

Committee of Adjustment

Terms of Reference

Purpose

The Committee of Adjustment is a statutory tribunal with authority delegated to it by the Council of the Township of McNab/Braeside under the provisions of the Planning Act to hold public hearings to make decisions on applications submitted to the Township on minor variances and enlargement or extension to any existing legal non-conforming building or structure. The Committee operates independently from Council and its decisions may be appealed to the Local Planning Appeal Tribunal (LPAT).

Delegated Authority

The Committee of Adjustment is a quasi-judicial body, charged with observance and protection of applicable planning law and also with protecting the rights of the individuals affected by the decisions made.

The common law principles of natural justice require the Committee of Adjustment to ensure that individuals affected by their decisions have their equivalent of a “day in court”. The Committee must also satisfy legal requirements concerning notice, public hearings, calling of witness, notices of decisions and recording of proceedings. All timelines under the Act will be strictly adhered to.

As well as the legal procedures detailed in the Planning Act, the Municipal Act, the Statutory Powers Procedure Act, the Municipal Conflict of Interest Act and the Municipal Freedom of Information and Protection of Privacy Act govern the Committee of Adjustment.

The Committee of Adjustment is guided by planning policies and controls established by the Township of McNab/Braeside through Zoning By-laws and other By-Laws for controlling development, and the Official Plan and planning policies of the County of Renfrew and the Province of Ontario, including the Planning Act, statements of Provincial interest as defined in policy statements, implementation guidelines and Provincial plans.

The Committee of Adjustment has the authority to act on matters to carry out the mandate of the Committee pursuant to the Ontario Planning Act, using its discretion and judgement.

Mandate

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 reason for their decisions

The Committee of Adjustment may:

- Grant a minor variance to any zoning by-laws passed under s.34 of the Planning Act in respect of the land, buildings or structure, or the use thereof.
- Approve one or more applications for enlargement or extension to any existing legal non-conforming building or structure provided that the use continued from the date that the by-law was passed until the date of the application to the Committee.
- Approve one or more applications for a use that is either similar to or that is more compatible with the uses permitted in the by-law.

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with the Planning Act.