

**Compte-rendu de l'assemblée publique  
de consultation portant sur le PPCMOI  
du 4160 Sherbrooke Ouest  
Tenue le jeudi 25 avril 2019 à 19h00**

**Représentant du Conseil municipal de la Ville de  
Westmount:**

Conseiller Conrad Peart, Commissaire de  
l'aménagement urbain, des permis et de  
l'architecture

Assisté par : Tom Flies, Directeur du Service de  
l'aménagement urbain

**Ordre du jour**

1. Ouverture de l'assemblée publique
2. Présentation du PPCMOI
3. Analyse et procédure
4. Prochaines étapes
5. Questions et commentaires
6. Fermeture de la séance

**1. Ouverture de l'assemblée publique**

L'assemblée publique est ouverte par le Conseiller Peart qui souhaite la bienvenue aux participants. Il informe le public sur la demande de dérogation et que les commentaires et questions recueillis seront transmis au Conseil municipal avant la deuxième lecture et la décision, prévues pour le 6 Mai, 2019.

**2. Présentation du PPCMOI**

La demande du projet particulier demandant une dérogation à l'article 6.7.2 du règlement de zonage 1303 afin de permettre un usage résidentiel dans la structure hors toit existante est présentée.

**Report of the public consultation on the  
SCAOPI application for 4160 Sherbrooke  
street west  
Held on April 25, 2019 at 7:00 pm**

**Representative of Westmount's City Council:**

Councilor Conrad Peart, Commissioner of Urban  
Planning, Permits and Architecture

Assisted by : Tom Flies, Director of the Urban  
planning department

**Agenda**

1. Opening of session
2. SCAOPI presentation
3. Review and process
4. Next steps
5. Questions and comments
6. Closing of session

**1. Opening of session**

The public consultation is opened by Councilor Peart who welcomes all participants. He informs the public about the derogation request and that the comments and questions collected tonight will be transmitted to report to Council prior to the second reading, scheduled for May 6th, 2019.

**2. SCAOPI presentation**

The application requesting a variance to article 6.7.2 of the zoning bylaw 1303 in order to allow a residential use in the existing roof structure is presented.

### 3. Analyse et procédure

Les procédures relatives à la demande ainsi que les faits majeurs de l'analyse par l'administration et le Comité consultatif d'urbanisme sont présentés.

### 4. Prochaines étapes

Les prochaines étapes pour le cheminement de la demande sont présentées. Le projet est soumis pour 2<sup>e</sup> lecture et décision au Conseil municipal du 6 Mai 2019. Une procédure référendaire peut être déclenchée par les citoyens concernés.

### 5. Questions et commentaires / Questions and comments

*(Note: the following section is summarized only in the language chosen by the individuals to speak publicly)*

P. Martin, 3166 The Boulevard:

Question: It was mentioned that there has been a cadastral operation in 1989. Did the city have to approve the cadastral operation at that time?

A: Yes.

Q: Did the City make a mistake by approving this cadastral operation for a private exclusive unit in 1989?

A: Yes.

Q: If there was a referendum, would it be restricted to the zones around the building?

A: A referendum would be restricted to the zone where the building is located and all contiguous zones.

General comments about the application:

- In favour of the conversion, but not favourable to the approach taken by the City. The SCAOPI/PPCMOI tool is not the appropriate tool.
- Is concerned about the precedent and mentions past requests to transform rooftop units into private units which were refused. There are maybe 20-40 buildings with these type of rooftop units.
- Believes that the bylaw restriction is silly and should be abolished. It would be an opportunity to increase density and bring in additional families into Westmount without altering the streetscape.
- Believes that this application creates a dangerous situation for the future and may expose the city administration to unwanted pressures.

### 3. Review and process

The application process and the determining factors taken into account during the review by the administration and the Planning Advisory Committee were presented.

### 4. Next steps

The next steps of the application procedure are presented. The application is scheduled for a second reading and decision at the Council meeting of May 6th, 2019. The application is eligible for a referendum procedure.

E. Melka, 680 Roslyn:

Q: Has the unit paid residential taxes over the last 30 years?

A: Yes.

Q: Is anybody living in this unit?

A: *No. The unit can only be used as a recreational space and no certificate of occupancy for a residential unit can be issued.*

Q: Are there other solutions instead of a specific proposal or a bylaw change?

A: *The unit could be reverted to a shared unit and potentially bought back by all the condo owners of the building to become a common space used for recreational purposes. The unit could also remain an unusable space that cannot be transformed, sold or used as an exclusive private space.*

Q: Why does this situation warrant specific consideration?

A: *There is a specific context with a cadastral operation approved in 1989 creating an exclusive unit that is existing for 30 years. The SCAOPI process allows the City to resolve this complex situation in a transparent manner while creating no negative impacts on any stakeholders.*

Q: Who benefits from this at the end of the day?

A: *If this proposal receives approval, the following stakeholders would benefit:*

*The applicant and owner of the unit: the space would be usable as a residential unit;*

*The condo association: they have clarity on the legal status of their property;*

*The community at large: the conversion of this space does not create any new impacts and provides additional residential space. In addition, a regularization of the situation may allow the city to avoid legal pursuits.*

Q: Is the current owner the same owner then at the time of the application?

A: *This information could not be confirmed at the time of the meeting but research in public records indicates that the current owner seems to have been the beneficial owner since August 1990 (see 5812-701 land registry index). In 1995, a \$1 property transfer was done from the applicant's 'personne morale' (154875 Canada Inc.) to the applicant's 'personne physique.'*

General comments about the application:

- Believes that a precedent is created that opens the question of why does the city goes out of its way to resolve this particular situation.
- If it is the same owner since construction, the application and its regularization by the city appear to be far more acceptable than for a new owner.
- Is concerned about the optics and finds it is preferential to allow one application over another.

## **6. Fermeture de la séance**

La séance a été fermée à 19h40.

## **6. Closing of session**

The session was closed at 7:40 pm.