

Bylaw 172-2026

regarding the occupancy and maintenance of buildings

MCNGSL-Harrington Harbour



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Appendix A—List of Heritage Buildings

PREAMBLE

WHEREAS the Act to amend the Cultural Heritage Act and other legislative provisions came into force on April 1, 2021;

WHEREAS the Municipality must adopt the bylaw regarding the occupancy and maintenance of buildings provided for in section 145.41 of the Act respecting land use planning and urban planning (RLRQ, c. A-19.1) no later than April 1, 2026;

WHEREAS this bylaw contains standards designed to prevent the deterioration of buildings, protect them from the elements, and preserve the integrity of their structure;

WHEREAS a notice of motion was given at the meeting of March 23, 2026;

WHEREAS a draft by-law was tabled at the meeting of March 23, 2026;

WHEREAS the applicable procedure for the adoption of the bylaw has been followed;

The Council hereby enacts the following:

PROJET DE RÈGLEMENT 173-2026 DÉPOSÉ 20-03-2026

CHAPITRE 1 DECLARATORY AND INTERPRETIVE PROVISIONS

Section 1.1 Declaratory Provisions

1.1.1 Title of the Bylaw

This bylaw is titled “Bylaw Concerning the Occupancy and Maintenance of Buildings” and is numbered 172-2026.

1.1.2 Purpose of the Bylaw

The purpose of this bylaw is to regulate the occupancy and maintenance of buildings in order to prevent their deterioration, protect them from the elements, and preserve the integrity of their structure, in accordance with the powers and obligations set forth in Chapter IV of the *Act respecting land use planning and urban planning* (RLRQ, c. A-19.1).

1.1.3 Scope of the Bylaw and Applicable Territory

This bylaw, the provisions of which are binding on all persons and apply to all buildings, both principal and accessory, within the territory of the Municipality of Côte-Nord-du-Golfe-du-Saint-Laurent.

1.1.4 Conflict with other regulations or laws

Compliance with this bylaw does not exempt a person from the obligation to comply with any other law, bylaw, code, or directive of the provincial or federal government, or with any other municipal bylaw applicable in this matter.

1.1.5 Attached Documents (if only heritage buildings are retained under Art. 1.1.3.)

The following documents are appended to this bylaw and form an integral part thereof

1. Appendix “A” entitled “List of Heritage Buildings,” namely those built before 1940 and possessing heritage value, as well as any identified newer buildings, if applicable)

1.1.6 Adoption by Section

The Administrator of the Municipality of Côte-Nord-du-Golfe-du-Saint-Laurent hereby declares that she adopts this bylaw chapter by chapter, section by section, and article by article, paragraph by paragraph, paragraph by paragraph, and subparagraph by subparagraph, so that if any part of this bylaw were to be declared null and void by a court, such a decision would have no effect on the other parts of this bylaw, except where the meaning and scope of the bylaw or any of its provisions would thereby be altered or modified.

Section 1.2 Interpretative Provisions

1.2.1 Interpretation of the text

Regardless of the tense of the verb used in any provision of these regulations, such provision shall be deemed to be in force at all times and under all circumstances to which it may apply.

Whenever it is prescribed by these regulations that a thing shall be done or must be done, the obligation to perform it is absolute. However, if it is stated that a thing may be done or can be done, it is optional whether or not to perform it.

In these regulations, the masculine gender includes the feminine, unless the text indicates otherwise.

In these regulations, the singular extends to multiple persons or multiple things of the same kind, whenever the context permits such an extension.

In these regulations, authorization to do something includes all powers necessary for that purpose.

The interpretation of the text of this regulation must comply with the following rules:

1. The use of verbs in the present tense includes the future tense, and vice versa;
2. The use of the singular includes the plural, and the use of the plural includes the singular, whenever the context permits;
3. The use of the verb “MUST” indicates an absolute obligation; whereas the use of the verb “MAY” retains an optional meaning, except in the expression “MAY NOT,” which means “MUST NOT”;
4. When two or more provisions of this bylaw apply to a use, building, land, or other object governed by this bylaw, the following rules apply:
 - a) The specific provision takes precedence over the general provision;
 - b) The most restrictive provision prevails;
5. Any reference to another bylaw or Act is open-ended, meaning that it extends to any amendments such bylaw or Act may undergo following the coming into force of this bylaw;
6. All measurements in this regulation are in the International System (SI);
7. The table of contents and the titles of the chapters, sections, and articles of these regulations are provided to aid in understanding the text;
8. The plans, appendices, tables, graphs, figures, illustrations, and symbols, and any form of expression other than the text itself contained in this regulation, form an integral part thereof for all legal purposes.

1.2.2 Structure of the Regulation

The interpretation of these regulations must take into account the hierarchy among the divisions of the text: chapters, sections, articles, subsections, paragraphs, and subparagraphs. By way of illustration, the typography used to distinguish the divisions of the regulations follows the following pattern:

Chapter #
Section #.#
Article
Subsection
1. Paragraph
(a) Subparagraph

1.2.3 Rule of Precedence Between General and Specific Provisions

In the event of a conflict between two provisions of this regulation or between a provision of this regulation and a provision contained in another regulation, the specific provision shall prevail over the general provision.

In the event of a conflict between restrictive or prohibitive provisions contained in this regulation, or in the event of a conflict between a restrictive or prohibitive provision contained in this regulation and a provision contained in any other regulation, the more restrictive or prohibitive provision shall apply, unless otherwise specified.

1.2.4 Terminology

For the purposes of interpreting this bylaw, unless the context indicates otherwise, any word or expression shall have the meaning assigned to it in the applicable bylaw governing urban planning terminology. If a word or expression is not specifically defined in this bylaw, it shall be understood in its common dictionary meaning.

Notwithstanding the foregoing, the following words or expressions have the meanings assigned to them in this bylaw:

Council: The administrator of the Municipality.

Dilapidation: A state of deterioration caused by intentional damage or lack of maintenance that affects the structure of the property and renders it unusable for its intended or designed purpose.

Exterior elements of a building: Refers to the exterior components of a building. This term includes, in particular, a cornice, a terrace, a balcony, stairs, a gutter, a parapet, a coping, ironwork, a dormer window, a false mansard, and a distinctive architectural feature, including their cladding.

Maintenance: The act of keeping in good condition.

Building envelope: refers to a component of a building that separates the interior from the exterior. This term includes, in particular, a roof, an exterior wall, a foundation wall, a siding, a lintel, a parapet, a mortar joint, a weatherproofing joint, a door, a window, a roof access, a hatch, a chimney, and a distinctive architectural feature, including their cladding.

Designated official: The director general, his or her authorized representative, or any official responsible for the enforcement of this regulation.

Real property: Section 900 of the Civil Code of Québec (RLRQ, c. CCQ-1991) defines real property as “land, permanent structures and works located thereon, and everything that forms an integral part thereof.” ” In other words, the provisions of the provincial framework regarding real property, whether heritage or not, include buildings as well as structures or works.

Heritage Building: A building designated under the *Cultural Heritage Act* (RLRQ, c. P-9.002), located within a heritage site designated under that Act or listed in an inventory referred to in the first paragraph of section 120 of that Act.

Restoration: The act of repairing or replacing architectural components of a heritage building in order to restore them to good condition or to reproduce as faithfully as possible their condition at a specific period in the building's history.

Deterioration: A state of disrepair caused by the passage of time and normal wear and tear, rendering an item unusable for the purpose for which it was intended or designed.

CHAPITRE 2 ADMINISTRATIVE PROVISIONS

Section 2.1 Designated official and obligations of the owner, tenant, or occupant

2.1.1 Administration and enforcement of the bylaw

The administration and enforcement of this bylaw are entrusted to the designated official.

2.1.2 Inspection Powers

In the performance of his or her duties and upon presentation of identification, the designated official may, at any reasonable time and for the purposes of enforcing this bylaw, visit, enter, and inspect any land or structure, or any movable or immovable property, to ensure compliance with this bylaw.

In particular, in the course of enforcing this bylaw, the designated official may:

1. Take photographs and measurements of the premises in question;
2. Collect, at no cost, samples of any kind for analysis;
3. Conduct tests or technical surveys using measuring equipment;
4. Require the production of books, records, or documents relating to the matters covered by this regulation or require any other information he deems necessary or useful;
5. Require the submission of an analysis, conducted by a qualified professional, certifying the safety, proper functioning, or compliance with these regulations of a component of a building or structure;
6. Be accompanied by a person whose assistance or expertise is required.

2.1.3 Obligations of the owner, tenant, or occupant

The owner, tenant, or occupant must allow the designated official to enter the premises. It is prohibited to obstruct the designated official in the performance of his or her duties or anyone accompanying him or her. In particular, no one may deceive or attempt to deceive the official through reticence or false or misleading statements.

The owner, tenant, or occupant must comply with the requests of the designated official made in accordance with these regulations.

Section 2.2 Notice

2.2.1 Notice of Work

The Municipality may require, in the event of a building's dilapidation or deterioration, that the building undergo restoration, repair, or maintenance work.

To do so, it must send the building owner a written notice specifying, in particular, the work to be performed to bring the building into compliance with the standards and measures set forth in this bylaw, as well as the deadline for completing such work.

Upon written request from the building owner, the Municipality may grant an additional period of up to 6 months.

2.2.2 Notice of Deterioration

If the owner of a building fails to comply with the notice of work sent to them pursuant to the third paragraph of section 145.41 of the *Act respecting land use planning and development* (RLRQ, c. A-19.1), the Administrator may request the registration of a notice of deterioration in the land register.

A notice of deterioration is served on the owner of the building as well as on any holder of a real right registered in the land register with respect to that building in accordance with section 145.41.3 of the *Land Use Planning and Development Act* (RLRQ, c. A-19.1).

2.2.3 Notice of Regularization

When the Municipality determines that the work required in the notice of deterioration has been completed, the Administrator must, within 60 days of such determination, request the entry in the land register of a notice of regularization in accordance with sections 145.41.2 to 145.41.4 of the *Act respecting land use planning and urban planning* (RLRQ, c. A-19.1)

A notice of regularization is served on the owner of the building and on any holder of a real right registered in the land register with respect to that building in accordance with section 145.41.3 of the *Land Use Planning and Development Act* (RLRQ, c. A-19.1).

2.2.4 Failure to Comply with the Notice of Work

If the building owner fails to carry out restoration, repair, or maintenance work, the Superior Court may, upon the Municipality's request, authorize the Municipality to carry out such work and recover the costs from the owner.

2.2.5 Acquisition of a Deteriorated Building

The Municipality may acquire, by mutual agreement or through expropriation, any building for which a notice of deterioration has been entered in the land register for at least 60 days, on which the work required in that notice has not been performed, and which exhibits any of the following characteristics:

1. It has been vacant for at least one year at the time of service of the notice of expropriation provided for in section 9 of the *Act respecting expropriation* (RLRQ, c. E-25);
2. Its state of disrepair or dilapidation poses a risk to the health or safety of persons;
3. It is a heritage building.

CHAPITRE 3 STANDARDS AND MEASURES RELATING TO THE OCCUPANCY AND MAINTENANCE OF BUILDINGS

Section 3.1 General Provisions

3.1.1 General prohibition

It is prohibited to damage a building or allow it to fall into disrepair.

3.1.2 Maintenance in Good Condition

All components of a building must be maintained in good condition and fulfill the functions for which they were designed, in particular to protect the building from the elements and to preserve the structural integrity of the building. They must be maintained in such a way as to preserve their integrity and withstand the combined effects of live loads, roof loads, wind pressure loads, snow loads, and other natural elements to which they are subjected.

