

# Corporate Policy and Procedure

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Policy	<b>Terms of Reference for the Committee of Adjustment and Property Standards Committee</b>
Category	Corporate
Authority	City Clerk's Office
Related Policies	Advisory Committees of Council - Meeting Procedures Advisory Committees of Council - Public Appointment Policy A Governance Framework for Advisory Committees of Council (Full Version)
Approved By	City Council
Effective Date	March 25, 2025
Revision Date	Click or tap to enter a date.

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## Mandate and Purpose

The Committee of Adjustment and Property Standards Committee maintain separate and distinct mandates, each designed to ensure compliance with their respective legislative frameworks.

### Committee of Adjustment

The Committee of Adjustment is an independent, quasi-judicial tribunal appointed by City Council which operates under the authority granted by the Province of Ontario under the Planning Act, R.S.O. 1990, c. P. 13, as amended. Committee of Adjustment meetings operate in accordance with the Committee of Adjustment Hearing Procedures. The mandate of the Committee of Adjustment is to consider applications under the Planning Act for:

- Minor variances from the provisions of any by-law that implements the Official Plan, including the City's Zoning By-law, in accordance with Section 45 of the Planning Act;
- Enlarging or extending a building or structure that is legally non-confirming or a change in legal non-confirming use, in accordance with Section 45 of the Planning Act;

- Consents to sever in respect of land in the City of Guelph in accordance with Section 53 of the Planning Act;
- Validation certificates are in accordance with Section 57 of the Planning Act.

## **Property Standards Committee**

A Property Standards Committee shall function as set out in Section 15.6 of the Building Code Act, to hear and rule on appeals against the Orders of the Property Standards Officer.

## **Strategic Plan Alignment**

### **City Building – 6. Improve housing supply**

6.1 - Meet our housing pledge

All ACOCs also align with the Foundations pillar of the Future Guelph Strategic Plan:

### **Foundations – 5. Provide excellent service**

5.3 - Remove barriers by integrating Guelph’s Equity Lens into everything we do

## **Membership and Composition**

The Committee of Adjustment and Property Standards Committee shall consist of seven members appointed by Guelph City Council as per the Public Appointment Policy.

The Committee of Adjustment and Property Standards Committee maintain identical membership. Members execute the respective mandates of each committee when convened in that capacity.

In addition to demonstrating keen interest in the community and the issues relating to the Committee of Adjustment and Property Standards Committee, committee members will bring professional expertise, knowledge and interest related to:

- planning;
- law;
- engineering;
- government;
- adjudication;
- community development; and
- architecture or construction.

The Committee of Adjustment and Property Standards Committee’s composition should also reflect demographic diversity, including ethnicity, gender, disability, etc., to ensure that the committee's advice to City Council reflects Guelph's diverse community, with a focus on engaging those who are underrepresented in local policy making.

## **Quorum**

### **Committee of Adjustment**

As per the Planning Act, three members of the Committee of Adjustment will constitute quorum.

### **Property Standards Committee**

50 percent + 1 of the currently appointed members, to a minimum of three members.

## **Meeting Schedule and Format**

### **Committee of Adjustment**

- Committee of Adjustment hearings are held on a monthly basis as outlined in the Committee of Adjustment Hearing Procedures, on the second Thursday of the month at 4pm. Additional hearings may be held on the fourth Thursday of the month at 4pm, if required, or as determined by the Secretary-Treasurer.
- The date and time for meetings will be reviewed by ACOC members and City staff at the beginning of the term and any changes to the date and time noted above shall be agreed upon by the ACOC and City staff.
- All meetings will be conducted in a hybrid format, where possible.
- The length of meetings will typically not exceed two hours, depending on the number of applications received.
- Committee of Adjustment meetings shall not conflict with meetings of City Council or its committees, where possible.

### **Property Standards Committee**

- Property Standards hearings are held on an as required basis, and are scheduled once an appeal is received, on a date and time set in consultation with ACOC members, departmental staff, and the Clerk's Office.
- All meetings will be conducted in a hybrid format, where possible.
- The length of meetings will typically not exceed two hours, depending on the number of appeals received.
- Property Standards Committee meetings shall not conflict with meetings of City Council or its committees, where possible.

## **Staff Liaisons**

### **Committee of Adjustment**

The Committee of Adjustment will appoint a Secretary-Treasurer and Deputy Secretary-Treasurer(s) to assist with its function under the Planning Act.

### **Secretary-Treasurer/Deputy Secretary-Treasurer:**

- facilitates the Committee of Adjustment process by ensuring all regulations under the Ontario Planning Act are adhered to;
- prepares for the provision of notices of applications/decisions, minute taking, issuance of certificates and ensuring that all municipal procedural matters are complied with during Committee of Adjustment hearings;
- provides guidance and advice and remain impartial during discussions of committee matters with all members.

### **Property Standards Committee**

#### **Program Manager, Operations Administration**

- facilitates the Property Standards Committee process by ensuring all regulations under the Building Code Act, 1992, S.O. 1992, c. 23 and the Property Standards By-law (2000)- 16454 are adhered to;
- prepares for the provision of notices of appeal/decisions, minute taking, and ensuring that all municipal procedural matters are complied with during Property Standards hearings;
- provides guidance and advice and remains impartial during discussions of committee matters with all members.

### **Roles and Responsibilities**

Everyone who participates in an ACOC is committed to fulfilling their roles and responsibilities, collectively contributing to the City's public engagement objectives. They share a mutual commitment to advancing the ACOC's deliberative process by engaging in thoughtful, respectful dialogue and carefully considering diverse perspectives to comprehensively address the ACOC's mandate.

### **Members**

ACOC members are resident volunteers who advise City Council and City staff. They engage in thoughtful deliberations, exchanging substantive insights and perspectives across key areas of municipal governance. They draw on all aspects of their lived and professional expertise when providing advice about the topics being discussed by the Committee. These volunteers contribute meaningful policy recommendations through rigorous dialogue, while maintaining a commitment to open-minded and respectful discourse that values diverse viewpoints.

General:

- Be well-prepared to attend and participate in meetings
- Attend mandatory training
- Understand the role and expectations of members and relevant City policies

- Help to evaluate the successes and challenges of the committee, including by contributing to the development of the committee's self-assessment tool as required by the ACOC Governance Framework and by providing feedback about your experiences

During meetings:

- Contribute skills, knowledge, and experience with respect to the ACOC mandate and objectives
- Be curious and flexible in discussions, valuing and encouraging diverse viewpoints
- Bring forward expertise that aligns with ACOC's mandate
- Follow the agenda with focus on the topic at hand
- Understand and respect the roles and expectations of all participants
- Actively participate and contribute to the work of the ACOC
- Participate as an active voting member, asking questions and seeking clarification through the chair
- Propose agenda items for consideration to the chair and the staff liaison
- If necessary, ask questions and/or request more information from City staff for discussion and/or better decision making
- Ask and receive questions for the agenda items

### **Chair and Vice-Chair**

Chairs and vice-chairs are ACOC members who have been selected by the ACOC. The chair and vice-chair will take on additional tasks to facilitate ACOC work and meetings and ensure that all members have an equal chance to participate and engage.

General:

- Collaborate with staff liaisons on the preparation of agendas for meetings, ensure the agenda will allow ACOC members to learn about the topics and have meaningful deliberative discussions
- Collaborate with staff liaisons to re-prioritize and re-arrange agenda items if meeting volume limits deliberative discussions
- Ensure inclusive discussion and a welcoming environment
- Invite members to propose agenda items
- Approve agendas before public posting and distribution
- Actively understand the roles and responsibilities of City Council and City staff related to ACOC policy topics

During meetings:

- Lead the ACOC through agenda items, maintain order, call votes, and make procedural rulings as needed
- Engage with ACOC members, facilitate deliberative discussions and resolve conflicts to ensure sufficient opportunities to engage members in deliberative discussions
- Manage meeting time including by encouraging members to express themselves succinctly on issues
- Ensure members can share their lived and professional expertise on agenda items
- Ensure all members have opportunities to express their views and comments on agenda items
- Ensure members can engage without feeling pressured or coerced

At City Council meetings:

- The chair shall act as a representative of the ACOC to present at meetings of City Council to share ACOC advice and/or resolutions as desired

### **Staff Liaison(s)**

The staff liaison(s) are City staff with strategic responsibilities who contribute to policy making at the City of Guelph. They play a critical role in collaborating with the City Clerk's Office to support and coordinate the activities of the ACOC, such as by helping to set agendas, liaising with other City staff who wish to present to the ACOC, etc. Staff liaisons also provide direct support to the chair and vice-chair of the ACOC by offering guidance on managing difficult situations and offering support to help advance the work of the ACOC. Staff liaisons should identify opportunities for the ACOC to contribute to strategic policy and planning discussions.

