

VILLE DE MONTRÉAL
BY-LAW
RCG 17-023 (Office consolidation)

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**BY-LAW CONCERNING SUBSIDIES FOR THE REVITALIZATION OF RUE
SAINTE-CATHERINE AND ITS SURROUNDINGS (PROGRAMME
RÉUSSIR@MONTRÉAL - SAINTE-CATHERINE)**

**OFFICE CONSOLIDATION OF DECEMBER 7, 2017
(RCG 17-023, as amended by RCG 17-023-1)**

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 August 24, 2017, the urban agglomeration council enacts:

SECTION I
INTERPRETATION

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

“building”: a building used in part or in full for commercial activities and located on a commercial street;

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

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

“commercial street”: a street where commercial activities are authorized under zoning by-laws;

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

“design professional”: a professional trained in interior design or architecture, or with experience equivalent to the training, and whose main revenues are derived from the practice of that profession;

“designated sector”: a sector designated under an ordinance adopted under this by-law and to which this by-law applies;

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

“eligible work”: work for the interior or exterior renovation, extension, construction or reconstruction of a building, carried out by a contractor licensed by the *Régie du bâtiment du Québec* and that, according to the guide, is eligible to the subsidies referred to in this by-law;

“guide”: the document in schedule A;

“mural”: permanent work painted on the exterior siding of a building, allowed under the applicable by-laws and containing no form of advertising or commercial solicitation and conveying no political, religious, racial or sexual message, or any message that is discriminatory, hateful, abusive, aggressive, distressing, intolerant or offensive;

“professional services”: architecture, design and engineering services for the planning, design and carrying out of eligible work.

For the purposes of this by-law, in the case of a building held in divided co-ownership, the word “owner” refers to the syndicate of co-owners, and the word “lessee” refers to the owner of a condominium unit.

RCG 17-023, a. 1.

SECTION II

APPLICATION

2. This by-law allows for the implementation of a subsidy program for the rehabilitation of a building, or part thereof, where a commercial activity authorized under applicable zoning by-laws is carried out, and that is located in a designated commercial sector.

RCG 17-023, a. 2.

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 or part of a building used for industrial activities;

- (3) a building or part of a building containing a fuelling station, a service station, a mechanical workshop or a car wash;
- (4) interior renovation work exclusively, where the façade of a building must be renovated according to the guide;
- (5) work covered by other subsidies or by other city subsidy programs.

RCG 17-023, a. 3.

SECTION III ORDINANCES

4. The executive committee may, by ordinance:

- (1) designate one or more sectors, by means of a plan or by indicating the streets and parts of streets on the territory concerned, and set the date on which this by-law becomes applicable to those sectors, as well as any period, not exceeding 24 months, during which it applies;
- (2) set the minimum cost of eligible work;
- (3) set fees for the review of a subsidy application;
- (4) provide for the reimbursement of fees provided for in the preceding paragraph, under the conditions it determines;
- (5) end the subsidy program under this by-law.

RCG 17-023, a. 4.

SECTION IV EXCLUSIONS

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

RCG 17-023, a. 5.

6. No subsidy is granted for work if the following conditions are not met:

- (1) where the work eligible for a subsidy under this by-law consists of the alteration of a façade or of interior renovation work, the work must be carried out with the assistance of a design professional;

- (2) where the work eligible for a subsidy under this by-law is carried out by the owner of the building and the façades or part of the façades visible from the commercial artery concerned need repair, such work must be planned and carried out;
- (3) where the work eligible for a subsidy under this by-law is carried out by a lessee of the building and that the lessee's storefront, sign or awning need repair, such work must be planned and carried out.

RCG 17-023, a. 6.

SECTION V

SUBSIDY APPLICATION

7. Any owner or lessee of a building may be granted a subsidy in compensation for the cost of eligible work, which must be carried out in accordance with the Code and applicable by-laws, by filing an application to that effect. The application must be submitted on the form provided by the city during the application period of this by-law, set under article 4, to the designated sector where the building covered by the application is located. The following documents must be attached to 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 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;
- (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) and (c) of paragraph (1).

No owner or lessee of a building having filed a subsidy application declared admissible by the director, in accordance with article 8, may subsequently file another application or be granted another subsidy in compensation for the cost of eligible work for that building.

RCG 17-023, a. 7.

SECTION VI

ADMISSIBILITY OF APPLICATION

8. Within 40 working days of receipt of a subsidy application, in compliance with article 7, 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. The owner or the lessee must carry out the eligible work within 24 months of the date of the notice of admissibility of the application.

RCG 17-023, a. 8.

SECTION VII

CONDITIONS

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

- (1) a notice indicating that the work has been completed;
- (2) all invoices, receipts and other vouchers showing the cost of work and, as the case may be, professional services, and their payment;
- (3) a copy of any permit relating to the eligible work.

RCG 17-023, a. 9.

10. Once an owner or a lessee has complied with article 9, the director, after establishing that the work has been carried out in accordance with the Code, applicable by-laws, and guide requirements, approves the subsidy payment and notifies the owner or the lessee, as the case may be, in writing.

RCG 17-023, a. 10.

SECTION VIII

AMOUNT OF SUBSIDY

11. The maximum amount of subsidy that may be granted with respect to a subsidy application is equal to 40% 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:

- (1) \$50,000 for a building with a main façade of up to 10 metres;

- (2) \$150,000 for a building with a main façade of more than 10 metres and up to 20 metres;
- (3) \$300,000 for a building with a main façade of over 20 metres.

For the purposes of this article, the term main façade means the façade of a building on a public road, which is identified by the address of the assessment unit which includes that building, on the property assessment roll.

RCG 17-023, a. 11; RCG 17-023-1, a. 1.

12. Whatever the number of subsidy applications submitted for the same building, no amount greater than the one set in article 11, subject to article 13, may ever be paid for the same building. The apportionment of subsidies is based on the date of admissibility of each application, up until the maximum subsidy is granted.

RCG 17-023, a. 12.

SECTION IX

ADDITIONAL SUBSIDY

13. In addition to the amount that may be paid to the owner or the lessee under article 11, the owner or the lessee whose subsidy was approved under article 10 is paid an additional amount for professional services, equivalent to 50% of the cost of those services, calculated before taxes, but representing no more than 7.5% of the cost of eligible work approved by the director, without exceeding:

- (1) \$4,000 for a building with a main façade of up to 10 metres;
- (2) \$10,000 for a building with a main façade of more than 10 metres and up to 20 metres;
- (3) \$20,000 for a building with a main façade of over 20 metres.

RCG 17-023, a. 13.

SECTION X

PAYMENT OF SUBSIDY

14. Following the notice referred to in article 12, the total amount of subsidy including the additional subsidy, as the case may be, is paid.

RCG 17-023, a. 14.

15. Where, no more than 2 years and 6 months after the date of the notice under article 8, the beneficiary has still not submitted all the documents required under article 9, they forfeit their right to be granted any subsidy under this by-law.

RCG 17-023, a. 15.

16. 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 taxes and municipal 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-law requirements for the work, where the work was carried out contrary to those by-laws.

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

RCG 17-023, a. 16.

17. 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.

RCG 17-023, a. 17.

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

RCG 17-023, a. 18

19. 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.

RCG 17-023, a. 19.

20. Where a building or part thereof, for which a subsidy application was declared admissible under article 8 and that the payment of subsidy has not yet been approved under article 10, changes owner or lessee before the subsidy is paid, 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.

RCG 17-023, a. 20.

SECTION XI

DURATION OF PROGRAM

21. 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) the date determined by ordinance in accordance with paragraph (5) of article 4 of this by-law.

RCG 17-023, a. 21.

SCHEDULE A

GUIDE ESTABLISHING ELIGIBLE WORK FOR THE PURPOSES OF THE BY-LAW CONCERNING SUBSIDIES FOR THE REVITALIZATION OF RUE SAINTE-CATHERINE AND ITS SURROUNDINGS (PROGRAMME RÉUSSIR@MONTRÉAL - SAINTE-CATHERINE)

This consolidation of the By-law concerning subsidies for the revitalization of Rue Sainte-Catherine and its surroundings (Programme Réussir@Montréal - Sainte-Catherine) (RCG 17-023) contains amendments under the following by-law:

- *RCG 17-023-1 By-law amending the By-law concerning subsidies for the revitalization of Rue Sainte-Catherine and its surroundings (Programme Réussir@Montréal - Sainte-Catherine) (RCG 17-023), adopted at the meeting of November 30, 2017.*

SCHEDULE A

GUIDE ESTABLISHING ELIGIBLE WORK FOR THE PURPOSES OF THE BY-LAW CONCERNING SUBSIDIES FOR THE REVITALIZATION OF RUE SAINTE-CATHERINE AND ITS SURROUNDINGS (PROGRAMME RÉUSSIR@MONTREAL - SAINTE-CATHERINE)

As one of the main objectives of the Réussir@Montréal – Sainte-Catherine program is to improve the competitiveness of commercial establishments by carrying out quality physical improvements that respect the recognized design principles and practices, the eligible work must contribute to the creation of building façades and commercial premises that blend in with their environment and that possess the essential organizational, functional, commercial and esthetic qualities.

As, in regards to work eligible for a subsidy, the priority is given to the enhancement of the storefront of businesses on the ground floor, as well as the main façade of buildings and more specifically the harmony of signs and awnings that make up the “visual signature” of a commercial area.

As the eligible work carried out inside commercial establishments must primarily contribute to the improvement of the physical ambiance of the space used to greet and serve customers.

SECTION I INTERPRETATION

The guide may not be interpreted as an authorization for interior or exterior renovation work, or the construction or extension of a building, which the urban planning or construction by-laws do not allow.

SECTION II REQUIREMENTS CONCERNING WORK CARRIED OUT ON VARIOUS ELEMENTS OF AN EXISTING BUILDING

1. To be eligible, the work carried out on an existing building must namely concern one of the following elements of the building and respect the conditions listed in this guide:

- (1) the storefront of the business on the ground floor or the basement level;
- (2) the replacement, the repair or the alteration of openings;
- (3) an awning;
- (4) an exterior sign;

- (5) the exterior lighting;
- (6) the development of a permanent terrace or of the building entrances;
- (7) the salient or decorative architectural elements;
- (8) the exterior walls;
- (9) the interior renovations;
- (10) the framework or foundations;
- (11) the sloping roof.

SUBSECTION 1

STOREFRONT OF A BUSINESS ON THE GROUND FLOOR AND BASEMENT LEVELS

2. Work on doors, windows and store windows, including those regarding the base and foundation of store windows, the overhead panels of doors and store windows, the entrances, the sills, the floor coverings and door foundations and the lintels and entablatures, on the façade of a business located on the ground floor or basement levels, is considered eligible work.

The following special conditions apply to such work:

- (1) the amount of the subsidy is applied in priority to work related to the storefront of businesses located on the ground floor, on the commercial artery concerned;
- (2) the store window must favor transparency and good natural lighting of interior spaces, and also blend in with the rest of the building components;
- (3) the eligible material is clear or tinted glass. The latter must have a high light transmission factor and a low light reflection factor. Opaque glass or mirrors are not eligible;
- (4) the installation of bars, shutters or safety screens, removable or not, is not eligible, but their replacement by clear or tinted glass with a safety type adhesive film is eligible;
- (5) the door to the first floor must be separate and of a residential type when giving access to a residential space.

SUBSECTION 2

REPLACEMENT, REPAIR AND ALTERATION OF OPENINGS

3. The work listed below is eligible work:

- (1) work carried out on doors, windows and store windows, including those regarding the base and foundation of store windows, the overhead panels of doors and store windows, the entrances, the sills and door foundations and the lintels and aprons, pilasters, columns and entablatures;
- (2) the replacement, repair, restoration, enlargement or downsizing of openings, namely the addition or removal of doors or windows;
- (3) the reconstitution of original openings that have been walled-up, enlarged or reduced.

The following special conditions apply to such work:

- (1) the replacement of windows is eligible insofar as the type and color of the new windows integrate well with the building;
- (2) where new windows are installed, the existing lintels and aprons must be preserved. If they must be replaced, the new ones must be identical to the original;
- (3) the replacement of doors is only eligible in the case where their reconstitution is impossible and under the condition that the new door has the same shape as the original. The glass overhead panels must be preserved;
- (4) the amount of the subsidy is applied in priority to work related to the main façade overlooking the commercial artery concerned.

SUBSECTION 3

AWNINGS

4. The work listed below is eligible work:

- (1) the replacement, repair and installation of non-lighted canvas awnings;
- (2) the removal of inadequate awnings in regards to the composition of the building.

The following special conditions apply to such work:

- (1) the awnings must be installed so as not to permanently block from view the architectural elements and not limit visibility inside the business;

- (2) the awnings of a building must have the same shape when they are installed over the same type of opening.

SUBSECTION 4

EXTERIOR SIGN

5. The work listed below is eligible work:

- (1) the installation, repair and replacement of signs;
- (2) the removal of signs, including the required changes to walls and openings.

The following special conditions apply to such work:

- (1) the size, design and materials of the new signs must integrate with the lines and proportions of the various elements of the façade;
- (2) signs made of plastic coated cardboard or canvas, flashing signs or signs with a changing message are not eligible;
- (3) despite paragraph (2), flashing signs or signs with a changing message are eligible if they are related to cultural establishments.

SUBSECTION 5

EXTERIOR LIGHTING

6. Work relating to the installation of exterior lighting to enhance the architectural value of the building is eligible.

The following special condition applies to this work:

- (1) the exterior lighting must be permanent and must not adversely affect neighbouring occupancies.

SUBSECTION 6

INSTALLATION OF A PERMANENT TERRACE OR BUILDING ACCESSES

7. The work listed below is eligible work:

- (1) the restoration, replacement and alteration of landings, porches, alcoves, window wells, stairs and other permanent constructions giving access to the building or to a permanent terrace;
- (2) the installation of a permanent terrace;

- (3) the construction or repair of access ramps or other facilities for persons with reduced mobility, such as automatic doors and the installation of a permanent terrace;
- (4) the floor covering, the foundations for accesses and terraces as well as permanent landscaping related to the commercial portion of the ground floor.

The following special conditions apply to such work:

- (1) the work includes the reconstruction of the main façade in the alignment of the original building;
- (2) stairways having a heritage or architectural value must be repaired or replaced with similar elements;
- (3) bituminous coating is not eligible as floor covering;
- (4) furniture and equipment used for commercial activities, whether they are rendered immovable or not, installed on a permanent terrace are not eligible;
- (5) the installation of a permanent rooftop terrace is not eligible;
- (6) landscaping work is not eligible in the following cases:
 - (a) when it is located in front of the façade of a building with no business on the ground floor;
 - (b) when it is located in a courtyard or in a backyard not used for commercial activities.

SUBSECTION 7

SALIENT OR DECORATIVE ARCHITECTURAL ELEMENTS

8. The work listed below is eligible work:

- (1) the stripping, cleaning, painting, repointing, restoration, reconstitution and repair of salient or decorative architectural elements;
- (2) the addition or replacement of salient or decorative architectural elements.

The following special conditions apply to such work:

- (1) the resulting work must respect the original architectural character in regards to the shape, positioning and size of the elements and the materials used;

- (2) reconstitution work must aim to reintroduce architectural elements that have disappeared in order to respect the integrity of the building and its integration with neighbouring buildings.

SUBSECTION 8

EXTERIOR WALLS

9. The following work, carried out on exterior walls, is eligible:

- (1) the restoration of the original exterior siding:
 - (a) the stripping of paint on stone, brick, concrete or wood;
 - (b) cleaning of the exterior siding by water jet, with or without a cleaning agent, or by scrubbing;
 - (c) painting or treatment of wood and metal, after the stripping of the old paint;
 - (d) repointing.
- (2) the replacement of part or all of the exterior siding for renovation purposes, including, in priority, the façade wall and excluding the back wall, with basic and accent materials matching those of the original building, those of the adjacent buildings or those of neighbourhood buildings;
- (3) the removal of any metal exterior siding and its replacement with basic and accent materials matching those of the building, of the adjacent buildings or of neighbourhood buildings.

