

FAQ's

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1. What is a Minor Variance?

Municipalities in the Province of Ontario establish standards to achieve orderly and safe development in their communities. These standards are set out in zoning by-laws. A zoning by-law governs the types of use permitted on a property and lists minimum development requirements. The minor variance application process is a method to seek relief through a Committee of Adjustment when hardship or circumstances do not allow you to meet the standards listed in the by-law.

2. What is a Committee of Adjustment?

It is a committee made up of seven (7) citizens who are appointed by City Council. They are empowered to grant relief from the provisions of the by-law under certain conditions.

3. When may I need a Minor Variance Application?

(a) New Construction

When a building permit application is made for new construction of any type, a member of the Building Department staff in the Zoning Section will make a comparison between your proposal and the minimum development requirements set out in the zoning by-law. If one or more requirements cannot be met you are provided the option of seeking minor variance approval. If all provisions of the by-law are met no minor variance approval is required and you may proceed to the next step in the building permit application process.

(b) Sale of a Property

One of the steps often undertaken as part of a real estate transaction is ensuring that all existing buildings on the property were constructed in compliance with the by-law and the necessary building permits were obtained. To determine compliance with the by-law a Compliance Report can be obtained from the Planning and Building Department. If it is determined that one or more requirements of the by-law have not been met, it may be possible to obtain minor variance approval to 'legalize' the property.

4. Where do I get an application and more information?

Committee of Adjustment
2nd Floor, Clerk's Office
300 City Centre Drive
Mississauga, ON L5B 3C1

Or online at the following link: [Minor Variance Application](#)

5. How much will an application cost?

The non-refundable application fee is on the first page of the application form. The fee is based on the zoning of the property that is the subject of the application. This fee includes all processing costs, as required under provincial legislation.

You may also have to pay a fee if input from a Conservation Authority is required. This only applies to properties where properties are adjacent to a creek or are within a natural area such as a flood plain.

6. What information is required in the application?

- A sketch, drawn to scale, illustrating:
- size and location of all existing and proposed buildings, garages, pools, sheds, etc. on property
- all property lines and dimensions
- distance between all structures and the property lines
- driveway
- Details about ownership, property description, building dimensions and an outline of the proposal
- Application fee
- Written authorization for an appointed representative

7. What happens once I submit my completed application?

The application is circulated to a number of City departments and other agencies for comments. Notice of your proposal will also be sent by mail to property owners within a 60 metre (approximate 200 foot) radius of your property. A public hearing before the Committee of Adjustment will be scheduled. The Committee will hear evidence and make a determination to approve or not approve the application proposal. The evidence includes your (or your agent's) verbal submission, written submissions from commenting agencies and the views of any individual receiving notice of your application or who attended the meeting.

8. Where are the public hearings held?

Mississauga City Hall, 2nd Floor, Thursday afternoons beginning at 1:30 p.m. in Council Chambers.

9. Does someone have to attend?

Yes, either you, as registered property owner, or someone authorized in writing by you.

10. What could affect the outcome of my application?

(a) Valid objections based on the four tests of a minor variance from neighbours

(b) Negative comments from one or more departments or agencies such as:

- Planning and Building
- Transportation and Works
- Community Services
- Region of Peel, Public Works
- Credit Valley Conservation, Toronto Region Conservation or Halton Conservation
- Ministry of Transportation

11. If someone objects, is my application automatically refused?

No, the Committee of Adjustment must weigh all the evidence presented at the public hearing and make a determination on that basis. The Committee must also find your request meets the four tests of the Planning Act under Section 45(1) as follows:

- Is the application minor in nature?
- Is it desirable for the appropriate development or use of the land, building or structure?
- Is it in keeping with the general intent and purpose of the Zoning By-law?
- Is it in keeping with the general intent and purpose of the Official Plan?

12. Do I get my money back if my application is refused?

No, staff time and costs are incurred regardless of the outcome.

13. What can I do if my application is turned down?

You can file an appeal to a higher authority ~ the Ontario Municipal Board. You have twenty days following the date the Committee of Adjustment decision is made to file an appeal with the Secretary-Treasurer.

14. What if my application is approved and my neighbour strongly objects?

The neighbour has the same appeal rights as you do.

15. How long does the application process take?

The Committee of Adjustment hearing will take place approximately four weeks from the week your application is submitted to the Committee staff. Your approval is not in effect until the 20 day appeal period following the decision has ended. In cases where an appeal is lodged, the decision is not final until it has been dealt with by the Ontario Municipal Board.

16. What do I do next?

Proceed to apply for your building permit (if required) or ensure that the decision reaches your lawyer, bank etc. if your property is being sold.