

## **Terms of Reference**

### **Town of Halton Hills Committee of Adjustment**

#### 1. Mandate of Committee

The Committee of Adjustment (the 'Committee') is an independent, quasi-judicial, adjudicative body that operates autonomously from Town Council. Section 44 of the Planning Act authorizes a municipality's Council to establish the Committee.

The Committee may consider proposals regarding:

- Minor Variances: relief from provisions of the Zoning By-law, under Section 45.
- Permissions:
  - Enlarging or extending a structure that is legally non-complying or altering a legal non-conforming use, under Section 45.
  - Determining whether a use conforms with the Zoning By-law where the use is defined in general terms, under Section 45.
- Consents: new lots, lot line adjustment for the purposes of a lot addition, leases in excess of 21 years, easements, mortgage, discharge of mortgage, etc., under section 53 (Committee or staff decision).
- Validation of Title, under section 57 (staff decision).

#### 2. Purpose of the Committee

The purpose of the Committee is to make decisions on Planning Act applications, as identified under Section 1 of the Terms of Reference. Decisions are to be informed by:

- Criteria set out under Section 45 and 53 of the Planning Act.
- Recommendations provided by Town staff, as set out in Planning reports.
- Evidence and submissions provided by owners, agents, staff, and members of the public.
- Adherence to the principles of 'natural justice' and 'fair process' to ensure procedural integrity.

#### 3. Guiding Principles

- Planning Act: the Committee operates under this authority.
- Municipal Act: requires decisions to be made at a public hearing.

- Municipal Conflict of Interest Act: clarifies conflict with municipal interest.
- Statutory Powers Procedures Act: standards for conducting a hearing.
- The Planning recommendation report written by staff detailing specific sections of the Town's Official Plan, Zoning By-law, and other municipal policies and guidelines that must be taken into consideration.

#### 4. Membership

Five members from the public shall be appointed by the Mayor / Council (in consultation with staff).

#### 5. Recruitment, Selection of Committee Members & Member Qualifications

Members are selected in accordance with the Town's Public Appointment Policy.

#### 6. Remuneration

The Chair and Committee members are paid for attending hearings and reimbursed mileage for conducting related site visits.

#### 7. Responsibilities of Committee Members

Committee members shall:

- Attend hearings as required (virtual or in-person).
- Conduct themselves in a respectful manner to staff, other committee members, and members of the public.
- Conduct site visits.
- Adhere to the Municipal Conflict of Interest Act.
- Adhere to the principles of 'natural justice' and 'fair process' to ensure procedural integrity.

#### 8. Chair

The Chair shall be appointed by the Mayor / Council (in consultation with staff) from members being appointed to the Committee. Alternatively, the members of the committee may elect one of themselves as Chair.

In the absence of the Chair, members of the committee shall elect a member to act as Chair.

Responsibilities of the Chair:

- Facilitate the hearing.
- Identify order of proceedings and speakers.
- Allow staff, applicants, members of the public, and Committee members an opportunity to speak.
- Maintain decorum and ensure fairness.

## 9. Hearing Dates & Proceedings

The Secretary-Treasurer shall prepare an annual calendar for the hearings which shall typically be held on the first Wednesday of each month at 6 p.m. The times and dates may be amended as required, and special hearings may be scheduled at the discretion of the Secretary-Treasurer.

## 10. Quorum

The Committee is comprised of 5 members. As per the Planning Act, where a committee is composed of more than three members, three members constitute a quorum. Committee hearings shall not proceed if quorum is not met.

## 11. Vacancy

The position of a member of the Committee becomes vacant if the member is absent for a certain period of time, as outlined in the Town's Advisory Committee of Council - Public Appointment Policy.

## 12. Call to Order

The Chair shall call the meeting (hearing) to order at the scheduled time, provided quorum is present. If no quorum is present, the hearing shall not proceed, and all applications shall stand adjourned until the next scheduled date.

In the absence of the Chair, another appointed member shall assume the Chair position.

## 13. Voting

Members of the Committee shall declare any pecuniary (financial) interest or conflict of interest that they may have in any matter under consideration by the Committee (must state reason). Committee members shall abstain from any discussion or voting on a matter in which they have declared a pecuniary interest. If virtual, the Committee member must mute their sound, and turn off their video, to avoid any perceived influencing of the vote. If in-person, the Committee member must leave the room for the duration of discussion and vote, to avoid any perceived influencing of the vote.

The Chair is a voting member. In the event of a tie vote, the motion is lost.

## 14. Agenda & Minutes

Committee agendas will be published on the Town's website by the Friday prior to a Wednesday hearing. The minutes will be published on the Town's website

after an internal approval process.

#### 15. Town Policies, Guidelines and Procedures

Committee members shall adhere to all Town policies, guidelines, and administrative procedures, including:

- Code of Conduct for Local Boards & Committees.
- Terms of Reference – Committee of Adjustment.
- Town's Advisory Committee of Council - Public Appointment Policy.

#### 16. Sunset Clause

The terms of Committee members shall end every four (4) years concurrent with the term of Council.

#### 17. Non-Adherence

Any member who does not adhere to the Terms of Reference may be terminated from the Committee.