

The Corporation of the Town of Arnprior

By-law Number 7136-21

A by-law to adopt the Committee of Adjustment/Property Standards Committee Terms of Reference

Whereas Section 44 (1) of the Planning Act, allows a council of a municipality that has passed a bylaw under Section 34 of the Act to constitute and appoint, by by-law, a Committee of Adjustment for the municipality; and

Whereas the Council of the Corporation of the Town of Arnprior has passed a Zoning By-law under Section 34 of the Act; and

Whereas the County of Renfrew did, with the approval of the Minister of Municipal Affairs & Housing delegate to the Town of Arnprior the authority to grant consents under Section 53 of the said Act; and

Whereas the Council of the Corporation of the Town of Arnprior, as provided in Section 54(2) of the Planning Act, R.S.O. 1990, Chapter P.13, did by By-law No. 3326-83 delegate this authority to the Committee of Adjustment; and

Whereas Section 15.6(1) of the Building Code Act requires that a Property Standards By-law provides for the establishment of a Property Standards Committee as set out in the Building Code Act; and

Whereas Council has passed a Property Standards by-law, a by-law for prescribing standards for the maintenance and occupancy of property within the Town of Arnprior and to establish a Property Standards Committee; and

Whereas the Council of the Corporation of the Town of Arnprior deems it expedient to adopt Terms of Reference for the Committee of Adjustment/Property Standards Committee.

Therefore, the Council of the Town of Arnprior enacts as follows:

1. **That** the Terms of Reference for the Committee of Adjustment/Property Standards Committee shall be established in accordance with Schedule "A" attached hereto and forming part of this by-law.

That this By-law shall come into force and effect on the day of its passing.

Enacted and passed this 22nd day of February, 2021.

Signatures:

A handwritten signature in black ink, appearing to read 'W. Stack', with a stylized, overlapping loop at the end.

Walter Stack, Mayor

A handwritten signature in blue ink, appearing to read 'Maureen Spratt', with a cursive style and a long, sweeping tail on the 't'.

Maureen Spratt, Town Clerk



Terms of Reference for the Town of Arnprior Committee of Adjustment and Property Standards Committee

Background

This document shall constitute the terms of the reference for the Town of Arnprior Committee of Adjustment and Property Standards Committee.

The Committee of Adjustment / Property Standards Committee serves two functions: the consideration of applications under the Planning Act; and consideration of appeals under the Property Standards By-law.

Powers of Committee

The Committee of Adjustment is established by By-law passed under the Planning Act, section 44. Pursuant to the Planning Act, Section 45, and By-law Number 3326-83, the Committee may consider applications for consent, minor variances and legal non-conforming use applications.

The Property Standards Committee is established by By-law passed under section 15.6 of the Building Code Act. Pursuant to By-law No. 6602-16 (Property Standards By-law) the Property Standards Committee hears appeals to orders issued by a municipal enforcement officer directing a property owner for violations under the Ontario Building Code and the Property Standards by-law as established under Section 15 of the Act.

Meeting Schedule and Location

Committee of Adjustment public hearings will be held as required to consider applications or at the call of the Chair. Meetings will be held in the Town Council Chambers. Meetings may be held in alternative formats in accordance with the Town of Arnprior Council Procedural Bylaw.

Property Standards Committee hearings may be confidential. The Property Standards Committee shall meet as required to consider appeals that have been filed with the Town of Arnprior. Meetings will be held in the Town Council Chambers. Meetings may be held in alternative formats in accordance with the Town of Arnprior Council Procedural Bylaw.

Organization

Membership

- The Committee of Adjustment / Property Standards Committee consists of five (5) members, being comprised of up to four (4) public members and up to two (2) members of Council.
- Committee members elect a Chair.
- Voting is by simple majority on the application/appeal. A tie vote means the application/appeal is refused.

Qualifications

- Understanding of planning framework and planning instruments, including Town Official Plan, Zoning By-law and other by-laws for controlling development and planning policies in the Province of Ontario, including the Planning Act, policy statements, implementation guidelines and Provincial plans.
- Understanding of the Building Code Act.
- Concern for the health and safety of residents.
- Understanding of the neighbourhoods in the Town of Arnprior.
- Ability to read and understand building plans, surveys and reports.
- Organized, available and committed to conduct site inspections of subject properties (when needed) and attend all Committee meetings and training sessions.
- Objective and open mind in order to fully consider the evidence provided.
- E-mail address in order to receive and respond to Committee communications and information, including hearing and application notices and agenda packages.

Duties and Responsibilities

Chair

- Presides at all Committee of Adjustment / Property Standard hearings and meetings and exercises authority and performs duties as required.
- Provides guidance and leadership to the committee in the completion of its mandate.
- Ensures that decorum is maintained at each hearing and meeting and that rules of procedure and conduct are observed.

All Members

- Review applications sent to them in advance of the hearing.
- Visit the site of applications prior to the hearing (when needed).
- Attend Committee of Adjustment / Property Standards hearings, consider applicant, agency and public comments, make decisions regarding applications and sign the decisions.
- Contribute time, knowledge, skill and expertise to fulfill the Committee mandate.
- Are cognizant of any conflict of interest or perceived conflict in terms of issues that may serve to benefit them personally and shall disclose accordingly.
- Act to protect the privacy of individuals with respect to personal information contained in application/appeal forms and information circulated to the Committee and to ensure that personal information is used solely for the processing of the application.

Term

Public members shall be appointed to the Committee for a period of four (4) years, coincident with the term of Council. A Council member shall be appointed on an annual basis.

Quorum

Where a Committee is composed of three members, two members shall constitute a quorum and where a Committee is composed of more than three members, three members shall be deemed to constitute a quorum.

If no quorum is present fifteen (15) minutes after the time appointed for a meeting, the Chair of the meeting or the Secretary-Treasurer may discharge the members present and may cancel or reschedule the meeting, and notice for same shall be given.

Remuneration

Members shall be compensated for the expense to attend the meetings. Remuneration shall be set by Town of Arnprior Council.

Appendix 1 - Committee of Adjustment

Specific Roles and Responsibilities

Committee of Adjustment is a quasi-judicial body with authority delegated to it by the Town of Arnprior, under the provisions of the Ontario Planning Act, to hold public hearings to make decisions on applications for:

- Minor variances from the provisions of the Zoning By-law;
- Extensions, enlargements or variations of existing legal non-conforming uses under the Zoning By-law; and
- Consents (severances, lot additions, easements).

Operation

The Committee of Adjustment considers and may authorize minor variances from the zoning by-law, review and permit extensions and enlargements to legal non-conforming uses and can grant consents. These decisions are made considering the following:

1. Applications for Minor Variances where a requirement of a Zoning Bylaw cannot be met under Sections 44 and 45 of the Planning Act; consider the following "four tests":
 - a. Whether the variance is minor;
 - b. Whether the variance is desirable for the appropriate development or use of the land;
 - c. Whether the general intent and purpose of the Zoning By-law is maintained; and
 - d. Whether the general intent and purpose of the Official Plan is maintained.

The Committee may impose conditions to the approval of a minor variance.

2. Applications for permission, which deal with the enlargement or extension of a building or structure that is legally non-conforming or for a change in non-conforming use:
 - a. Extension of a non-conforming use does not need to comply with the four tests.
3. Applications for Consent of a property or for any agreement, mortgage or lease that extends for more than 21 years under Section 53 of the Planning Act:
 - a. Must have regard to the same matters as for a Plan of Subdivision when considering an Application for Consent (s.51(24));

The Committee may impose conditions to the approval of a consent.

