

BY-LAW RCM-85-2021

**BY-LAW ON THE IMPLEMENTATION OF QUEBEC RENOVATION PROGRAM FOR
RESIDENCES DAMAGED BY FOUNDATION CRACKING – CITY OF DORVAL**

Notice of motion	April 19, 2021
Adoption of the by-law	May 17, 2021
Entry into force	May 26, 2021
Modified by RCM-85-1-2024	February 23, 2024

Meeting of the City of Dorval’s municipal Council, held on Monday, May 17, 2021 at 8 p.m. behind closed doors and live webcast. Mayor Edgar Rouleau presides over the meeting.

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WHEREAS the Société d'habitation du Québec (SHQ) has established a program framework to promote implementation by the City of measures to stimulate revitalization for residential purposes in one or more restricted areas of its territory;

WHEREAS the “Ministre des Affaires Municipales et de l’Habitation” granted to the City of Dorval a budget for implementation of this component;

WHEREAS the SHQ participates in the overall budget for this program in a proportion of 50%;

WHEREAS the City of Dorval, prior to obtaining approval for its program from the Société d'habitation du Québec, signed a program management agreement which provides that the City will pay the total amount of the financial assistance granted to home owners and that the financial contribution from the Société d'habitation du Québec to this assistance will be reimbursed to the City;

WHEREAS notice of motion of this By-law was given at the regular council meeting held on April 19, 2021;

THEREFORE,

The City Council decrees and orders by this by-law as follows:

GENERAL PROVISIONS

ARTICLE 1: DEFINITIONS

In this program, unless the context indicates otherwise, the following definitions shall apply:

"Certificate of eligibility": the form used by the City to confirm that it authorizes the commencement of work and commits to provide financial assistance to an applicant under the program;

"City ": the City of Dorval;

"Owner": the natural or legal person who has an ownership interest in the building where the work must be performed;

"Residential unit": a dwelling, or a room if it is rented or offered for rent, in a building presently or previously used as the principal residence of its occupants. A residential unit can constitute or be part of a single family home, a multifamily building, rooming house, etc.;

"Société": Société d'habitation du Québec.

ARTICLE 2: PURPOSE OF THE PROGRAM

The program aims to assist owners of eligible buildings whose foundations have cracks due to their subsidence.

ARTICLE 3: APPLICABLE TERRITORY

The financial assistance program established by this by-law shall apply to the territory administered by the City.

SPECIFIC PROVISIONS

ARTICLE 4: PERSONS ELIGIBLE

This program is established for the benefit of any natural or legal person who, alone or jointly, holds title to all or part of an eligible building on the date of signature of the application for financial assistance under the program for which the project is eligible.

If there is more than one owner, a power of attorney signed by all owners, in which they appoint a representative, must be provided to the City.

In the case of a corporation or a housing cooperative, a resolution of its board of directors, by which are appointed one or more representatives, must be provided to the City.

Persons not eligible:

- a department, agency, or business under the authority of the Government of Canada or the Government of Quebec;
- a nonprofit organization or cooperative that receives, as part of a social housing program administered by an agency of the Government of Quebec, continued financial assistance to pay for the operating deficit of the building, or has an agreement or agreements in force entitling it to grants from the Government of Canada.

ARTICLE 5: ELIGIBLE BUILDINGS

The program applies to part or all of the floor area of the building occupied by residential units¹ (and located within the designated area or areas, if applicable).

The building foundations must have cracks that are caused by the condition of the natural or tra¹nsported soil surrounding the foundations.

Buildings not eligible:

All or part of a building that:

- is not used for residential units.
- is erected in a high-flow flood risk zone (0-20 years), unless the building has undergone work to protect it from the consequences of flooding or is undergoing such work at the time the work eligible for this program is being carried out.
- is erected in a zone of natural constraints that present dangers of erosion or landslide, unless:
 - the work scheduled is not subjected to the regulatory provisions of the zone;
 - the owner conducts a technical expertise, at his own expense, to lift the ban intended in the regulatory provisions;
 - the building has been the subject of work to immunize it against the consequences of natural constraints or has been the subject or such work at the time the work eligible for this by-law is being carried out.

¹ See definition in article 1.

In all cases, the by-laws and regulations in effect that govern construction, work and uses located in high stress areas for landslides or coastal erosion must be respected.

ARTICLE 6: ELIGIBLE WORK

Eligible projects are those that are necessary to restore the foundations and correct other building components (e.g. interior and exterior walls, floors, windows, etc.) that have been damaged by movement of the foundations. This work shall include installation of at least one pile to stabilize the foundations of the eligible building.

The causes of the collapse of the foundation must be linked to the condition of the soil and not a construction defect or failure. Soil conditions that caused the collapse of the foundation must be confirmed by a specialized company.

The work must be performed by a contractor who holds the appropriate license from the Régie du bâtiment du Québec and GST-QST numbers, both of which must be valid at the time the work is underway.

