

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Saturday, February 13, 2021 4:22 PM  
**To:** legal  
**Subject:** 325 Melville  
**Attachments:** Demolition Application.pdf

Attn: The City Clerk, Ville de Westmount.

Dear Mr Brownstein

The city has posted a demolition application for the immovable at 325 Melville. In this application, it is stated that:

"A person wishing to oppose the demolition must do so by writing to the City Clerk, giving the reasons for objecting, within 10 days of publication of the public notice or, failing such notice, within 10 days following the posting of the notice on the immovable concerned."

I wish to make such opposition; the ground for my opposition is set forth in the document attached to this email.

Please confirm reception of this email.

Thank you,

[REDACTED]  
[REDACTED]  
[REDACTED]

The City Clerk,  
Ville de Westmount

Dear Sir,

I wish to make objection to the demolition application for the immovable located at 325 Melville Avenue, which was posted on February 9, 2021, for the following reasons:

The demolition of any building involves the trade-offs between the benefits derived from the proposed demolition, and the costs of said demolition. In this case, the costs involve the loss of a building that was constructed in 1904. The benefits, however, cannot be ascertained, since plans for the proposed structure which would replace this building have not been provided, neither on the city's web site, nor at the aforementioned address. Until this is rectified, an informed assessment of the benefits and costs of this proposed demolition cannot be adequately performed.

Consequently, this demolition application should be stayed, and prescription suspended until this situation is rectified.

Submitted this day, the 14<sup>th</sup> February 2021, in the City of Westmount.

██████████  
████████████████████  
██

[REDACTED]

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**From:** Brownstein, Andrew  
**Sent:** Tuesday, February 16, 2021 9:54 AM  
**To:** legal  
**Subject:** FW: 325 Melville

**From:** [REDACTED]  
**Sent:** Tuesday, February 16, 2021 6:54 AM  
**To:** Brownstein, Andrew  
**Subject:** Fwd: 325 Melville

Andrew,

re-reading my email below, I think I may have been too restrained and deferential in my choice of language.

What I meant to convey was that without a preliminary proposal being made available, no demolition application can be considered by the City under By-law 1317, nor is any comment period for objections appropriate. As such, both the objection notice and any meeting to consider this demolition application are pre-mature and invalid.

I hope that clarifies my intended message.

I may be lacking some information on this matter, and if so, would appreciate receiving it without delay.

Best regards,  
[REDACTED]

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mon, Feb 15, 2021 at 4:05 PM  
**Subject:** 325 Melville  
**To:** Andrew Brownstein <[abrownstein@westmount.org](mailto:abrownstein@westmount.org)>

Dear Andrew,

please accept this email as my notice of objection to the proposed demolition of 325 Melville.

I am not able to discern from the public record any proposal to replace the current structure, i.e what By-law 1317 terms a "preliminary proposal" and which must be submitted under Article 12(1).

Before any such proposal is publicly available, no demolition should be considered or approved by the City. It is a fundamental issue of transparency to have this preliminary proposal available to the public

Furthermore, any replacement structure must be vetted to fit into the character, style and usage of the neighbourhood. At present, I cannot see on what basis such an assessment could be made, unless there is information available that I am unaware of.

The demolition, therefore, is inextricably linked to what follows the demolition, i.e. any new construction. Before the latter is studied, commented on and duly approved (construction), the former (demolition) seems to me to be premature.

Would you please acknowledge receipt of this email by return.

Best regards,



**From:** [REDACTED]  
**Sent:** Thursday, February 18, 2021 11:02 AM  
**To:** legal  
**Cc:** Larue, Michel; Rogers, Christopher; Brownstein, Andrew  
**Subject:** 325 Melville - Invalid Permit Application & Invalid Public Consultation Process  
**Attachments:** 325\_Melville\_Presentation\_en\_removed.pdf

Formal Notice - without prejudice

Dear Sir/Madame:

### **A. Introduction**

1. The demolition application for 325 Melville does not comply with By-laws 1317 or 1300 and is, therefore, legally defective and invalid.
2. The current public objection/comment process is, as a result, also invalid. Any consideration of the application by the Demolition Committee is *ultra vires*.
3. Section references below are to By-law 1317, unless otherwise indicated.

### **B. Analysis of the applicable by-laws**

4. By-law 1317 explicitly sets out that the Demolition Committee can only consider a demolition application that meets three conditions:

- (i) it includes a preliminary program,
- (ii) such preliminary program complies with all City by-laws, and
- (iii) all applicable fees have been paid.

Section 12, therefore, explicitly prohibits the Demolition Committee from considering any application that does not meet all of these conditions.

5. Section 12 states:

"The [Demolition] Committee shall not consider an application **unless and until**:

- (1) the applicant submits for the approval of the Committee his preliminary program which shall include, without limitation, such drawings and/or other documents as may be necessary **to establish the conformity of the said program with all applicable by-laws of the City** of Westmount; and
- (2) the applicant pays the fee exigible for the consideration of the application, as prescribed by Subsection 8 of this By-law.

6. Section 1(7) defines a **preliminary program** as a "preliminary program for the reutilization of land vacated as the result of the proposed demolition of any building or buildings".

7. Pursuant to Section 11, the application must also comply with By-law 1300 which explicitly requires that a demolition application include "a complete set of replacement plan [sic] at a scale ¼" = 1'-0" folded in 8½" x 14" and an additional set at a reduced scale format (11" x 17") for posting [publication]."

8. The preliminary program must show what will be built after the demolition, *before* the application is valid and *before* the Demolition Committee is seized of the application and can validly consider it.

9. The demolition and what follows, i.e. the "reutilization" or "replacement plan" (vacant lot, new construction), are inextricably linked - one cannot be approved without the other and no demolition application can be considered without the conditions of Sections 11 and 12 having been met. In other words, where either (A) no preliminary program is submitted, or (B) the submitted program does not comply with the City's by-laws, the application cannot be considered.

See Sections 1(7), 11, 12(1), 13, 15, 21 & 24(1), and By-law 1300, Section 79(7).

10. Section 15 specifically requires as a pre-condition for any publication of a notice that the Demolition Committee be seized of the application: "As soon as the Committee has been seized of the application, [etc.]" See above. Without that condition being fulfilled, no notice can be issued.

11. Finally, under Section 17, PAC cannot consider a demolition application until **after** the Demolition Committee is seized of the application (see above) and **after** the objection period has expired.

### **C. Conclusion of by-law analysis**

12. Faced with an invalid application for demolition, the Demolition Committee is not legally seized of such an application. It must be rejected. The By-law foresees no other options. The provisions cited above are imperative and not "facultatif".

### **D. By-law analysis applied to the demolition application for 325 Melville**

13. The application as currently posted on the City's website contains no preliminary program. A previously posted program, now removed from the website (see attached), does not comply with the City's by-laws. In either case, the legal effect is that the application is invalid, as is any public comment process and any consideration by the Demolition Committee. Such an application cannot be considered by the Demolition Committee, or, for that matter, by PAC.

14. No notice under Section 15 should have been issued for 325 Melville. Instead, upon receipt of the incomplete and invalid application, the **City should have advised the applicant:**

- a) to amend the application to comply,
- b) to apply separately to Council for a SCAOPI approval (such a request cannot be made to the Demolition Committee), or
- c) that the application is invalid and will not be considered.

15. Finally, the attached program, now removed from the City's website, and other demolition applications posted there, suggest that Section 17 is not being complied with. PAC is reviewing such applications before the objection period has expired, indeed, even commenced. This practice needs to be amended to conform to the requirements of By-law 1317.

### **E. Amicable resolution**

I am available to discuss and answer any questions you might have, and would prefer an amicable resolution of the above-enumerated issues prior to any public hearing on March 15th, should it take place.

Kindly confirm receipt of this email by return.

Yours very truly,



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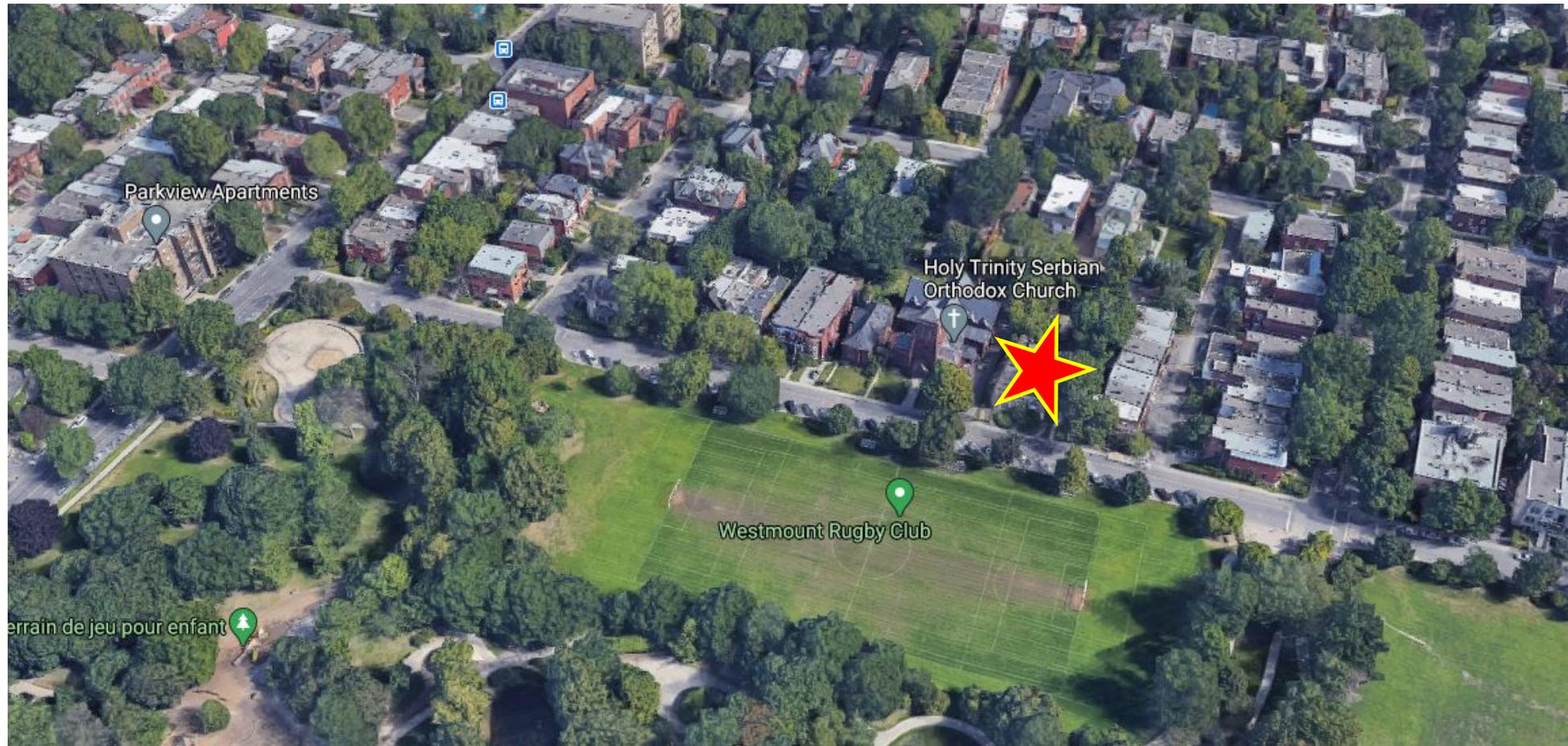
# DEMOLITION – 325 MELVILLE AVENUE

FEBRUARY 2021

## SUMMARY PRESENTATION



# 325 MELVILLE AVENUE



# 325 MELVILLE AVENUE

## Project scope:

- Demolition of a Category 3 building
- Replacement of the existing building with a multi-family residential building
- The replacement programme will be subject to a S.C.A.O.P.I. application following the approval of the demolition application.

ÉGLISE HOLY TRINITY

Année de construction: 1900-1901  
Hauteur du bâtiment: 13,71 m  
Matériaux de construction: Brique et toiture en ardoise



BÂTIMENT VOISIN GAUCHE

309 AVENUE MELVILLE

Année de construction: 1956  
Hauteur du bâtiment: 2 étages  
Matériaux de construction: Brique



BÂTIMENT VOISIN DROITE

# 325 MELVILLE AVENUE

Demolition:

Complete demolition of the original building.



# 325 MELVILLE AVENUE

## Replacement Program – Site Plan



# 325 MELVILLE AVENUE

## Replacement Program



ÉLÉVATION RUE MELVILLE

# 325 MELVILLE AVENUE

## Replacement Program



# 325 MELVILLE AVENUE

## Zoning non-conformities regarding the futur S.C.A.O.Pl. application

### Zoning By-law Assessment (1303)

325 Melville 1 583 411

Zone R3-22-01

Item		Existing	By-law 1303	Proposed	Conformity
Use	Usage	Residential	Residential	Residential	Conforming
Building type	Building type	Multi-family	Two-family	Multi-family	Non-conforming
Number of units	Logements	4	2	6	Non-conforming
Lot area (m <sup>2</sup> )	Superficie du lot (m <sup>2</sup> )	933,9	-	933,9	-
Built area (m <sup>2</sup> ) (max)	Superficie d'implantation du bâtiment (m <sup>2</sup> ) (max)	-	371	370	Conforming
Site coverage ratio (max)	Rapport d'implantation (max)	-	40%	39,80%	Conforming
Greenspace area - total	Superficie verdissement	-	-	271,8	-
Greenspace ratio - front (min)	Taux de verdissement - avant	-	70%	70,7%	Conforming
Greenspace ratio - back (min)	Taux de verdissement - arrière	-	60%	60%	Conforming
F.A.R. (max)	C.O.S. (max)	-	none	1,479	-
Height (max metres)	Hauteur (mètre max)	8.5 (27' 11")	10.668 (35')	10.39 (34'-1 1/4")	Conforming
Height (max floors)	Hauteur (étages max)	2	-	3+1	-
Front Setback (min)	Marge avant	4,69	3.66 (12')	3.66 (12')	Conforming
Rear setback (min)	Marge arrière	x	7.26 (25')	7.26 (25')	Conforming
Side Setback (min)	Marge laterale	7' 8"	7'	8' and 7'	Conforming
Parking (minimum)	Stationnement voiture habitants	12	6 (1/unit)	8 (1.3/unit)	Conforming

## 325 MELVILLE AVENUE

### PAC recommendations:

*The Committee favourably recommends the demolition to the Demolition Committee subject to the approval of the S.C.A.O.P.I. replacement program for the following reasons:*

- *The project concerns the demolition of the former John Cunningham bakery residence and offices (current # 325 Melville) built together with the John Cunningham bakery between 1904-1910 and later extensively modified in use and architecture between 1947-1961 via a contiguous North addition ( # 327 Melville) and exterior brick recladding and painting.*
- *These modifications drastically transformed the aesthetics of the original building to the extent that most of the original building (325 Melville Avenue exterior) and building typology no longer exists;*
- *The existing building is a currently classified as a category III and holds little heritage value. (PAC, December 8, 2020)*

[REDACTED]  
[REDACTED]  
January 18<sup>th</sup>, 2021

To:

City Clerk  
City of Westmount  
4333 Sherbrooke St. W.  
Westmount, Quebec

Regarding demolition application on 325 Melville Avenue posted on a sign on Melville street

Dear Mr. City Clerk:

We live at [REDACTED] the house that is being demolished. The owner tells us that everything is ready to go for a demolition and development at the location of a six unit complex of three stories.

We do not have email so are writing this letter to object to the proposed demolition and development.

The new complex will change our area negatively. It will increase noise and traffic, result in a building that will tower over ours and will reduce our property value, and reduce our privacy due to the balconies [REDACTED]. It will change the character of our neighbourhood, making it more densely populated and crowded.

