



Meeting Date: June 5, 2024

Prepared By: Megan Kamermans – Deputy Clerk

Submitted by: Megan Kamermans – Deputy Clerk

Report No: CLK-03-2024

Subject: Committee of Adjustment Order and Procedure

Recommendation:

THAT Council receive Staff Report CLK-03-2023, entitled “Committee of Adjustment – Order and Procedure By-law”;

AND THAT Council approve the draft by-law appended as 2024-049;

AND THAT Council approve the draft appointing by-law appended as 2024-050;

AND FURTHER THAT Council direct staff to proceed with the establishment of a separate Committee of Adjustment.

Purpose:

Currently, the process for Committee of Adjustment (hears, and issues decisions) as it relates to minor variance applications is done through Middlesex Centre Council, as per Section 45 of the Planning Act.

To date, Council has retained decision-making authority pertaining to Consent applications and as a body sits as the Committee of Adjustment. With the expanding volume and complexity of matters for Council to address, it is recommended that council delegate its decision-making authority for Minor Variance and Consent applications to a separate Committee of Adjustment panel. This approach is consistent with that of many other municipalities in Ontario.

As a separate Committee with delegated approval authority from Council, it is prudent that the Committee have an Order and Procedural By-law that provides a framework for how it functions and operates. This will provide operational clarity and structure to both Committee members and municipal staff who assist the Committee (i.e. Secretary-Treasurer). Failure to pursue a Procedural Bylaw for the municipalities Committee of Adjustment would result in ambiguity regarding the terms and conditions under which the Committee operates.

Background:

The Committee of Adjustment is a quasi-judicial board established in accordance with Section 44 of the Planning Act. The Committee is responsible for making decisions on consent applications, minor variance applications and other technical matters set out by the provisions of the Planning Act.

The approvals granted by the Committee allow residents to accommodate changing household needs through renovations or new construction, facilitate gentle intensification in neighbourhoods, enable investment and the evolution of the municipality in other ways. The Committee of Adjustment is also often the first and only touchpoint many community members will have with a development approval process and allows applicants of all levels of experience to have small projects receive the necessary approvals for compliance in a relatively quick and accessible manner.

Over the last 5 years alone, the Committee has heard over 150 Minor Variance applications and 125 Consent applications. Up to this point and time, the Committee of Adjustment has not had the benefit of their own “Procedural By-law” and were functioning through legislation of the Planning Act and Municipal Procedural By-law.

Analysis:

The draft Order and Procedure By-law is attached as Attachment A1 of this report along with the draft Schedule of meetings which is attached as Attachment A2 and the draft Appointment by-law which is attached as Attachment A3. The procedural by-law includes guidance on the following matters: definitions, composition, the Calling of Hearings, Electronic Hearings, Adjournment, Minutes, Rules of Order, Order of Business, Quorum and Voting.

The introduction of a separated Committee of Adjustment will provide public benefit as applicants will attend only for the purpose of those specific planning applications. Currently, applicants are required to attend the full meeting of council and can wait upwards of 1+ hour for applications to be heard.

This will also improve the predictability of when an application will be heard. Not only will this separation provide public benefits, it will also provide resourcing and cost savings by requiring a reduced number of staff to be present due to the fact that the meeting is not part of regular Council (i.e. CAO/certain Directors and Managers). Other benefits of this separation include a balancing of workload for the Mayor/Deputy Mayor and will allow for management of expected future increases in application numbers as well as form a foundation for what we call adjudicative committees (for example: court of revision, property standards and by-law).

The main change is that the composition of the new committee being proposed will consist of the five ward council representatives. This group will meet independent from council and exercise their decision-making authority on Committee of Adjustment applications on behalf of Middlesex Centre. As outlined above, the attachments provide the overview of the appointment process for the council representatives and overall governance for this new committee to meet.

Financial Implications:

There are administrative costs associated with the facilitation of Committee meetings which are accounted for as part of the annual operating budget process.

Strategic Plan:

This matter aligns with following strategic priorities:

- Responsive Municipal Government

Objective 5.3 – Foster a culture of innovation, continuous improvement, and cost-effective service delivery

Attachments:

A1 – DRAFT Committee of Adjustment Order and Procedure By-law

A2 – DRAFT Meeting Schedule

A3 – DRAFT Committee of Adjustment Appointing By-law