



If this information is required in an alternate format, please contact the Accessibility Co-ordinator at 905-623-3379 ext. 2131

The Corporation of the Municipality of Clarington By-Law 2021-009 Office Consolidation

Being a by-law to constitute and appoint a Committee of Adjustment for the Municipality of Clarington pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended.

Passed, by Council, on: January 18, 2021

Consolidated as of: December 18, 2023

Amendments:

Amending By-law	Date	Amendment Details
2023-073	December 18, 2023	Replace Section 2 Amend Section 5 Add Section 11.1

Disclaimer:

The following consolidated by-law is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The Municipality of Clarington does not warrant the accuracy of this electronic version.

Official versions of all By-laws may be obtained from the Municipal Clerk's Division.

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2021-009

Being a by-law to constitute and appoint a Committee of Adjustment for the Municipality of Clarington pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended.

Whereas Section 44(1) of the Planning Act provides that if a municipality has passed a by-law under section 34, the council of the municipality may by by-law constitute and appoint a Committee of Adjustment;

And whereas Council passed Resolution #GG-230-20, arising out of Report CLD-011-20, to authorize remote participation for local board meetings;

And whereas Council deems it necessary to approve a Committee of Adjustment By-law to allow the Committee of Adjustment to participate electronically in meetings and establish updated provisions as described in PDS-006-21;

And whereas the Resolution #GG-230-20 directed that the Terms of Reference for all Council Advisory Committees be amended to allow for electronic participation up to, and including, all members and members of the public;

Now therefore the Council of the Municipality of Clarington enacts as follows:

1. That the Committee of Adjustment appointed by Council pursuant to Town of Newcastle By-law 83-83 Town of Newcastle is hereby continued.
2. The Committee of Adjustment shall be composed of seven (7) persons appointed by Council.
3. The members of the Committee of Adjustment who are not members of a municipal council shall hold office for the term of the Council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.
4. Members of the Committee of Adjustment shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his or her term, the Council shall appoint another eligible person for the unexpired portion of the term
5. In accordance with Section 44(5) of the Planning Act, Three members of the Committee of Adjustment shall constitute a quorum.
6. The members of the Committee of Adjustment shall elect one of themselves as chair, and, when the chair is absent through illness or otherwise, the Committee

may appoint another member to act as acting chair.

7. The Committee shall appoint a secretary-treasurer who shall be an employee of the Municipality.
8. The members of the Committee of Adjustment shall be paid such compensation as Council may provide from time to time.
9. The secretary-treasurer shall keep on file minutes and records of all applications and the decision thereon, and of all other official business of the Committee.
10. The Committee of Adjustment, upon the application of the owner of any land, building or structure affected by any by- law as passed pursuant to Section 34 or 38 of the Planning Act, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other act, authorize such minor variance from the provisions of the by- law in respect of the land, building or structure or the use thereof, as in its opinion, is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee, the general intent and purpose of the by- law and of the Clarington official plan, are maintained.
11. In addition to its powers under section 9, the Committee of Adjustment, upon any such application,
 - a. where any land, building or structure on the day the by-law under section 34 or 38 of the Planning Act was passed, was lawfully used for a purpose prohibited by the by- law, may permit:
 - i. the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the Committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the date the by-law was passed; or
 - ii. the use of such land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the date the by-law was passed, or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the date the by-law was passed, if the use for a purpose prohibited by the by- law or another use for a purpose previously permitted by the Committee continued until the date of the application to the Committee, or
 - b. where the uses of lands, buildings or structures permitted in the by-law under section 34 or 38 of the Planning Act are defined in general terms, may permit the use of any land, building or structure for any purpose that in the opinion of the Committee, conforms with the uses permitted in the by-law.

- 11.1 That the Committee of Adjustment be delegated the functions of Council pursuant to subsection 54(2) with respect to applications made for the giving of consents under Section (5) of the Planning Act, R.S.O. 1990, cP13, as amended.
12. A member of the Committee of Adjustment can participate electronically in a meeting.
13. A member of the Committee of Adjustment who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time, and the member can participate electronically in a meeting that is open or closed to the public.
14. The following by-laws are repealed: 83-83, 86-8, 89-223, 92-1, 95-7, 98-7, 99-158, 2000-04, 2001-006, 2004-015, and 2007-027.
15. That this by-law shall come into force and effect on the date of its passing.

Passed in Open Council this 18th day of January, 2021.

ORIGINAL BY-LAW SIGNED