We would like the City to refuse the permit application until a more harmonious construction proposal is made by the owner of 325 Melville.

Yours very truly,

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, February 16, 2021 8:50 PM  
**To:** legal  
**Subject:** Melville & Lansdowne Demolitions

Hi Andrew,

I trust you and your family are well.

I saw the notices for the two demolitions. I have no objection in general to either demolition, but I was surprised not to see a drawing of the proposed replacement programmes. When will that be available?

And is the one on Melville a PPCMOI? If so, has the procedure been modified? I recall that the first step is a public meeting with a presentation of the replacement programme and the benefits to Westmount.

As I said though, I have no objection to either demolition.

All the best,

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, February 19, 2021 3:14 PM  
**To:** legal  
**Cc:** [REDACTED]  
**Subject:** 325 Melville demolition | letter  
**Attachments:** 20210219\_325 Melville Letter.pdf

Dear City Clerk,

Attached please find a letter in response to the City of Westmount application for the demolition permit for building located at 325 Melville Avenue. A hard copy will be dropped off at 4333 Sherbrooke Street West during business hours.

Respectfully,  
[REDACTED]

[REDACTED]

Sent from my iPhone

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

City Clerk  
City of Westmount  
4333 Sherbrooke Street West,  
Westmount, Quebec  
H3Z 1E2  
e: legal@westmount.org

Friday February 19, 2021

To the City Clerk's Office,

We are writing to oppose the demolition proposed for 325 Melville Avenue on the following grounds:

- Process - The demolition is being evaluated in isolation from the proposed replacement programme in contrast to established precedent and procedure based on the application of Demolition by-law 1317 and further ByLaw 1305.
- As stated in Guideline 1 Demolition of a Character III building is "generally not acceptable but might be considered in certain circumstances". Given that incomplete drawings were initially posted then removed that did not adequately communicate the proposed replacement program the community has not been given sufficient grounds to comment relative to whatever has been presented as supporting the demolition due to 'certain circumstances'.

In the absence of a proposed proposed replacement programme the only responsible position to take is to review and defend the existing construction. In that light please consider these salient points:

- Use – While the building is clearly in need of renewal the current use is a net asset to the community in that it offers rental units of a scale and price accommodating young professionals and young families. Westmount's Planning Program explicitly notes this challenge.

- Viability / Livability – This rental building has been consistently occupied and animated by people of all ages and family structures during our 13 years as neighbours. It is not vacant and it is clearly not derelict if in need of regular maintenance.
- Scale – Despite being a 4 unit building, and as such not meeting current zoning restrictions for single and 2 family homes in this zone - the scale of the existing building harmonizes with the principal characteristics of the zone while accommodating multi family typology.
- Sustainability – Without having access to the future plan for this site, and given that the building's use is clearly viable, it is irresponsible to consider approving the relegation of this mass of materials to landfill. Maintaining a relevant building in use values the physical and energy resources invested in its construction.

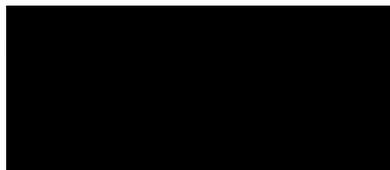
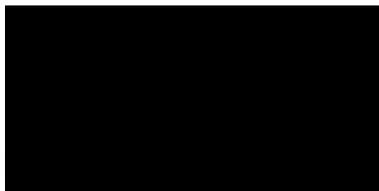
To be clear this is not to say that demolition and development are not potentially the most desirable option.

We would look forward to responsible discussion regarding renewal on this site – a proposal focused on housing diversity, respecting the existing urban fabric of the surrounding neighbourhood and based in the objectives and criteria communicated in the Westmount Planning Programme and By-Laws.

The issue driving opposition lies in the inability of the community/public to make an informed comment or response relative to a proposition that might warrant being considered under 'certain circumstances'.

A vital occupied building is preferable to a site locked in development limbo due to a demolition approval waiting on an unconfirmed approval of an unknown development proposal.

Respectfully,



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Saturday, February 20, 2021 12:01 AM  
**To:** legal  
**Subject:** TR: OPOSITION TO CURRENT AND PROPOSED 325 MELVILLE AVENUE DEMOLITION NOTICE AND IMPLEMENTATION PROCESS

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**Envoyé :** 19 février 2021 23:59  
**À :** legal@westmount.org  
**Objet :** OPOSITION TO CURRENT AND PROPOSED 325 MELVILLE AVENUE DEMOLITION NOTICE AND IMPLEMENTATION PROCESS

Dear Mr Browstein ,

Me and my family are residing at [REDACTED] enue since 2003 , [REDACTED]  
[REDACTED]  
[REDACTED]

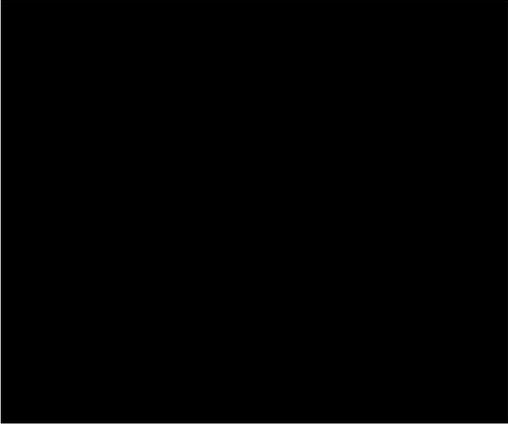
In reference of the above Demolition notice . and as a municipal and land development attorney , I was totally shocked by the current stand taken by the City of Westmount pertaining to the current contemplated implementation of the demolition process .

Based on the pith and substance and the combine interpretation of Westmount by-laws 1317 +1305 and the basic duty to act fairly imposed by Supreme Court of Canada to municipal administration acting in similar matter I would like to inform you that your notification of said demolition is illegal since it is communicated to us the adjacent lots taxpayers in total silo without the right and accurate description on the replacement program , I cannot stay silent on such blatant non respect of the above mentioned by-laws prescriptions and municipal basic consultative process.

Moreover , Please note that as submitted the current demolition application does not meet the minimal conditions and criteria's required in similar circumstances by section 12 since my understanding is that the city has kept us neighbors and adjacent lots residents in total vagueness or absence of sufficient detailed information of what will be built on the land after the demolition , no residents in its right mind would give a blank check and stay silent not knowing what will be decided by the PAC or the Council. In its current state the demolition process cannot go on because it does not respect By-law #1317 , sections 1(& ) ,11, 12 13 ,15 ,21 & 24 as well as by-law 1300 section 79(7) .

For the above mentioned reasons and based on the current dubious application of current PAC review process ,( for instance the unexplainable removal on the City website of the pertinent demolition application ) we are opposed to the proposed demolition project in its current state and we are not excluding the institution of applicable legal proceedings in Superior Court to quashed the above mentioned ultra vires practices .

Finally , I would like reserve my rights to send you a more details on my position in the near future



AVIS DE CONFIDENTIALITÉ : Ce courriel est confidentiel et peut être protégé par le secret professionnel. Si vous n'en êtes pas le destinataire visé, veuillez en aviser l'expéditeur immédiatement et le supprimer.

CONFIDENTIALITY NOTICE: This email is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately and delete it.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, February 19, 2021 6:41 PM  
**To:** legal  
**Subject:** Comments/concerns 325-327 Melville Avenue.  
**Attachments:** Concerns about demolition - 325-327 Melville Street, Westmount, QC H3Z 2J7 - signed.pdf; Contestation pa [REDACTED]  
[REDACTED] - Processed 18-01-2021.pdf; DEMOLITION NOTICE.eml; 327 Melville.eml; 325 Melville - my contact information.eml

Good day,

You may please find attached my formal letter and complementary information to support my concerns regarding the demolition.

Thank you and best regards,  
[REDACTED]

Westmount, Quebec, February 19<sup>th</sup>, 2021

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

City of Westmount  
4333 Sherbrooke St W,  
Westmount, Quebec H3Z 1E2

To whom it may concerned,

Subject: Concerns about proper eviction of the tenants

My name is [REDACTED] and I live currently [REDACTED] and my concern is about the way that the current owner and the owner want to evict us, because I'm not sure if they are proceeding accordingly to the law.

The current owner [REDACTED] has sent us an eviction notice with a bailiff on December 20, 2020 so we have to leave on June 30<sup>th</sup>, 2021. He also sent an email indicating that the building was sold and that the City of Westmount had already granted the demolition permit, but there was not a signed outside of the building and we are still paying the rent to him, so nothing was clear.

Since I have been living in the apartment only for 6 months, I was very upset, I do not agreed the way that he is proceeding, I do not want to look for an apartment during the pandemic, and is stressful to have to move again after a short amount of time. Hence, [REDACTED] a formal complaint with the Tribunal administrative du logement du Quebec, to revise if it was correct of him to send me an eviction notice instead of the new owner and to demanded him the indemnity of at least the 3 months, moving expenses and service reconnection fees. The case is still in review.

[REDACTED] [REDACTED] called me and said that he was the new owner to be, that he would give me more time to move, at least until September and apparently he would pay the indemnity, moving expenses and reconnection fees, but he only said it by the phone and said that would call me again but never did. Eventually, I realized that it would be more difficult to find a new apartment in another date than July 1<sup>st</sup>.....

Now I feel confused, because I believe that if by March 30, 2021 I don't advise to my current owner [REDACTED] that I will leave the apartment, my lease will automatically will renew for another year (until June 30<sup>th</sup>, 2022). And if a certain point the building sale gets formally done, then the new owner [REDACTED] will have to advise me 6 months in advance before my new contract is over (by December 2021) that he will demolish the building and that he has the require permission of the City of Westmount. However, is confusing because I do not know if the new owner will have

the right to make me leave the building when it best fits him or when my lease will actually will finish.

This way, I kindly ask you to provide some guidance in the matter and consider this when deciding when to grant the permit of demolition, because I am sure that all the tenants of the building feel as torn and confuse as me. Therefore, we just want to know that we will be treated it right, accordingly to the law and properly compensate it for this inconvenience during COVID-19 times.

Thank you in advance for your support.

Best regards,

A solid black rectangular redaction box covering the signature of the sender.

**From:** [REDACTED]  
**Sent:** Sunday, December 20, 2020 12:59 PM  
**To:** [REDACTED]  
**Subject:** Re: DEMOLITION NOTICE

FYI

On Sun, Dec 20, 2020 at 10:14 AM [REDACTED] wrote:  
Montreal

December 20, 2020

**By email and by hand**

**TO THE TENANTS OF [325-327 MELVILLE, WESTMOUNT](#)**

**NOTICE PURSUANT TO THE ACT RESPECTING THE ADMINISTRATIVE HOUSING TRIBUNAL**

This is to inform you that the building at [325-327 Melville, Westmount](#) has been sold.

The new owner will be demolishing the existing structure and erecting new residences.

This demolition has been approved by the City of Westmount.

According to Quebec law, six months notice must be given before the expiry of the lease.

Your lease will therefore end on June 30<sup>th</sup>, 2021 or as arranged with the new owner.

Thank you for your cooperation.

Montréal, le 20 décembre 2020

**Par courriel et en personne**

**AU LOCATAIRES DU [325-327 MELVILLE, WESTMOUNT](#)**

**AVIS SELON LOI SUR LE TRIBUNAL ADMINISTRATIF DU LOGEMENT**

La présente est pour vous aviser que l'immeuble situé au [325-327 Melville, Westmount](#) a été vendu.

Le nouveau propriétaire procédera à démolir l'immeuble afin de construire de nouvelles résidences.

Cette démolition a été approuvée par la Ville de Westmount.

En vertu de la loi, six mois d'avis sont requis avant la fin du bail.

Votre bail se terminera donc le 30 juin 2021 ou selon entente avec le nouveau propriétaire.

Merci de votre collaboration



[REDACTED]

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**From:** [REDACTED]  
**Sent:** Sunday, December 20, 2020 3:58 PM  
**To:** [REDACTED]  
**Subject:** 327 Melville

Montreal

December 20, 2020

To tenants of 325-327 Melville :

Further to the mandatory official notice which I sent earlier; please be advised that the sale process may possibly require several months to complete. As such, all rents are to be paid as usual to Emile Subirana until you are notified of where and to whom subsequent rent payments are to be sent.

Thank you again for your cooperation.

Montréal, le 20 décembre 2020

Au locataires du 325-327 Melville :

Suite à l'avis officiel précédent, prenez note que la vente de l'immeuble pourrait prendre plusieurs mois avant d'être finalisée. Entretemps, les loyers devront être payés comme d'habitude à Emile Subirana jusqu'à nouvel ordre.

Merci encore de votre collaboration.

EMILE SUBIRANA

Tribunal administratif  
du logement

Québec

## Demande

Numéro de dossier

Numéro de demande

Codes de recours

## ADRESSE DU LOGEMENT CONCERNÉ

Début du bail

Fin du bail

Loyer mensuel

2020

06

01

2021

06

30

 Durée indéterminée

Année

Mois

Jour

Année

Mois

Jour

## IDENTIFICATION DES PARTIES

## Partie défenderesse 2

 Locateur Locataire Autre

(précisez)

Nom

Prénom

N°

Rue

App.

Municipalité

Code postal

Téléphone (domicile)

Téléphone (travail)

Télécopieur

Courriel

## OBJET DE LA DEMANDE (conclusion recherchée)

Contestation pour l'avis d'éviction. Demande de renouveau du contrat ou demande d'indemnité indiqué par la Régie du logement du Québec (indemnité de trois mois de loyer, frais de déménagement, reconnection des services et dommages).

## MOTIFS DE LA DEMANDE

La première raison pour la contestation à l'avis d'éviction est parce que ça fait seulement [redacted] dans cet appartement, et je suis [redacted] et maintenant je dois commencer à chercher un nouvel appartement avec un endroit et loyer similaire, pendant la pandémie et avec beaucoup de travail dans ma compagnie, je n'ai pas le temps au tété pour ça. En plus, je ne suis pas sûre si le bâtiment va à être vraiment démolie par un nouveau Locateur, parce qu'on n'a pas reçu une avis d'approbation de démolition de la ville de Westmount. Aussi, le actuel locateur nous a averti dans un courriel électronique que la propriété sera vendue, mais ça l'air que l'éviction est illégale (Code Civil article 148) parce que c'est le Nouveau locateur qui doit nos donner l'avis avec 6 mois d'anticipation pour l'éviction pour démolition.

## NOTIFICATION DE LA DEMANDE AUX AUTRES PARTIES

 Lors de sa notification, la demande sera accompagnée des pièces. Lors de sa notification, la demande sera accompagnée de la liste des pièces accessibles sur demande et sans frais aux autres parties.

Date de production

 Avocat Partie(s) demanderesse(s)

2021

01

17

Année

Mois

Jour

2021

01

17

Année

Mois

Jour

Lettres moulées

Signature \*

Code du préposé

\* Je comprends que ma demande est réputée être faite sous serment.

Annexe pour renseignements supplémentaires 

Tribunal administratif du logement

TAL-001-E (2020-09) / DAJ

### RENSEIGNEMENTS SUR LA NOTIFICATION

La partie demanderesse doit, **après la production de la demande au Tribunal administratif du logement**, en notifier une copie à chacune des parties. Lors de la notification, la demande doit être accompagnée des pièces à son soutien ou d'une liste des pièces indiquant qu'elles sont accessibles sur demande. La preuve de la notification ainsi qu'une liste des pièces doivent être déposées au dossier du Tribunal.

Le Tribunal peut refuser de convoquer les parties en audience tant que ces documents (liste de pièces et preuve de notification) ne sont pas déposés au dossier.

