

The Corporation of the City of Kenora

By-law Number – _____

A By-law to establish Terms of Reference and Rules of Order and Procedure for the City of Kenora Committee of Adjustment and Property Standards Appeal Committee

Whereas Sections 5, 44 and 54 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, authorize a council of a municipality to constitute and appoint a Committee of Adjustment for the municipality to address Applications for variances and consents to sever;

Whereas Council deems it advisable to constitute and appoint a Committee of Adjustment;

Whereas Section 15.6(1) of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, requires that a Property Standards By- Law provide for the establishment of a Property Standards Appeal Committee;

Whereas Council deems it advisable and expedient to appoint the Committee of Adjustment as the Property Standards Appeal Committee to which Council has designated such responsibility;

Whereas Council deems it advisable to dismantle its discretionary Planning Advisory Committee; and

Whereas the procedures of the Committee of Adjustment and Property Standards Appeal Committee must comply with the requirements of the *Planning Act* and the *Building Code Act*, respectively;

Now Therefore the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. That Council decommission its discretionary Planning Advisory Committee;
2. That Council delegates its consent and variance granting authority as well as its Property Standards Appeal authority to the Committee of Adjustment, acting as the Property Standards Appeal Committee;
3. That the responsibilities, duties and procedures of the Committee of Adjustment shall be established in accordance with Schedule "A" attached hereto and forming part of this by-law;

4. That this By-law shall come into force and take effect upon the date of its passing; and
5. That By-law Number 74-2021 be and is hereby repealed.

By-law Read a First and Second Time this day of , 2025

By-law Read a Third and Final Time this day of , 2025

The Corporation of the City of Kenora:

Andrew Poirier, Mayor

Heather Pihulak, City Clerk

SCHEDULE "A"

To By-law Number _____

City of Kenora Committee of Adjustment and Property Standards Appeal Committee

1.0 Establishment. Authority and Purpose

- 1.1 The purpose of the City of Kenora Committee of Adjustment and Property Standards Appeal Committee is to oversee land use development and Property Standards order Appeals for the City of Kenora. In doing so, the Committee must meet the procedural obligations of the *Planning Act*, *Building Code Act* and this By-law.
- 1.2 The Committee of Adjustment and Property Standards Appeal Committee may only consider oral or written submissions received prior to and during its statutory public meetings, which are presented to the Committee at the statutory public meeting for its consideration and use in reaching a decision.
- 1.3 Council is precluded by s.14.1 of the *Municipal Act, 2001* from interfering in decisions of the Committee of Adjustment or the Appeal decisions of the Property Standards Appeal Committee. Dissatisfied applicants and members of the public must address remaining concerns on Appeal to the Ontario Land Tribunal or a court of law, as applicable.
- 1.4 The Committee is also responsible to respect the *Municipal Act, 2001* closed meeting provisions, the *Municipal Conflict of Interest Act* and the *Municipal Freedom of Information and Protection of Privacy Act*.
- 1.5 Any conflict between the procedural or substantive requirements of the *Planning Act* and *Building Code Act* with these Rules of procedure or a decision of the Committee are resolved in favour of the provision in the special Act.

2.0 Roles and Responsibilities

The Committee is quasi-judicial Committee of Council, which:

- 2.1 Receives, processes and makes decisions on Applications for:
 - Variances from the permissions and restrictions of the Zoning By-law.

- Consents to sever a parcel of land and related certificates of validation.
 - Appeals from Property Standards Orders.
- 2.2 Carries out site inspections of subject properties as deemed necessary by the Committee.
- 2.3 Maintains close liaison with the Planning and Building Services Department of the City of Kenora.
- 2.4 The Chair shall:
- Be appointed by the other Members of the Committee.
 - Preside at all Committee meetings and hearings.
 - Provide guidance and leadership to the Committee on procedural requirements of its hearings.
 - Enforce on all occasions the conduct of the Members and the public.
 - Control delegation protocol and process during hearings and meetings.
 - Preserve order and decorum and decide questions of order, subject to an appeal to the Committee by a Member.
- 2.5 The Vice Chair shall:
- Be appointed by the other Members of the Committee.
 - Act in the Chair's absence, assuming the Chair's roles and responsibilities for any meeting or hearing.
 - Should the Vice-Chair also be unavailable for a meeting or hearing, the remaining Members will appoint a Chair at the outset of the meeting, should they have quorum to proceed.
- 2.6 All Members shall:
- Review Applications and Appeal documents sent to them in advance of the meeting or hearing.
 - Visit the site of an Application or Appeal prior to the meeting or hearing, as directed by the Committee.
 - Attend Committee meetings and hearings.
 - Consider applicant, authorized representative, Planning and Building Services Department and public submissions, regarding the Application or Appeal, as presented in the meeting or hearing.
 - Make written decisions on Applications and Appeals in the public meeting upon the permitted information presented and with required reasons.

- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate.
 - Declare where a pecuniary interest or possible pecuniary interest exists for purposes of the *Municipal Conflict of Interest Act* and not discuss, influence or vote on any matter in which they have declared such a pecuniary interest.
- 2.7 All members of the public shall respect the decorum of the Committee meetings and hearings and shall refrain from public outbursts shouting or behavior intended to disrupt the debate discussion and or general proceedings of the Committee. The Chair may request that a member of the public vacate the meeting room if their behavior is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the meeting until order is restored in the meeting room.
- 2.8 Committees of Adjustment operate on a "quasi-judicial" basis, meaning "like a court of law" only in a less formal setting. This means that Committee members are under an obligation to hear and consider all available evidence when rendering a decision.

3.0 Membership

- 3.1 The Committee shall be comprised of five (5) to seven (7) Members appointed by resolution of the City of Kenora.
- 3.2 The Members appointed to the Committee shall be members of the public and residents of the City of Kenora.
- 3.3 To support delivery of the Committee's mandate, preference may be given to persons with general knowledge of land use planning matters, including planning legislation, concepts or processes.

4.0 Term of Office

- 4.1 Members of the Committee shall hold office for the term of the Council that appointed them, unless they are a Member of Council in which case they are appointed for one (1) year.
- 4.2 Members of the Committee shall hold office until their successors are appointed and are eligible for reappointment, and where a Member ceases to be a Member before the expiration of his or her term, the Council shall appoint another eligible person for the unexpired portion of their term.
- 4.3 The advertising of vacancies and appointments to the Committee will be in accordance with the policies adopted by Council from time to time.

- 4.4 Retiring Members will receive a letter of appreciation on behalf of the Mayor and Council at the end of their term if they are not reappointed, or if they voluntarily retire from their position on the Committee.

5.0 Quorum

- 5.1 Quorum for the Committee of five (5) or seven (7) Members is three (3) for variance Applications and four (4) for consent Applications and Property Standards order Appeals.
- 5.2 Only a majority of Members, establishing quorum or more, can render a binding decision on any Application or an Appeal.
- 5.3 A tie vote will require a change in vote or a majority vote upon an amended motion put forward to the Members for a decision.
- 5.4 A vacancy in the Membership or the absence or inability of a Member to act does not impair the powers of the Committee or of the remaining Members.

6.0 Officers of the Committee

- 6.1 The Chairperson, Vice-Chair and other positions shall be elected annually from the Membership of the Committee.
- 6.2 The Secretary-Treasurer of the Committee shall be an employee of the City of Kenora. Appointment of the Secretary-Treasurer shall be made by the Committee.
- 6.3 The Deputy Secretary-Treasurer shall be an employee of the City of Kenora. Appointment of the Deputy Secretary-Treasurer shall be made by the Committee.
- 6.4 The Chairperson, or Vice-Chair in their absence, shall act as liaison with the Planning and Building Services Department.
- 6.5 A list of appointments of the Committee (Chairman, Vice-Chair, Secretary-Treasurer) shall be provided to City Council annually.

7.0 Meetings

- 7.1 The Committee shall meet monthly, on a day and time to be determined by the Committee, or more often at the call of the Chairperson. The schedule of the monthly meetings shall be established by the Members at the first regular meeting of the Committee, annually.

- 7.2 Special meetings may be called, if an applicant has provided the appropriate fee, or as required in the case of a Property Standards Appeal, if all statutory notice timelines and other requirements are met.
- 7.3 All meetings shall be open to the public and no person shall be excluded except for improper conduct.
- 7.4 Members of the public, the applicant, the Planning and Building Services Department and any authorized agents thereof may present at the statutory meeting for consents and variances, and be present during any Application decision deliberations with the exception of those items which may be discussed by the Committee and Planning and Building Services Department in closed session in accordance with Section 239 of the *Municipal Act, 2001*.
- 7.5 The appellant and the City and any authorized representatives thereof may present on an Appeal of a Property Standards order and be present during any Committee decision deliberations, with the exception of items which may be discussed by the Committee and Planning and Building Services Department in closed session in accordance with Section 239 of the *Municipal Act, 2001*.
- 7.6 The Committee cannot consider submissions of the applicant, the public or any authorized representatives provided after the time for submissions in the statutory public meeting or Appeal hearing.
- 7.7 The Committee may consider an amended Application for a consent or variance after hearing from the public in the statutory public meeting. The Committee will determine, by motion as per section 11.0, whether the amended Application addresses public concerns raised in the statutory public meeting. If it lessens the impacts of concerns raised by the public or public agencies at the statutory public meeting, the Committee may proceed to render its decision without further public notice and circulation of materials. If the amended Application does not address or increases the impacts of concerns raised by the public or public agencies at the statutory meeting, the Committee will issue fresh notice and circulate the amended Application materials for a further public meeting prior to deliberating and rendering a decision.
- 7.8 Members of the Committee who are unable to attend the regular monthly meeting are required to report their absences to the Secretary-Treasurer and Chair. If three (3) Committee meetings in a row are missed, Council may revoke the Member's appointment in its discretion.

8.0 Electronic Participation by Members

8.1 Participation in Committee meetings by electronic means is permitted under the following conditions:

- The Secretary-Treasurer has the sole discretion to determine the electronic means of participation of requesting Members.
- All meeting facilities must enable the meeting participants and the public to hear and or watch and hear, each other.
- Members wishing to attend a meeting electronically shall provide a written request to the Secretary-Treasurer one (1) week in advance of the scheduled meeting or, in the circumstance of a Special Meeting, when the Special Meeting Agenda is distributed.
- There is no limit on the number of meetings that Members may attend remotely.
- Members attending electronically may not have full visual access to all portions of the meeting including presentations, deputations and materials presented in person at the meeting. The Secretary-Treasurer will circulate such documents before and following the meeting as may be required to ensure a fair process.
- Members must connect electronically to the meeting no later than 10 minutes prior to the commencement of the meeting to allow the Secretary-Treasurer ample time to ensure connectivity and advance preparation of the meeting.
- Members attending electronically must advise Members of the Committee if they need to disconnect from the meeting for any reason at any time by indicating to the Chair of their departure. The Secretary-Treasurer shall record in the minutes the time the Member left the meeting. In the event connection is lost during any meeting, the Member shall attempt to reconnect to the meeting without disruption to the meeting. In the event a reconnection does not occur the Member attending electronically shall be considered to have left the meeting at the point of disconnection.
- The Member shall be allowed to vote, and their vote will be required to be verbally announced. The Chair shall recognize electronic participants by requesting a verbal 'aye or nay' vote in the event of voice attendance only, or a raised hand in the event of visual attendance. This shall be followed at the end of the vote of Members in attendance. Members attending electronically need to ensure they address the Chair by vocalizing their request for discussion prior to the vote called.

- Members are responsible for ensuring there is no background noise at their location that would interfere with the meeting. Audio should be muted at all times except for when addressing meeting attendees.
- Members must adhere to the Code of Conduct in this bylaw when attending in an electronic format and all decorum and rules apply while attending remotely.

9.0 Special Electronic Meetings

- 9.1 Members may, where deemed necessary by the Secretary-Treasurer, meet in an electronic format for the purposes of conducting the business of the Committee.
- 9.2 Under this provision, Members may participate in both open and closed sessions in the electronic format and, where possible, the Chair and Secretary-Treasurer be present in the meeting room identified while all other Members may attend remotely. It is permitted, when deemed necessary by the Secretary-Treasurer, for all Members to participate remotely.
- 9.3 Members participating electronically count towards quorum and are permitted to vote.
- 9.4 Meetings held under this provision are required to follow existing meeting rules including provision of notice of meetings to the public, maintaining meeting minutes and, subject to certain exceptions, that meetings continue to be open to the public.

10.0 Code of Conduct and Privacy

Municipal Conflict of Interest Act

Committee Members may have a pecuniary interest conflict in participating in decision-making on matters before it.

- 10.1 Where a Member, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Committee meeting or Appeal hearing at which the matter is considered, the Member:
 - Shall prior to any consideration of the matter, disclose the interest and the general nature thereof.
 - Shall not take part in the discussion of or vote upon any question in respect of the matter.
 - Shall not attempt in any way before, during or after the meeting or hearing to influence the voting on any such question.

- Shall leave the room and remain absent from it at all times during consideration of the matter.
- 10.2 If a Member's pecuniary interest has not been disclosed due to their absence from the hearing, the Member shall disclose the pecuniary interest and comply with the requirements listed above at the first Committee meeting attended by the Member after the matter was considered.
- 10.3 Every declaration of pecuniary interest and the general nature thereof shall be recorded in the minutes of the meeting by the Secretary-Treasurer of the Committee.

Municipal Freedom of Information and Protection of Privacy Act

- 10.4 Members will act to protect the privacy of individuals with respect to personal information contained in Applications and Appeals circulated to the Committee and to ensure that personal information is used solely for the processing of the Application or Appeal.

11.0 Voting

- 11.1 For variances or consents, the City Planner or their designate will make a report with a recommendation to the Committee and that recommendation shall form the motion before the Committee.
- 11.2 The Secretary-Treasurer will call for discussion/questions on the report and motion presented and, once concluded, a Member shall read the motion before the Committee. The Chair shall then call for the vote on the motion before it.
- 11.3 At the time the vote is called, Members may call for an amendment to the motion through the Chair. The Member must have a seconder for the motion to amend for it to proceed. Otherwise, the motion on the floor is then voted upon. If the amendment is seconded, Members must vote on the amendment first.
- 11.4 Debate is limited to the Chair calling for discussion/questions once the matter has been presented. Members must then raise their hand to indicate they have questions/discussion. If no Member indicates a need for discussion, the Chair shall call for the motion as included in the planning report, or as amended, per Section 11.3, to be voted upon.
- 11.5 The manner of determining the decision of the Committee on a motion shall be at the discretion of the Chairperson and is done by way of a show of hands, standing or otherwise, by a quorum of the Committee per section 5.

- 11.6 All Members present are required to vote when a motion or amended motion is put forth, unless:
- Such Member has made a Declaration of Interest under the *Municipal Conflict of Interest Act*, and therefore the Member shall "abstain" from voting; or
 - In the interest of making an informed decision such Member was not in attendance at a previous meeting(s) at which the integral components of the subject Application were discussed.
- 11.7 All Members present and without declared conflict of interest or lack of required information shall vote and each Member shall have one vote, should a quorum remain per section 5.
- 11.8 A vote shall be taken at the direction of the Chair on each motion duly moved and seconded.
- 11.9 Voting shall continue on each motion put forward by Members until a clear and deliberate decision is made by a majority vote of quorum.
- 11.10 With respect to Applications before the Committee, when a motion is put forward and a Member who is present and not otherwise prevented from voting does not vote, their vote shall not be counted.
- 11.11 A decision cannot be made as a result of a tie vote or a vote by less than the majority of applicable quorum per section 5. In such circumstances, a new motion must be presented until one is carried by a majority of the quorum or more of the Members present who have not declared a pecuniary conflict of interest.
- 11.12 The Chair shall announce the decision of the Committee at the public meeting.
- 11.13 Members shall sign the written decision with reasons at the Meeting.
- 11.14 The manner of voting on a Property Standards Appeal will be determined by the Chair and a majority of quorum or more Members in favour or against the Appeal is required to reach a binding decision.

12.0 Decision

- 12.1 The Committee of Adjustment will either approve, approve with conditions, refuse, or defer the application.

12.2 All decisions of the Committee on Applications for variance or consent approvals must comply with the tests outlined below, conform to the Northern Growth Plan, be consistent with the Provincial Policy Statement in force at the time, have regard to matters in s.2 and s.2.1 of the *Planning Act* and provide written reasons including in regard to material submissions made. Not every submission must be referenced in the written reasons but only those relevant to a significant impact and the decision.

12.3 Any Application approval may be subject to such terms and conditions as the Committee considers reasonable and advisable.

12.4 Minor Variances:

The Zoning By-law regulates how land and buildings are used and where buildings and structures can be located. This by-law also specifies lot sizes and dimensions, parking requirements, building heights and other regulations necessary to ensure proper and orderly development. However, in some circumstances it may not be possible or desirable to meet all of the requirements of the Zoning By-law. In such cases, a property owner may apply for approval of a minor variance. A minor variance provides relief from one or more specific Zoning By-law requirements, excusing the property owner from meeting the exact requirements.

For the Committee to approve this type of Application, the *Planning Act* requires that Members must be satisfied that the Application meets all of the following four tests:

- Is the request considered to be a minor variance from the Zoning By-law requirements (an evaluation of impact rather than a numerical value);
- Is the request desirable for the appropriate development or use of the land;
- Does the request maintain the general intent and purpose of the Official Plan; and
- Does the request otherwise maintain the general intent and purpose of the Zoning By-law.

12.5 Legal Non-Conforming Uses;

Legal Non-Conforming Uses are uses of property that existed prior to a zoning by-law being in force or that met all of the requirements of the Zoning By-law and *Planning Act* when they were established but no longer comply because the Zoning By-law requirements have changed.

The Committee can consider Applications for extensions or enlargements of buildings or uses that are subject of a legal non-conforming use and determine whether it is the same use or has become a different and unauthorized use as a result.

For the Committee to approve this type of Application, the *Planning Act* requires that the Members must be satisfied that:

The non-conforming use was permitted before the current Zoning By-law was approved;

- The non-conforming use has continued, uninterrupted since that time; and
- The extended or enlarged building or use is not distinct in character from its prior character and level of impact.

Any cessation of a legal non-conforming use, absent a force majeure event, brings it to an end as authorized for purposes of the Zoning By-law, Official Plan and *Planning Act*.

12.6 Consents

Consents to sever property are permitted under the *Planning Act*, in the discretion of the Committee and subject to its reasonable conditions, upon meeting the criteria set in the *Planning Act* for consents.

For the Committee to approve this type of Application, the *Planning Act* requires the Members to consider:

- Whether the Application is premature or in the public interest
- Whether it conforms to the Official Plan and adjacent plans of subdivision
- The suitability of the land for the intended purpose
- If affordable housing is proposed and appropriate on the land
- The number, width, location, grade, elevation and adequacy of highways
- The dimensions and shapes of proposed lots
- Restrictions on the land and on adjoining lands
- Potential impacts on conservation and flood control
- Adequacy of utilities and municipal services
- Adequacy of schools
- Whether the Application optimizes utility and municipal services

- Other factors related the proposed land use and impacts arising from the proposal

12.7 Property Standards Appeals

Decisions of the Committee on a Property Standards order Appeal must have regard only to *Building Code Act*, the City Property Standards By-law and the appellant and City's evidence and submissions provided and accepted in the Appeal hearing. The written decisions shall outline the Appeal grounds and respond to those grounds by reference to relevant evidence and legal submissions provided in the Appeal but need not cite every aspect of evidence and law presented.

13.0 Public Deputations

- 13.1 Any member of the Public desiring to present information or speak to the Committee at a public meeting on a variance or consent Application shall have an opportunity to do so during the Deputations portion of the Agenda, at the time announced by the Chair.
- 13.2 Public deputations shall be kept specific to the Application before the Committee and focused to the concerns or support for the matter.
- 13.3 Public deputations shall not be more than five (5) minutes in duration and no debate on any subject shall be engaged in by either the Committee or the member of the public.
- 13.4 Communications, including a petition, designed to be presented to the Committee and filed with the Secretary Treasurer shall be legibly written or printed, shall not contain any obscene or improper matter or language and shall be signed and dated by at least one person.
- 13.5 Petitions designed to be presented to the Committee and filed with the Secretary Treasurer shall contain original signatures and all information on the petition including names addresses and telephone numbers shall become part of the public record of the meeting at which it is received.
- 13.6 Communications or petitions to be printed on an agenda shall be delivered to the Secretary Treasurer no later than 4:30 pm on the Wednesday of the week prior to meeting. If in the Secretary Treasurer's opinion, the communication petition is of a time sensitive nature the Secretary Treasurer may bring forward such communication or petition for the Committee's consideration after the aforementioned deadline.

- 13.7 No depositions or submissions will be received or considered after the statutory public meeting process is complete, unless upon an amended Application that the Committee has deemed to require a further public notice, circulation of amended materials and an opportunity for further oral or written submissions.
- 13.8 No public participation is permitted on a Property Standards order Appeal hearing. Only the parties to the Appeal will be allowed to proffer evidence and submissions to the Committee during the Appeal hearing.

14.0 Curfew

- 14.1 The Committee shall adjourn no later than the hour of 9:00 p.m. CT, unless otherwise directed by a unanimous vote of Members present.

15.0 Honorarium

- 15.1 An honorarium for Members shall be established by Council. Payment of the honorarium shall be twice annually, after the May meeting and after the November meeting.

16.0 Agenda

- 16.1 The Committee meeting agenda and supporting documents shall be circulated to the Committee Members by electronic mail. If a Committee Member requests, the meeting documents shall be caused to be delivered by regular mail for receipt in excess of seventy-two (72) hours prior to the meeting.
- 16.2 The Committee shall deal with business matters in the following order:
- i. Call meeting to order
 - ii. Declaration of Pecuniary Interests
 - iii. Adoption of Minutes of previous meeting
 - iv. Correspondence relating to Applications before the Committee
 - v. Other correspondence
 - vi. Adjournment Requests
 - vii. Public Deputations on Applications
 - viii. Considerations of Applications for Minor Variance
 - ix. Considerations of Applications for Consents
 - x. Property Standards Order Appeals
 - xi. Old Business
 - xii. New Business
 - xiii. Adjournment

- 16.3 For Property Standards order Appeals, the Committee shall hear from the appellant or their authorized agent, followed by the City, followed by the appellant in reply upon any new issues being raised by the City which the appellant had not yet addressed. The Committee may put time constraints on the submissions of the parties as it deems appropriate in the circumstances and may refuse to hear irrelevant submissions that do not relate to the order under Appeal.

