



Consolidated Version

Last revised on January 16, 2024

Revision History:	Passed On:	Description of amendment
2022-074 (original)	June 27, 2022	-
2024-008	January 15, 2024	Add STR Appeals Committee

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-law No. 2022-074

A By-law to constitute a Committee of Adjustment and to delegate consent granting authority and to repeal By-law No. 2001-102

WHEREAS subsection 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 requires that the powers of a municipality be exercised by its Council and subsection 5(3) requires that such powers be exercised by by-law including a capacity, right, power and privilege under section 9 unless specifically authorized to do otherwise; and

WHEREAS the *Planning Act*, R.S.O. 1990, c.P.13 (the "Planning Act") authorizes a municipality to delegate to a committee of adjustment certain responsibilities in addition to the statutory responsibilities under the Planning Act; and

WHEREAS the Planning Act provides that where a lower-tier council is delegated the responsibility for the giving of consents, the council may, in turn, by by-law delegate the authority or any part of such authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment; and

WHEREAS the County of Grey, by County By-law No. 3826-2000, has delegated the responsibility for the giving of consents under section 53 of the Planning Act in respect of land situate in the City of Owen Sound to The Corporation of the City of Owen Sound (the "City"); and

WHEREAS City Council deems it desirable for the members of the Committee of Adjustment to serve as fence viewers under the *Line Fences Act*, a Property Standards Hearing Committee under the *Building Code Act*, and an appeal board regarding the regulation and control of dogs under the City's Dog By-law; and

WHEREAS on June 13, 2001, City Council passed By-law No. 2001-102 to constitute and appoint a Committee of Adjustment and delegate consent granting authority; and

WHEREAS on September 27, 2021, City Council passed Resolution No. R-210927-013 directing staff to bring forward a by-law to amend By-law No. 2001-102 to include a delegation of granting authority for undisputed consents to the Director of Community Services, in consideration of staff report CS-21-120; and

WHEREAS for ease of reference, it is deemed expedient to repeal By-law No. 2001-102 and replace it with the subject by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. The short title of this by-law shall be the "Committee of Adjustment By-law".
2. Pursuant to subsection 44(1) of the Planning Act, a Committee of Adjustment is constituted, which committee shall consist of five (5) members who shall be appointed by City Council from time to time and who shall hold office in accordance with the terms of the Planning Act;

3. Pursuant to subsection 45(3) of the Planning Act, the Committee of Adjustment is empowered to grant minor variances from the provisions of the City's by-laws respecting zoning, holding provisions, bonus provisions, temporary uses and signs;
4. Pursuant to subsection 54(2) of the Planning Act, City Council delegates its consent granting authority under section 53 of the Planning Act to the Committee of Adjustment;
5. Notwithstanding section 4 of this by-law above, pursuant to subsection 54(2) of the Planning Act, City Council delegates its consent granting authority under section 53 of the Planning Act, including powers to grant consents, place conditions on the approval, and modify such conditions of approval, to the Director of Community Services, where the approval is for an undisputed consent as defined in this by-law.
6. An 'undisputed consent' means a consent that:
 - a. is recommended for approval, with or without conditions, by City staff;
 - b. has no unresolved objections or concerns raised during the commenting period from agencies or the public; and
 - c. does not necessitate a minor variance or an amendment to the City's Zoning By-law in force at the time of the application.
7. Delegated approval of an undisputed consent shall be processed by the Secretary/Treasurer of the Committee of Adjustment in accordance with the Planning Act, notwithstanding that a public hearing does not take place.
8. Where the Director of Community Services has determined that a consent has not met the criteria for an undisputed consent in accordance with section 6 of this by-law, the matter shall be referred to the Committee of Adjustment and the delegated authority under section 5 of this by-law shall not apply with respect to such a matter.
9. Notwithstanding the delegated authority under section 5 of this by-law, where the Director of Community Services, the applicant, or the applicant's agent are of the opinion that a review by the Committee of Adjustment is warranted in the circumstances, any one of them may direct that the matter be referred to the Committee of Adjustment and the authority delegated under section 5 of this by-law does not apply with respect to such a matter.
10. The members of the Committee of Adjustment shall, in addition to their duties set out above, act as:
 - a. fence viewers for the City under the *Line Fences Act*;
 - b. a Property Standards Hearing Committee under the *Building Code Act*;
 - c. an appeal board regarding the regulation and control of dogs under the City's Dog By-law in effect from time to time; and
 - d. a Short-Term Rental Appeals Committee regarding the City's Short-Term Rental By-law in effect at the time of the appeal.
11. The members of the Committee of Adjustment shall each be paid a remuneration rate of \$30.00 per meeting attended.

- 12. By-law No. 2001-102 is repealed.
- 13. This by-law shall come into full force and effect upon the final passing thereof at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are amended or repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 27th day of June 2022.

signature on file
Mayor Ian C. Boddy

signature on file
Briana M. Bloomfield, City Clerk