

**VILLE DE MONTRÉAL
BY-LAW
RCG 17-011**

BY-LAW ESTABLISHING THE BUSINESS ACCESSIBILITY ASSISTANCE PROGRAM (PAAC)

In view of sections 82 to 90 of schedule C to the Charter of Ville de Montréal (CQLR, chapter C-11.4);

In view of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (CQLR, chapter E-20.001);

In view of the By-law of the urban agglomeration council concerning business assistance (RCG 06-019);

At its meeting of March 30, 2017, the urban agglomeration council enacts:

**SECTION I
INTERPRETATION**

1. In this by-law, the following words mean:

“authorized professional”: an architect, an engineer or a professional technologist, who is a member in good standing of their professional order;

“barrier-free”: when referring to a building or its amenities, indicates that persons with physical or sensory disabilities can access, enter or use them;

“building”: a building used in whole or in part for commercial activities duly authorized under applicable zoning by-laws;

“Code”: the Construction Code (CQLR, chapter B-1.1., r. 2);

“commercial activities”: retail sale or leasing of goods and services;

“cost of work”: the cost of work calculated before taxes;

“director”: the director, *Service du développement économique*;

“eligible work”: work to make a building or its amenities barrier-free, as listed below:

- (1) the replacement of a door giving access to the building from a public thoroughfare other than a lane;
- (2) the installation of an electric door opener giving access to the building from a public thoroughfare other than a lane;
- (3) the replacement of one entrance door per premise where an establishment carries out commercial activities;
- (4) the installation of one electric door opener per premise where an establishment carries out commercial activities;
- (5) a beveled edge installation;
- (6) the installation of a ramp and a platform lift;
- (7) the following work to improve indoor traffic:
 - (a) floor leveling;
 - (b) the widening of doors and fitting rooms;
 - (c) the installation of an elevator or a platform lift;
- (8) the following work to facilitate access to washrooms facilities for persons with disabilities:
 - (a) the widening of toilet cubicles;
 - (b) the installation of support bars;
 - (c) the installation of a basin, a hand-dryer or a paper-towel dispenser;
 - (d) the replacement of plumbing fixtures;
 - (e) the replacement of adapted water-closets.

SECTION II

APPLICATION

2. This by-law allows for the implementation of a subsidy program for alterations to a building, or part of a building, in order to permanently eliminate or reduce the barriers that limit access to businesses and their amenities for persons with physical or sensory disabilities.

3. This by-law does not apply to:

- (1) buildings owned by the Crown in right of Canada or one of its agents, the Crown in right of Québec or one of its agents, a school board, an establishment referred to in the Act respecting health services and social services (CQLR, chapter S-4.2), the *Société de transport de Montréal* or the *Communauté métropolitaine de Montréal*;
- (2) a building that does not comply with the barrier-free construction standards of the Code or of the by-laws in effect at the time of construction or that does not comply following a conversion for which the Code or by-laws in effect required a barrier-free design;
- (3) a building or part of a building used for industrial activities;
- (4) work covered by other subsidies or by other city subsidy programs;
- (5) work to repair or replace furniture and equipment used for commercial activities of the applicant, whether they are rendered immovable or not.

SECTION III
EXCLUSIONS

4. No subsidy is granted for work started before the date on which the subsidy application is declared admissible.

5. No subsidy is granted for work unless the following conditions are met:

- (1) where no access to the building from a public thoroughfare, other than a lane, complies with the barrier-free design standards of the Code or of applicable by-laws, work to bring to standards such an access to the building must be included in the subsidy application and carried out;
- (2) work which must be carried out in accordance with the Code and applicable by-laws.

SECTION IV
SUBSIDY APPLICATION

6. Any owner or lessee of a building may be granted a subsidy in compensation for the cost of eligible work, by filing an application to that effect. The application must be submitted on the form provided by the city before December 31, 2020. The following documents must be submitted with the form:

- (1) where the application is filed by the owner:

- (a) a document establishing that the applicant is the last registered owner of the building covered by the application, according to the Québec land registry;
 - (b) a document defining the mandate of any person acting on the applicant's behalf;
 - (c) at least one estimate, with an item by item breakdown, pertaining to all the work to be carried out;
 - (d) a document signed by an authorized professional confirming that the building was compliant with the barrier-free design standards of the Code or with the by-laws in effect at the time of construction, or that it did so comply following a conversion for which the Code or by-laws in effect required a barrier-free design;
- (2) where the application is filed by the lessee:
- (a) the lease establishing that the applicant is the lessee of part or all of the building covered by the application;
 - (b) a document attesting that the owner of the building agrees to the work;
 - (c) the documents referred to in subparagraphs (b), (c) and (d) of paragraph (1).

