

**THE TOWN OF CALEDON
COMMITTEE OF ADJUSTMENT
BY-LAW NUMBER 2007-01**

Being a by-law for governing the calling, place and
proceedings of meetings of the Town of Caledon
Committee of Adjustment

Members of the Town of Caledon Committee of Adjustment have a duty to conduct themselves in an impartial and objective manner and in accordance with the rules of natural justice and to perform their duties in a manner that promotes public confidence and trust in the integrity of the Town of Caledon Committee of Adjustment and its decisions

WHEREAS the Council of The Corporation of the Town of Caledon established a committee of adjustment in 1974;

AND WHEREAS the Town of Caledon Committee of Adjustment is a local board as defined in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

AND WHEREAS Subsection 238(2) of the *Municipal Act, 2001*, R.O. 2001, c.25, as amended, requires every local board to pass a procedure by-law for governing the calling, place, and proceedings of meetings;

NOW THEREFORE the Town of Caledon Committee of Adjustment enacts as follows:

A. Definitions

1. In this by-law:

- (a) "Committee" means the Town of Caledon Committee of Adjustment;
- (b) "Member" means a person who is appointed by the Council of The Corporation of the Town of Caledon as a member of the Committee;
- (c) "Regular Member" means a Member who is appointed by the Council of The Corporation of the Town of Caledon as a Regular Member or who is designated by the Committee at a Business Meeting as a Regular Member;
- (d) "Alternate Member" means a Member who is appointed by the Council of The Corporation of the Town of Caledon as an Alternate Member or who is designated by the Committee at a Business Meeting as an Alternate Member;
- (e) "Chair" means a Regular Member elected by the Committee at a Business Meeting as the Chair of the Committee;
- (f) "Vice-Chair" means a Regular Member elected by the Committee at a Business Meeting as the Vice-Chair of the Committee;
- (g) "Secretary-Treasurer" means an employee of The Corporation of the Town of Caledon appointed by the Committee at a Business Meeting as the Secretary-Treasurer of the Committee;
- (h) "Acting Secretary-Treasurer" means an employee of The Corporation of the Town of Caledon appointed by the Committee at a Business Meeting as the Acting Secretary-Treasurer of the Committee;
- (i) "Planner" means the planner employed or retained by The Corporation of the Town of Caledon who is assigned to provide comments on an application;
- (j) "Business Meeting" means a meeting of the Committee held for the purpose of, among other things, designating Regular Members and Alternate Members, electing the Chair and the Vice-Chair, appointing the

Secretary-Treasurer and the Acting Secretary-Treasurer, establishing the policies and practices of the Committee and addressing any other matters related to the operation of the Committee;

- (k) "Application Meeting" means a meeting of the Committee held for the purpose of considering an application or applications filed pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended;
- (l) "Quorum" means three Members; and,
- (m) "Introduction" means an introductory statement presented by the Chair at the beginning of each Application Meeting;

B. Members

1. If, in appointing Members, the Council of The Corporation of the Town of Caledon does not identify Regular Members and Alternate members, the Committee shall designate five Members, preferably one from each ward of the Town of Caledon, to be Regular Members, and shall designate the remaining Members to be Alternate Members.
2. All Members shall be entitled to make or second a motion or vote at a Business Meeting.
3. Subject to Sections E.8 and E.9 of this by-law, only a Regular Member shall be entitled to make or second a motion or vote at an Application Meeting.

C. Officers

1. The Committee shall elect a Chair and a Vice-Chair within the first three (3) months of each year.
2. The Vice-Chair shall have all the powers and duties of the Chair in the absence of the Chair.
3. The Acting Secretary-Treasurer shall have all the powers and duties of the Secretary-Treasurer in the absence of the Secretary-Treasurer.

D. Conflict of Interest

1. If a Member has a direct or indirect pecuniary interest in any matter before the Committee, as defined by the Municipal Conflict of Interest Act, he or she shall, in addition to complying with the requirements of the Municipal Conflict of Interest Act, absent himself or herself from the meeting room while such matter is under consideration by the Committee.

E. Meetings

1. All meetings of the Committee shall be held at the Town of Caledon Town Hall, 6311 Old Church Road, Caledon, Ontario, unless otherwise specified by the Chair or the Secretary-Treasurer.
2. All meetings of the Committee shall be called by the Chair or the Secretary-Treasurer.
3. In consultation with the Chair, the Secretary-Treasurer may cancel or reschedule a meeting of the Committee.
4. If a Member is unable to attend a meeting of the Committee, he or she shall, if possible, inform the Secretary-Treasurer twenty-four (24) hours in advance of such meeting of the Committee.
5. The Chair may vote at all meetings of the Committee, and shall vote if necessary to break a tie vote amongst the other Members.
6. Unless otherwise agreed to by a majority of the Members, at least one week's notice of a Business Meeting shall be given to the Members.
7. Notice of a Business Meeting shall state the date, time, place and purpose of such Business Meeting.

8. Subject to Subsection C.2 of this by-law, if a Regular Member is absent from an Application Meeting, the Committee shall select an Alternate Member to take the place of such Regular Member during such Regular Member's absence, and, while such Alternate Member is taking the place of such Regular Member, such Alternate Member shall be entitled to make or second a motion and to vote.
9. If the Chair is absent from an Application Meeting and the Vice-Chair is chairing such Application Meeting, the Committee shall select an Alternate Member to take the place of the Vice-Chair while the Vice-Chair is chairing such Application Meeting, and, while such Alternate Member is taking the place of the Vice-Chair, such Alternate Member shall be entitled to make or second a motion and to vote.

F. Business Meetings

1. The Committee shall hold a Business Meeting within four (4) months of the commencement of each term of the Council of The Corporation of the Town of Caledon.
2. The Committee shall not consider any application at a Business Meeting.

G. Application Meetings

1. The Committee shall hold an Application Meeting every month unless there are no applications to be considered.
2. Application Meetings shall be held on a Wednesday commencing at 1:00 p.m., unless otherwise specified by the Chair or the Secretary-Treasurer.
3. The order of proceedings at an Application Meeting shall be as follows, unless otherwise specified by the Chair:
 - (a) The Secretary-Treasurer shall call the meeting to order.
 - (b) The Chair shall present the introduction.
 - (c) The Secretary-Treasurer shall call for any requests to withdraw an application.
 - (d) The Secretary-Treasurer shall call for any requests to defer an application.
 - (e) The Secretary-Treasurer shall call each of the remaining applications in the order in which it is listed on the agenda or in such other order as the Committee determines.
 - (f) After all of the applications have been considered, the Application Meeting shall be adjourned.
4. Upon receiving a request to defer an application, the Committee shall determine whether the basis for the request is reasonable, and, if the Committee decides to defer the application, the Committee shall set a date for the application to be considered, which date shall not be more than six (6) months later, and shall describe any additional information or material that is required for the purpose of considering the application.
5. With respect to each application that is to be considered by the Committee, the order of proceedings shall be as follows, unless otherwise specified by the Chair:
 - (a) The applicant or its, his or her representative shall introduce himself or herself and shall present the application to the Committee.
 - (b) The Planner shall present his or her comments with respect to the application to the Committee.
 - (c) The Chair shall ask if there is anyone present who is interested in the application and shall invite any such person to address the Committee.
 - (d) Anyone interested in the application who wishes to address the Committee shall introduce himself or herself, shall state the basis for his

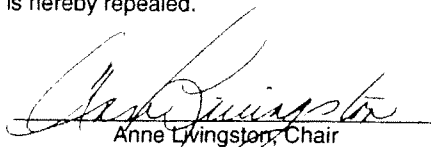
or her interest and shall present his or her comments with respect to the application to the Committee.

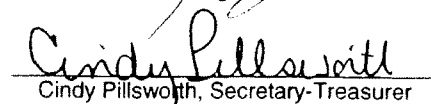
- (e) The Secretary-Treasurer shall read any written comments received with respect to the application and shall read the proposed conditions, if any, with respect to the application.
 - (f) The Committee may ask questions of the applicant or its, his or her representative, of the Planner and of anyone interested in the application.
 - (g) The applicant or its, his or her representative may respond to any questions asked by the Committee, to any comments presented or read to the Committee and/or to any of the proposed conditions.
 - (h) The Chair shall ask for a motion with respect to the application.
 - (i) Upon receipt of a motion with respect to the application, the Chair shall ask for the motion to be seconded.
 - (j) If a motion with respect to the application is moved and seconded, the Chair shall confirm the motion and shall call a vote on the motion.
 - (k) The Chair shall announce the result of the vote on the motion and the decision of the Committee with respect to the application.
6. All presentations, comments and questions with respect to an application shall be directed through the Chair.
 7. The Chair may limit any presentations or comments with respect to an application to a reasonable length of time.
 8. Once the Chair has called a vote on a motion with respect to an application no further presentations, comments or questions shall be permitted.
 9. All votes on a motion with respect to an application shall be by show of hands.
 10. If a Member who is entitled to vote on a motion with respect to an application does not vote, such Member shall be deemed to have voted in opposition to the motion.
 10. All votes on a motion with respect to an application shall be determined by a simple majority.
 12. All Members who voted in favour of a motion with respect to an application shall sign the written decision of the Committee, and the names of all Members who voted in opposition to a motion with respect to an application or who did not vote on a motion with respect to an application shall be noted in the written decision by the Secretary-Treasurer.

H. Miscellaneous

1. Nothing in this by-law is intended to supercede any requirements of the Municipal Act, the Planning Act or any other statute or regulation, and, in the event of a conflict between any provision of this by-law and the Municipal Act, the Planning Act or any other statute or regulation, the Municipal Act, the Planning Act or such other statute or regulation shall prevail.
2. By-law No. 2004-01 shall be and is hereby repealed.

Read a first, second and third time and finally passed this 18th day of April, 2007


Anne Livingston, Chair


Cindy Pillsworth, Secretary-Treasurer