THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2019-xx

A By-law to amend By-law 2019-43 which provides for the care and control of animals within the Town of Caledon

WHEREAS Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass By-laws with respect to animals;

WHEREAS the Council of the Corporation of the Town of Caledon deems it necessary to amend By-law 2019-43, being a By-law to provide for the care and control of animals within the Town, to add a process through which variances to the provisions of the By-law can be granted;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. Part 8, entitled Administration, of Town of Caledon Animal Care and Control By-law 2019-43 shall be amended by adding the following new heading and Sections immediately after Section 8.3 and completing any resulting clerical changes within the By-law:

Variance Process

8.4 The Director is hereby delegated the authority to administer the variance process as outlined herein.

8.5 With the exception of Sections 4.15 through 4.22, a person, or agent on behalf thereof, may request a variance from any provisions within Part 4, Part 5 or Part 6 of this By-law.

8.6 A request for a variance shall be submitted to the Director on the application form prescribed by the Town and shall only be deemed to be complete and ready for a review by the Director if it includes:

(1) the name, address and contact information of the applicant;
(2) reference to the specific Section(s) of the By-law from which the variance is sought;
(3) a detailed description explaining why the applicant requires the variance;
(4) any other material deemed necessary by the Director to evaluate the request; and
(5) payment of the non-refundable fee as outlined in the Town’s Fees By-law, as amended.
8.7 Where a complete application is received and the Director is of the opinion that the requested variance may impact particular adjacent lots or their residents, notice of the variance request may be provided to the landowners of those lots and such notice shall be delivered:

(1) personally, with service deemed effective on the date the notice is given;
(2) by posting the notice in a conspicuous location on the landowner’s lot, with service deemed effective on the day after posting; or
(3) by registered mail, with service deemed effective on the 5th day after mailing.

8.8 The Director is authorized to approve or refuse a request for a variance from the provisions of this By-law and approval of a request may be in whole or in part with terms and conditions as deemed necessary by the Director.

8.9 In considering a request for a variance, the Director shall have regard to the following:

(1) whether it is in accordance with the general intent and purpose of the By-law;
(2) if approved, would the resulting variance cause harm or a negative impact to any animals;
(3) if approved, would the resulting variance be in keeping with the surrounding area and would there be any negative impact on adjacent residents;
(4) are there any special circumstances and would strict application of the provisions of this By-law result in unnecessary difficulty or hardship for the applicant; and
(5) would approval of the variance result in any impacts to the health, safety or welfare of the public.

8.10 The decision of the Director in respect of a variance request shall be deemed final.

8.11 Every person to whom a variance is granted shall comply with the variance including all terms and conditions applied.

8.12 The Director may revoke a variance where there is reason to believe that the variance or any terms and conditions thereto have not been complied with, and upon revocation, the original provisions of the By-law shall apply.