

Committee of Adjustment

Terms of Reference

Name:	Committee of Adjustment (CoA)
Reports to:	Autonomous body
Support:	Council and Legislative Services Department
Type:	Quasi-judicial Tribunal
Established:	Approved: 2013-08-26
	Amendments:
Reference Items:	The Planning Act The Statutory Powers Procedure Act The Municipal Conflict of Interest Act The Building Code Act The Municipal Freedom of Information and Protection of Privacy Act Common Law concept of natural justice

Purpose:

The purpose of the Committee of Adjustment is a quasi-judicial tribunal appointed by Council and is independent and autonomous from Municipal Administration. Members of the Committee of Adjustment consider minor variances from the zoning by-law, review proposed changes to legal non-conforming uses and determine viability of Applications for Consents.

Mandate:

The Committee of Adjustment is established under the authority of The Planning Act and its regulations, The Statutory Powers Procedure Act, The Municipal Conflict of Interest Act, Building Code Act and The Municipal Freedom of Information and Protection of Privacy Act and the common law concept of natural justice.

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with legislation as outlined in the above paragraph.

Delegated Authority:

The Committee considers:

1. Applications for Minor Variances where a requirement of a Zoning By-law cannot be met under Sections 44 and 45 of the *Planning Act*;
 - a) Consider the following “four tests” :
 - Whether the variance is minor
 - Whether the variance is desirable for the appropriate development or use of the land
 - Whether the general intent and purpose of the Zoning By-law is maintained
 - Whether the general intent and purpose of the Official Plan is maintained.
2. Applications for Consent to Sever a property or for any agreement, mortgage or lease that extends for more than 21 years under Section 53 of the *Planning Act*;
 - b) Must have regard to the same matters as for a Plan of Subdivision when considering an Application for Consent; Committee may impose conditions to the approval of a severance.
3. Applications for Permission, which deal with the enlargement or extension of a building or structure that is legally non-conforming or for a change in non-conforming use;
4. Applications for Validation of Title and Power of Sale;
5. Council decisions and by adhering to the Official Plan policies;
6. Having regard to Provincial Policy Statements;
7. Following the Statutory Powers Procedure Act.

The Committee of Adjustment is required to give notice, follow procedures and is subject to appeal routes set out in the parent legislation.

Composition of Committee:

The membership of the Committee will be comprised as follows:

- Two Citizen members who reside and/or own property within the Municipality of Grey Highlands;
- Three Council members

A general understanding of the Planning Act, the Official Plan and Zoning By-law is preferred.

Appointment of the public members to the Board is subject to an interview process, conducted by a Council interview team as determined by resolution.

Appointment will be for a four year term, from the date of appointment to coincide with Council term. Members hold office until their successors are appointed. If a member ceases to be a member before the expiration of his/her term, Council will appoint another eligible person for the remainder of the term.

The advertising of vacancies and appointments to the Committee will be in accordance with the policies adopted by Council from time to time.

Lead Department/Reporting Relationship:

The Lead Department will be Council and Legislative Services Department.

Staff support is comprised of a Secretary-Treasurer and Deputy Secretary-Treasurer from the Council and Legislative Services Department.

Meeting minutes and decisions are forwarded to a Council Agenda.

Administration of the Task Force:

Members will receive compensation in accordance with Section 2.2 Policy A09-C-02 Remuneration Policy for Council members.

Save and except as set out in these Terms of Reference, the rules of procedure for Council and Committee as set out in the Procedural By-law shall apply to this Committee. In the case of any conflict between the Terms of Reference and such rules of procedure, the Terms of Reference shall take precedence.

Schedule/Location of Meetings:

Meetings are set the third Wednesday of each month commencing at 1:00 p.m.

Meetings may be cancelled at the Call of the Chair if there are no applications or business to deal with for that month.

Budget and Financial Report:

An annual budget is submitted that includes: Remuneration, Mileage, Membership, Education and Training, Conferences.