

Board - Committee
Chapter 40 Committee of Adjustment

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AND WHEREAS subsection 238 (2) of the *Municipal Act, 2001*, as amended, requires that every local board shall adopt a procedure by-law for governing the calling, place and proceedings hearings.

Article 1 - Interpretation

40.1.1 Committee - defined

"Committee" means the Committee of Adjustment having jurisdiction in the area in which the subject land is situated.

40.1.2 Chairperson - defined

"chairperson" means a member of the Committee of Adjustment responsible for chairing a hearing.

40.1.3 Hearing - defined

"hearing" means the public meeting of the Committee of Adjustment held for the purpose of considering applications for minor variance and consents, pursuant to the provisions of the *Planning Act*.

40.1.4 Hearing Panel - defined

"Hearing Panel" means the members of the Committee of Adjustment, in attendance at a hearing held for the purpose of considering one or more applications for minor variance under the provisions of the *Planning Act*.

40.1.5 Member - defined

"member" means an individual appointed by the Council of the City of Woodstock to the Committee of Adjustment.

40.1.6 Secretary-Treasurer - defined

"Secretary-Treasurer" means the Clerk for the City of Woodstock, or designate, who is responsible for the Secretary-Treasurer duties of the Committee of Adjustment.

Article 2 - General Provisions

40.2.1 Calling of hearings - by Secretary-Treasurer

All hearings of the Committee of Adjustment shall be called by the Secretary Treasurer or designate. By-law 8348-07, May 3, 2007.

40.2.2 Agenda - posted - delivered to members - in advance

The Secretary-Treasurer shall prepare and cause to be delivered electronically an agenda to each member of the Committee at least 48 hours (two days) prior to the hearing. The agenda shall be placed on the City of Woodstock's website prior to the holding of a hearing. By-law 8863-12, August 15, 2013.

40.2.3 Hearing - cancel - reschedule - authority

The Secretary-Treasurer may cancel or reschedule a hearing if necessary. By-law 8348-07, May 3, 2007.

40.2.4 Location - time of hearings

All hearings of the Committee shall be held in Council Chambers at City Hall in the City of Woodstock. All regular hearings shall be held on the Monday prior to the 2nd Woodstock City Council meeting of the month, excluding January, July, August and December when the hearing will be held on the Monday prior to the only scheduled Woodstock City Council meeting. When the date of the hearing falls on a statutory holiday, the meeting will be held on Tuesday. By-law 8863-13, August 15, 2013.

40.2.5 Notification of hearings - Secretary-Treasurer – duties

At least ten days before the day of the hearing on an application for a minor variance, the Secretary-Treasurer shall give notice by personal service or prepaid first class mail to every owner of land within 60 metres of the area to which the application applies and to all parties necessary to comply with the provisions of the Ontario Regulation 200/96.

40.2.6 Notification of hearing - applicant duties

The Committee of Adjustment shall require, as part of its rules of procedure, that each applicant post an adequate sign on the subject property as a means of providing public notice of the proposed application in addition to the notice pursuant to the provisions of Ontario Regulation 200/96. By-law 8348-07, May 3, 2007.

40.2.7 Committee - composition

The Committee of Adjustment shall be composed of seven members of the public who are a resident, an owner of property, or an employee within the City of Woodstock. By-law 8483-08, September 18, 2008; By-law 8863-13, August 15, 2013.

40.2.8 Quorum

Three members shall constitute a quorum.

40.2.9 Chair

The members of the committee shall elect one of themselves as Chair, and, when the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Acting Chair.

40.2.10 Agenda

The Secretary-Treasurer shall cause to be prepared for the use of the members of the Committee an "Agenda," also known as the "Order of Business" stating the order in which the business of Committee shall be conducted as follows:

1. Declaration of Pecuniary Interest
2. Matters Arising from Minutes
3. Minutes
4. Applications for Minor Variance Including Correspondence
5. General Business
6. Adjournment

40.2.11 Declaration of pecuniary interest

As required by statutes of the province, members of the Committee shall disclose any direct or indirect pecuniary interest and the state the general nature of such interest and it shall be recorded by the Secretary-Treasurer in the minutes. The member of the Committee with a pecuniary interest shall take no action to participate in, or influence the vote of the other members when the item is to be resolved by the Committee.

40.2.12 Matters arising from minutes

This portion of the agenda shall be used by the members of Council to note any errors and/or omissions in regard to the minutes of the previous hearing.

40.2.13 Minutes - copy - to members - prior to hearing

This portion of the hearing shall be to consider the minutes of the last hearing of the Committee. Upon the adoption of the minutes by the Committee, the Chairperson shall sign the minutes.

40.2.14 Applications for minor variance and correspondence

This portion of the agenda shall be to consider the applications for minor variance, the accompanying correspondence and to hear the comments of the planner and persons who wish to make comments on this application.

40.2.15 General business

Any member of the Committee may present at this time an address on any subject pertaining to the business of the Committee.

40.2.16 Adjournment

This portion of the agenda shall be to adjourn the hearing. By-law 8348-07, May 3, 2007.

40.2.17 Application fee - minor variance

The following are the fees for minor variance applications and shall be submitted with the application. By-law 8888-14, January 16, 2014.

January 20, 2014	\$550
January 1, 2015	\$600
January 1, 2016	\$650
January 1, 2017	\$700

40.2.18 Remuneration

Committee members shall be paid a remuneration of \$50 per meeting.

Article 3 - Rules of Conduct of Hearings Members And Staff

40.3.1 Matter not addressed - Roberts Rules of Order

The conduct of hearings and members with respect to matters not specifically addressed in this Chapter shall be dealt in accordance with *Roberts Rules of Order*.

40.3.2 Rules of conduct - applicable

The rules of conduct for Council and its Committees shall be applicable to members of the Committee of Adjustment.

40.3.3 Statutory duties

The Secretary-Treasurer shall be required to carry out the duties as prescribed in the *Planning Act*.

40.3.4 Legal advice - prohibited

The Secretary-Treasurer shall not give advice respecting any principles of planning law.

40.3.5 Rules of natural justice - prior discussion prohibited

Following the rules of natural justice, Committee members are expected to refrain from discussing the applications prior to the hearing. Committee members are also expected to refrain from speaking to individuals either in

favour or opposed to the application prior to the hearing, in order to ensure the Committee reaches a decision untainted by bias.

40.3.6 Hearing procedures - public - set out

The Committee of Adjustment shall hold a public hearing on every application before a decision is made on the application. The Chair shall conduct the hearing in accordance with the following procedure. The Chair shall:

- Unless authorized by the majority following the agenda as set out.
- Prior to dealing with an application, announce what the application is for, the applicant's name and the street address. Correspondence, if any, shall be dealt with under each application to which it applies.
- Call on the planner for comments on the application and allow Committee members to ask questions of the planner.
- Ask the applicant or his/her representative if they wish to make comments on the application or the planner's recommendation. If the person is not the applicant, their relationship to the applicant should be stated. When applicant or their representative is finished with their presentation, allow Committee members to ask questions of the applicant or his/her representative.
- Ask members of the audience if they wish to speak for or against the application or the planner's recommendation.
- Call for a resolution to grant/ not grant the application, then vote on the resolution. The resolution must include the reasons for the decision. Allow the Secretary-Treasurer time to have the notice of decision signed by each of the members present.
- Proceed to the next application in order on the agenda using the same process.
- Once all of the applications have been dealt with ask if there are any matters to be considered under General Business.
- Following completion of all the applications listed, obtain a resolution to adjourn the hearing. By-law 8348-07, May 3, 2007.