

Staff Report



To	Committee of Adjustment
Service Area	Corporate Services
Date	Thursday, August 13, 2020
Subject	Committee of Adjustment Hearing Procedures Update – Bill 197

Recommendation

1. That the proposed changes to the Committee of Adjustment Hearing Procedures, included as Attachment-1, dated August 13, 2020, be approved.
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Executive Summary

Purpose of Report

To update the Committee of Adjustment Hearing Procedures to clarify rules regarding continued electronic hearings after provincial and municipal declared emergencies end.

Key Findings

On July 8, 2020 the Province of Ontario introduced [Bill 197, the COVID-19 Economic Recovery Act](#). Bill 197 received royal assent on July 21, 2020 and amended the Municipal Act to allow for the continuation of remote City Council meetings, as well as remote meetings for advisory committees, local boards, agencies, commissions and associations outside of a declared provincial or municipal emergency.

Guelph’s Committee of Adjustment has been meeting remotely since May 28, 2020. As indicated in the [staff report to City Council on July 20, 2020](#) regarding procedural by-law amendments, and consistent with advice from public health officials, meetings of City Council and advisory committees, local boards, agencies, commissions and associations will continue to take place remotely for the foreseeable future.

Currently, the technology available in the City Council Chambers does not allow for hybrid hearings. As a result, Committee of Adjustment hearings will continue with all hearing participants participating remotely.

Financial Implications

There are no financial implications resulting from this report.

Report

The Committee of Adjustment amended the Hearing Procedures on [May 28, 2020](#) to allow for electronic hearings in accordance with the Municipal Act. At this time, the Municipal Act allowed for remote meetings only during declared emergencies made

by the Province of Ontario or the head of council in accordance with Section 7.0.1 and 4 (1) of the [Emergency Management and Civil Protection Act respectively](#).

Bill 197 further amends the Municipal Act to allow local boards, such as the Committee of Adjustment, to continue to meet remotely indefinitely. In order to comply with Bill 197, the [City of Guelph Procedural By-law is proposed to be updated on July 27, 2020](#) to allow members of City Council and members of advisory committees, local boards, agencies, commissions and associations to participate remotely in meetings and be counted for the purpose of establishing quorum outside of declared emergencies. These changes to the Procedural By-law ensures that there will be continuity in the Committee's ability to meet remotely moving forward.

In order to avoid a conflict between the City's Procedural By-law and the Committee of Adjustment Hearing Procedures, a revised red-lined version of the Hearing Procedures noting changes to Section 3 is included as Attachment-1.

The following is a summary of the proposed changes:

- Section 3 revised to allow for electronic hearings to be governed by the City's Procedural By-law.

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 greater use of technology and data by permitting the Committee of Adjustment to continue to participate in hearings electronically.

Attachments

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

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