

# THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

## BY-LAW NO. 2020-26

### BEING 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*.

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 Council of the Corporation of the Municipality of East Ferris enacts as follows:

#### **Part 1 - Committee of Adjustment**

##### **1.1 Established**

The Committee of Adjustment for the Corporation of the Municipality of East Ferris 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 Municipality of East Ferris shall be composed of 7 individuals appointed by Municipal Council.

##### **1.3 Powers – authority – set out – Planning Act**

The Committee of Adjustment for the Corporation of the Municipality of East Ferris 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 Municipality of East Ferris Planning Area.

## **Part 2 – Consent Authority**

### **2.1 Established – Committee of Adjustment**

The Committee of Adjustment for the Corporation of the Municipality of East Ferris, 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 “East Ferris Consent Authority”.

### **2.2 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.

### **2.3 Authority to Execute Agreements**

The Manager of Planning and Economic Development, shall be delegated the authority to execute any agreements prepared in accordance with a condition imposed by the East Ferris Consent Authority.

### **2.4 Effective date**

This by-law comes into force and effect on day of passing thereof.

**READ A FIRST AND SECOND TIME** this 11th day of August, 2020.

**READ A THIRD TIME AND FINALLY PASSED** this 11th day of August, 2020.

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Mayor  
Pauline Rochefort

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Clerk  
Monica L. Hawkins