

Bill No. 59
2024

By-law No. CP-

A by-law to provide for the Committee of Adjustment and Consent Authority and to repeal By-law CP-23, as amended.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 44 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, provides for a municipality to constitute and appoint a committee of adjustment;

AND WHEREAS section 45 of the *Planning Act*, as amended, sets out the powers of committee of adjustment with respect to minor variance applications;

AND WHEREAS section 5(1) of the *Planning Act*, as amended, permits Municipal Council by by-law to delegate the authority of a council under section 4 of the Act to a committee of council or to an appointed officer identified by the by-law by name or position occupied;

AND WHEREAS subsection 54(5) of the *Planning Act*, as amended, provides that Municipal Council of a single-tier municipality authorized to give a consent under section 53 may by by-law delegate the authority of the council under section 53 or any part of that authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied, to a municipal planning authority or to the committee of adjustment;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Part 1 – Committee of Adjustment

1.1 Established

The Committee of Adjustment for The Corporation of the City of London is established and constituted pursuant to section 44 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

1.2 Composition

The Committee of Adjustment for The Corporation of the City of London shall be composed of five (5) individuals appointed by Municipal Council.

1.3 Powers – authority – set out – Planning Act

The Committee of Adjustment for The Corporation of the City of London is empowered pursuant to section 45 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and the regulations thereunder to grant minor variances and to change, to extend and/or to enlarge non-conforming uses with respect to the provisions of any Zoning By-law of the municipality that implements the Official Plan for the City of London Planning Area.

Part 2 – Consent Authority

2.1 Established – Director, Planning and Development

The Director, Planning and Development is hereby delegated the authority with respect to the granting of consents provided for under section 54 of the *Planning Act*, R.S.O. 1990, c.P.13 as amended, and the Director, Planning and Development shall act as the “London Consent Authority”.

2.2 Director, Planning and Development – Further Delegation

For the purpose of granting consents in accordance with section 2.1 of this by-law or entering into agreements in accordance with section 2.4, in the absence or vacancy of Director, Planning and Development, The Corporation of the City of London hereby delegates the authority under section 2.1 and 2.4 to the Manager, Current Development.

2.3 Authority to Execute Certificates

The Secretary-Treasurer of the Committee of Adjustment shall be delegated the authority to give a certificate to the applicant stating that the consent has been given pursuant to sections 53(42) of the *Planning Act*, R.S.O. 1990, c.P.13 as amended.

2.4 Authority to Execute Agreements

The Director, Planning and Development, shall be delegated the authority to execute any agreements prepared in accordance with a condition imposed by the London Consent Authority.

Part 3 – Repeal - Enactment

3.1 By-law – previous

By-law No. CP-23, being "A by-law to provide for the Committee of Adjustment and Consent Authority and to repeal By-law CP-7," as amended. is hereby repealed.

3.2 Effective Date

This by-law comes into force and effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024.
Second Reading – February 13, 2024.
Third Reading – February 13, 2024.