

Bylaws, Permits & PAC

A. Background and Town's bylaw webpage. [See](#)

B. Residents' experiences with bylaws and the permit process

The following is a selection of residents' experiences with bylaws which highlight the need for changes to some bylaws and the overall process. The first four came from the **March & June 2024 council meetings**.

1. Subjective PAC decisions, exhausting, frustrating and adversarial permit process. [Details](#)
2. Clarification/simplification of permits. Subjective decisions by PAC. Permits expensive for seniors. [Details](#)
3. Standard guidelines for permits, onerous process. [Details](#)
4. Difficult communication with Urban Planning, lack of help/guidance from Town. [Details](#)
5. Illegal heat pump location and visibility. [Details](#)
6. Should a permit be required for urgent/safety work less than \$5,000? [Details](#)
7. PAC approval for maintenance (not renovation) work caused delay. [Details](#)
8. Fined for repairs. [Details](#)

Not yet written up:

9. Handrail of semi-detached house must be the same as neighbour's.
10. Why do flood damage repairs require permit?
11. Should a permit be needed for eavestrough downspout?
12. Hedge height regulations.

C. References to bylaws at Council meetings and in The Informer (Council Communiques)

[Details](#)

- Bikes on Westminster sidewalks.
- Car washing & tire changing prohibited on streets.
- Children playing on streets.
- Gas-powered leaf blower ban.
- Fossil fuel heating ban.
- Leaves swept into streets.
- Neglected properties.
- Parking on Westminster in the business area.
- Sidewalk obstructions.
- Wood burning stoves & fireplaces.

D. Refer to Council Reports menu item for information about these bylaws

- Airbnbs – illegal (Fines described)
- French drains (Named after Henry Flagg French)
- Heat pumps
- Sidewalk obstructions
- Swimming pools.
- Triplexes permitted in certain zones.
- Zoning bylaw changes and challenges.

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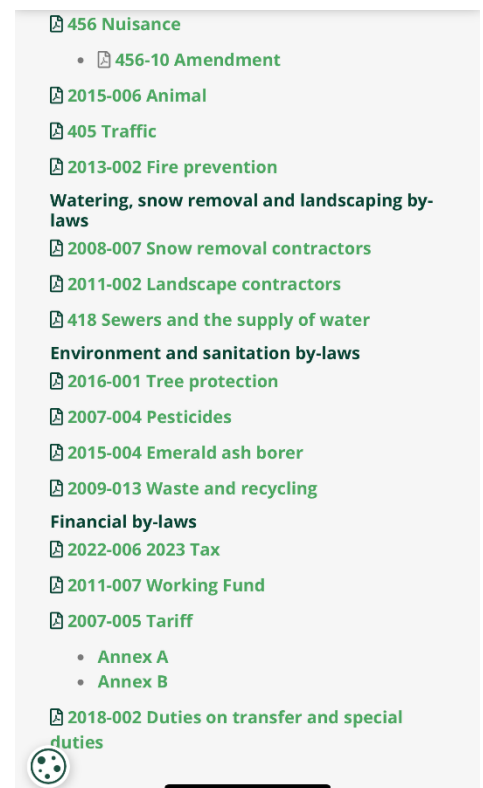
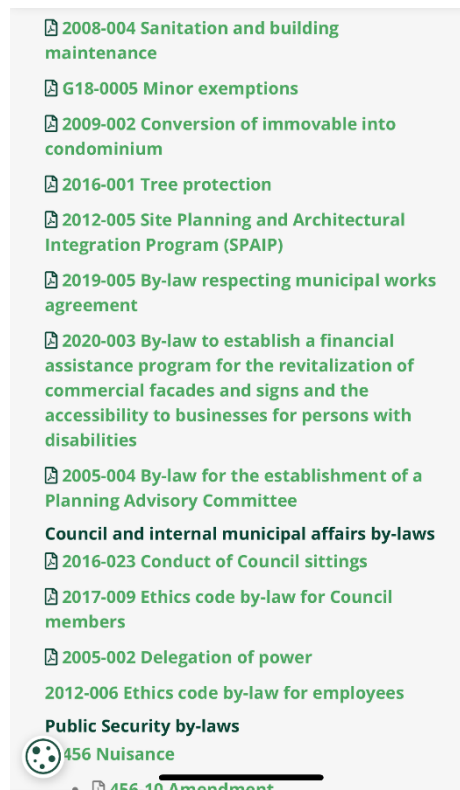
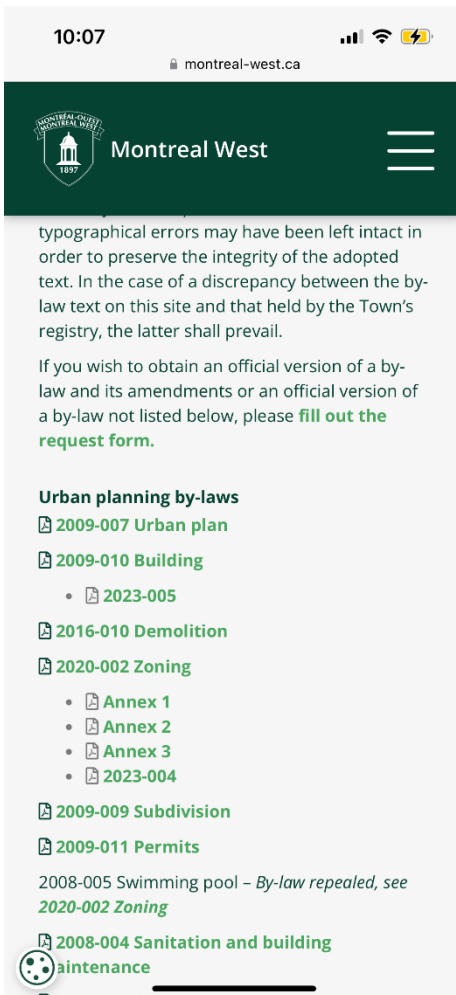
A. Background and Town's bylaw webpage

