THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 31-2025

Being a By-Law to Establish and Adopt a Terms of Reference Policy for the Township of Greater Madawaska Committee of Adjustment

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WHEREAS Section 44 (1) of the *Planning Act*, allows a council of a municipality that has passed a by-law under Section 34 of the *Act* to constitute and appoint, by by-law, a Committee of Adjustment for the municipality;

AND WHEREAS the Council of the Corporation of the Township of Greater Madawaska has passed a Zoning By-Law under Section 34 of the *Planning Act*;

AND WHEREAS the Council of The Corporation of The Township of Greater Madawaska deems it necessary to adopt a Terms of Reference Policy;

BE IT THEREFORE ENACTED as a By-Law of the Corporation of the Township of Greater Madawaska as follows:

1. THAT the Terms of Reference Policy for the Committee of Adjustment attached hereto as "Schedule A" is hereby adopted and shall form part of this by-law.
2. This by-law shall come into force and take effect on the day of passing.
3. By-Law 10-2009 is hereby repealed.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

Policy #:	7-01
Policy:	Terms of Reference (Committee of Adjustment)
Main Contact:	Secretary Treasurer
Last Revision:	April 17, 2025

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1. Background

The following Terms of Reference have been developed for the Committee of Adjustment for the Township of Greater Madawaska.

The **Committee of Adjustment** is a statutory tribunal with specific authority, appointed by Council under the authority granted by the Province of Ontario in the *Ontario Planning Act,* R.S.O. 1990.

Under Section 45 of the *Planning Act*, a Committee of Adjustment is assigned responsibility for processing applications relating to the following:

- Minor variances to Zoning By-laws;
- The expansion or enlargement of legal non-complying and legal non conforming uses; and
- Permitting specific uses where a by-law defines them in general terms.

Committees of Adjustment considering minor variance applications have tests to guide their assessment. Section 45 of the *Planning Act* states that the authorized variance from the zoning by-law must satisfy certain criteria, commonly known as the four (4) tests:

- Be minor;
- Be desirable for the appropriate development or use of the land, building or structure;
- Maintain the general intent and purpose of the Zoning By-law; and
- Maintain the general intent and purpose of the Official Plan.

The Committee, upon hearing an application, may approve, defeat or defer the application. They may also make the approval subject to such terms and conditions as the Committee considers appropriate.

2. Mandate

The Committee of Adjustment is a statutory tribunal established under the authority of the *Planning Act* to consider applications for minor variances, and permissions related to legal non-conforming uses.

The Committee operates independently from Council and is responsible for making decisions in accordance with the principles of good planning, the County of Renfrew Official Plan, and the Township's Zoning By-Law.

The Committee shall review and decide on minor variance applications where strict compliance with zoning regulations would result in undue hardship, ensuring that such variances maintain the general intent and purpose of the Official Plan and zoning by-law, are desirable for the appropriate development of the land, and are minor in nature.

The Committee shall conduct its business through public hearings, providing opportunities for input from planning staff, external agencies, and the public.

3. Definitions

Appointment means a position or directive given to a person(s) to undertake specific actions, or act as representative on behalf of Council.

Chair means the person presiding at a meeting and includes an Acting or Deputy/Vice Chair.

Committee means the Committee of Adjustment

Committee Member means an individual appointed to serve on a committee in the Township.

Council means the Governing body of the Township

Procedural By-Law means the Township By-law which provides the Rules of Procedure for the Committee of Adjustment.

Secretary-Treasurer means an appointed official responsible for the administration and financial management of the Committee of Adjustment

Township means the Corporation of the Township of Greater Madawaska

Quorum means more than fifty percent (50%) of the eligible voting members.

4. Roles

4.1. Chair/Vice Chair

At its first meeting of each calendar year, the Committee shall elect a Chair and Vice-Chair from among its members. If the role of the Chair becomes vacant for any reason during a term, the Committee shall elect a new Chairperson from among its members. The Vice-Chair shall assume the role of the Chair in their absence.