Strategic roles:

- Advise on high-level decision-making and bring deep knowledge regarding the strategic goals and priorities of the City
- Communicate and collaborate with members and other City staff to ensure ACOC contributions are sought early in policy and planning discussions
- Facilitate communications between City staff, chairs, vice-chairs and members and maximize the value of the ACOC to inform the strategic goals and priorities of the City
- Identify opportunities for the ACOC to contribute to strategic policy and planning discussions
- Engage the ACOC in identifying the goals and purposes of the ACOC, to inform the development of the self-evaluation tool
- Provide opportunities for members to learn technical terms, knowledge and skills related to the ACOC's mandate

- Identify other learning opportunities for the members to improve the effectiveness of the ACOC
- Practice facilitation, conflict management, consensus-building and related skills, as well as awareness of how inequities can be perpetuated even through deliberative approaches
- Understand and value the benefits of the diverse opinions provided by ACOC members for advancing the City's strategic priorities and high-level policy directions

#### Administrative roles:

- Clearly communicate with the ACOC
- Facilitate the future development of, and revisions to, the ACOC's terms of reference
- Prepare agendas and consult and obtain approval from the chair prior to finalizing the agenda in accordance with the terms of reference and other relevant policies
- Coordinate the attendance of City staff, delegates and other invited guests at meetings
- Ensure other City Staff are briefed so that they clearly understand that their role is to stimulate and support discussions among the participants, not to lead or direct them
- Provide ACOC mandate and subject area orientation to new committee members with support from the City Clerk's Office
- Fulfill reporting and communication functions between the ACOC and City Council (for details see Communication with Council)
- Respond to member requests for information and data
- Advise the City Clerk's Office of vacancies resulting from leaves or resignations

#### During meetings:

- Attend meetings to provide professional and technical inputs for the ACOC
- When required, respond to inquiries and provide information on policies, plans, initiatives, technical terms and knowledge pertaining to the ACOC's mandate
- Provide professional inputs to the City Clerk's Office when necessary, e.g., drafting resolutions

### **City Clerk's Office**

The primary responsibilities of the City Clerk's Office include providing administrative and procedural (legislative) support to the ACOC, leading

recruitment efforts, engaging with members to foster strong working relationships, and planning and arranging training for members and City staff.

General:

- Ensure that members are well-informed regarding meeting procedures and rules for participation
- Coordinate meetings, including communicating and finalizing dates, times and locations to all relevant parties
- With the assistance of the staff liaison, provide secretariat and technical support including the preparation, publication and distribution of meeting agendas and minutes in accordance with the terms of reference, other relevant policies, legislation and bylaws
- Ensure there are sufficient human resources to support the ACOC
- Facilitate and support the recruitment and appointment of ACOC members
- Facilitate chair and committee members' presentations at City Council meetings
- Develop training materials, and organize and coordinate orientation and standardized training sessions for ACOC members and staff liaisons, including the Procedure By-law, Code of Conduct for Council and Local Boards and other relevant legislation/policies
- Ensure all committee members have attended mandatory training provided by the City Clerk's Office
- Understand and value the benefits of the diverse opinions provided by ACOC members for advancing the City's strategic priorities and high-level policy directions

During meetings:

- Attend meetings to provide procedural and legislative advice as well as administrative support
- Check and report quorum to the chair prior to the start of meetings

## **Communication with Council**

Clarity and transparency regarding the sharing of information between ACOCs and City Council, including how recommendations from ACOCs are incorporated into staff reports, is important to realize the full potential of ACOCs. The ACOC should adopt the following communication procedures, which have been approved by City Council as an important part of the Governance Framework:

- Staff reports must clearly articulate the recommendations of the ACOC as well as whether and why these recommendations are being advised by City staff or not.

- Staff reports must also include other factors that influenced/informed the City staff recommendation such that ACOC members can clearly see what other priority/factors were considered.
- Staff reports that contain advice/recommendations from a particular ACOC must be sent to that ACOC at the same time as they are provided to City Council and the public.
- When staff reports are provided to ACOC members, the accompanying message must explain to members when the report will be discussed at City Council, and how committee members can participate in the meeting (to affirm their support or convey dissent), including that committee chairs are invited to present at Council and are not limited by the regular 5-minute limit placed on delegates.