

Bill No. 185
2020

By-law No. CP-23-20_____

A by-law to amend By-law No. CP-23 entitled "A by-law to provide for the Committee of Adjustment and Consent Authority' to delegate the Consent Authority under section 53 of the *Planning Act, 1990* to the Director, Development Services during the declared emergency under section 4 or 7.0.1 of the *Emergency Management and Civic Protection Act, 1990*, until December 1, 2020..

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 on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protections Act*, R.S.O., 1990, Chapter E.9 related to the Novel Coronavirus (COVID-19);

AND WHEREAS The Corporation of the City of London it is deemed appropriate to pass this by-law;

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

1. Section 2.2, Exception, London Consent Authority, of By-law No. CP-23 is amended by deleting the section in its entirety and by replacing it with the following new section 2.2:

2.2 Exception, London Consent Authority

- a) 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 variance to zoning regulation, to the Director, Development Services, acting as the "London Consent Authority:
- i) Lot additions/adjustments
 - ii) mortgages (over a part of a property)
 - iii) leases (over a part of a property when the term totals 21 years or more)

- iv) Rights-of-ways (easements)
 - v) Power of Sale
 - vi) Validation of Title.
- b) Notwithstanding the delegation described in 2.1 of this By-law, The Corporation of the City of London hereby delegates the authority with respect to the granting of consents provided for under section 53 of the *Planning Act*, 1990, c.P. 13, as amended, to the Director, Development Services, acting as the “London Consent Authority” during the Province of Ontario Declaration of Emergency declared pursuant to section 7.0.1 of the *Emergency Management and Civil Protections Act*, R.S.O., 1990, Chapter E.9 related to the Novel Coronavirus (COVID-19), and until December 1, 2020.
- c) The powers delegated to the Committee of Adjustment under 2.1 of this by-law shall be suspended for the period of the time described in 2.2 b) of this by-law. Notwithstanding this section, the Committee of Adjustment may continue to exercise powers delegated under section 1.3 of this By-law.
2. This by-law comes into force and effect on the day that is passed.

PASSED in Open Council on June 2, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk