

Staff Report



To	Committee of Adjustment
Service Area	Corporate Services
Date	Thursday, May 28, 2020
Subject	Committee of Adjustment Hearing Procedures Update

Recommendation

1. That the proposed changes to the Committee of Adjustment Hearing Procedures, included as Attachment-1, dated May 28, 2020, be approved.
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Executive Summary

Purpose of Report

To update the Committee of Adjustment Hearing Procedures to clarify rules surrounding electronic hearings held during a declared emergency.

Key Findings

Ontario Regulation 149/20 came into force April 15, 2020 which provides municipalities with the option during the COVID-19 emergency to process and make decisions on land use planning applications, including minor variance and consent applications. Amendments to the current Committee of Adjustment Procedures are proposed to allow the Committee of Adjustment members to meet electronically during the declared emergency in order to advance minor variance and consent applications.

Financial Implications

There are no financial implications resulting from this report.

Report

On March 17, 2020 a declaration of emergency was made by the Province of Ontario pursuant to Section 7.0.1 of the [Emergency Management and Civil Protection Act](#) related to the COVID-19 pandemic.

On March 19, 2020 the Province of Ontario passed [Bill 187](#), the Municipal Emergency Act, which amends the [Municipal Act](#) to provide that, during declared emergencies, should they choose to, members of council, local boards and committees who participate electronically in open and closed meetings can be counted for the purposes of quorum.

On March 26, 2020 a state of emergency for the City of Guelph was declared by Mayor Guthrie in response to COVID-19.

At an Emergency City Council meeting held on March 23, 2020, City Council passed amendments to the Procedural By-law allowing City Council to meet electronically during the declared emergency in order to move necessary business forward.

On April 14, 2020 the Province of Ontario passed [Bill 189](#), the Coronavirus (COVID-19) Support and Protection Act, which amended several acts including the [Planning Act](#). [Ontario Regulation 149/20](#), Special Rules Related to the Declared Emergency, came into force April 15, 2020 which provides municipalities with the option to process and make decisions on land use planning applications, including minor variance and consent applications, during the COVID-19 emergency.

The intent of this report is to recommend that similar amendments be made to the Committee of Adjustment Procedures to allow the Committee of Adjustment to meet electronically during the declared emergency in order to advance applications.

The following is a summary of the proposed changes:

- Definition of "Electronic Hearing" provided.
- Definition of "Hearing" updated.
- Section 3 added to permit electronic hearings during a declared emergency and to clarify procedures regarding voting and public participation.

Financial Implications

There are no financial implications resulting from this report.

Consultations

Not applicable.

Strategic Plan Alignment

This report aligns with the Working Together for our Future pillar by improving services through the greater use of technology and data by permitting members of the Committee of Adjustment and members of the public to participate in any hearings electronically during a declared emergency. This report also aligns with the Building our Future pillar by ensuring that the City can continue to move Committee of Adjustment applications forward during declared emergencies.

Attachments

Attachment-1 Proposed Changes to the Committee of Adjustment Hearing Procedures

Report Author

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