



Committee of Adjustment Terms of Reference

Purpose

The Committee of Adjustment is an independent decision-making body with specific authority, appointed by Council under the authority granted by the Province of Ontario under the Planning Act.

The Committee of Adjustment shall consider and make decisions on applications for Minor Variances in respect of the land, building or structure or the use thereof from the provisions of the Township of Cavan Monaghan Zoning By-law and the enlargement or extension of a building or structure that is legally non-conforming, a change in non-conforming use or uses defined in general terms.

Operation

The Committee of Adjustment and its application processes are governed by the Planning Act.

All Committee meetings are open to the Public.

Role of the Committee

Role of the Chair

It shall be the duty of the Chair to carry out the following responsibilities:

- a) to open the Meeting of the Committee of Adjustment by taking the Chair and calling the Committee of Adjustment to order;
- b) to announce the business before the Committee of Adjustment in the order in which it is to be acted on;
- c) to recognize any Member who wishes to speak and to determine the order of the speakers;
- d) to put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings and to announce the results;
- e) to participate as an active and voting member, encouraging active participation by all Members;
- f) to enforce on all occasions, the observance of order and decorum among the Members;

- g) to call by name, any Member refusing to comply with these Terms of Reference and to order the Member to vacate the place of meeting;
- h) to cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting;
- i) to authenticate, by signature, all Meeting minutes;
- j) to rule on any points of order raised by Members; and
- k) to adjourn the Meeting when the business is concluded.

Role of the Regular Members of the Committee of Adjustment

It shall be the duty of the Regular Members of the Committee of Adjustment to carry out the following responsibilities:

- a) to understand their role and expectations, including all applicable Township By-laws and Policies;
- b) to apply and respect the rules of procedure;
- c) to attend scheduled Regular Committee of Adjustment Meetings, sending regrets otherwise;
- d) to follow the agenda and stay focused on the topic at hand;
- e) to respect confidential information; and
- f) vote on business except when not permitted to by law.

Following the application by the owner or representative of the owner, for any land, building or structure located within the Township of Cavan Monaghan, but prior to the Meeting where the application will be considered by the Committee of Adjustment, the Members may conduct individual and independent site visits.

During site visits Members shall not discuss with the applicant or other interested individuals, any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee of Adjustment.

Role of the Alternate Member of the Committee of Adjustment

It shall be the duty of the Alternate Member of the Committee of Adjustment to carry out the responsibilities as set out above when required and shall only be necessary when quorum cannot be achieved for a Committee of Adjustment Meeting among the Regular Members.

Role of the Secretary-Treasurer of the Committee of Adjustment

The Township of Cavan Monaghan Clerk or designate will act as the Secretary-Treasurer of the Committee of Adjustment.

It shall be the duty of the Secretary-Treasurer to carry out the following responsibilities:

- a) to provide notice of a Committee meeting in accordance with these Terms of Reference;

- b) to prepare and distribute agendas to Members before regularly scheduled meetings;
- c) to record when the meeting started and adjourned;
- d) to record the Members present and absent;
- e) to take minutes, recording a summary of the discussion for each item, actions to be taken and recommendations, including the names of the movers of motions;
- f) to finalize minutes for distribution; and,
- g) to act as a resource to the Committee of Adjustment and to provide legislative interpretation where required.

The Secretary-Treasurer is non-voting member.

Role of Staff

The Township of Cavan Monaghan Director of Planning or designate shall provide a report to the Committee with a recommendation on the application and be available to provide input, discuss with the general public, community representatives, applicants, and authorized agents matters related to application submission.

It is not the role or responsibility of staff to make a decision on an application as this is the role and responsibility of the Committee.

Staff are non-voting members.

Composition

The Committee of Adjustment members shall consist of three (3) Members at Large and one (1) Alternate Member at Large and be established by by-law.

The members will be established for the Term of Council although a by-law is required to formally appoint the members each year.

A Chair shall be established at the first meeting of each new term to oversee the business and insure smooth and effective operation of the Committee of Adjustment.

Quorum

A majority of members, being two (2), will constitute a quorum for the transaction of business.

Notice of Public Meeting

Notice of an application to be considered at a meeting shall be given by the Secretary-Treasurer in a manner prescribed by the Planning Act, and any regulations passed there under, and may include one or more of the following:

- a) A notice posted on the property subject to the application;
- b) A notice circulated to surrounding property owners;
- c) A notice posted on the Township's website.

Minutes and Agendas

Minutes of each meeting will be recorded by the Secretary-Treasurer and drafted for approval by the Committee at the next Committee of Adjustment meeting.

Distribution of the agenda for the upcoming meeting will be sent via email to Committee members at least 48 hours prior to the next meeting and will be posted on the Municipal website. Meetings will be livestreamed and recorded. The livestream and recording will be maintained in accordance with the Records Retention By-law.

Meeting Times and Locations

The Committee of Adjustment will meet as required. Meeting dates and times will be established in consultation with member availability during regular business hours, Monday to Friday 8:30 a.m. – 4:30 p.m.

Meetings may be held in the Township of Cavan Monaghan Council Chambers located at 988 County Road. 10, Millbrook or an alternative option when required.. Meetings will be livestreamed and recorded.

Remuneration

Citizen appointments remuneration is \$75.00 per meeting, mileage is included in this rate (mileage for site visits will not be compensated).