

Advisory Committee Name:	Committee of Adjustment
Meeting Date and Time:	Monthly – To Be Determined
Meeting Location:	Pelham Council Chamber/ Zoom

Purpose

The Committee of Adjustment (“CofA”) is a statutory tribunal with authority delegated to it by the Council of the Town of Pelham under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to hold public hearings for the purpose of making decisions with respect to applications for: Minor Variances to the Town’s Zoning By-law; Consents and Legal Non-Conforming Uses (enlargement/ extension/ similar use).

The Committee operates independently from Council and its decisions may be appealed to the Ontario Land Tribunal (“OLT”).

Mandate

The goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing for the public to submit written correspondence and/ or speak to an application;
- Giving due diligence to the consideration of each application;
- Openly having all discussions about each application and making all decisions in public at the hearing;
- Making rational decisions with appropriate conditions in accordance with Provincial legislation, policies and plans and in accordance with Regional and Town policies and plans; and
- Clearly stating the reasons for their decisions.

The Committee of Adjustment may:

- Grant or refuse a minor variance to the Town’s Zoning By-law, as amended, in respect of the land, buildings or structure or the use thereof;
- Give consent to convey or divide land when a plan of subdivision is not necessary;

- Permit the enlargement or extension of a legal non-conforming use of any land, building or structure;
- Permit the use of any land, building or structure for a purpose that is similar to the legal non-conforming use or is more compatible with the uses permitted in the Town's Zoning By-law, as amended;
- Issue a certificate of validation; and
- Issue a certificate of cancellation.

Any responsibilities not clearly identified within this Terms of Reference shall be in accordance with the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Membership:

The Committee shall be appointed by Town Council and comprised of the following:

- Five (5) resident representatives;
 - Three (3) resident representatives to sit on the panel each hearing;
- Staff Liaison, Community Planning and Development Department, as a non-voting resource;
- Staff Liaison, Public Works Department, as a non-voting resource; and
- Staff Liaison, Secretary-Treasurer and/or Assistant Secretary-Treasurer, as a non-voting resource.

Pelham residents must meet the following criteria to be eligible for appointment:

- Satisfactory Police Criminal Record Check/ Vulnerable Sector Check, at the discretion of the Clerk and/or Chief Administrative Officer;
- Resident of the Town of Pelham; and
- Must sign the Code of Conduct.

Members shall also demonstrate the following qualifications:

- A commitment to and interest in the community;
- An understanding of the planning framework and planning instruments, including but not limited to the Zoning By-law, Official Plan, the *Planning Act*, policy statements, implementation guidelines, Provincial Plans and Region of Niagara Official Plan;

- Organized, available and committed to attending all assigned Committee meetings and site visits;
- Objective and have an open mind to fully consider the evidence provided; and
- Access to a computer and email in order to receive and respond to Committee communications and information, including hearing notices and agenda packages with text and graphic files.

The meetings of the Committee of Adjustment are public and may be recorded and posted to the Town's website. Members should be aware that their names will be in the public realm. Member information, other than their first and last name, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* "MFIPPA".

Schedule and Location of Meetings

The Committee of Adjustment shall meet monthly at the Town of Pelham Municipal Building, Council Chamber. The meeting schedule shall be adjusted to accommodate Holidays. Additional meetings may be scheduled subject to the availability of Members and staff.

Term of Committee

The term of membership shall be four (4) years, aligned with Town Council's elected term of office subject to the election period, and the memberships shall be approved by Council in accordance with membership requirements.

The Committee of Adjustment shall continue to meet during the election period which commences on Nomination Day as determined by the *Municipal Elections Act, 1996*.

Resources and Budget

The Clerk's department is the designated lead department providing support for the Committee of Adjustment; however, the Committee of Adjustment also has access to the technical expertise of staff from other Town of Pelham departments as may be required.

Meeting Protocols

The Committee of Adjustment is governed by the Town of Pelham's Procedural By-law, as amended. In the event of a conflict between the Procedural By-law and the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, prevails.

Consent

By applying to the Committee of Adjustment, you have agreed, consented and understand all the provisions within these Terms of Reference.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department.

Amendments to the Terms of Reference

The Terms of Reference shall be reviewed and refined every four (4) years to ensure that they remain current and meaningful. This four-year period shall run with the Term of Council.

Proposals to amend the Terms of Reference must be approved by the Committee and Council.

Remuneration

2022 Rates of Remuneration:

- Members: \$87.94 per meeting;
- Chair: \$92.95 per meeting;
- Travel allowance to be determined by a measurement of distance in kilometers in accordance with the Town's current rate for mileage reimbursement, and only to be paid in the event of a member attending site visit(s) in person.
- No additional expenses will be considered.

Committee of the Whole Approval Date:
Council Approval Date: