

MONTREAL'S SUD-OUEST BOROUGH WILL START IMPOSING A CLIMATE RESILIENCE FACTOR FOR CERTAIN CONSTRUCTION PROJECTS

Posted on November 9, 2022

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New constructions or projects to expand existing buildings by more than 2,000 m²^[1] having 36 or more residential units or that are for non-residential use^[2] will soon be subject to a climate resilience factor (*facteur de résilience climatique* - FRC) in Montréal's Sud-Ouest borough.

These new requirements arise from amendments to the *Urban planning by-law for Sud-Ouest borough* (01-280) adopted by the borough council on October 11. They will have a tangible impact on the way developers design, build and operate their projects.

The by-law defines the FRC as [TRANSLATION] "an indicator that expresses the ratio between the sum of climate resilient surfaces, namely landscaped areas, and the surface of the lot on which they sit." To obtain a building permit, developers will now have to meet the minimum FRC threshold for a given project, which will depend on 1) building coverage ratio, 2) use of the building (residential or other) and 3) whether the project involves a new build or expansion.

The method for calculating the FRC is specified in a new appendix to the by-law, which also specifies landscaping components that can be considered in the calculation. The borough explains that they are weighted based on their environmental benefits.

The by-law amendments also include several rules related to tree planting, cutting and maintenance.

The amendments were endorsed by the borough's Urban Planning Advisory Committee before their adoption and are expected to come into effect in late 2022. Certain permits affected by the amendments will not be issued until then.

The FRC is included in the third phase of by-law amendments aimed at ensuring an environmental transition in the borough. The two previous phases saw the adoption of several other measures since late 2020, including roofing restrictions, higher tree planting quotas for real estate projects, tree-cutting restrictions, mandatory electric charging stations in residential buildings and sustainable parking lots in buildings with 36 or more

residential units.

The Sud-Ouest borough thus follows in the footsteps of the Saint-Laurent borough, which is known for its [environmental leadership](#). We can expect other boroughs to follow suit, as ecological resilience features among the goals listed in [Montréal's 2030 Strategic Plan](#).

[1] Floor area.

[2] These rules will not apply to certain zones identified in the by-law: zones 0415, 0483, 0537, 0557 and 0558.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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