

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 255-2022**

**A By-law to amend City of Vaughan By-law 069-2019, being a By-law to establish procedures for the City of Vaughan Committee of Adjustment.**

**WHEREAS** the Committee of Adjustment has been established by City Council on July 5, 1948 and operates under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended;

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place, and proceedings of Meetings;

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c. 25, as amended, requires a code of conduct for members of Council and its local boards as of March 1, 2019;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan hereby ENACTS AS FOLLOWS:

1. That By-law 069-2019, as amended, by adding the following under PART 1:

DEFINITIONS:

- j) “Electronic Meeting” shall mean a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance.
- k) “Electronic Meeting Participation” shall mean the participation of a Member remotely, via electronic means, who shall have the same rights and responsibilities as if the Member was in physical attendance.
- l) “Electronic Meeting Platform” means an application or digital platform used to allow participants to attend a meeting via the internet, examples include, but are not limited to, Zoom and Microsoft Teams.
- m) “Electronic Signature” means an electronic symbol or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

- n) "Hybrid Meeting" means a meeting at which participants may be attending both in-person or via an Electronic Meeting Platform.
2. That By-law 069-2019, as amended, be further amended adding Sections 3.4, 3.5, 3.17 and 3.18, 3.21, 3.26 under PART 3: MEETINGS - GENERAL to read as follows:
- 3.4 Where possible, the Secretary Treasurer shall arrange for all Meetings to be Hybrid.
- 3.5 The Secretary Treasurer shall facilitate Hybrid Meetings by emailing necessary credentials to all participants to connect to the Electronic Meeting Platform through either the internet or by telephone.
- 3.17 To facilitate Hybrid Meetings, the Chair shall attend the Meeting in person. If the Chair cannot be physically present at the Meeting, the Vice Chair shall discharge the duties of Chair during the Meeting or until the arrival of the Chair. If the Chair and Vice-Chair cannot be physically present at the Meeting, the Members shall elect an acting Chair and he/she shall discharge the duties of the Chair during the Meeting or until the arrival of either the Chair or Vice- Chair.
- 3.18 Where a Meeting of the Committee is fully electronic, without in person attendance, the Chair can participate remotely.
- 3.21 Members attending electronically, or in-person shall be counted for purposes of quorum and shall be entitled to vote as if they were attending the Meeting in person.
- 3.26 Any Member participating electronically, that discloses direct or indirect pecuniary interest shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question.
3. That By-law 069-2019, as amended, be further amended by repealing section 3.16 and replacing it with the following:
- 3.16 The Chair shall preside at every Meeting and shall perform the responsibilities of Chair as provided in the Committee of Adjustment Terms of Reference attached as "Schedule A".
4. That By-law 069-2019, as amended, be further amended by adding Sections

4.1.b), 4.4, 4.5, 4.6 and 4.7 under PART 4: MEETINGS PROCEDURES to read as follows:

4.1.b) Perform Indigenous Land Acknowledgement as approved by Council;

4.4 Members of the public that want to address the Committee on an Application, either electronically or in person, shall submit a request to speak form to the Secretary Treasurer.

4.5 Members of the public participating in a meeting electronically shall submit a request to speak form by 12:00 noon on the last business day prior to the scheduled hearing.

4.6 Despite Section 4.5 the Secretary Treasurer shall make reasonable effort to accommodate public participation in a meeting electronically.

4.7 Members of the public participating electronically shall call into the Meeting, using the call details provided by the Secretary Treasurer.

5. That By-law 069-2019, as amended, be further amended by adding Section 5.2 and 5.5 under PART 5: CONDUCT to read as follows:

5.2 Members shall perform the responsibilities of Members as provided in the Committee of Adjustment Terms of Reference attached as "Schedule A".

5.5 Any member of the public participating electronically shall mute their device and disable camera/video function until called by the Chair to speak.

6. That By-law 069-2019, as amended, be further amended by repealing the words "Committee of Adjustment Code of Conduct" and replacing with words "Code of Ethical Conduct for Members of Council and Local Boards" in section 5.3 under PART 5: CONDUCT.

7. That By-law 069-2019, as amended, be further amended by repealing the word "person" and replacing with words "member of the public" in section 5.6 and 5.7 under PART 5: CONDUCT.

