

Committee of Adjustment - Terms of Reference

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Committee of Adjustment - Terms of Reference

Preamble

The Committee of Adjustment (“CoA”) is a quasi-judicial body that operates under the delegated authority of the City of Thorold City Council, under the provisions of the *Planning Act*, 1990, as amended. The Committee holds public hearings for the purpose of making decisions with respect to applications to the City for: Minor Variances to the City’s Zoning By-laws; Consents (creation of new lots/severance process); and Legal Non-Conforming Uses (enlargement/ extension/ similar use of a building/structure).

Mandate

The Committee of Adjustment’s mandate is to provide for and conduct a fair hearing by:

- Allowing for the public to submit written correspondence and/ or speak to an application;
- 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 conditions in accordance with Provincial legislation, policies and plans and in accordance with Regional and City policies and plans; and
- Clearly stating the reasons for their decisions.
- Serves as the Property Standards Committee in accordance with the Building Code Act 1992, S.O. 1992, Chapter 23

Goals and Purpose

The Committee of Adjustment may:

- Grant or refuse a minor variance to the City’s Zoning By-laws, as amended, in respect of the land, buildings or structure or the use thereof;
- Give consent to convey or divide land when a plan of subdivision is not necessary;
- Permit the enlargement or extension of a legal non-conforming use of any land, building or structure;
- Permit the use of any land, building or structure for a purpose that is similar to the legal non-confirming use or is more compatible with the uses permitted in the Town’s Zoning By-law, as amended;
- Issue a certificate of validation; and
- Issue a certificate of cancellation.

Terms of Reference: CoA
Approved on: January 19, 2023
Authorization Reference: CLK-C 5-2023

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Any responsibilities not clearly identified within this Terms of Reference shall be in accordance with the Planning Act, R.S.O. 1990, c. P. 13, as amended

Reporting Structure

The Committee operates independently from Council and its decisions may be appealed to the Ontario Land Tribunal (“OLT”).

Membership

Composition

The Committee shall consist of the following members;

- Five (5) resident representatives

Committee members shall demonstrate the following qualifications:

- A commitment to and interest in the community;
- An understanding of the planning framework and planning instruments, including, but not limited to, the City’s zoning by-laws, Official Plan. The *Planning Act, 1990*, policy statements, implementation guidelines, Provincial Plans and the Niagara Regional Official Plan;
- Organized, available and committed to attending all scheduled Committee meetings and site visits;
- An ability to remain objective and have an open mind to fully consider the evidence provided; and
- Have access to a computer and email to receive and respond to Committee Communications and information, including hearing notices and agenda packages with text and graphics.
- Completion of Volumes 1 - 6 of the Committee of Adjustment training offered by the Ontario Association of Committee of Adjustment and Consent Authorities

The Committee member application process will take place at the end of each term of Council, in alignment with the Committees of Council. Applicants to for membership on the Committee of Adjustment will be invited to an interview selection process, lead by an interview panel including, but not limited to, the Manager, Human Resources, and the Director, Development Services, or designate.

Results of the scoring matrix and recommendations for appointment from the interview panel will be presented to Council for approval, and assist in the appointment members of the Committee.

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The Manager of Planning, will support the Committee as the City of Thorold's staff liaison.

The Planning & Development Services Clerk, will support the Committee as the Secretary-Treasurer, and act as an administrative resource to the Committee and staff.

The City Clerk or delegate will attend Committee meetings to provide procedural advice as needed.

Term

The term of membership shall be four (4) years, aligned with City Council's elected term of office subject, to the election period. The Committee of Adjustment shall continue to meet during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Roles and Responsibilities

Chair and Vice Chair

The Chair will:

- Preside over all meetings and be responsible for the overall administration of the affairs of the Committee;
- Work with the Staff Liaison to build and coordinate the Committee agenda and associated documents; and
- Serve as the spokesperson for the Committee to City Council.

The Vice Chair, shall act as the Presiding Officer in absence of the Chair, or should the Chair be unable to fulfill his or her duties.

Committee Members

The meetings of the Committee of Adjustment are public and may be recorded and posted to the City's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

All Committee members, including the chair and vice-chair, have the responsibility to help achieve the Committee's mandate and responsibilities. Committee members are also responsible for:

- Electing a Chair and Vice-Chair annually at the first meeting of each calendar year;

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- Reviewing meeting materials in advance of the meetings and arrive prepared to provide a broad perspective on the issues under consideration; and
- Represent interests of community.

Remuneration

2022-2026 rates of remuneration are as follows:

- Members: \$70 per meeting
- Chair: \$75 per meeting

Resources

The Clerk's Department is the designated lead for providing clerical support, preparing minutes, publishing agendas, and provisioning hybrid and virtual access to Committee meetings.

Meetings

Regular meetings shall be held every month at the City of Thorold, City Hall Building, in the Council Chamber and/or virtually in accordance with the City's Procedural By-law, and at the discretion of the City Clerk. Meetings will be recorded and livestreamed to the City's Youtube Channel.

The date and time of meetings will be determined at the first meeting of each term set by the Clerk's Department in consultation with the Secretary-Treasurer.

The Committee of Adjustment is governed by the City's Procedural By-law, as amended. In the event of a conflict between the Procedural By-law, and the *Planning Act, 1990*, the *Planning Act, 1990*, shall prevail.

Absenteeism

Committee members who are absent from three (3) consecutive meetings shall forfeit their appointment, unless such absence is provided to the Committee prior to the meeting date/time.

Amendments to the Terms of Reference

Proposed amendments to the terms of reference shall require the Committee of Adjustment to pass a resolution recommending the amendments to City Council. Any such approved resolutions shall take effect only upon the approval of City Council.