

**CITY OF BURNABY**

**BYLAW NO. 14427**

A bylaw to implement procedures for review  
and approval of certain development applications

The Council of the City of Burnaby ENACTS as follows:

**PART 1: CITATION**

- 1.1 This Bylaw may be cited as **BURNABY DEVELOPMENT PROCEDURES BYLAW 2022.**

**PART 2: DEFINITIONS**

- 2.1 In this Bylaw, unless the context otherwise requires,

“agent”	means the person, firm or corporation representing the <b>owner</b> of a <b>site</b> designated by an <b>owner’s authorization form</b>
“applicant”	means the <b>owner</b> , or <b>agent</b> , of a <b>site</b> that is the subject of an application for a <b>permit</b> under this <b>bylaw</b>
“application form”	means a form for an application for a <b>permit</b> under this <b>bylaw</b> , in form and content established by the <b>General Manager Planning and Development</b>
“bylaw”	means this bylaw, including all schedules attached hereto
“City”	means the City of Burnaby
“Council”	means the council of the <b>City</b>
“General Manager Planning and Development”	means the head of the <b>City’s</b> Planning and Development Department, or designate
“Local Government Act”	means the <i>Local Government Act</i> , R.S.B.C. 2015, c. 1, as amended or replaced from time to time
“lot”	means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description

filed in the Land Title Office

“**owner**” includes the registered owner of an estate in fee simple of land, and also where the context or circumstances so require:

(a) a tenant for life under a registered life estate;

(b) a registered holder of an agreement for sale;

(c) a holder or occupier of land held in the manner mentioned in sections 228 and 229 of the *Community Charter*;

(d) a lessee with the permission of the registered owner(s);

and in respect of water includes an occupier, tenant or holder of an interest in respect of the surface of the water

“**owner’s authorization form**” means a form, in form and content established by the **General Manager Planning and Development**, by which an **owner** designates an **agent** as the representative of the **owner** in respect to an application for a **permit** under this **bylaw**

“**permit**” means a **temporary use permit**

“**security**” means cash, a certified cheque, bank draft or a clean, unconditional, irrevocable letter of credit satisfactory to the **City**

“**site**” means the land or lands that is the subject of an application for **permit** under this **bylaw**

“**temporary use permit**” means a temporary use permit authorized under the *Local Government Act*

### **PART 3: APPLICATION**

3.1 An application for a **permit**, or renewal of a **permit**, shall:

(a) be made on an **application form** signed by the **applicant**;

(b) if the **applicant** is not the **owner** of each **lot** comprising the **site**, be accompanied by an **owner’s authorization form** signed by the **owner**;

(c) be accompanied by the fees for the application as set out in the *Burnaby Planning*

*and Building Fees Bylaw;*

- (d) be accompanied by a title search for each **lot** comprising the **site**, that is obtained not more than fourteen (14) days prior to the date of the application, together with copies of all non-financial charges, including covenants, statutory rights of way and easements; and
  - (e) be accompanied by such other information and documents as may be required by the **General Manager Planning and Development** which, in the opinion of the **General Manager Planning and Development**, are required to process the application, at the sole cost of the **applicant**.
- 3.2 The completed **application form** and all documents accompanying an application for a **permit** under this **bylaw** become the property of the **City**, and are subject to the *Freedom of Information and Protection of Privacy Act* (BC).
- 3.3 If an **applicant** does not provide, or show any action to provide, information or documents requested by the **City** in respect to an application within six (6) months of the request, the application may be cancelled at the discretion of the **General Manager Planning and Development** and the **applicant** will be required to submit a new application in accordance with this **bylaw**.
- 3.4 If an **applicant** withdraws an application, this **bylaw** applies to any reapplication for the same **permit** as it were a new application.
- 3.5 If **Council** refuses an application for a **permit** in accordance with section 4.3(c) of this **bylaw**, the **applicant** shall not reapply for the same **permit** for one (1) year after the date of the open **Council** meeting at which the application was considered, except that the time limit may be varied in relation to a specific reapplication with an affirmative vote of at least 2/3 of members of **Council** eligible to vote on the reapplication and this **bylaw** applies to the reapplication as if it were a new application.

#### **PART 4: APPROVAL PROCESS**

- 4.1 Prior to the **Council** meeting at which the issuance of a **permit** will be considered, the **General Manager Planning and Development** shall prepare a report that includes the following:
- (a) a review and analysis of the application;
  - (b) comments from any referrals to City departments and/or external agencies;
  - (c) if approval from a Provincial Ministry is required, confirmation that such

- approval has been obtained;
- (d) if applicable, a copy of undertakings signed by the **applicant**;
  - (e) if applicable, the amount of **security** required to be provided and the form of the **security**;
  - (f) if applicable, the expiration date for the **permit**;
  - (g) a copy of the proposed **permit**; and
  - (h) a recommendation as to whether to approve the application, with or without conditions, or refuse the application.
- 4.2 Following public notification in accordance with Part 5 of this **bylaw**, the report of the **General Manager Planning and Development** under section 4.1 of this **bylaw** shall be placed on the agenda of an open **Council** meeting and all correspondence in relation to the application received prior to the meeting shall be provided to **Council**.
- 4.3 At the open **Council** meeting at which the application for a **permit** is considered, **Council** may:
- (a) approve the issuance of the **permit**, as proposed or with additional terms or conditions;
  - (b) refer the application with direction for further review to the **General Manager Planning and Development**; or
  - (c) refuse the application.

