



## Delegation of Minor Development Variance Permits – Bulletin

The *Municipal Affairs Statutes Amendment Act (No. 2), 2021, S.B.C. 2021, c. 30* amends several pieces of legislation, including the *Local Government Act* (LGA). The LGA amendments include changes that enable local governments to delegate decisions on minor development variance permits (DVPs) to staff.

The intent of these amendments is to provide local governments more powers to simplify and speed up their development approvals processes, helping to get the homes people need built faster. These changes will support local governments to move forward more efficiently on developments, bypassing barriers and speeding up housing approvals.

The new authority enabling local governments to delegate minor DVPs to staff came into effect on November 25, 2021 on Royal Assent and is now available for local governments to use.

### Background

---

The Ministry of Municipal Affairs initiated the [Development Approvals Process Review](#) (DAPR) in December 2018 to identify opportunities to improve the efficiency and effectiveness of development approvals processes. During the DAPR consultations, stakeholders – including local governments, housing providers, developers, and others – identified allowing for the delegation of authority in certain matters from elected officials to local government staff as a priority area of action that could have an impact on streamlining development approvals.

These legislative amendments respond to feedback received during the DAPR consultations that many technical DVP decisions made by local government councils and boards could be reasonably decided by staff. These changes are designed to support increased efficiency of decision making in development approval processes.

### Legislation

---

#### *Application:*

The new authority to delegate some DVPs set out in the *Local Government Act* applies to all local governments in B.C. except for the City of Vancouver, whose planning and land use authorities are prescribed under the *Vancouver Charter*.

*Scope:*

The incorporation of s.498.1 and amendments to sections 498 and 499 of the *Local Government Act (LGA)* enable local governments to delegate DVP decisions to staff, if the proposed variance is minor and pertains to matters specified in legislation, including:

- zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses (LGA s. 479 (1) (c) (iii))
- off-street parking and loading space requirements (LGA s. 525)
- regulation of signs (LGA s.526)
- screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment (LGA s. 527 (1) (a) and (b))

Additionally, the amendments enable the Lieutenant Governor in Council to add other types of DVP decisions, by regulation, to the list above.

*Delegation Bylaw Requirements:*

The enabling nature of these amendments provide local governments with autonomy in deciding whether to delegate applicable DVP decisions to staff. This new authority specifies that local governments who delegate the power to issue a DVP decision to staff must do so by bylaw. Local governments are required to include in their delegation bylaw:

- criteria for determining whether a proposed variance is minor;
- guidelines that staff must consider in deciding whether to issue a DVP.

These requirements provide local governments with flexibility in determining what constitutes a minor variance and guiding a delegate that is exercising the power to issue a DVP. This approach helps retain council and board oversight of delegated decisions and establishes a fair application process for all applicants.

*Notice and Reconsideration Provisions:*

These legislative amendments maintain consistency with the approach the *Local Government Act* takes for other delegated land use permits by providing that an applicant who is subject to a decision of the delegate is entitled to have the local government council or board reconsider the matter.

Delegates that exercise the power to issue a DVP are not required to provide notice under section 499 of the *LGA*.

## Monitoring

---

Local governments are responsible for local land use planning and development. It is up to each local government's discretion, when considering delegating DVPs, to make responsible decisions that consider best practices related to matters such as community impact.

The Province plans to monitor the adoption and use of DVP delegation to determine how local governments are using this authority and how it is helping to create more efficient development approvals processes. Monitoring will also allow the Province to ensure that the tool is performing as intended.

## Additional Information

---

Please direct any questions about these legislative amendments to:

Ministry of Municipal Affairs  
Planning and Land Use Management Branch  
Telephone: 205-387-3394  
Email: [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)

Full text of the Act: <https://www.bclaws.gov.bc.ca/civix/document/id/bills/billscurrent/2nd42nd:gov26-3>

More information about the delegation of powers or duties:

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/powers-services/municipal-powers-services/delegation-of-powers-or-duties>