

(Unofficial version)

DATE: March 14, 2023

The regular meeting of the Clarendon Municipal Council was held on the above night, at the council hall located at C427 route 148 in Clarendon. Present were: Mayor Edward Walsh, Cr. Younge, Cr. Elliott, Cr. Dagg,, Cr. Holmes, Cr. Smith & Cr. Hanna. Also attending the meeting was Clerk Treasurer Patricia Hobbs.

1. OPENING THE MEETING

Mayor, Edward Walsh opened the meeting at 7:00 p.m.

Conflict of Interest Statement:

A conflict of interest occurs when elected officers are placed in a situation of having to choose between their personal interests, or those of their entourage, and the public interest. The conflict of interest sections of the Act respecting municipal elections and referendums are designed to ensure that the decision-making process on a municipal council is not tainted by personal consideration

Public Participation: None

2. ADOPTION OF THE AGENDA

036-03-2023 Proposed by Cr. Elliott

Seconded by: Cr. Dagg

And unanimously resolved to adopt the agenda of March 14, 2023 with the addition of correction to minutes of December 13 at 9.1

3. ADOPTION OF THE MINUTES OF THE REGULAR MEETING OF February 28 2023

037-03-2023 Proposed by: Cr. Younge

Seconded by: Cr. Elliott

And is resolved to adopt the minutes of the February 28, 2023 2022 regular meeting.

Carried

4. MAYOR'S REPORT -

- Two new inspectors have been hired in the evaluation department of the MRC
- Employee evaluations will be done at the MRC by the new director general
- First quarter budget meeting will be held at the MRC soon
- Plans were discussed at the MRC for a Federal Hub – Satellite offices for the Federal Government. Suggested sights in Fort Coulonge & Shawville.

5. CORRESPONDENCE AND INFORMATION

5.1 – Request from Forestry Board – Tabled & Discussed

5.2 – Request from Lions Club for Shawville Lions Country Jamboree Support

Moved by: Cr. Hanna

Seconded by: Cr. Elliott

038-03-2023 And unanimously agreed to donate the amount of \$ 500.00 to the Shawville Lions Country Jamboree

Carried

6. FINANCIAL REPORT &/OR ACCOUNTS PAYABLE

Accounts Payable in the amount of \$ 36,152.12 were presented

AUTHORITY OF PAYMENT OF THE LIST OF BILLS

Certificate of availability of credits

I, the undersigned, Patricia Hobbs, Director General of the Municipality of Clarendon certify that there are sufficient credits available to carry out the expenditure mentioned above.

In witness whereof, this certificate is given in Clarendon this 14 day of March 2023

_____ *Patricia Hobbs* _____

Patricia Hobbs – Clerk Treasurer

039-03-2023 Proposed by Cr. Holmes

Seconded by: Cr. Dagg

And is resolved to pay the bills in the amount of \$ 36,152.12

Carried

7. COMMITTEE MEETINGS AND REPORTS

7.1 PERSONNEL COMMITTEE

7.2 LUP COMMITTEE

7.2.1 Subdivision Request

Whereas, a request was received requesting a subdivision of lot 6 419 640 to form lot 6 565 320 and residual lot 6 565 319 as per minute 17339 by land surveyor Alary St Pierre Durocher dated the 23rd of February 2023

Whereas, each lot complies with the municipal bylaws respecting subdivisions

Whereas, all existing buildings and structures comply with setbacks

Whereas, the Land Use Planning Committee recommended the approval of the subdivision subject to a clarification of the set backs to an outhouse

Whereas, a septic engineer has verified Section 50 (Q2R22) stating minimum distance between a privy/outhouse and a property line to be 2 meters

Whereas, the distance between the privy and a property line complies to section 50 (Q2R22)

It is therefore

040-03-2023

Moved by: Cr. Dagg

Seconded by: Cr Smith

And unanimously agreed to approve the subdivision described in Minute 17339 of the surveyors plan

Carried.

7.2.2 Request for Extension of Time Limit for Notice of Infraction

041-03-2023

Moved by: Cr. Smith

Seconded by: Cr. Elliott

And unanimously agreed to extend the time limit for the Notice of Infraction for lot # 6422623 until March 30.

Carried

7.3 TRANSPORTATION COMMITTEE

7.3.1 – Bridge on Hamilton Road – The MTQ has advised the Municipality that major repairs are needed on this bridge. The Municipality will ask that the repairs be done as opposed to demolishing the bridge.

7.4 LIBRARY COMMITTEE

7.5 FINANCE COMMITTEE

7.6 FIRE COMMITTEE

7.7 WASTE MANAGEMENT

7.7.1 – Agricultural Plastics Update

7.8 COTTAGE ASSOCIATION COMMITTEE

7.9 CHAMBER OF COMMERCE COMMITTEE

8. NOTICE OF MOTION: CULTURAL HERITAGE BYLAW

Notice of Motion was given by Cr. Smith Of the Draft Bylaw namely Cultural Heritage Bylaw # 2023-002 (Annex A)

ADOPTION OF THE DRAFT BYLAW 2023-02 CULTURAL HERITAGE BYLAW

WHEREAS the existing bylaw 2017-257 Enacting the Planning bylaws Interpretation and Administration contains instruction for the demolition, maintenance, and occupation of buildings.

WHEREAS Bill no 69, an Act to amend the Cultural Heritage Act Chapter P-9.002 (ACT), was adopted on 25 March 2021 and has come into force on April 1, 2021.

WHEREAS every local municipality must adopt a demolition by-law in accordance with the new provisions of the ACT before 1er April 2023, two years after the ACT received royal assent (s.137). If a by-law is already in force, the municipality has the same time limit to bring it into conformity with the new provisions. It remains in force until it is done (s. 141).

WHEREAS the municipality wishes to provide continuity in the guidance and requirements for the restoration, maintenance, repairs and other related matters pertaining the issue of demolitions and has included those elements of the ACT into the municipal bylaw.

WHEREAS the ACT has shared responsibilities for the management of heritage immovables and buildings, within the meaning of the ACT, and wishes to coordinate the management of responsibilities between the Municipality of Clarendon, regional municipality, and the province of Quebec.

WHEREAS the municipality is responsible to adopt this bylaw no later than April 1, 2023.

Therefore,

042-03-2023 it is moved by : Cr. Smith

Seconded by : Cr. Younge

And unanimously agreed to adopt this draft bylaw to comply with the Cultural Heritage Act, last updated October 15, 2022.

Carried

043-03-2023 Public Consultation

Moved by: Cr. Holmes

Seconded by: Cr. Elliott

And unanimously agreed to post a public notice for public consultation on Bylaw 2023-002 to take place on Thursday, March 23rd at 6:00 p.m. at the council hall at C427 Route 148 Clarendon, Quebec.

Public notice will be posted and a public consultation meeting will take place on Thursday, March 23rd at 6:00 p.m. and final adoption will take place in the next regular meeting on March 28, 2023

9. Miscellaneous and Discussion

9.1 Correction to Minutes of December 13th.

044-03-2023 Moved by: Cr. Holmes

Seconded by: Cr. Smith

And unanimously resolved to correct the minutes from the December 13th meeting of council to include Cr. Phillip Elliott in the list of attendees.

Carried

10. ADJOURNMENT

045-03-2023 Motion by Cr . Holmes to adjourn the meeting of March 14,, 2023 at 9:10 p.m.

Carried

Mayor Edward Walsh

Clerk Treasurer – Patricia Hobbs



Municipality of Clarendon

Bylaw 2023-002

Cultural Heritage Bylaw

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DIVISION I - DECLARATORY PROVISIONS

1.0 Objective

This bylaw will support the consistent and effective management of municipal responsibilities for the management of heritage immovables (buildings, structures and sites) in accordance with the Cultural Heritage Act, Chapter P-9.002 (ACT) as amended from time to time.