## **PART 5: PUBLIC NOTIFICATION**

- 5.1 Where notice is required to be provided in accordance with section 466 of the *Local Government Act* for an application for a **permit** under this **bylaw**, the distance for the mailing or delivery of notices for the purpose of section 466(4)(b) is 30 m (98.4 ft.) from that part of the area that is subject to the **permit**.
- 5.2 For an application for a **temporary use permit**, the **City** shall give notice in accordance with section 494 of the *Local Government Act*.
- 5.3 In addition to all statutory notice requirements, an **applicant** shall post a sign on the **site** in respect to an application under this **bylaw** at least thirty (30) days prior to the date of the **Council** meeting at which the application will be considered, in accordance with

requirements established by the **General Manager Planning and Development**.

- 5.4 The sign(s) required to be posted in accordance with section 5.3 shall be removed from the **site** within ten (10) days after **Council** approves the issuance of the **permit** or refuses the application. If the **owner** fails to do so, the **City**, by its employees or contractors, may enter the **site** and remove the sign(s) at the expense of the **owner** and all expenses for doing so, if unpaid by the 31<sup>st</sup> day of December of the year in which the expenses were incurred, shall be added to and form part of the property taxes payable in respect of the **site** as taxes in arrear.

## **PART 6: SECURITY AND UNDERTAKINGS**

- 6.1 As a condition of the issuance of a **permit**, **Council** may require that the **applicant** provide **security**, in an amount stated in the **permit**, in the event that:
- (a) a condition in the **permit** respecting landscaping is not satisfied;
  - (b) an unsafe condition results as a consequence of a contravention of a condition in the **permit**;
  - (c) damage to the natural environment results as a consequence of a contravention of a condition in the **permit**.
- 6.2 If the **City** considers that any of the conditions in section 6.1(a), (b) or (c) of this **bylaw** applies, the **City** may:
- (a) undertake, at the expense of the holder of the **permit**, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment; and
  - (b) apply the **security** provided under section 6.1 of **bylaw** in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the **permit**.
- 6.3 Any interest earned on the **security** provided under section 6.1 of this **bylaw** accrues to the holder of the **permit** and must be paid to the holder immediately on return of the **security** or, on default, becomes part of the amount of the **security**.
- 6.4 In addition to any **security** required under section 6.1 of this **bylaw**, **Council** may require, as a condition of issuing a **temporary use permit**, that the **owner** provide **security** to guarantee the performance of the terms of the **temporary use permit**.

- 6.5 If **security** is required pursuant to section 6.4 of this **bylaw**, the **temporary use permit** may provide for the means for determining:
- (a) when there is default under the **temporary use permit**; and
  - (b) the amount of the **security** that forfeits to the **City** in the event of default.
- 6.6 As a condition of issuing a **temporary use permit**, **Council** may require the **owner** to give an undertaking to:
- (a) demolish or remove a building or other structure; and
  - (b) restore the **site**, or a portion of the **site**, to a condition and by the date specified in the **temporary use permit**
- 6.7 An undertaking under section 6.6 must be attached to and forms part of the **temporary use permit**, and if the **owner** fails to comply with all of the undertakings given, the **City** may enter onto the **site** and carry out the demolition, removal or restoration at the expense of the **owner** and apply any **security** provided under Part 6 of this **bylaw** in payment of the cost of the demolition, removal or restoration.

## **PART 7: TERM, RENEWAL AND LAPSE**

- 7.1 A **permit** is valid until the expiry date or for the period of time specified in the **permit**, except that a **temporary use permit** shall expire no later than three (3) years after the **temporary use permit** was issued.
- 7.2 Subject to an application in accordance with section 3.1 of this **bylaw**, a **permit** may be renewed on terms and conditions approved by **Council**, except that a **temporary use permit** may be renewed only once.
- 7.3 Subject to the terms of the **permit**, a **permit** lapses if the holder of the **permit** does not substantially start any construction with respect to which the **permit** was issued within two (2) years after the date of issuance of the **permit**.
- 7.4 An application for a **permit** shall be approved or refused by **Council** within one (1) year after the date the application was made, except that the time limit may be extended by the **General Manager of Planning and Development** for up to one (1) year upon receipt of a written request from the **applicant**.

## **PART 8: NOTICE ON TITLE**

- 8.1 The **City** shall file in the Land Title Office a notice on each **lot** comprising a **site** that is subject to a **permit** and any amendment or cancellation of the **permit**.
- 8.2 If a notice is filed under section 8.1, the terms of the **permit** or any amendment to it are binding on all persons who acquire an interest in the **lot** affected by the **permit**.

### **PART 9: SEVERABILITY**

- 9.1 If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this **bylaw** is held invalid by a Court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed and the remainder of this **bylaw** is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this 28<sup>th</sup> day of February, 2022

Read a second time this 28<sup>th</sup> day of February, 2022

Read a third time this 28<sup>th</sup> day of February, 2022

Reconsidered and adopted this 7<sup>th</sup> day of March, 2022

  
MAYOR

  
CLERK