

The Corporation of the Township of Minden Hills

By-Law No. 20-xxx

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF THE TOWNSHIP OF MINDEN HILLS COMMITTEE OF ADJUSTMENT

WHEREAS, Section 216(5) of the Municipal Act, S.O. 2001, c.25 as amended, grants municipalities powers to pass by-laws with respect to the requirement that a board follow, rules, procedures or policies established by the municipality;

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

AND WHEREAS the Committee of Adjustment has been established pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended, (the "Planning Act");

AND WHEREAS Section 5.2(1) of the Statutory Powers Procedure Act provides that A tribunal whose rules made under section 25.1 deal with electronic hearings may hold an electronic hearing in a proceeding.

AND WHEREAS, the Council for the Corporation of the Township of Minden Hills now deems it advisable to enact a by-law to govern the proceedings of the Township of Minden Hills Committee of Adjustment, the conduct of its Members and the calling of Meetings, and to provide for procedures and statutory requirements in accordance with the Municipal Act, S.O. 2001, c.25 as amended and the Planning Act, R.S.O. 1990, c.P. 13, as amended;

NOW THEREFORE, the Council of the Corporation of the Township of Minden Hills enacts as follows:

Section 1 – DEFINITIONS AND INTERPRETATION

1.1 Definitions

1.1.1 For the purpose of this By-law; unless stated otherwise or the context requires a different meaning:

"Application" shall mean an application made pursuant to the Planning Act, R.S.O. 1990, as amended, for minor variance under Section 45(1), (2) and (3).

"Chair" shall mean the Chair of the Committee of Adjustment of the Corporation of the Township Minden Hills appointed by Members of the Committee of Adjustment.

"Committee of Adjustment" shall mean the group of individuals appointed by the Council of the Township of Minden Hills to the Committee of Adjustment pursuant to the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended.

"Council" shall mean the Council of the Corporation of the Township of Minden Hills.

"Electronic Hearing" means a hearing in which persons are able to hear one another and is conducted via electronic means including, but not limited to, audio teleconference, video teleconference or telephone and with or without in person attendance.

"Electronic Meeting" means a meeting called and held in full or in part via electronic means including, but not limited to, audio teleconference, video teleconference or telephone and with or without in person attendance.

"Hearing" shall mean a hearing in any proceeding for which the Committee of Adjustment is responsible for exercising its statutory power of decision making.

"Meeting" shall mean any Meeting of the Committee of Adjustment held in accordance with the provisions of this Procedural By-law.

“Member” shall mean a Member of the Committee of Adjustment as appointed by Council.

“Motion” shall mean a question or proposal to be considered by the Committee of Adjustment and which is moved and seconded and is subject to debate. When a Motion is adopted, it becomes a Resolution.

“Municipal Act” shall mean the Municipal Act, 2001, S.O.2001, c. 25, as amended from time to time.

“Pecuniary Interest” shall mean a direct or indirect Pecuniary Interest within the meaning of the Municipal Conflict of Interest Act, R.S.O.1990, chapter M.50, as amended.

“Planning Act” shall mean the Planning Act, R.S.O. 1990, c.P. 13, as amended.

“Point of Order” shall mean a statement made by a Member during a Meeting drawing to the attention of the Chair a breach of the Rules of Procedure.

“Point of Privilege” shall mean a statement calling attention to a matter where the integrity, character or reputation of an individual, individuals or the entire Committee, or the ability of an individual to participate, is perceived to be in question.

“Presiding Officer” shall mean the Chair of the Meeting.

“Quorum” shall mean the minimum number of members required to be present at any meeting in order for business to be conducted as set out in Section 5.6 of this By-law.

“Resolution” shall mean a formal expression of opinion, decision or intention by the Committee of Adjustment.

“Rules of Procedure” shall mean the rules and requirements contained within this Procedural By-law.

“Secretary-Treasurer” shall mean the Secretary-Treasurer of the Committee of Adjustment appointed under Section 44(8) of the Planning Act.

“Township” shall mean the Corporation of the Township of Minden Hills.

Section 2 – GENERAL PROVISIONS

2.1 Applicability

- 2.1.1 Save as otherwise provided herein, the procedural rules and requirements of this by-law shall be observed at all Committee of Adjustment Meetings and shall be the rules and requirements which govern the order of business.
- 2.1.2 This by-law outlines a fair and equitable approach and process for the operation of the Committee of Adjustment pursuant to the Planning Act and the Municipal Act.
- 2.1.3 In the event of a conflict between this by-law and the Planning Act, as amended, the Planning Act.

2.2 Issue Not Addressed

- 2.2.1 If an issue is raised that is not expressly addressed in this by-law, the issue shall be decided by the Chair, subject to an appeal to the Committee of Adjustment, as the case may be.

Section 3 – DUTIES OF THE COMMITTEE OF ADJUSTMENT

3.1 Duties of the Chair

- 3.1.1 It shall be the duty of the Chair to carry out the following responsibilities:
 - a) to open the Meeting of the Committee of Adjustment by taking the Chair and calling the Committee of Adjustment to order;

- b) to announce the business before the Committee of Adjustment in the order in which it is to be acted on;
- c) to recognize any Member who wishes to speak and to determine the order of the speakers;
- d) to put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings and to announce the results;
- e) to participate as an active and voting member, encouraging active participation by all Members;
- f) to decline to put to vote motions which contravene the provisions of this Procedural By-law;
- g) to enforce the provisions of the Procedural By-law;
- h) to enforce on all occasions, the observance of order and decorum among the Members;
- i) to call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the place of meeting;
- j) to cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting;
- k) to authenticate, by signature, all Meeting minutes;
- l) to rule on any points of order raised by Members; and,
- m) to adjourn the Meeting when the business is concluded.

3.2 Duties of the Members of the Committee of Adjustment

- 3.2.1 It shall be the duty of the Members of the Committee of Adjustment to carry out the following responsibilities:
 - a) to understand their role and expectations, including all applicable Township Policies;
 - b) to comply with the Committee of Adjustment Code of Conduct set out in the Terms of Reference;
 - c) to apply and respect the Rules of Procedure;
 - d) to attend all scheduled Regular and Special Committee of Adjustment Meetings, sending regrets otherwise;
 - e) to follow the agenda and stay focused on the topic at hand;
 - f) to respect confidential information; and,
 - g) to vote on business except when not permitted to by law;
- 3.2.2 Following the application by the owner or representative of the owner, for any land, building or structure located within the Township of Minden Hills, but prior to the Meeting where the application will be considered by the Committee of Adjustment, the Members may conduct individual site visits.
- 3.2.3 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 of Adjustment.

3.3 Duties of the Secretary-Treasurer of the Committee of Adjustment

- 3.3.1 It shall be the duty of the Secretary-Treasurer to carry out the following responsibilities:
 - a) to provide notice of a Committee meeting in accordance with this by-law;
 - b) to prepare agendas including relevant resolutions in cooperation with the Chair;
 - c) to electronically distribute agendas to Members before a regularly scheduled or special meeting, respecting the designated timeframes described within this Procedural By-law;

- d) to arrange for and/or set up of meeting areas, giving consideration to the nature of the matters to be discussed, attendance by the public and ensuring reasonable accommodation for accessibility for all;
- e) to record when the meeting started and adjourned;
- f) to record the Members present and absent;
- g) to take minutes, recording a summary of the discussion for each item, actions to be taken and recommendations, including the names of the movers of motions;
- h) to finalize minutes for distribution; and,
- i) to act as a resource to the Committee of Adjustment and to provide legislative and planning interpretation where required.

3.3.2 The Secretary-Treasurer shall have no voting privileges.

Section 4 – NOTICE OF PUBLIC MEETING

- 4.1.1 Notice of an application to be considered at a meeting shall be given by the Secretary-Treasurer in a manner prescribed by the Planning Act, and any regulations passed there under, and should include:
- a) A notice posted on the property subject to the application;
 - b) A notice circulated to surrounding property owners;
 - c) A notice posted on the Township's website; and,
 - d) An advertisement posted in two (2) local newspapers having general circulation in the Township of Minden Hills.

Section 5 – MEETINGS

5.1 Place of Meeting

- 5.1.1 Unless otherwise directed by the Chair, all Regular and Special Meetings shall be held at the Township of Minden Hills Council Chambers located at 7 Milne Street, Minden, Ontario.

5.2 Regular Meetings

- 5.2.1 Regular Meetings of the Committee of Adjustment shall be held on a set schedule with fixed start times to be determined by the Committee of Adjustment at its Inaugural Meeting, which schedule will be provided to the Secretary-Treasurer immediately following the Inaugural Meeting.
- 5.2.2 Where it is determined by the Secretary-Treasurer that there no agenda items for a meeting the Secretary Treasurer shall cancel the Meeting and notify the Members.
- 5.2.3 Where it is the opinion of the Chair that all of the applications to be heard at the meeting require a site visit but, as a result of access and/or prevailing conditions, that a site visit would either not be beneficial or feasible the Secretary Treasurer shall cancel the Meeting and notify the Members.
- 5.2.4 The Secretary-Treasurer shall give the Agenda and written notice of each Committee of Adjustment Regular Meeting to Members at least ten (10) days before the time appointed for such Meeting and shall be delivered electronically via e-mail to their respective e-mail address.
- 5.2.5 The written notice shall indicate the nature of the business to be considered at the Meeting as well as date, time and place of the Meeting.

5.3 Special Meetings

- 5.3.1 In addition to Regular Meetings, the Chair may, at any time, direct the Secretary-Treasurer to summon a Special Meeting of the Committee of Adjustment.
- 5.3.2 The Secretary-Treasurer shall give the Agenda and written notice of each Committee of Adjustment Special Meeting to Members at least ten (10)

days before the time appointed for such Meeting and shall be delivered electronically via e-mail to their respective e-mail address.

- 5.3.3 The written notice shall indicate the nature of the business to be considered at the Special Meeting as well as date, time and place of the Meeting.
- 5.3.4 No business other than that indicated in the written notice shall be considered at the Special Meeting.

5.4 Meetings Open to Public

- 5.4.1 Subject to Section 5.6 of this Procedural By-law, Meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct.
- 5.4.2 The Chair may request that members of the public vacate the Place of Meeting if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the Meeting until order is restored in the Place of Meeting.

5.5 Electronic Meetings & Hearings

- 5.5.1 Subject to Section 5.2 of the Statutory Powers Procedure Act, the Committee of Adjustment may hold all or part of a Regular or Special Meeting in the form of an Electronic Meeting.
- 5.5.2 Where the Committee of Adjustment conducts an Electronic Hearing the Chair and/or Secretary Treasurer shall ensure that all individuals participating in the hearing can hear one another.
- 5.5.3 Where a party has indicated that an Electronic Hearing is likely to cause the party significant prejudice, the Chair shall forthwith call a vote on the matter, and, where a majority of the Members present are satisfied that an electronic hearing is likely to cause significant prejudice the hearing shall proceed as an oral hearing.
- 5.5.4 The Committee of Adjustment shall not hold an electronic hearing if a party satisfies the tribunal that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

5.6 Closed Meetings

- 5.6.1 Except as otherwise provided herein, all Meetings shall be open to the public.
- 5.6.2 The Committee of Adjustment may, by resolution, close a Meeting or part of a Meeting to members of the public if, in accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, the Committee of Adjustment is of the opinion that:
 - a) matters involving public security may be disclosed; or
 - b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.
- 5.6.3 In addition to Section 5.6.2, the Committee may, by resolution, close a Meeting or part of a Meeting to members of the public if, the subject matter being considered relates to:
 - a) Educating or training the members;
 - b) Personal matters about an identifiable individual including Committee members;
 - c) Litigation or potential litigation including matters affecting the Committee of Adjustment;
 - d) In receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- 5.6.4 A motion by the Committee of Adjustment, to close a Meeting or part of a Meeting to the public pursuant to Section 5.6.2 or 5.6.3 shall state:
- a) the fact of the holding of the closed Meeting;
 - b) the general nature of the subject matter to be considered at the closed Meeting.
- 5.6.5 Where a Meeting or part of a Meeting is closed to the public, the Committee of Adjustment shall request those persons not specifically invited to the closed Meeting to vacate the Place of Meeting.
- 5.6.6 A Meeting or part of a Meeting shall not be closed to the public during a vote except where the vote is for a procedural matter or for giving directions or instructions to Members, employees or agents of the Committee of Adjustment or persons retained under contract by the Committee of Adjustment, and the Committee of Adjustment deems that it is in the best interests of the Committee of Adjustment to do so.
- 5.6.7 The Motion to rise from "In Camera" shall include the time that the Committee of Adjustment arose.
- 5.6.8 The Secretary-Treasurer shall record without note or comment all resolutions, decisions and other proceedings at a Meeting of the Committee of Adjustment when it is closed to the public.
- 5.6.9 The Committee shall ensure that confidential matters disclosed to them during closed Meetings are kept confidential.

5.7 Quorum

- 5.7.1 Pursuant to Section 44(5) of the Planning Act where a Committee is composed of three members, two members shall constitute a quorum and where a Committee is composed of more than three members, three members shall constitute a quorum.
- 5.7.2 A vacancy in the Membership or the inability of a Member to act due to a declared conflict of interest does not impair the powers of the Committee of Adjustment or of the remaining Members.
- 5.7.3 Where a quorum has reduced to two members through a declaration of a conflict of interest, the decision of the Committee must be unanimous to be considered a valid decision, otherwise, it is considered to be an invalid decision. If the decision is made and the decision is considered to be invalid, the Committee is now considered to be *functus officio* of the current application, and the applicant must then make a new application and pay the appropriate fee if the applicant wishes to have the application heard again. The applicant may request a refund of the fee for the re-application depending on the circumstances involved since quorum cannot be controlled by the applicant.
- 5.7.4 If a Quorum is not present within thirty (30) minutes after the time appointed for the Meeting, the Secretary-Treasurer shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting or Special Meeting called in accordance with the provisions of this Procedural By-law.
- 5.7.5 In regards to an Electronic Meeting, a member participating by electronic means shall be counted towards quorum and is deemed to be present for the purposes of Section 1.

5.8 Adjournment- Due Hour

- 5.8.1 Except as provided in Section 10.9.3 of this Procedural By-law, a Regular or Special Meeting of the Committee of Adjustment shall adjourn at the hour of 1:30 PM, if in session at that time, and shall reconvene at such other day and time as the Committee of Adjustment, by resolution, may direct.
- 5.8.2 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.

5.9 Cancellation of Meeting

- 5.9.1 The Chair or the Vice Chair, in the Chair's absence may cancel any Meeting of the Committee of Adjustment if he is of the opinion that weather conditions or an emergency warrant. The Chair shall inform as many Members as he is able to reach, and any persons that are scheduled to be in attendance.
- 5.9.2 Postponement of the Meeting shall not be for any longer than the next regularly scheduled Meeting of the Committee of Adjustment.

5.10 Accessibility

- 5.10.1 Adequate provisions shall be made by the Chair and relevant staff to ensure that meeting locations, agenda and minute formats, communications and conduct of meetings be accessible, to ensure maximum participation and quality customer service. Reference may be made to the provisions of the Ontarians with Disabilities Act, and similar legislation, policies and guidelines.

5.11 Site Visits

- 5.11.1 All application for minor variance should be considered with the aide of a site visit to be conducted at an appropriate time of year so as to allow Committee members an accurate understanding of the site constraints topography and vegetation; the impact on views, adjacent properties, and natural vegetation the application would have on the site.
- 5.11.2 Site visits may be conducted individually or as a group, however; during site visits Committee members shall not discuss among themselves, with the applicant, or other interested individuals, any of the merits of the application or any issue or matters in connection with the application. All information shall be presented to the Committee at the hearing.

5.12 Orientation

- 5.12.1 Orientation sessions shall be conducted for Committee of Adjustment appointees at the beginning of each term of Council. All Members benefit from orientation. Further sessions may be conducted for appointees during the term of Council, as required. Electronic orientation handbooks will be distributed to all Members for reference purposes by the Clerk's Department.

Section 6 – APPOINTMENT AND ELECTIONS

6.1 Appointment Process for the Committee of Adjustment

- 6.1.1 The Committee of Adjustment shall consist of five (5) Members appointed by Council.
- 6.1.2 Once a decision is made to seek a new Committee of Adjustment Member, the Secretary-Treasurer on behalf of the Committee of Adjustment shall approach the Clerk to have the vacancy publicly posted so that all interested, eligible candidates may apply.
- 6.1.3 Committee of Adjustment position vacancies shall be filled by appointment by Council upon the recommendation of staff after reviewing all applications submitted pursuant to Section 6.1.2 of this by-law.

6.2 Committee of Adjustment Positions

- 6.2.1 The Committee of Adjustment shall elect from its ranks a Chair, who shall serve for the term of Council or until he resigns the position.
- 6.2.2 Council shall appoint a staff member to act as Secretary-Treasurer to serve the Committee of Adjustment.

6.3 Resignation and Dismissal Process

- 6.3.1 Committee of Adjustment Members wishing to resign their appointment shall submit a letter of resignation to the Committee of Adjustment which shall be forwarded as soon as possible to the Clerk's Department.
- 6.3.2 Council may, with or without the advice of the Committee of Adjustment, and with a supporting rationale, make changes to the Committee of Adjustment.

6.4 Attendance Management

- 6.4.1 After two consecutive absences by any Committee of Adjustment Member at regularly scheduled meetings, the following process shall be followed:
 - a) The Chair shall informally contact the absent Member to determine if they plan to attend the next regularly scheduled meeting, noting any reasonable or compassionate circumstances which would prohibit their attendance.
 - b) The Committee of Adjustment, by resolution, may waive the attendance requirements of the Committee of Adjustment if reasonable or compassionate circumstances exist. If no reasonable or compassionate response is given, the Chair shall inform the absent Member that if he is absent from the next regular meeting (the third meeting), the Committee of Adjustment shall declare his seat vacant and recommend by resolution to Council the removal of the Member.
 - c) If the Chair is unable to reach the absent Member or if there was no reasonable or compassionate grounds for absences given at the time of preparing the Agenda for the third meeting:
 - i) The Secretary-Treasurer shall include the item "Absentee Member" on the Agenda under the Other Business heading.
 - ii) Upon consideration of the item, the Secretary-Treasurer shall briefly identify the requirements of the Committee of Adjustment Procedural By-law and the name of the absent Member.
 - iii) The Committee of Adjustment shall recommend by resolution to Council the absent Member's seat be declared vacant.
 - d) Removal from the Committee of Adjustment shall be made by resolution of Council. Council may, by resolution, based on evidence of absenteeism due to compassionate or reasonable grounds waive the attendance requirements of the Committee of Adjustment Procedural By-law.

Section 7 – AGENDAS AND MINUTES

7.1 Committee of Adjustment Agenda

- 7.1.1 The Secretary-Treasurer shall cause to be prepared an electronic Agenda under the following headings, further explained in Section 7 of this Procedural By-law, for the use of the Members at Meetings of the Committee of Adjustment:
 - Call to Order
 - Disclosures of Pecuniary Interest
 - Approval of Minutes
 - Applications
 - Other Business
 - Adjournment
- 7.1.2 The Agenda shall be e-mailed to each Member no later than ten (10) days preceding the commencement of the Regular or Special Committee of Adjustment Meeting in question.

- 7.1.3 The business of the Committee of Adjustment shall be considered in the order as it appears on the Agenda, unless otherwise decided by a vote of the majority of the Members present and voting.

7.2 Meeting Minutes

- 7.2.1 Meeting structure, Agenda and Minute formats shall meet the individual needs of the Committee of Adjustment, while ensuring consistency, completeness and accountability.
- 7.2.2 The Secretary-Treasurer shall cause the Minutes to be taken of each Meeting of the Committee of Adjustment, whether it is closed to the public or not. These minutes shall include:
- a) the place, date and time of the Meeting;
 - b) the name of the Presiding Officer or Officers and the record of attendance of the Members; should a Member enter after the commencement of the Meeting or leave prior to adjournment, the time shall be noted;
 - c) declarations of pecuniary interest;
 - d) the reading, if requested, correction and confirmation of the minutes of prior Meetings; and
 - e) all resolutions, decisions and all other proceedings of the Committee of Adjustment, without note or comment.
- 7.2.3 The Secretary-Treasurer shall ensure that the Minutes of the last Regular and Special Meetings of the Committee of Adjustment are included in the Agenda package prepared in accordance with Section 3.3.1 of this Procedural By-law.

Section 8 – ORDER OF PROCEEDINGS

8.1 Call to Order

- 8.1.1 As soon as a Quorum is present after the hour set for the holding of the Meeting, the Chair shall call the Members present to order.
- 8.1.2 If the Chair does not attend a Meeting within fifteen (15) minutes after the time set for the Meeting and a Quorum is present, the Committee shall appoint an alternate Chair who shall preside over the Meeting and shall exercise all duties and responsibilities of the Chair as outlined in this Procedural By-law until the Chair is present at the Meeting and able to perform his responsibility to assume the Chair.

8.2 Disclosures of Pecuniary Interest

- 8.2.1 Where a Member, either on his own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of the Committee of Adjustment at which the matter is the subject of consideration, the Member shall:
- a) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
 - b) not take part in any discussion of or vote on any question with respect to the matter; and
 - c) not attempt in any way before, during and after the meeting to influence the voting on any such question.
- 8.2.2 Where the Meeting is not open to the public, in addition to complying with the requirements of Section 8.2.1 of this Procedural By-law, the Member shall immediately leave the Meeting or part of the Meeting during which the matter is under consideration.
- 8.2.3 Where a Member is absent from a Meeting which includes a matter for which the Member has a pecuniary interest, the Member shall disclose this

interest and otherwise comply at the first Meeting of the Committee of Adjustment attended by him after the particular Meeting.

- 8.2.4 The Secretary-Treasurer shall advise all Members, the applicant or representative and the public that under the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, unless otherwise stated in the submission, any personal information such as a name, address, telephone number and property location included in all submissions become part of the public record for files for this matter and can be released, if requested, to any person.

8.3 Approval of Minutes

- 8.3.1 The Minutes of each Committee of Adjustment Meeting shall be presented to the Members for confirmation at the next Regular Meeting.

- 8.3.2 Following approval of the Minutes, the Minutes shall be signed and approved by the Chair and Secretary-Treasurer.

8.4 Meeting Procedures – Applications

- 8.4.1 The Chair shall read the application.

- 8.4.2 The Chair shall ask the applicant or their representative to introduce themselves and present the application and reasons for support of the application. The applicant or their representative shall be provided with a maximum ten (10) minutes to present the nature of the application to the Committee of Adjustment. Any submissions beyond the ten (10) minutes shall be at the discretion of the Committee of Adjustment.

- 8.4.3 The Chair shall:

- a) read aloud all comments received from agencies who responded to the circulation of the notice of the application;
- b) read aloud any letters received from persons expressing an interest in the application;
- c) summarize the nature of the interest being expressed;
- d) read aloud the proposed conditions to be attached to the decision should the Committee of Adjustment approve the application.

- 8.4.4 The Committee of Adjustment shall give the applicant or their representative the opportunity to respond to any comments received from commenting agencies or interested parties. This response shall be limited to five (5) minutes.

- 8.4.5 Following the presentation of the application by the applicant, the Chair shall invite anyone else having an interest in the application to come forward, identify themselves and express their interest;

- 8.4.6 Submissions from members of the public, in support or opposition to any application, shall be limited to five (5) minutes and shall be confined to the subject application. Any submissions beyond the five (5) minutes shall be at the discretion of the Committee of Adjustment.

- 8.4.7 Following the Public Comment, the Committee of Adjustment shall consider the issues raised by the applicant or their representative and any respondents, and the Chair shall:

- a) ask Members for a motion with respect to the disposition of the application;
- b) permit discussions on the motion;
- c) call for a vote by the Committee of Adjustment on the motion;
- d) announce the decision of the Committee of Adjustment;

- 8.4.8 On every application before it, the Committee of Adjustment may vote to approve, deny, defer, or reserve an application, and shall set out the reasons for the decision.

- 8.4.9 Where the Committee votes on an application and that vote results in an equality of votes, for and against, the vote is considered to be lost.
- The Committee has no statutory authority to reconsider an application once a vote has been taken and the result announced. The Committee has completed its work and is *functus officio* concerning that application.
- 8.4.10 Any approval granted by the Committee of Adjustment may be for such time and subject to such terms and conditions or agreement as the Committee of Adjustment considers advisable and as are set out in the decision.
- 8.4.11 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.

8.5 Meeting Procedures - Decisions of the Committee of Adjustment

- 8.5.1 No decision of the Committee of Adjustment on an application is valid unless it is concurred by the majority of the Members that heard the application, and the decision of the Committee of Adjustment shall be in writing and shall set out the reasons for the decision and shall be signed by the Members who concur in the decision.
- 8.5.2 A copy of the Committee of Adjustment's written decision will be prepared and issued in accordance with the provisions of the Planning Act.
- 8.5.3 A copy of the Committee of Adjustment's written decision shall be sent to each person who appeared in person or by agent or representative to express an 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 Meeting, or may submit a written request, should they wish to receive a copy of the written decision and any further correspondence with respect to the application, pursuant to the provisions of the Planning Act.
- 8.5.4 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.

8.6 Meeting Procedures - Requests for Application Deferral of Withdrawal

- 8.6.1 A request for deferral of a matter on the scheduled Meeting date by the applicant or authorized agent must be for reasonable cause and must be made at the Meeting. If granted, the Committee of Adjustment after consultation with the Secretary-Treasurer, will set a new Meeting date for the application to be heard and notwithstanding Section 3 of this By-law, no further notice of the Meeting date will be provided.
- 8.6.2 The applicant or their representative may request that an application be withdrawn. Such requests may be made to the Secretary Treasurer in advance of the Meeting date or at the Meeting. The Secretary-Treasurer will record that the application was withdrawn from the Committee of Adjustment's agenda and the Committee of Adjustment will take no action on the matter at the Meeting.

8.7 Adjournment

- 8.7.1 See Section 10.9 of this Procedural By-law

8.8 Discretionary Dispute Resolution

- 8.8.1 Under the provisions of the Planning Act, Section 65, as amended, the Committee or its agents shall, if it considers it appropriate, at any time before a decision is made under this Act, use mediation, conciliation or other dispute resolution techniques to attempt to resolve concerns or disputes in respect of any application or matter and may lay an item on the table (defer) for future decision in order to provide the parties an opportunity to resolve disputed situations. Where a legal dispute is identified such as a boundary dispute or other matter, the Committee may lay the item on the table (defer)

until the legal issue is resolved by the parties and written proof is provided to the Secretary Treasurer of the resolution.

Section 9 – RULES OF DEBATE AND CONDUCT

9.1 Duties and Conduct

9.1.1 The Committee of Adjustment is appointed by the Council of the Township of Minden Hills and works on behalf of the citizens of the Township of Minden Hills. The Committee of Adjustment may consult with community stakeholders or engage in activities that puts Members in direct contact with citizens and various organizations. Members shall reflect a professional and courteous manner when interacting with the public. Should a Member exhibit a pattern of inappropriate conduct, the Committee of Adjustment or staff may request that Council rescind the Member's appointment.

9.1.2 No Member shall:

- a) speak disrespectfully of the Reigning Sovereign, or of any Member of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, of any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
- b) use offensive words or unparliamentarily language or speak disrespectfully against the Committee of Adjustment, against any Member or against any Council Member, officer or employee of the Township of Minden Hills;
- c) speak on any subject other than the subject being debated;
- d) disobey the Rules of Procedure or a decision of the Chair, whoever is in the chair for the Meeting or a portion of the Meeting, on questions of Points of Order or procedure or upon the interpretation of the Rules of Procedure except where the ruling of the Chair is reversed by the Committee of Adjustment pursuant to Section 9.6.2. If a Member persists in any such disobedience after having been called to order, the Chair shall forthwith order that Member to vacate the Place of Meeting, but if the Member apologizes, he may, by majority vote of the Members, be permitted to retake his seat;
- e) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
- f) where a matter has been discussed in a closed Meeting, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the closed Meeting to any person.

9.2 Address the Chair

9.2.1 Any Member desiring to speak shall signify their desire to speak in such manner as the Chair may direct, and upon being recognized by the Chair, shall address the Chair only.

9.3 Order of Speaking

9.3.1 When two or more Members signify a desire to speak, the Chair shall recognize the Member who, in the opinion of the Chair, so signified first and next recognize in order the other Members.

9.4 Point of Privilege

9.4.1 A Member may at any time raise a Point of Privilege directing attention to a matter that affects the integrity, character or reputation of an individual, individuals, or the entire Committee, or the ability of an individual to participate.

9.4.2 A Point of Privilege shall take precedence over any other matter.

- 9.4.3 A Member shall not be permitted to enter into any debate or introduce any motion not related to the Point of Privilege.
- 9.4.4 The Chair shall decide upon the Point of Privilege and advise the Members of the decision.
- 9.4.5 Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- 9.4.6 If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" shall be called without debate, and its results shall be final.
- 9.4.7 When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a motion in relation to that Point of Privilege.

9.5 Point of Order

- 9.5.1 A Member may at any time raise a Point of Order to a perceived violation of the rules of procedure.
- 9.5.2 The Chair shall decide upon the Point of Order and advise the Members of the decision.
- 9.5.3 Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.
- 9.5.4 If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" shall be called without debate, and its results shall be final.

9.6 Appeal of Ruling of Chair

- 9.6.1 With respect to a ruling on either a Point of Privilege or a Point of Order, if the Member does not appeal immediately thereafter to the Committee of Adjustment the decision of the Chair shall be final.
- 9.6.2 If the Member wishes to appeal the decision of the Chair, he shall appeal immediately to the Committee of Adjustment otherwise the decision of the Chair is final.
- 9.6.3 If the decision is appealed, the Chair will give concise reasons for his ruling and will call a vote by the Committee of Adjustment, without debate on the following question: "Will the ruling be sustained?", and the decision of the Committee of Adjustment is final. The Chair may vote on this question. In the event of a tie of votes, the ruling of the Chair shall be deemed to be sustained.

9.7 Members Speaking

- 9.7.1 When a Member is speaking, no other Member shall pass between the Member and the Chair, or interrupt the Member except to raise a Point of Order.

Section 10 – MOTIONS

10.1 Reading

- 10.1.1 All motions must be introduced by a mover before the Chair may put the question or motion on the floor for consideration.

10.2 Withdrawn

- 10.2.1 After a motion is properly moved, it shall be deemed to be in possession of the Committee of Adjustment, but may be withdrawn by the mover at any time before decision or amendment.

10.3 No debate until properly moved and seconded

- 10.3.1 No Member shall speak to any motion until it is properly moved, and the mover is entitled to speak first if the Member so elects. Motion ruled out of order
- 10.3.2 Whenever the Chair is of the opinion that a motion is contrary to these Rules of Procedure, the Chair shall rule the motion out of order.

10.4 Not within jurisdiction of the Committee of Adjustment

- 10.4.1 A Motion in respect of a matter which requires the exercise of a legislative power by the Committee of Adjustment which is not within its jurisdiction shall not be in order at a Meeting of the Committee of Adjustment.

10.5 Motion to Amend

- 10.5.1 A motion to amend:
- a) shall be presented in writing if requested by the Chair;
 - b) shall relate to the subject matter of the main motion;
 - c) shall not be received proposing a direct negative to the question; and
 - d) shall be put to a vote in reverse order to the order in which the amendments are made.
- 10.5.2 Only one motion to amend an amendment to the original motion shall be allowed and any further amendment must be to the original motion.

10.6 Motion to table

- 10.6.1 A motion simply to table is not debatable except where instructions are included, in which case, only the instructions shall be debatable. Such motion cannot be amended.
- 10.6.2 The matter tabled shall not be considered again by the Committee of Adjustment until a motion has been made to lift from the table the tabled matter at the same or subsequent Meeting.
- 10.6.3 A motion to lift a tabled matter from the table is not subject to debate or amendment.

10.7 Reconsideration

- 10.7.1 A resolution or any question or matter which has been adopted previously by the Committee of Adjustment may be reconsidered by the Committee of Adjustment subject to the following:
- a) a majority of the Committee of Adjustment agree to such reconsideration by Resolution. Only a Member who voted thereon with the majority may make a Motion to Reconsider;
 - b) such motion must be supported by two-thirds (2/3) of the Members present and voting in favour of such reconsideration before the matter is re-opened for debate;
 - c) debate on a motion to reconsider must be confined to reasons for or against the subject of the reconsideration;
 - d) if a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be voted on; and
 - e) a vote to reconsider a particular matter or decision will not be considered more than once during the term of the Committee of Adjustment.

10.8 Motion to recess

- 10.8.1 A motion to recess shall provide for the Committee of Adjustment to take a short intermission within a Meeting which shall neither end the Meeting nor destroy its continuity and after which, proceedings shall immediately resume at the point where they were when interrupted.

- 10.8.2 A motion to recess is not debatable, but it is amendable as to the length of the recess and is not in order when another motion is on the floor.

10.9 Motion to Adjourn

- 10.9.1 A motion to adjourn is not debateable or amendable and shall always be in order except:
- a) when another Member is in possession of the floor;
 - b) when a vote has been called;
 - c) when the Members are voting; or
 - d) when a Member has indicated to the Chair his desire to speak on the matter before the Committee of Adjustment.
- 10.9.2 A motion to adjourn, if carried, without qualification, will bring a Meeting or session of Committee of Adjustment to an end.
- 10.9.3 A motion to proceed beyond the hour of 1:30 PM:
- a) shall not be amended or debated;
 - b) shall always be in order except when a Member is speaking or the Members are voting; and,
 - c) shall require the support of two-thirds (2/3) of the Members present and voting.

Section 11 – VOTING ON MOTIONS

11.1 Unrecorded Vote

- 11.1.1 A simple majority vote of the Members present shall be followed. Recorded votes shall not be permitted.
- 11.1.2 The manner of determining the decision of the Committee of Adjustment on a motion shall be at the direction of the Chair and may be by voice, show of hands, standing, or otherwise.
- 11.1.3 Every eligible Member present at the Meeting, when the question is put, shall vote thereon unless disqualified under the Municipal Conflict of Interest Act to vote on the question.
- 11.1.4 Except where the Member is disqualified under the Municipal Conflict of Interest Act from voting, if a Member does not vote when a question is put, that Member shall be deemed to have voted in the negative.
- 11.1.5 A Member not in his seat when the question is called by the Chair is not entitled to vote on that question.
- 11.1.6 Each Member has only one vote.
- 11.1.7 The Chair shall announce the result of every vote.

Section 12 – CONDUCT OF THE AUDIENCE

- 12.1.1 Members of the public who constitute the audience in the Committee of Adjustment Place of Meeting, during a Meeting, shall respect the decorum of the Committee of Adjustment, maintain order and quiet and may not:
- a) address the Committee of Adjustment without permission;
 - b) interrupt any speaker or action of the Members or any person addressing the Committee of Adjustment;
 - c) speak out;
 - d) applaud;
 - e) behave in a disorderly manner; or
 - f) make any noise or sound that proves disruptive to the conduct of the Meeting.

- 12.1.2 Placards, signs, posters, etc. or any advertising devices shall not be permitted in the Place of Meeting.
- 12.1.3 The Chair may request that a Member or members of the public vacate the Place of Meeting if their behaviour is deemed to be disruptive to the business at hand.

12.2 Communication Devices

- 12.2.1 The use of cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media or members of the general public is permitted only with the approval of the Committee of Adjustment.
- 12.2.2 All communication devices shall be switched to 'silent' upon entering the location where any Committee of Adjustment Meeting is being held.

Section 13 – ADMINISTRATION

- 13.1.1 Unless the context otherwise requires, in this Procedural By-law the words used in the male gender shall include the female gender and the singular includes the plural, and vice-versa, as the context requires.
- 13.1.2 This Procedural By-law shall be administered by the Committee of Adjustment with the assistance of the Secretary-Treasurer.
- 13.1.3 This By-law may be cited as the Committee of Adjustment Procedural By-law.
- 13.1.4 This By-law shall come into full force and effect on its final passing.
- 13.1.5 That by-law No. 16-139 is hereby rescinded in its entirety.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 25th day of June, 2020.

Brent Devolin, Mayor

Victoria Bull, Clerk