

SCHEDULE "A" TO BY-LAW #3128 (2010)  
REMUNERATION PAID TO MEMBERS OF THE  
COMMITTEE OF ADJUSTMENT

1. The members of the Committee of Adjustment for the Town of Pelham shall be paid compensation as follows:

Chair/Acting Chair	\$65 per meeting
Members	\$60 per meeting
2. Mileage shall be paid to each member of the Committee of Adjustment as determined annually.

## SCHEDULE "B" TO BY-LAW #3128 (2010)

### POLICIES, PROCEDURES AND CONDITIONS FOR THE OPERATION OF THE COMMITTEE OF ADJUSTMENT FOR THE TOWN OF PELHAM

#### **Definitions**

1. (a) "Hearing" means the public meeting of the Committee of Adjustment held for the purpose of considering applications for minor variance and consents, pursuant to the provisions of the Planning Act.
- (b) "Meeting" means the proceeding of the Committee of Adjustment as a whole.
- (c) "Committee Chair" means the Chair of the Committee of Adjustment elected by the members of the Committee at a general meeting of the Committee.
- (d) "Hearing Panel" means the members of the Committee of Adjustment, in attendance at a hearing held for the purpose of considering one or more applications for minor variance or consent pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13.
- (e) "Hearing Chair" means a member of the Committee of Adjustment responsible for chairing a hearing, who shall be the Chair of the Committee, or in his/her absence a member of the Committee chosen by the hearing panel.
- (f) "Committee" means the members of the Committee of Adjustment.
- (g) "Member" means an individual appointed by the Council of the Town of Pelham to the Committee of Adjustment.
- (h) "Secretary-Treasurer" means the Secretary-Treasurer of the committee of Adjustment, duly appointed by the Committee as required by Legislation.
- (i) "Acting Secretary-Treasurer" means the Assistant Secretary-Treasurer of the Committee of Adjustment who is responsible for the duties of the Secretary-Treasurer in the absence of the Secretary-Treasurer.

#### **Calling of Meetings and Hearings:**

2. All meetings and hearings of the Committee of Adjustment, pursuant to Section 238(2) of the Municipal Act, as amended, shall be called by the Secretary-Treasurer or Chair of the Committee.
3. The Town of Pelham Committee of Adjustment shall operate under the rules established under Section 239(1) of the Municipal Act, 2001, as amended, with respect to closed session deliberations, when required.
4. The Secretary-Treasurer shall prepare and cause to be delivered an agenda to each member of the Committee together with copies of each application at least 14 days prior to the hearing. In addition, copies of each application will be circulated to the Regional and Town Planning and Public Works Departments.
5. In consultation with the Chair, the Secretary-Treasurer may cancel or reschedule a hearing.

#### **Location of Meetings and Hearings & Notice Provisions:**

6. All meetings and hearings of the Committee shall be held at the Town of Pelham Municipal Building. Notice shall be provided in accordance with the Planning Act and applicable Regulations, meeting dates shall be indicated on the Town of Pelham Meeting Schedule, posted on the Town's Website and included in all application packages.

#### **Quorum:**

7. Pursuant to Section 44(5) of the Planning Act where a committee is composed of more than three members, three members constitute a quorum.

### **Notice of Applications:**

8. (a) The notice of an application to be considered at a hearing shall be given in a manner that the Committee of Adjustment deems appropriate, in accordance with provisions of the Planning Act, as amended, and any applicable regulations thereunder.
  - (b) Notice of application procedures with respect to applications for validation of title and power of sale/foreclosure shall be the same as the procedures for consent applications except notice by mail to property owners within 60 meters of the subject lands is to be omitted.
  - (c) The Committee of Adjustment shall require, as part of its rules of procedure, that each applicant post an adequate sign on the subject property as a means of providing public notice of the proposed application in addition to the notice required by regulations under the Planning Act.
9. The Committee of Adjustment shall hold a public hearing on every application before a decision is made on the application.
  10. The Secretary-Treasurer shall forward all correspondence received from commenting agencies and/or interested parties at least two (2) working days prior to the meeting, wherever possible, and as soon as possible thereafter, to the scheduled hearing panel and to the applicants.

### **Hearing Procedures:**

10. (a) The hearing shall be called to order by the Chair.
- (b) The hearing panel shall disclose any pecuniary interest in any matter to be considered at the hearing.
- (c) The Chair shall call for any requests for deferral or withdrawal of an application.
  - (i) A request for deferral of an application to a later hearing date must be for reasonable cause.
  - (ii) The hearing panel may set a new hearing date for consideration of the deferred application.
  - (iii) The hearing panel may indicate requirements or conditions for deferral, such as re-notification, payment of rescheduling fee, amendment to the application or additional information to be submitted.
  - (iv) If any particulars concerning the application are discussed or if the correspondence has been read, the hearing panel is seized of the application.
- (d) The Hearing Chair or Secretary-Treasurer shall call each application in an order determined by the agenda or in an order determined by the hearing panel.
- (e) The Hearing Chair shall ask the applicant, authorized agent and/or the applicant's representative (hereinafter referred to as the "applicant") to introduce him/herself to the panel.
- (f) The Hearing Chair shall request the Secretary-Treasurer to provide the applicant with a photostatic copy of correspondence received from agencies, residents and others who responded to the circulation of the notice of an application, and further, enter comments received into the record by reading aloud such correspondence for the benefit of all parties in attendance, at the discretion of the Chair.
- (g) The hearing panel may ask questions of the applicant, including whether or not the applicant understands the conditions requested and whether the applicant has any questions or comments on same.
- (h) The Hearing Chair shall invite all persons having an interest in the application to come forward, state their name and address for the record and advise the hearing panel of their positions. The hearing panel may ask questions of those persons expressing an interest. All comments and questions shall be addressed through the Chair.

- (i) The Hearing Chair shall give the applicant the opportunity to respond to any comments received from commenting agencies or interested persons.
- (j) After having considered the issues raised by the applicant and any other persons and the evidence heard at the hearing, the Hearing Chair shall ask the members of the hearing panel for a decision with respect to the disposition of the application. Once this occurs, the public input portion of the hearing shall be concluded.
- (k) Hearing panel members concurring in the decision shall sign the decision at the hearing. All hearing panel members must make a decision on the applications being considered, and may not abstain from voting unless they have disclosed a pecuniary interest in the application at hand.

**Conduct of Meetings, Hearings, Members and Staff:**

- 11. The conduct of meetings, hearings and members with respect to matters not specifically addressed in this By-law, generally shall be in accordance with the Statutory Powers Procedures Act, R.S.O. 1990, c.S.22, as amended, and the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended. Conduct not covered by these Acts will be in accordance with "Meeting Procedures, Parliamentary Law and Rules of Order for the 21<sup>st</sup> Century", James Lochrie.
- 12. The Secretary-Treasurer shall prepare and retain for the Committee of Adjustment a record or minutes of each hearing containing a summary of the verbal representations made to the hearing panel, together with a copy of all correspondence considered at the hearing. A copy of the minutes is to be circulated to the Town of Pelham Planning Department, the Regional Planning and Development Department and the hearing panel.
- 13. The Secretary-Treasurer shall be required to carry out the duties as prescribed in the Planning Act, R.S.O. 1990, c.P.13, as amended. Nothing in this by-law shall prevent the Council of the Corporation of the Town of Pelham from entering into an agreement with other municipalities to share the services of a Secretary-Treasurer.
- 14. The Secretary-Treasurer shall not give advice respecting any principles of Planning Law.

**Policies of Local Boards:**

- 15. Pursuant to Section 270(2) of the Municipal Act, 2001, the Committee of Adjustment shall comply with the policies adopted by the Corporation of the Town of Pelham, if required, for the sale and other disposition of land, hiring of employees, procurement of goods and services, any applicable Code of Conduct, and other such policies as may be determined and directed by Council from time to time.