

CITY OF PORT COQUITLAM

BOARD OF VARIANCE AMENDMENT BYLAW, 2024

Bylaw No. 4356

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as "Board of Variance Bylaw, 1997, No. 3105, Amendment Bylaw, 2024, No.4356".

2. ADMINISTRATION

2.1 That the "*Local Government Act*, RSBC, 1979, c. 290" at the beginning of the Board of Variance Bylaw, No. 3105 be amended to read "*Local Government Act*, RSBC, 2015, Div. 15"

2.2 That section 2 'ESTABLISHMENT' is amended by replacing the existing section, with the following:

"ESTABLISHMENT

Pursuant to section 537 of the *Act* a Board of Variance is hereby established. The Board shall consist of those persons appointed in accordance with the *Act* and the members of the Board shall elect one of their members as Chair."

2.3 That the following 'DEFINITIONS' section be added to the Bylaw as a new section 3 and the remaining sections be re-numbered:

DEFINITIONS

In this By-law:

Appellant means a person who has filed a Board of Variance application with the Secretary;

Board means the Board of Variance members appointed for the Corporation of the City of Port Coquitlam;

City means the Corporation of the City of Port Coquitlam;

Chair means the Chair of the Board of Variance, elected by its members; and

Secretary means the Secretary to the Board of Variance;"

2.4 The following 'BOARD MEMBERS' section is added as a new section after the 'ESTABLISHMENT' section and the remaining sections be re-numbered:

"4. BOARD MEMBERS

- a) A board member must abstain from voting in respect to an application where they have a conflict of interest (ie. they are the applicant or a neighbour of the property stated in the application).
- b) Board members not present (either in person or participating electronically) during a hearing must not participate in the decision with respect to an application (ie. no proxy vote).
- c) A board member who abstains from voting will be shown in the minutes as voting in the affirmative."

2.5 That the heading of section 5. 'NOTICE OF APPLICATION AND APPLICATION FEE' is amended to read 'BOARD OF VARIANCE APPLICATION'.

2.6 Clause b) i) and ii) and c) under 'BOARD OF VARIANCE APPLICATION' heading is removed and replaced with the following:

- "b) The application will be accompanied by the application fee as determined in the City's current Fees and Charges Bylaw. The application fee will be non-refundable if a review of the application has been initiated."

and the remaining clauses be renumbered.

2.7 The following clauses are added to the 'DECISION' section:

- "d) The Board must not re-hear an appeal covering the identical grounds or principles upon which the Board has previously rendered a decision.
- e) A decision of the Board is final, and may only be over-turned by the Supreme Court of Canada as permitted under the *Act*."

2.8 The following 'SEVERABILITY' section is added as a new section after the 'DECISION' section and the remaining section is re-numbered:

