

BY-LAW NUMBER 278

**ON THE OCCUPANCY AND MAINTENANCE
OF BUILDINGS**

WHEREAS, in accordance with articles 145.41 et seq. of the Act respecting land use planning and development (CQLR, c. A-19.1), every municipality is required to adopt a by-law concerning the occupancy and maintenance of buildings;

WHEREAS a by-law on the occupancy and maintenance of buildings is a useful addition to urban planning by-laws as it allows for the deterioration of buildings to be prevented, ensuring the protection of building against bad weather and the preservation of their structural integrity;

WHEREAS the by-law respecting the occupancy and maintenance of buildings must apply to heritage immovables within the meaning of paragraph 1 of section 148.0.1 of *the Act respecting land use planning and development*;

WHEREAS the Municipal Council deems it appropriate to regulate the standards regarding the occupancy and maintenance of buildings within its territory;

WHEREAS a notice of motion and the presentation of the present by-law was given at the regular meeting of March 2, 2026.

WHEREAS a copy of the by-law was given to the members of council 72 hours prior to the meeting where this by-law is presented for adoption.

WHEREAS copies of the by-law were made available to the public at the beginning of the meeting.

WHEREAS the Mayor presented the by-law in accordance with article 445 of the Quebec Municipal Code(C-27.1).

CONSEQUENTLY,

IT IS **MOVED** BY: Councillor

SECONDED BY: Councillor

AND **RESOLVED** unanimously by Councillors (6):

THAT this by-law be adopted as follows.

**CHAPTER 1 DECLARATORY, INTERPRETATIVE AND
ADMINISTRATIVE PROVISIONS**

ARTICLE 1 : PREAMBLE

The preamble forms an integral part of this by-law.

ARTICLE 2 : TITLE AND NUMBER

This by-law is entitled "By-law on the Occupancy and Maintenance of Buildings" and is designated by-law number **278**.

ARTICLE 3 : JURISDICTION

This by-law applies to all buildings situated within the territory of the Municipality of the Township of Gore. Its provisions are enforceable against all natural and legal persons, whether governed by public or private law.

ARTICLE 4 : PART-BY-PART ADOPTION

The Council hereby enacts this by-law as a whole, as well as chapter by chapter, section by section, subsection by subsection, article by article, paragraph by paragraph, and subparagraph by subparagraph.

Should any part or provision of this by-law be declared null or void by a competent authority, such decision does not affect the validity or application of the remaining provisions, which will continue to remain in full force and effect.

ARTICLE 5 : DEFINITIONS

Building	A permanent construction, whether occupied or not, erected on land and including all elements that form an integral part of it, its accessories, exterior components, openings, and any dwelling units it contains.
Building in good condition	A building that is not dilapidated and that possesses sufficient structural integrity to ensure the safety and stability required for its intended use. In the case of a residential building, the term refers to a secure, safe, and habitable building.
Heritage building	A building designated under the <i>Cultural Heritage Act</i> (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.

Vacant building	A building that is not presently occupied, or one to which the owner, occupant, or tenant has no intention of returning, including any newly constructed building during the period between the completion of the work and its first occupancy.
Council	The Municipal Council of the Municipality of the Township of Gore.
Designated Officer	The Planning Inspector of the Municipality of the Township of Gore, as well as any other person designated by resolution of Council to act in that capacity.
Dwelling	A dwelling within the meaning of the <i>Act respecting the Administrative Housing Tribunal</i> (c. T-15.01).
Municipality	Municipality of the Township of Gore.
Owner	Any person, company, or association that holds a right of ownership over a building, including any co-owner, superficial owner, subsoil owner, emphyteutic lessee, usufructuary, bare owner, or user.

ARTICLE 6 : APPLICATION

The designated officer is responsible for the enforcement of this by-law. In exercising these functions, the designated officer may exercise all powers conferred by law and may issue statements of offence for any violation under this by-law.

ARTICLE 7 : INSPECTIONS

The designated officer is authorized to visit and examine, between 7 a.m. and 7 p.m., any movable or immovable property, and the interior and exterior of any house, building or building whatsoever, to ascertain whether the regulations entrusted to him for the administration of the designated officer are being observed, to ascertain any information or to ascertain any fact necessary for the performance of his duties.

ARTICLE 8 : AUTHORITY OF DESIGNATED OFFICER

The powers of the designated officer are those set out in the by-law respecting the administration of urban planning by-laws in force, as well as those conferred under this by-law.

In particular, for the purposes of enforcing this by-law, the designated officer may:

- a) Take photographs and measurements of the premises inspected;
- b) Collect samples of any kind for analysis;

- c) Conduct tests or technical assessments using appropriate measuring instruments;
- d) Require the production of books, registers, or documents relating to matters governed by this by-law, or request any other information considered necessary and useful;
- e) Require the production or deposit of an analysis, prepared by a qualified professional, attesting to the safety, proper operation, or compliance with this by-law of any component of a building or structure;
- f) Be accompanied by any person whose assistance or expertise is required for the performance of the duties.

