

TERMS OF REFERENCE:  
Township of South Stormont Committee of Adjustment  
and Property Standards Committee

**1.0 DEFINITIONS**

- 1.1 **Application** shall mean an Application submitted to the Township of South Stormont under Subsections 45(1), 45(2), and 45(3) of the *Planning Act*.
- 1.2 **Building Code Act** shall mean the most current and in-effect version of the *Building Code Act, 1992, S.O. 1992, c. 23*.
- 1.3 **Chair** shall mean the Chair of the Committee of Adjustment of the Township of South Stormont, as elected by Members of the Committee at a regular Meeting of the Committee.
- 1.4 **Committee** shall mean a Committee of Adjustment constituted under Section 44 of the *Planning Act*, and a Property Standards Committee established under Section 15.6 of the *Building Code Act*, as appointed by Council.
- 1.5 **Committee Member** shall mean a Member of the Committee of Adjustment and Property Standards Committee, as appointed by Council under Section 44 of the *Planning Act*.
- 1.6 **Council** shall mean Council of the Township of South Stormont.
- 1.7 **Fees and Charges By-law** shall mean the most current and in-effect version of the Township of South Stormont Fees and Charges By-law.
- 1.8 **Fence By-law** shall mean the most current and in-effect version of the Township of South Stormont Fence By-law.
- 1.9 **Meeting** shall mean any statutory public hearing of the Committee, where,
- (a) a quorum of Committee Members is present;
  - (b) Committee Members hear every Application and hear the applicant and any persons who desire to be heard in favor or opposition of the Application; and
  - (c) the Committee may grant, refuse, or defer the decision and adjourn the Meeting.
- 1.10 **Municipal Act** shall mean the most current and in-effect version of the *Municipal Act, 2001, S.O. 2001, c. 25*.
- 1.11 **Municipal Conflict of Interest Act** shall mean the most current and in-effect version of the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*.

- 1.12 **Official Plan** shall mean the most current and in-effect version of the United Counties of Stormont, Dundas and Glengarry Official Plan.
- 1.13 **Planning Act** shall mean the most current and in-effect version of the *Planning Act, R.S.O. 1990, C.P. 13*.
- 1.14 **Procedural By-law** shall mean the most current and in-effect version of the Township of South Stormont Procedural By-law.
- 1.15 **Secretary-Treasurer** shall mean the Secretary-Treasurer of the Committee of Adjustment and Property Standards Committee of the Township of South Stormont, as appointed by Committee Members during a regular Meeting of the Committee.
- 1.16 **Signs By-law** shall mean the most current and in-effect version of the Township of South Stormont Signs By-law.
- 1.17 **The Township** shall mean the Corporation of the Township of South Stormont.
- 1.18 **Zoning By-law** shall mean the most current and in-effect version of the Township of South Stormont Zoning By-law.

## 2.0 BACKGROUND

- Pursuant to Sections 44 and 45 of the *Planning Act*, the Committee adopts these rules of procedure for governing the practices and procedures before it.
- The Committee shall conduct itself in accordance with the *Municipal Act*, the *Planning Act*, the *Municipal Conflict of Interest Act*, the Township's Procedural By-law, and these Terms of Reference.
- The Committee of Adjustment is an independent, quasi-judicial body with specific authority, appointed by Council under the *Planning Act*.
- The Committee of Adjustment is also appointed by Council to act as the Property Standards Committee.
- The Property Standards Committee is a statutory tribunal with specific authority granted under the *Building Code Act*.

## 3.0 MANDATE

### 3.1 Committee of Adjustment

- The Committee is appointed by Council under Section 44 of the *Planning Act*.