Without limiting the generality of the foregoing, the following, in particular, constitute components in poor condition:

1. The exterior envelope of a building or one of its components that is not watertight and allows air, water, or snow to infiltrate, or birds, pests, or other animals to enter the building or its walls;
2. An exterior surface or component that is not protected by the application of paint, varnish, or a coating suitable for the materials to be protected;
3. A brick wall with hollowed-out or cracked mortar joints;
4. A step, staircase, railing, or balcony that is unstable, damaged, or affected by rot;
5. A wall, ceiling, or foundation wall with holes or cracks;
6. A component of a building's exterior envelope where water or moisture accumulates;
7. A structure or structural component that is warped, tilted, sagging, or crumbling;
8. A material contaminated by mold, whether or not it has been concealed;
9. A damaged or missing seal;
10. A broken window pane or a rotted window frame;
11. A frame of an exterior opening that is not caulked;
12. A movable part of a window, door, or ventilation or skylight shaft that does not fit properly or function correctly;
13. An exterior element of a building that is unstable, loose, rotten, or rusted;
14. A floor with a covering that is poorly fitted, warped, broken, or rotten, or that may pose a safety hazard.

3.1.3 Drinking Water Supply System

Maintaining a potable water supply system in good working order is essential for preserving a building's structural integrity. A defective system can cause leaks that damage structures, such as weakening walls, floors, and foundations due to excessive moisture. Water that seeps into insulation materials can also reduce their effectiveness and cause them to deteriorate, leading, for example, to problems with condensation, mold, and wood rot.

3.1.4 Heating, Ventilation, and Air Conditioning Systems

A building's heating, ventilation, and air conditioning systems must be kept in good working order at all times and be capable of being used for their intended purposes.

The heating system must be capable of maintaining a minimum indoor temperature of 21 °C, measured at the center of a room and one meter above the floor, inside every room of a building intended for residential use.

The relative humidity inside the building must not exceed 50%.

Section 3.2 Provisions Applicable to the Occupancy of Buildings

3.2.1 Building Unfit for Occupancy

Any building lacking heating, natural or mechanical ventilation, lighting, a source of drinking water, or sanitary facilities sufficient to ensure the comfort and protect the health of its occupants is considered unfit for occupancy.

3.2.2 Bathroom

The occupants of a dwelling must have access to at least one enclosed room containing a toilet, a bathtub or shower, and a sink. The area of this room must be sufficient to allow for the installation and use of the fixtures required by this section.

In the case of a boarding house, this room may be for the exclusive use of the occupants of a single room or shared by more than one room. It must not be necessary to go up or down more than one floor to access it.

3.2.3 Mechanical Ventilation of a Bathroom or Toilet

In a building, a bathroom or toilet that is not ventilated by natural air circulation must be equipped with a mechanical ventilation system that exhausts air to the outside and ensures regular air exchange.

3.2.4 Natural air circulation ventilation of a bedroom

A bedroom must be ventilated by natural air circulation through one or more windows opening directly to the outside.

3.2.5 Space for meal preparation

Each dwelling must include a sink in good working order in a space designated for food preparation. This space must be large enough to accommodate the installation and use of a cooking appliance and a refrigerator.

The space above the area occupied or intended to be occupied by the cooking appliance must include a range hood connected to an exhaust duct leading to the outside, a recirculating range hood, or a charcoal filter range hood. In addition, it must be possible to connect the cooking appliance to a 220-volt electrical power source or to a natural gas or propane fuel source.

3.2.6 Drinking Water Supply and Wastewater Disposal

A dwelling must be equipped with a potable water supply system and a plumbing system for wastewater disposal, both of which must be kept in good working order at all times.

3.2.7 Connection of Sanitary Fixtures

A sanitary fixture must be connected directly to the wastewater drainage system and be in good working order.

A sink, washbasin, bathtub, or shower must have an adequate supply of both cold and hot water. Hot water must be supplied at a minimum temperature of 60 °C.

3.2.8 Lighting

A dwelling must be equipped with an electrical system in good working order that provides lighting for all rooms, interior common areas, interior and exterior staircases, and common exterior entrances.

Section 3.3 Provisions Applicable to Vacant Buildings

The standards proposed in the first section of this chapter aim to establish minimum standards for all buildings in a municipality, whether occupied or not. During a prolonged period of vacancy, a building's deterioration can accelerate and worsen when its various systems are no longer in operation. In this regard, the inclusion of additional provisions for vacant buildings is intended to minimize the risk of structural deterioration while the building is unoccupied.

3.3.1 Drinking Water Supply System

Notwithstanding Article 3.1.4, the drinking water supply system of a vacant building must be shut off and drained, unless the operation of the heating system or fire protection system installed therein requires a water supply.

3.3.2 Heating, Ventilation, and Air Conditioning Systems

A vacant building designed to be heated must, from October 31 to April 30, be maintained at a temperature of at least 10 °C, measured at the center of a room, one meter above the floor, and at a relative humidity of 30% to 50%, inside each room of the building.

3.3.3 Burglary resistance

The entrance doors of a vacant building must be equipped with an appropriate locking mechanism that allows access with a key, a magnetic card, or another access control device.

A vacant building must be closed and locked in such a way as to prevent access through any of its openings.

3.3.4 Surveillance

A vacant building must undergo periodic inspections to identify any building components that no longer provide protection against the elements or that threaten the structural integrity of the building.

The inspection must cover all parts of the building, including roofs, facades, openings, as well as technical systems and structural elements.

The owner must maintain a detailed log of the vacant building's condition. This log must record the results of each inspection, observations noted, and any repair or maintenance measures undertaken. The log must be updated systematically after each inspection and made available for review by the designated official upon request.

CHAPITRE 4 FINAL PROVISIONS

4.1.1 Penalties

Any person who contravenes or permits the contravention of a provision of this by-law commits an offence and is liable:

1. In the case of a natural person:
 - a) For a first offense, a fine of not less than \$1,000 and not more than \$10,000;
 - b) For any subsequent offense, a fine of not less than \$2,000 and not more than \$20,000;
2. If the offender is a corporation:
 - a) For a first offense, a fine of at least \$2,000 and up to \$20,000;
 - b) For any subsequent offense, a fine of not less than \$4,000 and not more than \$40,000.

Where the violation is ongoing, it constitutes a separate violation for each day or part of a day that it continues. In all cases, court costs are added to the fine.

4.1.2 Penalties relating to heritage properties

For an offense relating to a heritage building, any person who violates or permits the violation of any provision of this bylaw commits an offense and is liable:

1. In the case of a natural person:
 - a) For a first offense, a fine of not less than \$2,000 and not more than \$250,000;
 - b) For any subsequent offense, a fine of not less than \$4,000 and not more than \$250,000.
2. If the offender is a corporation:
 - a) For a first offense, a fine of at least \$4,000 and up to \$250,000;
 - b) For any subsequent offense, a fine of not less than \$8,000 and not more than \$250,000.

Where the violation is ongoing, it constitutes a separate violation for each day or part of a day that it continues.

4.1.3 Change of ownership

The prescribed fine for a repeat offense may be imposed regardless of a change of ownership if a notice of deterioration of a building has been entered in the land registry in accordance with the provisions of the *Act respecting land use planning and development* (RLRQ, c. A-19.1) and that notice was entered prior to the new owner's acquisition of the property.

4.1.4 Remedies

The Municipality may, for the purpose of enforcing the provisions of this bylaw, exercise, cumulatively or alternatively with those provided for in this bylaw, any other appropriate civil or criminal remedy.

The fact that the Municipality issues a notice of violation under this bylaw does not prevent it from pursuing one or more remedies provided for in other municipal bylaws.

4.1.5 Entry into Force

This bylaw comes into force in accordance with the law.

Signed in Chevery, on _____ 2026

Chantal Otis, Administrator

PROJET DE RÈGLEMENT 173-2026 DÉPOSÉ 20-03-2026