Until 2005 the Town's building inspector interpreted how bylaws applied to permit applications. That year **PAC** (Planning and Advisory Committee) was established to review permit applications as a legal requirement introduced by the provincial government to protect the architectural heritage of towns. The **SPAIP** (Site Planning and Architectural Integration Program) was introduced around 2012 to guide PAC, and thereafter bylaws related to home repairs and renovations were revamped and enforcement ramped up using our Public Security Officers. The result is we now have more regulation and delays, and a process that is not, on occasion, resident-friendly.

From time to time a number of Town bylaws have been revised as deficiencies became evident, and certain work no longer requires permits. At one point in fall 2019 Mayor Masella noted that "the pendulum had swung too far in one direction" (too strict), and that the permit requirement for replacing roof shingles would be removed. Yet some issues still remain unresolved: whether maintenance of any kind should require a permit, the distinction between repairs and renovations, the \$5,000 limit on repairs not requiring a permit, minor versus major renovations, the perceived subjective nature of certain PAC decisions, whether restoring a house after a flood should require a permit, delays in the permit process, communication difficulties with Urban Planning, whether replacing existing structures with similar ones should require a permit, etc.

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See the Town's bylaw page [here](#). Surprisingly, there is a great difference in the display of this page if you're on a laptop or a mobile phone. I find the mobile view below much easier to approach.



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B. Residents' experiences with bylaws and the permit process

1. Subjective nature of PAC decisions, exhausting, frustrating and adversarial permit process.

March, 2024 Council meeting (video 35:46): <https://www.youtube.com/watch?v=PmAQ5boX3yE>

A **Bedbrook resident was required** to change a garage door he'd installed from a colonial-style, which **64.3%** of 28 similar nearby houses have, to a panel type which **14.3%** have. The resident made multiple requests for an exemption and to meet with PAC, to no avail. He felt that PAC seemed out-of-touch with the community, and that the permit process has become exhausting and frustrating. He asked: **1.** Is the city open to conducting a survey that will specifically address our citizens' degree of satisfaction with the permits process, the PAC's performance, and the overall permit application experience. **2.** Can we have a permit process that fosters collaboration and doesn't give us the impression of weaponization of the process against citizens.

The **Mayor indicated** that he'd take question 1 back to Council. A **councillor replied** that once PAC makes a decision it becomes a legal matter no longer involving PAC, meaning that the resident has no recourse. The PAC decision is legally binding. The **resident replied** that: what happened was that a subjective conclusion by PAC had become an obligation ensuring that he had no recourse. [See longer transcript](#)

2. Clarification/simplification of permits. Subjective decisions by PAC. Expense of permits for seniors.

June, 2024 Council meeting (video 34:48): https://www.youtube.com/watch?v=UZmCXFu_m44

A **resident asked** "for clarification of what things actually require permits, and if there could be some simplification of permit requirements. For changing a door or widow, are there some standard colours that are acceptable so that they wouldn't have to pay for a permit? There are people opting not to do work because they cannot absorb the additional expense and the delay. It becomes onerous for those of us who are seniors on a fixed income. Could the Town consider simplifying the permit process and not require permits for so many little things? If you're switching a white door for a brown door, it becomes very subjective for a committee to say you can't do [it because] it's not in keeping with the neighbourhood. A **councillor replied** that it's not completely subjective. The SPAIP provides limits on how many colours you can use on a house. Quebec tells us we have to preserve the architecture of the Town. [See longer transcript](#)

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3. Standard guidelines for permits, onerous process.

June, 2024 Council meeting (video 41:00): https://www.youtube.com/watch?v=UZmCXFu_m44

A **resident lamented** about the onerous process in getting an opinion from the Urban Planning department. "People have this perception that if you do call and get a yes answer it's going to cost you. There needs to be some standard guidelines that describe to people when they don't need a permit. People are afraid to call. If it's interior work, they'll do it themselves [without a permit]." A **councillor replied** (42:09) that "you'll find most of the things described in the bylaws. *The problem is ... the bylaws are very long. ... It would take you forever to read them.* The best bet is to call the Town."

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4. Difficult communication with Urban Planning, lack of help/guidance from Town.

March, 2024 Council meeting (video 55:17) <https://www.youtube.com/watch?v=PmAQ5boX3yE>

A resident whose triplex had burnt down found the permit process incredibly difficult. He felt that the Town had done nothing to help or guide his family in any way. Trying to get information from the Urban Planning department was like pulling teeth. He spent 3 1/2 weeks proving to Urban Planning that there was space for 3 cars when Google Streetview clearly showed there was. The resident complained that Urban Planning was not replying to his emails. A **councillor** agreed that this situation has been very difficult for the resident and has resulted in a learning experience for the Town as they have never had to deal with this issue before. [See longer transcript](#)

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5. Illegal heat pump location and visibility.

June 2024 Council meeting (video 27:57): https://www.youtube.com/watch?v=UZmCXFu_m44

When obtaining a new certificate of location, a resident found from the surveyor that Town bylaws require heat pumps to be located at least 50% along the side of a house and not visible from the street. That is, surrounded by a wooden barrier/ screen. She submitted an online question noting that she has plants there that would be killed by the barrier, and that when grown would hide the heat pump. “Many homes are in the same predicament. Looking at the side of my house I see the [Hydro] meter, is that not an eyesore? A **councillor** (29:00) had driven by her house that day and had a great conversation with the resident and thanked her for sensitizing her to this issue. [But] **other places have the units completely exposed and they need to go.** We deal with one house at a time. We will discuss a little bit further.”

[**Editor’s note:** The councillor’s statement – in red – is a bit ominous since many houses don’t have screens, and can’t put one in if the heat pump is on the driveway side, or mounted high on a wall. Is this such a big deal?] **Word count: 190**

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Experiences 6, 7, 8 have been taken from the minutes of Council meetings available at:

<https://montreal-west.ca/en/our-town/town-council/public-meetings/>

6. Should a permit be required for urgent/ safety work less than \$5,000? April 25, 2016:

A **resident said** that he had to repair a balcony and a door, as their current state is dangerous for an elderly woman living at the ground floor of his property. He was told by the Town that this work required a permit going through the SPAIP process. He contended that it is worth less than \$5,000 and has to be done urgently for safety reasons. He noted that this project did not imply to change the appearance of that part of the building, but on the contrary to restore it to its original state. A **councillor replied:** It may be that the value of the work is under \$5,000 but its nature would still make it subject to the SPAIP. [Editor’s note: The \$5,000 limit has been around for years. Interior painting will cost much more. Realistically, it should be \$15,000 to \$20,000] . [Add Nick & Molly’s original-state balcony?] [See longer transcript](#)

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7. PAC approval for maintenance (not renovation) work causes delay. June 27, 2017:

A **resident complained** that the issuance of building permits is delayed by the requirement to go through the PAC for the approval of plans. Her only purpose is to perform maintenance work on her house, not renovation. The resident thought that PAC didn’t meet over the summer, which she was assured they do. [**Editor’s note:** The real issue was whether maintenance work should require a permit.] [See longer transcript](#)

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8. Fined for repairs during bylaw transition period. September 18, 2017: (Bylaw revision is possible!!)

A **resident said** he was fined for chimney repairs he had done without a permit, and wondered what kind of repairs require a permit. A **councillor noted** that the permit bylaw was changed at some point in time, which changed things in this respect.

Another resident reported a similar case about replacing a porch last year. He was fined and did not understand why, although he had obtained a permit. A **councillor said** *this might have happened during the transition period during which the by-law was modified.*

Editor’s note: These two cases highlight the fact that bylaws evolve and are changed by Council. **Perhaps it’s time that residents be allowed to weigh-in and make changes.** Perhaps it’s also time to reconsider the permit process and the composition of PAC – which is weighted to architects and urban planners. A greater representation by “average” citizens would be helpful.

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C. References to bylaws at Council meetings and in Council Communiques in The Informer

Bikes on Westminster sidewalks.

A senior resident who uses a cane is alarmed by the many bicycles he encounters on the sidewalks on Westminster, especially when the Town has a bylaw which forbids this. The usual reply, in the past, has always been that there is little the Town can do to enforce this bylaw since the PSOs cannot issue a ticket for a moving vehicle violation. However, Councillor Mazzone stated this time that “bike-riding is not permitted on sidewalks, period!” **Councillors Feeney and Mazzone**, in an article in Councillors Communique in the April-May issue of the Informer, asked for co-operation from the community in keeping all the Town’s sidewalks unobstructed and are considering an awareness campaign. (May-June, 2021, Informer – **April, 2021**, Council meeting)

Car washing & tire changing prohibited on streets.

One resident felt the bylaw prohibiting the washing of cars and the changing of tires in the street was unfair to those who have no driveways in which to accomplish those tasks. Present bylaws will be reviewed to determine if any modifications should be made. (September, 2022. Informer – **May, 2022**, Council meeting)

Children playing on streets. (See **Sidewalk obstructions** below)

Gas-powered leaf blower ban.

Montreal West will be joining many other municipalities in the further regulation of leaf blowers and is proposing that starting November 1, 2023, all gas-powered blowers and vacuums will be prohibited and only electric models will be permitted in the spring and fall periods. (October, 2022, Informer – **August, 2022**, Council meeting)

A resident requested modification of the bylaw governing leaf blowers to allow some types of blowers to still be used. Present bylaws will be reviewed to determine if any modifications should be made. (September, 2022. Informer – **May, 2022**, Council meeting)

Fossil fuel heating ban (see **Environment** on the **FAQ** page)

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Leaves swept into street.

Leaves are not permitted in any situation to be deposited on the street. All raked or blown leaves must be put into only paper bags or garbage bins to be picked up by the compost trucks on Tuesdays. No plastic bags are acceptable. (October, 2022, Informer – **August, 2022**, Council meeting)

Neglected properties.

It was explained to a resident on Ronald Drive who was upset at the abandoned and neglected property next to his home that the Town has been monitoring this situation for quite some time. The owner has been repeatedly warned and ticketed, but has never responded. The Town must wait for permission from the court to clean up the property. (December, 2021, Informer -- **October, 2021**, Council meeting)

The issue of cars left rusting on a property on Strathearn North is being dealt with, but is presently complicated by having to deal with the past and present owners of the property. (November, 2021, Informer – **August, 2021**, Council meeting)

Parking on Westminster in the business area.

Following complaints that time limits are not always being adhered to in the Town’s parking lots on Westminster and Strathearn as well as on some streets, the PSOs will be following up on infractions. They will be verifying permits for cars using the Percival and Northview parking lots as well. (May, 2022, Informer – **March, 2022**, Council meeting)

Sidewalk obstructions. (Also see Council Reports menu item)

The rights of children to play in the street versus the need to legislate against certain aspects of these activities has been an issue brought to the mayor’s attention in the past few weeks. The need to review the bylaws impacting this activity to determine which ones must be respected and which may have “passed their best before date” is seen as a way to ensure everyone’s safety and enjoyment of their property. (May, 2022, Informer – **March, 2022**, Council meeting)

Wood burning stoves & fireplaces. (See **Environment** section on the **FAQ** page)

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More details of certain residents' experiences

1. Subjective nature of PAC decisions, exhausting, frustrating and adversarial permit process.

March, 2024 Council meeting (video 35:46): <https://www.youtube.com/watch?v=PmAQ5boX3yE>

A resident replaced a garage door for his elderly mother in January 2024 with a white, colonial-style door (a grid of squares). He was assured by a contractor that the door was acceptable as he'd installed many in Montreal West and that a permit was not required. However, after installation the resident found out it was not acceptable. PAC insisted that flat panels be used. The resident noted that the colonial-type garage door was found on many adjacent homes and on Fairfield Crescent (see editor's note below). Multiple requests for an exemption and a brief opportunity to address PAC were made, to no avail. Neighbours, some of whom were architects, saw no problem with the colonial-style door. He felt that PAC seemed out-of-touch with the community, and that the permit process has become exhausting and frustrating. *Citizens feel that they have a right to invest in their homes without the stress and anxiety currently being fostered.*

The resident asked 1. *Is the city open to conducting a survey that will specifically address our citizens' degree of satisfaction with the permits process, the PAC's performance, and the overall permit application experience.*

2. *Can we have a permit process that fosters collaboration and doesn't give us the impression of weaponization of the process against citizens.* In short, how can we just apply common sense for a simple garage door for an elderly resident who just wants to use her garage?

Mayor Masella replied to question #1 (37:53): It's not something we've ever spoken about. We can take that back to council to see if there's a way where we can get a little bit of feedback to see if there's some way that we can improve the process.

Councillor Torres (39:17) responded to question #2 and a lengthy back and forth ensued about how PAC is responding to provincial government civil codes and that once PAC makes a decision it becomes a legal matter no longer involving PAC, meaning that the resident has no recourse. The PAC decision is legally binding.

The resident replied (41:54) that what happened was *a subjective conclusion by PAC had become an obligation* ensuring that he had no recourse.

[Editor's note: On the section of Bedbrook where the house is located, and on adjacent Fairfield Crescent, there are 28 houses, many of the same style as the above house. The garage door types are: **18 (64.3%) colonial, 4 (14.3%) panel – including the above house, and 6 (21.4%) hybrid.** Almost 2/3rds are colonial, yet the residents door had to be changed.]

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2. Clarification/simplification of permits. Subjective decisions by PAC. Expense of permits for seniors.

June, 2024 Council meeting (video 34:48): https://www.youtube.com/watch?v=UZmCXFu_m44

A resident asked "for clarification of what things actually require permits, and if there could be some simplification of permit requirements. For example, for someone who wishes to replace a door or window or roof and wishes to change the colour, *are there some standard colours that are acceptable so that they wouldn't have to pay for a permit? There are people opting not to do work because they cannot absorb the additional expense and the delay. It becomes onerous for those of us who are seniors on a fixed income. Could the Town consider simplifying the permit process and not require permits for so many little things?"* **Councillor Torres** (37:07) replied "I always recommend calling the Urban Planning department. We understand colour tone variations; if it's the same tone it you *might not need a permit.*

The resident continued (37:51): *If you're switching a white door for a brown door, it becomes very subjective for a committee to say you can't do [it because] it's not in keeping with the neighbourhood.* Most people are reasonable and they want to do something to improve the appearance, to maintain the quality of their house. **Councillor Torres** (38:25) replied: It's not completely subjective. The SPAIP has a lot of regulations on what colour you can pick. We recently had a case of someone picking a colour for a side door that didn't coordinate with anything else. There are limitations as to how many colours you can use on a house. Try to stick with earth tones. *Quebec tells us we have to preserve the architecture of the Town.* Not everything needs to have a permit.

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4. Difficult communication with Urban Planning, lack of help/guidance from Town.

March, 2024 Council meeting (video 55:17) <https://www.youtube.com/watch?v=PmAQ5boX3yE>

A resident whose triplex had burnt down found the permit process incredibly difficult. He noted the tremendous impact the fire has had on his family: losing all their belongings, his child having nightmares, ... *He felt that the Town had done nothing to help or guide his family in any way. Trying to get information from the Urban Planning department was like pulling teeth. He spent 3 1/2 weeks proving to Urban Planning that there was space for 3 cars when Google Streetview clearly showed there was. The resident complained that Urban Planning was not replying to his emails.* **Mayor Masella** (59:38) suggested that either he or Councillor Torres should be copied on emails. **Councillor Torres** indicated that she had been copied. **Carol Foster** reported in the May Informer (page 17) that **Councillor Torres** “agreed that this situation has been very difficult for the resident and has resulted in a learning experience for the Town as they have never had to deal with this issue before. Mistakes and misunderstandings have been experienced on both sides, but she hopes everyone has learned from the mistakes and, should it, unfortunately, happen again, it won’t be as hard on the next person.”

[Editor's note: Add Brock S. water main break July13, 2023?]

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6. Should a permit be required for urgent/ safety work less than \$5,000? April 25, 2016:

A resident said that he had to repair a balcony and a door, as their current state is dangerous for an elderly woman living at the ground floor of his property. He was told by the Town that this work required a permit going through the SPAIP process. *He contended that it is worth less than \$5,000 and has to be done urgently for safety reasons. He noted that this project did not imply to change the appearance of that part of the building, but on the contrary to restore it to its original state.* **Mayor Masella** said that the process can be shortened, since the PAC meets twice every month and the Council can hold a special sitting to deal with projects before the regular meeting. **Councillor Tasker-Brown** said she talked to the Building Inspector about this file. It may be that the value of the work is under \$5,000 but its nature would still make it subject to the SPAIP. To make sure this project will be actually dealt with, the Mayor advised the resident to verify that all the necessary documents are provided with his application.

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7. PAC approval for maintenance (not renovation) work causes delay. June 27, 2017:

A resident complained that the issuance of building permits is delayed by the requirement to go through the PAC for the approval of plans. She said she was told she could not obtain a permit until the month of August although *her only purpose is to perform maintenance work on her house, not renovation.* **Mayor Masella** answered that he was surprised by that statement because he knows there will be a PAC meeting on July 12 and a special council meeting will follow soon after. Therefore, if her application file is already complete, it should be approved earlier than August. **Councillor Ulin** noted that the misunderstanding may come from the true fact there will be no regular Council meeting before the end of August, which is not the same thing.

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