

# ***ELECTORAL AREA A BOARD OF VARIANCE BYLAW CONSOLIDATED***

**THIS IS A CONSOLIDATION, FOR REFERENCE PURPOSES, OF:**

- “Greater Vancouver Regional District Electoral Area A Board of Variance Bylaw Number 1102, 2008”. *(Adopted November 28, 2008)*
- “Greater Vancouver Regional District Electoral Area A Board of Variance Amending Bylaw No. 1166, 2012”. *(Adopted April 13, 2012)*

As of April 13, 2012

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BOARD AND INFORMATION SERVICES, METRO VANCOUVER

## GREATER VANCOUVER REGIONAL DISTRICT

### BYLAW NUMBER 1102, 2008

A bylaw to continue the Board of Variance and set out procedures to be followed by the Board of Variance

WHEREAS the Board of Directors of the Greater Vancouver Regional District has adopted a zoning bylaw that applies to a defined portion of Electoral Area A;

AND WHEREAS pursuant to section 899(1) of the *Local Government Act*, a local government that has adopted a zoning bylaw must, by bylaw, establish a Board of Variance;

AND WHEREAS pursuant to section 900(3) of the *Local Government Act*, the bylaw establishing a Board of Variance must set out the procedures to be followed by the Board of Variance;

NOW THEREFORE the Board of Directors of the Greater Vancouver Regional District, in open meeting assembled, enacts as follows:

#### Citation

1. The official citation for this Bylaw is "Greater Vancouver Regional District Electoral Area A Board of Variance Bylaw Number 1102, 2008."
2. This Bylaw may be cited for all purposes as the "Board of Variance Bylaw."

#### Definitions

3. In this Bylaw:
  - (a) "GVRD" means Greater Vancouver Regional District;
  - (b) "Board" means the Board of Directors of the GVRD;
  - (c) "Corporate Secretary" means the corporate secretary of the GVRD; and
  - (d) "Secretary" means the secretary of the Board of Variance.

#### Continuation of Board

4. The Board of Variance, established by previous bylaw of the GVRD, is continued and its members will consist of those persons appointed in accordance with the *Local Government Act*.

#### Secretary

5. The Corporate Secretary or the Corporate Secretary's designate will be Secretary.
6. The Secretary will carry out the duties assigned under this Bylaw and by the Board of Variance.

### **Application Procedures**

7. A person may apply to the Board of Variance by:
  - (a) filing with the Secretary a written application that is signed by the applicant and that contains:
    - (i) the grounds on which the application is based;
    - (ii) the relief sought;
    - (iii) the legal description and civic address of the property that is the subject of the application;
    - (iv) a site plan indicating the requested variance;
    - (v) the address to which the notice of the hearing is to be mailed; and
    - (vi) any other information that the applicant intends to present to the Board at a hearing; and
  - (b) paying a non-refundable \$300.00 application fee.
8. The Secretary must notify the Chair as soon as practicable upon receipt of an application.
9. The Chair must appoint a time and place for the Board of Variance to conduct a hearing of the application.

### **Notices**

10. At least 10 days before the date set for a hearing, the Board of Variance, through the Secretary, must mail or deliver a notice of the hearing to the last known address of the following persons:
  - (a) the applicant;
  - (b) the owners and any tenants in occupation of the land that is the subject of the application;
  - (c) the owners and any tenants in occupation of the land that is adjacent to the land that is the subject of the application;

(d) the owners and any tenants in occupation of land that is within 200 metres of the land that is the subject of the application; and

(e) the GVRD's Building Inspector.

11. A notice of a hearing must state the:

(a) subject matter of the application; and

(b) the date, time and place where the application will be heard.

### **Conduct of Hearing**

12. The quorum for the Board of Variance is a majority of its members.

13. If a quorum is not present within 15 minutes after the scheduled time of a hearing, then the hearing will be deemed to have been cancelled and the Chair must appoint a new time and place for the Board of Variance to conduct a hearing of the application.

14. The Board of Variance, in its discretion, may:

(a) accept evidence that is unsworn, oral, written or hearsay; or

(b) before evidence is presented at a hearing, direct that:

(i) oral evidence will only be allowed from witnesses who first take an oath or affirmation in the same manner as witnesses at a civil trial in the Supreme Court of British-Columbia; and

(ii) written evidence will only be allowed if it is verified by affidavit.

15. The Board of Variance may receive written submissions and hear oral submissions only during a regularly constituted hearing.

16. The Board of Variance must permit evidence and arguments to be presented at a hearing in the following order:

(a) the applicant;

(b) all other parties with an interest in the application in the sequence directed by the Chair until all such parties have been given a reasonable opportunity to present their evidence and arguments.

17. The Board of Variance may view the land that is the subject of the application and adjacent land.

*Replaced by  
Bylaw 1166,  
2012*

18. An applicant may request an adjournment of the hearing, provided that the applicant notifies the Secretary of such request prior to the hearing.
19. The Board of Variance may adjourn the hearing from time to time at the applicant's request or if the Board of Variance requires further information or otherwise as the Board of Variance may deem advisable and the Board of Variance may reconvene the hearing without further published notice if the time, date and place of reconvening are announced at the hearing before it is adjourned.
20. A person appearing before the Board of Variance may be represented by legal counsel.
21. The Secretary must record and keep minutes of the Board of Variance's proceedings.
22. The minutes of the Board of Variance's proceedings must be signed by the Chair or member of the Board of Variance appointed as Acting Chair to preside in the absence of the Chair.

### **Decisions**

23. The Board of Variance may proceed to decide an application if the applicant fails to appear at the hearing.
24. The decision of the Board of Variance to either grant or deny an order must be made by a motion adopted by the majority of the Board of Variance members present at the hearing.
25. All members of the Board of Variance are voting members and any member of the Board of Variance who abstains from voting will be deemed to have voted in favour of the motion.
26. In the event that the members of the Board of Variance are equally divided in their votes for and against a motion, it will be disposed of in the negative.
27. Decisions of the Board of Variance must be filed with the Secretary and available for public inspection at the GVRD's office located at 4330 Kingsway, Burnaby, British Columbia during normal business hours.
28. The Secretary must forward a copy of the Board of Variance's decision to:
  - (a) the applicant;
  - (b) the owners and any tenants in occupation of the land that is the subject of the application;
  - (c) the owners and any tenants in occupation of the land that is adjacent to the land that is the subject of the application;

- (d) the owners and any tenants in occupation of land that is within 200 metres of the land that is the subject of the application;
- (e) the GVRD's Building Inspector; and
- (f) any other person indicated by the Board of Variance.

**Repeal**

29. "Electoral Area A Board of Variance Bylaw No. 857, 1997" and "Greater Vancouver Regional District Electoral Area A Board of Variance Amendment Bylaw No. 953, 2000" are repealed upon adoption of this Bylaw.