Si la preuve de notification de la demande n'est pas déposée dans les **45 jours suivant l'introduction de la demande**, cette dernière est alors périmée et le Tribunal ferme le dossier. Si toutefois vous êtes convoqué à l'intérieur de ce délai, vous devez apporter la preuve de notification à l'audience, si celle-ci n'est pas déjà déposée au dossier. Lors de la transmission de la preuve de notification au Tribunal, indiquez clairement sur chaque document le(s) numéro(s) de dossier(s) ainsi que le nom des parties concernées.

La notification peut être faite par la poste recommandée, par l'huissier de justice, par la remise du document en mains propres par un service de messagerie, par un moyen technologique ou par tout mode approprié qui permet à celui qui notifie de constituer une preuve de la réception du document. Si la partie demanderesse ne réussit pas à notifier selon l'un ou l'autre de ces modes, le Tribunal administratif peut, en tout temps, autoriser un autre mode de notification.

### CHANGEMENT D'ADRESSE

Vous devez aviser, sans délai, le Tribunal et les autres parties de tout changement d'adresse survenant pendant l'instance.

Une partie qui fait ainsi défaut d'aviser de son changement d'adresse ne peut demander la rétractation d'une décision rendue contre elle en invoquant le fait qu'elle n'a pas reçu l'avis d'audition si cet avis a été transmis à son ancienne adresse.

### DÉSISTEMENT

**Le désistement a pour effet de fermer le dossier au Tribunal.**

Je me désiste de la présente demande.

\_\_\_\_\_  
Signature - Partie demanderesse 1

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

\_\_\_\_\_  
Signature - Partie demanderesse 2

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

### ENTENTE

Lorsque les parties concluent une entente, le Tribunal ferme le dossier sur production d'une copie de cette entente signée par les parties à moins que la partie demanderesse ne requière par écrit la suspension du dossier. La demande ne sera alors mise au rôle que si une partie le réclame par écrit.

Lorsqu'une entente est produite ou conclue à l'audience, elle doit être signée par les parties. Le Tribunal peut l'entériner dans la mesure où elle est conforme à la loi auquel cas, elle a les mêmes effets qu'une décision.

Nous, soussignés,  avons convenu de l'entente ci-jointe.  convenons de l'entente suivante :

\_\_\_\_\_  
Signature - Partie demanderesse 1

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

\_\_\_\_\_  
Signature - Partie défenderesse 1

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

\_\_\_\_\_  
Signature - Partie demanderesse 2

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

\_\_\_\_\_  
Signature - Partie défenderesse 2

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

**La production de l'entente a pour effet de fermer le dossier au Tribunal, à moins que la partie demanderesse n'en requière la suspension (voir ci-dessous).**

Suite à cette entente, je requiers la suspension du dossier.

\_\_\_\_\_  
Signature - Partie demanderesse 1

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

\_\_\_\_\_  
Signature - Partie demanderesse 2

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

**À la demande de l'une ou l'autre des parties, les procédures au Tribunal reprendront leur cours.**

Date de production

Code du préposé

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, January 27, 2021 6:21 PM  
**To:** [REDACTED]  
**Subject:** 325 Melville - my contact information

Hi [REDACTED] and [REDACTED],

As discussed I understand the pressures of Covid and the fact that you just moved in and I apologize that you were served by bailiff a few days before Christmas.

I will call you again next week once you've had time to think about our call.

Have a nice evening,

[REDACTED]

## REIDDAR

4710 rue St.Ambroise #215  
Montréal, Qc H4C 2C7

Tel: (514) 400-8957  
[info@reiddar.com](mailto:info@reiddar.com)

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, February 19, 2021 12:01 PM  
**To:** legal  
**Subject:** 325-327 Melville application for demolition  
**Attachments:** HPSCAN\_20210219161228001\_2021-02-19\_161403353.pdf; To whom it may concerned.docx

To whom it may concern,

Please see attached my concerns for granting a permit to [REDACTED] (current owner) or [REDACTED] (new owner) for demolition of the property 325-327 Melville.

Thank you

[REDACTED]  
[REDACTED]

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To whom it may concerned

I live at [REDACTED] My concern about the City of Westmount granting a permit to demolish 325-327 Melville is that I do not believe that [REDACTED] (current owner) and [REDACTED] (owner to be) are concerned of the well being of the tenants at 325-327 Melville. Below are some examples.

1. [REDACTED] (current owner) sent all the tenants of 325-327 Melville an eviction notice on December 20<sup>th</sup> 2020 (see attached) stating that the building was sold and that the City of Westmount has granted him the right to demolish the building. The email is illegal as the City of Westmount never gave permission to demolish and there is no mention of compensation in any of [REDACTED] documents.
2. On January 2021, [REDACTED] spoke to me and said not to worry about the illegal eviction notice from [REDACTED]. [REDACTED] told me that if I wanted to move in October or November 2021 it would be ok. I understand that [REDACTED] wants to collect as much rent as possible. However, there are more apartments available in June. In addition, [REDACTED] was notified by bailiff that his eviction notice is illegal and that I would not vacate the premises. Therefore, [REDACTED]. By law of the Tribunal du Logement, [REDACTED] have to give me six months notice before my lease is up as it is a 12-month lease.
3. I have not received anything in writing from [REDACTED] about compensation due to the eviction
4. [REDACTED] has stopped being a landlord:
  - a. [REDACTED] broke in January 2021 and he has not sent anyone to fix it.
  - b. I know that my neighbour at [REDACTED] has an issue with his dryer which [REDACTED] has not answered his emails about fixing it.
  - c. The front door of 325 Melville is jamming, and no one is fixing the problem.
  - d. Pipes to the sewer need to be fixed as water is coming from city sewer to basement tub and toilet.

Before the City of Westmount grant a permit to [REDACTED] I ask that the City of Westmount make sure that the tenants of 325-327 Melville are going to be compensated accordingly and treated fairly by the old/new owners. I would also ask to have clarifications to the questions below so that all parties (owner and tenants) have a clear understanding of the rules.

1. Our lease: The owner must understand the true due date of the lease at 325-327 Melville.

There are many theories to when the lease is due.

- [REDACTED] sent us an evection notice for June 30<sup>th</sup>, 2021.
- [REDACTED] thinks that October or November 2021 is a more suitable date for him.
- The Tribunal du Logement states that [REDACTED] will have to give me six months notice before the lease is up (as it is a 12-month lease). Therefor June 30<sup>th</sup>, 2022.

2. How is the City of Westmount going to guarantee that [REDACTED] [REDACTED] are going to follow proper protocol on the upkeep the building until the lease ends in June 30<sup>th</sup>, 2022?

- Fixing appliances,
- Pipes connected to sewers need to be fixed as a flood happened on July 8<sup>th</sup>, 2020 and no repairs were done
- Front door is jamming.

3. How is the City of Westmount going to guarantee that [REDACTED] [REDACTED] compensate the tenants of 325-327 Melville in an orderly manner?

- No written documentation has been sent to the tenants of 325-327 Melville by either [REDACTED]

I understand that buildings must be refurbished and that the developer are in it for a profit. However, I am not confident that [REDACTED] [REDACTED] are concerned of the well being of the tenants at 325-327 Melville. I hope that before granting a permit to [REDACTED] [REDACTED] that the City Of Westmount will insure that the tenants of 325-327 Melville will be protected during this difficult time as it is our home that we are being ask to vacate against our will.

Thank you

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** December 20, 2020 10:11 AM  
**To:** [REDACTED]  
**Subject:** DEMOLITION NOTICE

Montreal

December 20, 2020

**By email and by hand**  
**TO THE TENANTS OF 325-327 MELVILLE, WESTMOUNT**  
**NOTICE PURSUANT TO THE ACT RESPECTING THE ADMINISTRATIVE HOUSING TRIBUNAL**

This is to inform you that the building at 325-327 Melville, Westmount has been sold.  
The new owner will be demolishing the existing structure and erecting new residences.  
This demolition has been approved by the City of Westmount.  
According to Quebec law, six months notice must be given before the expiry of the lease.  
Your lease will therefore end on June 30<sup>th</sup>, 2021 or as arranged with the new owner.  
Thank you for your cooperation.

Montréal, le 20 décembre 2020

**Par courriel et en personne**  
**AU LOCATAIRES DU 325-327 MELVILLE, WESTMOUNT**  
**AVIS SELON LOI SUR LE TRIBUNAL ADMINISTRATIF DU LOGEMENT**

La présente est pour vous aviser que l'immeuble situé au 325-327 Melville, Westmount a été vendu.  
Le nouveau propriétaire procédera à démolir l'immeuble afin de construire de nouvelles résidences.  
Cette démolition a été approuvée par la Ville de Westmount.  
En vertu de la loi, six mois d'avis sont requis avant la fin du bail.  
Votre bail se terminera donc le 30 juin 2021 ou selon entente avec le nouveau propriétaire.

Merci de votre collaboration



# Avis d'éviction pour subdivision, agrandissement substantiel ou changement d'affectation d'un logement

Cet avis est donné selon l'article 1960 du Code civil du Québec. Il doit être transmis individuellement à chacun des locataires concernés. Le locateur doit conserver une copie et une preuve de réception de l'avis donné.

## Avis à :

(Nom du locataire)

(Nom du locataire)

(Adresse du logement loué)

## Dans le cas d'un bail à durée fixe :

Vous êtes avisé qu'à l'expiration de votre bail se terminant le 2021 | 06 | 30 , j'entends  
Année Mois Jour

- subdiviser votre logement.
- agrandir substantiellement votre logement.
- changer l'affectation de votre logement :

DEMOLITION

(précisez la nouvelle affectation du logement)

Je vous demande donc de quitter votre logement à l'expiration de votre bail.

## Dans le cas d'un bail à durée indéterminé :

Vous êtes avisé qu'à compter du \_\_\_\_\_ | \_\_\_\_\_ | \_\_\_\_\_ , j'entends  
Année Mois Jour

- subdiviser votre logement.
- agrandir substantiellement votre logement.
- changer l'affectation de votre logement :

(précisez la nouvelle affectation du logement)

Je vous demande donc de quitter votre logement à la date à laquelle l'éviction doit prendre effet.

2020 | 12 | 21  
Année Mois Jour

(Nom du locateur en lettres moulées)

(Signature du locateur)

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

(Nom du locateur en lettres moulées)

(Signature du locateur)

## Accusé de réception, si l'avis est remis au locataire en mains propres

J'accuse réception de cet avis, le :

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

(Nom du locataire en lettres moulées)

(Signature du locataire)

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
Année Mois Jour

(Nom du locataire en lettres moulées)

(Signature du locataire)