



## Committee of Adjustment

### Staff Report

### Confirmation of Meeting Format

Hearing Date: April 11, 2022

Time: 5:00 p.m.

Location: Electronic Meeting to be held via the use of Zoom Videoconferencing Software

**COVID-19 Emergency:** During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the City of Richmond Hill under the provisions of Section 7.0.1 and Section 4(1) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, respectively) the City of Richmond Hill Committee of Adjustment is holding electronic meetings, and in-person meeting attendance is restricted to electronic attendance only. Any person, who wishes to make a verbal presentation is required to do so electronically via the internet or telephone, and is required to register with the Secretary-Treasurer by 12:00 p.m. (noon) on the date of the meeting. Registrations can be submitted by email to [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca). Written comments by any person unable to attend the meeting should be made by email to [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca), or by mail to the Secretary-Treasurer, The Corporation of the City of Richmond Hill, 225 East Beaver Creek Road, Richmond Hill, Ontario, L4B 3P4, or fax to 905-771-2404

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### **Purpose:**

To seek direction with respect to the format to be utilized in the holding of Committee of Adjustment meetings during the remainder of the COVID-19 Emergency and following the anticipated termination of the COVID-19 Emergency.

### **Recommendations:**

- a) That the Committee of Adjustment's existing procedures with respect to the holding of electronic meetings during the COVID-19 Emergency, as outlined in the staff report dated May 21, 2020 (attached as Appendix "A" hereto) continue to apply until April 29, 2022;
- b) That the Secretary Treasurer of the Committee of Adjustment or their designate continue to be authorized to facilitate electronic delegations and submissions for Committee of Adjustment meetings held until April 29, 2022; and,
- c) That the Committee of Adjustment adopt procedures with respect to the holding of Committee of Adjustment meetings after April 29, 2022 as outlined in this staff report.

## **Background:**

For the purposes of this report, the “COVID-19 Emergency” means either the Emergency declared by the Province of Ontario pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 and by the City of Richmond Hill on March 20, 2020 under the provisions Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9*, respectively.

On April 1, 2020, Richmond Hill Council considered a report to establish a protocol for electronic delegations related to various Council and Committee meetings to be held during an Emergency (refer to Appendix “B”). At the meeting, Council received Staff Report SRPRS.20.066, adopted the procedures outlined therein and provided the City Clerk with the necessary direction to establish and/or amend all protocols and procedures necessary to facilitate electronic delegations and public submissions at Council and Committee meetings during an Emergency (refer to Appendix “C”). Amongst other matters, the purpose of Staff Report SRPRS.20.066 was to establish a strategy to facilitate Council and Committee meetings during the COVID-19 Emergency and to strike a balance between preserving business continuity while giving interested stakeholders the opportunity to participate in City business to the greatest extent possible. The report concluded that a similar approach could be taken with other Council appointed Committees, such as the Committee of Adjustment.

At its meeting of May 20, 2020, the Committee of Adjustment considered a report outlining the procedures required to hold electronic meetings during the COVID-19 Emergency, adopted procedures for the holding of such meetings and directed that the Secretary Treasurer or their designate be authorized to facilitate electronic delegations and submissions for such meetings (refer to Appendix “A”).

On March 9, 2022, Council considered Staff Report SRCFS.22.009 (refer to Appendix “D”) which, amongst other matters, directed that Committees of Council that include citizen members (i.e. Committee of Adjustment and Heritage Richmond Hill) only be permitted to hold either electronic or in-person meetings once the COVID-19 Emergency has ended (refer to Appendix “E”).

In light of the recent direction from the Province of Ontario to end its COVID-19 Emergency declaration and the anticipated decision by the City to end its COVID-19 Emergency declaration in the very near future, direction is required from the Committee of Adjustment with respect to the format to be utilized in holding future Committee of Adjustment meetings. Accordingly, the purpose of this report is to seek direction from the Committee of Adjustment on this matter.

## **Statutory Authority:**

The City’s Procedural By-law No. 74-12, as amended, governs the administration of Council and Committee meetings. However, this by-law does not apply to the operation of the City’s Committee of Adjustment. In this regard, the Committee of Adjustment is governed by the provisions of the Provincial *Statutory Powers and Procedures Act* (the “Act”).

In response to the COVID-19 Emergency, the Province provided tribunals governed under the Act with additional temporary powers by means of the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020, S.O. 2020* (the “Temporary Measures Act”). The Temporary Measures Act currently provides the Committee of Adjustment with the statutory authority to hold electronic meetings and includes the authority for the Committee of Adjustment to make any orders or give any direction that the Committee of Adjustment considers appropriate, as follows:

- 3(1) A tribunal may conduct a hearing in person, electronically, in writing or by a combination of any of them, as the tribunal considers appropriate.**
- 3(2) For the purposes of subsection (1), a tribunal may make any orders or give any directions that it considers appropriate in the circumstances respecting:**
- (a) the format of a hearing and its conduct; and,**
  - (b) any matters ancillary to the holding of the hearing, including respecting notice of the hearing, the service or filing of materials for the hearing, attendance at the hearing, any recording of the hearing or public access to the hearing.**

## **Committee of Adjustment Meeting Protocol:**

Prior to the COVID-19 Emergency declarations by the Province and the City, the City's Committee of Adjustment meetings were in-person, regularly scheduled meetings held in accordance with the provisions of the Provincial *Statutory Powers and Procedures Act*. In this regard, the meetings provided applicants, stakeholders and the general public with the ability to participate in the consideration of Consent and Minor Variance applications submitted to the City. Notification was provided in accordance with the provisions of the *Planning Act* wherein notices outlining the details of applications were placed on the City's website and mailed directly to affected land owners located within 120 metres of the affected property, while adhering to specific timelines (i.e. a 20 day notification period).

As noted previously in this report, at its meeting of May 20, 2020, the Committee of Adjustment adopted procedures for the holding of electronic meetings and to allow the Secretary Treasurer or their designate to facilitate electronic delegations and submissions for such meetings during the COVID-19 Emergency. The Committee has successfully conducted its meetings in an electronic format during the COVID-19 Emergency. However, with the recent decision from the Province of Ontario to end its COVID-19 Emergency declaration, City Council has had to have regard for how future Council and Committee meetings are to be conducted.

In this regard, on March 9, 2022, Council considered Staff Report SRCFS.22.009 which, amongst other matters, directed that Committees of Council that include citizen members (i.e. Committee of Adjustment and Heritage Richmond Hill) not be permitted to conduct hybrid meetings. Rather, these committees must choose to be either wholly electronic or wholly in-person due to administrative and operational matters including, but not limited to, technological and staffing limitations. Consequential changes were also made to the Electronic Delegations rules for Committees to ensure that Committees meeting in-person only have in-person delegations, and wholly electronic Committees only have electronic delegations (refer to Appendix "D").

In light of the fact that the Province of Ontario has made the decision to end its COVID-19 Emergency declaration, and in anticipation that the City of Richmond Hill will follow suit in the very near future, direction is required from the Committee of Adjustment with respect to the format to be used in holding future Committee of Adjustment meetings for the remainder of the COVID-19 Emergency and following the lifting of all COVID-19 restrictions. In accordance with Council's direction as outlined Staff Report SRCFS.22.009, appropriate direction is required from the Committee of Adjustment with respect to these matters.

With respect to future meetings to be held in the interim period, recognizing that the COVID-19 Emergency is presently still in effect, staff is recommending the following:

- a) That the Committee of Adjustment's adopted procedures with respect to the holding of electronic Committee of Adjustment meetings during the COVID-19 Emergency, as outlined in the staff report dated May 21, 2020 (refer to Appendix "A") continue to apply until April 29, 2022; and,
- b) That the Secretary Treasurer of the Committee of Adjustment or their designate continue to be authorized to facilitate electronic delegations and submissions for Committee of Adjustment meetings held during the COVID-19 Emergency until April 29, 2022.

With respect to future meetings to be held after April 29, 2022, the Committee must decide at this time to adopt a specific format in which to conduct its future meetings. In accordance with the recommendations of Staff Report SRCFS.22.009, Council has directed that the Committee cannot hold hybrid meetings and that one of the following options must be chosen:

- Option 1: Maintain the current direction with respect to the holding of electronic Committee of Adjustment meetings on a go-forward basis. Should this option be chosen, Committee of Adjustment staff will prepare electronic meeting procedures for the Committee of Adjustment to adopt with respect to the holding of electronic meetings after April 29, 2022 in accordance with applicable legislation so as to facilitate such meetings in the future.
- Option 2: To return to in-person meetings as of May 26, 2022 in accordance with the Committee of Adjustment's pre-COVID-19 Emergency practices, procedures and notice requirements so as to facilitate the resumption of such meetings.

Having careful regard for both options and taking into consideration that all COVID-19 Emergency restrictions are anticipated to end in the very near term, it is recommended that the Committee of Adjustment return to in-person meetings commencing on May 26, 2022.. The return to the in-person meeting format would allow staff to conduct future meetings in accordance with the Committee of Adjustment's established meeting practices, procedures and notice requirements in existence prior to the COVID-19 Emergency and allow applicants and the general public to participate in such meetings in accordance with the established provisions for same as outlined in the *Planning Act*.

## **Conclusions:**

The purpose of this report is to provide the Committee of Adjustment with the necessary information to adopt a meeting protocol that facilitates the continuance of electronic meetings until April 29, 2022, and further, to provide direction with respect to the Committee's decision to establish a format for the holding of future meetings after April 29, 2022 in light of the anticipated termination of all COVID-19 restrictions in the very near future.

### **Questions regarding this Staff Report can be directed to:**

City of Richmond Hill Committee of Adjustment  
225 East Beaver Creek Road, 4<sup>th</sup> Floor  
Richmond Hill, ON L4B 3P4  
Email: [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca)  
Telephone: 905 771 2443 or 905 771 2414

## APPENDIX “A”

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|  | <p>Hearing Date: May 21, 2020<br/>Time: 5:00 p.m.<br/>Location: Electronic Meeting to be held via the use of Zoom Videoconferencing Software</p> |
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Hearing Date: May 21, 2020

Time: 5:00 p.m.

Location: Electronic Meeting to be held via the use of Zoom Videoconferencing Software

**COVID-19 Emergency:** During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the City of Richmond Hill under the provisions Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, respectively) the City of Richmond Hill Committee of Adjustment is holding electronic meetings, and in-person meeting attendance is restricted to electronic attendance only. Any person, who wishes to make a verbal presentation is required to do so electronically via the internet or telephone, and is required to register with the Secretary-Treasurer by 12:00 p.m. (noon) on the date of the meeting.

Registrations can be submitted by email to [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca). The Office of the Clerk will provide any such person with instructions on how to make their electronic delegation. Written comments by any person unable to attend the meeting should be made by email to [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca), or by mail to the Secretary-Treasurer, The Corporation of the City of Richmond Hill, 225 East Beaver Creek Road, Richmond Hill, Ontario, L4B 3P4, or fax to 905-771-2404.

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### Purpose:

To seek direction with respect to the establishment of a protocol for the holding of electronic Committee of Adjustment meetings during the COVID-19 Emergency.

### Recommendations:

- d) That the Committee of Adjustment adopt procedures with respect to the holding of electronic Committee of Adjustment meetings during the COVID-19 Emergency, as outlined in this report; and,
- e) That the Secretary Treasurer of the Committee of Adjustment or their designate be authorized to facilitate electronic delegations and submissions for Committee of Adjustment meetings held during the COVID-19 Emergency.

### Background:

For the purposes of this report, the “COVID-19 Emergency” means the Emergency declared by the Province of Ontario pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 and by the City of Richmond Hill on March 20, 2020 under the provisions Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, respectively.

On April 1, 2020, Richmond Hill Council considered Staff Report SRPRS.20.066 to establish a protocol for electronic delegations related to various Council and Committee meetings to be held during an Emergency (refer to Appendix “A”). At the meeting, Council received Staff Report SRPRS.20.066, adopted the procedures outlined therein and provided the City Clerk with the necessary direction to establish and/or amend all protocols and procedures necessary to facilitate electronic delegations and public submissions at Council and Committee meetings during an Emergency (refer to Appendix “B”).

Amongst other matters, the purpose of Staff Report SRPRS.20.066 was to establish a strategy to facilitate Council and Committee meetings during the COVID-19 crisis and to strike a balance between preserving business continuity while giving interested stakeholders the opportunity to participate in City business to the greatest extent possible. Staff Report SRPRS.20.066 recognized that a similar approach could be taken with other Council appointed groups such as the Committee of Adjustment.

The purpose of this report is to provide the Committee of Adjustment with the necessary information to adopt a revised meeting protocol to facilitate electronic meetings during the COVID-19 Emergency and to direct appropriate City staff to facilitate such meetings.

### **Statutory Authority:**

The City’s Procedural By-law No. 74-12, as amended, governs the administration of Council and Committee meetings. However, this by-law does not apply to the operation of the City’s Committee of Adjustment. In this regard, the Committee of Adjustment is governed by the provisions of the Provincial *Statutory Powers and Procedures Act* (the “Act”).

In response to the current COVID-19 Emergency, the Province has provided tribunals governed under the Act with additional temporary powers by means of the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020, S.O. 2020* (the “Temporary Measures Act”). The Temporary Measures Act currently provides the Committee of Adjustment with the statutory authority to hold electronic meetings and includes the authority for the Committee of Adjustment to make any orders or give any directions that the Committee of Adjustment considers appropriate, as follows:

- 3(1) *A tribunal may conduct a hearing in person, electronically, in writing or by a combination of any of them, as the tribunal considers appropriate.***
- 3(2) *For the purposes of subsection (1), a tribunal may make any orders or give any directions that it considers appropriate in the circumstances respecting:***
  - (b) *the format of a hearing and its conduct; and,***
  - (b) *any matters ancillary to the holding of the hearing, including respecting notice of the hearing, the service or filing of materials for the hearing, attendance at the hearing, any recording of the hearing or public access to the hearing.***

## **Existing Meeting Protocol:**

Prior to the COVID-19 Emergency, Committee of Adjustment meetings were regularly scheduled meetings held in accordance with the provisions of the Provincial *Statutory Powers and Procedures Act*. In this regard, the meetings provided applicants, stakeholders and the general public with the ability to participate in the consideration of Consent and Minor Variance applications submitted to the City. Notification was provided in accordance with the provisions of the *Planning Act* wherein notices outlining the details of applications were placed on the City's website and mailed directly to affected land owners located within 120 metres of the affected property, while adhering to specific timelines (i.e. a 20 day notification period).

## **Council Endorsed Protocol for Electronic Meetings:**

Following Council's consideration of Staff Report SRPRS.20.066 at its meeting of April 1, 2020, the City Clerk established a protocol for the holding of electronic Council and Committee meetings during an Emergency. The protocol directs that Council and Committee meetings are to be held electronically through the use of Zoom Videoconference software wherein Council and Committee members directly participate in meetings and stakeholders are able to participate through a defined delegation process.

Specific security protocols have been put in place by the City Clerks in order to ensure that the meetings are run in an organized and effective manner. In addition, notifications for meetings are provided in accordance with the City's standard meeting procedures but have been revised to include specific wording reflecting the revised electronic nature of the meeting and to include clear direction on how the public and stakeholders can participate.

As noted previously in this report, the recommendations contained in Staff Report SRPRS.20.066 provide that the recommended protocol outlined in that report could be adopted for the holding of electronic Committee of Adjustment meetings, notwithstanding that the Committee's operations do not fall within the scope of the City's Procedural By-law.

## **Proposed Electronic Committee of Adjustment Meeting Protocol:**

Pursuant to the foregoing, it is recommended that the Committee of Adjustment adopt by means of a simple majority vote the following during the COVID-19 Emergency:

- 1) Electronic Committee of Adjustment meetings may be held using any audio-only, audiovisual, or other electronic means that are available to all Committee of Adjustment Members, as determined by the Secretary Treasurer of the Committee of Adjustment or their designate;
- 2) Wherever possible, the technology used for an electronic Committee of Adjustment meeting will permit the City to live-broadcast, or create an audio-only or audiovisual record of the electronic Committee of Adjustment meeting;
- 3) Public notice of an electronic Committee of Adjustment Meeting shall comply with the provisions of the *Planning Act* and the Regulations established thereunder and will, wherever possible, include sufficient information as to provide the public with a means to electronically access the electronic Committee of Adjustment meeting;
- 4) For the purpose of an electronic Committee of Adjustment meeting, the manner in which a meeting is open to the public shall be set out in the Notice of the electronic Committee of Adjustment meeting, and shall include:
  - (a) permitting delegations in writing if submitted in advance of the meeting; and,

- (b) permitting verbal submissions via available electronic technology during the meeting as governed by the Chair of the Committee of Adjustment;
- 5) Committee of Adjustment Members attending an electronic Committee of Adjustment meeting shall be counted for purposes of quorum at the commencement and at any point in time during the electronic Committee of Adjustment meeting, and shall be entitled to vote as if they were attending the meeting in person;
  - 6) During an Electronic Committee of Adjustment meeting, all votes shall be a voice vote, unless the Meeting is being conducted using audiovisual technology and all Committee of Adjustment Members are visible to the Chair, in which case a vote by show of hands is permitted providing the decision is confirmed by electronic signature;
  - 7) The Members of the Committee of Adjustment may provide their signature electronically to any decision made by the Committee of Adjustment during an electronic Committee of Adjustment meeting; and,
  - 8) The Members of the Committee of Adjustment may, by simple majority vote, make any orders or give any directions that it considers appropriate in the circumstances respecting:
    - (a) the format of a hearing and its conduct; and,
    - (b) any matters ancillary to the holding of the meeting, including respecting notice of the Meeting, the service or filing of materials for the hearing, attendance at the meeting, any recording of the meeting or public access to the meeting.

## **Conclusions:**

The purpose of this report is to provide the Committee of Adjustment with the necessary information to guide the adoption of a revised meeting protocol to facilitate electronic meetings during the COVID-19 Emergency. Having regard for the extraordinary circumstances presented during the COVID-19 Emergency, it is recommended that the Committee of Adjustment adopt the revised meeting protocol and procedures outlined in this report, and authorize the Secretary Treasurer or their designate to revise the existing Committee of Adjustment meeting protocol as necessary in order to facilitate electronic delegations and submissions concerning Committee of Adjustment meetings.

