

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2018 - 60

Being a By-law to establish a Committee of Adjustment for the Municipality of Magnetawan for 2018 and to provide rules for the calling, place and proceedings of its meetings.

WHEREAS Section 44(1) of the Planning Act, R.S.O. 1990, Chapter P.13, authorizes a municipality to constitute and appoint a Committee of Adjustment;

AND WHEREAS Section 44(3) of the Planning Act, R.S.O. 1990, Chapter P.13, sets out the term of office;

AND WHEREAS the Corporation of the Municipality of Magnetawan is required to appoint a Committee of Adjustment annually;

AND WHEREAS Subsection 238(2) of the Municipal Act, 2001, S.O. 2001, Chapter P. 25, as amended, requires every municipality and local board to adopt a Procedure By-law for governing the calling, place and proceedings of meetings;


AND WHEREAS Section 239(1) and Section 239(5) of the Municipal Act requires all meetings to be open to the public and states that a meeting shall not be closed to the public during the taking of a vote;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. **THAT** the following members are hereby appointed to sit on the Committee of Adjustment on behalf of Council for the 2018 calendar year:
 - Sam Dunnett
 - Tim Brunton
 - Jack Crossman
 - Charlie Gray
 - John Hetherington
2. **THAT** the procedures for conducting the meetings of the Committee of Adjustment are detailed in Schedule 'A', attached hereto and forming part of this By-law;
3. **THAT** this By-law shall come into force and effect on the day it was passed by Council.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 22nd day of August, 2018.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**


Mayor


Clerk-Administrator

SCHEDULE 'A'
TO MUNICIPALITY OF MAGNETAWAN BY-LAW 2018-60

**Rules governing the calling, place and proceedings of meetings of the Municipality of Magnetawan's
Committee of Adjustment.**

PART I – DEFINITIONS

In this by-law,

- a) "Chair" means a member of the Committee appointed by Resolution of Council as the Chairperson of the Committee or their designate (Deputy Chair);
- b) "Committee" means the Committee of Adjustment;
- c) "Committee of Adjustment Meeting" or "Meeting" means a meeting of the Committee held for the purpose of considering an application or applications filed pursuant to the Planning Act, R.S.O. 1990, Chapter P. 13, as amended;
- d) "Deputy Chair" means a member of the Committee as appointed by Resolution of said Committee as the Deputy Chairperson of the Committee;
- e) "Deputy Secretary-Treasurer" means the Deputy Clerk of the Municipality of Magnetawan or their designate;
- f) "Member" means a Member of the Committee of Adjustment, appointed by Council passing an Appointment By-law;
- g) "Pecuniary Interest" means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act, Chapter M. 50 as amended, and;
- h) "Quorum" means a minimum of three (3) members of the Committee present at a Committee of Adjustment Meeting;
- i) "Recorded Vote" means the recording of the name and vote of every Committee member present on an application at the hearing;
- j) "Rules of Procedure" means the rules and regulations provided in this By-law or in the absence of a rule or regulation, the Municipality of Magnetawan's Procedural By-law shall prevail; and,
- k) "Secretary-Treasurer" means the Clerk of the Municipality of Magnetawan or their designate.

PART II – APPLICATION

The procedures contained in this By-law and the Municipality's Procedural By-law shall be observed in all proceedings of the Committee of Adjustment and shall be the procedures for the order and dispatch of business conducted by the Committee of Adjustment.

PART III – CALLING OF COMMITTEE OF ADJUSTMENT MEETINGS

All meetings of the Committee of Adjustment shall be called by the Secretary-Treasurer and notice of any hearing shall be given by pre-paid first class mail and the posting of a notice sign, or in a manner that the Committee of Adjustment deems appropriate in accordance with the Planning Act, R.S.O. Chapter P.13, as amended, and in accordance with the applicable regulations.

Meeting dates shall also be posted on the Municipality of Magnetawan's website calendar at www.magnetawan.com and at the Municipal Office at 4304, Highway #520, Magnetawan, ON.

PART IV - HEARINGS

- a) The location of all hearings of the Committee of Adjustment will take place at the Municipality of Magnetawan Municipal Office, located at 4304 Highway #520, Magnetawan, Ontario in the Council Chambers. This will also be identified on the Notice of Public Hearing sent out for each application by the Secretary-Treasurer;
- b) All hearings shall be open to the public and no person shall be excluded from a hearing except for those involved in improper conduct; and,
- c) The minutes shall record the place, date and time of hearings, names of present Members and staff, the correction and adoption of minutes of previous meetings, and all proceedings of the hearing without note or comment.

PART V - QUORUM

- a) A minimum of three (3) members shall be present to constitute a quorum.
- b) Subject to a), the inability of a member to act due to a declared conflict of interest does not impair the powers of the Committee of the remaining members.
- c) As soon as there is a quorum after the time appointed for the start of the meeting, the Chair of the Committee of Adjustment shall call the meeting to order.
- d) If no quorum is present thirty (30) minutes after the time appointed for the meeting to commence, the Secretary-Treasurer shall record the names of the members present and the meeting will stand adjourned until the next appointed time.
- e) If, during the course of a Committee of Adjustment meeting, a quorum is lost, then the Chair may declare that the meeting stand adjourned, not ended, to reconvene at such time and place as the Chair shall then determine, or cancel the balance of the meeting if, in their opinion, it is not essential to deal with the balance of the agenda before the next ordinary meeting.

PART VI – COMMITTEE OF ADJUSTMENT MEETING PROCEDURES

The Chair, or Deputy Chair, of the Committee of Adjustment shall:

- a) Preside at every hearing;
- b) Open the meeting by taking the Chair;
- c) Call the meeting to order;
- d) Call for declaration of Conflict of Interest or Pecuniary Interest pursuant to PART X;
- e) Call each application in the order in which it appears on the agenda or at the Committee's discretion;
- f) Announce the business in the order in which it is to be acted upon;
- g) Receive and submit, in the proper manner, all motions prepared by the Secretary-Treasurer and moved / seconded by other members;
- h) Put to vote all questions which are regularly moved or seconded or necessarily arise in the course of the proceedings and to announce the result;
- i) Decline to put to a vote motions which infringe upon the rules of procedures;
- j) Restrain the members and non-members when engaged in debate within the rules of order in order to ensure an appropriate environment conducive to communication and Committee business;

- k) Designate the order in which members are recognized to speak when two or more members wish to be recognized at the same time;
- l) Enforce, on all occasions, the observance of order and decorum among the members and those in the gallery;
- m) Ensure that the hearing proceeds in an orderly and efficient manner;
- n) Authenticate by their signature on all resolutions when necessary; and,
- o) Adjourn the hearing when the business is concluded.

Conduct of Members:

No member shall:

- a) Speak disrespectfully or use offensive words in discussions with or directed to any member, non-member or staff;
- b) Speak on any subject other than the subject in debate;
- c) Disobey the Rules of the Committee or a decision of the Chair or of the Committee on questions of order or practice or upon the interpretation of the Rules of the Committee. In case a member persists in any such disobedience after having been called to order by the Chair, the Chair may forthwith put the question, no amendment, adjournment or debate being allowed, 'That such member is ordered to leave their seat for the duration of the meeting of the Committee', but if the member apologizes they may, by vote of the Committee, be permitted to retake their seat.

Staff Report

- a) Planning Staff shall make a presentation to the Committee regarding the application and outline all pertinent information.
- b) The Committee may ask questions of clarification of staff at this time.

Correspondence

The Secretary-Treasurer will summarize correspondence received for the application and provide members with digital copies two (2) days in advance of the meeting and hard copies the day of the meeting.

Introduction of Applications

- a) After the correspondence is summarized, the Chair will ask the applicant, the authorized agent or the applicant's representative to introduce themselves and, if they so choose, present any additional information aside from the Staff Report.
- b) The Committee may ask questions of the applicant, authorized agent or applicant's representative at this time, during or after their presentation.

Public Input

- a) Public input shall be sought following the applicant's presentation. The Committee may limit the length of a public submission if there are multiple submissions from the public to ensure that all members of the public can be heard. Any other public input after the Applicant's Reply shall be at the discretion of the Chair and Committee.
- b) The Chair shall advise the gallery that those who wish to speak who submitted letters that have been summarized to only provide new information at this time, not to read their submissions.
- c) Following the introduction of each application, the Chair shall invite anyone else having an interest in the application to come forward, identify themselves, express their interests and ask questions or allow other Committee members to ask questions of the interested person.

Applicant's Reply

Following the public input stage, the Committee shall give the applicant, authorized agent or representative the opportunity to respond to any comment received from commenting agencies or interested parties and to provide a summary of the substance of the application. The Chair and Committee members may ask additional questions at this time.

Minor Variance Applications

Following the Applicant's Reply on applications for Minor Variance, the Committee shall consider the issues raised by the applicant, agent and any respondent and the evidence heard by the Committee. The Chair shall:

- a) Ask whether the members wish to conduct further discussions on the merits of the application;
- b) Permit discussions on the motion;
- c) Call for a vote by the Committee on the motion;
- d) Announce the decision of the Committee; and,
- e) May summarize any dissenting decisions orally.

PART VII - VOTING

Minor Variances

Each member of the Committee, when requested by the Chair on a seconded motion, shall indicate by show of hands, or by any other agreed upon form of acknowledgement, their position on the motion. The majority decision of the Committee on this motion shall constitute the decision of the Committee.

Recorded Vote

If a member present at a vote requests immediately before the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce their vote openly and the Secretary-Treasurer shall record each vote.

PART VII – POWERS OF THE CHAIR AT THE MEETING

Committee of Adjustment meetings shall be chaired by a member of the Committee, as determined by the Committee. The Chair is entitled to all rights of a Committee member, including voting.

PART IX – DECISIONS OF THE COMMITTEE OF ADJUSTMENT

- a) No decision of the Committee on an application is valid unless it is concurred on by the majority of the members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur with the decision.
- b) A copy of the Committee's written decision will be prepared and issued in accordance with the provisions of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, and applicable regulations.
- c) A copy of the Committee's written decisions shall be sent to each person who appeared in person or by counsel to express their interest in the application. In addition, any other person expressing an interest in an application shall leave their name and address with the Secretary-Treasurer at the hearing, or may submit a written request, should they wish to receive a copy of the written decision of the Committee and any further correspondence with respect to the application pursuant to the provisions of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

PART X – CONFLICT OF INTEREST

In accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50, as amended, any member of the Committee required to do so by the provisions of the Act, shall disclose any direct or indirect pecuniary interest for themselves or a family member and shall state the general nature of such interest; and it shall be recorded by the Secretary-Treasurer accordingly. The member shall leave their seat for the duration of the subject application.

PART XI – REQUESTS FOR DEFERRAL OR WITHDRAWAL

A request for deferral or withdrawal of an application on the scheduled meeting date by the applicant or authorized agent must be made at the hearing, either by the applicant, agent or staff (on their behalf).

PART XII – COMPOSITION

- a) All of Council.
- b) All Committee members shall be entitled one vote per application.
- c) Non-voting representatives of the Municipality of Magnetawan present at each meeting may include a Secretary-Treasurer, Deputy Secretary-Treasurer and any staff.

PART XII – ROLES AND RESPONSIBILITIES

The Committee shall strive:

- a) To make sound, effective and timely decisions based upon objective data and open debate of issues;
- b) To conduct its activities in an orderly, professional and businesslike manner;
- c) To be honest and respectful of each other in their communications with the public, media and staff;
- d) To have utmost regard to and refrain from disclosing all confidential and privileged information;
- e) To respect each other's time and honour commitments;
- f) To embrace / encourage constructive disagreement and discussion while avoiding discouraging destructive conflict; and,
- g) To make reasonable attempts to build consensus on issues and failing that will respect the majority vote of the Committee.