City of Richmond Hill
Committee of Adjustment

Rules of Practice and Procedure

(Made under the *Statutory Powers Procedure Act*)

Adopted by the City of Richmond Hill Committee of Adjustment on November 26, 2024

CITY OF RICHMOND HILL COMMITTEE OF ADJUSTMENT

RULES OF PRACTICE AND PROCEDURE

(Made under the *Statutory Powers Procedure Act*)

1.0 Definitions

1.1 In these Rules of Practice and Procedure,

"Agenda" means, with respect to a Meeting, an itemized list of business before the Committee thereof for its consideration;

“Application” means an application to the Committee pursuant to its mandate under the *Planning Act*;

“Chair” means the Chair of the Committee as elected by the Members pursuant to the Planning Act;

“Committee” means the Committee of Adjustment appointed by Council;

“Council” means the Council of The Corporation of the City of Richmond Hill;

“Meeting” means any regular, special or other meeting of the Committee where,
(a) a Quorum of Members is present, and
(b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Committee;

"Member" means a person appointed by Council as a member of the Committee;

"Minutes" means a written record of the business of any Meeting held in accordance with the provisions of these rules of practice and procedure;

“Municipal Act” means the *Municipal Act*, 2001 R.S.O. 2001, chapter M.25, as amended;

"Municipal Conflict of Interest Act" means the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50, as amended;

"Municipal Freedom of Information and Protection of Privacy Act" means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O.1990, Chapter M.56, as amended;

"Planning Act" means the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended;

“Point of Order” means any alleged breach of these rules of practice and procedure or

irregularity in the proceedings of a Meeting;

“Public Notice” means the public notice of an Application as prescribed by the Planning Act.

"Quorum" means a minimum of three Members required to be present at any Meeting;

“Secretary-Treasurer” means the Secretary-Treasurer of the Committee appointed under the *Planning Act*, and includes a person appointed to act as Secretary-Treasurer in the Secretary-Treasurer’s absence;

“Statutory Powers Procedure Act” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended;

2.0 FIRST MEETING

2.1 At the first meeting of the Committee during the Committee’s term, the Committee shall elect from amongst themselves the Chair by majority vote.

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

3.0 PRE-MEETING REVIEW OF FILES

3.1 Prior to a Meeting, the Secretary-Treasurer shall provide the Members with a member package relating to the upcoming Meeting, which may include items such as a proposed Agenda, staff report and Minutes of the previous Meeting.

3.2 Following the filing of an Application, but prior to the Meeting where the Application will be considered by the Committee, a Member may individually conduct an external site visit(s) to view the property.

3.3 Prior to the Meeting where the Application is considered, Members shall not discuss among themselves or with any other person any of the merits of the Application or any issue or matter in connection with the Application to be decided by the Committee.

4.0 QUORUM

4.1 If Quorum is not present within 30 minutes after the start time appointed for a Meeting, the Secretary-Treasurer shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next scheduled Meeting.

4.2 If during the course of a Meeting a Quorum is lost, then the Meeting shall stand adjourned, not ended, and will reconvene at such other time and place as the Chair shall then announce.

4.3 A Member shall notify the Secretary-Treasurer as soon as the Member is aware that the Member will be absent from any Meeting.

4.4 Where a conflict of interest has been declared by a Member under Section 5(1) of the Municipal Conflict of Interest Act, as amended, the remaining number of Members shall be deemed to constitute a Quorum, provided such number is not less than three.

5.0 ORDER OF BUSINESS

Agenda

5.1 The Secretary-Treasurer shall prepare an Agenda to be circulated for the use of the Members with respect to Meetings, listing the order of business generally as follows:

(a) call to order;
(b) outline of the general mandate of the Committee;
(c) declarations of pecuniary interest;
(d) requests to withdraw or adjourn Applications;
(e) hearing of submitted Applications;
(f) other business/new business;
(g) adoption of Minutes from the previous Meeting; and,
(h) adjournment

5.2 All business shall be taken up in the order in which it appears on the Agenda unless otherwise directed by the Chair.

Call to Order

5.3 As soon after the time fixed for the commencement of the Meeting occurs and a Quorum is present, the Chair shall call the Members to order. If the Chair does not attend a Meeting within five minutes after the time appointed for the commencement of the Meeting, the Secretary-Treasurer shall call the Members to order and the Committee shall appoint another Member to sit as acting Chair until the arrival of the Chair.

5.4 The Chair shall advise all persons present at a Meeting that any and all electronic devices shall be turned off for the duration of the Meeting.

5.5 The Chair will preside over the Meeting as it is outlined on the Agenda. The Chair has the ability to deviate from the format as the Chair deems necessary but the Chair shall always strive to have the Agenda maintained as written.

The Committee's Consideration of Applications at the Meeting

5.6 For each Agenda item, the Chair shall ask the applicant or their authorized agent and anyone else who has an interest in the matter to come forward and to state their name and address for the record.

5.7 The applicant or their authorized agent will present their Application to the Committee. The Chair will provide an opportunity for any other interested parties to speak to the Application.

5.8 All individuals, including the applicant or their authorized agent, shall be permitted to speak on a matter only once and will be limited to speak for no more than five minutes. A five-minute extension to speak may be granted, without debate, if permitted by a majority of Members present by majority vote.

5.9 Following submissions from members of the public, the Committee shall give the applicant or their authorized agent the opportunity to respond to those submissions, and to any comments received from commenting agencies or interested parties.

5.10 Any other input after the response by the applicant or their authorized agent shall be at the discretion of the Chair.

5.11 The Chair can limit the number of individuals to present if the Chair believes that the information being provided has already been presented to the Committee.

5.12 Members shall be permitted to ask questions of applicants, their authorized agents, City staff and members of the public, but Members shall not make statements to instigate or initiate debate with such persons.

5.13 At any time, Members can ask questions of staff or of any persons who have already spoken to get clarification on an issue.

5.14 On every Application before it, the Committee shall vote to grant, grant with appropriate conditions, refuse or adjourn the Application.

5.15 The Committee's decision shall be that which is concurred in by the majority of the Members that heard the Application.

5.16 The above process will continue until the Committee has heard all the Applications listed on the Agenda for that Meeting.

5.17 Items of business requiring the direction of the Committee will appear under a separate section of the Agenda. These matters shall generally pertain to information items only.

5.18 Where an Application appears on the Agenda for a Meeting but the applicant or their authorized agent fails to attend the Meeting, the Committee may proceed in the absence of the applicant or their authorized agent and may adjourn or make a decision on the Application.

5.19 All personal information (as defined by the *Municipal Freedom of Information and Protection of Privacy Act*) including but not limited to, names, addresses, opinions and comments collected will be made available for public disclosure and will be used to assist the Committee and staff to process the Application.

6.0 ADJOURNMENTS, WITHDRAWALS AND AMENDMENTS TO APPLICATIONS

6.1 A request for an adjournment of an Application may be made by an applicant or their authorized agent, City staff, or any member of the public at the Meeting or in writing prior to the Meeting.

6.2 If an adjournment is granted, the Chair shall indicate the reason for the adjournment and any other requirements or conditions relating to the adjournment.

6.3 If an applicant or their authorized agent requests the withdrawal of an Application after the Application has been scheduled for a Meeting, the Chair shall announce the withdrawal of an Application at the Commencement of the Meeting if the request to withdraw is received prior to the start of the Meeting.

6.4 The Committee will not consider amendments to an Application during the Meeting in which the Application is being considered.

7.0 RULES OF DEBATE

7.1 The Chair shall preserve order and decorum and decide Points of Order.

7.2 When two or more Members desire to speak, the Chair shall designate the Member who has the floor.

7.3. No Member shall be deemed to have precedence or seniority over any other Member.

7.4 Before speaking to a question or motion, a Member shall be acknowledged by the Chair and shall address the Chair.

7.5 When a Member is speaking, no other Member shall pass between that Member and the Chair or interrupt that Member except to raise a Point of Order.

7.6 A Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.

7.7 A Member may ask a question for the purpose of obtaining information relating to the matter under discussion and such question shall be stated concisely and asked only through the Chair.

7.8 When a Member has been recognized as the next speaker, before speaking the Member may ask a question of or through the Chair on the matter under discussion for the purpose of obtaining information, following which the Member may speak.

8.0 POINTS OF ORDER

8.1 When a Member desires to call attention to a violation of these rules of practice and procedure, the Member shall ask leave of the Chair to raise a Point of Order, and after leave is granted, shall state the Point of Order to the Chair succinctly and the Chair shall then decide upon the Point of Order and advise the Members of the Chair's decision.

8.2 Unless a Member immediately appeals the Chair's decision to the Committee, the decision of the Chair shall be final.

8.3 If a Member appeals to the Committee on a Point of Order, the Committee shall hear both the reason for the appeal from the Member as well as the reason for the decision from the Chair. The Committee, including the Chair, shall thereafter vote on the question "shall the ruling of the Chair be upheld?" without debate. The decision of the Committee under this section shall be determined by means of a majority vote and the decision of the Committee shall be final. In the case of a tie vote, the appeal of the Chair's ruling on the Point of Order shall be deemed to have failed and the Chair's ruling upheld.

9.0 MOTIONS

9.1 A motion presented to the Committee may be made verbally or in writing.

9.2 A motion shall be moved and seconded before it is debated or put to a vote.

9.3 For a motion to be approved, it must both be seconded and passed by a Majority of the Members.

9.4 After a motion is stated by the Chair/Member, it shall be deemed to be the possession of the Committee, but may with permission of the mover, be withdrawn at any time before a vote is taken.

9.5 A motion in respect of a matter which is beyond the jurisdiction of the Committee shall not be in order.

9.6 A motion properly before the Committee for decision must receive disposition before any other motion can be received.

9.7 The following rules shall also apply with respect to Motions:

(a) a Member shall not be restricted to asking questions only of the previous speaker, but the question must relate directly to the matter under discussion;
(b) a motion to move or reconsider a previous motion shall not be allowed.
(c) any Member may require the motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaker;
(d) only one amendment at a time can be presented to the main motion;
(e) nothing in this section shall prevent other proposed amendments being read for the information of the Members;

(f) when the motion under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition shall be taken separately;
(g) after the Chair commences to take a vote, no Member shall speak to or present another motion until the vote has been taken on such motion or amendment;
(h) Any motion on which there is a tie vote shall be deemed to be failed; and,
(i) In instances where a motion has failed or is deemed to have failed, the Chair shall announce the motion has failed, and shall call for a new motion to be moved, as necessary to ensure that rule 5.14 of these rules of practice and procedure is satisfied.

10.0 VOTING

10.1 Every Member present at a Meeting when a question is put forward shall vote thereon unless a conflict of interest has been declared by a Member under Section 5(1) of the *Municipal Conflict of Interest Act*, as amended. All votes shall be by show of hands.

10.2 A failure to vote by a Member entitled to vote in relation to any matter shall be deemed to be a negative vote. For greater clarity, a vote to abstain shall likewise be deemed to be a negative vote.

10.3 A Member not in their seat when the question is called by the Chair is not entitled to vote on that question.

10.4 The Chair shall announce the result of every vote.

10.5 If a Member disagrees with the announcement of the Chair that a question is carried or defeated, that Member may immediately after the declaration by the Chair, state their objection to the declaration, in which case the decision of the Committee shall be determined by the Members by means of majority vote.

10.6 Any question on which there is an equal number of votes shall be deemed to have been decided in the negative.

11.0 CONDUCT

Conduct of Members of Committee

11.1 Every Member shall comply with the City of Richmond Hill's Code of Conduct for Local Boards.

11.2 Moreover, no Member shall:

a) speak until recognized by the Chair;
b) speak disrespectfully of a fellow Member of the Committee;
c) speak on any subject other than the subject under consideration;
d) interrupt a Member who is speaking, except to raise a Point of Order;
e) disturb the other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during a Meeting;

f) leave the Meeting at any time without advising the Chair;
g) disobey these rules of practice and procedure or a decision of the Chair or of the Committee on Points of Order or upon the interpretation of these rules of practice and procedure.

11.3 The Chair may order any Member who disobeys these rules of practice and procedure or otherwise disobeys any decision of the Chair with respect to Points of Order to vacate the Meeting, where such Member persists with such behavior after having been called to order, by using the following words: "Member [insert name of Member] is ordered to leave their seat for the duration of this Meeting of the Committee."

11.4 Notwithstanding the preceding paragraph, if the Member immediately apologizes after the Chair orders the Member to vacate their seat, the Committee may vote to allow the Member to retake their seat, where a simple majority vote shall be required for such Member to remain.

Conduct of Applicants, Authorized Agents, Members of the Public and Other Interested Parties

11.5 Applicants, authorized agents, members of the public, or other interested parties shall not:
(a) speak disrespectfully of any person;
(b) use offensive words;
(c) speak on any subject other than the subject for which they have received approval to address Committee;
(d) disobey the decision of the Chair or Committee;
(e) enter into cross debate with other persons present, City staff, Members or the Chair.

11.6 During a Meeting, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television and video cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by the public, including accredited and other representatives of any media whatsoever, shall not be permitted unless authorized by the Chair.

11.7 During a Meeting, any device that may disrupt the proceedings shall not be permitted, except with the permission of the Chair.

11.8 The Chair may order any person who disobeys these rules of practice and procedure or otherwise disobeys any decision of the Chair with respect to Points of Order, to vacate the Meeting where such person persists with such behavior after having been called to order.

12.0 DUTIES

Duties of the Chair

12.1 It shall be the duty of the Chair, including any person acting as Chair at a

Meeting to:

a) open the Meeting by taking the Chair and calling the Meeting to order;
b) announce the business before the Committee and the order in which it is to be acted upon;
c) call for a decision by the Members on all matters in the course of the proceedings, and to announce the result;
d) enforce these rules of practice and procedure;
e) enforce on all occasions the observance of order and decorum among the Members and any person in attendance at a Meeting;
f) permit questions to be asked through the Chair of any person in order to provide information to assist any debate when the Chair deems it proper;
g) provide information to Members on any matter touching on the business of the Committee;
h) authenticate by signature all Minutes of the Committee;
i) rule on any Points of Order;
j) inform the Members of the proper procedure to be followed;
k) represent and support the Committee, declaring its will and implicitly obeying its decisions in all matters;
l) where it is not possible to maintain order, to adjourn the Meeting to a time to be named by the Chair; and,
m) adjourn the Meeting when business is concluded.

12.2 If the Chair cannot attend a Meeting, the remaining Members shall appoint another Member to act as acting Chair who shall call the Meeting to order and shall preside. If the remaining Members are unable to determine who shall be the acting Chair because of a tie vote, the Secretary-Treasurer shall be entitled to make a casting vote to determine who shall be the Acting Chair at the Meeting.

12.3 While presiding at a Meeting, the acting Chair shall have all of the powers of the Chair and shall be so addressed and shall be entitled to vote as a Member.

Duties of Members

12.4 A Member shall have the following duties with respect to Meetings:

a) to deliberate the business submitted to the Committee;
b) to make a decision in accordance with the *Planning Act*;
c) to respect and comply with these rules of practice and procedure;
d) to declare any interest pursuant to the *Municipal Conflict of Interest Act* and to inform the Secretary-Treasurer of the Member's intent to declare an interest at or before any pre-Meeting review of files;
e) to leave the Meeting for the duration of the subject Application where any Member declares any interest pursuant to the *Municipal Conflict of Interest Act;*
f) to not use the Member's office to influence a decision or recommendation of the Committee or an officer or employee of the City or Committee where the Member has a direct or indirect pecuniary interest; and,
g) to advise the Secretary-Treasurer as soon as possible if the Member is

unable to attend a Meeting.

12.5 If a Member is absent from three (3) consecutive Meetings, or in the opinion of either the Chair or a majority of the Members of the Committee, the Member's absenteeism jeopardizes the management or objectives of the Committee, the Committee may pass a resolution requesting Council to appoint a replacement Member.

Duties of the Secretary-Treasurer

12.6 The Secretary-Treasurer's duties with respect to Meetings include:

a) to prepare the Agendas of the Committee;
b) to publish and maintain the Minutes;
c) to keep on file records of all Applications and the decisions thereon and of all other official business of the Committee;
d) to process all Applications filed in accordance with the *Planning Act*;
e) to send out copies of the notice of decision of the Committee in accordance with the provisions of the *Planning Act*; and
f) to process any appeals to the Ontario Land Tribunal, including any successor tribunal.

12.7 The duties of the Secretary-Treasurer may be performed by a person appointed temporarily as acting Secretary-Treasurer in the Secretary-Treasurer's absence.

13.0 MINUTES

13.1 The Secretary-Treasurer shall record Minutes to be taken at each Meeting which Minutes may include:

(a) The place, date, and time of the Meeting;
(b) The attendance of the Members. If a Member enters after the commencement of a Meeting or leaves prior to adjournment; the time shall be noted; and
(c) Details concerning each application heard, including additional correspondence received and provided to the Committee.

13.2 Minutes shall not include comments or submissions made before a Meeting commences or after a Meeting is adjourned whether made verbally or in writing.

13.3 The Minutes of the last regular Meeting during the Committee's term shall be included in the Agenda and may be adopted by the Committee without being read during the Meeting in which the Minutes are adopted.

14.0 ERRORS

14.1 The Secretary-Treasurer shall be permitted at any time and without prior notice to the parties to correct a technical or typographical error, error in calculation or other similar error in the Minutes or a decision of the Committee.

15.0 APPLICATION AND EFFECT

15.1 These rules of practice and procedures shall be observed in all proceedings of the Committee and shall be the practices and procedures for the order and dispatch of business conducted by the Committee.

15.2 These rules of practice and procedure shall be deemed to have come into force on the date they are adopted.

15.3 In the event of any conflict between these rules of practice and procedure and any provincial statute or regulation, the provincial statute or regulation shall prevail over these rules to the extent of the conflict.