

Complete Application Delegation & Acceptance By-law

CP-1470-218 - Consolidated February 28, 2011

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**OFFICE CONSOLIDATION
INCLUDING AMENDMENT C.P.-1470(b)-81 (Feb 28/11)**

Bill No. 255
2008

By-law No. C.P.-1470-218

A by-law to delegate the authority to require an applicant to provide information and material in support of the various *Planning Act* applications

COMMUNITY PLANNING

WHEREAS subsections 22(5), 34(10.2), 51(18), and 53(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits Municipal Council or the Approval Authority or the Consent Authority to require a person or public body to provide information and material that it considers it may need, but only if the official plan contains provisions relating to the requirements;

AND WHEREAS the Municipal Council adopted Official Plan Amendment 430 by way of By-law No. C.P.-1284(on)-261 passed on November 5, 2007, to amend Chapter 19 – Implementation of the Official Plan;

AND WHEREAS Official Plan Amendment 430 is in full force and effect;

AND WHEREAS subsections 22(6.1), 34(10.4) and 51(19.1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, requires that Municipal Council or the Approval Authority shall, within 30 days, notify an applicant whether or not the information and material required by the Municipal Council or the Approval Authority has been provided, or not provided, as the case may be;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that Municipal Council is authorized to delegate its powers and duties under this or any other Act to a person or body subject to any restrictions set out;

AND WHEREAS the purpose of requiring applicants to provide information or material that Municipal Council or the Approval Authority, as the case may be, considers it may need, is to provide a basis for sound land use planning decisions, to make informed decisions within the prescribed period of time, and to ensure that the public and other stakeholders have access to the relevant information earlier in the planning process;

AND WHEREAS Municipal Council has deemed it advisable to delegate by by-law certain powers to the City Planner of Planning and Development with respect to determining whether any information or material other than information and material prescribed by the *Planning Act*, may be needed to accept an application under sections 22, 34, 41, and 51 of the Act;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

SHORT TITLE

COMPLETE APPLICATION DELEGATION AND ACCEPTANCE BY-LAW

**PART 1
DEFINITIONS**

1. Definitions:

“the Act” shall mean the *Planning Act*, R.S.O. 1990, c. P.13, as amended

“applicant” shall mean:

- (i) a person or public body requesting Council to amend the Official Plan of The Corporation of the City of London under section 22 of the Act;
- (ii) a person or public body applying to Council to amend the Zoning By-law, Z.-1, under section 34 of the Act;

- (iii) an owner of land applying for approval of a plan of subdivision under section 51 of the Act;
- (iv) an owner of land applying for a consent to register under section 53 of the Act; or
- (v) a person who owns the freehold or leasehold estate of the land described in the description, applying for approval of a plan of condominium under section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended

“application” shall mean:

- (i) a request or requests to amend the Official Plan of The Corporation of the City of London under section 22 of the Act;
- (ii) an application or applications to amend the Zoning By-law, Z.-1, under section 34 of the Act;
- (iii) an application or applications for approval of a plan of subdivision under section 51 of the Act;
- (iv) an application or applications for approval of a plan of condominium under section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended; or
- (v) an application for a consent to register under section 53 of the Act

“Approval Authority” shall mean the appointed officer or officers delegated by by-law passed by Municipal Council from time to time, to be responsible to approve plans of Subdivision including plans of condominium pursuant to section 51 of the Act and section 9 of the *Condominium Act*, 1998, S.O. 1998, c. 19, as amended

“City Planner” shall mean the person who holds the position of City Planner for The Corporation of the City of London

“Consent Authority” shall mean the appointed officer or officers delegated by by-law passed by Municipal Council in respect of the granting of consents to register under Section 53 of the Planning Act

“Council” shall mean the Municipal Council of The Corporation of the City of London

“Manager of Community Planning and Urban Design” shall mean the person who holds the position of Manager of Community Planning and Urban Design for the Corporation of the City of London

“Manager of City Planning and Research” shall mean the person who holds the position of Manager of City Planning and Research for the Corporation of the City of London

“Manager of Development Planning” shall mean a person who holds a position of Manager of Development Planning for the Corporation of the City of London

“Director of Development Planning” shall mean the person who holds the position of Director of Development Planning for the Corporation of the City of London

“Section 19.16” shall mean Section 19.16 of the Official Plan of The Corporation of the City of London, as adopted by Municipal Council as Official Plan Amendment No. 430, and including any amendments thereto

PART 2 DELEGATION OF ACCEPTANCE OF APPLICATION AUTHORITY

2.1 Acceptance Authority – City Planner – General Powers

Upon coming into force of this by-law, the City Planner has in lieu of Council the powers and rights in respect of the authority delegated by this by-law, and the City Planner shall be responsible for all matters pertaining thereto subject always to the terms and limitations of this by-law and in exercising this by-law may affix his signature as required to all documents arising from or connected with the operation of this by-law.

2.2 Acceptance Authority – City Planner – Specific Powers

The Council hereby delegates to the City Planner the authority:

- (a) to determine the information or material provided for in Section 19.16 required from an applicant, other than the information or material prescribed by the Act, that he may need to accept an application under section 22 or 34 of the Act;
- (b) to require the applicant to provide the information or material determined by the City Planner, other than the information or material prescribed by the Act, that he may need to accept an application under section 22 or 34 of the Act;

- (c) to refuse to accept an application under section 22 or 34 of the Act until the City Planner has received the information or material required by him other than the information or material prescribed by the Act, if any, and any fee under section 69 of the Act;
- (d) to notify the applicant in writing within 30 days that the applicant pays any fee under section 69 of the Act, that the information and material required by the City Planner, if any, in respect of an application under section 22 or 34 of the Act, other than the information or material prescribed by the Act, has been provided, or that they have not been provided, as the case may be; and
- (e) within 15 days after the City Planner gives notice to the applicant that the information and material required by the City Planner, if any, has been provided, to:
 - (i) give the prescribed persons and public bodies, in the prescribed manner, notice of the application under section 22 or 34 of the Act, accompanied by the prescribed information; and
 - (ii) make the information and material provided by the applicant available to the public.

2.3 Acceptance Authority – City Planner – Request to Review Requirement

The City Planner may, at his sole discretion, review the requirement for information or material other than the information or material prescribed by the Act, to accept an application under sections 22 or 34 of the Act, upon delivery of a written request by the applicant to the City Planner within 10 business days of the date of delivery of the notice referred to in section 2.2 above. This by-law in no way derogates the time limitation periods for a motion re dispute as provided for in subsections 22(6.2) and 34(10.5) of the Act.

PART 3 LIMITATION OF DELEGATION OF AUTHORITY

3.1 Acceptance Authority – City Planner – Limitation of Powers

The authority delegated to the City Planner or his designate is limited to the acceptance of an application under section 22 or 34 of the Act. The Council reserves to it:

- (a) the authority to determine whether it may need any other information or material provided for in Section 19.16, if any, other than information or material prescribed by the Act, after acceptance of an application by the City Planner under section 22 or 34 of the Act;
- (b) the authority to require the applicant to provide the information or material determined by the Council, if any, other than the information or material prescribed by the Act, after acceptance of an application by the City Planner under section 22 or 34 of the Act; and
- (c) the authority to refuse to further consider the application under section 22 or 34 of the Act until the Council has received from the applicant the information and material required by the Council.

PART 4 DELEGATION OF ACCEPTANCE OF APPLICATION AUTHORITY IN CITY PLANNER'S ABSENCE

4.1 Acceptance Authority – City Planner Absence

When the City Planner is absent or his office is vacant then either the Director, Land Use Planning or Director of Development Planning and when they are absent or their respective offices are vacant, then the Manager of Community Planning and Urban Design, or the Manager of City Planning and Research or a person who holds the position as a Manager of Development Planning shall act in the place and stead of the City Planner under this by-law and while so acting has and may exercise all the rights, powers and authority of the City Planner as delegated by this by-law subject to the same responsibilities and limitations set out in this by-law.

PART 5 CONFIRMATION OF DELEGATION OF AUTHORITY OF APPROVAL AUTHORITY TO REQUIRE INFORMATION OR MATERIAL

5.1 Acceptance Authority – Approval Authority

This by-law confirms the authority delegated by the Council to the Approval Authority under By-law CP-17, or any successor by-law, to approve plans of subdivision including plans of condominium under section 51 of the Act, including the authority:

- (a) to determine the information or material provided for in Section 19.16 required by the Approval Authority from an applicant, other than the information or material prescribed by the Act, to accept an application under section 51 of the Act;

- (b) to require the applicant to provide the information or material determined by the Approval Authority, if any, other than the information or material prescribed by the Act, that it may need to accept an application under section 51 of the Act;
- (c) to refuse to accept an application or further consider an application under section 51 of the Act until the Approval Authority has received the information or material required by it, if any, other than the information or material prescribed by the Act, and any fee under section 69 of the Act;
- (d) to notify the applicant in writing within 30 days that the applicant pays any fee under section 69 of the Act, that the information and material required by the Approval Authority, if any, other than the information or material prescribed by the Act, has been provided, or that they have not been provided, as the case may be; and
- (e) within 15 days after the Approval Authority gives notice that the information and material required by it, if any, has been provided, to:
 - (i) give the prescribed persons and public bodies, in the prescribed manner, notice of the application under section 51 of the Act, accompanied by the prescribed information; and
 - (ii) make the information and material provided by the applicant available to the public.

**PART 6
CONFIRMATION OF DELEGATION OF AUTHORITY OF
CONSENT AUTHORITY TO REQUIRE INFORMATION OR MATERIAL**

6.1 Acceptance Authority – Consent Authority

This by-law confirms the authority delegated by the Council to the Approval Authority under By-law CP-7, or any successor by-law, to give consents to register under section 53 of the Act, including the authority:

- (a) to determine the information or material provided for in Section 19.16 required by the Consent Authority, if any, other than the information or material prescribed by the Act, to accept an application under section 53 of the Act;
- (b) to require the applicant to provide the information or material determined by the Consent Authority, if any, other than the information or material prescribed by the Act, that it may need to accept an application under section 53 of the Act;
- (c) to refuse to accept an application or further consider an application under section 53 of the Act until the Consent Authority has received the information or material required by it, if any, other than the information or material prescribed by the Act and any fee under section 69 of the Act.

**PART 7
MISCELLANEOUS**

7.1 Notice

Any notice required under this by-law shall be given to the applicant in writing by regular letter mail and shall be deemed to be given within 7 business days of the date of the notice.

7.2 Gender

In this By-law the words “he”, “him” or “his” shall have the same meaning as the words “she”, “her” or “hers”.

7.2 Effective Date

This by-law comes into force and effect on the date that it is passed.

Passed in Open Council on May 12, 2008

Anne Marie DeCicco-Best
Mayor

Kevin Bain
City Clerk

First Reading – May 12, 2008
Second Reading – May 12, 2008
Third Reading – May 12, 2008