

The Corporation of the Township of Georgian Bluffs

By-law Number 2022-042

Being a By-law to establish a Committee of Adjustment and Committee procedures and repeal By-law 19-2011.

Whereas, Section 54(1) of the *Planning Act, R.S.O. 1990*, c. P. 13, as amended allows the council of a County to delegate to a council of an area municipality the authority for the giving of consents under Section 53 of the *Planning Act, 1990*, as amended, in respect of land in a municipal planning area by by-law; and

Whereas the Council of the Corporation of the County of Grey passed By-law 3826-2000 to delegate the authority for the giving of consents under section 53 of the *Planning Act, 1990*, to the Township of Georgian Bluffs effective January 1, 2001; and

Whereas, Section 54(2) of the *Planning Act, 1990* as amended, allows the Council who has been delegated the authority of giving consents under Section 54(1) to delegate the authority of any part of such authority to a committee of council by by-law; and

Whereas, Section 44 of the *Planning Act, 1990* provides municipalities with the authority to establish a Committee of Adjustment for the Township; and

Whereas, Section 238 (2) of the *Municipal Act, 2001* requires municipalities and local boards to pass a procedure by-law for covering the calling, place and proceedings of meetings;

Now therefore the Council of The Corporation of the Township of Georgian Bluffs enacts as follows:

1.0 Rules of Procedure Adopted/Suspended

- 1.1 The proceedings of the Committee of Adjustment, the conduct of the members and the calling of meetings shall be governed by the provisions of the *Municipal Act* and the rules and regulations contained in this by-law.
- 1.2 If there is a conflict between two or more rules in this by-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Secretary Treasurer, rely on previous rulings and practices, or refer to Robert's Rules of Order.
- 1.3 Despite subsection 1.1, the rules and regulations contained in this by-law may be suspended by a vote of two-thirds of the members present and voting with the exception of the following rules:

- a) Majority of whole of Members required for Quorum
- b) Any statutory requirements with respect to proceedings.

2.0 Interpretation

2.1 Short Title

This by-law shall be known as “The Committee of Adjustment Procedure By-law”.

2.2 Purpose

The purpose of this by-law is to govern the calling, place, and proceedings of the Committee of Adjustment meetings.

2.3 Principles

This by-law sets out processes that are open, transparent, and accountable to the public. In the context of Council proceedings, these principles are accomplished by:

- a) Ensuring the decision-making process is understood by the public and other stakeholders;
- b) Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this by-law and other statutory requirements; and
- c) Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements.

2.4 The principles of parliamentary law governing Council Meetings include:

- a) The majority of Members have the right to decide;
- b) The minority of Members have the right to be heard;
- c) All Members have the right to information to help make decisions, unless otherwise prevented by law;
- d) All Members have a right to an efficient meeting;
- e) All Members have the right to be treated with respect and courtesy;

and,

f) All Members have equal rights, privileges and obligations

3.0 Definitions

3.1 In this By-law:

3.2 “Application” means an application made under the Planning Act, R.S.O. 1990, C.P. 13, for minor variance Sec. 45 (1, 2 and 3) or an application for consent Sec. 53(1), or an application for validation of title in accordance with the Planning Act, Sec. 57.

3.3 “Chair” means the presiding officer of a meeting.

3.4 “Clerk” means the Clerk of the Township of Georgian Bluffs or their designate.

3.5 “Committee” means a group of not fewer than three individuals appointed to the Committee of Adjustment by by-law of the Council of the Corporation of the Township of Georgian Bluffs, pursuant to the provisions of the *Planning Act, R.S.O. 1990*, as amended C.P. (Sec. 44(1)).

3.6 “Council” means the elected and sworn Members of Council of the Township of Georgian Bluffs

3.7 “Member” means a Member of Council or committee and can include the Mayor and Deputy Mayor.

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c.25

3.8 “Secretary-Treasurer” means the Secretary-Treasurer of the Committee of Adjustment, of the Corporation of the Township of Georgian Bluffs, appointed by members of the Committee of Adjustment at a regular meeting of the Committee (Sec. 44(8)).

3.9 “Vice-Chair” means a committee member who is elected to sit in place of the Chair during their absence.

4.0 Selection of the Committee

4.1 Up to three (3) citizen committee members shall be selected by Council following a call for nominations prior to the start of each Council term.

4.2 Formal nominations for citizen members shall be advertised by the Planning Department. Applications once received will be reviewed by

the Secretary Treasurer or designate and compiled for presentation to Council.

- 4.3 Council will review the citizen applications in closed session, with a formal appointment by-law for up to three citizen members, to be passed in open session at a subsequent meeting.
- 4.4 Council members shall be appointed to the Committee at the start of each Council term.
- 4.5 Two (2) Council members shall be appointed to the Committee.
- 4.6 In the event of resignation of a committee member, the Planning Department shall advertise the vacancy and invite the public to apply, following the same selection and review process outlined in 4.2 and 4.3. If the committee resignation is a member of Council, Council shall pass a resolution to appoint a new Council member to the Committee and amend the appointment by-law.

5.0 Resignation and Dismissal

- 5.1 Committee of Adjustment members wishing to resign their appointment shall submit a letter of resignation to the Committee of Adjustment which shall be forwarded as soon as possible to the Secretary Treasurer. Following the resignation of a committee member, Council may appoint a new member to the Committee to fill the vacancy by following the selection process outlined in 4.0.
- 5.2 Council may, with or without the advice of the Committee of Adjustment, and with a supporting rationale, make changes to the Committee of Adjustment.

6.0 Calling of Meetings

- 6.1 All meetings of the Committee of Adjustment, pursuant to Section 238(1) of the *Municipal Act, R.S.O. 2001, c. 25*, as amended, shall be called by the Secretary-Treasurer or the Chair of the Committee.
- 6.2 In consultation with the Chair, the Secretary-Treasurer may cancel or reschedule a meeting.

7.0 Quorum

- 7.1 Council of the Township of Georgian Bluffs appoints five (5) members to the Committee of Adjustment. Three (3) members shall be deemed to constitute a quorum.
- 7.2 The Committee shall be formed of two appointed members of Council and three members of the public.

7.3 Where only three (3) members are present, and one (1) member has a conflict, two (2) members shall constitute quorum.

7.4 If no quorum is present fifteen (15) minutes after the time appointed for a meeting, the Chair of the meeting or the Secretary- Treasurer may discharge the members present and may cancel or reschedule the meeting and notice for the same shall be given.

8.0 Chair

8.1 Members shall elect a Chair from the committee membership.

8.2 The Chair shall be counted in determining quorum and shall be entitled to all the rights of a member on the Committee, including voting.

8.3 A Vice-Chair shall be appointed from committee membership to preside over meetings where the Chair is absent, through illness, or otherwise.

8.4 Where the Chair and Vice-Chair are absent, through illness, or otherwise, the Secretary-Treasurer shall call for the election of an Acting Chair for the meeting.

9.0 Members

9.1 Members shall conduct and govern themselves according to the Council Code of Conduct.

9.2 A Member shall have the following duties:

- a) to deliberate on the business before it;
- b) to vote when a motion is put to a vote;
- c) to respect the Rules of Procedure.

9.3 The Members are responsible for, where applicable:

- a) attending scheduled meetings;
- b) carefully considering and making decisions about meeting business, including seeking information and advice from staff prior to and during a meeting;
- c) respecting and following the rules of order, the Chair's final ruling, and Council's decision;
- d) participating in a meeting and not interrupting, unless to raise a Point of Order or Point of Personal Privilege, as set out in Section 34 of this by-law;

- e) voting on all matters unless prohibited by law;
- f) advising the Chair or Clerk of any absences; and
- g) respecting the confidentiality of matters discussed in Closed Session and not disclosing the subject or substance of these discussions unless authorized to do so.

9.4 No Member shall:

- a) Use offensive words or unparliamentary language in or against the Committee or against any member of staff or the public;
- b) Speak on any subject other than the subject in debate;
- c) Criticize any decision of the Committee or continue to debate the matter after it has been decided;
- d) Disobey the Rules of Procedure or a decision of the Chair or of the Committee on questions of order or practice or upon the interpretation of the rules of the Committee;
- e) Disclose any information that is deemed to be confidential pursuant to the Municipal Freedom of Information and Protection of Privacy Act;
- f) Display any offensive or partisan political material, including buttons.

9.5 Where a Member persists in any disobedience of the Rules of Procedure after having been called to order by the Chair, the Chair shall forthwith direct that, with no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the meeting of the Committee", but if the Member apologizes, he/she may be permitted to retake their seat.

10.0 Remuneration

10.1 Members of the Committee of Adjustment are remunerated according to compensation provisions in By-law 2021-088 - Council Remuneration Policy.

11.0 Location of Meetings

11.1 All meeting of the Committee shall be held in the Council Chambers, unless alternate public meeting room arrangements have been requested by the Secretary-Treasurer.

