

2. Board of Variance Appeals (File 3115)

The following motion was submitted by Councillor Louis at the Special Council meeting on October 20, 2005. Councillor Sullivan called Notice under Section 5.4(c) of the Procedure By-law and the motion was placed on the Regular Council Agenda immediately following the Standing Committee on City Services and Budgets meeting to be held later that day.

MOVED by Councillor Louis
SECONDED by

THAT WHEREAS:

1. The British Columbia Court of Appeal recently ruled against the Vancouver Board of Variance in the Cathedral Ventures Ltd. Appeal.
2. The Board of Variance has asked Vancouver City Council to Petition the Province of British Columbia to amend the *Vancouver Charter* so that the Statutory Jurisdiction of the Vancouver Board of Variance to hear appeals actually reflects the past 30 years of practice in the City.

THEREFORE BE IT RESOLVED THAT Council petition the Province of British Columbia to amend the *Vancouver Charter* so that the statutory jurisdiction of the Vancouver Board of Variance to hear appeals actually reflects the past thirty years of practice in the City. In particular, that the *Vancouver Charter* be amended as follows:

1. Section 573 is amended:
 - a) by deleting S. 573(1)(a) and substituting:
 - (a) *by any person aggrieved by a decision on a question of zoning by any official or board charged with the administration of a zoning by-law*
 - b) by deleting the words, "*by any person*", in S. 573(1)(b), and substituting the words, "by any applicant for a development permit"; and
 - c) by deleting S.573(1)(e).

AND FURTHER BE IT RESOLVED THAT the Director of Legal Services be directed to draft the necessary petition to the Province of British Columbia for these amendments to the *Vancouver Charter* to be considered by the Legislature at the earliest possible date.

Notice