

The Corporation of The Municipality of Hastings Highlands

Bylaw 2023-088

To Adopt a Terms of Reference for the Committee of Adjustment

Whereas the *Municipal Act 2001*, c. 25 S.O. 2001, as amended allows a Municipality to pass bylaws respecting matters in its jurisdiction;

And Whereas the *Municipal Act 2001*, c. 25 S.O. 2001, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by bylaw;

And Whereas the Council of the Corporation of the Municipality deems it expedient to adopt a Terms of Reference for the Committee of Adjustment;

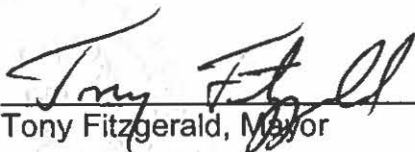
Now Therefore the Council of the Corporation of the Municipality of Hastings Highlands enacts as follows:

1. **That** the "Terms of Reference for the Committee of Adjustment" with schedules 'A' and 'B' attached hereto is hereby adopted and shall form part of this Bylaw;
2. **That** the Mayor and Municipal Clerk are hereby authorized to sign this bylaw and affix the corporate seal thereto;
3. **That** the Procedures for the Committee of Adjustment Bylaw 2020-043 is hereby repealed;
4. **That** this Bylaw shall come into force and take effect upon the final passing on the day it is passed.

Read a first time in Council on the 20th day of September, 2023.

Read a second time in Council on the 4th day of October, 2023.

Read a third time, **Enacted** and **Passed** in Council this 1st day of November, 2023.



Tony Fitzgerald, Mayor



Suzanne Huschilt, Municipal Clerk



Hastings Highlands

Beautiful By Nature

Bylaw 2023-088

Committee of Adjustment

Terms of Reference



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Mandate

The Committee of Adjustment is a quasi-judicial tribunal that operates under the delegated authority of the Municipality of Hastings Highlands Council and is appointed by Council under Section 44 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

The Committee of Adjustment makes decisions with respect to applications submitted to the Municipality for Minor Variances and Permissions under the *Planning Act*.

While the Membership of the Committee includes Members of the Municipality of Hastings Highlands Council, the Committee operates independently from Council and its decisions may be appealed to the Ontario Land Tribunal (OLT) in accordance with the *Planning Act*.

The Committee of Adjustment:

- Authorizes minor variances from the provisions of the Municipality's Comprehensive Zoning Bylaw;
- Permits the enlargement or expansion of an existing legal non-conforming use, building or structure;
- Permits the use of land, building or structure for a purpose that is similar to the existing legal non-conforming use or is more compatible with the uses permitted by the Municipality's Comprehensive Zoning Bylaw;
- Permits the use of land, building or structure for any purpose that conforms with the uses defined in general terms in the Municipality's Comprehensive Zoning Bylaw.
- Shall be deemed to be a Committee of Council and shall adhere to any policies and procedures as provided for under the:
Planning Act;
Municipal Act;
Statutory Powers Procedure Act;
Municipal Conflict of Interest Act;
Hastings Highlands Comprehensive Zoning Bylaw;
Hastings Highlands Procedure Bylaw;
The County of Hastings Official Plan;
Statements of Provincial interest as defined in policy statements, implementation guidelines and Provincial plans;
Code of Conduct;
Council-Staff Relations Policy, and any other applicable legislation.

Composition

The Committee shall consist of a maximum of five (5) Members, but not less than three (3) Members coinciding with the term of Council. The composition of the Committee shall be set out in the Constitution Bylaw, which may change from time to time.

Appointments

Commencement of Term

The term of appointment commences after the Inaugural Meeting of the new Council and generally ends at the conclusion of Council's term of four (4) years.

Committee Members

Committee Members shall be appointed at the pleasure of Municipal Council.

Citizen Members who serve on the Committee of Adjustment are appointed for the term of Council (4 years) as per Section 44 (3) of the *Planning Act*.

Members of Municipal Council who serve on the Committee of Adjustment are appointed on a yearly basis by Municipal Council as per Section 44 (3) of the *Planning Act*.

Chair

At the first meeting of the term of the newly appointed Committee, the Municipal Clerk shall preside over the meeting until the appointment of the Chair.

The Committee shall appoint from its ranks a Chair, who shall hold office for the term of Council or until they resign the position.

The Municipal Clerk calls for a motion to appoint a Chair which must be seconded by another Member of the Committee.

Acting Chair

The Committee shall appoint from its ranks an Acting Chair to act only in the absence of the Chair and shall hold office for the term of Council or until they resign the position.

The Chair calls for a motion to appoint an Acting Chair which must be seconded by another Member of the Committee.

Ex-Officio

The Mayor is an ex-officio Member of the Committee of Adjustment. The Mayor as ex-officio may, but is not required to, attend any meeting and may participate and vote in any meeting. There is no requirement for the Mayor to meet the attendance requirements of Committee Members.

Secretary-Treasurer

The Planning Clerk shall support the Committee as the Secretary-Treasurer, and act as an administrative resource to the Committee and the Municipal Planner. The Committee shall appoint the Secretary-Treasurer at the first scheduled meeting of the Committee of Adjustment in each Council term.

Acting Secretary-Treasurer

The Committee shall appoint an employee of the Municipality to act as Acting Secretary-Treasurer, in the absence of the Secretary-Treasurer.

Citizen Recruitment and Selection

Eligibility

All of the following requirements must be met for a person to be eligible to be appointed to the Committee:

- Canadian Citizen;
- 18 years of age and over;
- The owner or tenant of land, or the spouse of an owner or tenant of land within the municipality;
- Be a qualified elector, as defined by the *Municipal Elections Act*, within the Municipality of Hastings Highlands; and
- Not be a paid employee of the Municipality.

Qualifications

In addition to the eligibility requirements, in order to be eligible a potential Member shall also demonstrate the following qualifications:

- Have a demonstrated expertise, interest, and involvement in the community; knowledge in one or more areas of law, planning, architecture, government, economic development, community development, land development, urban forestry and environmental planning, or citizen engagement and advocacy;
- Organized, committed and available to attend site visits and Committee meetings; and

Objective and have an open mind to fully consider the evidence provided.

Requirements

The following are requirements of each Member to enable the Member to adequately perform their role:

Access to a computer to be able to receive and respond to electronic Committee communications and information;
Able to perform related duties including reviewing documentation;
Submission of a Criminal Reference check;
Able to perform site visits across the municipality of Hastings Highlands; and
Able to attend in-person meetings for the term of Council – Members are required to be physically present in the location where a meeting takes place and are not permitted to participate electronically, except in exceptional circumstances as identified in Council's Procedure Bylaw (in the sections under 'Extenuating Circumstances or Inclement Weather'), as amended from time to time.

Orientation

Orientation sessions shall be conducted for Committee Members at the beginning of each term of Council. Further sessions may be conducted during the term, as required.

Resignation and Dismissal

Committee of Adjustment Members wishing to resign their appointment shall submit a letter of resignation (which must be in writing) to the Committee Chair and the Municipal Clerk in order to be placed on the next Council Meeting Agenda.

When a Member resigns from the Committee before the expiration of their term, Council shall appoint another eligible person for the unexpired portion of that term.

Council may, by resolution at any time and from time to time at its discretion, and for any reason or no stated reason, remove any voting Member from the Committee, as it deems advisable.

Absenteeism

Committee Members who are absent for more than three (3) meetings per calendar year, shall forfeit their appointment, except under extenuating circumstances as approved by the Chair.-The Municipal Clerk shall bring a report to Council to advise

Council of the deemed vacancy after a Member has been deemed absent for their third meeting of the calendar year and request that Council appoint a new Member.

Vacancy

Once a decision is made by Council to seek a new Committee of Adjustment Member, the Municipal Clerk shall have the vacancy publicly posted and on the Municipality's website, so that all interested, eligible candidates may apply. Committee of Adjustment position vacancies shall be filled by appointment by Council in accordance with applicable policies and bylaws.

Subject to quorum, a vacancy in the membership or the absence or inability of a Member to act does not impair the powers of the Committee or of the remaining Members.

Meetings

The Committee of Adjustment meets as required - typically once per month or within thirty (30) days of receipt of an application, at the call of the Secretary-Treasurer. Meetings are generally held at 8:30 a.m. on a Thursday. For ease of planning, every attempt will be made to hold meetings on a consistent day. Meetings shall not conflict with Regular Meetings of Council.

Committee Members are expected to attend all regularly scheduled meetings in-person. Meetings are held in Council Chambers located in the Municipal Building at 33011 Hwy 62N Maynooth, ON. In the event that a Member is unable to attend a meeting, the Member shall contact the Secretary-Treasurer twenty-four (24) hours in advance and advise them. In the event that a Member must attend electronically due to an extenuating circumstance, the Member shall contact the Secretary-Treasurer twenty-four (24) hours in advance and advise them of the extenuating circumstance and provide the best available phone number for contacting the Member during the meeting. The Member shall confirm they will attend at the Municipal Office within five (5) business days of the decision of the Committee of Adjustment to sign the Notice of Decision they concur with. Electronic signatures are not permitted.

Only in the event of inclement weather, or other unexpected event, the date, place, time and method (electronic) of any meeting may be postponed or changed by the Secretary-Treasurer, in consultation with the Chair, if applicable, by advising as many Committee Members as they are able to reach. The public and media will be advised forthwith after the decision has been made. Notice of the change shall be provided by

posting a notice on Facebook, on the Municipality's Notices section of the website, as well as posting the notice on the entrance window of the main lobby and rear of building of the Municipal Office.

The Committee must satisfy legal requirements concerning notice, public hearings, calling of witnesses, notices of decisions and recording of proceedings.

The Committee will conduct its meetings in public. Closed Session meetings may only be held in accordance with Section 239 of the *Municipal Act* and may not be held for purposes of deliberating its decision. When in Closed Session, no one shall leave and re-enter the meeting room without the approval of the Chair.

All information pertaining to an application will be presented at the hearing and all discussion on the specifics of an application will take place at the hearing. There shall be no discussion amongst Committee Members regarding an application or a future application prior to the hearing.

A Member shall be present for the entirety of an Application and consider all evidence in order to discuss and vote on an Application. If a Member leaves the Meeting for any reason during the hearing of an Application, then the Member shall refrain from participating in the discussion and from voting on the Application. If a Member is not present at the hearing of an Application and the Application is postponed, the Member shall refrain from participating in the discussion and from voting on the Application at that meeting and any subsequent meeting(s).

Where these Terms of Reference are silent, the Committee shall refer to:
the *Planning Act*; then
the *Municipal Act*; then
Council's Procedure Bylaw; then
Robert's Rules of Order for further clarification.

Accessibility

The Municipality is committed to providing meetings that are open and accessible to the public. Council Chambers are accessible, and the Municipality welcomes all to attend meetings. If the public require Committee meeting documents in an accessible format, or require other accessibility accommodations, they are asked to contact the Secretary-Treasurer prior to the meeting so the Municipality can ensure their needs are met.

Committee of Adjustment meetings are live-streamed via YouTube for the public to view.

Participation from Applicants, Agents, Public Agencies, General Public

Written Comments

Written comments are accepted at any time during the Planning process, prior to a decision being made. To submit written comments, email the Secretary-Treasurer.

Oral Submissions

Oral submissions are accepted in person during each hearing. The Chair will call for anyone present virtually to speak or anyone attending in the gallery to come to the podium to speak to an application.

Electronic Participation

The public may attend virtually or by telephone by registering with the Secretary-Treasurer in advance of the meeting as set out in the 'Notice of Public Hearing'. It is the responsibility of the interested member of the public to have technology in place to connect to the meeting.

Electronic Participation – Failed Connection – Applicants, Agents, Public

If for any reason an Applicant, Agent or member of the Public has lost connection while the hearing they have interest in is under consideration, a brief recess may be called for them to reestablish the connection. If the connection cannot be re-established, staff will make every attempt to contact the party. If the party cannot re-connect, the Chair will decide how to proceed with the application.

Participation from Committee Members

In-Person Attendance

Committee Members are required to be physically present in the location where a meeting takes place and are not permitted to participate electronically, except in extenuating circumstances.

Electronic Participation – Extenuating Circumstances

Committee Members are permitted to participate electronically, in extenuating circumstances as identified in Council's Procedure Bylaw.

The Member is expected to ensure that their connection is seamless and able to support their participation without connectivity gaps or outside interference/interruptions. Members shall keep their camera on at all times during the meeting.

Electronic Participation – Extenuating Circumstances - Closed Session

Members and staff must ensure that no other person is in the location from which they are taking part in the meeting or make appropriate arrangements so that any other persons cannot see or hear any of the confidential deliberations taking place. If this is not possible, the Member must withdraw from the meeting until it has resolved back into public session.

When in Closed Session, no-one shall leave and re-enter the meeting room without the approval of the Chair.

Electronic Participation – Failed Connection – Committee Members

If for any reason an individual Member's or multiple Members' electronic connection to the meeting fails or their video feed fails during proceedings, a brief recess may be called in order for staff to assist the Member in re-establishing it. If, the connection still cannot be re-established, the meeting shall then resume without that Member.

If the electronic connection fails to such a degree that quorum is lost, the meeting shall stand in recess until such time as the connection is re-established.

If the connection cannot be re-established to the point where a quorum can be maintained, the meeting shall stand adjourned, and any items of business shall be carried over to a future meeting.

A Member participating electronically may vote, provided they were present for the entirety of the evidence and discussion surrounding the application. Members who lose connection and rejoin the meeting will be held in the waiting room until the start of the next application.

Quorum and Voting

Pursuant to Subsection 44(5) of the *Planning Act*, quorum at all meetings of the Committee shall be three (3) Members of the Committee. The attendance of the Mayor as ex-officio does not count towards quorum.

In the Case where the Chair does not attend within fifteen (15) minutes after the time appointed for the meeting, the Acting Chair shall take the Chair.

If there is no quorum within thirty (30) minutes after the time appointed for the meeting, the Secretary-Treasurer shall record the names of the Members present and the meeting shall stand adjourned until the next scheduled meeting or until a meeting is called.

Voting is by simple majority on the application.

The Chair is permitted to vote on the motion and may participate in any discussion without having to relinquish their seat as Chair.

Site Visits

Following the application for any approval, but prior to the meeting where the application will be considered by the Committee, the Members should conduct individual site visits, including, but not limited to, conducting measurements and obtaining photographs.

During site visits, the Committee Members shall not discuss with the Applicant, or any other interested individuals, any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee. All questions or comments regarding the application will be directed to the Secretary-Treasurer or asked at the public hearing.

Remuneration

The Committee of Adjustment Members do not receive remuneration for their participation on the Committee.

Members are eligible for reimbursement for expenses incurred through travel while conducting approved Committee of Adjustment business provided that the expense is approved by the Chair.

Approved Committee of Adjustment business includes site visits by Committee Members to assess the merits of the application or any issue or matter related to the Application.

Approved Committee of Adjustment business excludes travel to and from meetings.

Agenda and Minutes

The Secretary-Treasurer shall prepare an electronic and printed agenda for the use of the Members at meetings of the Committee.

If the meeting is scheduled between Monday and Thursday, the agenda will be published six (6) days prior to the meeting Date by Four o'clock (4:00 p.m.)
If the meeting is scheduled for a Friday, the agenda will be published seven (7) days prior to the meeting Date by Four o'clock (4:00 p.m.)

There shall be no more than six (6) applications, in total, scheduled for a meeting and included on the Agenda. The Secretary-Treasurer, upon consultation with the Chair, may entertain additional applications, as the circumstances may warrant.

Minutes of each meeting of the Committee shall be taken by the Secretary-Treasurer or designate.

Modifications to a Published Agenda

After initial publication of the agenda, the Secretary-Treasurer or designate may add or revise documents due to errors, omissions, or if correspondence has been received. The agenda shall continue to be republished, if necessary and as practicable, until the end of the day prior to the meeting date. The Committee Members shall be emailed with details of the change(s) and notification of the publication(s) shall be given to Members, applicable staff and agenda subscribers. If the addition or revision takes place on the day of the meeting, the agenda shall be republished *after* the meeting concludes with the applicable documents.

Schedule 'A' to Bylaw 2023-088 Meeting Agenda Order of Proceedings

Order of Proceedings

The Committee shall follow the order of proceedings below, or as set out in the Committee Agenda, if a change to proceedings is required. The Chair may change the order of proceedings during the meeting if it is deemed necessary upon approval of the Committee.

- 1) Call to Order**
- 2) Chair's Comments**
- 3) Respect in the Workplace**
- 4) Deletions or Additions to the Agenda**
- 5) Disclosure of Pecuniary Interest and the General Nature Thereof**
- 6) Adoption of the Minutes**
- 7) Minor Variance and Permission Applications Order of Hearing Procedures**
- 8) Minor Variance and Permission Applications**
- 9) Other Business**
- 10) Adjournment**

Order of Proceedings Defined

1) Call to Order

The Chair will call the meeting to order and give instructions and note any housekeeping items. Committee Members and Staff shall turn off cell phones and electronic devices, except those in use to facilitate the meeting.

2) Chair's Comments

The Chair shall provide comments to explain the purpose of the meeting and to set expectations for participants of the meeting.

These comments shall include:

- a) The purpose of the meeting;
- b) The Applicant and/or Agents will be given an opportunity to speak on behalf of their applications and to respond to questions arising from the discussion of these applications;
- c) Members of the public will be given opportunity to speak in favour of, or in opposition to the applications being dealt with at the hearing;

- d) All persons addressing the Committee must state their full name and mailing address and must direct their comments through the Chair;
- e) Requests for receiving written notices of this hearing or any hearing;
- f) The right to appeal the Decision of the Committee of Adjustment to the Ontario Land Tribunal and appeal applications;
- g) The requirement for hearing the Applicant/Agent and every other person who desires to be heard in favour of or against the application;
- h) The amount of time that a Member of the public has to speak in favour or against an application;
- i) The Committee, Applicants and/or Agents and staff of the Municipality are not required to answer questions from the public; and
- j) If the Applicant(s) and/or Agent and general public have joined the meeting electronically and have spoken, they will be removed from the meeting after the Decision has been rendered and may continue to listen to the remainder of the meeting on the municipality's YouTube channel.

3) Respect in the Workplace

The Municipality expects and promotes respectful interactions which show regards for the rights, dignity, health and safety of all. The Municipality will not tolerate or condone any disrespectful behaviour or comments that a reasonable person would consider humiliating, demeaning, offensive or intimidating in accordance with the Workplace Violence and Harassment Policy of the Municipality, as amended. Any person in breach of this expectation may be asked to leave by the Chair.

4) Deletions or Additions to the Agenda

The Secretary-Treasurer or designate shall bring forward to the Chair any correspondence or necessary additions or revisions to the agenda during a meeting. The Chair shall acknowledge any deletions or additions that are not captured in the agenda for the purpose of noting in the minutes. There is no requirement for the Committee to vote on this item.

5) Disclosure of Pecuniary Interest and the General Nature Thereof

Members may have a pecuniary conflict of interest in any matter that comes before the Committee. Members shall be cognizant of any personal or business conflict of interest or perceived conflict in terms of issues which may serve to benefit them personally. Every Member shall make themselves aware of the requirements of the *Municipal Conflict of Interest Act* and the Municipality's Code of Conduct. Where a Committee Member, either on their own behalf or while acting for, by, with or through another, has

any pecuniary interest, direct or indirect, in any matter and is present at a Committee of Adjustment hearing at which the matter is considered, the Member,

- Shall, prior to any consideration of the matter at the hearing, publicly disclose the interest and the general nature thereof;
- Shall not take part in the discussion of, or vote on any question in respect of the matter;
- Shall not attempt in any way whether before, during or after the hearing to influence the voting on any such question; and
- File a written statement of interest and its general nature with the Secretary-Treasurer of the Committee, who will forward to the Municipal Clerk to be added to the public register.

Where the interest of a Committee Member has not been disclosed by reason of the Member's absence from the hearing, the Member shall disclose the interest, and comply with the requirements listed above, at the first Committee meeting attended by the Member after the meeting at which the matter was considered. Every declaration of interest and the general nature thereof shall be recorded in the minutes of the meeting by the Secretary-Treasurer. The onus to declare a conflict of interest lies with the Committee Member and not municipal staff.

Committee Members may seek advice from the Municipality's Integrity Commissioner, respecting their obligations under the Municipality's **Code of Conduct for Members of Council and its Local Boards**, local ethical behaviour procedures, rules or policies governing the Members, and the *Municipal Conflict of Interest Act*. Committee Members shall inform the Municipal Clerk in writing- clerk@hastingshighlands.ca when advice from the Integrity Commissioner has been sought. The Member is not required to advise the Clerk of the nature of the advice sought or the advice provided, only that they have made a request.

6) Adoption of the Minutes

Draft minutes from the previous meeting(s) held subsequent to the meeting shall be included in the Agenda and may be adopted by the Committee without having been read at the meeting at which the question of their adoption is considered.

7) Minor Variance and Permission Applications Order of Hearing Procedures

The following guideline or variation of may appear in each agenda to ensure the applicant and the public understand the process:

The Chair will call each application in order on which it appears on the Agenda. The Chair will read the purpose and effect of the application at the time of the hearing for the application.

