

I presented the AI with a general situation about granting exceptions to bylaws via question 1, and then added a supplementary description of the situation – page 3.

Question 1 to the CoPilot AI: During a council meeting of a small municipality (population 5,115) a resident asks for an exception to a bylaw requirement that makes no sense in his situation. Is there a way the council can make an exception on the spot in [the] meeting?

Short answer: Yes — but only in *very* narrow ways. A municipal council in Canada **cannot simply “waive” a bylaw on the spot** because a resident says it doesn’t make sense. However, council *can* use certain legal tools **during the meeting** to provide relief, depending on the type of bylaw and the authority granted under provincial legislation.

Below is the clear, practical breakdown you’d want if you were sitting at that council table.

The key principle

A **bylaw is law**. Council cannot ignore it, suspend it, or make ad-hoc exceptions unless the bylaw itself (or provincial legislation) explicitly gives council the power to grant exemptions.

So the real question is: *What type of bylaw is it, and does it contain a built-in mechanism for exceptions?*

1. When council can grant an exception immediately

Council can act on the spot **only if one of these is true:**

A. The bylaw already includes a “discretionary exemption” clause

Some bylaws explicitly say things like:

- “Council may grant an exemption by resolution.”
- “The CAO may waive this requirement in special circumstances.”
- “Council may vary the requirement where strict application would cause undue hardship.”

If such a clause exists, council can pass a **resolution** during the meeting to grant the exemption.

This is the cleanest and most common path.

B. The bylaw is a type that provincial law allows to be varied by resolution

Examples (varies by province):

- **Zoning bylaws** → cannot be varied by council on the spot; must go through a formal variance process.
- **Fees, charges, and licensing bylaws** → often allow council to waive or reduce fees by resolution.
- **Traffic, noise, or event bylaws** → often include exemption powers for special events or unique circumstances.
-

If provincial legislation or the bylaw itself gives council discretion, they can use it immediately.

C. Council can direct staff to issue a permit or approval that effectively resolves the issue

Sometimes the bylaw requirement is tied to a permit, and staff have discretion. Council can pass a resolution such as:

“That council direct administration to issue the permit notwithstanding Section X of Bylaw Y.”

This is not technically “waiving the bylaw,” but it achieves the same practical outcome.

🚫 2. When council cannot grant an exception on the spot

These situations require a formal bylaw amendment or statutory process:

A. Zoning, land-use, or development bylaws

These require:

- public notice
- a public hearing
- a formal amending bylaw

Council cannot legally make an exception by resolution.

B. Bylaws with no exemption clause

If the bylaw is rigid, council must amend it. That means:

1. Introduce an amending bylaw
2. Give three readings (often over two meetings)
3. Adopt it

No shortcuts.

C. Anything that would violate provincial legislation

Even if council wants to help, they cannot override:

- building codes
- fire codes
- provincial planning acts
- environmental regulations
- public health rules

🔧 3. The practical “on-the-spot” options council *does* have

If council wants to help the resident **today**, they can choose from these legal tools:

Option 1 — Pass a resolution granting an exemption (if allowed)

Fastest and cleanest.

Option 2 — Direct staff to interpret or apply the bylaw in a flexible way

Useful when the issue is administrative rather than legislative.

Option 3 — Start an amending bylaw immediately

Council can give **first reading** during the same meeting. This signals intent and starts the formal process.

Option 4 — Defer enforcement

Council can direct staff to **pause enforcement** until the bylaw is reviewed. This is common and legally safe if framed properly.

🎯 Bottom line

Council cannot simply ignore or override a bylaw on the spot unless the bylaw or provincial law gives them explicit authority to grant exemptions.

But council *can* often help immediately by:

- using an existing exemption clause
- directing staff to issue a permit
- pausing enforcement
- starting an amendment process right away

The exact path depends entirely on the type of bylaw and the powers written into it.

If you want, tell me **what kind of bylaw it is** (zoning, noise, property standards, licensing, etc.), and I can tell you exactly what council can and cannot do in that specific case.

