

COMMITTEE OF ADJUSTMENT RICHMOND HILL

WELCOME TO OUR VIRTUAL INFORMATION SESSION

MANDATE

Council appoints the Committee of Adjustment Members for the term of Council. If a vacancy occurs during the term, Council will appoint another eligible person to fill vacancy for the remainder of the term.

The Committee of Adjustment is authorized by the Ontario Planning Act to grant minor variances from the provisions of the Zoning By-law, to permit extensions, enlargements or variations of existing legal non-conforming uses and give consent to an owner of land who wishes to sell, convey or transfer an interest "part" of their land (i.e. creation of a new lot, lot addition, easement).

The Committee's consent is also required when the terms of an agreement, such as a lease, easement or mortgage commits the land to a use for a period in excess of 21 years. In addition to Consent, the Committee of Adjustment has also been delegated the power to issue a "Certificate of Validation".

Although the Committee can consider a LNCU and interpret "general terms" of the by-law to include a use, they do not have the authority to grant new uses under the by-law. If a use does not conform to the by-law and is not similar or more compatible it is out of the Committee's jurisdiction and should be processed through a Zoning By-law Amendment.

QUASI-JUDICIAL BODIES



A quasi-judicial body has powers and procedures resembling those of a court of law, and are obligated to objectively determine facts and draw conclusions in order to make a decision.

The principles of Natural Justice apply to quasi-judicial bodies, and include:

- ❖ People have a right to be heard. They must have a fair opportunity to present their case whenever their interests might be adversely affected by a decision;
- ❖ The ruling must be made by someone free of bias;
- ❖ The judgment must be based on evidence, not on speculation or suspicion, and the decision must be communicated in a way that makes clear what evidence was used in making the decision.

MEETINGS & QUOROM

- ❖ The Committee meets on Thursday starting in the new year in the City's Council Chambers located on the first floor of the Municipal Offices, located at 225 East Beaver Creek Road.
- ❖ Meetings begin promptly at 7 p.m. and continue until all matters on the agenda have been addressed. A typical meeting adjourns at 8:30 p.m.
- ❖ In order for a meeting to take place, a quorum must exist. Section 44(5) of the Planning Act states that when a Committee is composed of three members, two members is a quorum and a Committee of more than three members, three members is a quorum.
- ❖ If quorum is not present the meeting will dissolve.

ROLE OF THE CHAIR

The Planning Act states that the members of the Committee shall elect one of themselves as chair. When the chair is absent, the committee may appoint another member to act as “acting chair”. The Chair is entitled to all rights of a Member, including voting.

It is the duty of the chair to:

- ❖ Open the meeting
- ❖ To announce business that comes before the Committee in accordance with the prescribed agenda
- ❖ Review public correspondence for the record
- ❖ To recognize members who are entitled to the floor (keep order)
- ❖ To state and put to vote all questions that come before the Committee
- ❖ To enforce rules relating to debate and decorum
- ❖ To decide all questions of order
- ❖ To declare the meeting adjourned

Comments from Committee Members and members of the public / applicants must be directed through the Chair.

STAFF REPORTS

Prior to the meeting, the Committee will be provided with a staff report which contains an overview of the application and a summary of all comments and recommendations received from City staff and outside agencies (i.e. TRCA).

It is important to review these reports prior to the meeting as they form part of the “evidence”. If any questions arise, Committee members may contact the Secretary-Treasurer to provide clarification or request additional information.

Staff Reports and agenda are sent electronically on the Friday prior to the Committee of Adjustment meeting.



MAKING A DECISION

Section 45(8) of The Planning Act:

*“No decision of the committee on an application is valid unless it is concurred in by the **majority** of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, **shall be in writing and shall set forth the reasons for the decision, and shall be signed by the members who concur in the decision.**”*



TRAINING

The City of Richmond Hill provides an opportunity for appointed Committee members to attend an annual Conference & Seminar hosted by the Ontario Association of Committees of Adjustment & Consent Authorities (OACA). At these events, Committee members will have the opportunity to attend educational workshops and network with Secretary-Treasurers & Committee members from across the Province.





For more information feel free to contact

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