

Legislative Authority Reference Package



Public hearings



890 (1) Subject to subsection (4), a local government must not adopt an official community plan bylaw, a zoning bylaw or a bylaw under section 914.2 [*early termination of land use contracts*] without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

(2) The public hearing must be held after first reading of the bylaw and before third reading.

(3) At the public hearing all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing.

(3.1) Subject to subsection (3), the chair of the public hearing may establish procedural rules for the conduct of the hearing.

(4) A local government may waive the holding of a public hearing on a proposed bylaw, other than a proposed bylaw under section 914.2, if

(a) an official community plan is in effect for the area that is subject to a proposed zoning bylaw, and

(b) the proposed bylaw is consistent with the plan.

(5) More than one bylaw may be included in one notice of public hearing, and more than one bylaw may be considered at a public hearing.

(6) A written report of each public hearing, containing a summary of the nature of the representations respecting the bylaw that were made at the hearing, must be prepared and maintained as a public record.

(7) A report under subsection (6) must be certified as being fair and accurate by the person preparing the report and, if applicable, by the person to whom the hearing was delegated under section 891.

(8) A public hearing may be adjourned and no further notice of the hearing is necessary if the time and place for the resumption of the hearing is stated to those present at the time the hearing is adjourned.

(9) Despite section 135 (3) [*at least one day between third reading and adoption*] of the *Community Charter*, a council may adopt an official community plan, a zoning bylaw or a bylaw under section 914.2 at the same meeting at which the plan or bylaw passed third reading.

Delegating the holding of public hearings

891 (1) If a local government makes a delegation in relation to one or more public hearings,

(a) that delegation does not apply to a hearing unless the notice of hearing under section 892 includes notice that the hearing is to be held by a delegate, and

(b) the resolution or bylaw making the delegation must be available for public inspection along with copies of the bylaw referred to in section 892 (2) (e).

(2) If the holding of a public hearing is delegated, the local government must not adopt the bylaw that is the subject of the hearing until the delegate reports to the local government, either orally or in writing, the views expressed at the hearing.

Notice of public hearing



892 (1) If a public hearing is to be held under section 890 (1), the local government must give notice of the hearing

(a) in accordance with this section, and

(b) in the case of a public hearing on an official community plan that includes a schedule under section 970.1 (3) (b), in accordance with section 974.

(2) The notice must state the following:

(a) the time and date of the hearing;

(b) the place of the hearing;

(c) in general terms, the purpose of the bylaw;

(d) the land or lands that are the subject of the bylaw;

(e) the place where and the times and dates when copies of the bylaw may be inspected.

(3) The notice must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the public hearing.

(4) If the bylaw in relation to which the notice is given alters the permitted use or density of any area, the notice must

(a) subject to subsection (5), include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and

(b) be mailed or otherwise delivered at least 10 days before the public hearing

(i) to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and

(ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,

of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.

(4.1) If the bylaw in relation to which the notice is given is a bylaw under section 914.2 [*early termination of land use contracts*], the notice must

(a) subject to subsection (5), include a sketch that shows the area subject to the land use contract that the bylaw will terminate, including the name of adjoining roads if applicable, and

(b) be mailed or otherwise delivered at least 10 days before the public hearing

(i) to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and

(ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,

of all parcels, any part of which is subject to the land use contract that the bylaw will terminate or is within a distance specified by bylaw from that part of the area that is subject to that land use contract.

(5) If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

(6) The obligation to deliver a notice under subsection (4) or (4.1) must be considered satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

(7) Subsection (4) does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.

(8) In respect of public hearings being held under section 890 (1) or waived under section 890 (4), a local government may, by bylaw,

(a) require the posting of a notice on land that is the subject of a bylaw, and

(b) specify the size, form and content of the notice and the manner in which and the locations where it must be posted.

(9) Specifications under subsection (8) (b) may be different for different areas, zones, uses within a zone and parcel sizes.

Notice if public hearing waived

893 (1) If a local government waives the holding of a public hearing under section

890 (4), it must give notice in accordance with this section.

(2) The notice must state

- (a) in general terms, the purpose of the bylaw,
- (b) the land or lands that are the subject of the bylaw, and
- (c) the place where and the times and dates when copies of the bylaw may be inspected.

(3) Section 892 (3), (4) and (5) to (7) applies to a notice under subsection (2), except that

- (a) the last publication under section 892 (3) is to be not less than 3 and not more than 10 days before the bylaw is given third reading, and
- (b) the delivery under section 892 (4) (b) is to be at least 10 days before the bylaw is given third reading.

(4) to (7) [Repealed 2000-7-144.]

Procedure after a public hearing



894 (1) After a public hearing, the council or board may, without further notice or hearing,

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the alteration does not
 - (i) alter the use,
 - (ii) increase the density, or
 - (iii) without the owner's consent, decrease the density
 of any area from that originally specified in the bylaw.

(2) A member of a council or board who

- (a) is entitled to vote on a bylaw that was the subject of a public hearing, and
- (b) was not present at the public hearing

may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member by

- (c) an officer or employee of the local government, or
- (d) if applicable, the delegate who conducted the public hearing.

(3) After a public hearing under section 890 (1) or third reading following notice under section 893, a court must not quash or declare invalid the bylaw on the grounds that an owner or occupier

