk lines and levels that it already has in its possession without engaging outside professional services;
- d. A fee of \$1.00 per linear metre of frontage for street use per day.

All fees are cumulative.

Notwithstanding the above, no fee will be required for making an independent application for the following improvements. Moreover, if approved, there shall be no fee associated with the issuance of the Building Permit. All other conditions of this Bylaw shall still apply:

1. Installation of outdoor heating and cooling equipment;
2. Installation of a gas tank with a capacity exceeding 25 litres;
3. Installation or reinstallation of a water meter;
4. Installation of a central furnace;
5. Installation of a new roof deck;

6. Construction, reconstruction or enlargement of a driveway or walkway;
7. Construction, reconstruction or enlargement of a porch or the staircase in front of a main building but only if the architectural expression shall change;
8. The felling of a tree;
9. The removal of an underground oil tank; and
10. The installation of a satellite antenna with a diameter exceeding one metre or a tower antenna.

5.11.2 Doubt

In the event of doubt respecting the value of the improvements to be undertaken, the Building Inspector may unilaterally determine the value of the proposed improvements and base the Building Permit fee thereon. The applicant shall pay this amount and shall advise the Ville de Hampstead within 14 days of payment that the amount has been paid under protest. At the end of the construction project, at the time of advising the Ville de Hampstead of this event as per this Bylaw, the applicant may request a reimbursement upon submission of proof that the amount paid for the Building Permit was excessive. The Ville de Hampstead shall consider this request and advise the applicant of its decision forthwith. The decision of the Ville de Hampstead shall be final. The value of the improvements for purposes of this section of the present Bylaw is defined as the costs for professional services, construction, supervision and commissioning, as well as services provided freely or in kind.

5.11.3 Additional Costs

In addition to the fees mentioned in section 5.11.2 of this Bylaw, as well as all other fees and costs required to be paid by the applicant as per all municipal bylaws, the municipality shall require the applicant bear the costs, being the real costs, for the provision of planning, designing, construction (including labour and materials) and commissioning services, including the supervision of same and the costs of all contracts, for the installation, relocation, alteration and/or refurbishing of:

- water lines,
- sewers of all types, including water meters,
- sidewalks and streets,
- cut-outs for driveways, and
- tree felling

on municipal property, and required as a result of any Building Permit being issued by the Ville de Hampstead.

A deposit for the municipal works shall be required. Works will not proceed without an agreement in place between the applicant and the municipality with respect to these works.

In the event that the deposit is in excess of the actual cost, a refund will be made. Should the deposit be lower, a further charge will be applied. In the case of adjustments either way, payments or repayments will be made without any interest charges.

Chapter 6 The Architectural Advisory Board

6.1 Establishment

The Planning Advisory Committee referred to in the Quebec Act respecting land use planning and development shall also be called the Architectural Advisory Board in the Ville de Hampstead.

The Architectural Advisory Board is established for studying proposals and making recommendations regarding:

- a. the planning of the municipality and the content of the planning program and concordance bylaws as defined in the Quebec Act respecting land use planning and development, and
- b. applications for changes to the Zoning Bylaw and the Subdivision Bylaw, as well as applications for Subdivision Permits, Building Permits and minor exemptions.

The Architectural Advisory Board shall primarily execute its duties when the Building Inspector refers matters to it, or from time to time, the Council of the Ville de Hampstead.

6.2 Convening of Meetings

The Architectural Advisory Board shall establish its rules for internal management and submit these rules to Council for approval in October of every year for the upcoming calendar year.

In addition to meetings scheduled and convened by the Board, Council may also convene the members of the Board by giving written notice at least ten days before the session to which members are being convened

6.3 Composition of Board and Length of Appointment

The members of the Board are named by resolution of the Council in conformity with the Quebec Act respecting land use planning and development. The term of office of members may not exceed two years and may be renewed. The Board is composed of one member of Council and as many residents of the municipality as Council deems appropriate.

6.4 Chairperson and Secretary of the Board

The Chairperson of the Board is named by Council upon the suggestion of the members of the Board at the second sitting each year of Council.

The Secretary of the Board is named by the majority of the members of the Board. The Secretary is subject to the authority of the Chairperson in the manner of all routine business of the Board.

6.5 Budget

Each year in October, the Board submits to Council for its consideration a budget for the upcoming year.

Council may or may not approve a budget for the Board. If it does, admissible expenses include travel costs to duly authorized meetings of the Board, expenses incurred while on trips authorized by Council, and a fixed amount of \$100 per member for attending each duly authorized meeting of the Board. The members of Council that sit on the Board are not eligible to receive any reimbursement of travel costs to meetings or the fixed amount referred to in this paragraph.

6.6 Annual Report

The Board shall submit in October of each year a draft annual report showing the approved budget, expenses to date and expected expenses to year-end, as well as a list of meetings

since January 1st of the year in effect, the name of members that participated at each meeting, the projects reviewed and the Board's recommendations.

In February of each year, the Board shall submit to Council a final annual report for the previous year.

Chapter 7 Minor Exemptions

7.1 Application

Any property owner in the municipality may request a minor exemption from the Zoning Bylaw or Subdivision Bylaw.

This application shall be considered provided that it does not relate to land use, does not relate to land occupation density or cannot cause a public safety issue. The application will also only be granted if the applicant, who must be the property owner, has demonstrated that without the exemption, a serious prejudice shall be caused to him. A minor exemption shall not be granted if it hinders the owners of the neighbouring properties in the enjoyment of their right of ownership.

A minor exemption may only be considered if the municipality has in place a duly authorized Planning Advisory Committee.

The request may apply to work in progress or work completed, as authorized by a building permit, and carried out in good faith.

7.2 Procedure

The procedure to be followed by the applicant is as follows:

- a. The applicant provides the Building Inspector all information required to permit a full evaluation of the file. At the very least, this must include the applicant's name, a location plan of the property, a description of the existing situation and a proposal for remedying the situation;
- b. The Building Inspector determines if all information has been provided;
- c. If not provided, the applicant is so advised in writing by the Building Inspector;
- d. Once all information is in hand, the Building Inspector studies the application and prepares a report;
- e. All information, including the Building Inspector's report, is provided to the Planning Advisory Committee (that is, the Architectural Advisory Board);
- f. The Board prepares a draft report for consideration by Council;
- g. Not later than 15 days prior to the deliberation of Council on the application, the Clerk shall cause a notice to be published in a locally distributed newspaper identifying the nature of the request, the consequences of the exemption applied for, the designation of the immovable, all according to the Act, and shall indicate that any interested person may be heard by the Council in relation to the application;
- h. After the meeting, the Architectural Advisory Board shall review its initial draft report and make a recommendation to Council;
- i. Council shall then render its decision by resolution and have a copy of the resolution sent to the applicant by municipal officials; and
- j. If a Building Permit is required as a result of the decision of Council, the Building Inspector shall provide it provided that the request is in absolute compliance with the decision of Council and the required fees have been paid.

7.3 Fees

In making a request, the applicant shall remit to the municipality an application fee equal to fifty dollars (\$50.00).

The applicant shall pay all costs associated with the placing of the notice referred to in section 7.2 of this Bylaw.

At the time of seeking a Subdivision or Building Permit, the applicant shall pay the required amounts as per this Bylaw.

Chapter 8 Coming into Force of the Bylaw

8.1 Coming into Force of the Bylaw

The present Bylaw will come into force in accordance with the Act.

Adopted the _____

Signed at the Ville de Hampstead by:

Mayor

Clerk