TOWNSHIP OF CAVAN MONAGHAN

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Committee of Adjustment
Terms of Reference

Purpose

The Committee of Adjustment (COA) is a statutory tribunal established by Council under Section 44 of the Planning Act to delegate decisions regarding minor variance applications. The Committee shall consider whether the proposed use of the land, building, or structure in the application is desirable for the appropriate development or use of the land, building, or structure and if it maintains the general intent and purpose of the Township's Zoning By-law and Official Plan.

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 Chair

The Chair is responsible for ensuring the smooth and effective operation of the Committee and its roles include:

- Calling the meeting to order;
- Announcing the business before the Committee of Adjustment in the order in which it is to be acted on;
- Recognizing any Member who wishes to speak and to determine the order of the speakers;
- To put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings and to announce the results;
- Participating as an active, voting Member and encouraging active participation by all Members;
- Enforcing on all occasions the observance of order and decorum among the Members;
- Calling by name, any Member refusing to comply with these Terms of Reference and, if necessary, to order the Member to vacate the place of meeting;
- Causing to be expelled and excluded any Member of the public who disrupts the orderly conduct of the Meeting or acts improperly;
- Authenticating, by signature, of all Meeting minutes;
- Ruling on any points of order raised by Members;
- Adjourning the Meeting when the business is concluded.

Role of Committee Members

Committee of Adjustment Members', including the Chair, responsibilities include:

- Understanding their role and responsibilities;
- Applying and respecting the Procedural By-law and any other rules of procedure;
- Attending and actively participating in all scheduled meetings as a voting Member;
- Following the agenda and staying focused on the topic at hand;
- Protecting any confidential information provided to the Committee;
- Engaging with applicants and agents before the Committee in a professional and respectful manner;
- Reading and reviewing applications before the Committee;
- Being familiar with any Municipal, Provincial and Federal legislation that is applicable to the mandate of the Committee including the Planning Act;
- Being aware and knowledgeable of the Township's Zoning By-law, Official Plan, and any other Township policies, publications, or procedures that are relevant to the Committee's business;
- Completing any assigned mandatory governance training and other required training to effectively perform their role as a Committee Member;
- Publicly supporting all recommendations made by the Committee and Council;
- Working with other Members to attempt to reach a consensus on decisions brought before the Committee.

Role of the Alternate Member

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.

Role of the Secretary-Treasurer of the Committee of Adjustment

The Clerk, or their designate, will act as the Secretary-Treasurer of the Committee of Adjustment and have the following responsibilities:

- Providing notice of meetings and creating the agenda;
- Taking minutes of Committee meetings;
- Maintaining an up-to-date record of previous meetings including agendas minutes, and meeting recordings;
- Distributing the minutes of previous meetings and publishing the agenda for the upcoming meeting at least 48 hours prior to the next scheduled meeting;
- Working with the Chair to develop the agenda;
- Acting as a resource for the Committee during meetings that may include

presenting background reports and distributing information pertaining to the mandate of the Committee;
- Undertaking an orientation and training session with Committee Members at the first meeting after Council's appointment of Members to the Committee;
- Ensuring that all Members of the Committee have entered into a Confidentiality Agreement with the Township at the start of their term;
- Posting Committee agendas and minutes on the Township's website.

Role of Staff

Planning 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 of staff to make a decision on an application as this is the responsibility of the Committee.

Composition

The Committee of Adjustment shall consist of three (3) Members at Large and one (1) Alternate Member at Large and be established by By-law.

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.

Term of Office

The term of office for Members on the Committee shall run concurrent with the term of Council until successors are appointed at the start of the term of the next Council.

Members are expected to actively participate in the business of the Committee and are required to notify the Chair or the Clerk if they are unable to attend a meeting. Should any Member of an Advisory Committee neglect to attend four (4) or more meetings or fail to take an active role in the business before the Committee, upon the recommendation of Staff, Council may discharge that Member by resolution and appoint another Member in their place.

Quorum

A majority of the appointed complement of Committee Members at the start of a meeting will constitute a quorum for the transaction of business. No less than two (2) Members must be present before a quorum is achieved.

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

Minutes and Agendas

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.

Distribution of the agenda for the upcoming meeting will be sent via email to Committee Members at least 48 hours prior to the next meeting and will be posted on the Township's website.

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.

Meetings are held online with the option to attend virtually or in person in the Council Chambers' Hybrid Room or an alternative option when required. Staff will endeavour to stream and record the meetings of the Committee.

Remuneration

Citizen appointments remuneration is $100.00 per meeting (mileage for site visits will not be compensated).