The municipal responsibilities cover the following activities:

- Demolitions
- Alterations
- Restorations
- Repairs
- Modifications
- New construction
- Heritage Landscapes

2.0 Definitions

ACT – Cultural Heritage Act, Chapter P-9.002 as amended from time to time.

Anyone – means any legal or natural person.

Demolition – means the dismantling, moving, or destroying all or part of an immovable by:

- (a) destroying or dismantling more than 50% of the surface area of all exterior walls, including openings, but not foundations.
- (b) destroying or dismantling more than 50% of the roof.
- (c) the cumulative destruction or dismantling of the roof or exterior walls referred to in paragraphs a and b, over a period of 36 months.

Designated property – means a heritage immovable recognized by a municipal bylaw in accordance with the ACT, or the Regional Municipality of Pontiac; or the Province of Quebec.

Dwelling – dwelling within the meaning of the ACT *respecting the Administrative Housing Tribunal* (CQLR, c. T-15.01).

Executive municipal council – means a municipal council established, by a municipal bylaw, for the purpose of delegating its power, in whole or part, to administrate the municipal responsibilities under sections 137 to 138 of the ACT.

Heritage immovable – means an immovable property that has archaeological, architectural, artistic, emblematic, ethnological, historical, landscape, scientific, social, urbanistic or technological value, in particular a building, a structure, vestiges or land.

Heritage object – means a movable property, other than a heritage document, that has archaeological, artistic, emblematic, ethnological, historical, scientific, social or technological value, in particular a work of art, an instrument, furniture or an artefact.

Heritage property – means heritage document, ensemble, immovable, object or site.

Heritage Property – means a building:

- cited in accordance with the ACT; or
- a building located in a heritage site in accordance with the ACT; or
- a building listed in an inventory produced by the municipal Regional Council of Pontiac which has been adopted not later than April 1, 2026.

Heritage site – means a place, a group of immovables or, in the case of a heritage site referred to in section 58 of the ACT, a land area that is of interest for its archaeological, architectural, artistic, emblematic, ethnological, historical, identity, landscape, scientific, social, urbanistic or technological value.

Local Heritage Council – means a council that, by municipal bylaw, was established to perform the duties entrusted to local heritage councils by the ACT.

MRC – means the Regional Municipality of Pontiac.

Protection area – means an area surrounding a classified heritage immovable, defined by the Minister to protect the immovable.

Recognized Zone – means a zone identified in its planning program as a zone to be protected or, in the case of a regional county municipality, be included in a part of the

territory identified in its land use and development plan as a part that is of interest under subparagraph 6 of the first paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1).

3.0 Scope

This bylaw applies to all designated heritage property (buildings, structures, and sites) within the Municipality of Clarendon.

This bylaw applies to all immovables situated in its territory that were constructed before 1940 and that have heritage value.

This bylaw does not apply to a demolition of an immovable:

- that has lost more than one-half (50%) of its value on the assessment roll in effect at the time of a fire or disaster, to the extent that it is not a heritage immovable; or
- threatened by an imminent disaster within the meaning of the Civil Protection Act (CQLR, c. S-2.3), to the extent that it is not a heritage immovable.

This bylaw takes precedence over the land use and planning bylaws and where there is a conflict between the two bylaws, this bylaw will apply.

Where there is a conflict between this bylaw and the ACT, the ACT will prevail.

Nothing in this bylaw will be construed to exempt any person from the application of any law or regulation of the Provincial or Federal Government.

4.0 Amendments and repeals

The provisions of this bylaw may be amended or repealed by a bylaw adopted in accordance with the provisions of the Act respecting land use planning and development (CQLR, c. A-19.1) and the [Cities and Towns Act (CQLR, c. C-19)] OR [municipal Code (CQLR, c. C-27.1)].

5.0 Validity

The municipal council adopts this bylaw as a whole and also title by title, chapter by chapter, section by section, paragraph by paragraph, subparagraph by subparagraph, so that, if any title, chapter, section, paragraph, or subparagraph of this bylaw is or should be declared void, the remaining provisions of the bylaw will remain in force.

The bylaw will remain in force and effect until amended or repealed by the competent authority.

6.0 Amendments to bylaws recognizing Heritage Property

- (1) The municipal council must, at least 90 days before the repealing or amendment of a bylaw recognizing a heritage property, notify the following parties of its intention to repeal or amend a heritage recognition bylaw:
 - a) the cultural heritage registrar.
 - b) in the case of a local municipality, the regional county municipality whose territory comprises that of the local municipality; and
 - c) in the case of a regional county municipality, the local municipality in which the recognized property is situated.

7.0 Schedules

Any schedule attached to this bylaw forms part of this bylaw and may be amended from time to time by municipal council for the Municipality of Clarendon.

DIVISION II - INTERPRETATIVE PROVISIONS

8.0 Rules of precedence of provisions

In the event of incompatibility between two provisions of this bylaw or between a provision of this bylaw and a provision contained in another bylaw, the specific provision of this bylaw prevails over the general provision.

In the event of incompatibility between restrictive or prohibitive provisions contained in this bylaw or in the event of incompatibility between a restrictive or prohibitive provision contained in this bylaw and a provision contained in any other bylaw, whichever provision is most restrictive or prohibitive applies, unless otherwise indicated.

9.0 Interpretation of the text

In general, the interpretation must respect the following rules:

- (1) The titles contained in this bylaw form an integral part thereof. In case of contradiction between the text and the title, the text prevails.
- (2) In case of contradiction between the text and any other form of expression, the text prevails.
- (3) The use of verbs in the present includes the future.
- (4) Words written in the singular include plural and plural includes the singular, whenever the context lends itself to this extension.
- (5) Any specific provision of these rules takes precedence over any contradictory general provision.

10.0 References

All references in this bylaw to other Acts, regulations, inventories, heritage immovables are open-ended, that is, they extend to any amendments that may be made to the Act, regulation, inventory, or any new citation referred to after the coming into force of the bylaw.

DIVISION III - ADMINISTRATION

11.0 Responsibility for the Administration of this bylaw

Designated Officer

The municipality will designate, by council resolution, an officer in accordance with 119, 7th paragraph of the Act respecting Land Use Planning and Development to enforce this bylaw.

The council resolution to designate the municipal officer may be combined with the designation(s) required to administrate any other municipal bylaws and or related legislation where the municipality is responsible to designate an officer to carry out the duties conferred on the Municipality of Clarendon by either provincial legislation or bylaws adopted by the MRC.

12.0. Functions of the Designated Officer

The designated officer, their representative or any assistant duly authorized by the Council, is responsible to monitor and supervise heritage property in accordance with the following duties:

- (1) To administer and to apply all sections of this bylaw.
- (2) To keep records and information with respect to:
- (3) All applications pertaining to is bylaw.
- (4) All permits and orders issued in accordance with this bylaw.
- (5) To notify the owner in writing in the case where a structure does not conform to the provisions of this bylaw, indicating in the notice:
 - a) The reasons for the non-conforming status.
 - b) The immediate action to be taken within forty-eight (48) hours of the date of receipt of the notice.
 - c) The permanent measures to be taken within thirty (30) days following the date of receipt of the notice.
 - d) The notice mentioned may be delivered by hand or, if the case may be, sent by registered mail.
- (6) To revoke a permit:
 - a) When one of the conditions necessary for its issuance constitutes a violation.
 - b) When the permit has been granted in error.
 - c) When the permit has been granted on the basis of inaccurate information.

13.0 Powers of the Designated Officer

The designated officer may:

- (1) In performing their duties, the designated officer has the right to visit and examine, between seven (7) a.m. and seven (7) p.m., any heritage property to ascertain if the requirements of this bylaw are met. Owners, tenants, or agents of the premises must receive the designated officer to answer any questions regarding the application of this bylaw. The designated officer may be accompanied by any expert or peace officer to carry out the required verifications.

- (2) Subject to the provisions included in this bylaw concerning the necessity of providing a notice, to deliver or cause to be delivered to any and all owners, occupants or other parties having responsibility for the site or situated thereon, a notice indicating the need to rectify a condition when the designated officer considers that this condition constitutes a violation of this bylaw.
- (3) Order any owner, occupant or other party having responsibility for the site to suspend any occupancy or any work on the building when the use or the work contravene this bylaw or when the building is considered to be dangerous.
- (4) Extend the time period normally provided under the terms of this bylaw by issuing a special authorization which will include the nature of the delays and the corrective action(s) to be taken to comply with this bylaw.
- (5) Require that the owner submit, at their own expense, any or all of the following studies prepared by an engineer who is a member in good standing of the “Ordre des Ingénieurs du Québec” (OIQ), or by an inspecting engineer duly authorized by the Quebec Ministry of Environment:
 - (6) Percolation study, Granulometric study, Phreatic layer level, Loose material layer.
 - (7) Proximity to existing wells.
 - (8) Load-bearing capacity of the ground, Tests on materials used.
- (9) Order the stoppage of work or to refuse to issue an occupancy certificate when the results of the tests mentioned in Section 3.1.25 are not satisfactory.
- (10) Issue any permit stipulated in Chapter 4 for work which conforms to this bylaw, and to refuse to issue any permit for work which does not conform to the Planning bylaws.
- (11) Require from any and all owners, for valid reasons, a certificate of location issued by an accredited land surveyor.

14.0 **Prohibitions**

- (1) Whoever does not respect an order, or a notice issued by the designated officer, or tolerates a violation of this bylaw, commits a violation of this bylaw.
- (2) No person may begin or pursue work mentioned in this bylaw unless the owner or their authorized representative has obtained a permit to this effect.
- (3) No person may deviate from the plans and sketches which form a part of the building permit, nor omit or neglect to complete, before occupancy of the premises, the work described in the plans and sketches which have been previously approved, without first obtaining written approval from the designated officer.
- (4) No person exercising any authority with respect to building, rebuilding, demolition, remodeling, removal, moving or the use of any heritage property may cause, tolerate, or maintain any dangerous condition.
- (5) No person may perform any excavation or other work on public property, or above or below public property, nor construct or place thereupon any structure, any work or store anything there on before having received written authorization to this effect from the administration concerned.
- (6) Whoever knowingly supplies false or misleading information commits a violation of this bylaw.

15.0 **Duties of the Designated Officer**

- (1) The designated officer will refuse to issue a permit when the:
 - a) Information supplied does not allow him or her to determine whether the project is in conformity to the requirements of applicable bylaws in this instance.
 - b) Information supplied is inexact.
 - c) Permit contemplates work for a structure intended for a use which is not authorized under the terms of the Zoning bylaw.
 - d) Council, MRC or province have denied an authorization for the work that is the substance of the permit or authorization requested.
- (2) The designated officer must inform any and all applicants of the contents of this bylaw within 20 days of receiving a request for documents or information.

16.0 Functions and Authority of the Designated Officer

The designated officer ensures compliance to this bylaw in the area under their jurisdiction. They see that permit and certificate of authorization requests are managed and processed and conducts field inspections. More specifically, the officer is responsible for coordinating the application of this bylaw, and in doing so, will:

- (1) Issue or refuse to issue permits and certificates of authorization required under this bylaw for the area under their jurisdiction, after having done a mandatory visit to the applicant's property.
- (2) Keep a logbook of permits and certificates of authorization officially issued or refused under this bylaw, and the reasons that support their decision in case of refusal.
- (3) Maintain an up-to-date file for each permit or certificate of authorization request.
- (4) Write a report to the municipal council regarding any violation to this bylaw and make recommendations to correct the problem and, following the council's decision, issue an infraction notice under this bylaw.
- (5) Notify the owner or occupant to cease any activity or work in violation of this bylaw.
- (6) Notify the owner or occupant to implement corrective actions in order to address the issues of complying practices or activities as they relate to this bylaw.
- (7) In the case of ongoing violations, instruct the person at fault to immediately cease the violation in the area under their jurisdiction, and inform the person that violating the regulatory provisions exposes them to legal penalties for each day of violation, in addition to possible civil actions under the law;
- (8) Reports to the MRC any difficulty of enforcement or interpretation of this bylaw, if any, and sends, once a year, a logbook of permits and certificates issued under this bylaw.

17.0 Obligation of the property owner to obtain an authorization

No person may, without the Minister's authorization, alter, restore, repair, change in any way or demolish all or part of a classified heritage property or, in the case of an immovable, move it or use it as a backing for a construction as per Section 48 of the ACT.

Any owner wishing to proceed with any activities covered by this bylaw must first obtain an authorization certificate issued by the competent authority following an authorization to demolish obtained from the municipal council.

- Demolitions
- Alterations
- Restorations
- Repairs
- Modifications
- New construction
- Heritage Landscapes

DIVISION IV - PENALTIES AND REMEDIES

18.0 Provisions common to all elements of protected cultural heritage

- (1) A person named or designated in an order of the Superior Court described in section 195 or 203, an order of the municipality described in sections 148 and 149 or a decision of a judge under section 76, 77, 148 or 149 who transgresses the order or decision or refuses to comply with it, and any person not designated who knowingly contravenes the order or decision, is guilty of contempt of court.
- (2) The person may be condemned by the competent court, in accordance with the procedure set out in articles 57 to 62 of the Code of Civil Procedure (chapter C-25.01), to a fine with or without imprisonment for a period of up to one year. A natural person is liable to a fine of \$2,000 to \$100,000 and a legal person is liable to a fine of \$6,000 to \$200,000.
- (3) A person who assists another person in committing an offence under this Act or who encourages, advises, allows, authorizes, or orders another person to commit an offence under this Act is guilty of an offence.
- (4) A person convicted under this section is liable to the same penalty as is prescribed for the offence committed by the other person.
- (5) A person who hinders in any way the action of a person authorized to exercise a power under this Act or a person authorized by the municipality to exercise powers of inspection for the purpose of verifying compliance with this Act, prevents that person from carrying out the excavations or expert work required, including taking samples or photographs or making recordings of the premises or property the person is entitled to take or make under this Act, makes a false statement to such a person or refuses to provide assistance, information, documents or copies of documents or objects the person is entitled to require or examine under this Act, is guilty of an offence.
- (6) A natural person is liable to a fine of \$2,000 to \$30,000 and a legal person is liable to a fine of \$6,000 to \$180,000.
- (7) For a second offence, the minimum and maximum fines prescribed in this chapter are doubled, and for a subsequent offence, they are tripled.
- (8) In any proceedings relating to an offence under this chapter, proof that an offence under this Act was committed by a person's agent, mandatary or employee is sufficient to establish that it was committed by that person unless it is established that the person exercised due diligence, taking all the necessary precautions to prevent the commission of the offence.
- (9) If the person who committed an offence under this Act is a partnership or a legal person, each partner or each director of the legal person who authorized or allowed the commission of the offence is deemed to be a party to the offence.
- (10) In the case of a partner or the director of a legal person who commits an offence under this Act, the minimum and maximum fines that would apply in the case of a natural person are doubled.
- (11) An application filed under section 195, 196, 203 or 204 must be heard and decided by preference.
- (12) Penal proceedings for an offence under this Act are prescribed one year after the date the prosecutor is made aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.
- (13) The fines collected under this chapter are paid into the Québec Cultural Heritage Fund established under section 22.1 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1), except those collected under section 207, which are the property of the prosecutor.

19.0 Special provisions regarding cultural heritage property protected by the municipality in accordance with the ACT

- (1) An interested person, including a municipality, may obtain an order of the Superior Court for the cessation of an act or operation undertaken or continued without the authorization required under section 141 of the ACT or without the notice required under section 139 of the ACT or carried out in contravention of the conditions referred to in section 137, 138 or 141 of the ACT.

