

ATTACHMENT #1

***THE CITY OF VAUGHAN***

***BY-LAW***

**BY-LAW NUMBER XXX-2019**

**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 pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended;

**AND WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25 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 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:

**PART 1: DEFINITIONS**

1.0 In these Procedures, unless the context requires otherwise:

- a. **"Act"** means the Ontario *Planning Act*, R.S.O. 1990, c. P.13, as amended or superseded.
- b. **"Agent"** means any person authorized in writing by the owner.
- c. **"Applicant"** means the owner(s) of any land, building or structure affected by any By-law that is passed under section 34 or 38 of the *Planning Act*.
- d. **"Application"** means an Application made to the Committee under Section 45, 53 and 57 of the *Planning Act*.
- e. **"Application Fee"** means the applicable processing fees as approved by Council under the City of Vaughan By-law for Fees and Charges under the *Planning Act* for Committee of Adjustment Applications.
- f. **"Chair"** means the Member elected as Chair of the Committee pursuant to the Act.
- g. **"City"** means the Corporation of the City of Vaughan.
- h. **"Committee"** means the Committee of Adjustment of the City appointed by Council pursuant to the Act.
- i. **"Council"** means the Council of the City of Vaughan.

- j. **“Meeting”** means a gathering of the Committee where Quorum is achieved and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Committee.
- k. **“Member(s)”** means the person(s) appointed by Council to be a Member(s) of the Committee pursuant to the Act.
- l. **“Public Notice”** means the public notice of an Application as prescribed by the Planning Act.
- m. **“Quorum”** means a minimum of three (3) Members required to be present at any Meeting in order for business to be conducted.
- n. **“Secretary Treasurer”** means the Secretary Treasurer for the Committee appointed pursuant to the Act, or the Assistant Secretary Treasurer as the case may be.
- o. **“Vice Chair”** means the Member elected as acting chair of the Committee pursuant to the Act.

## **PART 2: APPLICATION**

- 2.1 The procedures contained in this By-law shall be observed in all proceedings of the Committee of Adjustment and shall be the procedures for the order and dispatch of business conducted by the Committee.
- 2.2 Procedural matters not governed by the provisions of this by-law shall be governed by the provisions of the City of Vaughan Procedural By-law 7-2011 governing Council and Committees of Council.
- 2.3 In the event of a conflict between this By-law and the *Planning Act*, the *Planning Act* prevails.

## **PART 3: MEETINGS - GENERAL**

### **Calling of Meetings**

- 3.1 All Meetings shall be called by the Secretary Treasurer and notice of any Meeting shall be given in accordance with the Act and applicable regulations.
- 3.2 Except in accordance with the provisions of the Municipal Act and the Statutory Powers Procedure Act all Meetings of the Committee shall be open to the public.
- 3.3 A motion to close a Meeting or part of a Meeting in accordance with the Municipal Act shall state:
  - a) The fact of the holding of the closed Meeting and the general nature of the matter to be considered.
- 3.4 A meeting of the Committee may also be closed to the public provided that both of the following conditions are satisfied:
  - a) The meeting is held for the purpose of educating or training the members; and
  - b) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Committee.

- 3.5 A Meeting shall not be closed to the public during the taking of a vote except as provided for in the Municipal Act.

### **Location of Meetings**

- 3.6 The location of all Meetings shall be identified on the Public Notice required to be circulated by the Secretary Treasurer pursuant to the Act and any applicable City By-laws.

### **Composition**

- 3.7 The Committee shall be composed of 5 (five) Members as appointed by Council.

### **Election and Role of Chair**

- 3.8 The members of the Committee, annually at the first Meeting in January, shall elect one (1) member as the Chair and one (1) member as the Vice-Chair.

- 3.9 In the absence of the Chair, the Vice Chair shall chair the Meeting. In the absence of the Chair and Vice Chair, the members shall elect a Chair during the Meeting and he/she shall discharge the duties of Chair during the Meeting or until the arrival of either the Chair or Vice Chair.

- 3.10 The Chair is entitled to all rights of a Member, including voting.

- 3.11 The Chair shall preside at every Meeting and shall enforce the observance of order and decorum among the members and other active participants.

### **Quorum**

- 3.12 The Chair shall call the Meeting to order once a Quorum has been established pursuant to the Act.

- 3.13 If no Quorum is present thirty (30) 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.

- 3.14 Where a conflict of interest has been declared by a Member under Section 7(1) of The Municipal Conflict of Interest Act, Quorum may be reduced to two Members.

- 3.15 Where a Quorum cannot be met, all matters shall not be opened and shall be addressed at the next regular Meeting of the Committee where a Quorum can be achieved.

### **Conflict of Interest**

- 3.16 In accordance with the Municipal Conflict of Interest Act, a Member shall disclose any direct or indirect pecuniary interest for themselves or a family Member and shall state the general nature of such interest; and it shall be recorded by the Secretary Treasurer.

- 3.17 A Member shall file a written statement with respect to their declaration with the Secretary Treasurer which will be made available to the public.

- 3.18 Any Member that discloses direct or indirect pecuniary interest shall leave the meeting room for the duration of the subject Application and shall not be visible to the Committee or the public during the hearing of an Application.

- 3.19 A Member shall not use his or her office to influence a decision or recommendation of an officer or employee of the municipality or local board where the Member has a pecuniary interest in a matter.

## **PART 4: MEETING PROCEDURES**

### **Commencement of Meeting**

- 4.1 The Chair shall:
- a. Call the Meeting to order;
  - b. Call for Disclosure of Pecuniary Interest;
  - c. Call for Adoption or Correction of the Minutes
  - d. Introduce the Addendum Reports;
  - e. Call for Adjournments and/or Withdrawals
  - f. Call each Application in the order in which it appears on the agenda or at the discretion of the Committee; and
  - g. Put to a vote all motions that arise in the course of the proceedings and announce the result of each vote.

### **Introduction of Applications on the Agenda**

- 4.2 The Chair will call the Applicant, the authorized Agent or the applicant's representative to introduce himself/herself and present the Application. The Applicant shall be provided with a maximum five (5) minute time period to present the nature of the Application to the Committee. However, presentations beyond the maximum time period shall be permitted at the discretion of the Chair.
- 4.3 If the Applicant, authorized Agent or applicant's representative does not attend, the Committee may proceed in their absence to consider the application.

### **Public Participation**

- 4.4 The Chair shall invite any persons having an interest in the Application to come forward and express his/her interest.
- 4.5 Members of the public shall approach one person at a time, sign the public deputation form and state their full name and address to the Committee before speaking. All comments shall be directed through the Chair.
- 4.6 The length of any individual public submission shall be no greater than five (5) minutes. Presentations beyond the maximum time period shall be permitted at the discretion of the Chair.
- 4.7 An interested person shall confine his/her remarks to the subject Application.

- 4.8 Personal information collected during or related to a Meeting on an Application will be used to assist in making a decision on this matter. All personal information, as defined in the Municipal Freedom of Information and Protection of Privacy Act (including but not limited to: names, addresses, opinions and comments), shall be made available for public disclosure, and will be used to assist the Committee and staff to process the Application. This information will be collected under the legal authority of the Act and will form the public record on an Application, where applicable.
- 4.9 The Chair shall give the Applicant, the authorized Agent or the applicant's representative the opportunity to respond to any comments received from commenting agencies or interested parties.

