

## Schedule "A" to By-law No. B2018-022

### General Provisions

#### 1. Definitions:

- a) "Appeal of Property Standards Order" means an appeal by an owner or occupant to a Property Standards Order.
- b) "Application" means an application made pursuant to the *Planning Act, R.S.O. 1990, c.P. 13*, as amended, for minor variance under Section 45(1), (2) or (3).
- c) "Committee" means the Municipality of Trent Lakes Committee of Adjustment / Property Standards Committee.
- d) "Chair" means Chair of the Committee.
- e) "Meeting" means a hearing where an Application or Appeal is presented and adjudicated upon by the Committee.
- f) "Member" means a member of the Committee.
- g) "Officer" means a Property Standards Officer appointed by Council to enforce the Property Standards By-law and includes a Building Inspector and the Chief Building Official.
- h) "Pecuniary Interest" is as defined by the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50*.
- i) "Quorum" means a minimum of three (3) Members required to be present at any Meeting in order for business to be conducted.
- j) "Secretary-Treasurer" and "Assistant Secretary-Treasurer" means the Secretary-Treasurer of the Committee appointed by Council from staff to carry out the regular functions of Secretary-Treasurer.

#### 2. Application/Appeal Process:

- a) The procedures in this By-law shall be observed in all proceedings of the Committee and shall be the procedures for the order and dispatch of Meetings conducted by the Committee.
- b) Procedural matters not provided for in this By-law shall be governed by the provision of the Municipality of Trent Lakes Procedural By-law governing Council and Committees of Council.
- c) In the event of a conflict between this By-law and the *Planning Act* or a regulation made thereunder, the *Planning Act* or the regulation shall prevail.
- d) In the event of a conflict between this By-law and the Ontario *Building Code Act* or a regulation made thereunder, the Ontario *Building Code Act* or the regulation shall prevail.

#### 3. Committee Composition:

- a) The Committee shall be composed of 5 Members as appointed by the Council of the Municipality of Trent Lakes.
- b) The Chair shall be appointed from amongst the Members of the Committee in accordance with the Committee resolutions, policies and

practices as determined by the Committee and in accordance to this By-law.

- c) An Acting Chair, shall be appointed from amongst the Members of the Committee in accordance with the Committee resolutions, policies and practices as determined by the Committee and in accordance to this By-law, in the case of the Chair being absent.
- d) The Chair shall be counted in determining a quorum and shall be entitled to all the rights of a Member of the Committee, including voting.
- e) When the Chair and Acting Chair are absent the Committee shall appoint another Committee Member to sit as Acting Chair.

4. Term of Office:

- a) The Members of the Committee shall hold office for the term of Council that appointed them.
- b) Renewed Membership on the Committee is not automatic and any Member of the public who wishes to serve for an additional term must submit the approved application form in order to be considered for re-appointment.
- c) Members continue to serve on the Committee past the expiration of their term until they are replaced and are eligible for re-appointment.
- d) All submitted applications will be reviewed by the Municipal Council.
- e) If during the four year term, a current Member must withdraw from the Committee for personal reasons, staff will post the vacancy and Municipal Council will accept and review applications to fill the vacancy within 60 days of being notified of the vacancy in order to ensure that quorum is consistent.
- f) Each Committee Member has the opportunity to join and become a member of the Ontario Association of Committee of Adjustment and Consent Authorities (OACA), subject to Budget approval.

5. Location of Meetings:

All Meetings of the Committee of Adjustment/Property Standards Committee shall be held at the Municipality of Trent Lakes Municipal Building in the Council Chambers, but may be such other room within the Municipality as may be designated from time to time. The hearing room will be indicated on the Notice of Hearing as circulated by the Secretary-Treasurer.

6. Calling of Meetings:

- a) All Meetings of the Committee shall be called by the Secretary-Treasurer or the Chair of the Committee.
- b) The Secretary-Treasurer shall prepare an annual schedule for the Committee sitting as a Committee of Adjustment scheduled on the first Tuesday of each month and on an as needed basis for the Committee sitting as the Property Standards Committee which Meetings may be held concurrently if required.
- c) Meetings of the Committee may be cancelled or rescheduled by the Secretary-Treasurer or Chair if there are no Applications or Appeals scheduled.

- d) All Meetings of the Committee shall be open to the public and no person shall be excluded therefrom except for improper conduct, or except as indicated in section 6. e) hereunder.
- e) Meetings or part of a Meeting may be closed to the general public in accordance with Section 239 of the *Municipal Act 2001, S.O. 2001, c.25*, as amended.
- f) The conduct of Meetings and Members, with respect to matters not specifically addressed, shall generally be considered in accordance with the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22* as amended, the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50* as amended, and any other recognized Parliamentary Rules of Order that the Committee may agree upon.

7. Quorum:

- a) Where a Committee is composed of more than three Members, three Members constitute a quorum and are required to be present at any Meeting in order for business to be conducted.
- b) A vacancy in the Membership or the inability of a Member to act due to a declared conflict does not impair the powers of the Committee or of the remaining Members.
- c) If a member resigns from the Committee or is removed by Council, Quorum may be adjusted temporarily to reflect the decrease in voting Members and shall return to norm Quorum requirements upon filling the vacancy by Council.
- d) If no Quorum is present thirty (30) minutes after the time appointed for a Meeting, the Chair of the Meeting or the Secretary-Treasurer may discharge the Members present and may cancel or reschedule the Meeting.

8. Duties of Committee Members:

8.1 Appointment of Chair:

- a) The Chair shall ensure that decorum is maintained at each Meeting and that the rules of procedure and conduct are observed.
- b) It shall be the duty of the Chair to:
  - (i) call the Meeting to order;
  - (ii) call for the declaration of Conflict of Interest pursuant to Section 9;
  - (iii) call for any requests for adjournment/deferral of an application or any requests for withdrawal of an application;
  - (iv) call each application in the order in which it appears on the agenda or at the discretion of the Chair and Committee;
  - (v) ensure that a Quorum is established and is maintained throughout the course of the Meeting;
  - (vi) put to a vote all motions that arise in the course of the proceedings and announce the result of each vote;
  - (vii) uphold on all occasions the rules and the observance of order and decorum amongst Members and attendees in accordance with this

By-law;

- (viii) to adjourn the Meeting without question or suspend the Meeting to a time to be named by the Chair, if considered necessary because of disorder;
- (ix) to adjourn the Meeting at the earlier of when business is concluded, or at the designated time.

## 8.2 Duties of Individual Members:

- a) It shall be the duty of each individual Member to:
  - (i) contribute time, knowledge, skill and expertise to the Committee;
  - (ii) commit to attend the Meetings of the Committee of Adjustment and not miss more than three (3) Meetings in a row as well as attend at least 50% of all Meetings in a year in order to ensure their place on the Committee;
  - (iii) obey the rules of procedure;
  - (iv) not disturb the other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during the Meeting;
  - (v) not display any behaviour which may be considered disruptive, inconsiderate or disrespectful or use profane or offensive words or insulting expressions; in the presence of any Member or any other person in attendance;
  - (vi) not interrupt a Member or any other person in attendance while speaking to the application;
  - (vii) wait to speak until recognized by the Chair;
  - (viii) not comment or question on matters other than those directly pertaining to the subject application before him or her;
  - (ix) not use their status on the Committee for personal or political gain;
  - (x) not disclose any personal or confidential information received through an application, or that was included in legal advice and received as a Member of the Committee;
  - (xi) in the event that a Member engages in grave misconduct in their duties as a Member, including the violation of any Corporate Policy, Council may remove said Member from the Committee.

## 8.3 Duties of Secretary-Treasurer:

- a) It shall be the duty of the Secretary-Treasurer to:
  - (i) accept on behalf of the Municipality of Trent Lakes Committee of Adjustment applications and Property Standard appeals and fees as outlined by the Municipality of Trent Lakes current Fees and Charges By-Law;
  - (ii) carry out the duties as prescribed in the Act and Regulations;
  - (iii) prepare Notices of Hearing and circulate as prescribed in the *Planning Act*,

- (iv) prior to the Meeting date provide Members with an agenda package including an agenda, planning report and comments relating to each application as prescribe in the *Planning Act*;
- (v) attend Meetings and summarize the planning report and received comments for those in attendance at the Meeting;
- (vi) prepare and retain for the Committee of Adjustment and Property Standards Committee records, minutes of each Meeting containing a summary of the verbal representations made to the Committee, together with a copy of all correspondence considered at the Meeting. A copy of the minutes is to be circulated to the Members of the Committee and others required to be notified pursuant to the regulations under the *Planning Act*, R.S.O. 1990, c.P. 13;
- (vii) shall keep on file minutes and records of all applications, decisions, appeals and all other official business of the Committee, pursuant to Section 254 of the *Municipal Act, 2001*, as amended;
- (viii) any other duties as prescribed in this By-law or the *Planning Act* and Regulations pertaining to the Municipality of Trent Lakes Committee of Adjustment policies and procedures.

9. Conflict of Interest:

If a Member of the Committee determines that he or she has a direct or indirect pecuniary interest in an application as defined by the Municipal Conflict of Interest Act, he or she shall declare it prior to the commencement of the Meeting on the application and shall absent himself or herself from the Meeting for the duration of the Meeting on that specific application. This shall be recorded by the Secretary-Treasurer accordingly.

10. Code of Conduct for Committee Members

All Members are to adhere to the provisions outlined in the most recent Municipality of Trent Lakes Code of Conduct for Members of Council and Local Boards.

## Schedule "B" to By-law No. B2018-022

### Procedures When Sitting as Committee of Adjustment

1. Committee of Adjustment Process:

- a) The Notice of Hearing for an Application to be considered at a Meeting shall be given by pre-paid first class mail or in a manner that the Committee deems appropriate, in accordance with the provisions of the *Planning Act*, any regulations passed thereunder.
- b) The Secretary-Treasurer of the Committee shall send notices of an Application, decisions and change of conditions by the Committee, notice of Meeting cancellation and rescheduling to the Clerk of the Corporation of the Municipality of Trent Lakes and unless otherwise notified.
- c) The Committee shall hold a public Meeting on every Application before a decision is made on the Application. Where consideration of an Application is adjourned or deferred after the holding of a public Meeting, the Committee is not required to hold another public Meeting or to resume the original public Meeting, before making its decision.

2. Site Visits:

Following the filing of an Application but prior to the Meeting, the Members are required to conduct individual site visits. During site visits Members shall not discuss with the applicant or other interested individuals, any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee.

3. Withdrawal or Adjournment of an Application:

If an applicant wishes to withdraw or adjourn an Application which has been circulated as per the Planning Act prior to the Meeting date, the applicant must provide in writing such desire to the Secretary-Treasurer, accompanied by the prescribed fee required in the form of a certified cheque, money order, cash or debit.

4. Agenda Package – time frame, including, public distribution:

- a) The agenda package will be distributed by email or paper copy if requested, to the Committee including the agenda, planning report(s) and recommendation(s) as well as comments received to date from agencies and the public at least 72 hours prior to the commencement of the Meeting.
- b) Where additional correspondence and materials have been received by the Secretary-Treasurer following the delivery of the agenda, copies will be made available at the Meeting or as soon after receipt as is practicable to the Committee and other interested parties.
- c) The agenda package will not be made available to the public until after is it distributed to the Committee.
- d) The agenda package will be made available at the Meeting including the planning report(s) and comments received regarding the Application(s).

5. Meeting Procedures:

- a) Attendees at a Meeting shall maintain order and not conduct any behaviour which may be considered disruptive during the Meeting and shall be asked by the Chair to stop the disruptive behaviour and if it

continues the Chair may ask the person to leave the Meeting.

- b) All cell phones or electronic devices, except those in use to facilitate the Meeting shall be turned off or otherwise set as to not emit any audible sound during a Meeting. At the commencement the Chair will ask those in attendance to turn off said devices.
- c) The Meeting shall be called to order by the Chair of the Meeting or the Secretary-Treasurer of the Committee as soon after the fixed commencement time for a Meeting and Quorum is present.
- d) The Chair or Secretary-Treasurer shall call for any requests for deferral of an Application or for any request for withdrawal of an Application.
- e) A request for deferral of an Application to a later Meeting date must be for reasonable cause. The Committee shall set a new date for the consideration of the deferred Application and shall indicate any other requirements or conditions for deferral, such as re-notification, payment of a rescheduling fee, amendment or additional required information.
- f) Committee Members in accordance with Section 9.0 of the General Provisions of this By-law shall declare any conflict of interest they may have with respect to any Application before the Committee for consideration.
- g) The Secretary-Treasurer shall call each Application in an order determined by the agenda or in an order determined by the Chair of the Meeting and/or the Committee.
- h) The Chair of the Meeting shall ask that the Secretary-Treasurer to summarize the planning report and any comments or objections received from agencies, residents and others who responded to the circulation of the Notice of Hearing and Application. The Secretary-Treasurer at the discretion of the Chair of the Meeting shall read aloud letters received from any persons expressing an interest in the Application.
- i) For each agenda item, the Chair of the Meeting shall ask the applicant or representative to identify themselves and provide any further information or additional comments to the Committee.
- j) The Committee Members, through the Chair of the Meeting, may ask questions of the applicant or their representative at this time. Questions may be asked during the presentation, however typically questions are put forward by the Members of the Committee at the conclusion of the presentation.
- k) The Chair of the Meeting shall invite anyone else having an interest(s) / concern(s) with respect to the Application(s) to come forward, state their names and advise the Committee of their position(s). The Committee Members, through the Chair of the Meeting, may ask questions of those parties expressing an interest(s) / concern(s).
- l) The Committee shall give the applicant or representative the opportunity to respond to any comments received from commenting agencies or interested parties.
- m) The Committee Members, through the Chair of the Meeting, may ask additional questions at this time.
- n) On every Application before it, the Committee may vote to approve, deny, defer, or reserve an Application, and shall set out the reasons for the decision.
- o) A written decision will be prepared for each Meeting detailing any

conditions imposed by the Committee and will be signed by all Members who concur with the decision.

