THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 30-2025

Being a By-Law to establish Procedures for the Committee of Adjustment

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WHEREAS Section 44(1) of the *Planning Act*, *2001*, as amended, authorizes a Council of a Municipality to pass a by-law to constitute and appoint a Committee of Adjustment composed of such persons, not fewer than three, as the Council considers advisable;

AND WHEREAS pursuant to Section 44(3) of the *Planning Act*, *2001*, as amended, the members of the committee who are not members of a municipal council, shall hold office for the term of council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually;

AND WHEREAS Section 238(2) of the *Municipal Act*, *2001* requires every municipality and every local board to adopt a procedural by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 239 of the *Municipal Act*, *2001* requires all meetings of a local board to be open to the public and prohibits a meeting from being closed to the public during the taking of a vote except as set out in Sections 239(2) and 239(6) of the *Municipal Act*; *2001*

AND WHEREAS the Township of Greater Madawaska Committee of Adjustment has been established pursuant to the *Planning Act*, *R.S.O. 1990, c.P.13*, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

(Established in accordance with Section 25.1 of the *Statutory Powers Procedure Act* and Pursuant to Section 238 of the *Municipal Act*).

SECTION 1 - INTERPRETATIONS AND GENERAL PROVISIONS

1.1. Interpretations

1.1.1 Wording requiring interpretation is defined in the *Planning Act*, *R.S.O. 1990* or the current Zoning Bylaw for the Township of Greater Madawaska to ensure consistency.

1.2. Accountability

1.2.1 Save as otherwise provided herein, the procedural rules and requirements of these Rules of Procedure shall be observed at all Committee of Adjustment meetings and shall be the rules and requirements which govern the order of business.

1.2.2 These Rules of Procedure outline a fair and equitable approach and process for the operation of the Committee of Adjustment pursuant to the *Planning Act, R.S.O. 1990, c.P.13*, as amended and the *Municipal Act*, *2001*, as amended.

1.2.3 In the event of a conflict between these Procedure Rules and the *Planning Act*, *R.S.O. 1990, c.P.13*, as amended, the *Planning Act*, *R.S.O. 1990, c.P.13*, as amended prevails.

SECTION 2 - DUTIES OF THE COMMITTEE OF ADJUSTMENT

2.1 Duties of the Chair

2.1.1 The Chair shall be selected at the first meeting of the Committee of Adjustment in a calendar year from among the members of the Committee

for a one (1) year period during the term of Council or as otherwise determined by the members.

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

- To open the Meeting of the Committee of Adjustment and call the meeting to order;
- To read the Chair's Introduction advising applicants and members of the audience of the meeting procedures;
- To call for a declaration of Conflicts of Interest by any members of the Committee of Adjustment;
- To facilitate a comprehensive discussion of the applications, and to effectively manage all questions and comments during the meeting.
- To cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a meeting;
- To authenticate, by signature, all resolutions adopted by the Committee of Adjustment;
- To rule on any points of order raised by members;
- To adjourn the meeting when the business is concluded;
- To call any special meetings of the Committee of Adjustment if determined by the Secretary-Treasurer or members of the Committee to be required.

2.2 Duties of the Members of the Committee of Adjustment

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

- To understand their role and expectations, including all applicable Township policies and requirements under the *Planning Act, R.S.O. 1990, c. P. 13;*
- To comply with the Township of Greater Madawaska Council Ethical Conduct Policy, as amended, the Council Code of Conduct Policy, as amended, and the Code of Ethical Conduct Policy, as amended, as applicable to Members of Council, Local Boards and Committees;
- To apply and respect these Rules of Procedure;
- To attend all regular scheduled Committee of Adjustment meetings, sending regrets otherwise;
- To follow the agenda and stay focused on the topic at hand;
- To respect confidential information;
- To vote on business, except when not permitted by by-law or when a conflict of interest has been declared.

2.2.2 Following the submission of the application by the owner or representative of the owner, for any land, building or structure located within the Township of Greater Madawaska, but prior to the meeting where the application will be considered by the Committee of Adjustment, the members may conduct individual site visits.

2.2.3 During site visits, members shall not discuss with the applicant, other Committee Members, 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.

2.2.4 Apart from the public meeting, Committee Members shall not discuss their opinions of any application with other Committee Members.

2.3 Duties of the Secretary-Treasurer

2.3.1 The Secretary Treasurer shall be a designated member of the Township of Greater Madawaska Planning Department as appointed by the Committee of Adjustment, as per Section 44(8) of the *Planning Act, R.S.O. 1990.*

2.3.2 In the event of a vacancy or absence, the Manager of Planning and Development shall act as the Secretary-Treasurer for the Committee.

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

- Advise the applicant or representative that all Committee of Adjustment applications are subject to the *Municipal Freedom of Information and Protection of Privacy Act R.S. O. 1990, CHAPTER M.56* and under the *Environmental Assessment Act R.S.O. 1990, CHAPTER E. 18*, and further, advise the applicant or representative that, unless otherwise stated in the submission, any personal information such as a name, address telephone number and property location included in all submissions become part of the public record for files for this matter and can be released, if requested, to any person.

- Ensure notice of the application(s) is given in accordance with the *Planning Act*.

- Prepare agendas, including relevant resolutions, in consultation with the Chair;

- Distribute agendas to members before a regularly scheduled meeting, respecting the designated time frames described within these Rules of Procedure;

- Arrange for and/or set up in person and/or online hybrid meetings, giving consideration to the nature of the matters to be discussed, any audio-visual requirements, attendance by the public and ensuring accessibility for all in compliance with the Township of Greater Madawaska Accessibility Policy.

- Retain a record of minutes of each hearing containing a summary of the verbal representations made at each hearing;

- Keep on file minutes and records of all applications and the decisions thereon and all other official business of the Committee of Adjustment;

- Act as a resource to the Committee of Adjustment and provide legislative and planning interpretation where required;

2.3.4 The Secretary-Treasurer shall have no voting privileges.

SECTION 3 - MEETINGS

3.1 Place of Meetings

3.1.1 All hearings of the Committee of Adjustment shall be held as hybrid (online and in-person) meetings with the option to attend in person at the Township of Greater Madawaska Municipal Office, 19 Parnell St, Calabogie, Ontario in the Council Chambers, on the date and time as noted on the Committee of Adjustment agenda.

3.1.2 The link to attend online will be emailed at the request of each individual attending, at least 1 business day before the scheduled meeting.

3.1.3 While every effort shall be made by members of the Committee of Adjustment to attend meetings physically in person, in the event that an emergency has been declared to exist in all or part of the Township of Greater Madawaska, or in accordance with provisions contained in Sections 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, a member of the Committee may participate fully in a meeting by electronic means (via video conference). This applies to members of the

Committee only, and to their participation in the following types of meetings: Closed Session and Regular Meetings.

3.1.4 Electronic participation shall mean participation by video conference. Any member of the Committee participating by electronic means shall notify the Secretary Treasurer a minimum of twenty-four (24) hours in advance of the meeting.

3.1.5 Where a State of Emergency has been declared within the municipality, electronic participation shall count towards quorum in accordance with Section 238(3.3) of the *Municipal Act, 2001*, as amended by Bill 187 and with Section 44(5) of the *Planning Act, R.S.O. 1990, c.P.13,* as amended. Alternatively, the Chair may reschedule the hearing to a future date as required.

3.1.6 Votes cast by members who are participating electronically shall be counted towards the overall decision of the Committee.

3.1.7 A member cannot be physically absent for more than three (3) consecutive meetings without the consent of the Committee.

3.1.8 In the event of technical failure during the meeting, the Committee may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made as long as quorum remains.

3.2 Quorum

3.2.1 That in accordance with Section 44(5) of the *Planning Act, R.S.O. 1990, c, P.13*, as amended, a minimum of three (3) members shall be present to constitute a quorum.

3.2.2 A vacancy in the membership or the inability of a member to act due to a declared conflict of interest does not impair the powers of the Committee of Adjustment or of the remaining members.

3.2.3 If a quorum is not present within fifteen (15) minutes after the time appointed for the meeting, the Secretary Treasurer shall record the names of the members present and the meeting shall be adjourned until the date of the next regular meeting in accordance with the provisions of these Rules of Procedure.

3.3 Cancellation of Meeting

3.3.1 Chair, or Acting Chair in the Chair's absence, or the Secretary Treasurer in consultation with the Chair, may cancel any meeting of the Committee of Adjustment if they are of the opinion that weather conditions or an emergency warrant, or if no applications are received by the application cut-off date for the proposed scheduled meeting.

3.3.2 The Secretary-Treasurer shall provide written notice via email to Committee Members for the cancellation of any Committee of Adjustment Meeting.

3.3.3 The postponement of the Meeting shall not be for any longer than the next regularly scheduled meeting of the Committee of Adjustment.

SECTION 4 – AGENDA AND MINUTES

4.1 Committee of Adjustment Agenda

4.1.1 The Secretary Treasurer shall prepare an agenda under the following headings, for the use of the Members at Meetings of the Committee of Adjustment:

- Opening the Meeting

- Chair's Introduction
- Minutes
- Disclosure of Conflicts of Interest
- Applications
- New and Unfinished Business
- Adjournment

4.1.2 The Agenda shall be emailed to the members no later than seven (7) days preceding the commencement of the Regular Committee of Adjustment meeting in question.

4.1.3 Any minor updates to the meeting agenda will be provided to Committee members as completed.

4.1.4 The business of the Committee of Adjustment shall be considered in the order as it appears on the Agenda, unless otherwise decided by a vote of the majority of the Members present and voting.

4.2 Minutes

4.2.1 Meeting structure, Agenda and Minute formats shall meet the individual needs of the Committee of Adjustment, while ensuring consistency, completeness, and accountability.

4.2.2 The Secretary Treasurer, or Clerk of the Township of Greater Madawaska, shall transcribe minutes of each Meeting of the Committee of Adjustment. These minutes shall include:

- The place, date and time of the Meeting;
- The name of the Chair and Members of the Committee of Adjustment, staff and any Members of Council or the public in attendance.
- If a Member enters after the commencement of the Meeting or leaves prior to the adjournment, the time shall be noted;
- Declarations of pecuniary interest and the nature thereof;
- The reading, if requested, correction and confirmation of the minutes of prior meetings;
- All resolutions, decisions and all other proceedings of the Committee of Adjustment that takes place at the hearing.

SECTION 5 - ORDER OF PROCEEDINGS

5.1 Call to Order

5.1.1 As soon as a quorum is present after the hour set for the holding of the Meeting, the Chair shall call the Members present to order.

5.1.2 If the Chair is not in attendance within fifteen (15) minutes after the time set for the meeting and a quorum is present, the attending members will appoint an Acting Chair by motion to preside over the meeting in the Chair's absence.

5.2 Approval of Minutes

5.2.1 The Minutes of each Committee of Adjustment Meeting shall be presented to the members in the meeting agenda of the next regular meeting for consideration at that meeting.

5.3 Disclosures of Pecuniary Interest

5.3.1 Where a Member, either on their own behalf or while acting for, by, with, through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of the Committee of Adjustment at which the matter is the subject of consideration, the Member shall:

- Prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
- At the time of the discussion on the application that is subject to the declaration of pecuniary interest, leave the room and not partake in any discussion of or vote on any question with respect to the matter;
- Not attempt in any way before, during or after the meeting to influence the voting on any matter pertaining to the application in question.

5.3.2 Where a Member is absent from a meeting, which includes a matter for which the Member has a pecuniary interest, the Member shall disclose this interest and otherwise comply at the first Meeting of the Committee of Adjustment attended by him/her after the particular meeting.

5.4 Applications

5.4.1 The Secretary Treasurer will outline the application and provide an update on the circulation to date, including comments received from agencies, specified persons, public bodies, or any persons expressing either support for or opposition to the application and the nature of their interest in the presence of both the Committee Members and all members of the audience in person or virtual attendance.

5.4.2 The Chair shall ask the applicant or their representative to introduce themselves and present the application and reasons for support of the application. The applicant or their representative shall be provided with the opportunity to present the nature of the application to the Committee of Adjustment. The applicant will also have the opportunity to respond to any comments received or made pertaining to their application.

5.4.3 The Chair will invite anyone else having an interest in the application to come forward, identify themselves and express their interest in the application before the Committee of Adjustment.

5.4.4 Following any presentations from the applicant, representative or members of the audience, the Committee of Adjustment members will proceed to a discussion amongst the members, considering any issues raised by the applicant, representative or members of the audience. Once the discussion has taken place, the Chair will call for a motion with respect to the disposition of the application. A discussion may take place on the motion, and subsequently, a vote will be called by the Chair on the motion on the floor. Once the motion has been voted, the Chair will announce the decision of the Committee of Adjustment.

5.4.5 On every application before them, the Committee of Adjustment may vote to approve, deny, defer or reserve an application and shall set out the reasons for the decision.

5.5 Decisions of the Committee of Adjustment

5.5.1 No decision of the Committee of Adjustment on an application is valid unless it is concurred by the majority of the Members that heard the application, and the decision of the Committee of Adjustment shall be in writing and shall set out the reasons for the decision and shall be signed by the Members who concur in the decision.

5.5.2 A copy of the Committee of Adjustment's written decision will be prepared and issued in accordance with the provisions of the *Planning Act, R. S. O 1990, C.P. 13*, as amended.

5.5.3 A copy of the Committee of Adjustment's written decision shall be sent to each person who appeared in person or by agent or representative who expressed an interest in the application. In addition, any other person expressing an interest in an application shall leave their first and last name, email address and mailing address with the Secretary Treasurer at

the meeting or may submit a written request, should they wish to receive a copy of the written decision and any further correspondence with respect to the application, pursuant to the provisions of the *Planning Act, R.S.O. 1990, C.P. 13*, as amended.

5.6 Requests for Application Deferral

5.6.1 A request for deferral of a matter on the scheduled Meeting date by the applicant or authorized agent must be for reasonable cause and can be made to the Secretary Treasurer in advance of the meeting or directly at the meeting.

5.6.2 If the request for a deferral is made prior to the meeting, the Secretary Treasurer will provide the Committee of Adjustment with an outline as to why the request has been made and a suggested motion to be considered, with the recommended future meeting date.

5.6.3 If the request is made at the meeting, the Chair will request a motion for consideration, and a recommended future meeting date.

5.7 Voting on Motions

5.7.1 A simple majority vote of the Members present shall be followed.

5.7.2 The manner of determining the decision of the Committee of Adjustment on a motion shall be at the discretion of the Chair and may be by voice, show of hands or otherwise.

5.7.3 Every eligible Member present at the Meeting, when the question is put, shall vote thereon unless disqualified under the *Municipal Conflict of Interest Act* to vote on the question.

5.7.4 Except where the Member is disqualified under the *Municipal Conflict of Interest Act* from voting, if a Member does not vote when a question is put forth, the Member shall be deemed to have voted in the negative.

5.7.5 A Member not in his/her seat in person or online when the question is called by the Chair is not entitled to vote on that question.

5.7.6 Each member only has one vote.

5.7.7 The Chair shall announce the result of every vote after the vote has been taken.

SECTION 6 – RULES OF DEBATE AND MEETING CONDUCT

6.1 Committee of Adjustment Members

6.1.1 The Committee of Adjustment is appointed by the Council of the Township of Greater Madawaska and works on behalf of the citizens of the Township of Greater Madawaska. The Committee of Adjustment, as a whole, may consult with community stakeholders or engage in activities that put Members in direct contact with citizens, Township of Greater Madawaska staff and various organizations.

6.1.2 Members shall reflect a professional and courteous manner when interacting with the public, Township or Greater Madawaska Staff, and various organizations.

6.1.3 Should a Member exhibit a pattern of inappropriate conduct, the Committee of Adjustment or Township of Greater Madawaska staff may request that Council rescind the Member appointment.

6.1.4 All Committee of Adjustment members shall abide by the Township of Greater Madawaska Council Ethical Conduct Policy, as amended, the Council Code of Conduct Policy, as amended, and the Code of Ethical Conduct Policy, as amended.

6.1.5 Any Member desiring to speak during a meeting shall signify their desire to speak in such manner as the Chair may direct and upon being recognized by the Chair.