4.2. Committee Member

All other members, not elected as Chair/Vice Chair, shall be known as Committee Members.

4.3. Secretary Treasurer

The Secretary-Treasurer is the designated municipal staff responsible for the administration, coordination, and financial management of the Committee of Adjustment, ensuring compliance with the *Planning Act* and municipal policies.

5. Meetings

5.1 The Committee shall hold a regular meeting on the second Thursday of each month, commencing at 3:00 p.m. Additional meetings shall be scheduled as considered necessary by the Secretary Treasurer.

5.2 The Committee shall not meet during the month of July in order to reflect a scheduled summer recess, as per the Council of the Township of Greater Madawaska.

5.3 If a member is absent for three consecutive meetings without cause as established by the Committee, the Chair of the Committee, at his/her discretion, may recommend that the member be replaced. This applies only to the members of the public elected to the Committee.

5.4 Meeting agendas shall be prepared and distributed to all Committee members prior to each regular meeting and the business of the Committee shall be taken up in the order in which it appears on the agenda. The Chair of the Committee may alter the order of the agenda items at his/her discretion.

5.5 The Committee will conduct its meetings in public, in the Township of Greater Madawaska Council Chambers.

6. Quorum

6.1 Where the Committee is composed of five (5) members, three (3) members constitute a quorum, as per Section 44(5) of the *Planning Act*.

6.2 The Committee shall be guided/governed by the provisions of the Township of Greater Madawaska By-Law 30-2025, being a By-law to Establish Procedures for The Committee of Adjustment.

7. Composition and Term

7.1 The Committee of Adjustment shall be comprised of a minimum of 5 members, to be appointed by Council, in accordance with the Procedural By-Law for the Committee of Adjustment.

7.2 The Committee may be made up of members of Council, in whole or in part, or may be made up of members of the public. If the Committee is primarily

made up of members of the Public, one (1) member of Council must be appointed to the Committee.

7.3 In accordance with Section 44(3) of the *Planning Act* members of the Committee of Adjustment who are members of a municipal council shall be appointed annually, where members of the public are to be appointed for the term of Council.

7.4 The Term expires on November 30th, of an election year, unless otherwise stated by by-law. Members shall remain in office until Council makes new appointments annually at or following its inaugural meeting.

7.5 Where a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the remainder of the term as per Section 44 (3 and 4) of the *Planning Act*.

7.6 A Chair will be elected from within the Committee at the first hearing of each year as per Section 44 (3 and 4) of the *Planning Act.*

8. Qualification

8.1 Committee Members must have the ability to understand and apply the provisions of the Township's Comprehensive Zoning By-law, and the County of Renfrew Official Plan and should be considered impartial with respect to their ability to fulfill their responsibilities.

8.2 Members cannot act as agents for applicants before the Committee of Adjustment.

8.3 Committee members shall also have a basic understanding of property standard regulations, including the *Ontario Building Code* and Property Standards By-law, where applicable.

8.4 Members of the Public must be residents of the Township of Greater Madawaska and over the age of 18 and may be subject to an application and interview process.

8.5 Members should collectively bring the following skills and expertise to the Committee:

- Demonstrate decision-making, communication, and mediation skills to facilitate an open and fair hearing process;

- Have adjudication experience and administrative and organizational skills to be able to chair public hearings/meetings and maintain order in conflict situations;
- Understand their Township and show a demonstrated commitment to and interest in the Community; and
- Have knowledge in one or more areas of: law, land use planning, architecture, government, economic development, community development, land development, urban forestry and/or environmental planning.

9. Remuneration

9.1 Public members of the Committee shall receive a bi-annual stipend based on $45.00 per application, with the Chair receiving $50.00 per application.

9.2 Committee remuneration is based on eleven (11) meetings per year, one (1) meeting per month (except July).

9.3 In addition, public members shall receive compensation for mileage related to site visits as outlined below:

Site Visit Mileage:$0.72 per kilometer

10. Revision History

Date	Significant Change	By-law #
April 2025	New Policy	31-2025