- p) The Secretary-Treasurer shall be permitted at any time and without prior notice to the parties correct a technical or typographical error, error in calculation or similar minor error made in the minutes or in a decision.
- q) If there are remaining Applications on the agenda which have not been heard by the time required to adjourn the Meeting, the Secretary-Treasurer will assign a date to resume the public Meeting, and no further public notice will be required to be provided.

6. Voting:

- a) After having considered the issues brought forward in the Meeting, the Chair shall ask the Members of the Committee for a motion with respect to the disposition of the Application. Upon receipt of a motion from a Committee Member the Chair shall ask for a seconder to the motion. The Chair shall call for a vote on the motion and each Member of the Committee shall announce his or her vote upon the motion openly and individually expressing their views of the Application. The Chair shall announce, at the Meeting, the decision of the Committee.
- b) The Chair shall call the vote immediately after all Members desiring to speak to a motion have spoken. No further speakers shall be permitted after the Chair has called the vote.
- c) Each Member, when requested by the Chair, shall indicate by show of hands, their position on the motion under consideration. The majority decision of the Committee on the motion shall constitute the decision of the Committee. If the initial motion fails, a new motion is requested by the Chair and continued until a majority of the Members approve the motion.
- d) 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. The Chair of the Meeting shall cast a vote on the motion only after all other Members have voted.
- e) Any motion on which there is a tie vote shall be deemed to be defeated.

7. Decisions of the Committee:

- a) No decision of the Committee on an application is valid unless it is concurred by the majority of the Members that heard the Application, and the decisions of the Committee 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*.



## Schedule "C" to By-law No. B2018-022

### Procedures When Sitting as Property Standards Committee

1. Appeal of a Property Standards Order Process
  - a) Where an Appeal is confirmed as complete, the Appellant will be notified and a Meeting date confirmed.
  - b) If an Appeal is complete, the Committee shall hear the Appeal and have all the powers and functions of the Property Standards Officer who made the order and may:
    - i) Confirm, modify or rescind the order to demolish or repair; or
    - ii) Extend the time for complying with the order if, in the opinion of the Committee, the general intent and purpose of this By-Law and of the Official Plan or policy statement are maintained.
  - c) Written comments received on the Appeal and a draft agenda will be forwarded to the Appellant, Property Standards Officer, Chief Building Official and the Committee. The agenda package will be made available 72 hours prior to the Public Meeting on the Municipality's website and at the Meeting.
  - d) Where the Committee deems it necessary or worthwhile after hearing presentations at a Meeting, they may reserve their decision until they have completed a site inspection together. When the Committee decides to reserve their decisions for the purpose of a site inspection the owner of the property will be notified as to when they can expect the Committee to make the inspection.
  - e) The Appellant or a representative of the Appellant must attend the Appeal. If no one is present and no reason has been provided for the Appellant or his or her representative's absence, the Appeal will be dismissed.
  - f) At the outset of the Appeal, the Secretary-Treasurer will read the Appeal and written comments received.
  - g) The Property Standards Officer will explain the reason for the Order. The Committee and Appellant will be given the opportunity to question the Property Standards Officer.
  - h) The Appellant shall be entitled to view any evidence submitted by the Property Standards Officer.
  - i) The Appellant will be given the opportunity to make submissions in support of his or her Appeal and the Committee will be given the opportunity to question the Appellant.
  - j) The Committee will hear any others in attendance that may wish to speak and the Appellant through the Chair may ask questions of the speaker.
  - k) After all representations have been made, the Appellant will be given an opportunity to make further representations, restricting such to any new information which hasn't already been presented.
  - l) The Committee may question any person giving evidence to clarify any evidence provided.
  - m) The Committee may direct any questions they have to the Appellant or Property Standards Officer. Once all parties have spoken the Committee will make a decision in public.

- n) If the Committee determines that it needs further information, it may defer the decision on the Appeal.
- o) A Notice of Decision, outlining particulars of an appeal to the Superior Court of Justice, will be given to the Appellant or anyone else who requests notice of decision.
- p) If there has been no appeal to the Superior Court of Justice under the *Building Code Act*, notice shall be given to the Appellant that the decision is final.