



Regular Council Meeting

To:	Mayor and Council
Date:	July 6, 2020
From:	Elana Arthurs, Clerk
Report Number:	Corporate Services 2020-12
Subject:	Cavan Monaghan Committee of Adjustment Appointments

Recommendation:

That the Cavan Monaghan Committee of Adjustment Terms of Reference and By-law No. 2020-34 being a by-law to appoint members to a Committee of Adjustment be approved.

Overview:

In December of 2018 an ad was placed in the Millbrook Times and on our Township website seeking applications for three (3) members of the public to fill our Committee of Adjustment compliment and replace the structure with residents instead of Council Members as in previous years. Only two (2) applicants were received and therefore the Committee of Adjustment was comprised of two (2) residents and one (1) Council Member, being Councillor Huntley.

In early 2020 staff recommended that Council consider including an alternate member in the event that quorum couldn't be fulfilled. Council directed staff to move forward with seeking an alternate as well as a member to replace Councillor Huntley to allow for three (3) regular citizen members as originally intended in December 2018.

Staff placed an ad in the Millbrook Times and on the Township website requesting interested applicants for an alternate member and in addition the advertisement also included a request for applicants for another regular resident member to replace the Council Member that was appointed due to the lack of applicants in 2018.

Council reviewed the three applications received and directed staff to bring back a by-law and revised Terms of Reference at the next Council meeting.

Attachments:

1. By-law No. 2020-34 being a by-law to appoint members to a Committee of Adjustment
2. Committee of Adjustment Terms of Reference

Respectfully submitted by,

Elana Arthurs
Clerk

Reviewed by,

Yvette Hurley
Chief Administrative Officer

The Township of Cavan Monaghan

By-law No. 2020-34

Being a by-law to appoint members to a Committee of Adjustment

Whereas Section 44(1) of the Planning Act, R.S.O., 1990, c. P.13, as amended provides that the Council of the Municipality may by by-law constitute and appoint a Committee of Adjustment for the municipality composed of such persons, not fewer than three, as the Council considers advisable;

And Whereas Section 44(3) provides that the members of the Committee who are members of a Municipal Council shall be appointed annually;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. That the following regular members be appointed to the Committee of Adjustment:
Michael Semple
Aaron Glover
Dave Grant
2. That the following alternate member be appointed to the Committee of Adjustment:
Gerry Byrne
3. That By-law No. 2018-68 and By-law No. 2020-13 be repealed.
4. That this By-law shall become effective on the day of passing.

Read a first, second and third time and passed this 6th day of July, 2020.

Scott McFadden
Mayor

Elana Arthurs
Clerk

Committee of Adjustment Terms of Reference

Purpose

The Committee of Adjustment is an independent decision-making body with specific authority, appointed by Council under the authority granted by the Province of Ontario in the Planning Act.

The Committee of Adjustment shall consider and make decisions on applications for Minor Variances in respect of the land, building or structure or the use thereof from the provisions of the Township of Cavan Monaghan Zoning By-law; and shall consider and make decisions on applications, which deal with the enlargement or extension of a building or structure that is legally non-conforming, a change in non-conforming use or uses defined in general terms.

Operation

The Committee of Adjustment and its application processes are governed by the Planning Act.

All Committee meetings are open to the Public.

Role of the Committee

Duties of the Chair

It shall be the duty of the Chair to carry out the following responsibilities:

- a) to open the Meeting of the Committee of Adjustment by taking the Chair and calling the Committee of Adjustment to order;
- b) to announce the business before the Committee of Adjustment in the order in which it is to be acted on;
- c) to recognize any Member who wishes to speak and to determine the order of the speakers;
- d) to put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings and to announce the results;
- e) to participate as an active and voting member, encouraging active participation by all Members;
- f) to enforce on all occasions, the observance of order and decorum among the Members;
- g) to call by name, any Member refusing to comply with these Terms of Reference and to order the Member to vacate the place of meeting;

- h) to cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting;
- i) to authenticate, by signature, all Meeting minutes;
- j) to rule on any points of order raised by Members; and,
- k) to adjourn the Meeting when the business is concluded.