The Chair will ask the Applicant/Agent to introduce themselves and provide an opportunity of ten (10) minutes to present the nature of the application being heard by the Committee. Any submissions beyond ten (10) minutes shall be at the discretion of the Chair.

The Chair will ask the appropriate staff Member to summarize or review the Staff Report prepared for the application at their discretion.

The Chair will provide an opportunity for the Applicant/Agent to respond to the Staff Report.

The Chair will provide an opportunity for the Committee Members to ask questions of or request clarification of information from the Applicant/Agent or staff at this time.

The Chair will invite any Member of the public or public agency to provide comments in favour of or against the application. Each person addressing the Committee shall state their name and mailing address prior to speaking to the application.

All persons, other than the Applicant/Agent, Committee Members and staff of the Municipality, will have five (5) minutes to provide comments in favour of or against the application. It is at the discretion of the Chair whether to grant a person more than five (5) minutes to speak.

Any of the Committee Members may ask questions of those persons providing comments in favour of or against an application.

The Chair will provide an opportunity for the Applicant/Agent to respond to any comments received from any persons who either provided a verbal or written representation in favour of or against the application.

Any of the Committee Members may ask additional questions at this time.

The Chair will state the applicable tests (Four Tests of a Minor Variance or the Two Tests of a Permission).

Each Committee Member will then be given an opportunity to review the application and applicable tests. The Chair shall permit discussion of the application and conditions with the Committee Members.

The Chair will then call for a motion from the Committee Members. The motion shall be as follows:

- a. To approve the application without conditions;
- b. To approve the application with conditions, stating the specific conditions;
- c. To postpone the application - said motion shall include the requirements for the postponement (e.g. certain studies being required or more information required

regarding "XYZ"); or

d. To deny the application.

Should any motion not as stated above be made, the Chair shall rule such motion "*Out of Order*".

As required by the *Planning Act*, the motion shall include the "Reasons for Decision" to be included in the Notice of Decision.

A Committee Member must second the motion before proceeding. The Chair is permitted to move or second a motion.

Prior to voting "*For*" or "*Against*", the Chair shall permit the Committee Members to discuss the motion and any conditions included in the motion.

The Chair shall call the question on the motion.

If a motion is not approved by a majority of votes, the Chair shall call for a new motion and then permit discussion onwards until a motion is approved by a majority of the Committee Members.

The Chair shall announce the decision of the Committee of Adjustment for the application.

When an application has been postponed, notice of the date of resuming the hearing of said application shall be given to those individuals who were present and gave their name and address to the Secretary-Treasurer, as well as those individuals who made a written submission, which was read out to the Committee. The Notice may be given orally at the meeting before it is adjourned to those persons physically present.

8) Minor Variance and Permission Applications

Each application shall follow the process illustrated in Section 7 above.

9) Other Business

Items which may include, but not limited to, education for the Committee may be placed on the agenda by the Secretary-Treasurer.

10) Adjournment

The Secretary-Treasurer will note in the minutes the time the Chair adjourns the meeting.

Schedule 'B' to Bylaw 2023-088 Duties and Responsibilities

Committee Members

Committee Members have the following duties and responsibilities:

- Adhere to the *Planning Act*;
- Perform their duties in a manner that maintains and enhances public confidence in the integrity, objectivity and impartiality of the Municipality;
- Adhere to the *Municipal Conflict of Interest Act* and clearly identify any items of pecuniary interest before they are discussed and refrain from discussing and voting on same;
- A Member shall be present for the entirety of an Application and consider all evidence in order to discuss and vote on an Application.
- Cannot act as an agent for Applicants before the Committee and would be required to resign from the Committee before doing so;
- Cannot present a personal application to the Committee under Section 45 of the *Planning Act*, and shall ensure an agent is appointed on their behalf;
- Not be under an obligation to any person who might benefit from special consideration or favour from the Member or who might seek, in any way, preferential treatment;
- Not benefit from the use of information acquired during the course of official duties that is not generally available to the public;
- Be professional, courteous and respectful with other Members, Council, administration and the general public. In doing so will not publicly criticize Elected Officials, administration or other Members and respect the decisions of Council;
- Maintain confidentiality when necessary, and ensure personal information controlled by the Municipality is used or disclosed in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA);
- Understand the Committee's relationship to Council;
- Strive to attend all meetings and advise in advance when unable to attend (to determine if there will be a quorum);
- Prepare for meetings by reading agendas and any background information supplied;
- Visit the site of each application prior to the meeting;

- Consider Applicant, agency and public comments and make decisions in public regarding applications;
- Actively participate in the discussion and decision-making process;
- Undertake any work assigned, including special projects and research, between meetings;
- Respect that actions taken and/or recommendations shall reflect the majority view of the Committee and not make any disrespectful comments about the decision; and
- Operate under the Municipality's Procedure Bylaw, Code of Conduct, Council-Staff Relations Policy as well as other policies and procedures of the Municipality, where applicable.