## **PART 5: CONDUCT**

### **Member Conduct**

- 5.1 A Member shall not:
- a. Disobey the rules of procedure as set out in this By-law;
  - b. Disturb other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during a Meeting;
  - c. Display any behaviour which may be considered disruptive, inconsiderate or disrespectful, or use profane or offensive words or insulting expressions;
  - d. Members shall ensure that personal cell phones and electronic devices are turned off or otherwise set to not emit any audible sound during a Meeting.
  - e. Leave their seat or make any noise or disturbance while a vote is being taken;
  - f. Speak until recognized by the Chair;
  - g. Interrupt a Member who is speaking;
  - h. Leave a Meeting at any time without advising the Chair;
  - i. Comment or question on matters other than those directly pertaining to the subject Application before him or her;
  - j. Discuss the merits of an Application or any matter in connection with an Application with any individuals prior to the Meeting; and
  - k. Use their status on the Committee for personal or political gain.
- 5.2 The Committee as appointed by Council and at the start of their term, shall sign a formal declaration that they will abide by the Committee of Adjustment Code of Conduct as approved by Council.

## **Public Conduct**

- 5.3 Attendees at a Meeting shall maintain order and quiet and shall not display signs or placards, applaud, heckle or engage in telephone or other conversation or any behaviour which may be considered disruptive, inconsiderate, disrespectful or intimidating to others.
- 5.4 Any person who disrupts a Meeting shall be asked by the Chair to stop the disruptive behaviour and if the person persists they shall be asked to leave the Meeting.
- 5.5 If a person refuses to leave the Meeting upon being requested to do so by the Chair, the Chair may recess the Meeting and may direct the Secretary Treasurer to seek the appropriate assistance from Corporate Security or the York Regional Police Service.
- 5.6 All cell phones and electronic devices shall be turned off or otherwise set to not emit any audible sound during a Meeting.

## **PART 6: DECISIONS**

- 6.1 At each Meeting, the Committee shall render a final decision to approve, refuse or adjourn an Application.
- 6.2 Prior to making a decision the Chair shall:
- a) Call for a motion with respect to the approval of the Application and request a seconder;
  - b) Permit discussions on the motion;
  - c) Call for a vote by the Committee on the motion; and
  - d) Announce the decision of the Committee and summarize any dissenting decisions orally.
- 6.3 No decision of the Committee on an Application is valid unless it is concurred in by the majority of the Members that heard the Application, and the decision of the Committee, whether granting or refusing an Application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the Members who concur in the decision.
- 6.4 The Committee may impose condition(s) of approval on a decision provided that the condition(s) are specific, enforceable and related to the application.
- 6.5 A copy of the Committee's signed written decision to approve or refuse an Application will be issued in accordance with the provisions of the Act.

## **PART 7: MOTIONS & VOTING**

- 7.1 Every motion put to a vote shall have a mover and seconder.
- 7.2 A motion shall fail on the following two counts:
- 1) The motion does not receive a seconder; or
  - 2) The motion does not receive majority support.

- 7.3 If a motion fails under Section 7.2, the Chair shall announce that “the motion to approve/refuse/adjourn an application has failed” and must call for a new motion to be placed on the floor.
- 7.4 All voting shall be done by a show of hands.
- 7.5 The Committee, where appropriate, may hear related Applications together and vote on the approval of all related Applications under one motion provided that reference to all applicable Application numbers and the subject land is included as part of the motion.
- 7.6 Members, including the Chair, may not abstain from voting unless they have disclosed a pecuniary interest or unless otherwise permitted by this By-law. A refusal to vote for any other reason will be deemed to be voting in the negative.
- 7.7 When the Committee is comprised of an even number, and still has Quorum, the Chair may refrain from voting to preclude a tie vote.
- 7.8 A tie vote will be deemed a refusal as the majority of the Members did not concur.

#### **PART 8: PUBLIC ORAL & WRITTEN SUBMISSIONS**

- 8.1 Public written submissions on an Application shall only be received by the Secretary Treasurer until 12:00 p.m. on the day of the scheduled Meeting.
- 8.2 Reference to public oral and written submissions considered by the Committee are to be included in the decision of the Committee to approve or refuse an Application.

#### **PART 9: GENERAL**

##### **Site Visits**

- 9.1 Members may conduct site visits prior to the Meeting where an Application is to be considered by the Committee.
- 9.2 Members shall not discuss amongst themselves or with the Applicant or other interested individuals, any merits of the Application or any matter in connection with the Application during site visits.
- 9.3 Upon submission of an Application to the Committee, the Applicant or authorized Agent shall grant permission to the Members, City of Vaughan staff, and their Agents to enter upon the subject lands for inspection purposes.

##### **Absenteeism & Vacancy**

- 9.4 If a Member is absent from Meetings of the Committee for three (3) consecutive regularly scheduled Meetings, or in the opinion of the Committee if any member’s absenteeism jeopardizes the objectives of the Committee, the Committee may pass a resolution requesting Council to appoint a replacement member.
- 9.5 In the event of a vacancy on the Committee, Council may appoint another eligible person for the unexpired portion of the term, as soon as reasonably possible after the vacancy occurs.

## PART 10: ADMINISTRATION

### Application Submission

- 10.1 The Secretary Treasurer may refuse to accept or further consider an Application until the prescribed information and material has been submitted by the Applicant along with the required fee.

### Fees

- 10.2 All Applications are subject to the City of Vaughan By-law for Fees and Charges under the Planning Act for Committee of Adjustment Applications.
- 10.3 Upon withdrawal of an Application, and the submission of a written request to refund the Consent and/or Minor Variance Application Fee by the Applicant and/or Authorized Agent, the Secretary Treasurer may approve the following:

Request	Refund (% of Application Fee)
If request for Application withdrawal is received prior to Staff/Agency Circulation (typically 5-7 days after submission):	90%
If request for Application withdrawal is received after Staff/Agency Circulation but prior to Public Notice being issued:	70%
If request for Application withdrawal is received after issuance of Public Notice but prior to the scheduled Public Meeting:	25%
After Public Meeting:	0%

- 10.4 The Secretary Treasurer to the Committee of Adjustment shall only be authorized to approve a refund of the Consent or Minor Variance Application Fee in accordance with Section 10.3 of this By-law.
- 10.5 The Adjournment and/or Recirculation Fee is not applicable provided that the Applicant and/or authorized Agent provides a written request to adjourn an Application to the Secretary Treasurer prior to the issuance of public notice.
- 10.6 The Adjournment Fee may be waived by the Secretary Treasurer when adjournment is being requested by the Committee or Staff after the issuance of public notice.

### Errors

- 10.7 The Secretary Treasurer may at any time and without prior notice correct a typographical error, error of calculation or similar error made in the minutes or in a decision.

### Inactive Files

- 10.8 A file shall be deemed inactive if a public Meeting is not scheduled within six (6) months from the date the Application is received by the Secretary Treasurer.
- 10.9 The Secretary Treasurer shall provide a written notice of the intent to close an inactive file to the Applicant and/or Authorized Agent at least thirty (30) days in advance of closing the file.



10.10 If no reasonable response is received from the Applicant and/or Authorized Agent within thirty (30) days from the date of the written notice the file will be closed by the Secretary Treasurer.

**Minutes & Records**

10.11 The Secretary Treasurer shall keep on file minutes and records of all Applications including decisions and all other official business of the Committee.

10.12 The Committee shall approve the minutes of a Meeting at the next regular Meeting or at an approved alternate date in order to accommodate revisions, if required.

10.13 The Chair and the Secretary Treasurer shall authenticate the approved Meeting minutes by signature.

**Remuneration**

10.14 Remuneration of the Members shall be paid in accordance with the honorarium rates established by Council.

Enacted by City of Vaughan Council this    day of    , 2019.

DRAFT

\_\_\_\_\_  
Hon. Maurizio Bevilacqua, Mayor

\_\_\_\_\_  
Todd Coles, City Clerk

Authorized by Item No. \_\_\_\_ of Report No. \_\_\_\_  
of the Committee \_\_\_\_\_  
Adopted by Vaughan City Council on  
\_\_\_\_\_