



## **COMMITTEE OF ADJUSTMENT TERMS OF REFERENCE**

### **PURPOSE**

The Committee of Adjustment is a statutory tribunal with authority delegated to it by the Council of the Township of Guelph/Eramosa under the provisions of the Ontario Planning Act to hold public hearings to make decisions on applications submitted to the Township of Guelph/Eramosa Planning Department on minor variances and enlargement or extension to any existing legal non-conforming building or structure. The Committee operates independently from Council and its decisions may be appealed to the Local Planning Appeal Tribunal (LPAT).

### **MANDATE**

The goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing anyone wishing to speak to an application an opportunity to do so
- Giving due diligence to the consideration of each application
- Openly having all discussions about each application and making all decisions in public at the hearing
- Making rational decisions with appropriate, well thought out conditions
- Clearly stating the reasons for their decisions.

The Committee of Adjustment may:

- Grant a minor variance to any zoning by-laws passed under s.34 of the Planning Act (or a predecessor of this section) in respect of the land, buildings or structure, or the use thereof.
- Approve one or more applications for enlargement or extension to any existing legal non-conforming building or structure provided that the use continued from the date that the by-law was passed until the date of the application to the Committee.
- Approve one or more applications for a use that is either similar to or that is more compatible with the uses permitted in the by-law.

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with the *Ontario Planning Act*.

## **DELEGATED AUTHORITY**

The Committee of Adjustment is a quasi-judicial body, charged with observance and protection of applicable planning law and also with protecting the rights of the individuals affected by the decisions made.

The common law principles of natural justice require the Committee of Adjustment to ensure that individuals affected by their decisions have their equivalent of “a day in court”. The Committee must also satisfy legal requirements concerning notice, public hearings, calling of witness, notices of decisions and recording of proceedings. All timelines under the Act will be strictly adhered to.

As well as the legal procedures detailed in the Planning Act, the Municipal Act, the Statutory Powers Procedure Act, the Municipal Conflict of Interest Act and the Municipal Freedom of Information and Protection of Privacy Act govern the Committee of Adjustment.

The Committee of Adjustment is guided by planning policies and controls established by the Township of Guelph/Eramosa Council through Zoning By-Laws and other By-Laws for controlling development and the Official Plan and planning policies of Wellington County and the Province of Ontario, including the Planning Act, statements of Provincial interest as defined in policy statements, implementation guidelines and Provincial plans.

The Committee of Adjustment has the authority to act on matters to carry out the mandate of the Committee pursuant to the Ontario Planning Act, using its discretion and judgment.

## **COMMITTEE COMPOSITION**

Committee members will be appointed by Township Council.

Three (3) members of the public are appointed for a term coinciding with the term of Council.

Applicants for appointment to the Committee of Adjustment must be:

- A Canadian Citizen
- 18 years of age and over, and
- Either the owner or tenant of land, or the spouse of an owner or tenant of land, within the municipality.

Members shall also demonstrate the following qualifications:

- A commitment to and interest in the community
- An understanding of the planning framework and planning instruments, including Zoning By-Laws and other By-Laws for controlling development and the Official Plan and planning policies of Wellington County and the Province of Ontario, including the Planning Act, policy statements, implementation guidelines and Provincial plans

- Organized, available and committed to attend all Committee meetings
- Objective and have an open mind in order to fully consider the evidence provided
- Access to a computer and an e-mail address in order to receive and respond to Committee communications and information, including hearing and application notices and agenda packages with large text and graphics files

The Committee shall also be composed of the following:

- Staff Liaison, Planning Department, as a non-voting staff resource
- Recording Secretary, Planning Department, as a non-voting staff resource

Only members, appointed by Council, may vote on any issue.

Other parties, with interest, such as subject matter experts, may be invited to the meetings, as required, but without voting privileges.

Council may, by resolution at any time and from time to time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.

Resignations from the Committee must be in writing to the Committee Chair and Township Clerk.

The advertising of vacancies and appointments will be in accordance with the policies and practices adopted by Council from time to time.

## **COMMITTEE POSITIONS & ROLES**

**Chair:** One member will be chosen by majority vote of the Committee at the first meeting of each New Year to Chair the meetings and oversee the business of the Committee for that year.

**Acting-Chair:** A Vice-Chair for the same duration will be chosen by majority vote of the Committee, as needed. The role of Acting-Chair is that of Chair when assuming the role of Chair.

All members:

- Review applications sent to them in advance of the meeting
- Visit the site of each application prior to the meeting
- Attend the Committee of Adjustment hearings, consider applicant, agency and public comments and make decisions in public regarding applications
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate

## **TERM OF OFFICE**

The term of the members of the Committee shall be four years coinciding with the term of the Council that has made the appointment.

## **MEETINGS**

The Committee of Adjustment will meet once a month, pending applications. The meeting schedule will be subject to the availability of the Committee and established at the end of each year for the next year.

Additional meetings may be called by the Secretary of the Committee if there are urgent matters to be discussed. Meetings shall not conflict with regular meetings of Council.

Committee members are expected to attend all regularly scheduled meetings. In the event that a member is unable to attend a meeting, the member must contact the Secretary of the Committee in advance and advise him or her. If a member has been absent for three consecutive regularly scheduled meetings and has failed to advise the Secretary of the Committee in advance, the member shall be deemed to have abandoned his or her appointment and the position shall be considered vacant.

Locations, date and times of meetings may be subject to change and notice of any change will be communicated on the Township's website within a reasonable timeframe.

Meetings will be in-person, virtually or hybrid, subject to the consensus of the Committee and established at the time of the meeting schedule adoption.

## **QUORUM**

Where the committee is composed of three members, two members shall constitute a quorum as per Section 44 of the Planning Act.

## **GOVERNANCE**

The Committee of Adjustment shall be subject to the provision of the Township's Procedural By-Law to Govern the Proceedings of its Committee, as amended, and shall adhere to Township policies and procedures, the Statutory Powers Procedure Act, Municipal Conflict of Interest Act and Planning Act.

## **REMUNERATION**

A member of the Committee of Adjustment shall be paid the sum of \$75.00 (seventy-five dollars) per meeting.