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CITY OF KELOWNA

MEMORANDUM

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**Date:** January 9, 2009  
**To:** City Manager  
**From:** Director of Land Use Management  
**Subject:** Designation of Authority for Rescindment of Development Permits

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**RECOMMENDATION:**

THAT Council direct staff to bring forward amendments to the Development Applications Procedures Bylaw, No. 8140, delegating the Director of Land Use Management the authority to rescind Development Permits issued by Council.

**BACKGROUND:**

The Land Use Management Department recognizes that the marketplace is in a unique economic climate at this time, and this may influence the viability of some of the in-stream development projects. Accordingly, it is anticipated that some development projects may not be in a position to proceed forward, regardless of the status of their approvals. Legally, it is a requirement to collect bonding relating to utility servicing and landscaping to satisfy the complete requirements in order for the Development Permit to be issued. However, as developers contemplate if they can complete on their development proposal, some may choose to delay their project indefinitely until a strong economic market returns. Therefore, it is necessary to rescind the Development Permit and the conditions that bind that permit in order to release the bonding to the applicant.

Authorizing the Director of the Land Use Management Department will benefit the applicant and the development community by ensuring such paperwork can be processed efficiently and timely, and reduce the public speculation of such transactions.

**EXISTING POLICY:**

At this time, Council has the sole authority to rescind a Development Permit approval that has been granted by Council. The Development Applications Procedures Bylaw No. 8140 does delegate some of the procedural processes to the Director of Land Use Management, specifically on processes that are solely administrative. This delegation of authority would be consistent with other such authorities that have been granted to the Director's permission.

Considerations that were not applicable to this report:

**LEGAL/STATUTORY AUTHORITY:**

**LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:**

**FINANCIAL/BUDGETARY CONSIDERATIONS:**

**PERSONNEL IMPLICATIONS:**

**TECHNICAL REQUIREMENTS:**

**EXTERNAL AGENCY/PUBLIC COMMENTS:**


**COMMUNICATIONS CONSIDERATIONS:**

Submitted by:



Shelley Gambacort  
Director of Land Use Management

Approved for Inclusion:



Jim Paterson  
General Manager of Community Sustainability

Cc: Stephen Fleming, City Clerk