11.2 The room assigned for the Committee meeting shall be identified on the

Notice of Hearing for applications for Minor Variance and Consent that are circulated by the Secretary-Treasurer or designate of the Committee, as well as published in eSCRIBE and posted on the Township's website.

12.0 Electronic Participation

- 12.1 Electronic participation is permitted in all meetings of Committee, in periods of a declared emergency and those outside a declared emergency, further to Electronic Participation Policy COU-02-2020.
- 12.2 A member of Committee who is participating electronically in a meeting shall be counted in determining quorum.
- 12.3 Electronic participation shall be permitted in closed meeting discussions.
- 12.4 All electronic meeting procedures shall be determined to be as defined in Electronic Participation Policy COU-02-2020, as amended from time to time.

13.0 Notice of Application and Public Hearing

- 13.1 All meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct.
- 13.2 The Notice of Application and Public Hearing for an application shall be given in accordance with the provisions of the *Planning Act*, as amended, and any regulations passed thereunder, together with the Notice requirement contained in the conditions of delegation of the consent granting authority from the County of Grey and the Corporation of the Township of Georgian Bluffs.
- 13.3 Notice of Application and Public Hearing procedures with respect to applications for validation of title, and for change to conditions shall be completed at the discretion of the Secretary-Treasurer.
- 13.4 The Committee shall hold a public hearing on every application before a decision is made on the application.

14.0 Applications

- 14.1 Applications submitted shall contain all the information required by the *Planning Act*.
- 14.2 A copy of each application shall be circulated with the Notice of Application and Public Hearing to all committee members a minimum of 14 days prior to the hearing for the purpose of conducting a site visit. A copy of each application shall be circulated with the Notice of

Application and Public Hearing to any agency requesting the same.

14.3 A copy of the application should be available to the public upon request.

15.0 Preparation & Delivery of the Agenda

15.1 Prior to each meeting, the Secretary-Treasurer or designate shall prepare an agenda of all the business to be brought before such meeting.

15.2 The agenda shall be made public by way of publishing in eSCRIBE and posting on the Township's website not later than the Friday immediately preceding the meeting date. The agenda shall be forwarded to all Committee members electronically on the date it is made public.

15.3 Any additional correspondence pertinent to the application that is received after the agenda has been made public, will be made available to the Committee via email.

15.4 Any correspondence pertinent to the application that is received after the meeting is held will be dated and filed in the applicable application file.

16.0 Conduct of the Meeting

16.1 The Committee shall deal with the business matters of the Committee in the following order, or as otherwise identified on the agenda:

- i) Call to Order
- ii) Approval of the Agenda
- iii) Declaration of Pecuniary Interest
- iv) Minutes of Previous Meetings
- v) New Business
- vi) Unfinished Business
- vii) Adjournment

16.2 The meeting of the Committee shall be called to order by the Chair of the Meeting or the Secretary-Treasurer. Meetings shall commence at 5:00 p.m. and will continue until a motion is passed to adjourn a meeting. Variations to this time can be amended at the request of the Committee.

16.3 The Chair shall ask the Members to declare any interest they may have in applications before the Committee, and the provisions of the *Municipal Conflict of Interest Act* shall apply.

16.4 The Chair shall ask the Members for a motion to approve the previous minutes. Members may ask questions or request revisions. The motion

must be seconded, and a vote by the majority to accept.

- 16.5 The Chair shall ask the Secretary-Treasurer if there is any business arising from the previous minutes. The Secretary-Treasurer will provide any relevant information to the Committee.

17.0 Public meetings

- 17.1 The Chair of the meeting shall ask the Secretary-Treasurer to introduce and present the application in the order determined by the agenda. The Secretary-Treasurer will summarize the staff recommendation and advise the Committee of all correspondence relating to the applications that has been received from agencies, residents and others who responded to the circulation of the Notice of Application and Public Meeting.
- 17.2 The Chair of the meeting shall ask Planning Staff if they have any further information to add about the application.
- 17.3 The Chair shall invite the members of the Committee to participate in discussion of the application, including discussing their site visits.
- 17.4 The Chair of the meeting shall invite anyone else having an interest/concern, with respect to the application, to come forward and advise the Committee of their position.
- 17.5 Delegations shall be limited in speaking to not more than ten minutes, unless Committee has, by majority vote, extended the time given to the speaker.
- 17.6 The Committee shall give the applicant, authorized agent or the applicant's representative, the opportunity to respond to any comments received from the commenting agencies or interested parties.
- 17.7 The Committee members, through the Chair, may ask any questions of the applicant or agent or of those parties expressing an interest or concern.
- 17.8 The Chair of the meeting shall ask the Secretary-Treasurer to read the recommended decision and conditions. The Chair shall ask for a mover of the proposed motion in the staff report. Once a Committee Member has moved the suggested decision, the Chair shall ask for a seconder of the motion.
- 17.9 The Committee shall be given an opportunity to discuss the motion and suggest any amendments to the motion. All motions shall be put forward by Committee Members, and the Chair shall seek a seconder for any motion. Any moved and seconded amendment shall be voted on

by the Committee.