- (2) The interested person may also obtain an order of the Superior Court to have the necessary work carried out to preserve the heritage value of a recognized heritage property whose owner fails to comply with section 136 of the ACT.
- (3) In addition, in the case of an act or operation undertaken or continued without the authorization required under section 141 of the ACT or without the prior notice required under section 139 of the ACT or carried out in contravention of the conditions referred to in section 137, 138 or 141 of the ACT, an interested person, including a municipality, may obtain an order of the Superior Court to have the necessary work carried out to bring the property into conformity with the conditions referred to in section 137, 138 or 141 of the ACT or with the conditions the municipality could have imposed had prior notice been given or had an application for authorization been filed with the municipality under this Act, to return the property to its former condition or to demolish a construction.
- (4) The work is carried out at the expense of the owner.
- (5) If the owner or custodian of the property fails to carry out the work or demolition within the time allotted by the Court, the Court may authorize the municipality to do so. The cost of the work or demolition incurred by the municipality is a prior claim on the property, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code; the cost is secured by a legal hypothec on the property.
- (6) The division, subdivision or parcelling out of a heritage property in contravention of section 141 of the ACT may be annulled. Any interested party, including the municipality in whose territory the immovable is situated, may apply to the Superior Court for a declaration of nullity.
- (7) A person who contravenes section 136, 139 or 141 of the ACT or any of the conditions set out by the municipality under section 137, 138 or 141 of the ACT is guilty of an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$250,000 and, in the case of a legal person, to a fine of \$6,000 to \$1,140,000.
- (8) A person who fails to comply with the requirement to make archaeological excavations or surveys in a zone of heritage interest in the cases and circumstances determined by bylaw under section 150 of the ACT is guilty of an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$30,000 and, in the case of a legal person, to a fine of \$6,000 to \$180,000.
- (9) Penal proceedings for an offence under this division or Division I of this chapter may be instituted by a municipality if the offence concerns cultural heritage protected by the municipality and was committed on its territory. Penal proceedings may be instituted before the competent municipal court.
- (10) Fines collected under this section belong to the prosecutor.

20.0 Separate Offence

Where an offence under this bylaw continues for more than one day, it will constitute a separate offence for each and every day on which it continues, but not including the day that it ceases.

21.0 Costs incurred

All costs incurred by the Municipality as a result of non-compliance with any of the section of the present bylaw will be entirely at the expense of the offender.

Civil recourse

Criminal proceedings against an offender are without prejudice or limitation to any other recourse that the Municipality may have against the offender, including civil remedy before any court.

Revocation of certificate of authorization

The municipal council may revoke a Certificate of Approval upon written notice to the holder if:

- (1) Failure to comply with the bylaws and statements made in the application.
- (2) Incorrect documentation with respect to any of the provisions of this bylaw has been submitted.

- (3) The conditions imposed on the issuance of the certificate of authorization are not complied with by the applicant.

An authorization to demolish will be of no effect if the work authorized is not commenced within the time period specified by the municipal council.

Section 22.0 Delegation of council authority

- (1) In accordance with Section 146 of the ACT, the council may, by by-law, establish an executive heritage committee and delegate its power to determine conditions under Sections 137 and 138 of the ACT.
- (2) In accordance with Section 154 of the ACT, the council may, by bylaw, establish a local heritage council to perform the duties entrusted to local heritage councils by this Act.

Division V - General Provisions

23.0 Maintaining inventories of recognized heritage property

- (1) The Regional Municipality of Pontiac is responsible to determine the municipal inventory of heritage sites and buildings:
 - a) constructed before 1940; or
 - b) more recently constructed immovables in the inventory, for which there is a demonstrated value.
- (2) The Municipality of Clarendon is responsible to monitor its inventory of sites and buildings, as identified by the Regional Municipality.
- (3) The municipality may also establish its own inventories of cultural sites and buildings and when requested, inform the regional municipality of Pontiac of the immovables it has inventoried.
- (4) The municipality may, from time to time, receive notices from the Minister of Culture and Communications, in accordance with the ACT. The municipal clerk/secretary of Clarendon must establish and maintain a records system to track the following notices. Schedule D provides an overview of the types of notices that the minister is obligated to provide to the municipality.

24.0 Provincial designations of cultural heritage property

- (1) The municipality must monitor ministerial designations of heritage immovables and sites and maintain a register of the reasons for the classification and a list of the elements that characterize it and be registered in the land register.
- (2) If the Minister decides not to classify an immovable or site, the municipality may make its own determination whether it should be recognized.
- (3) The notice sent to the local municipality must include reasons in support of the Minister's decision not to classify the immovable or site concerned.

25.0 Recognizing heritage property

- (1) The municipality may, on its own initiative or on a proposal from any interested person, by bylaw and after obtaining the opinion of the local heritage council, recognize all or part of a heritage property situated in its territory as heritage property, the knowledge, protection, enhancement, or transmission of which is in the public interest.
- (2) The municipality must publish the method of assessing the heritage property for purposes of designating it as protected.
- (3) Heritage property must be included and recognized in a zone identified in its planning program as a zone to be protected.
- (4) The notice of motion of a bylaw recognizing property as heritage property must provide:
 - a) the description of the heritage property concerned.
 - b) the reasons for recognition.
 - c) the date on which the bylaw is to come into force in accordance with section 134.
 - d) a statement that interested persons may make representations to the local heritage council in accordance with the notices given to that effect.

- (5) If a notice of motion concerning a heritage immovable contains no particulars on the interior of the heritage immovable, only the exterior appearance of the immovable is covered by the motion, except in the case described in paragraph 3 of section 138 of the ACT.
- (6) The clerk or the clerk-treasurer of the municipality must send a copy of the notice of motion and of the related draft bylaw to the cultural heritage registrar as soon as possible.

26.0 Responsibility to notify property owners

- (1) The clerk or the clerk-treasurer or any person the clerk or the clerk-treasurer designates for such purpose must send to each owner of a heritage immovable or, in the case of a heritage site, each owner of an immovable situated on the heritage site, a special written notice, along with a certified copy of the notice of motion stating:
 - a) the effects of recognition provided for in sections 135 to 145 of the ACT;
 - b) the fact that each owner may make representations to the local heritage council; and
 - c) the place, date and time of the local heritage council meeting at which all other interested persons may make representations.
- (2) The special notice is governed by the rules applicable to special notices set out in sections 335 to 343 and 348 of the Cities and Towns Act (chapter C-19) or articles 418, 419 and 422 to 430 of the municipal Code of Québec (chapter C-27.1), as the case may be.
- (3) In addition, the truth of the facts set out in the certificate of notification must be attested under the oath of office of the person giving the certificate, if that person has taken an oath of office, and if not, under a special oath to that effect.

27.0 Public Notices regarding bylaws to recognize a heritage property

- (1) The clerk or the clerk-treasurer must give public notice, within 30 days of adopting a bylaw in accordance with the Cities and Towns Act (Chapter C-19).
- (2) The notice must contain the place, date and time of the local heritage council meeting at which persons having an interest in the recognition of the heritage property mentioned in the notice of motion may make representations.

28.0 Final Adoption of the bylaw recognizing a heritage property

- (1) Sixty days after the date of the notice of motion and after obtaining the opinion of the local heritage council, the council of the municipality may adopt the bylaw recognizing property as heritage property.
- (2) The heritage recognition bylaw must provide the description of the heritage property involved and state the reasons for recognition, as determined by the criteria contained in Schedule A “Heritage Property Recognition Criteria” as amended from time to time.
- (3) If the notice of motion concerning a heritage property contains no particulars on the interior of the heritage property, only the exterior appearance of the immovable is covered by the motion, except in the case described in paragraph 3 of section 138 of the ACT.
- (4) A notice of motion is without effect at the expiry of 120 days after the date of the notice of motion if the council of the municipality has not adopted the bylaw and brought it into force by then.

29.0 Extension of time adopting a bylaw recognizing a heritage property

- (1) When the heritage site described in the notice of motion is not included in a recognized protected zone, the period of 120 days referred to in Section 9.0 is extended by 60 days if during the meeting the council adopted a resolution stating its intention to amend its planning program to that effect.
- (2) The notice of motion, to amend its planning program, is without effect as soon as it becomes clear that it will not be possible for the amendment to come into force before the end of the additional 60-day period.

30.0 Effective date of a heritage recognition bylaw

- (1) on the date it is adopted by the council of the municipality, in the case of a heritage document, object or ensemble; or
- (2) on the date a special notice is notified to the owners, in the case of a heritage immovable or an immovable situated on a recognized heritage site.

31.0 Maintenance of heritage properties

- (1) The owner of a recognized heritage property must take the necessary measures to preserve the heritage value of the property in accordance with Schedule B, as amended from time to time.
- (2) The owner must comply with all conditions set out by council, to preserve the value of the heritage property, when the person applies to carry out any of the following activities:
 - a) builds a new construction on the site.
 - b) restores an existing property.
 - c) modifies the arrangement and ground plan of an immovable on the site, makes repairs to it or alters its exterior appearance in any way.
 - d) carries out excavations on the site, even inside a building, unless the purpose of the excavation is a burial or disinterment and none of the acts listed in paragraphs 1 and 2 are carried out.
 - e) posts new signs or billboards on the site or alters, replaces, or demolishes a sign or billboard.
- (3) All alterations, restorations, repairs, modifications, and new construction to a recognized heritage immovable must apply for an authorization approved by the municipal council, responsible for the heritage property, prior to performing any work or taking any action.
- (4) No person may, without the Minister's authorization, alter, restore, repair, change in any way or demolish all or part of a classified heritage property or, in the case of an immovable, move it or use it as a backing for a construction.
- (5) No person may divide, subdivide or parcel out an immovable, make a construction, as defined by regulation of the Minister, or demolish all or part of an immovable in a protection area without the Minister's authorization.
- (6) This section does not apply to the division, subdivision or parcelling out of an immovable on the vertical cadastral plan.
- (7) Authorizations given under this section are automatically withdrawn when:
 - a) the work fails to be commenced within one year of the authorization; or
 - b) the work is interrupted and inactive for more than one year.

32.0 Advance notice by the property owner

- (1) The property owner must provide council with at least 45 days advance notice for any work described in **5.17.1 and 5.17.2**.
- (2) When the work is for a heritage property recognized by the local municipality the clerk or the clerk-treasurer of the local municipality must:
 - a) send a copy of the application to the clerk-treasurer of the regional county municipality within 10 days of receipt of the application.
 - b) send a copy of the council decision to the clerk-treasurer of the regional county municipality within 10 days of council's decision.
 - c) obtain the opinion of the local heritage council.
- (3) When the work is for a heritage property recognized by the regional municipality, the clerk-treasurer of the regional municipality is expected to:
 - a) send a copy of the resolution setting out the conditions to the local municipality; and
 - b) a copy of the resolution setting out the regional municipality's conditions must accompany a municipal permit otherwise issued that authorizes the act involved.

33.0 Cancelling a permit

- (1) When the work permit, authorized under 5.17, is null and void when:
 - a) The work is not initiated within 1 year of the date of the permit; or
 - b) The work is interrupted for more than one year.

- (2) If a project is interrupted, the withdrawal of the permit does not prevent the municipality from obtaining an order under section 203.
- (3) This section does not apply to the division, subdivision or parcelling out of an immovable on the vertical cadastral plan.

34.0 Demolition or division of heritage property

- 1) No person may, without the authorization of the council of the municipality that adopted the heritage recognition bylaw:
 - a) destroy all or part of a recognized heritage document or object or move all or part of a recognized heritage immovable or use it as a backing for a construction; or
 - b) divide, subdivide, or parcel out an immovable situated on a recognized heritage site.
- 2) Any application for authorization that concerns a heritage property recognized by the council of a regional county municipality must be filed with the local municipality.
- 3) The clerk or the clerk-treasurer of the local municipality must send to the clerk-treasurer of the regional county municipality a copy of the application as soon as possible, to the extent that the authorization complies with the bylaws of the local municipality.
- 4) Before ruling on an application for authorization, the council must obtain the opinion of the local heritage council.
- 5) A person performing an act described in the first paragraph must comply with any conditions the council of the municipality sets out in its authorization.
- 6) The authorization of the council of the municipality is withdrawn if the project described in an application submitted under this section is not begun within one year after the authorization is given or if the project is interrupted for more than one year.
- 7) If a project is interrupted, the withdrawal of the authorization does not prevent the municipality from obtaining an order under section 203.
- 8) This section does not apply to the division, subdivision or parcelling out of an immovable on the vertical cadastral plan.

35.0 Refusal of an application

On the request of a person whose application for an authorization under has been refused, the council of the municipality must provide a substantiated notice of the refusal and a copy of the opinion of the local heritage council to the property owner within 30 days of council's decision.

36.0 Enforcement Order

- 1) If the council of the municipality is of the opinion that there is a perceived or real threat of significant degradation of a property that may have heritage value, it may make an order, effective for a period of not more than 30 days, directing that:
 - a) the site be closed, or permitting access only to certain persons or on certain conditions, and providing for the posting of a notice to that effect in public view at the entrance to or near the site;
 - b) work or an activity be terminated or that special security measures be taken;
 - c) archaeological excavations be carried out; or
 - d) any other measure the council considers necessary be taken to prevent a greater threat to the property, or to mitigate the effects of or eliminate the threat.
- 2) Before making an order against a person, the council of the municipality must give the person prior notice in writing of its intention and the reasons motivating it and allow the person at least 10 days to submit observations.
- 3) The council may, however, if urgent action is required or to prevent irreparable damage, make an order without being bound by those prior obligations. In such a case, the person may, within 10 days from notification of the order, submit observations to the council with a view to obtaining a review of the order.
- 4) Simultaneously with notification of prior notice or of an order, the council of the municipality must send a copy of the prior notice or order to the Minister.

- 5) A judge of the Superior Court may cancel an order or reduce its effective period on application by an interested person.
- 6) On application by the council of the municipality, a judge of that Court, in addition to ordering a person to comply, may also extend, renew, or make permanent the order if the judge considers that the property is seriously threatened, and is of the opinion that the order made by the council of the municipality is appropriate.
- 7) The judge may also make any amendment to the order that appears to the judge to be reasonable in the circumstances.
- 8) If a person fails to carry out the measures ordered under this division within the allotted time, the Court may authorize the municipality to have the measures carried out. The cost of carrying out the measures incurred by the municipality is a prior claim on the property, of the same nature and with the same rank as the claims listed in paragraph 5 of article 2651 of the Civil Code; the cost is secured by a legal hypothec on the property.

37.0 Court Applications

- (1) An application to a judge under this division must be made according to the rules that apply to contentious proceedings set out in the Code of Civil Procedure (chapter C-25.01).
- (2) Applications made by the council of the municipality must be served on the person or persons they concern, but the judge may waive that requirement if the judge considers that the delay resulting from the service could unnecessarily imperil the property.
- (3) All orders issued must be personally served on the person concerned and may be executed by a peace officer.
- (4) Applications are decided by preference and orders issued are executory despite an appeal. A judge of the Court of Appeal may, however, suspend the execution of an order if the judge considers it is necessary in the interests of justice.

38.0 Transferring responsibility for a heritage property

The municipality may submit by bylaw an application to transfer responsibility for the protection of a site or area which has been declared a heritage site in accordance with Chapter V, Division I, Sections 165 to 168 of the ACT.

39.0 Duplicate recognition of heritage property

When one or more municipalities declare an immovable or site as a heritage site, Chapter V, Division II Sections 169 to 177 of the ACT applies to determine the areas of responsibility for each municipality.

