

**VILLAGE OF PEMBERTON  
BYLAW No. 907, 2021**

---

**A bylaw to amend Village of Pemberton Board of Variance Bylaw No. 893, 2021**

---

The Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

**PART 1: CITATION**

1.1 This bylaw may be cited for all purposes as the “Village of Pemberton Board of Variance Bylaw No. 893, 2021, Amendment (Fees) Bylaw No. 907, 2021”.

**PART 2: APPLICATION**

2.1. Village of Pemberton Board of Variance Bylaw No. 893, 2021, is amended as follows:

a) **PART 6 PROCESS AND FEES** is amended by:

i. In section 3.1,

(a) inserting the following new definitions:

**“Application”** means an application of appeal to the Board of Variance.

**“Applicant”** means a person who has submitted an application of appeal to be heard by the Board of Variance, or their authorized agent.

(b) inserting the term “Building Official” and definition as follows:

**“Building Official”** means the person appointed to this role for the Village and their designate.

and

(c) striking out the term “Manager of Development Services” and replacing it with the term “Manager”;

ii. striking out section 3.2 and inserting the following in its place:

3.2 Unless otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Local Government Act, Community Charter, or Interpretation Act.*;

iii. striking out section 6.2 and inserting in its place the following:

6.2. The *Manager* may

- a) prescribe the form and content of an application form, and
- b) determine if an application is complete.;

iv. striking out section 6.3 and inserting the following in its place:

6.3. A person desiring to be heard by the *Board* must submit to the *Manager*

- a) a completed application, signed by the *applicant*,
- b) all required supporting documents, and
- c) the non-refundable application fee.;

v. striking out section 6.4 and inserting it its place the following:

6.4. A person desiring to be heard by the *Board* under section 544 of the *Local Government Act* based on a determination of value made pursuant to section 532 (1) of the *Local Government Act* must submit to the *Manager* an *application* no later than thirty (30) days after being advised in writing of such determination.;

vi. inserting a new section 6.5 as follows:

6.5 Fees, charges, and deposits for services that may be or are provided under this Bylaw shall be charged as set out in Village of Pemberton Fees and Charges Bylaw No. 905, 2021.;

vii. inserting new sections 6.6, 6.7, 6.8, and 6.9 as follows:

6.6. The non-refundable application fee is the minimum fee payable.

6.7. If the *Manager* determines that the cost to process an *application* exceeds or may exceed the application fee, costs exceeding the application fee shall be recovered from the *applicant* based on actual staff and contractor costs incurred in processing the application.

6.8. The *Manager* may, at any stage of the application review, require the *applicant* to pay a deposit based on the *Manager's* estimate of the cost of processing the application.

6.9. The *Manager* may withhold review of an *application* if the *applicant's* account is in arrears.;

viii. in section 8.2, striking out the second sentence;

ix. Inserting a new section 8.3 as follows:

In the absence of the *Chair*, and if the *Chair* has not appointed an Acting Chair, the remaining members may appoint one or the other as an Acting Chair for the duration of the hearing.;

x. in section 8.4, striking out the word "Municipality" and inserting in its place the word "Village";

xi. in section 8.5, replacing the reference to Section 8.3 with a reference to section 8.4; and

xii. in section 9.2, striking out the term "Building Inspector" and inserting in its place the term "Building Official."

**READ A FIRST TIME** this 21<sup>st</sup> day of September, 2021.

**READ A SECOND TIME** this 21<sup>st</sup> day of September, 2021.

**READ A THIRD TIME** this 21<sup>st</sup> day of September, 2021.

**ADOPTED** this 5<sup>th</sup> day of October, 2021.

---

Mike Richman  
Mayor

---

Sheena Fraser  
Corporate Officer