

**PROVINCE OF QUEBEC
MRC BROME-MISSISQUOI
TOWN OF BROME LAKE**

FIRST DRAFT BY-LAW 599-3

**MODIFYING BY-LAW 599 ON PERMITS AND
CERTIFICATES**

- WHEREAS under the *Act respecting land planning and development* (R.S.Q., c. A-19.1), the Council may amend its planning by-laws;
- WHEREAS the Town has considered how to better regulate certain tourist accommodation establishments which continue to increase;
- WHEREAS the Town now deems it appropriate to amend by-law 596 respecting tourism activities in order to ensure consistency;
- WHEREAS as part of the modifications to *Zoning By-law 596, By-law 599 on Permits and Certificates* of the Town of Brome Lake must also be modified in order to permit the implementation of the modifications to By-law 596;
- WHEREAS it is pertinent and in the interest of the Town of Lake Brome and its taxpayers to amend certain provisions of specific planning by-laws;

WHEREAS a public consultation meeting will be held on February 28, 2022, as well as a written consultation of a minimum of 15 days;

WHEREAS a notice of motion was given by Councillor Lee Patterson at the regular sitting of Council on February 7, 2022;

CONSEQUENTLY, THE COUNCIL ORDERS THE FOLLOWING:

SECTION 1

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

SECTION 2

Section IV "Certificate of Occupancy" is inserted after section III "Certificate of Authorization for Various Purposes" as follows:

"SECTION IV CERTIFICATE OF OCCUPANCY

57. REQUIREMENT FOR A CERTIFICATE OF OCCUPANCY

No one may occupy or use a newly erected or altered building or whose destination or use has been changed (including land, in full or in part), in full or in part, without first having obtained a "Certificate of Occupancy" attesting that the immovable or, as appropriate, the new destination or use of the immovable (building or land), complies with the planning by-law.

In the event a building permit was previously issued, the effective date on the building permit may function as a Certificate of Occupancy only if a compliant use was declared on the Town form at the time of the permit application. If there is any change to the initial use declared in the building permit application, a Certificate of Occupancy must be issued before the change is exercised on the immovable.

58. REQUIRED INFORMATION AND DOCUMENTS

An application for a Certificate of Occupancy must be accompanied by the following information and documents:

- (1) The official Town certificate application form, signed by the owner, the occupant, or their authorized representative, as the case may be;
- (2) A scale plan of the premises and of any existing and planned interior layout, including details on the rental capacity if applicable;
- (3) A layout of the outside of the property, including the parking area, access paths, balconies and decks, vacant land, buffer zones, pools or spas;
- (4) The use or uses exercised on site, their location and area;
- (5) The last and first names, addresses, and telephone numbers of the owner and the occupant if different from the owner;
- (6) The address of the immovable or part of the immovable or cadastral plan of the immovable or the part of the immovable in the application;
- (7) Photos of the building location in relation to the street and neighbouring properties;
- (8) Written undertaking by the applicant to ensure compliance with the municipal by-law on nuisances;
- (9) The enterprise's business name if it is an establishment;
- (10) In the event of an expansion or addition to a building, a project site plan must be submitted to the inspector.

59. ADDITIONAL DOCUMENTS FOR A SECONDARY USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT – SECONDARY RESIDENCE (TAE-SR)

In addition to the information and documents required under section 58, a Certificate of Occupancy application for a "Tourist Accommodation Establishment – Secondary Residence" as a secondary use must also be accompanied by the following information and documents:

1. A copy of the Certificate of Classification issued by the *Corporation de l'industrie touristique du Québec* (CITQ), if it has already been issued;
2. A residential area plan indicating the number of rooms that will be offered for rent and the property's rental capacity;
3. The expected start date of activities;
4. A copy of the "good neighbour" regulations binding future renters and a written undertaking by the applicant to post, in the rented premises, directives on complying with the municipal by-law on nuisances (in particular concerning noise);

5. A written acknowledgement from the owner that the immovable at which the secondary use TAE-SR is occurring shall be considered for tax purposes as Call 6 non-residential.
6. All information required to confirm that the application respects zoning by-laws;
7. Any other information considered relevant by the designated officer or the Council.

60. CONDITIONS OF ISSUANCE

The designated officer issues a Certificate of Occupancy if the following conditions have been met:

- (1) The application complies with the zoning by-law in force or satisfies the conditions prescribed in the resolution granting the conditional use, if any;
- (2) The application is accompanied by all the information and documents required by this by-law;
- (3) The fees to issue the Certificate of Occupancy were paid when the application was filed.

Despite the foregoing, the designated officer cannot issue a Certificate of Occupancy if the applicant was subject to a cancellation within the five (5) previous years, unless the municipal council adopts a resolution approving the issuance of a Certificate of Occupancy.

No provision herein may be construed as having the effect of exempting a natural or legal person from the application of any federal or provincial legislation or regulation.

Compliance with this by-law does not affect the obligation to comply with every other applicable municipal and planning by-law, except where prescribed.

61. CANCELLATION AND NULLITY

A Certificate of Occupancy becomes null and void if the immovable or the part of the immovable for which the Certificate of Occupancy was issued has not been effectively occupied in the twelve (12) months following the date it was issued.

A Certificate of Occupancy also becomes null and void if the occupancy for which the Certificate of Occupancy was issued was interrupted for a period of at least twelve (12) months.

The certificate for Tourist Accommodation Establishment – Secondary Residence (TAE-SR) - Tourist accommodation establishments” as a secondary use is valid for one year and must be renewed each year.

For this secondary use, the designated officer who issued a Certificate of Occupancy is authorized to cancel it if the holder of the certificate has, during the same calendar year, received three (3) written warnings for non-compliance with the eligibility conditions prescribed in the zoning by-law or in this by-law, or additional conditions for authorization determined by the council under a by-law on conditional uses. The designated officer must, before cancelling a Certificate of Occupancy, first send the holder of the certificate written notice granting at least ten (10) days to present observations. Once the Certificate of Occupancy has been cancelled, the exercise of the secondary use must stop. The designated officer cannot issue a new Certificate of Occupancy to an applicant whose certificate has been cancelled within the past five (5) years unless the Municipal Council has adopted a resolution granting the issuance of a Certificate of Occupancy.

SECTION 3

Schedule 1 “Fees” is amended as follows:

- Lines 4 and 5 are replaced with the following:

Certificate of Occupancy for secondary use for a Tourist Accommodation Establishment – Secondary Residence (TAE-SR)

\$500
Renewable each year

SECTION 4

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

Richard Burcombe
Mayor

Mtre Owen Falquero
Clerk

STAGES:

Notice of motion:

February 22, 2022

Final by-law adopted:-

Coming into force: