

**Bowen Island Municipality
Bylaw No. 98, 2003**

**A Bylaw to delegate authority to approve development permits
to the Island Community Planner**

WHEREAS Section 920(12) of the *Local Government Act* allows a local government to delegate the power to issue development permits;

AND WHEREAS Council wishes to delegate the power to issue development permits to the Island Community Planner;

THE Council of the Bowen Island Municipality enacts as follows:

Definitions

1. In this Bylaw:

- (a) "Act" means the *Local Government Act*;
- (b) "Municipality" means the Bowen Island Municipality, a municipality incorporated under the *Municipal Act*; and
- (c) "Council" means the elected council of the Municipality.

Land Use Approval Delegation

2. Council hereby delegates to the Municipality's Island Community Planner all of the powers, duties and functions of the Council in respect of development permits under Section 920 of the "Act".

3. All of the following apply to any decision by a delegate under section 3:

- (a) any owner of property that is subject to a decision under section 3 who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section.
- (b) an owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering to the Chief Administrative Officer, within 30 days after the decision is communicated in writing to the owner, a request for reconsideration in writing, which must set out all of the following:
 - (i) the name of the delegate who made the decision, the date of the decision and the nature of the decision;
 - (ii) reasons why the owner wishes the decision to be reconsidered by Council;
 - (iii) the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and

- (iv) a copy of any materials considered by the owner to be relevant to the reconsideration by Council;
- (c) a request for reconsideration must be considered by Council at a regular meeting of Council held at least one month after the date on which the request is delivered to the Chief Administrative Officer.
- (d) the Chief Administrative Officer must:
 - (i) place each request for consideration on the agenda for a regular meeting of Council in accordance with section 4(c);
 - (ii) give notice of each reconsideration by Council in accordance with any notice requirements in respect of the original application that are set out in the Bowen Island Municipality Development Procedures Bylaw or the “Act”; and
 - (iii) before each reconsideration by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered;
- (e) in reconsidering a decision the Council must consider the material that was considered by the delegate in making the decision;
- (f) at a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council;
- (g) Council is entitled to adjourn a reconsideration of a decision; and
- (h) after having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

Scope of Bylaw

4. For clarity, subject to the “Act”, unless a power, duty or function of Council has been expressly delegated by this Bylaw or another Municipal bylaw, all of the powers, duties and functions of Council remain with Council.

Delegation To Persons Holding Position

5. Where this Bylaw delegates a power, duty or function to a named position, the delegation of the power, duty or function is to the person who from time to time holds the position and to any person who from time to time is the deputy of that person so appointed by Council.

No Delegation By A Delegate

6. For clarity, a person to whom a power, duty or function has been delegated under this Bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

Citation

7. This Bylaw may be cited as "Bowen Island Municipality Development Permits Delegation Bylaw No. 98, 2003".

READ a first time this 25th day of August, 2003

READ a second time this 25th day of August, 2003

READ a third time this 25th day of August, 2003.

RECONSIDERED AND ADOPTED this 8th day of September, 2003.

(Original signed)

Lisa Barrett
Mayor

(Original signed)

Isabell Hadford
Clerk

Certified to be a true and correct copy of Bylaw No. 98, 2003 cited as Bowen Island Municipality Development Permits Delegation Bylaw No. 98, 2003" as adopted by the Council of Bowen Island Municipality this 8th day of September, 2003.

(Original signed)

Isabell Hadford
Clerk