- The Committee considers and may authorize minor variances from the Zoning By-law, Fence By-law, Signs By-law and may grant extensions and enlargements to legal non-conforming uses under Section 45 of the *Planning Act*.
- The Committee is authorized to make decisions under Sections 44 and 45 of the *Planning Act*.
- The Committee is authorized under Subsection 69(2) of the *Planning Act* to reduce the amount of or waive the payment of an Application fee where the Committee is satisfied that it would be unreasonable to require payment in accordance with the Township Fees and Charges By-law.
- The Committee may impose terms and conditions in the decision rendered, as it deems advisable, for any Application within its jurisdiction, as per Subsections 45(9) and 45(9.1) of the *Planning Act*.
- All decisions rendered by the Committee shall be in accordance with the applicable statutory requirements, including those in the *Planning Act* and *Municipal Act*.
- Committee Members consider minor variances from the Zoning By-law. Decisions are made by reviewing the four tests, as prescribed in the *Planning Act* as:
  - being minor in nature;
  - being desirable for the appropriate development and use of the land, building or structure;
  - maintaining the general intent and purpose of the Zoning By-law; and
  - maintaining the general intent and purpose of the Official Plan.
- Committee Members consider minor variances from the Fence By-law and Sign By-law. Decisions are made by reviewing if the general intent and purpose of the Official Plan is maintained.

### 3.2 Property Standards Committee

- The Committee is appointed by Council under Section 15.6 of the *Building Code Act*.
- The Committee hears appeals against orders issued by the Township under the Property Standards By-law. Once an owner has been served with an order made under Subsection 15.2(2) of the *Building Code Act*, an owner who does not agree with the terms or conditions of the order may appeal to the Committee by registered mail or email accompanied by

the associated fee, as prescribed in the Fees and Charges By-law, to the Clerk within 14 days after being served the order.

- Under Subsection 15.3(3) of the *Building Code Act*, the Committee has the power to:
  - confirm, modify, or rescind the order to demolish or repair; and
  - extend the time for complying with the order.

#### **4.0 COMMITTEE COMPOSITION**

- 4.1 The Committee is comprised of five (5) regular members. A regular member is expected to attend every Meeting and perform the duties and functions of a Committee Member.
- 4.2 The appointment of Committee Members shall be consistent with the Procedural By-law and subject to an Application process conducted by Council and staff nominating panel.
- 4.3 Committee Members shall be landowners, residents, or business owners in the Township and should reflect a balanced representation in technical fields such as planning, engineering, architecture, construction, law, or be a layperson.

#### **5.0 TERM OF OFFICE**

- 5.1 Committee Members shall hold office for four (4) years from the date of appointment to coincide with the Council term. Committee Members hold office until their successors are appointed.
- 5.2 Where a Committee Member ceases to be a Committee Member before the expiration of the term, Council will appoint another eligible person for the remainder of the term as per Subsection 44(4) of the *Planning Act* and Subsection 15.6(2) of the *Building Code Act*.

#### **6.0 QUORUM**

- 6.1 Where the Committee of Adjustment is composed of more than three (3) Committee Members, three Committee Members constitute a quorum, as per Subsection 44(5) of the *Planning Act*.
- 6.2 The Property Standards Committee shall be composed of not fewer than three (3) Committee Members. A majority of the Committee Members constitute a quorum, as per Subsection 15.6(5) of the *Building Code Act*.

## **7.0 MEETINGS**

- 7.1 Committee Meetings will be held on an ad-hoc basis and at the discretion of the Committee and the Secretary-Treasurer.
- 7.2 Any reference to a hearing or Meeting within this Terms of Reference may also include a virtual public Meeting conducted online by electronic means using video conferencing technology.
- 7.3 Committee Meetings shall be recorded and form part of the public record.
- 7.4 The Committee may meet in closed session for training and education purposes only in accordance with the provisions of Section 239 of the *Municipal Act*.
- 7.5 In the event there is a tie vote, the motion shall be deemed to be defeated.
- 7.6 Presentations of a maximum of ten (10) minutes will be permitted for applicants or their representative.
  - The Committee may limit or extend the time allowed for a presentation by a majority vote.
- 7.7 Presentations of a maximum of five (5) minutes will be permitted for members of the public who wish to be heard.
  - The Committee may limit or extend the time allowed for a presentation by a majority vote.
- 7.8 Committee Members will be permitted to ask questions directly relating to the matter under consideration.
  - All Committee Members will address their questions and comments through the Chair. The Chair will then direct the question to the appropriate individual.
  - A Committee Member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding. All questions will be stated clearly and will not be used as a means of making statements or assertions.
  - To assist with Meeting efficiency, all Committee Members are encouraged to provide questions to staff prior to the Meeting. Staff shall provide all Committee Members with responses to questions received prior to the Meeting.