- 17.10 Amendments voted for by a majority of the Committee shall form part of the main motion.
- 17.11 If there is no further discussion, or when all amendments have been dealt with, the Chair shall call a vote by the Committee with a show of hands on the motion. The Chair shall announce the decision of the Committee.
- 17.12 The Secretary-Treasurer will advise the applicant, authorized agent or applicant's representative of the options available following the decision of the Committee concerning signage removal, appeal period, date by which conditions must be met, and/or appeal procedures.
- 17.13 The Chair of the meeting shall ask the Secretary-Treasurer to discuss any Other Business on the agenda.
- 17.14 The Chair or Secretary-Treasurer of the meeting shall announce the next meeting date and time.
- 17.15 The Chair of the meeting, having completed the entire agenda may adjourn the meeting. If the entire agenda is not complete the Chair of the Meeting may ask for a motion and seconder to adjourn the meeting.

18.0 Voting

- 18.1 All voting shall be made by a show of hands. All members of the Committee are entitled to vote, and each member shall have one vote.
- 18.2 A vote shall be taken at the direction of the Chair on each motion shall be moved and seconded. Any motion can be amended or deferred, but all motions must be resolved.
- 18.3 With respect to applications before the Committee, when a motion is put to a vote, and a member who is present and not otherwise prevented by Statute from voting does not vote, his vote shall be recorded in the negative.
- 18.4 A decision on an application shall only be made by a majority vote in favour of the motion which has been moved and seconded. A defeated motion will not result in a decision on the application.
- 18.5 Should a defeated motion occur, the Committee shall be required to state reasons for said defeat via a new motion through the Chair.

19.0 Deferrals

- 19.1 A communication in writing from the applicant or agent requesting a

deferral of the hearing or a request to close the file may be dealt with in the absence of the applicant or agent.

- 19.2 The Chair shall also call for any requests for deferral of an application or for any request for withdrawal of an application.
- 19.3 All requests for deferrals of the hearing of an application to a later meeting as noted above must be for a reasonable cause.
- 19.4 The Committee shall set a new meeting date for the consideration of the deferred application and shall indicate any other requirements or conditions for deferral, such as re-notification, amendment, or additional required information.

20.0 Conflict of Interest

- 20.1 If a member has a conflict of interest in any matter and is or will be present at the meeting at any time at which the matter is the subject of consideration, the member,
 - a) Shall, before any consideration of the matter at the meeting, orally disclose the interest and its general nature;
 - b) Shall provide the Secretary-Treasurer a written declaration of their conflict of interest;
 - c) Shall not, at any time, take part in the discussion of, or vote on, any question in respect of the matter;
 - d) Shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, to influence the voting on any such matter or influence employees of or persons interested in a contract with the Municipality in respect of the matter; and
 - e) Shall leave the room and remain absent from it at all times during consideration of the matter.
- 20.2 If the member is not present for the meeting where any matter that was discussed that would have posed a conflict of interest, they shall declare their conflict of interest and general nature thereof at the next meeting where they are present, as per the procedure if they were present at the meeting.

21.0 Accessibility

- 21.1 All agendas, documents and minutes shall be prepared in a machine readable, 12-point arial font, and alternative formats of agendas, documents and minutes shall be made available upon request

22.0 Repeal

22.1 That By-law 19-2011 is hereby repealed.

23.0 Short Title

23.1 This by-law shall be known as the “Committee of Adjustment Procedure By-law”.

24.0 Effective Date

24.1 This by-law shall come into full force and take effect upon the final passing thereof.

Read a first and second time this 13th day of July 2022.

Read a third time and passed this 13th day of July 2022.

Mayor – Dwight Burley

Clerk – Brittany Drury

Report Approval Details

Document Title:	Committee of Adjustment By-law.docx
Attachments:	
Final Approval Date:	Jun 29, 2022

This report and all of its attachments were approved and signed as outlined below:

Brittany Drury, Director of Corporate Services/Clerk

Cynthia Fletcher, Chief Administrative Officer