No owner or lessee of a building having filed a subsidy application declared admissible by the director, in accordance with article 7, may subsequently file another application or be granted another subsidy in compensation for the cost of eligible work for that building.

In the case of a building held in divided co-ownership, the word "owner" may refer to the syndicate of co-owners.

SECTION V

ADMISSIBILITY OF APPLICATION

7. Within 40 working days of receipt of a subsidy application, in accordance with article 6, the director declares the application admissible and informs the owner or the lessee in writing, indicating the cost of eligible work, before taxes, that will be considered for subsidy purposes.

SECTION VI

CONDITIONS

8. The owner or the lessee must carry out the eligible work within 12 months of the date of the notice of admissibility of the application. The work must be started within six months following the date of notice of eligibility.

The work must be carried out by a contractor having the appropriate license from the *Régie du bâtiment du Québec*.

9. Where the work is completed within the timeframe set in the first paragraph of article 8, the owner or lessee must, to be granted a subsidy, provide the director with the following:

- (1) a certificate signed by an authorized professional confirming that the work is completed and was carried out in accordance with the barrier-free design standards of the Code or applicable by-laws;
- (2) all invoices, receipts and other supporting documents showing the cost of work and their payment;
- (3) a copy of any permit relating to the eligible work.

10. When the owner or a lessee has complied with articles 8 and 9, the director, after establishing that the work has been carried out in accordance with the Code and applicable by-laws, approves the subsidy payment and informs the owner or the lessee, as the case may be, in writing.

SECTION VII

AMOUNT OF SUBSIDY

11. The maximum amount of subsidy that may be granted with respect to a subsidy application is equal to 75% of the cost of eligible work approved by the director.

Where it is established that the cost of eligible work exceeds the amount approved by the director, the amount of the subsidy is calculated on the basis of the approved cost of work, to which is added the percentage of the additional costs, which may not exceed 10%.

The amount of subsidy may in no case exceed \$10,000.

SECTION VIII

PAYMENT OF SUBSIDY

12. Following the notice referred to in article 10, the total amount of subsidy is paid.

13. Where, no more than 1 year and 3 months after the date of the notice under article 7, the beneficiary has still not submitted all the documents required under article 9, they forfeit their right to any subsidy under this by-law.

14. The payment of any subsidy under this by-law is suspended as long as the beneficiary is in default of:

- (1) paying any amount due to the city for municipal taxes and fees or property transfer duties, except for the surplus resulting from a compensation operation in accordance with the Civil Code;
- (2) bringing the work covered by this by-law to conformity with the Code and applicable by-laws where the work was carried out contrary to such Code and by-laws.

No interest or any form of compensation may be claimed from the city to compensate for the suspension of payment.

15. Any false representation, attempted fraud or fraud results in the cancellation of a subsidy under this by-law. In such cases, any amount paid under this by-law, by way of a subsidy, must be reimbursed in cash to the city by the beneficiary, with interest and costs.

16. The director may, at any reasonable time, conduct an inspection of the building covered by a subsidy application.

17. The owner or the lessee of a building covered by a subsidy application may not object to an inspection of the building, under penalty of definitive cancellation of the application.

18. Where a building or part thereof, for which a subsidy application was declared admissible under article 7, changes owner or lessee before the subsidy is approved under article 10, the new owner or lessee may benefit from the same rights as the previous owner or lessee, if they assume the same obligations under this by-law.

SECTION XI

DURATION OF PROGRAM

19. The subsidy program under this by-law ends on the following dates, whichever occurs first:

- (1) the date, according to a notice of the city treasurer, on which the funds earmarked for the program are exhausted;
- (2) June 30, 2022.

The public notice relating to this by-law was posted at city hall and published in *The Gazette* on April 4, 2017.