40.0 Responsibility to share information

- (1) In accordance with Chapter VI of the Heritage Cultural Act:
 - a) The Minister must send to the regional county municipality or to the metropolitan community whose territory comprises that of the local municipality a copy of every document the Minister is required to send to the local municipality or to its clerk or its clerk-treasurer under section 30, 31, 33, 36, 36.1, 41, 44, 46, 59, 60 or 168 of the ACT, as well as a copy of every declaration made under section 165 of the ACT on the application of the local municipality.
 - b) A local municipality must send to the regional county municipality or to the metropolitan community whose territory comprises that of the local municipality a copy of every document that the municipality itself, its council, its clerk or its clerk-treasurer is required to send under section 126, 133, 142 or 167 of the ACT and a copy of every application made by the municipality under section 165 of the ACT.

- c) A regional county municipality must send to the local municipality in which the recognized property is situated a copy of every document that the regional county municipality itself, its council or its clerk-treasurer is required to send under section 133 or 142 of the ACT.

41.0 Inspections and Investigations

- (1) The officer designated in accordance with the Land Use and Planning Act, for the enforcement of the municipal Land Use and Planning Bylaws is authorized to:
 - a) take photographs or make recordings of the premises and the property found on them.
 - b) require any information pertaining to the application of this bylaw or require the release, for examination or copying purposes, of any document pertaining to their application.
- (2) No person may be prosecuted for an act performed in good faith while acting as an inspector.

Schedule A

6.0 Heritage Property Recognition Criteria

Section 29 of the ACT permits the Minister on his own initiative or on a proposal from any interested person, classify all or part of any heritage property the knowledge, protection, enhancement, or transmission of which is in the public interest.

For that purpose, the Minister must use the assessment method provided for in paragraph 2 of Section 11.1 of the ACT and, in the case of an immovable or a site, the categorization grid provided for in paragraph 3 of that section.

Section 30 of the ACT requires the Minister to send a notice of intent to proceed with a classification of a heritage immovable or site to the person entered as the owner in the land register and to the clerk or the clerk-treasurer of the local municipality in whose territory the heritage property is situated.

The municipality or any other interested person may make representations to the Minister within 60 days after the notice is sent. If applicable, the notice must state that the Minister has requested the council to hold a public consultation. The notice of intent must also be published at least once in a municipal newspaper.

Section 33 of the ACT states that in the case of a heritage immovable or site, a notice of classification must, at the Minister's behest,

- (1) be sent to the clerk or the clerk-treasurer of the local municipality in whose territory the heritage immovable or site is situated, along with a list of the elements that characterize it; and
- (2) be registered in the land register.

The clerk/secretary will record these notices in the municipal records and notify the Municipal Heritage Council.

Evaluation Criteria

The evaluation criteria used to assess the cultural significance of heritage property includes but is not limited to the following:

- the property's relative rarity or its representativeness at the local or provincial level.
- the artistic or architectural merit.
- the historic, archaeological, or ethnological interest.
- the scientific or technological interest.
- the symbolic value.
- the state of physical preservation and degree of authenticity.
- the property's relationship to its surroundings and the quality of such surroundings.
- the more or less imminent threat posed by its alteration or disappearance.

- the community's willingness to oversee the property.
- the value that Québec society ascribes to the property.
- its recognition status under the ACT (CQLR, c. P-9.002).
- the immovable's history, contribution to local history, degree of authenticity and integrity, representativeness of a particular architectural movement, and contribution to an ensemble to be preserved.
- the condition of the immovable for which the application is made.
- the deterioration of the quality of life of the neighbourhood.
- the impact of the loss of the immovable in its environment.
- the cost of restoration.
- the projected use of the vacated land.
- if the immovable contains one or more dwelling units, the harm to tenants and the effect on housing needs in the surrounding area.
- any objections received to the application for demolition.

More specifically, the following elements may be considered, in conjunction with the evaluation criteria, when evaluating the cultural significance of potential heritage immovables and property.

Architectural Criteria

Style/Type

Is the building's style representative of a significant development period?

Design

Are the buildings notable or special attributes of an aesthetic or functional nature? These may include massing, proportion, materials, detail, fenestration, ornamentation, artwork, functional layout, landmark status, or symbolic value.

Construction

Does the building use unique or uncommon building materials, or an early or innovative method of construction.

Design/Builder

Did the buildings architect, designer, engineer or builder make a significant contribution to the municipality, province or country?

Historical Association

Does the building have a direct association with a person, group, institution, event or activity that is of historical significance to the municipality, province or country?

Historical Pattern

Is the building associated with broad patterns of local history, including development and settlement patterns, early or important transportation routes, or social, political or economic trends and activities?

Integrity

How would changes to the building affect its style, design, construction, or character

Maintenance of heritage properties

Section 26 of the ACT requires the owner of classified heritage property to take the necessary measures to preserve the heritage value of the property.

Section 48 states that no person may, without the Minister's authorization, alter, restore, repair, change in any way or demolish all or part of a classified heritage property or, in the case of an immovable, move it or use it as a backing for a construction.

Section 53.4 states that for the purpose of analyzing an application for the issue of an authorization under section 48, the Minister may consider the following elements, among others:

- (1) the category of the classified heritage immovable.
- (2) the effect of the act on the heritage value of, and elements that characterize, the classified property.
- (3) the effect of the act on the enhancement of the classified property.
- (4) the effect of the act on the classified property's integrity and authenticity.
- (5) the effect of the act on a potential or confirmed archeological property or site associated with the classified heritage immovable.
- (6) the effect of the act on the landscaping of the classified heritage immovable.
- (7) the compatibility of the materials with the classified property.
- (8) the architectural consistency of the act with the classified heritage immovable.
- (9) respect for traditional know-how in the methods used to carry out the act; and
- (10) the effects of the act on maintaining the constructive systems of the classified heritage immovable and their components.

Maintenance can be broken down into three categories:

- **Corrective Maintenance:** work necessary to bring a building to an acceptable level (often recommended by a conservation plan), such as treatment for moisture.
- **Emergency Maintenance:** work that must be done immediately for health, safety or security reasons or that may result in the rapid deterioration of the structure or fabric if not done, such as roof repairs after a storm or repairing broken glass.
- **Planned Maintenance:** work to prevent problems which can happen predictably within the life of a building, such as cleaning gutters or painting.

The best type of protection is to do regular and routine maintenance, to prevent extensive and expensive repairs. Maintenance planning must be consistent with your needs and respectful of your financial means, while ensuring that your building is evaluated annually. A plan that is too complicated or onerous will simply not get completed.

Much of the work we are encouraging in this manual is planned maintenance. In the initial phases of developing a maintenance plan, there may be corrective or emergency maintenance that must be done before a routine, cyclical approach can be adopted.

Conservation is the umbrella term in Canada. The conservation treatments of preservation, rehabilitation and restoration fall under conservation.

The standards are based on internationally recognized conservation principles. The 14 standards for preservation, rehabilitation and restoration are:

1. Conserve the heritage value of a historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of a historic place if its current location is a character-defining element.
2. Conserve changes to a historic place that, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place, and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for a historic place that requires minimal or no change to its character-defining elements.

6. Protect and, if necessary, stabilize a historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible with the historic place and identifiable on close inspection. Document any intervention for future reference.
10. Repair rather than replace character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.
11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.
13. Repair rather than replace character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

For more information on how heritage immovables can be conserved, visit the following website <https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf> for a guide on Standards and Guidelines for the Conservation of Historic Places in Canada - A Federal, Provincial and Territorial Collaboration

Recommendations for managing the project.

STEP 1: Identify the heritage value and character-defining elements.

Before planning any maintenance to a historic place, it is essential to understand its heritage value and to recognize its character-defining elements, so you know what's important to protect. For most designated sites, a Statement of Significance (a brief report on what makes the site important, used on the Canadian Register of Historic Places, www.historicplaces.ca) will provide details on why a place is important and what physical elements are most important.

Pay particular attention to the character-defining elements. These building features will give you clearer direction on the most significant physical aspects of your building, and help you prioritize your conservation efforts.

If your property is not designated, you can conduct your own physical survey so you have list of building features that will need to be considered in your conservation planning.

- Start with the building's overall features such as the form, scale, and massing.
- Look at the immediate site, gardens and landscaping that may directly affect the building.
- Look more closely at the exterior and record the materials used.
- Finally, it is important to look inside your building and record the interior features, finishes and notable details.

Categories of work that may be included in the project are:

- Building Envelope 15
- Foundations 16

- Exterior Walls 18
- Roof 21
- Gutters and Downspouts 24
- Site Drainage 26
- Windows and Doors 28
- Features and Details 30
- Energy Efficiency

STEP 2: Review the Standards and Guidelines

The Standards and Guidelines for the Conservation of Historic Places in Canada is the first-ever pan-Canadian benchmark for heritage conservation practice in this country. It offers results-oriented guidance for sound decision-making when planning for, intervening in and using historic places. These guidelines are not intended to replace the role of conservation specialists or to provide detailed technical instructions but can help you through the process of making decisions about your property.

The Standards are the fundamental principles of conservation applicable to all types of heritage resources, including archaeological sites, landscapes, buildings or engineering works.

According to Standard #8, maintenance is an essential task in the conservation process and should be undertaken regularly

Procedures to obtain an authorization

Application for authorizations

An application for an authorization to demolish, alter, restore, repair, modify an immovable described in Section 2 of this bylaw, must be submitted to the designated officer on the form provided for in Schedule D.

The owner must provide the following information and documents:

1. The full name and contact information of the owner, the owner's agent, the contractor, the engineer, the architect, and any other person responsible for the work.
2. A copy of any title establishing that the applicant is the owner of the immovable in question or a document establishing that the applicant holds an option to purchase the immovable.
3. A power of attorney from the owner establishing the authority of any person authorized to act on the owner's behalf, if applicable.
4. A detailed report on the condition of the immovable for which the authorization is being requested (physical condition, description of architectural components, identification of defective elements), and in the case of a demolition, the percentage of the overall volume demolished must be determined and an estimate of the costs of the restoration of the immovable, carried out by a qualified contractor.
5. Photographs of the interior and exterior of the immovable prior to the commencement of any work.
6. Photographs of the land on which the immovable is located as well as the neighbouring land prior to the commencement of any work.
7. A certificate of location of the immovable.
8. A written statement of the reasons for the proposed work.
9. In the cases of a demolition, a preliminary vacated land reuse program, carried out by a qualified contractor, other than the one who carried out the report on the condition of the immovable and the cost estimate for its restoration, including the following information and documents.
 - a) The schedule and probable cost of reuse of the vacated land.
 - b) The use of the proposed structures.
 - c) Summary construction plans and color elevations of all exterior elevations. These plans will show the number of stories, overall building height, exterior cladding materials, immovable dimensions, location of openings and other architectural components, and roof slopes.
 - d) A color perspective of the proposed construction in its environment.
 - e) The proposed site plan for any new construction and the proposed cadastral operation, which must be prepared by a land surveyor. These plans will show all elements likely to promote a good understanding of the preliminary vacated land reuse program, including, but not limited to, the dimensions of each proposed structure and its distance from the lot lines.
 - f) Proposed exterior and landscaping plan including parking, loading/unloading and transition areas, fencing, hedges and septic systems.
 - g) In the case of a contaminated property, the schedule of decontamination work and the probable cost of such work.
 - h) Any other document or information necessary for a proper understanding of the proposed project or the use of the land following demolition.
10. The schedule and probable cost of the work.
11. A description of the materials being used or added.
12. In the case of a demolition a description of the materials being removed and their disposal.
13. In the case of an immovable with one or more dwelling units, a statement by the owner that each tenant has been notified, in writing, of the owner's intention to obtain approval to carry out the work specified in the application.
14. In the case of an immovable with one or more dwelling units, the terms and conditions for the relocation of the tenants.

15. A heritage study carried out by an expert in the field, which includes at least one inventory sheet containing the elements present in the sample sheet submitted in Appendix A.
16. Any other document or information necessary for the proper understanding of the application.

Notwithstanding the foregoing, the production of a document referred to in paragraphs 9 and 14 of the preceding paragraphs may be submitted after the municipal council has rendered a positive decision with respect to the application for authorization to proceed with the work, rather than prior to the study of the application, in which case the authorization to proceed with the work will be conditional upon the municipal council's confirmation of its decision following the analysis of the document(s).

Fee

There is no fee for the review and processing of an application for authorization to perform the work or for the publication of public notices. For the issuance of the certificate of authorization and subsequent issuance of a permit, the permit amount is established in the land use and planning bylaws in effect at the time the application is filed.

Review of the application

Upon completion of the application, the designated officer will review the application for completeness, gather any additional information necessary to make a determination and schedule a meeting with the Local Heritage Council.

Lapse of an application

If the information and documentation is incomplete or unclear, the review of the application will be suspended until the required information and documentation has been provided by the applicant.

An application for authorization lapses if the applicant has not filed all the required documents and information within six months from the filing of the application.

Demolitions

Notice to tenants of intent to demolish

The applicant will send, by registered or certified mail, immediately upon filing the application for authorization to demolish, a notice thereof to each tenant of the immovable.

Proof of transmission will be forwarded to the competent authority within 15 days of such transmission.

Public notice and posting of demolitions

When the application for authorization to demolish is complete and the required fees are paid, the municipal council will cause a notice to be posted in plain view of the public on the property to which the application relates and will cause a public notice to be published in accordance with the Municipality's governing legislation.

Such notices will state the location of the property to which the application relates; the day, hour, place and purpose of the meeting of the municipal council at which it will decide on the demolition of the immovable; and will reproduce the wording of:

When the immovable that is the subject of the application includes one or more dwellings, a person wishing to acquire that immovable and preserve it as rental housing may, as long as the municipal council has not rendered its decision, intervene in writing with the clerk or the clerk-treasurer to ask for time to undertake or pursue negotiations to acquire the immovable.

Such an intervention may also be made by a person wishing to acquire a heritage immovable that is the subject of an application for authorization to demolish so as to preserve its heritage character.

The municipal council will postpone its decision if it believes that the circumstances justify it, and will grant the intervener a period of not more than two months from the end of the hearing to terminate the negotiations. The municipal council may not postpone its decision for that reason more than once.

Transmission of the public notice to the minister

If the application relates to a heritage immovable, a copy of the public notice must immediately be sent to the Minister of Culture and Communications.

Opposition

A person wishing to oppose the demolition must do so by writing to the clerk or clerk-treasurer of the Municipality, giving the reasons for objecting, within 10 days of publication of the public notice or, failing such notice, within 10 days following the posting of the notice on the immovable concerned.

Before rendering its decision, the municipal council must consider the objections received. Its sittings are public.

The municipal council must hold a public hearing when the application for authorization relates to a heritage immovable and in any other case where it considers it advisable to do so.

Intervention to obtain a delay

When the immovable that is the subject of the application includes one or more dwellings, a person wishing to acquire that immovable and preserve it as rental housing may, as long as the municipal council has not rendered its decision, intervene in writing with the clerk or the clerk-treasurer to ask for time to undertake or pursue negotiations to acquire the immovable.

Such an intervention may also be made by a person wishing to acquire a heritage immovable that is the subject of an application for authorization to demolish so as to preserve its heritage character.

The municipal council will postpone its decision if it believes that the circumstances justify it and will grant the intervener a period of not more than two months from the end of the hearing to terminate the negotiations. The municipal council may not postpone its decision for that reason more than once.

Evaluation criteria

Before rendering its decision, the municipal council will consider the evaluation criteria in Schedule A of this bylaw.

Decision of the municipal council

The municipal council will grant permission for demolition if it is satisfied that the demolition is in the public interest and in the interest of the parties, taking into consideration the evaluation criteria in section 39.