All costs incurred pursuant to this provision is borne by the owner.

ARTICLE 9 : OBLIGATION TO COOPERATE

The owner, tenant or occupant of any premises subject to inspection must allow access to the premises by the person responsible for enforcing the by-law. They must also cooperate with the person responsible for the enforcement of the by-law by answering any questions that may be asked in relation to the enforcement of by-laws.

Any refusal to grant access to a property or installation concerned constitutes an offence and renders the offender liable to the penalties provided for in this by-law.

CHAPTER 2 OCCUPANCY AND MAINTENANCE STANDARDS

SECTION 2.1 – BUILDINGS

ARTICLE 10 : OCCUPANCY

A building must be occupied and maintained in accordance with the provisions of this by-law. To this end, the owner, tenant and occupant of a building must keep it in good condition. They must execute necessary repairs as well as required maintenance work.

ARTICLE 11 : PROHIBITIONS

Without limiting the generality of this by-law, the following acts are prohibited:

- a) Maintaining a condition of uncleanliness, dilapidation, clutter or an appearance of abandonment of a building or any of its components, including balconies, porches, galleries, and interior or exterior stairways;
- b) Depositing household waste, refuse, or recyclable materials anywhere other than in the locations, receptacles, or containers designated for such purposes within any part of a building;
- c) Allowing the presence, in any part of a building, of products or materials that emit foul odours or toxic vapours;
- d) Having stairways that lack a compliant guardrail or that are equipped with a guardrail made of damaged or decayed materials;
- e) Failing to equip a building with exterior cladding;
- f) Allowing an accumulation of snow or ice on a balcony, exterior stairway, porch, or roof where such accumulation may endanger the safety of persons or compromise the structural integrity of the building;
- g) Allowing moisture accumulation within a building that may pose a danger to the safety of persons or affect the structural integrity of the building.

ARTICLE 12 : MOLD, ROT AND CORROSION

No person may allow any component of a building to be affected by mold, rot, or corrosion.

ARTICLE 13 : PAINT

No person may allow the paint on a wall or on the exterior cladding of a building to be in a condition that detracts from its appearance of cleanliness, particularly when the paint is peeling or deteriorating.

ARTICLE 14 : BALCONIES, PATIOS, PORCHES, STAIRS

Balconies, patios, porches, walkways, exterior or interior stairs and, in general, any structure attached to a building must be maintained in good condition and repaired or replaced as necessary. They must also receive regular maintenance to ensure that they remain safe and clean, and free from rot or dangerous deterioration. These structures must remain unobstructed to allow safe access to doors and emergency exits.

ARTICLE 15 : FOUNDATION

The foundation of a building must at all times be maintained in a condition that ensures its preservation, protection, and structural integrity.

Foundation walls must be maintained and repaired as necessary to keep them clean and to prevent air or water infiltration, as well as the intrusion of insects, vermin, rodents, or other animals.

ARTICLE 16 : DOORS AND WINDOWS

All exterior doors and windows of a building, including their frames, must be maintained or repaired to prevent the infiltration of water, air, or snow, or be replaced when damaged or defective. Frames must be caulked as required, and all movable components must function properly.

ARTICLE 17 : LOCKING MECHANISM

Every exterior door and window of a building must be equipped with a locking mechanism to protect the building against intrusion.

ARTICLE 18 : ROOF

All components of a building's roof and eaves must:

- a) Be maintained in good condition and repaired or replaced as necessary to prevent deformation of the roof structure, ensure watertightness, preserve an appearance of cleanliness, and prevent the intrusion of birds, vermin, rodents, or insects;
- b) Be covered with a compliant roofing material over the entire surface of the roof and its components;

- c) Ensure that rainwater and snowmelt that are likely to flow onto neighbouring properties or public roads are collected in gutters. Such gutters must be watertight, securely installed, and kept in good condition.

For the purposes of this article, roof components include but are not limited to flashing, vents, ventilators, soffits, fascia boards, gutters, and roof edges.

SECTION 2.2 – DWELLINGS

ARTICLE 19 : WATER SUPPLY AND DRAINAGE

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

ARTICLE 20 : HEATING AND MINIMUM TEMPERATURE

A dwelling must be equipped with a permanent heating system that is kept in good working order.

The permanent heating installation must maintain a minimum temperature of 15°C inside each habitable area, including bathrooms or water closets.

The temperature inside a dwelling is measured in the centre of each habitable area at a height of one (1) metre from the floor level.

