

TERMS OF REFERENCE

THE CORPORATION OF THE TOWN OF PETROLIA
COMMITTEE/ADVISORY COMMITTEE OF COUNCIL

Committee Name:

Committee of Adjustment & Property Standards
Quasi-Judicial Committee of Council

Department Responsible:

Clerk & Operations

Reporting Director:

Clerk/Operations Clerk

ROLE

The Committee of Adjustment & Property Standards Committee is a statutory tribunal with specific authority, appointed by Council under the authority granted by the Province of Ontario in the *Planning Act*, 1990.

Committee of Adjustment members will also sit as the Court of Revision to deal with s. 1(2.1) of the *Municipal Act* 2001 and its relevant regulations including O. Reg. 119/03 and as a Property Standards Committee to deal with the Property Standards By-law (the same members appointed to the Committee of Adjustment are also appointed as members of the Court of Revision and the Property Standards Committee).

MANDATE, OBJECTIVES & RESPONSIBILITIES:

Committee of Adjustment members consider minor variances from the zoning by-law, review proposed changes to legal non-conforming uses and determine the viability of Applications for Consent (land division), when the consent application involves a variance and/or when the consent is in dispute and cannot be resolved without a hearing. These decisions are made by:

- a) reviewing, in the case of minor variances, the four tests laid out in the *Planning Act*;
- b) having regard, in the case of consents, to the matters under section 51(24) of the *Planning Act*;
- c) reviewing Council decisions and by adhering to the Official Plan policies;
- d) having regard to provincial policy statements;
- e) following the *Statutory Powers Procedure Act*;

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The Committee of Adjustment is required to give notice, follow procedures and is subject to appeal routes set out in the parent legislation

COMMITTEE COMPOSITION

The committee should consist of:

- 3 sitting citizen Members
- 1 alternate citizen Member
 - Members should represent a skill set and/or have a keen interest and knowledge in the complexities and challenges of building & development, planning, architecture, economic development, community development & land development.
- Secretary-Treasurer, Clerk/Operations Clerk (Non Voting)
- Director of Operations (Non Voting)

Appointed Chairperson

Chair: A Chair will be elected from within the membership at the first hearing of each year (one year term) as per Section 44 (3 and 4) of the *Planning Act*.

1. Responsible for calling and scheduling meeting;
2. Responsible to create and distribute the Agenda through iCompass;
3. Responsible to ensure that the Agenda is provided to the Clerks office a minimum of 48 hours in advance of the meeting;
4. Responsible to ensure decorum and proper procedure occurs during meetings;
5. Inviting specialists or other guests as required;
6. Presiding over meeting and guiding it as per the agenda; (e) Ensuring a decision is reached on all agenda items;
7. Ensuring the Committee carries out its functions and meets its obligations;
8. Ensures that all recommendations of the Committee are brought forward to Town Council;



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Appointed Secretary-Treasurer

Secretary: Clerk/Operations Clerk

1. Responsible to ensure all public notice, as required under the Act is issued;
2. Responsible to post notice of public meeting on subject property;
3. Responsible to complete Notice of Decision and Notice of No appeal, and distribute accordingly;
4. Responsible to record meeting minutes in iCompass;
5. Responsible to provide the Clerks office with completed meeting minutes, within 7 days of the meeting date;
6. Responsible to distribute minutes to Committee Members;
7. Responsible to ensure the Committee Chair has signed the adopted meeting minutes:
 - i. Signed original copy to be provided to the Clerks Office.
8. Responsible to distribute correspondence and communication on behalf of the Committee and to all committee members;
9. Keep all pertinent committee records, in accordance with the Town of Petrolia retention policy;
10. Assist the Chairperson as required.

QUORUM

Where the committee is composed of three members, two members constitute a quorum, and where the committee is composed of more than three members, three members constitute a quorum as per Section 44(5) of the *Planning Act*.

DUTIES OF MEMBERS

All members of the committee shall:

- a) Attend all committee meetings, including when not a sitting member, when not possible to attend, send regrets in advance

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- b) With impartial abilities, review and consider the applications at hand, and provide a decision to the applicants.
- c) Commit to the time required to understand and evaluate the information provided, as well as be open-minded to various opinions and perspectives

MEETINGS

The Committee is scheduled to meet monthly, when an application is to be heard on the first (1st) Wednesday at 6:00 PM.

*Additional or special meetings may be convened by the chairperson.

An annual Committee of Adjustment Hearing Schedule will be released by the Secretary-Treasurer.

TERMS AND REPLACEMENT OF MEMBERS

Four years from the date of appointment to coincide with the Council term.

Members hold office until their successors are appointed.

Where a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the remainder of the term as per Section 44 (3 and 4) of the *Planning Act*.

Members may apply to renew their terms, as often as they wish.

Members may not simply leave the committee without a replacement.

Resignation of a member

- A member may resign with written notice to the chair.
- In the event of a vacancy, through application, the vacancy will be filled for the remaining portion of the term.

If a member misses three (3) meetings in a one (1) year period, without sending regrets the member is considered to have resigned from the committee;

MARKETING & MEDIA

Prior to the release of any publication or Committee initiative the Town of Petrolia's Director of Marketing, Arts & Communication will be provided with a Draft version for review.



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Only once approval has been granted by the Town should the Committee proceed.

All media enquiries shall be referred to the Director of Marketing, Arts & Communications or CAO in accordance with the Town of Petrolia media policy.

ENTITLEMENT TO REMUNERATION & COMPENSATION

Committee members will receive remuneration for their participation, on an annual basis.

Chair: \$750.00

Sitting Member/Alternate Member: \$500.00

Expenses incurred by members may be re-imbursed, so long as approval of the expense was provided by the Chair or Director in advance.

CODE OF CONDUCT & CONFLICT OF INTEREST

All members will conduct themselves in a professional manner at all times while a member.

All members must be in good standing with the Town of Petrolia.

All members will govern under the Code of Conduct as adopted by Council.

If a member has, at any time, a conflict of interest in relation to a particular issue or interest they must declare this conflict of interest under the agenda order of business.

The conflict of interest is to be properly documented by the Secretary, and recorded in the minutes.

REVIEW

A review of these Terms of Reference will be undertaken every four years, and presented to Council for adoption or more frequently if deemed necessary by the committee.

COUNCIL ADOPTION:

Terms of Reference adopted by the Council of the Town of Petrolia on September 24, 2018 through By-Law 56-2018.