THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW 2015-54

Being a by-law to govern the proceedings of the Committee of Adjustment.

WHEREAS the Council of The Corporation of the Township of Muskoka Lakes has established a Committee of Adjustment under Section 44 of the *Planning Act, R.S.O. 1990, c. P.13*;

AND WHEREAS a Committee of Adjustment is a local board as defined in the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS Subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires that every municipality shall pass a procedural by-law for governing the calling, place, and proceedings of meetings;

NOW THEREFORE the Council of the Corporation of the Township of Muskoka Lakes enacts the following:

1. DEFINITIONS IN THIS BY-LAW

(a) "Committee" means a group of individuals appointed by Council to the Township of Muskoka Lakes Committee of Adjustment.

(b) "Chair" means the Chair of the Committee of Adjustment appointed by the Members of the Committee of Adjustment.

(c) "Acting Chair" means the Acting Chair appointed by the Members of the Committee of Adjustment.

(d) "Member" means an individual appointed by Council to the Committee of Adjustment.

(d) "Secretary-Treasurer" means an employee of The Corporation of the Township of Muskoka Lakes appointed by the Committee of Adjustment.

2. GENERAL PROVISIONS

2.1 Location and Times of Hearing/Meetings

2.1.1 All meetings shall be held at the Municipal Building, 1 Bailey Street, Port Carling, Ontario, in the Council Chambers unless specified otherwise in the Notice of the Hearing.

2.1.2 All meetings shall be held as per Council and Standing Committee Meeting Schedule Policy or at the call of the Chair, as needed, with sufficient notice as required by the Planning Act and accompanying regulations.

2.2 Rules and Regulations

2.2.1 Subject to the requirements of the *Planning Act* and any other requirement of law, procedure shall be governed by the *Eleventh Edition of Robert's Rules of Order Newly Revised*, except as otherwise set out in this by-law.

2.2.2 Notwithstanding the above, the rules and regulations contained herein may be suspended by a two-thirds vote of the Members present at the meeting.

2.3 Absence of the Chair

2.3.1 In the case where the Chair does not attend within fifteen minutes after the time appointed for the meeting, the Acting Chair shall take the Chair.

2.4 Quorum

2.4.1 Where less than three members are present one half hour after the time appointed for a meeting of the Committee, the Secretary-Treasurer shall record the names of the members present and the meeting shall be adjourned.

2.4.2 A Member having a conflict of interest on one or more of the applications does not affect a quorum being present, however, at least two Members must be in agreement to make a decision on an application.

3. HEARING PROCEDURES

3.1 Decisions of the Committee must be based on the information presented to the Committee at the Hearing. Members must be present to hear all of the information given during the Hearing process and if not, then they may not take part in the decision making for the application(s).

3.2 Members should not discuss any application prior to the Hearing and any Member who has publicly voiced an opinion regarding the development of the lands or its owner shall disqualify himself or herself from the Hearing and leave the meeting room.

3.3 Planning Staff or their designate, shall read the Notice of Hearing to those present and indicate all submissions received regarding the application. Planning Staff shall present its recommendation on the application.

3.4 An applicant or applicant's agent is permitted to present the application and the merits thereof.

3.5 All individuals supporting the application, other than the applicant or the applicant's agent, may speak to the application.

3.6 All individuals or agents opposed to the application may speak to the application.

3.7 All persons must give their name and mailing address prior to speaking to the Committee.

3.8 All persons presenting to the Committee are limited to a maximum of five minutes, unless otherwise permitted by the Committee. The Committee may ask questions of the applicant, applicant's agent, any person making oral submissions, Planning Staff, and the Secretary-Treasurer.

3.9 The Committee shall provide the applicant, or the applicant's agent, with an opportunity to respond to any questions or comments raised by the Committee, any person making oral submissions, Planning Staff, and/or the Secretary-Treasurer.

3.10 Once a resolution on an application is read by the Chair, only Members of the Committee (including the Chair) or the Secretary-Treasurer and Planning Staff can speak on the matter, unless otherwise permitted by the Committee.

3.11 The Chair is permitted to vote in favour of or against the resolution and participate in any discussion regarding such.

3.12 A Hearing can be adjourned by a majority of the members of the Committee, at the request of the applicant, any person in opposition, any person who has an interest in an application or where there is insufficient or inaccurate information.

3.13 In the case of minor variances, Members of the Committee concurring with the decision of the majority of the Members of the Committee shall sign the Notice of Decision.

3.14 No Decision of the Committee on an application is valid unless it is concurred with by the majority of the members of the Committee that heard the application, and the decision of the Committee, whether granting or refusing an application, shall be in writing, and in the case of a Minor Variance shall set out the reasons for the decision, and shall be signed by the members who concur with the decision. A tie vote is deemed to result in a defeated/lost motion.

4. ADJOURNMENT OF A HEARING – FURTHER NOTICE

4.1 When a Hearing has been adjourned, any individual expressing an interest in the application shall be able to leave their name and address with the Secretary-Treasurer, and/or may submit a written request, should they wish to receive further Notice of the date of resuming the Hearing. The Notice may be given orally at the Hearing before it is adjourned to those persons physically present or may be by telephone or by electronic mail, if available.

5. GRANTING OF MULTIPLE MINOR VARIANCES

5.1 Where an application to grant more than one variance on the same application is made, the Committee may approve only certain variances. The Committee must give the reasons for those variances approved and reasons for those variances denied.

6. CONDUCT OF MEMBERS

6.1 The conduct of Committee Members is established by Township Council policy in association with its Procedural By-law.

7. POINTS OF ORDER AND PRIVILEGES

7.1 All matters pertaining to Points of Order and Privilege are governed by the *Eleventh Edition of Robert's Rules of Order Newly Revised* and shall be determined by the Chair.

8. AGENDAS

8.1 The Secretary-Treasurer, or their designate, shall prepare and make available to the Committee a minimum of three days prior to the appointed day for holding a Hearing/meeting, an agenda for the Committee of Adjustment meeting.

8.2 The format for the Committee of Adjustment meeting agendas shall be established by Township Council Policy.

8.3 As soon as a meeting has been called to order, the agenda as amended, if appropriate, shall be adopted by resolution.

8.4 The business of each meeting shall be taken up in the order in which it stands upon the agenda, unless otherwise determined by the Chair.

9. MINUTES

9.1 Minutes of the Committee of Adjustment shall record:

(a) The place, date, and time of the meeting.

(b) The names of the presiding Chair, attending Members and Staff.

(c) The adoption, reading (if requested by a member), and the correction of the minutes of prior meetings to verify their accuracy.

(d) All the resolutions, decisions, and other proceedings of the meeting without note or comment except the reasons for decisions.

(e) A brief summation of all submissions made at the Hearing.

2. That By-law 2006-133, By-law 2011-34, By-law 2012-107, and By-law 2013-25 are hereby repealed.

READ FOR A FIRST AND SECOND TIME this 12th day of June, 2015.

READ FOR A THIRD TIME and finally passed this 12th day of June, 2015.

Don Furniss,
Mayor

Cheryl Mortimer,
Clerk