Chair

- Follow the duties and responsibilities of the Committee Members;
- Preside over all meetings and be responsible for the overall administration of the affairs of the Committee;
- Ensure that decorum is maintained at each meeting and that rules of procedure and conduct are observed;
- Ensure fairness and transparency;
- Assist the Secretary-Treasurer and Municipal Planner when possible or when requested;
- Request that the Applicant(s)/Agent or any Member of the public or audience vacate the meeting if their behaviour is deemed to be disruptive to the business at hand; and
- Serve as the spokesperson for the Committee to municipal Council.

Secretary-Treasurer

- Shall ensure proper notice is provided as required under the *Planning Act*;
- Prepare Agendas;
- Electronically distribute Agendas to Members before a Meeting, respecting the designated timeframes described within this Bylaw;
- Arrange for and/or set up of the place of the Meeting;
- Record when the meeting started and adjourned;
- Record the Members present and absent;
- Advise the Chair and Members of any additions or deletions to the Agenda;
- Advise the Chair and Members of any late correspondence relating to the applications before the Committee that has been received by the Secretary-

Treasurer from those responding to the circulation of the Notice of the Application;

- Record minutes, recording a summary of the discussion for each item, actions to be taken and recommendations, including the names of the movers of motions;
- Assist in preparing relevant motions in cooperation with the Chair and/or Municipal Planner;
- Finalize Minutes for distribution;
- Prepare the Notice of Decision for the applicable Chair and Members to sign for each application and ensure the applicable Chair and Members sign the Notice of Decision; and
- Operate under the Municipality's Procedure Bylaw, Council-Staff Relations Policy as well as other policies and procedures of the Municipality, where applicable.

Municipal Planner

- Support the Committee as the Municipality's staff liaison and provide planning legislative and planning interpretation as required;
- Review each application in accordance with the applicable tests and criteria under the *Planning Act*;
- Prepare a Planning Report for the Agenda;
- Review Agendas as prepared by the Secretary-Treasurer;
- Review the Planning Report for each application at a Meeting of the Committee and make a recommendation to the Committee for the decision of the Committee on an Application;
- May conduct individual site visits for an application, including, but not limited to, conducting measurements and obtaining photographs; and
- Operate under the Municipality's Procedure Bylaw, Council-Staff Relations Policy as well as other policies and procedures of the Municipality, where applicable.

Applicant

- The Applicant should pre-consult with the staff of the Municipality to discuss the merits of the application or any issue or matter in relation to the application;
- The Applicant and/or their Agent will adhere to the maximum of ten (10) minute presentation time limits and respond to questions arising from the discussion of their application;
- Abide by requirements for respectful interactions that show regards for the rights, dignity, health and safety of all; and

- Operate under the Municipality's Procedure Bylaw, as well as other policies and procedures of the Municipality, where applicable.

The Applicant and/or their Agent shall respect the decorum of the Committee, maintain order and quiet and may not:

- Address the Committee of Adjustment without permission;
- Interrupt any speaker or action of the Members or any person addressing the Committee;
- Speak out;
- Applaud;
- Behave in a disorderly manner; or
- Make any noise or sound that proves disruptive to the conduct of the meeting.

Members of the Public or Audience

- May be heard upon the call of the Chair;
- May be heard upon each person providing the Committee with their first name, surname, and mailing address;
- Direct their comments to the Chair;
- Speak for no more than five (5) minutes;
- There is no requirement for the Chair, Members of the Committee, the Secretary-Treasurer, the Municipal Planner, the Applicant/Agent or any staff of The Corporation of the Municipality of Hastings Highlands to answer questions during the meeting from Members of the public or audience; and
- Each Member of the public or audience shall operate under the Municipality's Procedure Bylaw, as well as other policies and procedures of the Municipality, where applicable. If a Member of the audience is deemed to be disruptive to the business at hand, the Chair may request they vacate the Council Chambers. If attending the meeting electronically, the Chair may request they be removed from the meeting platform.