

**Authority:** Item 12, Planning Committee  
Report 22-013 (PED22167)  
CM: August 12, 2022  
Ward: City Wide

**Bill No. 221**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **Delegation of Consent Authority and Constituting a Committee of Adjustment**

**WHEREAS** Sections 50(l)(c) and 53(1) of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to grant Consents;

AND WHEREAS Section 57(1) of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to grant Certificates of Validation;

**AND WHEREAS** Sections 54(2.1), (5) and (7) of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to delegate any part of that power to grant Consents to a Committee of Adjustment or an Appointed Officer;

**AND WHEREAS** Section 44 of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorizes a municipality to constitute a Committee of Adjustment;

**AND WHEREAS** Sections 54(5) and (7) of the *Planning Act* R.S.O. 1990, c-P.13, as amended, authorize the City of Hamilton to delegate the power to grant Consents to an Appointed Officer;

**NOW THEREFORE**, the Council of the City of Hamilton enacts as follows:

1. By-law 07-300, as amended by By-law No. 21-151 are repealed.
2. (1) A Committee of Adjustment for the City of Hamilton, hereinafter “the Committee”, is constituted.
  - (2) Members of the Committee who are members of Council shall be appointed annually.
  - (3) Members of the Committee who are not members of Council shall hold office for the term of Council that appointed them.
  - (4) Notwithstanding Sections 2(2) and 2(3), members of the Committee shall hold office until they are reappointed or their successors are appointed.

3. Members of the Committee shall be compensated for their membership on the Committee as follows:
  - (a) Payment of \$250.00 per meeting attended; and,
  - (b) Reimbursement for mileage costs incurred in accordance with City policy.
  
4. (1) The Committee shall be composed of nine (9) members, who are not Members of Council.
  
- (2) Not less than four (4) members of the Committee shall have knowledge and experience in rural planning and agricultural matters, as determined by Council.
  
5. The Committee shall meet three (3) times/month, or as required, and shall deal with those matters arising from Section 45 of the *Planning Act* R.S.O. 1990, c-P.13, as amended, and arising from a delegation of power under Section 54(5) of the *Planning Act* R.S.O. 1990, c-P113, as amended.
  
6. The Committee shall adopt its own procedures and rules, which shall include the holding of electronic hearings.
  
7. The authority of Council under Section 53 of the *Planning Act* R.S.O. 1990, c-P.13, as amended, is delegated to the Committee.
  
8. The authority of Council under Section 53 and 57 of the *Planning Act* R.S.O. 1990, c-P.13, as amended, is further delegated to the Director of Planning and Chief Planner for the following application types:
  - (a) Consents for Leases over 21 years;
  - (b) Consents for Easements;
  - (c) Consents for Cancellation Certificates; and,
  - (d) Validation Certificates.

**PASSED** this 12<sup>th</sup> day of August, 2022.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk