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# HALDIMAND COUNTY

## Report PDD-19-2021 Procedure By-law for the Committee of Adjustment For Consideration by Council on February 16, 2021

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### OBJECTIVE:

To establish a by-law to govern the procedure of the Committee of Adjustment, the calling of meetings and the conduct of its members.

### RECOMMENDATIONS:

1. THAT Report PDD-19-2021 Procedure By-law for the Committee of Adjustment, be received;
2. AND THAT the by-law attached to Report PDD-19-2021 be presented for enactment.

**Prepared by:** David Scott, MPlan, Secretary-Treasurer, Committee of Adjustment

**Reviewed by:** Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning and Development

**Respectfully submitted:** Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The current lock-down has precipitated the need to pivot to virtual meetings of the Committee of Adjustment to ensure legislated timeframes for applications are met. To give this effect, and given amendments made to the *Municipal Act*, the County must enact a Committee of Adjustment Procedure By-law. This report introduces such by-law for Council's consideration.

### BACKGROUND:

Section 238(2) of the *Municipal Act*, S.O. 2001, Chapter 25, as amended, establishes that every municipality and local board shall adopt a procedure by-law to govern the calling, place and proceedings of meetings. Given recent events, most notably the restrictions placed on public meetings due to the COVID-19 outbreak, it has been necessary to establish criteria for the Committee of Adjustment to hold hearings electronically. To formalize this, and comply with applicable legislation, a procedure by-law is required specific to the Committee of Adjustment.

### ANALYSIS:

The Committee of Adjustment was established by the Haldimand County Council under the provisions of the *Planning Act*, R.S.O. 1990, as amended, C.P. 13 (Act). The Committee of Adjustment is a quasi-judicial body, operating independently from Council, as per the Act, to make decisions on minor variances, consents, changes to legal non-conforming uses, validation of title, as well as other responsibilities as authorized under the Act. As the Committee acts independently from Council, it does not follow the same procedure by-law as Council, including as it relates to virtual meetings (i.e. Zoom

or other). It is necessary, therefore, to establish a procedure by-law which will govern the actions of the Committee, while at the same time, will ensure that the Committee aligns with the standards set by the County.

The following sections are recommended and included in the draft by-law attached to this report:

- The provision of the calling of meeting for the Committee of Adjustment.
- The establishment of quorum for said meetings.
- How members should disclose a conflict of interest.
- The location of meetings of the Committee of Adjustment.
- The order of proceedings for each meeting of the Committee of Adjustment.
- The rules for putting forth motions, and the voting procedure for said motions.
- The criteria for the setting out of decisions of the Committee.

Bill 197, which received Royal Assent on July 21, 2020, included amendments to the Act to allow for the procedure by-law to provide for electronic participation of members of the Committee of Adjustment at any time, not just during declared emergencies as was legislated early last year. The legislation also allows for any member who is participating electronically to be counted in quorum and allowed to participate in sessions. This potential mechanism could be used by one or several members or all members of the Committee due to various circumstances. The allowance for electronic participation at any time has been incorporated into the draft by-law attached to this report.

The current situation with COVID-19 provides an opportunity to establish procedures on paper and to ensure that they reflect efficiency, accountability and transparency for Committee members, staff and the public. The recommended Procedure By-law and other processes and protocols as noted in the report, reflect a desire to provide additional efficiencies to the County's way of doing business and more appropriately align with current legislative requirements.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

Not applicable.

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Draft Committee of Adjustment Procedure By-law.