4. Applications for Validation of Title and Power of Sale;
5. Having regard to Provincial Policy Statements (PPS), the County of Renfrew Official Plan and the Town of Arnprior Official Plan and Zoning By-law.
6. The Committee shall follow the Town of Arnprior Procedural By-Law (By-Law 6922-19, as amended being a by-law governing the calling, place and proceedings of meetings, or any subsequent Procedural By-law)

A 'notice of the decision' is circulated following the meeting and all Committee of Adjustment decisions made under the *Planning Act* are subject to appeal to the Local Planning Appeal Tribunal. The Committee must also satisfy requirements concerning notice, public hearings, notice of decisions and recording of proceedings.

Hearings

The goal of the Committee of Adjustment is to provide for and conduct a fair hearing by:

- Allowing anyone wishing to speak to an application an opportunity to do so.
- Giving due diligence to the consideration of each application.
- Openly having all discussions about each application and making all decisions in public at the hearing.
- Making rational decisions with appropriate, well-thought-out conditions.
- Clearly stating the reasons for their decisions.

Administrative Support Staff

Secretary-Treasurer Committee of Adjustment (non-voting position)

- Responsible for all Committee of Adjustment administrative duties
- Review all applications for processing
- Distribute the agenda and public notice
- Record and circulate the minutes
- Issue decisions
- Follow up on any questions and/or concerns from the Committee members and public

Planner (non-voting position)

Town Planner

- Prepare reports outlining relevant planning policies and an overview of comments received.

Appendix II - Property Standards Committee

Specific Roles and Responsibilities

The Property Standards Committee is a quasi-judicial body appointed by Council to consider appeals to orders issued by Property Standard Officers. Orders are issued for violations of certain Ontario Building Code and municipal by-law standards for residential, multiple residential and commercial properties. The decision of the Property Standards Committee may be appealed to the Superior Court of Justice.

Appeal of an Order

1. An owner or occupant who has been served with an order under Section 15.2(2) of the Ontario Building Code Act, and who is not satisfied with the terms or conditions of the order, may appeal to the committee by sending a notice of appeal within fourteen days of being served with the Order. A Notice of Appeal shall be accompanied by a non-refundable payment of one hundred and fifty (\$150.00) dollars.
2. An Order that is not appealed within the time referred to in section 1 above shall be deemed to be confirmed.
3. Where an appeal has been taken, the Property Standards Committee shall hear the appeal and shall have all the powers and functions of the Officer who made the order and may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
 - a) Confirm, modify or rescind the order to demolish or repair;
 - b) Extend the time for complying with the order.
4. An order that is deemed to be confirmed under section 2 or that is confirmed or modified by the committee under section 3, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

Hearings

The Committee Secretary shall provide a Notice of a Hearing to the parties. A Notice of Hearing shall include:

- a. A statement of the time, place and purpose of the Hearing; and
- b. A statement that if the Appellant, or his or her Representative, does not attend at the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

The Committee will render its decision on the matter in the presence of the Appellant and Town of Arnprior representatives. If the Committee determines that additional information is required to render a decision, it may adjourn the matter to a future meeting date.

In its decision, the Committee may confirm, modify or quash the Order and/or extend the time for complying with Order.

A copy of the decision including the reasons for the decision of the Committee will be sent to the Appellant by Registered Mail.

The goal of the Property Standards Committee is to provide for and conduct a impartial hearing by:

- Approaching every hearing and every issue arising at a hearing with an open mind
- Acting fairly when conducting hearings and rendering decisions
- Acting with honesty and integrity, and conducting themselves in a manner consistent with the nature of their responsibilities
- Clearly stating the reasons for their decisions

Administrative Support Staff

Secretary (non-voting position)

One staff member of the Clerk's Department, as selected by the Clerk, shall attend hearings to serve as Committee Secretary. The Committee Secretary shall book hearings, circulate agendas, circulate decisions and minutes, attend hearings and transcribe minutes for circulation.

Enforcement Officer (non-voting position)

One officer, preferably the Officer that issued the Order, shall attend hearings of the Property Standards Committee.