17.0 Accounting

- 17.1 The Committee budget forms part of the Planning and Building Services Department budget. All financial commitments of the Committee, including provision for Committee Members to attend training, workshops and conferences, are processed through the Planning and Building Services Department in keeping with City policies.
- 17.2 Requests for refunds may be made in writing by an Applicant/Agent from whom payment was originally received by the Planning and Building Services Department. They shall be eligible for a 10% refund within one (1) year of the Application submission date and after the preparation of the staff report but prior to consideration of the Application by the Committee, and for an 80% refund of the amount if the notice of the Application has not been given.
- 17.3 A request for deferral of a hearing date must be made before the Committee, during the time allotted in the public meeting to consider adjournment requests. If the request for deferral is made by the applicant, an extra fee shall be charged. The Committee shall generally permit a one-year period for re-scheduling of a hearing date but may schedule a specific date if necessary to establish applicable quorum.

18.0 Minutes

- 18.1 Minutes of the Committee shall be recorded by the Deputy Secretary Treasurer or Secretary Treasurer of the Committee and shall be prepared for distribution.
- 18.2 Minutes shall be posted on the City's portal/webpage after adoption and circulated to the Clerk for Council's information and filing.
- 18.3 Minutes shall be recorded without note or comment and capture a summary of the discussion and any decision(s) rendered.
- 18.4 Public Deputations shall be recorded with name of the presenter and simple generalized points of the deputation.
- 18.5 Property Standards order Appeal hearings shall be recorded.

19.0 Staff Support and Document Release

- 19.1 Requests for access to documentation, reports and support materials shall be directed to the Secretary-Treasurer.
- 19.2 Application materials shall be provided to the public with due notice under the *Planning Act* and be available to the public upon request.
- 19.3 Amended Application materials shall be provided to the public with due notice under the *Planning Act* when the Committee has directed a further round of public submissions due to the amendments.
- 19.4 Other Applicant documentation, Planning and Building Services Department and other staff and agency advisory reports and legal support materials shall only be released in compliance with the *Municipal Freedom of Information and Protection of Privacy Act*.
- 19.5 The Planning and Building Services Department shall act as expert resource staff to the Committee. The Department may seek additional expert or legal advice on any Application issues, as it deems necessary.

Administrative Support Staff

- Secretary-Treasurer (non-voting position)
Responsible for all Committee administrative duties.
- Deputy Secretary-Treasurer (non-voting position)
In the absence of the Secretary-Treasurer, the Deputy Secretary-Treasurer shall be responsible for all Committee administrative duties.
- Minute-Taker (non-voting position)
Responsible for the recording of and distribution of minutes/records, notices etc. to the Secretary-Treasurer.
- Departmental Representatives / Planners (non-voting position)
Act as subject matter experts and provide information to assist the Committee in reaching legally complaint decisions.

20.0 Reporting Relationships

- 20.1 The Committee reports to Council shall be reported through the Planning and Building Services Department. The liaison for resource staff to the Committee shall be the Secretary-Treasurer.

- 20.2 The Committee shall work closely with the resource staff but shall not have direct line authority over the staff. It is acknowledged, however, that there shall be occasions when the Chairperson of the Committee must direct the Secretary-Treasurer to carry out work.

21.0 Reporting to City Council

- 21.1 Section 14.1 of the *Municipal Act, 2001* precludes Council from interfering with a Committee decision in whole or part after it has been made.
- 21.2 No correspondence or deputations to Council on an Application or Appeal will be considered by the Committee after its decision is rendered or if not presented through the City during the public meeting or Appeal hearing.
- 21.3 Reports for consideration by Council and/or minutes of the Committee shall be processed through the Planning and Building Services Department to Council, in accordance with the City's Procedural By-law, to be placed on the agenda for Council.

22.0 Confidentiality

- 22.1 The Members of the Committee shall be bound by the *Municipal Act, 2001* as it relates to *in camera* meetings and the *Municipal Freedom of Information and Protection of Privacy Act* for confidentiality of information received and its disclosure.

23.0 Regular Review of this Authority

- 23.1 These Terms of Reference and Rules of Procedure shall be reviewed during the term of each Council or more frequently, as required.
- 23.2 This review may be initiated by City Council, the Planning and Building Services Department or by the Committee.