

# Corporate Policy and Procedure

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Policy	<b>Committee of Adjustment Administrative Policy</b>
Category	Departmental
Authority	City Clerk's Office
Related Policies	<a href="#">Committee of Adjustment Hearing Procedures</a>
Approved By	Committee of Adjustment
Effective Date	September 9, 2021
Revision Date	N/A

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## 1. Purpose

The purpose of this policy is to provide consistent and transparent guidelines for the administration of Committee of Adjustment applications.

## 2. Definitions

**"Application"** means an application made to the Committee under Section 45, 53 and 57 of the Planning Act.

**"Committee"** means the City of Guelph Committee of Adjustment appointed by Guelph City Council pursuant to the Planning Act.

**"Consent sketch"** means the sketch required as part of Schedule 1 of Ontario Regulation 197/96 forming the information and material to be included in an application for consent under subsection 53(2) of the Planning Act.

**"Decision"** means a decision of the Committee on an application.

**"Electronic hearing"** means a hearing called and held in full or in part via electronic means including, but not limited to, video teleconference, audio teleconference or telephone, and with or without in person attendance.

**"Electronic signature"** means a scanned hand-written signature on an electronic document.

**"Fee"** means the applicable fee as approved by Guelph City Council under the Planning Act for Committee of Adjustment applications.

**"Hearing"** means any hearing of the Committee, including an electronic hearing.

**"Hearing Procedures"** means the Committee's Hearing Procedures established by the Committee, as amended from time to time.

**“Minor variance sketch”** means the sketch required as part of Schedule 1 of Ontario Regulation 200/96 forming the information and material to be included in an application under subsection 45 of the Planning Act.

**“Planning Act”** means the Planning Act, R.S.O. 1990, c. P.13, as amended, and any regulations thereto.

**“Reference plan”** means a plan of the land prepared by an Ontario Land Surveyor to be deposited for record in the Land Registry Office.

**“Secretary-Treasurer”** means the Secretary-Treasurer for the Committee or the Deputy Secretary-Treasurer, as the case may be.

**“Zoning By-law”** means the Zoning By-law for the City of Guelph, as amended.

### **3. General**

- a) This policy shall apply to the administrative processing of Committee of Adjustment applications, with necessary modifications as judged by the Secretary-Treasurer. The applicable procedures for a hearing are contained in the [Hearing Procedures](#).

### **4. Fees**

- a) All fee payments shall be made payable to the Corporation of the City of Guelph and be included with the application upon submission.
- b) Fees are to be established by Guelph City Council under the Planning Act and are subject to change. Waiver or reduction of fees may be considered by the Committee in accordance with the Committee of Adjustment Fee Refund Policy and the Planning Act.

### **5. Application Submission**

- a) The Secretary-Treasurer may refuse to accept or further consider an application until the prescribed information and material identified in the Planning Act has been submitted along with the required fee. An application will not be considered by the Committee unless it is considered complete by the Secretary-Treasurer.
- b) A minor variance sketch accompanying an application shall be drawn to scale and be legible, to the satisfaction of the Secretary-Treasurer.
- c) A consent sketch accompanying an application shall be prepared by an Ontario Land Surveyor.
- d) Unless otherwise provided by the Planning Act or determined adequate by the Secretary-Treasurer, exact measurements shall be provided on an application, consent sketch, or minor variance sketch.

## **6. Deferrals**

- a) An application that is deferred by the Committee without a future hearing date being assigned, will be considered withdrawn if the application is not submitted for reconsideration within 12 months from the date of the deferral.
- b) Upon re-submission of an application that has previously been deferred, the Secretary-Treasurer may circulate a subsequent Notice of Public Hearing to the persons and public bodies required under the Planning Act.

## **7. Decisions**

- a) Subject to the consent of the Committee member, the Secretary-Treasurer may affix a Committee member's electronic signature to a written decision.
- b) The Secretary-Treasurer may at any time and without prior notice correct a typographical error or similar type of error made in a written decision.

## **8. Conditions of Approval**

- a) The Committee may impose condition(s) of approval on a decision that are relevant and reasonable to the application. City staff may make a recommendation to the Committee to impose condition(s), and the Committee may remove or alter any recommended conditions(s), or add new condition(s).
- b) Unless otherwise stated in the decision, the Secretary-Treasurer is responsible for determining when a condition of approval is considered fulfilled.

## **9. Consent Approval**

- a) The Secretary-Treasurer may issue a Certificate of Official in instances where the dimensions of the severed parcel as shown on the submitted reference plan do not exactly reflect the Committee's decision.
  - i. It is up to the Secretary-Treasurer's discretion that such a variation is minor in nature, follows the intent of the Committee's decision, and complies with all regulations of the Zoning By-law.
- b) When an application under Section 53 of the Planning Act has been granted approval by the Committee, and the applicant and/or agent submits a reference plan that indicates:
  - i. that a minor variance application will be necessary to ensure the proposal conforms with the Zoning By-law; or
  - ii. that greater relief from what was originally granted through the Committee's decision on a minor variance application is necessary,

then the Certificate of Official shall not be issued by the Secretary-Treasurer until the applicable application has been filed and approved by the Committee and the relevant appeal period has expired.