8. That By-law 069-2019, as amended, be further amended by adding Sections 7.4, 7.6, 7.7 and 7.8 under PART 7: MOTIONS & VOTING to read as follows:

7.4 The Chair shall verbally confirm any Members opposed to the Motion and confirm that the Motion has passed.

- 7.6 A single motion to approve all applications that do not require separate discussion may be made provided if the following criteria for approving items not requiring separate discussion have been met:
- a) A Zoning Review has been completed, based on the Applicant's submission materials, confirming conformity with the Zoning By-law;
  - b) Formal comments have been provided by Development Planning & Development Engineering recommending approval of the Application;
  - c) Staff and agency comments received recommend approval of the Application;
  - d) The Application has not been previously adjourned by the Committee;
  - e) There are no public written submissions in objection to the proposal; and
  - f) There are no public, staff, or Member requests to speak on the Application.
- 7.7 Prior to a motion to approve items not requiring separate discussion, the Chair shall ensure the criteria outlined in 7.6 have been met.
- 7.8 A motion to approve items not requiring separate discussion shall reference all applicable Application numbers and the respective subject land.
9. That By-law 069-2019, as amended, be further amended by repealing "4 p.m." and replacing with words "12:00 noon" in section 8.1 under PART 8: PUBLIC ORAL & WRITTEN SUBMISSIONS.
10. That By-law 069-2019, as amended, be further amended by adding Section 8.2 under PART 8: PUBLIC ORAL & WRITTEN SUBMISSIONS to read as follows:
- 8.2 Despite Section 8.1, the Secretary Treasurer will make reasonable effort to provide the Committee with all public written submissions at the start of the Hearing.
11. That By-law 069-2019, as amended, be further amended by adding Section 10.7 under PART 10: ADMINISTRATION to read as follows:
- 10.7 Members of the Committee shall use electronic or wet signatures to sign

decisions. All electronic signatures shall be in accordance with applicable City of Vaughan approved terms of use.

12. That By-law 069-2019, as amended, be further amended by adding the word “electronically” after the word “shall” in section 10.12.
13. That By-law 069-2019, as amended, be further amended by adding the words “electronic or wet” before the word “signature” in section 10.14.

Enacted by City of Vaughan Council this 29<sup>th</sup> day of November, 2022.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

## SCHEDULE A

### Committee of Adjustment - Terms of Reference

#### 1.0 Mandate

The Committee of Adjustment (the 'Committee') is an administrative, statutory tribunal which operates independently and is autonomous from City Council.

It derives its jurisdiction and authority from the [Planning Act, R.S.O. 1990, c. P.13 \(the 'Planning Act'\), which enables City Council to establish one.](#) The Committee of Adjustment is enabled by the [Procedure By-law 069-2019](#) and is governed by the within Terms of Reference, which are approved by Council.

Specifically, the Committee of Adjustment is intended to hold public hearings for the purposes considering and making decisions with respect to:

- Minor Variances from the provisions of the Zoning By-law;
- Permissions, which include with enlargements or extensions of a structure that may be legally non-conforming, or a change in non-conforming use;
- Consents; and
- Validation of Title and Power of Sale.

The Committee of Adjustment and its application process is separate and distinct from other municipal development approval processes (i.e., Building Code). These processes may run concurrently.

#### 2.0 Enabling Legislation: The Planning Act

**Section 44:** The Council of a municipality may constitute and appoint a Committee of Adjustment.

**Section 45:** A Committee of Adjustment is empowered to grant minor variances from the City of Vaughan's Zoning Bylaw, and to dispense other forms of permissions, such as expanding or changing a legal non-conforming use.

**Section 54:** The authority for the granting of consents under Section 53 with respect to land situated in the City of Vaughan (ie. to sell, sever or mortgage a portion of land; to enter into an agreement or lease for a period of 21 years or more, etc.). The requirement for this consent is to ensure development occurs in a controlled and consistent manner, and that proper servicing is in place.

The Regional Municipality of York has delegated to Council the authority for giving consents under Section 53 of the Planning Act. Section 54 of the Planning Act, Council may in turn by By-law delegate the authority to grant consents to a Committee of Adjustment.

#### 3.0 Appointment Process/Recruitment

The appointment of Committee Members shall be held after the municipal election in accordance with the City's Corporate Policy for Council-Appointed Committees.

One information session is to be held prior to the appointment process. This session shall provide the public and potential applicants with the information regarding the mandate and responsibilities of the Committee, the governance structure and the various roles on the Committee.

#### 4.0 Recommended Term Limits

Members of the Committee of Adjustment are appointed for a four (4) year term that corresponds with the term of Council. Members of the Committee shall hold office until their successors are appointed or are eligible for reappointment.

To facilitate good governance and succession planning, it is recommended that a Member not exceed three (3) consecutive terms.

Where a member ceases to be a member before the expiration of their term, Council shall appoint another eligible person for the unexpired portion of the term.

## **5.0 Meetings**

Meetings are governed by Part 3 of the Procedure By-law 069-2019. Members of the Committee shall be scheduled to attend meetings by the Secretary Treasurer. To facilitate quorum, no fewer than three members shall be in attendance at each meeting.

Frequency of meetings shall be held at the discretion of the Secretary Treasurer. An annual schedule of meetings shall be provided by January 1 each year, which may be amended as required to facilitate business requirements in accordance with applicable legislation.

## **6.0 Qualifications**

Consideration shall be given to inclusion of the following qualifications during the appointment process:

- a strong interest in the complexities and challenges of city building;
- an understanding of the diverse neighbourhoods and communities across the City;
- knowledge in one or more areas of law, planning, architecture, government, economic development, community development, land development, urban forestry and environmental planning, or citizen engagement and advocacy;
- demonstrated decision-making, communication and mediation skills to facilitate an open and fair hearing process whereby members are impartial when fulfilling responsibilities;
- adjudication experience and administrative public speaking and organizational skills to be able to chair public hearings and maintain order in conflict situations;
- Access to a computer and an e-mail address to receive and respond to Committee communications and information, including hearing and application notices and agenda packages with large text and graphics files;
- Ability to attend evening meetings; and
- Ability to conduct site visits across the City of Vaughan.

## **7.0 Responsibilities of Members**

The Members shall :

- Operate under the City's Procedural By-law; as well as other City policies and procedures where applicable;
- Adhere to the Municipal Conflict of Interest Act and clearly identify any items of pecuniary interest before they are discussed and refrain from discussing and voting on same;
- Perform duties in a manner that maintains and enhances public confidence in the integrity, objectivity and impartiality of the City;
- Be professional, courteous and respectful with other members, Council, administration and the general public. In doing so will not publicly criticize Elected Officials, administration or other members;
- Maintain confidentiality when necessary, and ensure personal information controlled by the City is used or disclosed in compliance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
- Strive to attend all scheduled meetings and advise in advance when unable to attend (to determine if there is going to be a quorum);
- Prepare for meetings by reading agendas and any background information supplied and by actively participating in the discussion and decision making process;

- Undertake any work assigned, including site visits and research, between meetings;
- Respect that actions taken and/or recommendations shall reflect the majority view of the committee.

## **8.0 Responsibilities of Chair**

The responsibilities of the Chair shall include:

- Facilitate the meeting by identifying the order of proceedings and speakers according to the published agenda or as modified during the hearing;
- Maintain decorum and ensure fairness and accountability;
- Generally, refrain from participation in the discussion until all members have had an opportunity to speak to the matter;
- Refrain from making decisions. The Chair can only run a meeting in a fair and efficient manner when the will of the majority prevails after the minority has had a fair chance to present its point of view;
- Represent the views of the committee and not personal views; and
- Attend meetings in person to facilitate Hybrid meetings. In the event that the Chair cannot attend the meeting in person, the Vice Chair or Acting Chair is to attend in person.

## **9.0 Responsibilities of the Secretary Treasurer**

The responsibilities of the Secretary Treasurer shall include:

- Facilitate the Committee of Adjustment process by ensuring that all regulations under the Ontario Planning Act are adhered to;
- Prepare for the provision of notices of applications/decisions, minute taking, issuance of certificates and ensuring that all municipal procedural matters are complied with during Committee of Adjustment meetings;
- Provide guidance and advice and remain impartial during discussions of committee matters with all members;
- Prepare any necessary reports for Council's consideration; and
- Ensure that any recommendations proposed by the committee do not contradict the City's budget, by-laws or policies and procedures.

## **10.0 Guidelines Regarding Electronic Participation & Best Practices**

- Test technology and internet connection prior to the hearing;
- Ensure that background is professional and work appropriate;
- Speak to the camera not the screen;
- Dress appropriately;
- After joining the meeting, be aware that the Meeting is now in a public forum, govern discussion accordingly;
- Limit other household members from being visible on the screen during the Meeting;
- After speaking upon entry, remain on mute until the Meeting begins;
- Don't interrupt other people, where possible, please raise electronic hand to indicate when you want to speak on a matter;
- Don't multitask during the meeting, be present and focused on subject matter being discussed;
- Speak clearly; and
- Where possible, use a headset to block out background noise.