A person who holds an "owner-builder" license is not considered to hold an appropriate license from the Régie du bâtiment du Québec for purposes of this program.

The work may not be receiving financial assistance from another program of the Société d'habitation du Québec, unless it is carried out under the AccèsLogis Québec or Logement abordable Québec programs.

The owner must obtain at least two bids for the performance of eligible work. The City will establish the cost eligible for financial assistance based on the amount of the lowest bid.

Work not eligible:

- work performed before authorization is granted by the City (that is, before the issuance of the Certificate of Eligibility);
- work to protect a building against the consequences of a flood;
- work on an accessory building, including a shed, carport, or garage;
- repair or replacement of landscaping;
- work to complete a building under construction;
- regular maintenance work;
- work to correct defective workmanship or a construction defect resulting from work performed by a contractor or qualified person who is responsible under the Quebec Civil Code.

ARTICLE 7 (REPEALED BY RCM-85-1-2024)

ARTICLE 8: DISASTER

In the case of a building that was subject to a disaster before or during the execution of the agreed work, the cost of this work will be adjusted by the amount of any compensation paid or to be paid pursuant to this disaster under an insurance contract or, in the absence of such a contract, the amount of the loss established by the City.

ARTICLE 9: ELIGIBLE COSTS

Eligible costs for the calculation of financial assistance are:

- the cost of labour and materials provided by the contractor. The City will base its determination on the amount of the bid with the lowest price;
- the cost of the building permit for the work;

- fees for the preparation of plans and specifications and other expert fees related to the execution of the agreed work;
- the cost of participating in a guarantee plan recognized under the program;
- the amount paid by the owner for the Goods and Services Tax (GST) and Quebec Sales Tax (QST);
- relocation costs paid to a tenant;
- the cost of the agreed work multiplied by the proportion of the floor area reserved for residential use when a building with both residential and non-residential functions has common parts (foundations, structure, siding, roofing).

Costs not eligible:

- the portion of costs related to work performed on the non-residential portions of a building;
- the costs of expropriation and acquisition costs of a building.

ARTICLE 10: MAXIMUM AMOUNT OF THE GRANT

The grant awarded is equivalent to two-thirds (66 2/3 %) of the cost of eligible work up to a maximum of \$12,500.

ARTICLE 11: MINIMUM AMOUNT OF WORK

The total cost of eligible work must be at least \$7,500 per building.

ARTICLE 12: PAYMENT OF FINANCIAL ASSISTANCE

Financial assistance is paid to the owner upon completion of the work only when:

- all work has been completed according to the bids, plans, and specifications;
- the owner has filed all invoices and other supporting documents to establish the actual cost of the work;
- the City representative has conducted a final inspection;
- the work completion report has been signed by the City inspector;
- the recommendation for payment has been signed by the authorized representative of the City.

ARTICLE 13: REQUIRED DOCUMENTS

Before granting or paying financial assistance, the City requires that the owner provide the following documents:

- the City inspector's report indicating that at least one crack was observed in the foundations of the building subject to an application for financial assistance;
- the expert report from a company specialized in the field (engineer, technician, etc.) which certifies that the subsidence of the foundation is due to soil conditions;
- a detailed specification of the work to be done and at least two quotes. Submissions must be detailed and itemized and must clearly indicate the nature, quantity, and price of the work to be performed;
- proof that contractors whose bids are considered in determining the cost of recognized work hold appropriate and valid licenses issued by the Régie du bâtiment du Québec;

- bills from the contractors carrying out the work;

At all times, the City can require any document to confirm compliance with program requirements.

ARTICLE 14: TIME LIMIT OF WORK

The work must be completed no later than twelve (12) months after the issuance of the Certificate of Eligibility. After this period, unless otherwise directed by the municipal representative, the file will be closed and the owner will not receive the anticipated grant.

However, an extension of this period may be considered by the City upon presentation of a written justification by the owner.

ARTICLE 15: POWERS OF THE CITY

The City may:

- automatically at any time, suspend consideration of an application for financial assistance until the owner has provided all information or documents deemed necessary for the implementation of this program.
- at any time, revoke the granting of financial assistance if the owner fails to complete the work in the time frame set forth in this By-law.
- at any time, revoke the granting of financial assistance if any fact is brought to its attention that makes the application for financial assistance non-compliant with the program, inaccurate or incomplete, or that renders its production anomalous.
- in case of a dispute, take legal action to recover an illegally obtained grant or to obtain a refund for failure to meet commitments.
- terminate this program at any time. As of the effective date of termination, no financial assistance can be granted.

ARTICLE 16: REPLACEMENT OF BY-LAW

By-law RCM-47-2013 as modified is replaced by the present by-law.

ARTICLE 17: ENTRY INTO FORCE

This by-law shall enter into force in accordance with the law.

APPROVED _____ MAYOR

APPROVED _____ CITY CLERK