ARTICLE 21 : BEDROOM

Every bedroom must have a window that opens directly to the outside. The window must be properly sealed to prevent water infiltration, among other things, but must be able to be opened to adequately ventilate the room.

ARTICLE 22 : WALLS AND CEILINGS

Walls and ceilings must be maintained in good condition and free of holes, cracks or other defects.

ARTICLE 23 : FLOORS

Floors must be maintained in good condition and must not have holes or boards that are not jointed, that are twisted, broken, rotten, or otherwise deteriorated.

Any defective parts must be repaired or replaced

SECTION 2.3 – HERITAGE BUILDINGS

ARTICLE 24 : HERITAGE CHARACTER OF THE BUILDING

In the case of a heritage building, any maintenance or repair work must be carried out in a manner that does not distort, alter, or compromise the building's heritage character. All maintenance interventions must preserve the architectural integrity and heritage value of the building.

SECTION 2.4 – VACANT BUILDINGS

ARTICLE 25 : VACANT

A vacant building must be secured so as to prevent access to it. The building must be closed off using plywood panels firmly and securely fastened to the structure.

This article does not apply to buildings that are vacant due to the seasonal or occasional absence of the owner, occupant, or tenant, provided that such vacancy does not exceed six consecutive months and does not pose a safety risk to the public.

CHAPTER 3 PENAL PROVISIONS

ARTICLE 26 : PENALTIES

Any person who contravenes, or allows the contravention of, any provision of this by-law commits an offence and is liable, in addition to costs:

- to a fine of not less than \$500 and not more than \$100,000 in the case of a natural person;
- to a fine of not less than \$2,000 and not more than \$200,000 in the case of a legal person.

In the event of a repeat offence, the amount of the fine is doubled.

Where the offence concerns a heritage building, the offender is liable, in addition to costs:

- to a fine of not less than \$2,000 and not more than \$250,000 in the case of a natural person;
- to a fine of not less than \$4,000 and not more than \$250,000 in the case of a legal person.

ARTICLE 27 : AGGRAVATING FACTORS

The aggravating factors listed in section 145.41.7 of the *Act respecting land use planning and development* will be taken into account by the designated officer when issuing the statement of offence.

ARTICLE 28 : SEPARATE OFFENCE

If an offence lasts for more than one day, the offence committed on each day is a separate offence and the penalties for each offence may be imposed for each day that the offence lasts..

ARTICLE 29 : EXPENSES INCURRED

Any expenses incurred by the Municipality as a result of non-compliance with any provision of this by-law is fully borne by the offender.

ARTICLE 30 : CIVIL RECOURSE

Penal proceedings against an offender are without prejudice or limitation to any other recourse that the Municipality may bring against the offender, including civil recourses in any court.

CHAPTER 4 SPECIAL PROVISIONS

ARTICLE 31 : NOTICE OF NON-COMPLIANCE

Where the designated officer becomes aware of a contravention to this by-law, he or she may issue a written notice to the owner of the building concerned, requiring that the necessary repairs or maintenance work be carried out. The notice must inform the owner of the timeframe within which the required work must be completed.

ARTICLE 32 : NOTICE OF DETERIORATION

If the owner of a building fails or refuses to comply with a notice of non-compliance issued by the designated officer, Council may require that a notice of deterioration be filed with the land register with respect to the property.

The Municipality may also apply to the Superior Court for authorization to carry out the necessary work itself and to recover the associated costs from the owner.

ARTICLE 33 : NOTIFICATION TO THE OWNER

Within 20 days following the filing of a notice of deterioration with the land register, the Municipality must notify the owner of the immovable, as well as any holder of a real right registered against the immovable, of the filing of the notice.

ARTICLE 34 : ACQUISITION BY THE MUNICIPALITY

A municipality may acquire, by mutual agreement or by expropriation, any immovable for which a notice of deterioration has been filed with the land register for at least 60 days, when the work required under the notice has not been completed, and where the immovable presents one of the following characteristics:

- a) The building has been vacant for at least one year;
- b) The condition of disrepair poses a risk to the health or safety of persons;
- c) The building is a heritage property.

Such an immovable may then be alienated, for a sum, to any person or, free of charge, to a person referred to in article 7 of the Municipal Code of Québec (C-27.1).

ARTICLE 35 : PROPERTY TAX

Any amount due to the municipality as a result of its intervention under this by-law is treated as a property tax if the debtor is the owner of the building.

CHAPTER 5 FINAL PROVISIONS

ARTICLE 36 : COMING INTO FORCE

This by-law comes into force in accordance with the law.

Alain Giroux,
Mayor

Sarah Channell,
Clerk-Treasurer

Without Approved Qualified Voters (HPVs)	
Notice of Motion	
Tabling of draft regulation	
Adoption of the by-law	
Notice of Coming into Force (137.15)	