



PROVINCE OF QUEBEC
VILLE DE KIRKLAND

BY-LAW NO. : 2007-54-4

**BY-LAW AMENDING BY-LAW NO. 2007-54
GOVERNING THE DEMOLITION OF IMMOVABLES
IN ORDER TO AMEND THE ARTICLE CONCERNING
FINANCIAL GUARANTEES**

DRAFT

ADOPTION PROCEDURE

Notice of motion :	March 3, 2025
Filing of draft by-law :	March 3, 2025
Adoption of draft by-law :	March 3, 2025
Public consultation:	March 17, 2025
Adoption of by-law :	April 7, 2025
Publication and coming into effect :	April 11, 2025

- CONSIDERING the enabling authority for the adoption of a by-law governing the demolition of immovable is found in sections 148.0.1 to 148.0.26 of an *Act respecting land use planning and development* (chapter A-19.1) and section 141 of the Cultural Heritage Act (chapter P-9.002);
- CONSIDERING that pursuant to section 356 of the *Cities and Towns Act* (chapter C-19), notice of motion of this by-law was given and a draft of this by-law was filed at the regular sitting of the Municipal Council held on March 3, 2025;
- CONSIDERING the draft by-law was adopted at the regular sitting held on March 3, 2025;
- CONSIDERING this by-law was made available to the public;
- CONSIDERING the Preamble forms an integral part of this by-law;

THE MUNICIPAL COUNCIL ORDERS AND DECREES AS FOLLOWS:

ARTICLE 1

Chapter 5 is amended by replacing Article 24 with the following, so that it reads as follows:

“24. Financial Guarantee

To ensure that the program for the utilization of the vacated land is carried out and the conditions imposed under article 20 are complied with, the applicant must provide the Town with a financial guarantee prior to the issuance of a certificate of authorization, as follows:

- a) In the case of the demolition of a tax-exempt institutional immovable according to the *Act respecting municipal taxation* (CQLR c. F-2.1) for which the Town does not receive any compensation in lieu of taxes, or in the case of the demolition of a residential immovable:
- i. Total: a financial guarantee equivalent to fifty percent (50%) of the value of the immovable to be demolished as entered on the assessment roll shall apply;
 - ii. Partial: a financial guarantee equivalent to the percentage, determined by the director, of the value of the immovable to be demolished as entered on the assessment roll shall apply.

The financial guaranty must be valid for a period of twenty-four (24) months following the date of approval of the program and be remitted to the director, no later than the thirtieth (30th) day after the date the application is made, in one of the following forms: cash, debit or credit card, certified cheque, bank draft or bank letter of credit.

- b) In the case of the demolition of a commercial, industrial or institutional immovable (other than as provided in paragraph a)), the financial guarantee shall consist in a commitment from the owner of the immovable, secured by a first mortgage or other security deemed sufficient by the Town, to pay to the Town:

- 1° at the 1st anniversary of the date of issuance of the certificate of authorization; and
- 2° each year thereafter, for a maximum period of ten (10) years;

an amount equal to the difference between the amount of property taxes payable with respect to the immovable on the day the application is submitted, increased each year by the average of the last 12 months of the consumer price index for the Montreal area, and the amount of property taxes payable following the demolition. For a tax-exempt institutional immovable for which the Town receives compensation in lieu of taxes, this amount is calculated based on the overall tax rate. Such amount shall remain payable until the earlier of:

- 1° the completion of all work related to the program for the utilization of the vacated land; or
- 2° the attainment of the amount of property taxes payable in respect of the immovable on the day the application is made increased, each year, by the consumer price index for the Montreal area.

The value of any new immovable shall be as determined by the assessor's certificate.

The amount payable annually shall be due and payable within thirty (30) days of the mailing of an invoice issued by the Town for that purpose and shall bear interest at the legal rate from the due date until paid.

The legal fees related to title confirmation, preparation and publication of the mortgage shall be at the owner's expense who shall, prior to the issuance of the certificate of authorization, remit to the Town the amount determined by the clerk.

The financial guarantee may, at the request of the owner, be replaced by another security deemed sufficient by the Town.”

ARTICLE 2 COMING INTO FORCE

The present by-law comes into effect in accordance with the law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk

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