

Bill No. 8
2020

By-law No. CP-_____

A by-law to provide for the Committee of Adjustment and Consent Authority and to repeal By-law CP-7, 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 a committee of adjustment with respect to minor variance applications;

AND WHEREAS section 5 of the *Planning Act*, as amended, permits municipal council by by-law to delegate the authority of the Council under section 53 of the *Planning Act* to a committee of council or to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS subsection 54(5) of the *Planning Act*, as amended, provides that Municipal Council may by by-law delegate the authority of the council under section 53 of the Act or any part of that authority to an appointed officer identified in the by-law by name or position occupied 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 5 individual 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 – Committee of Adjustment

The Committee of Adjustment for The Corporation of the City of London, established under section 1.1 of this by-law is hereby delegated the authority with respect to the granting of consents provided for under section 53 of the *Planning Act*, as amended, and the Committee of Adjustment shall act as the “London Consent Authority”.

2.2 Exception, London Consent Authority

Notwithstanding the delegation described in 2.1 of this by-law, The Corporation of the City of London hereby delegates the following specific consent powers, when not in conjunction with lot creation or variances to zoning regulations, to the Director, Development Services, acting as the “London Consent Authority”:

- (a) Lot additions/adjustments
- (b) Mortgages (over a part of a property)
- (c) Leases (over a part of a property when the term totals 21 years or more)
- (d) Rights-of-ways (easements)
- (e) Power of Sale
- (f) Validation of Title

2.3 Director, Development Services – Further Delegation

For the purpose of granting consents in accordance with section 2.2 of this by-law or entering into agreements in accordance with section 2.5, in the absence or vacancy of Director, Development Services, The Corporation of the City of London hereby delegates the authority under section 2.2 to the Manager, Current Planning.

2.4 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) and 53(44) of the *Planning Act*, as amended.

2.5 Authority to Execute Agreements

The Director, Development Services, 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 CP-7 and all of its amendments are hereby repealed.

3.2 Effective date

This by-law comes into force and effect on May 1, 2020.

PASSED in Open Council on December 10, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading – December 10, 2019
Second reading – December 10, 2019
Third reading – December 10, 2019