

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:

“SEVERABILITY

If any part, section, subsection, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such a decision does not affect the validity of the remaining portions of this Bylaw.”

READ A FIRST TIME this _____ day of _____, 2024

READ A SECOND TIME this _____ day of _____, 2024

READ A THIRD TIME this _____ day of _____, 2024

Mayor

Corporate Officer