

Committee of Adjustment Terms of Reference

NAME:	Committee of Adjustment
DIRECTION RECEIVED FROM COUNCIL	The Committee of Adjustment, once appointed, is a statutory tribunal with specific authority, identified within the Procedural By-law as within the Town of Hanover Committee's duties (Committee of Adjustment, Consent Authorities and Property Standards matters) Members must be appointed by Council as per the Regulation
RECORDS:	Secretary-Treasurer Committee of Adjustment (specified duties as regulated and prescribed) Secretary Property Standards Committee in accordance with Section 15.6(7) as per the Building Code Act, 1992
OTHER ITEMS OF REFERENCE:	A procedure has been passed by the Committee of Adjustment governing the calling, place and proceedings of meetings.

1. BACKGROUND

The Committee of Adjustment is a quasi-judicial body, appointed by Council under the authority granted by the Province of Ontario as per Section 44, 45 and Section 54 (2) of the *Planning Act*, 1990, c.P.13 to hold public hearings/meetings to make decisions on applications submitted to the Town. Committee of Adjustment members will also sit as the Property Standards Committee as per Section 15.6(1) as per the *Building Code Act*, 1992 to hear appeals or orders issued with regards to the Property Standards By-law (the same members appointed to the Committee of Adjustment are also appointed as members of the Property Standards Committee).

2. MANDATE

Committee of Adjustment members consider minor variances from the zoning by-law, review proposed extensions, enlargements or variations of existing legal non-conforming uses and determine the viability of Applications for Consent (land division), when the consent application involves a variance and/or when the consent is in dispute and cannot be resolved without a hearing. These decisions are made by:

- a) reviewing, in the case of minor variances, the four tests laid out in the *Planning Act*
 - i) The minor variance is desirable for the appropriate development or use of the land, building, or structure;
 - ii) The minor variance can be considered minor;
 - iii) The general intent of the Zoning By-law is maintained; and,
 - iv) The general intent of the Official Plan is maintained

- b) having regard, in the case of consents (severing a new lot from an existing lot, adding land to an existing lot, easements, mortgages or leases in excess of 21 years), to the matters under section 51(24) of the *Planning Act*
- c) reviewing Council decisions and by adhering to the Official Plan policies
- d) having regard to provincial policy statements
- e) following the *Statutory Powers Procedure Act*.

The Committee of Adjustment is required to give notice, follow procedures as regulated and prescribed and is subject to appeal routes set out in the parent legislation.

The Committee of Adjustment shall:

- a) Review all information and material submitted with the application from the property owner(s), applicant(s) or authorized agent(s) and conduct site visits relating to application;
- b) Hear presentations from property owner(s), applicants or authorized agent(s), in addition to all written and oral submissions submitted by members of the public (neighbors) or interested parties;
- c) Make a decision based on all the written and oral submissions made by the property owner(s), applicants or authorized agent(s), members of the public (neighbors) or interested parties to the Committee of Adjustment, and approve, refuse, table, defer, or modify the recommendations of staff;
- d) In the case of an Appeal to Property Standards By-law No. 2895-15 or its successor, the Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the Order, and may confirm, modify or rescind the Order to demolish or repair; or extend the time for complying with the order if, in the Committee's opinion, the general intent and purpose of the by-law is maintained.

3. MEETINGS

Committee of Adjustment meetings are held at the call of the Chair.

4. COMMITTEE COMPOSITION

Six members will be appointed to sit as a committee at each hearing. The Committee of Adjustment shall consist of two members of Council appointed annually and four members of the public appointed for the term of Council. Appointments to the Committee may be subject to an interview process.

The Committee of Adjustment shall have a recording Secretary as a non-voting staff resource. The Secretary-Treasurer will provide support services to the Committee as follows:

- a. undertake administrative duties including correspondence, reports, provide assistance to applicants, answer questions from the public;
- b. review all applications for processing;
- c. circulate public notices;
- d. prepared and distribute the agenda;
- e. notify members of upcoming meetings;
- f. make recommendation for decisions;
- g. record and circulate minutes;
- h. follow up on any questions and/or concerns from Committee members

5. QUALIFICATIONS

Committee Members must have the ability to understand and apply the provisions of the Town's Official Plan, Comprehensive Zoning By-law and Sign Bylaw and should be considered impartial with respect to their ability to fulfill their responsibilities. Members cannot act as agents for applicants before the Committee of Adjustment. Committee members shall also have an understanding of property standard regulations, including the Building Code Act and Property Standards By-law.

Members should collectively bring the following skills and expertise to the Committee:

- a) Demonstrate decision-making, communication, and mediation skills to facilitate an open and fair hearing process;
- b) Have adjudication experience and administrative and organizational skills to be able to chair public hearings/meetings and maintain order in conflict situations;
- c) Have an understanding of neighbourhoods and a demonstrated commitment to and interest in the Community; and
- d) Have knowledge in one or more areas of: law, land use planning, architecture, government, economic development, community development, land development, urban forestry and environmental planning.

6. QUORUM

Where the committee is composed of three members, two members constitute a quorum, and where the committee is composed of more than three members, three members constitute a quorum as per Section 44(5) of the *Planning Act*.

7. TERM OF OFFICE

Four years from the date of appointment to coincide with the Council term. Members hold office until their successors are appointed. Where a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the remainder of the term as per Section 44 (3 and 4) of the *Planning Act*. A Chair will be elected from within the membership at the first hearing of each year as per Section 44 (3 and 4) of the *Planning Act*.

In accordance with Section 44(3) of the *Planning Act* members of the Committee of Adjustment who are members of a municipal council shall be appointed annually.