COMMITTEE OF ADJUSTMENT

TERMS OF REFERENCE

Established by Council:	**January 30, 2022**
Regular Review Timeframe:	**Once every 4 years by the Clerk**
Date Committee Ends:	**Concurrent with the Term of Council**

1. REPORTING STRUCTURE

The Committee of Adjustment is a quasi-judicial body established in accordance with Section 44 of the *Ontario Planning Act*. The Committee has jurisdiction to responsibly make decisions on consent applications (severances) and applications for a minor variance set out by the provisions of the Planning Act. The Committee operates independently from Council and staff, and their decisions may be appealed to the Local Planning Appeal Tribunal (LPAT).

2. MANDATE

The Committee of Adjustment is to provide for and conduct a fair hearing by:

1. Allowing anyone wishing to speak to an application an opportunity to do so.
2. Give due diligence to the consideration of each application.
3. Openly having all discussions and decisions about each application open to the public.
4. Making rational decisions with appropriate, well thought out decisions and/or conditions on each application, as recommended by the Senior Planner.
5. Clearly providing justification for the Committees decision on each application, as recommended by the Senior Planner.

3. OBJECTIVES

The objective of the Committee of Adjustment is to consider applications for consents and minor variances, and to process each application in accordance with the requirements of Sections 45 and 53 of the Planning Act.

4. Term of Appointment

The Committee of Adjustment is appointed by Council thereby given the authority to make decisions on consent (severance), and minor variance applications under the provisions of the Ontario Planning Act.

The Term of Office for the Committee of Adjustment members shall run concurrently with the term of Council.

A member may resign from the Committee of Adjustment at any time by advising of their intention in writing to the Chair of the Committee of Adjustment, and to the Clerk.

A Committee of Adjustment member may be re-appointed by Town Council for an additional term(s).

5. **Qualification**

Members shall be chosen for their special expertise, experience, dedication and commitment to the mandate of the Committee of Adjustment. General municipal planning experience is preferred but not required.

6. **Composition of Members**

The Committee of Adjustment shall be composed of five (5) citizen members, appointed by Council and are local residents not sitting on Town Council. The Committee works directly with the Chief Building Official/Secretary.

All Committee of Adjustment members shall be approved by Town Council. If a Committee of Adjustment member is unable to complete the term as set in Section 4, a new Committee of Adjustment member may be appointed by Town Council.

Committee of Adjustment members shall serve without remuneration.

7. **Recruitment of Citizen Appointments**

The recruitment of citizens to be appointed to the Committee of Adjustment will be advertised per the Town's Notice By-Law requirements.

8. **Staff Appointment**

None

9. **Advisory Staff**

Huron County Planning Staff, Clerk/Planning Coordinator and Chief Building Official/Secretary.

10. **Quorum**

A vacancy in the membership or the inability of a Member to act, due to a declared conflict, does not impair the powers of the Committee or of the remaining Members. Quorum shall be reached with the presence of a majority of the appointed members, at a time no later than fifteen (15) minutes past the scheduled meeting time. If no quorum is present fifteen (15) minutes after the time appointed for a meeting of the Committee, the Secretary shall record the names of the Members present and the meeting will stand adjourned until the next appointed time.

The issuance of an Agenda for a meeting of the Committee of Adjustment will be considered as notice of that meeting and will be posted as per the Town of Goderich Notice By-Law requirements.

11. **Frequency and Location of Meetings**

The Committee of Adjustment will meet as required, after receiving a Consent or Minor Variance Planning Application.

Any member of the Committee of Adjustment who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee of Adjustment and Council shall advertise for the vacant position.

All meetings shall be held via Zoom and shall be open to the public (in accordance with the Town of Goderich's Procedural By-Law and the Municipal Act). Any in person meetings will be held in the Menesetung Room at Town Hall. A meeting of the Committee of Adjustment may only be closed to the public, if the subject matter being considered meets the criteria established in Section 239 of the Municipal Act. The Committee shall maintain a record of the Closed meeting and provide it to the Town Clerk.

12. **Agendas and Minutes**

The Agenda shall be prepared by the Administrative Assistant to the CAO and Clerk/Planning Coordinator with the assistance of the Clerk and the Chief Building Official. The Clerk's office will post the agenda on the Town's website.

Minutes of all meetings of the Committee shall be provided to members. The Clerk's office will electronically circulate the meeting minutes to all members of Council in the next Council Agenda package for their information and post the meeting minutes on the Town's website.

13. **Selection of the Chair and Vice-Chair**

The Chair and Vice-Chair shall be selected by the Committee at the inaugural meeting.

14. **Role of the Chair and Vice-Chair**

The role of the Chair is to:

a) Communicate via email or meet with the Committee Secretary to prepare the upcoming agenda;
b) Preside at the meetings of the Committee of Adjustment per the Town's Procedural By-Law, and to keep discussion on topic;
c) Provide leadership to the Committee of Adjustment to ensure that its activities remain focused on its mandate;
d) Recognize each member's contribution to the Committee's work.

In the absence of the Chair, the Vice-Chair will chair the meetings and act for the Chair as necessary.

15. **Role of Secretary**

The role of Secretary is to confirm the meeting date and location with the Clerk's Office, shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, prepare the Agenda, take the minutes, and provide a copy of the minutes to the Town Clerk's office and all Committee members.

16. **Role of Committee Members**

The role of a Committee of Adjustment member is to review applications sent to them in advance of the meeting, attend the Committee of Adjustment hearings, consider applicant, agency and public comments and make decisions in public regarding applications. Members must also contribute time, knowledge, skill, and expertise to the fulfillment of the Committee's mandate.

Committee Members must comply with the:

- Town of Goderich's Code of Conduct;
- Town of Goderich's Accountability and Transparency Policy;
- Town of Goderich's Procedural By-Law;
- Town of Goderich's Social Media Policy;
- Other applicable Town by-laws and policies;
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

Notify the Chief Building Official/Secretary within 24 hours of the Committee of Adjustment meeting if they are unable to attend to ensure that quorum will be available for all meetings.

No individual member, nor the Committee as a whole, has the authority to make direct representations of the Town to Federal and Provincial Governments or the media.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary. This person will absent him/herself for the duration of the discussion at that meeting or subsequent meeting, as well as any voting (if any) with respect to that matter.

17. **Insurance**

The Town of Goderich's General Liability Policy and Errors and Omissions Liability Policy will extend to the Committee and its members provided that the Committee is under the control of, answerable to, or the responsibility of the Town of Goderich and Council. The applicable insurance policies extend to Committee members while in the performance of his/her duties and to those activities authorized by the Town of Goderich and Council. Members must adhere to the policies and procedures of the Town of Goderich and Council, including these Terms of Reference.

Committee members are not entitled to any benefits normally provided by the Town of Goderich, including those provided by the Workplace Safety and Insurance Board of Ontario (WSIB) and are responsible for their own medical, disability or health insurance coverage.

18. **Expulsion of Member**

The Committee may recommend to Council the expulsion of a member or Council may remove a member. The reasons may be, but are not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act; disrupting the work of the Committee or other legal issues.

19. **Terms of Reference**

Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes to these Terms of Reference by the Committee shall be recommended to Council via the Clerk through a report to Council.

The Committee may be dissolved at any time by a resolution of Council.