The municipal council will deny the application for authorization if the proposed vacated land reuse program has not been approved, if the procedure for applying for authorization has not been followed, or if the required fees and expenses have not been paid.

The municipal council's decision must be substantiated.

Conditions relating to the authorization of the application

If the municipal council grants the authorization, it may impose conditions for the demolition of the immovable or the utilization of the vacated land.

In particular, the municipal council may, but not limited to:

- (a) Fix the time within which the demolition and reuse of vacated land must be undertaken and completed.
- (b) In the event that the vacated land reuse program or heritage study has not been approved, require the submission of such a program or study for approval by the municipal council.
- (c) Require the owner to provide to the competent authority, prior to the issuance of a certificate of authorization, a monetary guarantee to ensure the completion of the vacated land reuse program and compliance with any conditions imposed by the municipal council.
- (d) Require the applicant to provide notice of the commencement of work to the immediate neighbours of the subject site.
- (e) To determine the terms and conditions of relocation of a tenant, where the immovable contains one or more dwelling units.

Monetary security

If the municipal council imposes one or more conditions relating to the demolition of the immovable or the reuse of vacated land when granting an authorization to demolish, it may require the applicant to provide the Municipality, prior to the issuance of the certificate of authorization, with a monetary guarantee to ensure compliance with these conditions.

This monetary guarantee must be provided by means of a bank draft or irrevocable bank letter of guarantee, issued by a financial institution legally authorized to do so in the Province of Quebec, payable to the order of the Municipality and cashable upon request by the Municipality. The letter will state that the guarantee will remain in effect until all conditions and requirements set out in the resolution accepting the application have been met to the satisfaction of the Municipality.

However, an amount equal to 90% of the monetary guarantee required by the municipal council may be released to the applicant when:

- (a) The cost of the work performed under the vacated land reuse program exceeds the value of the guarantee and, if said program involves the construction of a new immovable, when the outer shell of said immovable is completed; and
- (b) the conditions imposed by the municipal council have been met.

A new bank draft or letter of guarantee for the balance of the amount will be produced and delivered to the Municipality.

The balance of 10% of the value of the monetary guarantee will not be remitted until all work under the vacated land reuse program has been completed.

When the work undertaken is not completed within the set timeframe or when the conditions imposed by the municipal council have not been met, the Municipality may cash the monetary guarantee.

Transmission of decision

The municipal council's decision concerning the application for authorization to demolish will be transmitted without delay to any party involved, by registered or certified mail.

The decision will be accompanied by a notice explaining the applicable rules set out in Chapter IV of this title.

Time limit for review

Any person may, within 30 days of the decision of the municipal council, request that the Council review the decision of the municipal council by delivering a written request to that effect to the clerk or clerk-treasurer of the Municipality. The Council may, on its own initiative, within 30 days of a decision of the municipal council that authorizes the demolition of a heritage immovable, pass a resolution expressing its intention to review the decision.

Decision of the board

The municipal council must document and substantiate its decision.

Transmission of council's decision

The decision of the municipal council will be transmitted within 5 business days to any party involved.

Transmission of a notice to the RCM

Any person may within 30 days of the municipal council making a decision, may request a review of the decision. When the municipal council authorizes the demolition of a heritage immovable, notice of its decision will be provided to the RCM immediately following the review 30-day review period.

When the municipal council receive a request for a review of the municipal council's decision, the RCM will be notified within 5 business days of receiving the request for a review.

The notice will be accompanied by copies of all documents produced by the applicant.

Power of disallowance

The RCM may, within 90 days of receipt of the notice, disallow the decision of the municipal council.

A resolution passed by the RCM under the first paragraph must state the reasons for the resolution and a copy must be sent without delay to the municipal council and to any party involved, by registered or certified mail.

Time limit prior to issuance of certificate

No certificate of authorization to demolish may be issued by the competent authority before the expiry of the 30-day period provided for in section 44 of this bylaw.

If there is a review pursuant to section 44 of this bylaw, no certificate of authorization to demolish will be issued by the appropriate authority until the Council has rendered a decision authorizing the demolition.

Where the disallowance procedure applies, no certificate of authorization to demolish will be issued until the earliest of the following dates:

- (a) The date on which the MRC notifies the municipality that it does not intend to avail itself of the power of disallowance under section 49 of this bylaw.
- (b) The expiration of the 90-day period provided for in section 49 of this bylaw.

Modification of timeline

Upon application and prior to its expiration, the time within which the demolition and reuse of vacated land must be undertaken and completed may be modified by the municipal council. The reasons given must be reasonable.

Modification of conditions

Where the municipal council has granted an authorization to demolish and has imposed conditions relating to the demolition of the immovable or the reuse of the vacated land, the municipal council may modify the conditions at any time upon application by the applicant.

An application to modify the conditions of the reuse project following demolition will be treated as a new application subject to the requirements of this bylaw.

Assignment to a third party

In the event of the sale or transfer of the property while the work is planned or underway, the applicant will notify the Municipality in writing. An addendum will be made to the certificate of approval in which the new owner agrees to abide by all of the terms and conditions contained in the certificate of approval issued by the Municipality to the original owner or applicant. In addition, the required monetary security provided to the Municipality will be maintained by the applicant until such time as the conditions imposed by the municipal council or Council are met, unless the new purchaser provides new required monetary security, which will be in accordance with section 42 of this bylaw.

The Municipality may cash the monetary security, which was provided by the applicant or the new purchaser, if the work undertaken is not performed or the conditions imposed by the municipal council or Council are not met.

Record keeping for ministerial notices

The municipality may, from time to time, receive notices from the Minister of Culture and Communications, in accordance with the ACT. The municipal clerk/secretary of Clarendon must establish and maintain a records system to track the following notices:

Section 33 - In the case of a heritage immovable or site, the notice of classification must, at the Minister's behest,

(1) be sent to the clerk or the clerk-treasurer of the local municipality in whose territory the heritage immovable or site is situated, along with a list of the elements that characterize it;

Section 36 – Declassification of a heritage property is carried out in the manner set out in this section. The registrar then notes the declassification in the cultural heritage register.

The notice, along with a list of the elements that characterize the heritage property, must be sent to the owner or custodian of the property and, in the case of a heritage immovable or site, the notice must also, at the Minister's behest,

(1) be sent to the clerk or the clerk-treasurer of the local municipality in whose territory the heritage immovable or site is situated, along with a list of the elements that characterize it.

Section 36.1 – If the Minister decides not to classify an immovable or site, the Minister must notify the local municipality in whose territory the immovable or site is situated so that the municipality can determine whether it should be recognized. The notice sent to the local municipality must include reasons in support of the Minister's decision not to classify the immovable or site concerned.

The Minister may establish the boundaries of the protection area of a classified heritage immovable.

Section 41 – Before obtaining the opinion of the council, the Minister must send a notice of intent to proceed with the establishment of a protection area, along with a plan of the proposed area, to each person entered in the land register as the owner of an immovable located in the area, and to the clerk or the clerk-treasurer of the local municipality in whose territory the area is situated.

Section 44 – At the Minister's behest, a copy of the order and of the plan attached to it must be sent to the owner of the immovable concerned and to the clerk or the clerk-treasurer of the local municipality in whose territory the protection area is situated.

Section 46 – At the Minister's behest, a copy of the order abolishing the protection area must be sent to each person entered in the land register as the owner of an immovable situated in the protection area and to the clerk or the clerk-treasurer of the local municipality in whose territory the protection area was situated.

Section 58 – The Government may, on the recommendation of the Minister who must obtain the opinion of the council, declare as a heritage site any land area the knowledge, protection, transmission, or enhancement of which is in the public interest.

The Government's decision must be made within three years after the publication of the notice of recommendation referred to in section 59 in the Gazette officielle du Québec.

Section 59 – A copy of the Minister's recommendation must be sent as information to the clerk or the clerk-treasurer of the local municipality.

