

COMMITTEE OF ADJUSTMENT

Terms of Reference

The *Planning Act*, R.S.O. 1990, C.P. 13, Section 44(1)

1. Mandate of the Committee of Adjustment

The Committee of Adjustment is a statutory tribunal appointed by the Council of the Township of Centre Wellington, under the provisions of *The Planning Act*, R.S.O. 1990, C.P. 13, and its function is to consider and make decisions on applications for minor variances and alterations or extensions to legal non-conforming uses. The Committee operates independently from Council and decisions may be appealed to the Local Planning Appeal Tribunal.

The Committee of Adjustment is authorized by Section 45(1) of *The Planning Act* to consider requests for minor variances or permissions to the Township's Zoning By-law based on the four tests under Section 45(1) of *The Planning Act*, as follows:

- The minor variance is desirable for the appropriate development or use of the land, building or structure;
- The minor variance is considered minor;
- The general intent of the Zoning By-law is maintained;
- The general intent of the Official Plan is maintained.

The Committee of Adjustment upon application for a variance or permission shall:

- Hear and give consideration to the presentations from property owner(s), applicants, authorized agent(s), and other interested persons, including the Township or agencies;
- Render a decision based on the presentations, comments received and any report submitted by staff. Decisions are to approve with or without modifications or conditions, refuse, or defer the application;
- Clearly state the reasons for the decision.

The Committee of Adjustment also considers applications for variances to the Township's Fencing and Sign By-laws.

2. Composition

The Committee of Adjustment shall be comprised of three (3) or five (5) members. Committee members must have the ability to understand and

apply the provisions of the County and Township's Official Plans, the Zoning By-law and the Provincial Policy Statement and should be impartial with respect to their ability to fulfill their responsibilities. Individuals should have a demonstrated commitment and interest in the community, and the committee membership should reflect a balanced representation from the areas of planning, construction and lay people.

3. Term of Membership

Members are appointed for a four-year term, coinciding with the term of Council, however, they will remain in office until their successors have been appointed by Council. In the event of a vacancy prior to the end of the term, Council will appoint another eligible person for the remainder of the term as per Section 44 (3 and 4) of *The Planning Act*.

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 quorum as per Section 44(5) of *The Planning Act*.

4. Remuneration

Committee members will be paid a per diem established by by-law. The meeting remuneration includes any mileage incurred by members with respect to site visits.

5. Roles and Responsibilities of Committee Members

Committee Chair and Vice Chair

The Chair and Vice Chair shall be elected by a majority of committee members for a one year term at the first meeting of each calendar year. The Vice Chair acts in the absence of the Chair and assumes the roles and responsibilities of the Chair.

It is the role of the Chair to preside at all meetings and provide guidance and leadership to the Committee. The Chair shall ensure decorum is maintained and the rules of procedure and conduct are observed.

Refer to the by-law governing the rules of procedure for the Committee of Adjustment for additional responsibilities of the Chair.

Committee Members

Committee Members shall:

- Commit to attending regular meetings during the year;
- Conduct site visits to the respective property, if necessary;
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate;
- Ensure they have access to a computer and an e-mail account to receive and respond to communications and information, including meeting and application notices and agenda packages with large text and graphic files.

6. Meeting Times and Location

Meetings are scheduled for the third Thursday of each month at 3:30 p.m. Meetings are open to the public and held in the Council Chamber or Veteran's Hall at the Municipal Office of the Township of Centre Wellington, 1 MacDonald Square, Elora, ON.

The date, time and location of a meeting can be changed at the discretion of the Secretary-Treasurer.

7. Staff Support to the Committee of Adjustment

The Planning Coordinator from Planning and Development Services acts as the Secretary-Treasurer to the Committee. Departmental representatives (Planner, Chief Building Official) act as subject matter experts and provide information to assist the Committee in reaching decisions.

8. Code of Conduct

The Council of the Township of Centre Wellington has adopted a Code of Conduct for Members of Council, Committees and local boards. The Code of Conduct includes provisions related to: a) issues of general integrity, confidential information, respectful conduct, discrimination or harassment, improper use of influence, etc.

9. Conflict of Interest

The Municipal Conflict of Interest Act sets out a primary set of ethical rules for Council, Committee and local board members. These rules apply if members have a pecuniary (financial) interest in a matter that is before them at a meeting. The legislation requires a member with a pecuniary interest to:

- disclose the interest and its general nature before the matter is considered at the meeting;

- not take part in the discussion or voting on any question in respect of the matter;
- not attempt to influence the voting, during or after the meeting; and
- immediately leave the meeting, if the meeting is closed to the public.

10. Municipal Freedom of Information and Protection of Privacy Act

Committee of Adjustment Members will act to protect the privacy of individuals with respect to personal information contained in application forms and information circulated to the Committee and to ensure personal information is used solely for the purpose of considering the application.