



## **Committee of Adjustment (COA) Terms of Reference**

### **Definitions**

For the purposes of these Terms of Reference, the following definitions shall apply:

- a) "Township" means the Municipal Corporation of the Township of Tay;
- b) "Committee" means the Committee of Adjustment;
- c) "Council" means the governing body of the Township;
- d) "Councillor" means an elected official of the Township, including the Mayor;
- e) "Mayor" means the chief elected official of the Township;
- f) "Member" means an individual appointed to the Committee;
- g) "Municipal Act" means the Municipal Act, 2001, as amended;
- h) "Procedural By-law" means the Township By-law which provides the Rules of Procedure for Council and its' Committees.

### **Purpose**

The Committee of Adjustment is a statutory tribunal with authority delegated to it by Township of Tay Council, under the provisions of the Ontario Planning Act, to hold public hearings to make decisions on applications submitted to the Township of Tay's Planning & Development Department for minor variances, alterations in legal non-conforming uses and consents or severances. The Committee operates independently from Council and its decisions may be appealed to the Ontario Land Tribunal. Committee of Adjustment members will also sit as a Property Standards Committee to deal with the Property Standards By-law and will also sit as Fence-viewers to deal with fence matters under the Line Fences Act.

### **Committee Mandate**

The Committee of Adjustment is a quasi-judicial body, somewhat court-like in its operation, charged with observance and protection of applicable planning law and also with protecting the rights of the individuals affected by the decisions made. The common law principles of natural justice require the Committee of Adjustment to ensure that individuals affected by their decisions have their equivalent of "a day in court". The Committee must also satisfy legal requirements concerning notice, public hearings, calling of witnesses, notices of decisions and recording of proceedings. As well as the legal procedures detailed in the Planning Act, the Municipal Act, the Statutory Powers Procedure Act, the Municipal Conflict of Interest Act and the Municipal Freedom of Information and Protection of Privacy Act govern the Committee of Adjustment.



## **Committee Objectives**

The Committee of Adjustment is guided by planning policies and controls established by Township of Tay Council through the Township's Official Plan, the Township's Zoning By-law, the County of Simcoe's Official Plan and Policies approved by the Province of Ontario.

The goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing anyone wishing to speak to an application an opportunity to do so;
- Giving due diligence to the consideration of each application;
- Openly having all discussions about each application and making all decisions in public at the hearing;
- Making rational decisions with appropriate, well-thought-out conditions; and
- Clearly stating the reasons for their decisions.

## **Composition**

The Committee shall consist of five (5) voting members, being four (4) citizen member appointments and one (1) Council representative. Member appointments shall be adopted by Council at the first Regular Council Meeting of each term.

Staff representation shall consist of the Manager of Planning and Development Services and/or their designate and other staff resources, as required. Staff shall be non-voting members and shall not be included to establish quorum.

Committee members shall be appointed by by-law for the term of Council, four (4) years, and until their successors are appointed. In the event that a membership vacancy presents itself during the Term of the Committee, Council shall fill the vacancy by appointment without the need to advertise.

## **Chair/Vice-Chair**

At its first meeting of each year of office, the Committee shall elect a Chair and Vice-Chair from among its citizen members. If the role of the Chair becomes vacant for any reason during that year of office, the Vice-Chair shall be promoted to Chair and a new Vice-Chair shall be elected from among its citizen members.

The Vice-Chair shall assume the role of the Chair in their absence.

## **Quorum**

A majority of members are required to be present to constitute a quorum.



## **Meetings**

The Committee shall adopt the meeting schedule for the year at the first meeting of each year, if not adopted in the final meeting of the previous year.

The Committee shall hold regular meetings on the Third Wednesday of each month commencing at 6:00 p.m. Additional meetings shall be scheduled as considered necessary by the Manager of Planning and Development Services.

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 to Council that the member be replaced.

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.

Minutes of all Committee meetings shall be prepared by the Committee staff resource and submitted to Council as part of the next regular Council Agenda.

## **Resources**

The Committee shall request members of management, as well as any other individual as is deemed appropriate to participate in Committee meetings as applicable, so the Committee may fulfill its responsibilities.

## **Reporting**

As referenced under the "Meetings" section of this document, the Committee shall report directly to Council through formal recommendations to be considered at the following Regular meeting of Council.

The Committee shall review the Terms of Reference of the Committee prior to the end of the Council Term and make any recommendations for amendments prior to the appointment of the new Committee.

## **Remuneration**

The public members of the Committee shall receive an annual stipend based on \$35.00 per meeting to a maximum of \$ 420.00 annually. Committee remuneration is based on a maximum of twelve (12) meetings per year.



In addition, public members shall receive compensation for mileage and attendance related to site inspections as outlined below:

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|---------------------|-----------|
| Inspection Time:    | \$8.35/hr |
| Inspection Mileage: | \$0.58/km |

Terms of Reference Approved: **January 24, 2024**