

The Corporation of the Township of North Frontenac

By-law #22-22

Being a By-law to Establish a Procedural Policy for Members of the Committee of Adjustment/Planning Advisory Committee and to Repeal By-law #54-20; By-law #25-21 and By-law #66-21;

Whereas Section 238(2) of the *Municipal Act, S.O. 2001, c.25*, as amended (the *Municipal Act*) provides that Council shall pass a procedure by-law for governing the calling, place and proceedings of Meetings;

And Whereas Section 238 (2.1) of the *Municipal Act* provides that the procedure by-law shall provide for public notice of Meetings;

Now Therefore Council repeals By-law #54-20; By-law #25-21 and By-law #66-21 and enacts the attached Schedule "A" which shall be read and form part of this By-law as the Procedural Policy for the Committee of Adjustment/Planning Advisory Committee of the Corporation of the Township of North Frontenac;

And That this "Procedural Policy" applies to all Members of the Committee of Adjustment/Planning Advisory Committee of the Township of North Frontenac;

And That any additions to the Procedural Policy shall be authorized by By-law;

And That this By-law shall come into force and take effect on the date of final passing;

And That all Resolutions, By-laws or parts of By-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.

Read a first and second time this 25th day of March, 2022.

Read a third time and passed this 25th day of March, 2022.

Mayor

Clerk

Schedule 'A' to By-law #22-22

Committee of Adjustments – Procedural Policy

Section 1.0 – Definitions

In this by-law:

“Applicant” means the owner or authorized agent who submitted the Planning Application.

“Application” means an Application made under the Planning Act, R.S.O. 1990, c.P, 13, for Minor Variance under Section 45, an Application for Consent under Section 53, an Application for power of sale and foreclosure under Section 50 or an Application for validation of title under Section 57.

“Committee” means the Committee of Adjustment/Planning Advisory Committee appointed by By-law of the Council of the Corporation of the Township of North Frontenac.

“Electronic Participation” means participating in a Meeting using the internet or telephone on the electronic platform set-up by the Township.

“Meeting” means any Meeting or Hearing of the Committee held in accordance with the provisions of this Procedural By-law.

“Member” means an individual appointed by the Council of the Corporation of the Township of North Frontenac to the Committee of Adjustment/Planning Advisory Committee and includes the Chair.

“Pecuniary Interest” means a direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended.

“Secretary/Treasurer” means the Secretary/Treasurer of the Committee of Adjustments/Planning Advisory Committee, as appointed by Council.

“Acting Secretary/Treasurer” means the Acting Secretary/Treasurer as appointed by Council who shall have all the powers of the Secretary/Treasurer in the absence of the Secretary/Treasurer.

Section 2.0 – Notice of Application/Hearing

2.1 The Notice of Application/Hearing, including a copy of the Application to be considered at a hearing shall be given by the Secretary-Treasurer in a manner that the Committee of Adjustments/Planning Advisory Committee deems appropriate, in accordance with the Planning Act.

2.2 The Committee of Adjustments/Planning Advisory Committee shall hold a Public Hearing/Meeting on every Application before a decision is rendered. The details for Electronic Participation shall be included in the Notice of Application/Hearing.

2.3 The Secretary-Treasurer shall provide the Applicant with a copy of correspondence received from the Planner(s), applicable agencies and others who respond to the circulation of the Notice of Application/Hearing.

Section 3.0 – Site Visits

3.1 Following receipt of the Application, the Committee Member assigned to complete the site visit shall attend the subject property and prepare a report for the Committee. The Member completing the site visit shall be determined on a rotating basis through the Members in alphabetical order and shall be notified by the Secretary-Treasurer.

3.2 The Member will attend the site visit without any other Members of the Committee (with the exception of the Alternate for training purposes) and may not discuss any merits of the Application or any issue/matter in connection with the Application to be considered by the Committee with the Applicant or any interested individuals.

3.3 The Planner(s) and/or Applicable Township Staff may attend the site visit with the Committee Member.

Section 4.0 – Convening of Meetings

4.1 Meeting Dates

The Committee shall meet once a month. The date and time of regular Meetings will be established for the following twelve (12) months at the November Meeting of the prior year. Every attempt will be made to hold the Meetings on a consistent day.

In the case of the year of prior to the re-appointment of the Committee, the Meeting dates shall be set at the Inaugural Meeting of the Committee.

4.2 Special Meetings

Additional Meetings may be held through a Special Meeting request by the Chair to the Secretary-Treasurer; at the request of the Council of North Frontenac; or by request of the Secretary-Treasurer to the Chair. The date of the Special Meeting will be dependent on the availability of Members.

4.3 Cancellation of Meetings

Where it is determined by the Secretary-Treasurer that there are insufficient Agenda items for a Meeting, the Secretary-Treasurer shall cancel the Meeting, providing a minimum of 48 hours' notice of the cancellation to Committee Members, the Applicant(s) and any interested parties.

A Meeting may also be cancelled at the request of the Chair to the Secretary-Treasurer.

4.4 Location

The Committee of Adjustment Meetings will take place in the Council Chambers at the Municipal Office, 6648 Road 506, Plevna, unless otherwise specified. The room and location for the Committee Meetings shall be identified on the Notice of

Application/Hearing circulated by the Secretary-Treasurer in accordance with the Planning Act. Electronic participation shall be permitted for Members, Applicants/Agents, Consultants, the Public and staff. The details on how to connect shall be provided to anyone requesting to participate electronically.

All Committee Meetings shall be open to the public. Closed Session Meetings of the Committee may only be held in accordance with the Municipal Act, 2001 c. 25, s. 239 (2).

While there is any Provincial restrictions on Public gatherings (regardless of number) Meetings will be held using Electronic Participation.

Section 5.0 – Quorum

5.1 Pursuant Planning Act, R.S.O. 1990, c. P.13, s. 44 (5) where a Committee is composed of three Members, two Members constitute a quorum.

5.2 The time limit for a Quorum is thirty (30) minutes after the time appointed for the Meeting. If no Quorum is present after thirty (30) minutes, the Chair or Secretary-Treasurer shall adjourn the Meeting and the business shall be carried forward to the next Meeting or a Special Meeting.

5.3 If a Member of the Committee is absent from the Meeting, the Alternate Member of the Committee will assume the role and responsibilities of the absent Member.

5.4 Members may participate in Meetings electronically and when doing so shall be counted towards quorum and may participate in both Open and Closed Meetings.

Section 6.0 – Chair

6.1 The Chair of the Committee shall be elected by the Members of the Committee at the Inaugural Meeting of the Committee, held following the passing of the Appointing By-law of the Committee at the commencement of each Council term.

6.2 The Chair shall be counted in determining quorum and shall be entitled to all the rights of a member on the Committee, including voting.

6.3 Where the Chair is absent, the Secretary-Treasurer shall call for the election of an Acting Chair for the Meeting.

6.4 An Acting Chair shall be appointed for each Meeting or portion thereof in the Chair's absence.

Section 7.0 – Agenda

The Committee Agenda will contain the following:

1. Call To Order
2. Approval of Agenda
3. Disclosures of Pecuniary Interest and General Nature Thereof
4. Delegations

5. Adoption of Minutes
6. Business Arising from Minutes
7. Consent Applications*
8. Minor Variance Applications*
9. Validation of Title Applications*
10. Power of Sale and Foreclosure Applications*
11. Zoning By-law Amendment Applications (Recommendations to Council)*
12. Communications
13. Other Business (including reports from Secretary/Treasurer and Committee Members)
14. Adjournment

*These items will only be included on the Agenda if a complete application has been submitted for consideration.

The Secretary-Treasurer will prepare an electronic Agenda for the use of the Members at Meetings. Agendas will be provided to each Member and include the following information:

- Copies of each Application;
- Reports from Planners and Commenting Agencies;
- Comments Received from the Public.

Agendas will be provided to Members via email at least three (3) days prior to the Meeting. The Agenda shall also be posted to the Township's Website.

Section 8.0 - Disclosures of Pecuniary Interest

8.1 The Chair shall call for any declaration of Pecuniary Interest from Members; the provisions of the Municipal Conflict of Interest Act shall apply.

8.2 At a Meeting in which a Member discloses a Pecuniary Interest, the Member must file a written statement on a form provided by the Secretary-Treasurer of the Member's interest at the Meeting or as soon as possible afterwards.

8.3 The Secretary-Treasurer shall establish and maintain a registry in which the following shall be kept:

- i. A copy of each statement filed;
- ii. A copy of each declaration recorded.

The registry shall be available for public inspection on the Township's Website.

8.4 All Members required to do so by the Provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 as amended, shall disclose any direct or indirect Pecuniary Interest for themselves or a family member; and shall state the general nature of such Pecuniary Interest; and it shall be recorded by the Secretary-Treasurer accordingly. It is recommended the Member leave the Meeting for the duration of the matter for which a Pecuniary Interest is declared by the Member.

Section 9.0 – Delegations

9.1 Any person wishing to appear as a delegation must make a request to the Secretary-Treasurer 14 days prior to the Meeting. The delegate must provide a copy of their presentation to the Secretary-Treasurer to be included in the Agenda at least 7 days prior to the Meeting.

9.2 The Committee may require representatives of Non-Government Agencies, Government Agencies, Voluntary Sector Representatives or other experts to attend Meetings as presenters or advisors because of their knowledge of a particular subject. Such invitations will be agreed upon by the Committee and the Secretary-Treasurer will make the request.

9.3 Delegates are permitted to attend the Meeting using Electronic Participation.

Section 10.0 – Procedures for Hearing/Meeting

10.1 At the Opening of the Meeting, the Chair shall read the Opening Remarks.

10.2 The Chair shall call for any requests for deferral or withdrawal of any matters before the Committee;

- i. A request for a deferral of an Application to a later Meeting date must be for reasonable cause.
- ii. The Committee may set a new Meeting date for consideration of the deferred Application.
- iii. The Committee may indicate requirements or conditions for deferral, such as re-notification, amendment to the Application or additional information being submitted.

10.3 A request for a deferral of the matter on the scheduled Meeting date by the Applicant must be for reasonable cause. If the request for deferral is granted, the Committee, in consultation with the Secretary-Treasurer, will set a new Meeting date for the Application to be heard.

10.4 The Applicant may request that an Application be withdrawn. Such requests may be made to the Secretary-Treasurer in advance of the Meeting date or at the Meeting. The Secretary-Treasurer will record that the Application was withdrawn from the Committee's Agenda and the Committee will take no action on the matter at the Meeting.

10.5 For each Agenda item, the Chair shall ask the Applicant to introduce themselves.

10.6 The Committee will receive information regarding the Application from all applicable agencies, the County Planner(s) and others who responded to the circulation of the Notice of an Application/Hearing.

10.7 The Committee may ask questions of the Applicant at this time, including if the Applicant understands the conditions requested or if the Applicant has any questions or comments.

10.8 At any time, the Chair or Committee may ask the Secretary-Treasurer to:

- Read aloud all comments received by agencies who responded to the circulation of the notice of the Application;
- Read aloud any letters received from persons expressing interest in the Application.

10.9 Following the presentation of the Application, the Chair shall invite anyone else having an interest in the Application to identify themselves and express their interest. Remarks or questions shall be confined to the Application before the Committee.

10.10 The Members of the Committee shall ask questions of the interested party relevant to the Application before them.

10.11 After hearing submissions from members of the public, the Committee shall give the Applicant the opportunity to respond.

10.12 If an application is deferred by the Committee, any member of the public who provided comments on the application at the first meeting may provide additional comments at a subsequent meeting.

10.13 With respect to Applications for Consent (including Changes of Conditions) and Certificate of Validation, the Chair may ask the Secretary-Treasurer to read aloud the proposed conditions to be attached to the decision should the Committee approve the Application.

Section 11.0 - Motions

11.1 The Committee shall consider all information provided on the Application and the Chair shall:

- i. Ask Members for a Motion with respect to the disposition of the Application;
- ii. Permit discussions on the Motion;
- iii. Call for a vote by the Committee on the Motion.

11.2 The Committee may make a Motion to approve deny or defer an Application.

11.3 If the Chair wishes to make a Motion or leave the chair for any reason, the duties of the Chair must be delegated to another Member until the Chair resumes the position.

11.4 All Motions shall be in writing and signed by the Mover and Seconder if the Member is present at the Meeting or written in by the Clerk if the Member is participating electronically in the Meeting.

Section 12.0 - Voting

12.1 The Chair shall call the vote immediately after all the Members desiring to speak to a Motion have spoken.

12.2 All Members present shall be required to vote and, if any Member refuses to do so, they will be deemed to be voting in the negative.

12.3 Any Motion on which there is a tie vote shall be deemed to be defeated.

12.4 Each Member of the Committee shall indicate by a show of hands, or by any other form of acknowledgment, their position on the Motion. The majority decision of the Committee on this Motion shall constitute the decision of the Committee. If the initial Motion fails, a new Motion shall be requested by the Chair and continued until the majority of the Members approve a Motion.

12.5 The Alternate Member shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Meeting, unless they are acting in the absence of a Committee Member.

Section 13.0 - Notice of Decision

13.1 The Chair shall announce the Decision of the Committee.

13.2 No decision of the Committee on an Application is valid unless it is concurred by the majority of the Members that heard the Application. The Decision of the Committee shall be set out in writing and shall set out the reasons of the Decision.

13.3 A written Decision will be prepared for each hearing detailing any conditions imposed by the Committee. In the case of a Minor Variance, the Decision shall be signed by all Members who concur with the Decision. If the Member participated electronically in the Meeting the Members name shall be typed into the Decision.

13.4 A copy of the Decision shall be provided to the Committee. Decisions of the Committee shall be circulated in accordance with the Planning Act.

Section 14.0 - Minutes

14.1 The Secretary-Treasurer shall prepare a record of Minutes of each Meeting/Hearing containing a summary of the verbal representations made to the Committee. A copy of the draft Minutes shall be circulated to the Committee for consideration. Once approved, a copy of the Minutes shall be circulated to the Council of the Township of North Frontenac and posted to the Township's Website.

Section 15.0 – Rules of Procedure

15.1 It shall be the duty of the Chair to:

- i. Call the Meeting to order;
- ii. Ensure a Quorum is established and is maintained throughout the course of the Meeting;
- iii. Put to a vote all motions that arise in the course of the proceedings and announce the result of each vote;
- iv. Decline to put to vote motions that infringe upon the rules set out under this Procedural Policy;

- v. Uphold on all occasions the rules and observance of order and decorum amongst the Members and attendees in accordance with this By-law;
- vi. Rule on Points of Privilege and Points of Order and decide all questions relating to the orderly procedure of the Meeting;
- vii. Adjourn the Meeting without question or suspend the Meeting to a time to be named by the Chair, if considered necessary due to grave disorder;
- viii. Adjourn the Meeting when the business is concluded.

15.2 A Member shall not:

- i. Disobey the Rules of Procedure;
- ii. Disturb other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during a Meeting;
- iii. Display any behavior which may be considered disruptive, inconsiderate or disrespectful, or use any profane or offensive words or insulting expressions;
- iv. Speak until recognized by the Chair;
- v. Interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege;
- vi. Leave a Meeting at any time without advising the Chair;
- vii. Comment or question on matters other than those directly pertaining to the subject Application before the Committee;
- viii. Use their status on the Committee for personal or political gain.
- ix. All cell phones and electronic devices shall be turned off or otherwise set so as to not emit any audible sound during the Meeting.

15.3 The conduct of Meetings, Hearings, Members and Staff with respect to matters not specifically address in this By-law, generally shall be in accordance with the Statutory Powers Act. R.S.O. 1990, c.22 as amended and the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended. Conduct not covered by these Acts will be in accordance with Robert's Rules.

15.4 The Committee may decide, by Resolution, to suspend the operation of all or part of the rules of procedure, provide the suspension does not produce a result inconsistent with the requirements of statute or purport to suspend any statutory requirement. In the event of a conflict, statutory requirements always prevail over a By-law unless a statute provides otherwise.

The Committee may, by Resolution, "waive" or suspend a rule of procedure with a majority vote of the Members present.

Section 16.0 – Point of Privilege

16.1 A Member may, at any time, raise a Point of Privilege directing attention to a matter that affects the integrity, character or reputation of an individual(s) or the entire Committee, or the ability of an individual to participate.

16.2 A Point of Privilege shall take precedence over any other matter.

16.3 A Member shall not be permitted to enter into any debate or introduce any motion not related to the Point of Privilege.

16.4 The Chair shall decide upon the Point of Privilege and advise the Members of the decision.

16.5 The Chair's decision shall be final unless a Member immediately appeals the decision. The questions "Shall the ruling of the Chair be upheld?" shall be called without debate and its results shall be final.

16.6 When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to the Point of Privilege.

16.7 A Member may, at any time, raise a Point of Order to a perceived violation of the rules of procedure.

16.8 The Chair shall decide upon the Point of Order and advise the Members of the decision. The decision of the Chair is final unless immediately appealed by a Member.

Section 17.0 – Council Liaison

17.1 The Council Liaison to the Committee is a Member of Council appointed by the Council of North Frontenac.

17.2 The role of Council Liaison is to attend Meetings of the Committee and provide reports of the proceedings to Council. The Council Liaison may attend using Electronic Participation.

17.3 The Council Liaison shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Meeting unless there is a clear infringement of Council's Policies (i.e. Official Plan, Zoning By-law, etc.).