6.1.6 When two or more Members signify a desire to speak, the Chair shall recognize the Member who, in the opinion of the Chair, so signified first and next recognize in order the other Members.

6.1.7 When a Member is speaking, no other Member shall pass between the Member and the Chair, or interrupt the Member except to raise a Point of Order.

6.2 Code of Audience

6.2.1 Members of the public who constitute the audience in the Committee of

Adjustment Place of Meeting attending in person or online, during a Meeting, shall respect the decorum of the Committee of Adjustment, maintain order and quiet, and may not:

- Address the Committee of Adjustment without permission from the Chair;
- Interrupt any speaker or action of the Members or any person addressing the Committee of Adjustment;
- Speak out;
- Applaud;
- Behave in a disorderly manner; or
- Make any noise or sound that proves disruptive to the conduct of the meeting.

6.2.2 The Chair may request that a Member or members of the public vacate the Place of Meeting if their behaviour is deemed to be disruptive to the business at hand.

SECTION 7 – ADMINISTRATION

7.1 Complete Application

7.1.1 The Secretary-Treasurer and/or Township of Greater Madawaska Planning Department staff may refuse to accept or further consider an Application until the information and material prescribed by the *Planning Act* has been submitted by the applicant, including the required fee.

7.2 Request for Application Withdrawal and Refund Eligibility

7.2.1 Requests for withdrawal of an application must be submitted in writing by the applicant and/or property owner to the Secretary-Treasurer or their designate.

7.2.2 All applications to the Committee of Adjustment are subject to the fees of the Township of Greater Madawaska Fees & Charges By-law in effect, and in accordance with Section 69(2) of the *Planning Act, R.S.O. 1990*, all applications are subject to Section 7.2.3 of these Rules of Procedure for the established policy with respect to written requests for refund of application fees.

7.2.3 Upon withdrawal of an application, and the submission of a written request to refund the application fee by the applicant and/or property owner, the Secretary Treasurer or their designate may approve the following at their discretion:

- If an application is withdrawn with no circulation: 50% refund;
- If an application is withdrawn with circulation: no refund;

7.2.4 Any approved request for refund shall be provided to the individual or company noted as the Payer on the application(s) receipt.

7.3 Re-circulation

7.3.1 A re-circulation fee shall be paid as per the Township of Greater Madawaska Fees and Charges By-Law for any circumstances triggering public re-circulation of the application including if the scope of the application is changed at the request of the applicant and/or property owner, if the scope of the application is changed at the request of the Committee of Adjustment, or if the application sign has not been posted within the prescribed time frame prescribed under the *Planning Act.*

7.4 Inactive Files

7.4.1 If a Public Hearing is not scheduled within six (6) months from the date the application is received, the Secretary-Treasurer will deem the application inactive. In the event that the application is deferred by the Committee, the application may be deemed to be inactive if the application is not re-scheduled within one (1) year of the deferral of the application.

7.4.2 Upon the lapsing of the timelines described in Section 7.4.1 for inactive files, and at least thirty (30) days in advance of closing the application, the Secretary-Treasurer, or their designate shall provide a written notice to the applicant, authorized Agent or applicant's representative of the intent to close the inactive application.

7.4.3 If in the reasonable opinion of the Secretary-Treasurer, or their designate, no reasonable response is received from the applicant, authorized agent or applicant's representative within thirty (30) days from the date of the written notice, the inactive application will be closed at the discretion of the Secretary Treasurer, or their designate.

7.4.4 After an application has been closed, the applicant will be required to submit a new Application, including updated documents and the application fee in effect at the time for a matter to be considered by the Committee.

7.5 Errors

7.5.1 The Township of Greater Madawaska and Committee of Adjustment Members do not assume responsibility for identifying all deficiencies within an application.

7.5.2 The Secretary Treasurer shall be permitted at any time and without prior notice to the parties to correct a technical or typographical error, error in calculation or similar minor error made in the minutes or in a decision.

SECTION 8 – EFFECTIVE DATE

- This by-law shall come into force and take effect on the day of passing; and
- By-law 69-2010 is hereby repealed.

READ a first and second time this 17th of April 2025.

READ a third time and passed this 17th of April 2025.

Rob Weir, Mayor

Robin Emon, Clerk