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TOWN OF AURORA  
Planning and Building Services

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## **COMMITTEE OF ADJUSTMENT QUESTION AND ANSWERS**

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- Q-2 **What is a “minor variance”?**
- Q-3 **What is a “permission”?**
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- Q-14 **The Committee of Adjustment has ruled in favour of my application, but they have attached conditions and restrictions on the ruling. What does this mean?**
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- Q-18 **If the Zoning By-law provides limits to development, then why aren’t land owners forced to stay within those limits?**

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**Q-1 - What is the “Committee of Adjustment”?**

The *Committee of Adjustment* is a committee comprised of five members of the public appointed by Council to make decisions on a monthly basis on minor variances, permissions and consents on property.

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**Q-2 - What is a “minor variance”?**

A *minor variance* is a small variation from the requirements of the zoning by-law. A *minor variance* approval is a certificate of permission, because it allows the property owner to obtain a building permit even though their property does not comply precisely with the zoning by-law. Under Section 45(1) of the Planning Act there are four tests that a minor variance must meet:

1. Is the application minor?
  2. Is the application desirable for the appropriate development of the lands in question?
  3. Does the application conform to the general intent of the Zoning By-law?
  4. Does the application conform to the general intent of the Official Plan?
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**Q-3 - What is a “permission”?**

Where land, buildings or structures have been lawfully used for a purpose now prohibited by the Zoning By-law, the Committee of Adjustment can grant *permission* to enlarge the buildings or structures, or may permit a similar or more compatible use, subject to certain conditions.

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**Q-4 - What is a “consent”?**

“*Consent*” enables certain transactions to occur relating to the subdivision of land. These transactions can include the creation of a new lot; leases over 21 years; mortgage or partial discharge of a mortgage; foreclosure or exercise of power of sale; rights-of-ways and easements over 21 years; lot adjustments and extensions; and corrections to deeds or property descriptions.

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**Q-5 - Who can submit an application to the Committee of Adjustment?**

Only owners or authorized agents can apply to the Committee of Adjustment; with the exception of a Validation of Title, in this case anyone with sufficient interest in the property can apply.

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**Q-6 – What am I required to submit with my application to the Committee of Adjustment?**

All applications must include:

- Application fee
- 1 copy of the completed Application Form
- 1 copy of the site plan or survey

Applications for Consents also require 1 copy of the current Property Identification Number (PIN)

Please note that applications within the Oak Ridges Moraine require additional information (determined on an individual basis). Please consult with a Staff Planner to determine what your application will require.

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**Q-7 - How much does it cost to submit an application to the Committee of Adjustment?**

The application fees can be found [here](#).

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**Q-8 - If my application is denied, do I get a refund of my application fee?**

No, the application fee covers the costs of processing the application.

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**Q-9 - How long will it take to finalize a minor variance or permission application?**

The Committee of Adjustment hearing is held within 30 days of a complete application. There is a 20 day appeal period following the date of decision. Once the appeal period has expired and any / all conditions have been satisfied by the owner / agent, the application is final. A condition of variance is routinely imposed by the Committee, which gives owners / agents up to one year from the notice of decision to satisfy conditions, or the application will lapse.

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**Q-10 - How long will it take to finalize a consent application?**

The Committee of Adjustment hearing is held within 30 days of a complete application and there is a 20 day appeal period following the notice of decision. Under the Planning Act, owners / agents have up to one year from the notice of decision to satisfy conditions, or the application for consent will be deemed to be refused. Once all conditions are satisfied, the Secretary-Treasurer will issue a Certificate of Official; if the transaction in respect of which the consent was given is not carried out within the two-year period following the issuance of the Certificate of Official, the consent effectively will lapse.

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**Q-11 - If I submit an application, do I need to be in attendance at the Committee of Adjustment's public meeting?**

Yes, the Committee of Adjustment for the Town of Aurora has adopted the policy that when the applicant is not present or represented at the hearing, the hearing of the application may be deferred.

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**Q-12 - How do I guarantee a positive ruling on my application?**

There is no way to guarantee a positive ruling. However, a pre-consultation with Staff can help identify potential concerns. The Committee of Adjustment considers all information received from owners / agents, staff, agencies & interested parties prior to making a decision.

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**Q-13 - What can I do if I am dissatisfied with a Committee of Adjustment decision?**

Whether you are an applicant dissatisfied with a negative ruling or an interested party dissatisfied with a positive ruling, you have the option to appeal the decision to the Ontario Municipal Board within 20 days of the ruling.

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**Q-14 - The Committee of Adjustment has ruled in favour of my application, but they have attached conditions and restrictions to the ruling. What does this mean?**

When an application is submitted, the Committee of Adjustment receives comments about the application from various Town Departments, relevant boards and agencies, and other regulatory or legislative bodies. These comments inform the Committee of potential issues related to the application. For example, concerns may arise due to public health and safety or environmental issues. Taking these concerns into account, the Committee has the authority to approve an application subject to imposed conditions that need to be satisfied prior to the finalization of an application. The Committee also has the authority to put limitations on an approval.

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**Q-14 - I received conditional approval on my Committee of Adjustment application, how do I clear the conditions?**

Each condition will identify the department and staff member that suggested the condition. Contact the author of the condition for direction and clearance requirements. Once the department is satisfied that the condition has been addressed, he/she will forward a clearance letter to the Secretary-Treasurer of the Committee of Adjustment.

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**Q-15 - I received approval of my minor variance application, when can I obtain a Building Permit?**

In order to apply for a Building Permit, all variances must be finalized (meaning the appeal period must expire and all conditions satisfied and cleared). Once the minor variance has been finalized, Building Permits are issued by the Building and By-law Services department and all enquiries should be directed through them.

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**Q-16 - If approved, does a minor variance change the Zoning By-law?**

A minor variance does not change the Zoning By-law; it simply allows a “variance” to a specific requirement.

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**Q-16 - If the Zoning By-law provides limits to development, then why aren't land owners forced to stay within those limits?**

The Ontario Planning Act allows the Committee of Adjustment to grant minor variances to the bylaw minor variances, provided that the application meets the required criteria as set out in Section 45 of the Act.