

TERMS OF REFERENCE Committee of Adjustment

1. BACKGROUND

The **Committee of Adjustment** is an independent decision-making body with specific authority, appointed by Council under the authority granted by the Province of Ontario in the *Planning Act*, 1990.

The Committee of Adjustment is also appointed by Council to act as the Property Standards Committee and Committee of Revision.

The **Property Standards Committee** is a statutory tribunal with specific authority under the *Building Code Act*.

The **Committee of Revision** is a statutory tribunal with specific authority under the *Municipal Act 2001*.

2. ENABLING LEGISLATION

Minor Variances:

Section 44(1) of the Planning Act states:

44(1). If a municipality has passed a by-law under Section 34 or a predecessor of such section, the Council of the municipality may by by-law constitute and appoint a Committee of Adjustment for the municipality composed of such persons, not fewer than three, as the Council considers advisable. R.S.O. 1990, c. P.13, s. 44(1).

Consents:

Section 54(1) of the Planning Act states:

Delegation of authority to give consents

The Council of an upper-tier municipality may by by-law delegate to the Council of a lower-tier municipality, the authority for the giving of consents under Section 53 in respect of land situate in the lower-tier municipality. 2002, c.17, Sched. B, s. 21(1)

Further delegation

Where authority is delegated to a Council of a lower tier municipality under subsection (1), such Council may, in turn by by-law, delegate the authority or any part of such authority, to a committee of Council, to an appointed officer identified in the by-law by name or position occupied or to a Committee of Adjustment. R.S.O. 1990, c.P.13, s. 54(2).

Property Standards

The Property Standards Committee is a committee established by Council under the authority granted by the Province of Ontario in the *Building Code Act* under s.15.6.

Committee of Revision

The Committee of Revision is a quasi-judicial body, appointed by Council under the authority granted by the Province of Ontario in s. 1(2.1) of the *Municipal Act* 2001 and its relevant regulations including O. Reg. 586/06 as may be amended from time to time.

3. MANDATE

Committee of Adjustment

The Committee of Adjustment considers and may authorize minor variances from the zoning by-law, review and permit extensions and enlargements to legal non-conforming uses and can grant consent for severances (land division), when the severance application involves a variance and/or when the consent is in dispute and cannot be resolved without a hearing. These decisions are made as follows:

- ✓ in the case of severances (consent to sever), variances and permissions, the Committee's decisions must be consistent with the Provincial Policy Statement, conform to Provincial Plans and comply with the region's and the city's Official Plans;
- ✓ in the case of minor variances and permissions under Section 45(1) and (2) the Committee must consider the applications in light of the requirements as laid out in the *Planning Act*;
- ✓ in the case of consents, the committee must have regard to the matters under section 51(24) of the *Planning Act*;
- ✓ the Committee must also be aware of Council decisions when making its decisions and must consider and apply the city's Official Plan policies; and
- ✓ comply with the *Statutory Powers Procedure Act*.

All decisions are subject to notice of the decision and all decisions made under the *Planning Act* are subject to appeal to the OMB.

Property Standards Committee

Property Standards Committee members hear appeals against "orders" issued by the Municipality under the City's Property Standards By-law. Once an owner has been served with an "order to comply" made under subsection 15.2(2) of the *Building Code Act*, an owner who does not agree with the terms or conditions of

the order, may appeal to the Committee within 14 days after being serviced the order. According to section 15.3(3) of the *Building Code Act*, the Property Standards Committee has the power to:

- ✓ confirm, modify or rescind the order to demolish or repair;
- ✓ extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and the official plan or policy statement are maintained

Committee of Revision

Local improvements constructed by the municipality may be charged to property owners whose land abuts the constructed work. These works can include opening, paving or improving a street; constructing or enlarging a sewer or watermain; constructing curbing or sidewalk along a street; sodding, planting; constructing a boulevard; or establishing a park. The cost of the local improvement can be charged to abutting property and a 'special assessment' is added to the property tax bill.

Before a special assessment is imposed, the Committee of Revision hears disputes related to the proposed special assessment. The Committee of Revision reviews the proposed special assessment and has jurisdiction to correct any or all of the following:

- ✓ Cost of the work;
- ✓ Names of owners of the lots;
- ✓ Frontage or other measurements of the lots;
- ✓ Amount of the reduction or increase to be made under Section 16 or 17 in respect of any lot;
- ✓ Lifetime of the work;
- ✓ Lots that would be exempt from being specially charged, but for Subsection 12(7);
- ✓ Charge per metre of frontage to be imposed on any lot;
- ✓ Other items as described in s. 1(2.1) of the *Municipal Act* 2001 and its relevant regulations including O. Reg. 586/06, s. 24.

4. MEETINGS

Committee of Adjustment meetings will be held twice a month.

Property Standards Committee and Committee of Revision meet as necessary.

5. QUORUM

Where the committee is composed of three members, two members constitute a quorum, and where the committee is composed of more than three members, three members constitute a quorum as per Section 44(5) of the *Planning Act*.

For Property Standards Committee and Committee of Revision quorum is based on the same requirements as the Committee of Adjustment.**6. BUDGET CONSIDERATIONS**

The fiscal year of the Committee of Adjustment will be January 1 to December 31 annually.

The Budget will be presented within the Planning and Building Department budget submission.

7. COMMITTEE COMPOSITION

Five members and two alternates will be appointed to sit as a committee of five members at each hearing. Appointments to the Committee are subject to an interview process, conducted by the Council interview team.

It is desired that the Committee render decisions that are community-focused in accordance with the provisions of the *Planning Act*. Individuals should have a demonstrated commitment and interest in the community, and the committee membership should reflect a balanced representation from the areas of planning, engineering, architecture, construction and lay people.

8. TERM OF OFFICE

Four years from the date of appointment to coincide with the Council term. Members hold office until their successors are appointed. Where a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the remainder of the term as per Section 44 (3 and 4) of the *Planning Act*.

A Chair and Vice-Chair(s) will be elected from within the membership at the first hearing of each year (one year term) as per Section 44 (7) of the *Planning Act*.

The term of office for the Property Standards Committee and Committee of Revision shall be the same as the Committee of Adjustment.

TERMS OF REFERENCE REVIEW DATE:

November 2014