



Committee Of Adjustment

Terms Of Reference

Purpose of this Committee

The Committee of Adjustment is a statutory tribunal with authority delegated to it by the Council of the Municipality of Callander under the provisions of the *Ontario Planning Act* to hold public hearings to make decisions on applications submitted to the Municipality. The purpose of this Committee is to make decisions with respect to applications for:

- Minor Variances
- Legal Non-Conforming Uses (extension/enlargement/similar use)
- Consents
- Easements

The Committee operates independently from Council and its decisions may be appealed to the Ontario Land Tribunal (OLT).

Members

The Committee of Adjustment shall consist of five (5) members of the public appointed by Council. Members should, although not required, have some knowledge and understanding of development, and the regulating legislation (*Planning Act*, Official Plan, Zoning By-law) that impacts development activities, to sit on this Committee.

There are no members of Council on the Committee of Adjustment. The mayor may attend meetings in an “ex-officio” capacity. Counselors may attend as a member of the public only.

Three (3) members shall constitute a quorum. Section 1 of “Schedule A”, Rules of Procedure, shall apply if no quorum is present.

The Term of the Committee of Adjustment is four (4) years, corresponding with the Term of Council.

A Chair and Vice Chair shall be appointed at the first meeting.

Committee Responsibilities

Committee Members must have the ability to understand and apply the provisions of the Municipality’s Official Plan and Zoning By-law and must be considered impartial with respect to their ability to fulfill their responsibilities.

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Committee Members must:

- Perform duties in a manner that maintains and enhances public confidence in the integrity, objectivity, and impartiality of the Municipality
- Maintain confidentiality when necessary, and ensure personal information controlled by the Municipality is used or disclosed in compliance with the Municipal Freedom of Information and Protection of Privacy Act
- Attend and prepare for meetings by reading agendas and any background information supplied and by actively participating in the discussion and decision-making process
- Follow all applicable policies and procedures, including the Conflict-of-Interest Agreement
- To follow the Terms of Reference for this Committee and maintain proper decorum at meetings and in public, when representing the Municipality of Callander.

Committee Members shall:

- Hear presentations from property owner(s), applicants, or authorized agent(s)
- Make a decision based on the presentation by the property owner(s), authorized agent(s), and the staff report to the Committee of Adjustment
- Approve, refuse, table, defer, or modify the recommendations of the staff report to the Committee of Adjustment

Committee Position Roles

The Committee Chair shall be responsible for ensuring the effective operation of the Committee and its roles in accordance with the Municipality's meeting procedures and this Terms of Reference. Specifically, the Chair shall be responsible for:

- Calling meetings to order
- Scheduling additional meetings, as necessary

The Secretary/Treasurer shall be is responsible for preparing the agenda and motions, prescribing notice, and taking minutes at all Committee of Adjustment meetings. The Secretary-Treasurer will also ensure the notice of meeting, agenda and minutes are posted within the meeting portal, and circulated to all committee members as well as the Planning Administrator and the Municipal Clerk. The Secretary-Treasurer shall keep on file all official business of the Committee, including records of all application and minutes of all decisions respecting those applications. The Secretary-Treasurer shall also administer all payments to Committee members as per the compensation section of this Terms of Reference. The Secretary-Treasurer shall be a member of staff.

Staff Responsibilities

As a non-voting member, the staff representative of the Committee of Adjustment will provide guidance and advice while remaining impartial during discussions of committee matters with all members. The staff representative will also ensure that they inform the Chair of any proposed

procedural issues that may contradict this Terms of Reference. The staff representative shall be the Secretary-Treasurer.

Meeting Structure

The Committee will be called to order for a mandatory training session at the beginning of the term. Meetings will be scheduled at a regular interval at the first meeting, however, it is understood that additional meetings may be called, if needed. Further, if no applications are received by the deadline for the scheduled meeting, the Committee of Adjustment meeting that month will be cancelled. Notice of cancellation to the members and the public by way of public notice on the municipal website will occur no later than ten (10) days prior to the meeting.

Rules of Procedure to be Followed by this Committee

The Committee shall comply with procedures to be developed by staff, and in accordance with the Municipality's Procedural By-law.

Public Access

All Committee of Adjustment meeting shall be fully accessible to the general public and the agenda shall be posted to the Municipality's website five (5) business days before the meeting, and the draft minutes shall be posted on the Municipality's website within five (5) business days after the Committee of Adjustment meeting. The Committee of Adjustment shall render its decision on the matter in the presence of the public, the applicant, authorized agent, staff, and other interested parties.

Compensation

Members receive \$60.00/meeting for expenses related to site visits and their attendance at the meetings.