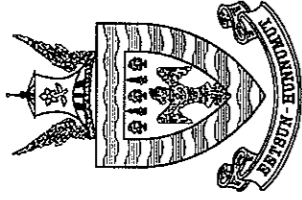


DISTRICT OF NORTH SAANICH



BOARD OF VARIANCE

BY - LAW

BY-LAW NO. 503

CONSOLIDATED FOR CONVENIENCE ONLY

JUNE, 1993

The amending by-laws which have been consolidated into "District of North Saanich Board of Variance By-law No. 503 (1986)" are as follows:

579, 742

as on June 15, 1993.

DISTRICT OF NORTH SAANICH BOARD OF VARIANCE BY-LAW

CONSOLIDATION

This consolidation of the District of North Saanich Board of Variance By-law and amendments has been prepared exclusively for the use of the District of North Saanich for convenience only.

The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original By-laws.

DISTRICT OF NORTH SAANICH

BY-LAW NO. 503

BEING A BY-LAW RESPECTING THE BOARD OF VARIANCE

WHEREAS the Municipal Amendment Act (1985) has instituted a number of changes to the enactments relating to Boards of Variance;

NOW THEREFORE the Municipal Council of the District of North Saanich in open meeting enacts as follows:

1. By-law No. 289 being "District of North Saanich Board of Variance By-law (1979)" is hereby repealed and the following by-law cited as "District of North Saanich Board of Variance By-law (1986)", enacted in its place;
2. There is hereby established for the District of North Saanich, a Board of Variance composed of three persons appointed in the manner prescribed by Section 961 of the Municipal Act as amended from time to time;
3. The jurisdiction of the Board of Variance shall be as prescribed in Section 962 of the Municipal Act as amended from time to time;
4. The Board of Variance shall meet on a regular basis once a month in the Municipal Hall Council Chambers at a date and time set by the Chairman, except that where there are no appeals or other matters to be considered by the Board, the meeting shall be cancelled;
5. A majority of the Board is a quorum;
6. The procedures to be followed by the Board of Variance, including the manner by which appeals are to be brought and notices are to be given shall be as follows:
BL 579
BL 742
 - (a) (i) Any person desiring to appeal to the Board of Variance shall file a written notice of appeal with the Municipal Clerk, who shall convey the document to the Chairman of the Board of Variance;

(ii) The notice shall state clearly the grounds upon which the appeal is based, shall give an address to which all notices may be mailed, and shall be accompanied by a non-refundable fee of \$150.00;

(b) Where the appeal is based upon a decision of any official charged with the determination of a value under Section 970 (8) of the Municipal Act, the notice of appeal shall be filed with the Chairman of the Board within 14 days of the making of the determination;

(c) Notice of the date and time of the Hearing of the appeal under Section 962 (1) (a) shall be sent by Registered Mail to the appellant not later than five days before the day of the Hearing, and a like Notice shall be sent by ordinary mail to the occupants of the land which is the subject of the application and to the owners and occupiers of land that is adjacent to land that is the subject of the application;

(d) At the Hearing of the Appeal, the Board shall hear the appellant and also any person who is an occupant of the land which is the subject of the application, or the owner or occupant of land adjacent to the subject land, or any other person whom the Board deems to have an interest in the outcome of the Appeal;

- (e) Any person who is entitled to be heard at the Hearing shall be entitled to be represented by his solicitor or by an agent duly appointed in writing;
- (f) The Board may adjourn the Hearing from time to time and may view the property affected by the Appeal and surrounding property in the presence of the applicant and other interested parties;
- (g) If the appellant fails to appear at the Hearing or any adjournment thereof, the Board may proceed to decide the appeal ex parte;
- (h) At the Hearing, the Board shall receive the evidence submitted by the appellant or by any other person affected and which is relevant to the Hearing, but the Board is not bound by the legal or technical rules of evidence;
- (i) A decision in writing of all or of a majority of the members of the Board is a decision of the Board;
- (j) A copy of the decision of the Board shall be forwarded to the appellant and the officials of the Municipality, and such other persons as the Board shall deem proper shall be notified of the result.

Read a first time the 17th day of March, 1986.

Read a second time the 17th day of March, 1986.

Read a third time the 17th day of March, 1986.

RECONSIDERED, FINALLY PASSED AND ADOPTED THE 7th
day of April, 1986.

"SEAL"

Original signed by:
"L. Harrop"
Mayor

Original signed by:
"Joan E. Schill"
Clerk