

Schedule A to Staff Report 2019-0114

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.