

**VILLAGE OF PEMBERTON
BYLAW No. 907, 2021**

A bylaw to amend Village of Pemberton Board of Variance Bylaw No. 893, 2021

The Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

PART 1: CITATION

1.1 This bylaw may be cited for all purposes as the “Village of Pemberton Board of Variance Bylaw No. 893, 2021, Amendment (Fees) Bylaw No. 907, 2021”.

PART 2: APPLICATION

2.1. Village of Pemberton Board of Variance Bylaw No. 893, 2021, is amended as follows:

a) **PART 6 PROCESS AND FEES** is amended by:

i. In section 3.1,

(a) inserting the following new definitions:

“Application” means an application of appeal to the Board of Variance.

“Applicant” means a person who has submitted an application of appeal to be heard by the Board of Variance, or their authorized agent.

(b) inserting the term “Building Official” and definition as follows:

“Building Official” means the person appointed to this role for the Village and their designate.

and

(c) striking out the term “Manager of Development Services” and replacing it with the term “Manager”;

ii. striking out section 3.2 and inserting the following in its place:

3.2 Unless otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Local Government Act, Community Charter, or Interpretation Act.*;

iii. striking out section 6.2 and inserting in its place the following:

6.2. The *Manager* may

- a) prescribe the form and content of an application form, and
- b) determine if an application is complete.;

iv. striking out section 6.3 and inserting the following in its place:

6.3. A person desiring to be heard by the *Board* must submit to the *Manager*

- a) a completed application, signed by the *applicant*,
- b) all required supporting documents, and
- c) the non-refundable application fee.;

v. striking out section 6.4 and inserting it its place the following:

6.4. A person desiring to be heard by the *Board* under section 544 of the *Local Government Act* based on a determination of value made pursuant to section 532 (1) of the *Local Government Act* must submit to the *Manager* an *application* no later than thirty (30) days after being advised in writing of such determination.;

vi. inserting a new section 6.5 as follows:

6.5 Fees, charges, and deposits for services that may be or are provided under this Bylaw shall be charged as set out in Village of Pemberton Fees and Charges Bylaw No. 905, 2021.;

vii. inserting new sections 6.6, 6.7, 6.8, and 6.9 as follows:

6.6. The non-refundable application fee is the minimum fee payable.

6.7. If the *Manager* determines that the cost to process an *application* exceeds or may exceed the application fee, costs exceeding the application fee shall be recovered from the *applicant* based on actual staff and contractor costs incurred in processing the application.

6.8. The *Manager* may, at any stage of the application review, require the *applicant* to pay a deposit based on the *Manager's* estimate of the cost of processing the application.

6.9. The *Manager* may withhold review of an *application* if the *applicant's* account is in arrears.;

viii. in section 8.2, striking out the second sentence;

ix. Inserting a new section 8.3 as follows:

In the absence of the *Chair*, and if the *Chair* has not appointed an Acting Chair, the remaining members may appoint one or the other as an Acting Chair for the duration of the hearing.;

x. in section 8.4, striking out the word "Municipality" and inserting in its place the word "Village";

xi. in section 8.5, replacing the reference to Section 8.3 with a reference to section 8.4; and

xii. in section 9.2, striking out the term "Building Inspector" and inserting in its place the term "Building Official."

READ A FIRST TIME this 21st day of September, 2021.

READ A SECOND TIME this 21st day of September, 2021.

READ A THIRD TIME this 21st day of September, 2021.

ADOPTED this 5th day of October, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer