TERMS OF REFERENCE
Committee of Adjustment
and Committee of Revision
August 2025

1.0 BACKGROUND

1.1 Pursuant to Section 25.1 of the Statutory Powers Procedures Act, the Committee of Adjustment adopts these rules of procedure for governing the practices and procedures before it.

1.2 The Committee of Adjustment shall conduct itself in accordance with the Statutory Powers Procedures Act, the Municipal Act, the Planning Act, the City of Burlington Procedure By-law, and these Terms of Reference.

1.3 The Code of Conduct for Local Boards and Committees and the Municipal Conflict of Interest Act apply to members of the Committee of Adjustment.

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

1.5 The Committee of Adjustment is also appointed by Council to act as the Committee of Revision.

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

2.0 MANDATE

2.1 Committee of Adjustment

2.1.1 The Committee of Adjustment is a committee appointed by Council under section 44 of the *Planning Act*.

2.1.2 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.

2.1.3 The Committee is authorized to make decisions under sections 45, 53, and 57 of the *Planning Act*.

2.1.4 All decisions made by the Committee of Adjustment shall be community-focused and in accordance with the applicable statutory requirements, including those in the *Planning Act* and *Statutory Powers Procedures Act*.

2.2 Committee of Revision

2.2.1 The Committee of Revision is a quasi-judicial body, appointed by Council under section 1(2.1) of the *Municipal Act* 2001 and its relevant regulations including O. Reg. 586/06.

2.2.2 The Committee of Revision consider appeals regarding assessment complaints for local improvement charges.

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.

2.2.3 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 section 1(2.1) of the *Municipal Act* 2001 and its relevant regulations including O. Reg. 586/06, section 24.

3.0 COMMITTEE COMPOSITION

3.1 The Committee of Adjustment is comprised of five Regular members and two Alternates. Five members are expected to be present at each hearing.

3.1.1 A Regular member is expected to attend every meeting and perform the duties and functions of a Committee Member.

3.1.2 Notwithstanding the City of Burlington Public Appointment Policy, an Alternate member to the Committee of Adjustment is expected to attend a meeting in the absence of a Regular member and/or should a Regular seat become permanently vacant, fill the seat on a regular basis.

3.2 The Committee of Revision is comprised of five members. Five members are expected to be present at each hearing.

3.3 The appointment of all Committee members shall be consistent with the City's Public Appointment Policy and are subject to an interview process, conducted by the Council and staff nominating panel.

3.4 Committee members 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.

4.0 TERM OF OFFICE

4.1 Members of the Committee of Adjustment and Committee of Revision shall hold office for four years from the date of appointment to coincide with the Council term. Members hold office until their successors are appointed.

4.2 Where a member ceases to be a member before the expiration of the term, Council will appoint another eligible person for the remainder of the term as per Section 44 (3 and 4) of the *Planning Act* and the Municipal Act.

5.0 QUORUM

5.1 Where the Committee of Adjustment is composed of three or more members, three members constitute a quorum as per Section 44(5) of the *Planning Act*.

5.2 The Committee of Revision shall be composed of three or five members. The majority of the members constitutes a quorum as per the Ontario Regulation 586/06.

6.0 MEETINGS

6.1 Committee of Adjustment meetings will be held twice a month. Additional meetings may be added to the regularly scheduled meeting calendar under special circumstances and at the discretion of the Committee and the Secretary Treasurer.

6.2 Committee of Revision meet as necessary.

6.3 Any reference to a hearing or meeting within this Terms of Reference may also include a virtual public meeting conducted online by electronic means using video conferencing technology.

6.4 Committee meetings may be recorded and form part of the public record.

6.5 The Committee may meet in closed session for training and education purposes only in accordance with the provisions of the *Municipal Act.*

6.6 In the event there is a tie vote, the motion shall be deemed to be defeated.

6.7 Presentations of a maximum of ten minutes will be permitted for applicants or their representative.

6.7.1 Committee may limit or extend the time allowed for a presentation by a majority vote.

6.8 Presentations of a maximum of 5 minutes will be permitted for delegates.

6.8.1 Committee may limit or extend the time allowed for a presentation by a majority vote.

6.9 Committee members will be permitted to ask each delegation two questions at a time directly relating to the matter under consideration.

6.9.1 All members will address their questions and comments through the Chair.

6.9.2 A member may ask a question only for the purpose of obtaining facts relevant to the matter under discussion and necessary for a clear understanding. All questions will be stated succinctly and will not be used as a means of making statements, or assertions.

6.9.3 To assist with meeting efficiency, all members are encouraged to provide questions to staff prior to the meeting and address any answers received during the comments portion of the discussion.

6.9.4 A member will have a limit of five minutes to speak on a matter under consideration and will be given the option of an additional five minutes after every member has been allowed to speak.

6.10 No member will be permitted to speak a second time on an item of business until every member who desires to speak has spoken.

6.11 When a member is speaking, no other member will interrupt, except to raise a Point of Privilege or Point of Order.

7.0 CONSENT AGENDA

7.1 To assist with meeting efficiency, items will be placed on the consent agenda when there is a positive staff report, there are no delegations, and where no committee discussion is anticipated.

7.2 All items listed in the consent agenda are subject to a single motion.

7.3 A Committee member may make a brief comment regarding a consent item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed from the consent agenda and placed on the regular agenda for discussion.

8.0 COMMITTEE CHAIR

8.1 The Chair shall be elected by a majority of Committee members for a one-year term at the first meeting of each calendar year. An individual shall only act as Chair for a maximum of two consecutive years unless the committee determines otherwise with the unanimous consent of its membership.

8.2 The Chair's role and responsibility is to:

- Provide guidance and leadership to the Committee in the completion of its mandate.
- Act as a liaison between the Secretary Treasurer and Committee Members on matters related to policy and city-wide issues.
- Conduct meetings in an efficient and timely manner and that the Code of Conduct for Local Boards and Committees is observed.
- Ensure that all applications before the Committee are appropriately dealt with in a manner that is fair, transparent, and consistent.
- Ensure that the actions of any individual, including Committee Members and staff attending the hearing, are consistent with the quasi-judicial nature of each Committee.
- Ensure that decorum is maintained at each meeting and that the Code of Conduct for Local Boards and Committees is observed.
- Ensure that the minutes of the previous hearing, prior to being adopted, accurately reflect what occurred at the previous meeting.

9.0 COMMITTEE VICE CHAIR

9.1 The Vice Chair shall be elected by a majority of Committee members for a one-year term at the first meeting of each calendar year. The Vice Chair will support the Chair at each meeting and acts in the Chair's absence by assuming the role and responsibilities of the Chair.

10.0 SECRETARY TREASURER

10.1 The Secretary Treasurer's role and responsibility is to:

- Accept complete applications for processing, upon submission by the applicant.
- Administer all aspects of the Committee of Adjustment, Property Standards Committee, and Committee of Revision processes and day to day functions.
- Schedule hearings in a timely manner.
- Issue public notices of hearings.
- Direct the preparation of the Agenda and Minutes including the documentation of an Alternate member's participation in a meeting.
- Issue notices of decision to all persons entitled to receive a copy, in a timely and consistent manner.
- Provide overall procedural advice to the Committee.
- Receive and process appeals of decisions to the Ontario Land Tribunal.
- Schedule education and training sessions for Committee members when necessary.
- Act as a liaison between Committee members and staff.

10.2 The Secretary Treasurer may, at any time and without prior notice, correct a typographical error, error in calculation or other similar error in the minutes or in a decision. No other changes shall be made.

11.0 CONFLICT OF INTEREST

11.1 In accordance with the Municipal Conflict of Interest Act, each member shall advice the Chair and Secretary Treasurer of any conflict of interest. The member shall declare the general nature of the conflict of interest and shall remove him/herself from the meeting during the discussion and voting of the matter.

11.2 Every declaration of a conflict of interest and the general nature of thereof shall be recorded in the minutes of the meeting and recorded in the City's Conflicts Registry

12.0 BUDGET CONSIDERATIONS

12.1 The fiscal year of the Committee of Adjustment, Property Standards and Committee of Revision will be January 1 to December 31 annually.

12.2 The Budget will be presented within the Community Planning Department budget submission.

TERMS OF REFERENCE REVIEW DATE: August 2025