



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 69-2023

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### Being a By-law to Adopt Terms of Reference for the Committee of Adjustment

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**Whereas** By-law No. 10-2016 was passed to re-establish the Committee of Adjustment and to authorize the delegation of approval authority for uncontested consent applications to the Director of Community and Development Services and to repeal By-law Nos. 6-70, 206-99 and 7-2000

**Whereas** Report No. COS-03-2023 was considered and approved at the Regular Council Meeting held on March 27, 2023, to update Terms of Reference for Committees of Council; and

**Whereas** it is deemed desirable to adopt Terms of Reference for the Committee of Adjustment;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Committee of Adjustment Terms of Reference attached to and forming part of this by-law as Schedule "A" are adopted and approved.
2. **That** the Clerk of the Town is delegated authority to affect administrative modifications to Schedule "A" that facilitate improvement of the Committee's effectiveness.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 24<sup>th</sup> day of April, 2023.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I, \_\_\_\_\_ Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 69-2023 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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## **Committee of Adjustment Terms of Reference**

### **1. Mandate and Objectives**

1.1. The mandate of the Committee is to operate independently of Council as a statutory body to consider applications for minor variances from the Town's Zoning By-law and to consider applications for consent, consent cancellation, validation of title, easements and extension or enlargement of legal non-conforming uses.

- a) As per By-law No. 10-2016, the Committee does not consider uncontested consent applications for leases, mortgages, and easements as that authority is delegated to the Director of Community and Development Services

1.2. The objectives of the Committee shall be as follows:

- a) Abide by the statutes and regulations of the *Planning Act, R.S.O. 1990, Chapter P.13*, as amended, or replaced from time to time, especially Sections 44, 45 and 53
- b) Provide for and conduct a fair hearing by observing the common law principles of natural justice
- c) Allow anyone wishing to speak to an application an opportunity to do so
- d) Give due diligence to the consideration of each application
- e) Openly discuss each application and make decisions in public
- f) Clearly state the reasons for a decision

### **2. Membership**

#### 2.1. Qualifications

- a) Members shall have access to a computer and an email address to receive meeting invitations and agenda packages with large files
- b) A good understanding of the Town of Fort Erie's Official Plan and Zoning By-law
- c) A good understanding of the *Planning Act, R.S.O. 1990, Chapter P.13* and Provincial Planning Policies

#### 2.2. Composition

- a) The Committee shall be comprised of seven (7) citizens
- b) Under Section 44 (5) of the *Act*, three (3) members shall constitute a quorum

#### 2.3. Term

- a) Committee members shall hold office concurrent with the term of Council, and shall continue until a new Council appoints new Committee members following an election

#### 2.4. Resignations and Vacancies

- a) Notices of resignation shall be submitted in writing to the Clerk's Office and the Secretary-Treasurer
- b) The Committee shall self solicit to fill vacancies during the Term

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- c) Applications to fill vacancies during the Term shall be forwarded to the Clerk for consideration and appointment by Council

### 3. Roles and Responsibilities

3.1. At the first meeting of the term, Committee members shall appoint a Chair, when the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Acting Chair.

#### 3.2. Chair and Vice-Chair

- a) Chair all regular meetings of the Committee and exercise authority, and perform duties as required
- b) Maintain decorum at each meeting and ensure that the Rules of Procedure are observed under By-law No. 36-2016 (Council Rules of Procedure), as amended or replaced
- c) Ensure that all committee members are provided with an opportunity to comment
- d) Provide guidance and leadership to the Committee in the completion of its mandate
- e) Vice-Chair shall assume all functions of the Chair in the Chair's absence

#### 3.3. Committee Members

- a) Attend meetings of the Committee (if unable to attend, notification should be sent to the Secretary and Staff Liaison as soon as possible before the meeting)
- b) Review agendas and materials before the meeting
- c) Contribute time, knowledge, skill and expertise to the fulfillment of the committee mandate

#### 3.4. Secretary-Treasurer, Committee of Adjustment

- a) Shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee
- b) Provide guidance and advice to the Committee in fulfillment of its mandate

#### 3.5. Planning and Development Services Staff

- a) Provide expert advice, technical reports, background information and recommendations to the Committee

### 4. Meetings

#### 4.1. Meeting Schedule

- a) Generally, the Committee will meet tri-weekly on Thursdays at 5:00 p.m. or as required to carry out its mandate

#### 4.2. Quorum shall comply with the *Planning Act*

#### 4.3. Rules of Procedure

- a) The Committee shall follow the Council's Rules of Procedure By-law, as amended or replaced, with modifications as necessary
- b) In the event of a conflict between the Terms of Reference and any by-law of the Town of Fort Erie, the Terms of Reference shall prevail

**4.4. Conduct**

- a) The Committee shall follow any policies of the municipality governing the ethical behaviour of members, in place from time to time

**5. Resources**

5.1. The Committee will have access to Council Chambers for meetings

**6. Remuneration**

6.1. Committee members are paid as per the relative By-law(s); for details, please inquire with the Secretary-Treasurer, Committee of Adjustment

**7. Terms of Reference**

7.1. The Committee shall review the Terms of Reference before the end of each term and make recommendations to Council through the Secretary-Treasurer or other Support Staff, as needed