### **Questions regarding this Staff Report can be directed to:**

City of Richmond Hill Committee of Adjustment  
225 East Beaver Creek Road, 4<sup>th</sup> Floor  
Richmond Hill, ON L4B 3P4  
Email: [committeeofadjustment@richmondhill.ca](mailto:committeeofadjustment@richmondhill.ca)  
Telephone: 905 771 2443 or 905 771 2414

## APPENDIX “B”



### Staff Report for Special Council Meeting

Date of Meeting: April 1, 2020

Report Number: SRPRS.20.066

Department: Planning and Regulatory Services

Division: Office of the Commissioner

Subject: SRPRS.20.066 - Protocol for Electronic Delegations for Various Council and Committee Meetings During an Emergency

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#### Purpose:

To seek Council direction for the establishment of protocol for electronic delegations for various Council and Committee meetings, the Committee of Adjustment and Heritage Richmond Hill Advisory Committee during an emergency.

#### Recommendation(s):

- a) That Council adopt the procedures outlined in this Staff report;
- b) That the Clerk be authorized to establish and amend any and all protocols and procedures necessary to facilitate the electronic delegations and public submissions at Council and Committee meetings during an emergency, and any such protocols and procedures are deemed to be part of Article 12 of the Procedure By-law 74-12 as amended;
- c) That the Committee of Adjustment meetings scheduled for April 9, 2020, be rescheduled at the discretion of Chair of the Committee of Adjustment; and,
- d) That the Council Public Hearing tentatively scheduled for April 23, 2020 be cancelled.

#### Contact Person:

Kelvin Kwan, Commissioner of Planning and Regulatory Services, extension 2410

Antonio Dimilta, City Solicitor, extension 2513

Stephen M.A. Huycke, Director of Legislative Services/City Clerk, extension 2529

**Report Approval:**

**Submitted by:** Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Mary-Anne Dempster, Interim City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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### **Background:**

Staff are investigating and testing various opportunities to use technology to conduct electronic delegations and public submissions at Council and Committee meetings during the COVID-19 crisis. This would include stakeholder input for any item at a regularly scheduled Council meeting or Council Public Hearing. The objective of this strategy is to strike a balance between preserving business continuity while giving interested stakeholders the opportunity to participate in City business to the extent possible. A similar approach could be taken with other Council appointed groups such as the Committee of Adjustment and Heritage Richmond Hill. In this regard, Staff are proposing that the Clerk be authorized to establish any procedures required to facilitate electronic public delegations.

Notwithstanding the above, there is significant uncertainty in the legislative and regulatory framework related to public participation in Council and committee meetings which may, if directed by government bodies, tribunals and agencies, require adjustments and cancellations of various types of meetings. The various Provincial emergency orders, as well as direction from the Local Planning Appeal Tribunal, have effectively stopped final decision making on planning and Committee of Adjustment matters. Under the various orders and directives, any decision made by Council is effectively on hold for an indefinite period of time.

### **Development Applications:**

During this emergency, staff are seeking to limit the items which go through the Council Public Hearing process. The current process requires that all applications, and including revisions, be considered at a statutory Council Public Hearing. There are however, agenda items which deal with applications, currently under appeal with LPAT. Currently, the City has two such applications: Metroview at Yonge and Garden Avenue (Files numbers D01-18007 and D02-18033) and Goldenville on Carrville Road near Yonge (Files numbers D01-17001 and D02-17003). In light of the fact that these files are under public LPAT hearing appeals, public hearings are not statutory. As such, Council is not the final approval authority for these applications. Given the current circumstances, staff have concluded that it is prudent to revise the City's established planning protocol to have such matters considered at a statutory Council Public Meeting and instead have directional staff reports brought directly to Council prior to the LPAT hearing date. Staff of course would continue to engage in good faith discussions with the applicants to resolve issues during that time leading up to the LPAT hearing.

### **Committee of Adjustment**

The same approach for electronic meetings could also be taken for the Committee of Adjustment. This Committee does not fall within the scope of the City's Procedural By-law and operates under the Provincial Statutory Powers Procedure Act. Schedule 3 of Bill 188, Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020 also enacted by the Province on March 25, 2020, deals with Committees under these circumstances. Such meetings may be in person, electronically, in writing or by a combination of said methods, as the tribunal considers appropriate.

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There are two upcoming regularly scheduled Committee of Adjustment meetings is on April 9 and 30, 2020. Notices for the April 9 meeting have already been sent. However, these notices were sent on the basis that the meeting would be undertaken as if all circumstances would have been normal as the Council directed municipal building closure directive, scheduled to expire on April 5, 2020, would have ended and as such, there would be no need to conduct electronic meetings. In addition, the Provincial directive for public gatherings of less than five persons is also now in effect. As such, the meeting notices that were recently sent are now defective and the April 9, 2020 meeting must be cancelled and rescheduled.

