

BOARD - COMMITTEE

Chapter 81 COMMITTEE OF ADJUSTMENT CONSENT AUTHORITY

Article 1 DELEGATION OF AUTHORITY

81.1.1 Consent - granting

Article 2 PRACTICE

- 81.2.1 Authority - exercise of
- 81.2.2 Official Policies Plan - to be regarded
- 81.2.3 Application - request for comment
- 81.2.4 Public meeting - by the Committee of Adjustment
- 81.2.5 Decision within 15 days - reasons written
- 81.2.6 Provisional consent - change of conditions - consider
- 81.2.7 Provision consent - change of conditions decision
- 81.2.8 Appeal - copy to Regional Commissioner
- 81.2.9 Declaration - to Regional Commissioner

Article 3 REPEAL

81.3.1 By-law - previous

WHEREAS the Council of the Regional Municipality of Waterloo has by by-law delegated its authority to give consents under section 53 of the

Planning Act, S.O. 1995 to the Council of The Corporation of the City of Kitchener;

AND WHEREAS *City Council deems it desirable to continue to delegate this authority to the Committee of Adjustment.*

Article 1 DELEGATION OF AUTHORITY

81.1.1 Consent - granting

All authority of City Council for the giving of consents under section 53 of the *Planning Act, S.O. 1995* is hereby delegated to the Committee of Adjustment.

Article 2 PRACTICE

81.2.1 Authority - exercise of

The Committee of Adjustment, in exercising the authority delegated by Section 81.1.1 shall comply with the conditions contained in this Article.

81.2.2 Official Policies Plan - to be regarded

The Committee of Adjustment shall ensure consistency with the Official Policies Plan (ROPP) of the Regional Municipality of Waterloo and the Official Plan of the area municipality when considering an application for consent.

81.2.3 Application - request for comment

The Committee of Adjustment shall, at least 14 days prior to a decision, provide a copy of the application, key map, an explanation of the proposal and a request for comments to the Regional Commissioner of Planning and Culture, the Regional Commissioner of Engineering and, where private water supply or private sewage services are proposed, to the Regional Director, Healthy Environments.

81.2.4 Public meeting - by the Committee of Adjustment

The Committee of Adjustment shall, pursuant to clause 53 (4) (a) of the *Planning Act, S.O. 1995*, hold a public meeting pursuant to section 55 of the *Municipal Act, R.S.O 1990, c. M.45*. For the purposes of this delegation by-law, the hearing on the application shall be deemed to be the public meeting. Any person or public body wishing to make an oral presentation shall be given the opportunity.

81.2.5 Decision within 15 days - reasons written

The Committee of Adjustment shall, within 15 days of a decision to approve or refuse a consent application, provide a copy of the decision setting out the conditions of approval, if any, together with written reasons for the decision to the Regional Commissioner of Planning and Culture.

81.2.6 Provisional consent - change of conditions - consider

Despite subsection 53 (23) of the *Planning Act*, S.O. 1995, the Committee of Adjustment shall, 14 days prior to consideration of a decision to change the condition(s) of a provisional consent, provide an explanation of the proposed change to the condition(s) and a request for comments to the Regional Commissioner of Planning and Culture and to the person or public body who may be affected by the change to the condition(s).

81.2.7 Provision consent - change of conditions decision

Despite subsection 53 (24) of the *Planning Act*, S.O. 1995, the Committee of Adjustment shall, within 15 days of a decision to approve or refuse a change to the condition(s) of a provisional consent, provide a copy of the decision to the Regional Commissioner of Planning and Culture.

81.2.8 Appeal - copy to Regional Commissioner

The Committee of Adjustment shall provide the Regional Commissioner of Planning and Culture with a copy of all appeals to the Ontario Municipal Board submitted under subsections 53 (14), 53 (19) and 53 (27) of the *Planning Act*, S.O. 1995.

81.2.9 Declaration - to Regional Commissioner

The Committee of Adjustment shall, where there is no appeal, provide the Regional Commissioner of Planning and Culture with a copy of the Sworn Declaration issued under subsection 53 (22) of the *Planning Act*, S.O. 1995.

Article 3**REPEAL****81.3.1 By-law - previous**

By-law 87-169 [Chapter 81, City of Kitchener Municipal Code] is hereby repealed. By-law 95-11, which amended BY-law 87-169, is hereby repealed. By-law 95-47, 27 March, 1995.