- 7.9 No Committee Member will be permitted to speak a second time on an item of business until every Committee Member who desires to speak has spoken.
- 7.10 When a Committee Member is speaking, no other Committee Member will interrupt, except to raise a Point of Privilege or Point of Order, as prescribed in the Procedural By-law.

## **8.0 COMMITTEE CHAIR**

- 8.1 The Chair shall be elected by a majority of Committee Members for the term of the Committee. When the Chair is absent through illness or otherwise, the Committee may appoint another Committee Member to act as acting Chair.
- 8.2 The Chair's role and responsibility is to:
- provide guidance and leadership to the Committee in the completion of its mandate;
  - act as a liaison between the Secretary-Treasurer and Committee Members on matters related to policy and Township-wide issues;
  - conduct Meetings in an efficient and timely manner;
  - ensure that all Applications before the Committee are appropriately dealt with in a manner that is fair, transparent, and consistent;
  - ensure that the actions of any individual, including Committee Members and staff attending the Meeting, are consistent with the quasi-judicial nature of the Committee;
  - ensure that decorum is maintained at each Meeting and that the Township's Procedural By-law, and these Terms of Reference are observed; and
  - ensure that the minutes of the previous hearing, prior to being adopted, accurately reflect what occurred at the previous Meeting.

## **9.0 SECRETARY-TREASURER**

- 9.1 The Secretary-Treasurer's role and responsibility is to:
- accept complete Applications and associated fees for processing, upon submission by the applicant;
  - administer all aspects of the Committee processes and day-to-day functions;
  - schedule hearings in a timely manner;
  - issue public notices of hearings;
  - direct the preparation of the agenda and minutes;
  - issue notices of decision to all persons entitled to receive a copy, in a timely and consistent manner;
  - provide overall procedural advice to the Committee;
  - receive and process appeals of decisions to the Ontario Land Tribunal;

- schedule education and training sessions for Committee Members, when necessary;
- act as a liaison between Committee Members and staff; and
- facilitate remuneration of Committee Members, as prescribed by Council.

9.2 The Secretary-Treasurer may, at any time and without prior notice, correct a typographical error, error in calculation or other similar error in the minutes or in a decision that does not impact on the intent or outcome of the hearing. No other changes shall be made.

9.3 The Committee shall appoint an alternate Secretary-Treasurer to act in the event that the Secretary-Treasurer is absent through illness or otherwise.

## **10.0 CONFLICT OF INTEREST**

10.1 In accordance with the *Municipal Conflict of Interest Act*, each Committee Member shall advise the Chair and Secretary-Treasurer of any conflict of interest, direct or indirect. The Committee Member:

- a) shall, before any consideration of the matter, at the Meeting, verbally disclose the interest and its general nature;
- b) shall not, at any time, take part in the discussion of, or vote on, any question in respect to the matter; and
- c) shall leave the Meeting and remain absent from it at any time during consideration of the matter.

10.2 Every declaration of a conflict of interest and the general nature thereof shall be recorded in the minutes of the Meeting and recorded in the Township's Conflicts Registry.

10.3 It is not the responsibility of another Committee Member, Council, the Secretary-Treasurer or staff to determine whether the Committee Member has a conflict of interest and to require the Committee Member to disclose the conflict of interest. The onus is on the individual Committee Member who may have a conflict of interest. Committee Members may seek guidance from the Township's Integrity Commissioner.

## **11.0 REMUNERATION**

11.1 Pursuant to Subsection 44(9) of the *Planning Act*, the Committee Members shall be paid such compensation as Council may provide.