

Terms of Reference

Committee of Adjustment

1. Name

The name shall be the Committee of Adjustment (COA).

2. Definitions

Statutory Committee: Statutory Committees are required by Provincial legislation and perform functions as specified in the relevant legislation. The Committee of Adjustment is a quasi-judicial body, appointed by Council under the authority granted by the Province of Ontario in the Planning Act R.S.O. 1990, Chapter P. 13.

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

Vice Chair: The Vice Chair shall be elected by a majority of committee members for one term at the first meeting of each term. The Vice Chair acts in the Chair's absence and assumes the roles and responsibilities of the Chair.

Delegated Authority: Section 44 (1) of the Planning Act states that Council may appoint a committee of adjustment to authorize minor variances from the zoning by-law. Section 54 (2) states that council may delegate municipal planning authority for giving consents under section 53 in respect of land in the municipal planning area to a committee of adjustment.

Local Planning Appeal Tribunal (LPAT): LPAT is an adjudicative tribunal that hears cases in relation to a range of municipal planning, financial and land matters. These include matters such as consents and minor variances.

3. Purpose

The Committee of Adjustment is a statutory committee with approval authority delegated to it by the Council of the City of Cambridge under the provisions of the Ontario Planning Act to hold public hearings to make decisions on applications submitted for minor variances, alterations in legal non-conforming uses and consents for severances.

The Committee operates independently from Council and its decisions may be appealed to the Local Planning Appeal Tribunal (LPAT).

The Planning Act allows a municipal council to appoint a Committee of Adjustment to:

1. Consider minor variances from zoning by-laws,
2. Permit changes and extensions to legal non-conforming uses or structures, and to
3. Interpret generalized by-laws.

The Act also allows the Regional Municipality of Waterloo to delegate its approval function for consents, to the City of Cambridge and for the City to delegate this to the Committee of Adjustment. Consent applications include land severances, mortgages, easements and leases of land for 21 years or more.

4. Mandate

This Committee considers and may authorize applications for minor variances from the Zoning By-law, applications for land division (consent to sever land), and variances to any other by-law specified by Council that implements the Official Plan. It is the responsibility of the Secretary-Treasurer and Recording Secretary to accept all applications for processing, upon submission by the applicant. These decisions are made by:

- a) Reviewing, in the case of minor variances, the four tests laid out in the Planning Act which includes:
 - a. The proposal is desirable;
 - b. The proposal or use is appropriate;
 - c. Meets the purpose of the Zoning By-law; and
 - d. Maintains the general intent of the Official Plan.
- b) Having regard, in the case of consents, to the matters under Section 51(24) of the Planning Act R.S.O. 1990, Chapter P. 13.
- c) Adhering to the Official Plan policies;
- d) Being consistent with the Provincial Policy Statement
- e) Following 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 LPAT.

5. Responsibilities and Opportunities

The Committee shall:

- Ensure all matters are dealt with in an open public meeting;
- ensure all interested parties have an opportunity to speak to the issues at the hearing, while keeping order;
- administer oaths;
- ensure that they have a good understanding of the applications and any potential impacts;
- declare a conflict of interest where necessary,

- draft the wording of decisions, including enforceable conditions; and
- Approve with or without modifications or conditions, refuse, or defer the application.

Chair

- Presides at all Committee of Adjustment hearings and meetings and exercises authority and performs duties as required;
- Provides guidance and leadership to the Committee in the completion of its mandate;
- Ensures that decorum is maintained at each meeting and that rules of procedure and conduct are observed.

All Members

- Review applications sent to them in advance of the meeting;
- Visit the site of each application prior to the meeting;
- Committee of Adjustment – Terms of Reference
- Attend the Committee of Adjustment hearings, consider applicant, agency and public comments and make decisions in public regarding applications;
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate.

6. Composition

The COA shall be composed of the following:

- Up to five (5) members of the public appointed by Council.

The members of the COA shall receive the following honorarium:

- Chair: \$100.00 per meeting attended
- Member: \$75.00 per meeting attended

7. Support

Administrative support, to include meeting co-ordination, liaising with staff, compiling minutes from the COA, will be provided by the Staff of the Community Development department.

8. Term of Office

Unless otherwise legislated, membership on the COA will expire December 31 of a municipal election year. A member who has been appointed to fill a vacancy partway through the Advisory Committee term will be appointed for the balance of the existing term.

a) Appointment

Striking Committee will consider Advisory Committee applications quarterly for citizen members.

b) Duration of Appointment

Members are eligible to serve for a maximum of eight (8) consecutive years (two terms) on the COA.

9. Meetings

All meetings will be open to the public, except those which meet criteria under Section 239 of the Municipal Act, 2001, and only members of the COA may attend the closed session of the Committee.

Date and time of meetings will be coordinated by the Secretary-Treasurer in accordance with legislation and distributed to COA members. The Committee of Adjustment meetings generally take place at Cambridge Historic City Hall, Council Chambers 3rd floor, 46 Dickson Street, Cambridge. Meetings are tentatively scheduled every 5 weeks on a Wednesday at 6:00 pm, with approximately 10 meetings a year.

10. Agendas

Agendas will be assembled and distributed by the staff liaison in consultation with the Committee Chair. Agenda packages will be distributed electronically or in an alternate format upon request no less than one (1) week prior to the meeting and will be sent to all members of the COA.

Agendas will be posted on the City's website.

11. Minutes

Minutes of each meeting will be recorded and distributed to COA electronically. Minutes of all meetings will be subject to approval at the following meeting. Minutes once approved by the COA will be reported out to Council.

Approved minutes will be posted on the City's website.

12. Delegations

Delegations are welcome to attend meetings of the COA issues that fall within the guidelines of these Terms of Reference. Delegations may address the Committee for five (5) minutes and the Committee may grant an additional five (5) minutes. A representative for a group may address the Committee for 15 minutes if they notify the Chair at the beginning of their presentation. Delegations will be approved by the Chair or Staff Liaison.

13. Meeting Procedures

a) Quorum

Where a committee is composed of three members, two members constitute a quorum and where a committee is composed of more than three members, three members constitute a quorum. If quorum is not achieved at the scheduled meeting fifteen (15) minutes after the scheduled commencement time, the meeting will stand adjourned until the next regular scheduled meeting. If quorum is lost during a meeting, the Chair will call for a recess for a period of fifteen (15) minutes, or until a quorum is present. If there is still no quorum is not achieved after fifteen (15) minutes, the meeting will stand adjourned.

If quorum is not achieved or is lost, any business requiring a vote will be deferred to the next scheduled meeting.

Any meeting which has not achieved quorum will still publish a set of minutes, which simply reflects Members' attendance and absence.

b) Voting

Members will work toward a consensus model for decision making; if this is not possible a simple majority vote will be held. In the event of a majority vote, all members who are present have the right to vote in favour or opposition of the motion, or abstain from voting.

In the instance of a tie, the Chair will break the tie. The Chair may vote on any motion.

c) Conflict of Interest

Members are expected to follow the Municipal Conflict of Interest Act and to undertake their responsibilities on an impartial and objective basis. Members will not participate in any decision or recommendation in which they or their immediate family has any financial interest expect in common with residents of the municipality.

14. Code of Conduct

Members are expected to follow the Code of Conduct for Local Boards and Advisory Committees. Persons in violation of the Code of Conduct may be asked to refrain from the active participation with the Committee at the discretion of the City of Cambridge.

Each Member will receive a copy of the Code of Conduct. Members will be asked to sign an acknowledgement stating that they have received, read and accepted the Code of Conduct in its entirety and that they agree to be bound by its terms.



15. Review

The Terms of Reference will be reviewed, revised (if necessary) and recommended for Council approval annually.

a) Updates

Last Updated: 05-02-2019