However, in an effort to continue to operate and promote the City's "open for business" philosophy, an electronic meeting format for the Committee of Adjustment meetings is possible. It is noted however, that the Committee's full authority to finalize decisions is constrained by the Provincial regulation O. Reg. 73/20: Order under subsection 7.1 (2) of the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, that suspends all timelines prescribed under the Planning Act, (ie. The Committee notice of decision may not be circulated for appeal as that part of the Planning Act process is not in effect during the COVID-19 crisis).

### **Heritage Richmond Hill**

The Heritage Richmond Hill Advisory Committee provides advice to Council on all matters of heritage interest. While this Committee does not operate under the same open meeting rules that Council and the Committee of Adjustment operate, they must still meet to provide advice to Council. In the case of any application to demolish a designated building or structure of heritage interest, the prescribed ninety-day timeline is still in effect.

### **Financial/Staffing/Other Implications:**

Any financial impacts that may be required to acquire or implement technology that will permit electronic delegations are not known at this time. However, it is noted that the preceding processes are being described in the absence of any clear legislation to the contrary. As such, this lack of clarity does potentially expose the City to any appeals to a tribunal of competent jurisdiction.

### **Next Steps**

All staff and committee members must be provided the technology and training to operate their respective meetings in an efficient and professional manner. In addition, City staff, particularly the Clerk will be formalizing the necessary protocols in preparation for these meetings. It is expected that the new procedures will be operational starting in May.

### **Relationship to the Strategic Plan:**

Adopting electronic meeting procedures during an Emergency is not directly related to the Strategic Plan.

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### **Conclusion:**

Recent changes to the Municipal Act to address electronic meetings do not address public participation in various Council meetings, public planning meetings and other committees and adjudicative bodies. Staff are proposing a framework to continue the business of the City different governance bodies during the COVID-19 virus outbreak.

### **Attachments:**

None.

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**Report Approval Details:**

|                      |              |
|----------------------|--------------|
| Document Title:      | SRPRS.20.066 |
| Attachments:         | None         |
| Final Approval Date: | Mar 31, 2020 |

This report and all of its attachments were approved and signed as outlined below:

**Kelvin Kwan – Mar 31, 2020**

MaryAnne Dempster -

## APPENDIX “C”

### Extract from Special Council Meeting C#11-20 held April 1, 2020 Confirmatory By-law 42-20

#### 3. Scheduled Business

##### 3.2 SRPRS.20.066 - Protocol for Electronic Delegations for Various Council and Committee Meetings During an Emergency

Moved by: Councillor Cilevitz

Seconded by: Councillor Beros

- a) That Council adopt the procedures outlined in staff report SRPRS.20.066;
- b) That the Clerk be authorized to establish and amend any and all protocols and procedures necessary to facilitate electronic delegations and public submissions at Council and Committee meetings during an emergency, and any such protocols and procedures are deemed to be part of Article 12 of the Procedure By-law 74-12 as amended;
- c) That the Committee of Adjustment meeting scheduled for April 9, 2020, be rescheduled at the discretion of the Chair of the Committee of Adjustment; and,
- d) That the Council Public Hearing tentatively scheduled for April 23, 2020 be cancelled.

Carried Unanimously

## APPENDIX “D”

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### Staff Report for Council Meeting

**Date of Meeting:** March 9, 2022

**Report Number:** SRCFS.22.009

**Department:** Corporate and Financial Services

**Division:** Office of the Clerk

**Subject:** **SRCFS.22.009 – Continuation of Electronic Council and Committee Meetings after COVID-19**

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#### **Purpose:**

To seek Council's direction on the continued use of electronic (or Hybrid) Council and Committee meetings following the lifting of all COVID-19 restrictions.

#### **Recommendation(s):**

- a) That staff report SRCFS.22.009 be received;
- b) That Council provide direction on the continued use of electronic Council and Committee meetings following the lifting of all COVID-19 restrictions.

#### **Contact Person:**

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, extension 2529.

Ryan Ban, Manager, Legislative Services/Deputy City Clerk, extension 5547.

#### **Report Approval:**

**Submitted by:** Sherry Adams, Commissioner of Corporate and Financial Services

**Approved by:** Darlene Joslin, Interim City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

## Page 2

### Background:

Council and Committees have been meeting electronically since the start of the COVID-19 pandemic in March 2020. On September 9, 2020, Council adopted a resolution “That Council and Committee Meetings be conducted as hybrid meetings in the Council Chamber beginning with the first Council meeting in November 2020.”

On October 28, 2020, Council passed a resolution to delay the implementation of hybrid meetings until January 21, 2021. This was due to York Region being placed in Stage 3, the most restrictive stage, of the Government of Ontario’s reopening plan in force at that time. On December 9, 2020, Council further delayed the implementation of hybrid meetings until April 2021 due to continued provincial restrictions. The implementation of Hybrid meetings with Members of Council was further delayed past April 2021 as a result of York Region being placed in Red Zone, or the second most restrictive zone, of the revised provincial framework.

On March 24, 2021, Council considered Staff report SRCFS.21.014 (Attachment “A”), and adopted the following resolution that would implement Hybrid (electronic/in person) Council and Committee meetings in stages as COVID-19 restrictions start to be removed:

“a) That staff report SRCFS.21.14, Implementation of Hybrid Council and Committee Meetings, be received;

b) That the plan to implement hybrid Council and Committee meetings as generally described in staff report SRCFS.21.14, be approved;

c) That in respect of hybrid Council Meetings, Special Council Meetings, Council Public Meetings, and any Committee whose membership does not include any citizen members:

- (i) In person participation or attendance at a meeting be limited to Members of Council and City staff for the months of April and May, 2021;
- (ii) In person delegations or Public Forum addresses begin no earlier than June 2021;
- (iii) The Mayor (or Acting Mayor), in consultation with the City Manager and City Clerk, be delegated the authority to delay in person participation by members of the public as a result of any COVID-19 public health restrictions;
- (iv) Where less than three Members of Council, including the Chair, are able to participate in a meeting in person, that meeting be conducted wholly as an electronic meeting; and
- (v) The meeting Chair must participate in person.

d) That where the Chair is not able to participate in person in a hybrid meeting, in accordance with Clause (c)(v) of this resolution, the Chair shall have the discretion

## Page 3

to designate an alternate Chair for that meeting while still being permitted to attend and vote at that meeting, or direct that the meeting be conducted wholly as an electronic meeting;

e) That Council Meetings, Special Council Meetings, Council Public Meetings, and any committee whose membership does not include citizen members, be conducted wholly electronically at any time that York Region is placed in the Grey – Lockdown category of the Government of Ontario’s COVID-19 Response Framework, or any other similar lockdown or stay-at-home order implemented by the Government of Ontario;

f) That meetings of Heritage Richmond Hill, the Accessibility Advisory Committee, Committee of Adjustment, and any other committee that includes citizen members, continue as wholly electronic meetings until such time as COVID-19 public health restrictions limiting access to the municipal offices has ended;

g) That the City Clerk be authorized to place on a future Council agenda any by-law required to amend Article 12 of the Procedure By-law to give effect to this resolution.”

Subsequent to the adoption of this resolution, Council passed By-law 23-21 on April 28, 2021 to amended Article 12 to the Procedure By-law. A copy of the amended Article 12 is attached as Attachment “B”.

Council held its first Hybrid Council meeting on September 13, 2021 in Council Chambers however, due to continuing provincial restrictions enacted from time-to-time since April 28, 2021, in-person participation by the public (e.g. in person delegations) has not yet taken place.

The Government of Ontario has made a series of announcements and regulatory changes which began in early February 2021 and will effectively end most, if not all, COVID-19 restrictions within the next few weeks or months. The amended Article 12, as well as Council’s March 24, 2021 decision, effectively means that any electronic participation or meetings, except for the Accessibility Advisory Committee (“AAC”), will come to an end when all COVID-19 restrictions end in the near future.

Informal discussions have occurred that would suggest that continuing to provide the option for electronic participation in meetings following the ending of all pandemic health and safety restrictions may be a benefit to Council, Committees and the public.

This report seeks Council direction on the future use of electronic Council and Committee meetings following the end of COVID-19 restrictions. Council has two options, which are discussed in greater detail below, as follows:

- Option 1 – Maintain the current direction and end electronic participation for all Council and Committee meetings (except the “AAC”) when the last of the COVID-19 restrictions are lifted;

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- Option 2 – Continue to provide the opportunity for electronic meeting participation indefinitely

### **Option 1 – End electronic participation for Council and Committee meetings when the last of COVID-19 restrictions are lifted**

As noted above, Council's currently policy and Procedure By-law will effectively end any electronic meeting participation, except for the AAC, as soon as all COVID-19 restrictions are lifted. If Council wishes to end electronic meetings once all COVID-19 restrictions are lifted, the following resolution should be adopted:

#### Option 1 – Resolution

- a) That Staff Report SRCFS.22.009 be received for information only.

### **Option 2 – Continue electronic participation in Council and Committee meetings indefinitely**

Council could choose to continue to provide the opportunity for electronic participation in Council and Committee meetings after all COVID-19 restrictions are lifted. If this is Council's wish, Article 12 and additional sections of the procedure by-law will need to be amended. Those amendments are included in Attachment "C", and are generally described as follows:

#### Public Participation

To continue electronic meetings after COVID-19, including the option for electronic delegations and Public Forum, Council current practices need to be made permanent or clarified. Article 12 needs to be updated to remove the rule that prohibits electronic delegations when no emergency or health and safety restrictions exist (for example, see amended section 12.2.1 as shown in Attachment "C").

In addition to this, specific practices related to public participation in meetings that have formed part of electronic meetings need to be made permanent. For Public Forum, the current practice requiring persons who want to address Council during Public Forum to pre-register by noon the day prior to the meeting, as well as limiting the maximum number to five (5) persons, needs to be made permanent (see amended Section 5.5.3 in Attachment "C").

Additionally, the rules for Delegations at a Council Public Meeting (CPM) need updating. If there were no electronic meetings, the public could attend a meeting and address Council without pre-registering. To facilitate permanent hybrid CPM meetings, the rules need to be clarified so that pre-registration is required for electronic delegations, but in-person delegations that are not pre-registered will be permitted to speak (see amended Section 8.6 in Attachment "C"). In-person non-registered delegations will be permitted to speak as per practice prior to COVID-19. Pre-registered delegations would speak before non-registered delegations (see amended Section 8.6 in Attachment "C").

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### Committees

It is recommend that Committees that include Citizen Members (e.g. Heritage Richmond Hill) not be permitted to conduct Hybrid meetings. Rather, these committees must choose to be either wholly electronic or wholly in-person (see amended Section 12.2.1(c) in Attachment “C”). This is required due administrative and operational matter, including, but not limited to, technological and staff limitations. Consequential changes are also made to the Electronic Delegations rules for Committees to ensure that Committees meeting in-person only have in-person delegations, and wholly electronic Committees only have electronic delegations (see amended Section 12.4.3 in Attachment “C”).

### Member of Council and Chair

Under the current rules, a minimum of four (4) Members of Council, including the Chair, are required to attend a meeting in-person for there to be a Hybrid meeting. It is recommended that if Council is moving to a permanent electronic or hybrid meeting model, this requirement be changed and that only the Chair be required to attend a hybrid meeting in-person (see amended Section 12.3(b) in Attachment “C”).

### Option 2 – Resolution

- a) That Staff Report SRCFS.22.009 be received;
- b) That Council directs that the ability to participate electronically in Council and Committee meetings be maintained following the end of COVID-19 pandemic;
- c) That the amendments to the Procedure By-law No. 74-12 as amended, as set out in Attachment “C” to staff report SRCFS.22.009, be approved and the Clerk be directed to place the necessary amending By-law on the March 23, 2022 Council agenda for enactment.

### **Financial/Staffing/Other Implications:**

There are no financial implications from the continuation or discontinuation of Electronic Council and Committee Meetings after all COVID-19 restrictions have been lifted.

### **Relationship to Council’s Strategic Priorities 2020-2022:**

This staff report relates to Council’s Strategy Priority of a Strong Sense of Belonging. This staff report provides Council with options to continue Electronic Council and Committee Meetings in order for Members of Council, staff and the Public to continue to engage with Council and Committee meetings after all COVID-19 restrictions have been lifted.

### **Climate Change Considerations:**

Climate change considerations are not applicable to this staff report.

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### **Conclusion:**

Staff are seeking direction from Council on whether to continue Electronic Council and Committee Meetings after all COVID-19 restrictions are lifted and whether to make Electronic Council and Committee Meetings permanent.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment “A” – Staff Report SRCFS.21.014
- Attachment “B” – Article 12 of the Procedure By-law as amended on April 28, 2021 by By-law 23-21
- Attachment “C” – Draft Amendments to the Procedure By-law

## APPENDIX “E”

|   |  |
|---|--|
|  | <p style="text-align: center;"><b>Extracts from Council Meeting</b><br/><b>C#09-22 held March 9, 2022</b><br/><b>Confirmatory By-law 48-22</b></p> |
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### 13. Committee and Staff Reports

#### 13.6 SRCFS.22.009 – Continuation of Electronic Council and Committee Meetings after COVID-19

Moved by: Regional and Local Councillor DiPaola

Seconded by: Councillor Muench

- a) That staff report SRCFS.22.009 regarding continuation of electronic Council and Committee meetings after COVID-19, be received;
- b) That Council directs that the ability to participate electronically in Council and Committee meetings be maintained following the end of COVID-19 pandemic;
- c) That the amendments to the Procedure By-law No. 74-12 as amended, as set out in Attachment “C” to staff report SRCFS.22.009, be approved and the Clerk be directed to place the necessary amending By-law on the March 23, 2022 Council agenda for enactment.

A recorded vote was taken:

In favour: (8): Regional and Local Councillor DiPaola, Regional and Local Councillor Perrelli, Councillor Beros, Councillor Muench, Councillor Liu, Mayor West, Councillor Cilevitz, and Councillor Chan

Opposed: (0): None

Carried Unanimously (8 to 0)