The following special conditions apply to such work:

- (1) the materials used must seamlessly integrate with the types and colors of existing materials;
- (2) the renovation of exterior walls must allow the preservation of existing architectural elements, such as columns, pilasters, cornices, pediments, entablatures and the various salient elements that are authentic. This renovation must also ensure the harmonious integration of the main façade with the side walls that are visible from the commercial artery;
- (3) the amount of the subsidy is applied in priority to work related to the façades fronting on the commercial artery rather than to work related to side walls visible from that artery;
- (4) the painting of stone, brick or concrete is not eligible;

- (5) despite paragraph (4), murals painted on exterior walls other than the main façade are eligible.

SUBSECTION 9

INTERIOR RENOVATION

10. Interior renovation work consisting of stripping and of the repair or replacement of the following elements is eligible work:

- (1) walls, floors, ceilings and stairs;
- (2) paint;
- (3) electricity and plumbing;
- (4) lighting devices;
- (5) air conditioning, heating and ventilation systems;
- (6) customer bathrooms;
- (7) front entrance and foot-grille;
- (8) installation of elevators or other equipment for the purposes of a reduced mobility clientele.

The following special conditions apply to such work:

- (1) interior renovation work is eligible if the work is carried out in order to improve the physical ambiance of the area destined to greet and serve customers;
- (2) work related to an air conditioning system connected to the water distribution system, to a garage or to a kitchenette for employees is not eligible;
- (3) furniture and equipment used for commercial activities, whether rendered immovable or not, are not eligible.

SUBSECTION 10

FRAMEWORK AND FOUNDATIONS

11. Renovation, reinforcement and reconstruction work on the framework or foundations is eligible work.

The following special condition applies to such work:

- (1) work to stabilize the framework and the roof structure must be planned when the distortion or weakening of these elements pose a threat to other building components that are subject to work covered by the subsidy.

SUBSECTION 11

SLOPING ROOF

12. The following work is eligible:

- (1) the replacement, repair, reconstruction or alteration of a sloping roof;
- (2) the removal of inadequate elements in regards to the composition of the building;
- (3) the reconstruction of architectural elements related to the roof, such as a dormer, window or fire stopping cornice.

The following special conditions apply to such work:

- (1) the roof must be at least partly visible from the commercial artery;
- (2) work to stabilize the framework and the roof structure must be planned when the distortion or weakening of these elements pose a threat to other building components that are subject to work covered by the subsidy;
- (3) in the event that elements related to the roof such as a dormer, window or fire stopping cornice need repair, work listed in paragraphs (1) and (2) of the first paragraph are only eligible if such repair work is planned and carried out;
- (4) work on sloping roofs is eligible if the work is carried out to improve the appearance of one of the roof elements such as dormer, window or fire stopping cornice;
- (5) work on flat roofs is not eligible.

SECTION III

REQUIREMENTS CONCERNING WORK CARRIED OUT ON NEW BUILDINGS AND EXTENSION WORK ON EXISTING BUILDINGS

13. Work carried out on new buildings, as well as the extension of existing buildings, listed below is eligible:

- (1) a construction or demolition followed by a reconstruction;
- (2) the extension of a building by the addition of an exterior construction or by the transformation of part of the interior of the building;

- (3) work related to signs, to awnings, to the layout of accesses to the building or to a permanent terrace and to the exterior lighting;
- (4) work related to elements located inside business premises.

The following special conditions apply to such work:

- (1) basic and accent materials used on new buildings must match those of the surrounding buildings or of the buildings in the sector;
- (2) the store windows on the ground floor or commercial basement level must be similar to those of neighbouring buildings or to those found in the sector. They must comply with the special conditions listed in paragraphs (2), (3) and (4) of the second paragraph of article 2;
- (3) the extension of the building towards the front or the sides must aim to conform to the alignment of the buildings;
- (4) the architectural features of an extension must be compatible with those of the building; the materials of the new portion must integrate harmoniously with those of the existing portion;
- (5) the layout of accesses to the building includes the foundations, stairways, access ramps, floor covering, terrace and adjacent landscaping;
- (6) the awnings must comply with the special conditions provided for in the second paragraph of article 4;
- (7) the signs must comply with the special conditions provided for in the second paragraph of article 5;
- (8) the installation of a permanent terrace or accesses to the building must comply with the special conditions provided for in the second paragraph of article 7 ;
- (9) the elements located inside commercial premises must comply with the special conditions provided for in the second paragraph of article 10;
- (10) work related to a garage is not eligible.