Supplementary information given to the AI: The situation is that the resident had to take down a very large, dying tree. The bylaw requirement is that a replacement tree must be planted. However, the resident has a smaller property (75% of standard size) with 9 other large trees and no place to put the replacement tree. It is not possible to bring in equipment to remove the stump.

Here's the good news for your situation, Paul: **this is exactly the kind of bylaw requirement that councils can grant an exemption for — if the bylaw contains (or is interpreted to contain) discretionary authority.** And even if it doesn't, council still has legally safe tools to give the resident relief without breaking the bylaw.

Let's walk through it in a way that matches how a real Canadian municipal council would handle this.

What makes this case different

The resident:

- removed a **large, dying tree** (so removal was necessary)
- has a **small lot** (75% of standard size)
- already has **nine mature trees**
- has **no physical space** for a replacement tree
- cannot remove the stump due to **equipment access limitations**

This is the textbook definition of a **hardship case** where strict application of the bylaw produces an unreasonable outcome.

Municipalities write replacement-tree bylaws to prevent canopy loss — not to force residents into impossible situations.

Can council grant an exception on the spot?

Yes — if the bylaw includes an exemption or variance clause

Many tree protection or tree replacement bylaws include language like:

- “Council may exempt an owner from the replacement requirement where compliance is impractical.”
- “The Director/CAO may waive or vary the replacement requirement.”
- “Council may impose alternative compensation in lieu of planting.”
-

If your bylaw has anything like this, council can pass a **simple resolution** during the meeting:

“That council grant an exemption from the tree replacement requirement under Section X of Bylaw Y for 123 Maple Street due to site constraints and existing canopy coverage.”

That's fully legal and immediately effective.

Yes — if the bylaw allows “cash in lieu” or alternative compensation

Some bylaws allow:

- a fee instead of planting
- planting on municipal land
- contributing to a tree fund

Council can approve that on the spot.

✓ Yes — if the bylaw gives staff discretion

If the bylaw says the CAO**, Director of Public Works, or Parks Manager may determine:

- the number of replacement trees
- the feasibility of planting
- alternative compliance

Then council can direct staff to use that discretion.

[**CAO = Chief Administrative Officer, our Director General]

⊘ When council *cannot* grant an exception on the spot

Only one scenario blocks immediate relief:

✗ If the bylaw has no exemption clause and no staff discretion

In that case, council must **amend the bylaw**, which takes:

- first reading
- public notice (if required)
- second and third readings

But even then, council still has a workaround.

🔧 What council *can* do immediately **even if the bylaw is rigid**

✓ Option 1 — Direct staff to defer enforcement

Council can pass a resolution:

“That enforcement of the replacement-tree requirement for 123 Maple Street be suspended pending review of Bylaw Y.”

This is legally safe because it doesn’t waive the bylaw — it controls enforcement priorities.

✓ Option 2 — Start an amendment process right away

Council can give **first reading** during the same meeting to add an exemption clause to the bylaw. This signals intent and protects the resident.

✓ Option 3 — Accept an arborist’s report as evidence of impracticality

If the bylaw requires replacement “where feasible,” council can determine feasibility based on:

- lot size
- existing canopy
- stump location
- access limitations

This is a common and defensible interpretation.

Bottom line for your specific scenario

Given the facts:

- small lot
- nine existing mature trees
- no planting space
- stump cannot be removed
- removal was necessary for safety

Council has a strong basis to grant an exemption immediately *if the bylaw contains any discretionary language at all.*

If the bylaw is rigid, council can still:

- suspend enforcement
- direct staff to treat the site as “not feasible”
- begin an amendment
- or accept alternative compensation

All of these are lawful and commonly used in Canadian municipalities.

If you want, I can draft:

- a **model council resolution** granting the exemption
- a **staff report** recommending the exemption
- a **bylaw amendment clause** to permanently fix the issue
- or a **script** for the mayor/CAO to use during the meeting

Just tell me which direction you want to go.