



**Municipality of Middlesex Centre  
BY-LAW 2024-049**

**Being a By-law of the Corporation of the Municipality of Middlesex Centre to provide rules for governing the Order and Procedure of the Committee of Adjustment of the Municipality of Middlesex Centre**

**WHEREAS** the Council for the Corporation of the Municipality of Middlesex Centre now deems it advisable to enact a by-law to govern the proceeding of the Municipality of Middlesex Centre Committee of Adjustment, the conduct of its Members and the calling of Meeting, 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;

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

**AND 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;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Municipality of Middlesex Centre enacts as follows:

1. A Committee of Adjustment for the Municipality of Middlesex Centre is hereby established;
2. The Municipality of Middlesex Centre Council hereby delegates to the Committee of Adjustment the authority to hold any necessary Meetings and decide whether to grant any application for minor variance or consent application, including the power to impose conditions, and this authority shall be exercised in accordance with the Act, any regulations thereunder and this By-law;
3. The committee shall comply with any applicable legislation and regulations under the Act and shall abide by the policies and procedures set out in Schedule A attached hereto.

**AND THAT** this by-law shall come into force when it is passed and enacted by Council.

**PASSED AND ENACTED** this 5<sup>th</sup> day of June, 2024.

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Aina DeViet, Mayor

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James Hutson, Municipal Clerk

## Committee of Adjustment Order and Procedure

### 1. Purpose

The purpose of the Order and Procedure By-law is to provide the rules for governing the conduct of its members and citizens who attend meetings as well as outline processes and procedures pertaining to the Committee of Adjustment. The Committee of Adjustment is a quasi-judicial body, operating independently from Council, which must comply with rules of procedures as prescribed in the *Planning Act, R.5.0. 1990*, as amended and several regulations thereunder. The Committee of Adjustment is guided by applicable legislation, provincial policy, the Official Plan and appropriate zoning by-laws and codes.

### 2. Scope

The Committee of Adjustment for the Municipality of Middlesex Centre shall have all statutory duties listed under Sections 44, 45 and 53 of the Planning Act, R.S.O.1990, Chapter P.13, as amended (hereinafter 'the Act').

Committee of Adjustment members consider minor variances from the Zoning By-law and determine the viability of applications for consent (land division). These decisions are made by:

- Reviewing, in the case of minor variances, the four tests as laid out in the Planning Act as:
  - Being minor in nature;
  - Being desirable for the appropriate development of use of the land, building or structure;
  - Maintaining the general intent and purpose of the zoning by-law; and
  - Maintaining the general intent and purpose of the official plan;
- Having regard, in the case of consents, to matters under Section 51 (24) of the Planning Act;
- Being consistent with the Provincial Policy Statement and matters of provincial interest.

### 3. Definitions

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

- 3.1. "Agent" shall mean any person authorized in writing by the owner(s) of any land, building or structure for which an Application is made;
- 3.2. "Applicant" shall mean the Owner of the property that is the subject of the Planning Application.
- 3.3. "Application" shall mean an application made under the Planning Act, R.S.O. 1990, C.P. 13, for minor variances (Sec. 45 (1,2 and 3)), or an application for consent (Sec. 53 (1)), or and application for validation of title (Sec. 57 (1));
- 3.4. "Chair" shall mean the Chair of the Committee of Adjustment of the Corporation of the Municipality of Middlesex Centre;
- 3.5. "Committee of Adjustment" shall mean the group of individuals appointed by the Council of the Municipality of Middlesex Centre to the Committee of Adjustment pursuant to the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended;

- 3.6. "Clerk" shall mean the Clerk of the Municipality of Middlesex Centre and includes the Deputy Clerk and any official of the Municipality appointed by Council to exercise the power of the Clerk in the absence of the Clerk or Deputy Clerk;
- 3.7. "Council" shall mean the Council of the Municipality of Middlesex Centre;
- 3.8. "Delegation" shall mean any person, group of persons, firm or organization, who is neither a member of council nor an appointed official of the Municipality and who is speaking to a Committee of Council;
- 3.9. "Electronic Meeting" shall mean a Meeting called and held via electronic means (including, but not limited to, audio teleconference, video teleconference, or via mean of the internet), and with or without in-person attendance;
- 3.10. "Inaugural" shall mean the first meeting of the term of the Committee of Adjustment
- 3.11. "Meeting" shall mean any Meeting of the Committee of Adjustment held in accordance with the provisions of this Procedural By-law;
- 3.12. "Member" shall mean an individual appointed by by-law of the Council of the Municipality of Middlesex Centre to the Committee of Adjustment;
- 3.13. "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;
- 3.14. "Pecuniary Interest" shall mean a direct or indirect financial interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as amended;
- 3.15. "Public Meeting" hereinafter called "meeting(s)"; shall mean the proceeding of the Committee of Adjustment as a whole;
- 3.16. "Public Notice" means the public notice of an Application as prescribed by the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 3.17. "Quorum" shall mean a majority of all Members present, in accordance with the Planning Act, who are required to be present at a Meeting in order for business to be conducted;
- 3.18. "Resolution" shall mean a formal decision or intention by the Committee of Adjustment;
- 3.19. "Secretary-Treasurer" shall mean the Secretary-Treasurer of the Committee of Adjustment appointed under Section 44(8) of *the Planning Act, R.S.O. 1990, c.P. 13, as amended*;

#### **4. Composition**

- 4.1. The committee shall be composed of five (5) members selected from the current Middlesex Centre Council. The following members of Council shall be appointed to the Municipality of Middlesex Centre Committee of Adjustment:
  - Councillor Ward 1
  - Councillor Ward 2
  - Councillor Ward 3
  - Councillor Ward 4
  - Councillor Ward 5

- 4.2. The term of the Committee shall run concurrently with the Term of Council or until such time as successor(s) are appointed.
- 4.3. Should a Council member's seat become vacant, their seat on the committee shall also become vacant and the individual filing the said Council vacancy shall fill the vacancy on the committee.
- 4.4. The Committee of Adjustment at its inaugural meeting shall elect one committee member as Chair, and in the chair's absence, the Committee shall appoint another member as the acting chair.
- 4.5. The Chair shall serve for a period of (1) year, or until such time as a successor is appointed
- 4.6. The Deputy Clerk shall act as the Secretary Treasurer for the Committee of Adjustment.

## **5. Calling of Meeting**

- 5.1. All Meetings of the Committee of Adjustment shall be called by the Secretary-Treasurer of the Committee of Adjustment and notice of any Meeting shall be given by pre-paid first-class mail and posting of a notice sign or in a manner that the Committee of Adjustment deems appropriate and in accordance with applicable regulations.
- 5.2. Committee Meetings will be held at the municipal office of the Municipality of Middlesex Centre unless otherwise ordered by the Secretary-Treasurer.
- 5.3. The location and timing of all Meetings of the Committee of Adjustment shall be identified on the Notice of Public Meeting as circulated by municipal staff.
- 5.4. The Secretary-Treasurer shall prepare a schedule of Meetings on an annual basis.
- 5.5. Except as otherwise noted on the meeting agenda and the meeting calendar, the Committee shall meet at 3:30 p.m. on the third Wednesday of every month, as needed or as determined by the Secretary-Treasurer.
- 5.6. Where it is determined by the Secretary-Treasurer, in consultation with the Chair, that there are insufficient agenda items for a Meeting, the Secretary-Treasurer shall cancel the Meeting.
- 5.7. Notwithstanding any other provision of this by-law, a meeting of the Committee of Adjustment may be conducted by Electronic Meeting where deemed appropriate by the Secretary-Treasurer, in consultation with the Chair.
- 5.8. Members shall be provided with the Meeting agenda five (5) days prior to the Meeting, after which it shall be posted to the municipality's website.

## **6. Electronic Meeting**

- 6.1. Electronic meetings shall be governed by the Procedural By-law of the Municipality of Middlesex Centre with necessary modifications as judged by the Secretary-Treasurer in consultation with the chair.

## **7. Adjournment – Due Hour**

- 7.1. Regular or Special Meeting of the Committee of Adjustment shall adjourn at the hour of 5:00 p.m., if in session at that time, and shall reconvene at such other day and time as the Committee of Adjustment, by resolution, may direct.
- 7.2. 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.

## **8. Minutes**

- 8.1. The minutes of every Meeting shall be recorded by the Secretary-Treasurer and submitted for adoption at the next Committee Meeting.
- 8.2. When the minutes have been adopted, the chair and Secretary-Treasurer shall sign them.

## **9. Rules of Order**

- 9.1. The Committee will, where any cases arise that are not covered by these procedures, be governed by the Procedural By-law of the Municipality of Middlesex Centre with necessary modifications as judged by the Secretary-Treasurer in consultation with the chair.
- 9.2. In the event of a conflict between this by-law and the Planning Act, the Planning Act prevails.
- 9.3. Applicants and public delegations shall have a maximum of five (5) minutes for which to speak regarding an application.
- 9.4. In accordance with the Planning Act, all decisions of the Committee must be made by the majority of the members present at a Meeting.
- 9.5. The sections of the Procedural By-law relating to reconsiderations and notices of motion do not apply to the Committee.

## **10. Order of Business**

- 10.1. The Secretary-Treasurer, in consultation with the chair, shall have discretion to prepare an agenda containing the following:

- Call to Order
- Disclosure of pecuniary interest and general nature thereof
- Approval of minutes
- Order of Proceedings Overview
- Requests for withdrawal or deferral of applications
- Current applications
- Adjournment

- 10.2. Order of Proceedings

The procedure will be the same for each application and the order is as follows:

1. The Chair will ask the Planner to explain the purpose of the application and Meeting and to present the staff report.
2. The Applicant or their Agent has the opportunity to speak to their application.

3. The public who have registered to speak or are in attendance will be asked for their comments; please state your name so that it can be noted in the meeting minutes.
  4. The Planner will note additional comments received from circulated agencies and the public not included in the Planning report.
  5. The Committee may then ask questions of the applicant and/or staff.
  6. The Chair will then consider motions regarding the applications.
- 10.3. The Committee may consider each application in the order in which it appears on the agenda or may change the order at the chair or Secretary-Treasurers discretion.

## **11. Quorum and Voting**

- 11.1. A minimum of three (3) members shall present to constitute a quorum.
- 11.2. The inability of a member to act due to a declared conflict does not impair the powers of the committee or of the remaining members.
- 11.3. If no quorum is present fifteen (15) minutes after the time appointed for a Meeting of the Committee, the Secretary-Treasurer shall record the names of the members present and the meeting will stand adjourned until the next appointed time.

## **12. Title**

- 12.1. This By-law shall be known as the Order and Procedure of the Committee of Adjustment of the Municipality of Middlesex Centre By-law