Duties of the Regular Members of the Committee of Adjustment

It shall be the duty of the Regular Members of the Committee of Adjustment to carry out the following responsibilities:

- a) to understand their role and expectations, including all applicable Township By-laws and Policies;
- b) to apply and respect the rules of procedure;
- c) to attend scheduled Regular Committee of Adjustment Meetings, sending regrets otherwise;
- d) to follow the agenda and stay focused on the topic at hand;
- e) to respect confidential information;
- f) vote on business except when not permitted to by law;

Following the application by the owner or representative of the owner, for any land, building or structure located within the Township of Cavan Monaghan, but prior to the Meeting where the application will be considered by the Committee of Adjustment, the Members may conduct individual site visits.

During site visits Members shall not discuss with the applicant or other interested individuals, any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee of Adjustment.

Duties of the Alternate Member of the Committee of Adjustment

It shall be the duty of the Alternate Member of the Committee of Adjustment to carry out the responsibilities as set out above when required and shall only be necessary when quorum cannot be achieved for a Committee of Adjustment Meeting among the Regular Members.

Duties of the Secretary-Treasurer of the Committee of Adjustment

It shall be the duty of the Secretary-Treasurer to carry out the following responsibilities:

- a) to provide notice of a Committee meeting in accordance with these Terms of Reference;

- b) to prepare and distribute agendas to Members before regularly scheduled meetings;
- c) to record when the meeting started and adjourned;
- d) to record the Members present and absent;
- e) to take minutes, recording a summary of the discussion for each item, actions to be taken and recommendations, including the names of the movers of motions;
- f) to finalize minutes for distribution; and,
- g) to act as a resource to the Committee of Adjustment and to provide legislative interpretation where required.

The Secretary-Treasurer shall have no voting privileges.

Role of Municipal Staff

The Township of Cavan Monaghan Clerk or designate will act as the Secretary-Treasurer of the Committee of Adjustment.

The Township of Cavan Monaghan Director of Planning or designate shall provide a report to the Committee with a recommendation on the application and be available to provide input, discuss with the general public, community representatives, applicants, and authorized agents matters related to application submission.

It is not the role or responsibility of staff to make a decision on an application as this is the role and responsibility of the Committee.

Composition

The Committee of Adjustment members shall consist of three (3) members established by by-law as follows:

- Three (3) Regular Members
- One (1) Alternate Member

The members will be established for the Term of Council although a by-law is required to formally appoint the members each year.

A Chair shall be established at the first meeting of each new term to oversee the business and insure smooth and effective operation of the Committee of Adjustment.

Quorum

A majority of members, being two (2), will constitute a quorum for the transaction of business.

Notice of Public Meeting

Notice of an application to be considered at a meeting shall be given by the Secretary-Treasurer in a manner prescribed by the Planning Act, and any regulations passed there under, and may include one or more of the following:

- a) A notice posted on the property subject to the application;
- b) A notice circulated to surrounding property owners;
- c) A notice posted on the Township's website.

Minutes and Reporting

Minutes of each meeting will be recorded by the Secretary-Treasurer and drafted for approval by the Committee at the next Committee of Adjustment meeting.

Meeting Times and Locations

The Committee of Adjustment will meet as required. Meeting dates and times will be established in consultation with member availability during regular business hours, Monday to Friday 8:30 a.m. – 4:30 p.m.

Agendas and minutes from the previous meeting will be sent (via email) to Committee members forty-eight (48) hours prior to the next meeting and will be posted on the Municipal website.

Meetings may be held in the Township of Cavan Monaghan Municipal Office located at 988 County Rd. 10, Millbrook when possible

The Committee of Adjustment may hold all or part of a Meeting in the form of an Electronic Meeting as defined in the Township of Cavan Monaghan Procedural By-law.

Remuneration

Citizen appointments remuneration is \$75.00 per meeting, mileage is included in this rate (mileage for site visits will not be compensated).