

Terms of Reference

Name: Committee of Adjustment

Date Established by Council: January 13, 2015, by Bylaw 2015-008
(Terms of Reference approved December 11, 2018)

Mission:

The Committee of Adjustment has been established under section 44(1) of the Planning Act, R.S.O. 1990 c.P.13 is responsible for the granting of minor variances and provisional consents.

The Committee of Adjustment is established and responsible for various matters as provided for under sections 45(1), (2) and (3) of the Planning Act, R.S.O. 1990 c.P.13, as amended for the granting of minor variances.

In its authority, Council has delegated certain responsibilities under the Planning Act, R.S.O. 1990 c.P.13, as amended, under sections 53(44) and 54(5) to the Committee of Adjustment for the granting of provisional consents.

Roles and Responsibilities:

It is the responsibility of all appointed Members to comply with:

- the City Code of Conduct for Committee/Board Members;
- the City Procedural By-law;
- Other applicable City by-laws and policies;
- Municipal Act;
- Municipal Freedom of Information and Protection of Privacy Act; and,
- Municipal Conflict of Interest Act.

No individual member or the Committee as a whole has the authority to make direct representations of the City to Federal or Provincial Governments.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose any pecuniary interest to the Secretary-Treasurer and absent himself or herself from meetings for the duration of the discussion and voting, if any, with respect to that matter.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Committee business in keeping with the Committee's Terms of Reference and established Policies.

Activities:

The following represents the general activities of the Committee:

Bylaw 2015-008 provides the City of Kawartha Lakes Committee of Adjustment responsibility for granting minor variances from the provisions of any by-law of the City of Kawartha Lakes that implements an official plan, or from such by-laws of the City of Kawartha Lakes as are specified that implement an official plan as follows:

By-laws passed under sections 34 or 38 of the Planning Act, R.S.O. 1990 c.P.13, as amended, as provided for under sections 45(1), (2) and (3) of the Planning Act, R.S.O. 1990 c.P.13, as amended.

The City of Kawartha Lakes Committee of Adjustment is delegated the power to grant provisional consents pursuant to sections 53(44) and 54(5) of the Planning Act, R.S.O. 1990 c.P.13, as amended, through By-law 2015-008.

Composition:

The Committee shall be comprised of a maximum of 7 Members consisting of up to 6 Members of the public and 1 Council representative all of whom will have full authority to debate and vote. The Committee shall consist of a minimum of 3 Members. Committee Members will be appointed by Council in accordance with established policy.

Appointment of Officers:

The Committee shall, at its first meeting in each year, elect from its Membership a Chair, and Vice-Chair. It is acknowledged that there are no per diems for any Committee positions and it is acknowledged that none of the above positions shall be paid for their services. All Committee Members are considered volunteer positions.

Term of Appointment:

Unless exempted by legislation, Members will be appointed for a term of four years with terms expiring at the full term of Council. Members shall continue to serve beyond the end of their term until the appointments of their successors have been approved by Council.

As per section 44(3) of the Planning Act, the Council Member will be appointed to the Committee annually.

Resources:

The Development Services Department will provide support in the form of advice, day-to-day liaison with the Committee.

Section 44 (8) of the Planning Act states the Committee shall appoint a Secretary-Treasurer, who may be a member of the Committee, and may engage such employees and consultants as is considered expedient, within the limits of the money appropriated for the purpose.

The Secretary-Treasurer shall prepare and publish agendas, attend all formal business Committee Meetings for the purpose of taking Minutes, and prepare and publish minutes in an accessible format acceptable to the City Clerk's Office.

The Secretary-Treasurer shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk's Office and is posted on the City website.

Timing of Meetings:

Meetings will generally be held on Thursdays commencing at 1:00 p.m. or alternatively on a set day and time as may be determined by the Committee or at the call of the Chair.

Location of Meetings:

The Committee meetings will be held in Council Chambers, City Hall, or alternatively in another accessible City facility.

Meetings:

The Committee shall hold monthly meetings as needed in each calendar year. The Chair, through the liaison department, shall cause notice of the

meetings, including the agenda for the meetings, to be provided to Members of the Committee and posted to the City website a minimum of three (3) business days prior to the date of each meeting through the Secretary-Treasurer. Quorum for meetings shall consist of three members of the Committee. No meeting shall proceed without quorum.

At the first meeting of each year, an Orientation Session shall be held for all new Members.

Procedures:

Procedures for the formal business meetings of the Committee shall be governed by the City's Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order. The Committee may hold recorded votes at the request of the Chair.

Closed Meetings:

The Committee shall not be permitted to hold Closed Meetings.

Agendas and Minutes:

A copy of the Agenda shall be provided to the City Clerk's office at the same time it is provided to Committee Members. The liaison department will distribute the agenda to Council Members as per established procedures.

Minutes of all formal business meetings of the Committee shall be forwarded to the City Clerk's Office, not later than two weeks after the meeting. Action items requested by the Committee will be brought to the attention of the Development Services Department at that time.

The City Clerk's Office will electronically circulate the formal business meeting minutes to all Members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

The Secretary-Treasurer shall ensure that all Committee Agendas and Minutes are posted to the City website at the same times as they are circulated to the City Clerk's Office.

Reports:

If there are recommendations of the Committee of Adjustment that fall outside of their delegated decision-making scope, they are to be forwarded to Council, through the liaison department in a formal written report on the City report template.

Purchasing Policy:

This Committee has no purchasing or procurement responsibilities.

Insurance:

The City of Kawartha Lakes' General Liability Policy and Errors and Omissions Liability Policy will extend to this Committee and its Members. The applicable insurance policies extend to Committee Members while in the performance of his/her duties and to those activities authorized by the City of Kawartha Lakes and Council. Members must adhere to the policies and procedures of the City of Kawartha Lakes and Council, including the Terms of Reference.

The Committee must provide, via the liaison department an annual updated listing of all Members, including member positions, to the City of Kawartha Lakes to ensure the applicable insurance coverage remains in force.

Committee Members are not entitled to any benefits normally provided by the Corporation of the City of Kawartha Lakes, including those provided by the Workplace Safety and Insurance Board of Ontario ("WSIB") and are responsible for their own medical, disability or health insurance coverage.

Expulsion of Member:

Any member of the Committee who misses three consecutive formal business meetings, without being excused by the Committee, may be removed from the Committee in accordance with adopted policy.

Any member of the Committee may be removed from the Committee at the discretion of Council for reasons including, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, The Municipal Conflict of Interest Act or the Code of Conduct for Committee Members, disrupting the work of the Committee,

or other legal issues. The process for expulsion of a Committee member is outlined in the City's **Council Committee, Board and Task Force Policy**.

Terms of Reference:

The Secretary-Treasurer shall ensure that a current Terms of Reference for the Committee has been provided to the City Clerk's Office and is posted on the City website.

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the liaison department through a report to Council.

At the discretion of Council the Committee may be dissolved by resolution of Council.