

# CORPORATE POLICY AND PROCEDURE



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POLICY	<b>Committee of Adjustment Hearing Procedures</b>
CATEGORY	Departmental
AUTHORITY	City Clerk’s Office
RELATED POLICIES	The Procedural By-law
APPROVED BY	Committee of Adjustment
EFFECTIVE DATE	June 27, 2019
REVISION DATE	<del>May 28, 2020</del> August 13, 2020

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## 1. Definitions

‘Committee’ means the City of Guelph Committee of Adjustment.

‘Chair’ means the individual acting as the chair of the Committee at any given Committee hearing.

‘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.

‘Hearing’ means any hearing of the Committee of Adjustment, including an electronic hearing.

‘Secretary-Treasurer’ means the Secretary-Treasurer of the City of Guelph Committee of Adjustment, or his or her designate.

## 2. Calling of Hearings

- 2.1. The Committee shall meet at 4:00 p.m. on the second Thursday of every month and at 4:00 p.m. on the fourth Thursday of every month, if required, or as determined by the Secretary-Treasurer.
- 2.2. Committee hearings will be held at Guelph City Hall unless otherwise ordered by the Secretary-Treasurer.
- 2.3. In consultation with the chair, the Secretary-Treasurer may cancel or reschedule a hearing.

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### 3. Electronic Hearing

~~3.1. Where an emergency has been declared in all or part of the City of Guelph under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:~~

~~3.1.1. any member of the Committee may participate in an electronic hearing and be counted for the purpose of establishing quorum;~~

~~3.1.2. all votes shall be by show of hands or by verbal consent (yes or no);~~

~~3.1.3. members of the public may participate in an electronic hearing via telephone, videoconferencing software and/or other technology methods deemed appropriate by the City Clerk's Office.~~

3.1. Electronic hearings shall be governed by the [Procedural By-law](#) of Guelph City Council with necessary modifications as judged by the Secretary-Treasurer in consultation with the chair.

### 4. Appointments

4.1. Appointments to the Committee will be made in accordance with the City of Guelph [Public Appointments Policy](#).

4.2. The Committee will elect a chair and vice chair at the first hearing of every year.

4.3. The Committee will appoint a Secretary-Treasurer and Deputy Secretary-Treasurer as required based on a recommendation from the City Clerk.

### 5. Minutes

5.1. The minutes of every hearing shall be recorded by the Secretary-Treasurer and submitted for adoption at the next Committee hearing.

5.2. When the minutes have been adopted, the chair and Secretary-Treasurer shall sign them.

### 6. Rules of Order

6.1. The Committee will, where any cases arise that are not covered by these procedures, be governed by the [Procedural By-law](#) of Guelph City Council with necessary modifications as judged by the chair in consultation with the Secretary-Treasurer.

6.2. Three members of the Committee will constitute quorum as per the Planning Act.

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- 6.3. Applicants and public delegations shall have a maximum of ten minutes for which to speak regarding an application.
  - 6.4. In accordance with the Planning Act, all decisions of the Committee must be made by the majority of the members present at a hearing. If the members of the Committee fail to reach a majority vote, the Committee may defer the motion to a future Committee hearing or consider another motion.
  - 6.5. The sections of the Procedural By-law relating to reconsiderations and notices of motion do not apply to the Committee.

## **7. Order of Business**

- 7.1. The Secretary-Treasurer, in consultation with the chair, shall have discretion to prepare an agenda containing the following:
  - Disclosure of pecuniary interest and general nature thereof
  - Approval of minutes
  - Requests for withdrawal or deferral of applications
  - Current applications
  - Requests for refunds and fee waivers
  - Staff announcements
- 6.2. The Committee may consider each application in the order in which it appears on the agenda, or may change the order at the chair's discretion.