

Schedule "A" to By-law No. B2022-106

General Provisions

1. Definitions

- 1.1. **Appeal of Muzzle Order** means an appeal by an owner to a Muzzle Order.
- 1.2. **Appeal of Property Standards Order** means an appeal by an owner or occupant to a Property Standards Order.
- 1.3. **Application** means an application made pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, as amended, for minor variance under Section 45(1), (2) or (3).
- 1.4. **Chair** means the Chair or presiding officer of a meeting of the Committee.
- 1.5. **Chief Building Official** means the Chief Building Official of The Corporation of the Municipality of Trent Lakes appointed or constituted under the *Building Code Act*, 1992, S.O. 1992, c.23.
- 1.6. **Clerk** means the Clerk or Deputy Clerk of The Corporation of the Municipality of Trent Lakes as defined by the *Municipal Act*, S.O. 2001, c.25, as amended or replaced from time to time or their designate.
- 1.7. **Committee** means the Municipality of Trent Lakes Committee of Adjustment/Appeals Committee.
- 1.8. **Council** means the Council of The Corporation of the Municipality of Trent Lakes.
- 1.9. **Meeting or Hearing** means a meeting of the Committee where quorum is present and a hearing on an Application or Appeal is presented and adjudicated upon by the Committee.
- 1.10. **Member** means a member of the Committee.
- 1.11. **Motion** means a proposal brought forward by a Member for consideration by Committee that is moved and seconded by another Member.
- 1.12. **Municipality** means the Corporation of the Municipality of Trent Lakes.
- 1.13. **Officer** means either an Animal Control Officer or a Property Standards Officer appointed by Council to enforce the Animal Control By-law or the Property Standards By-law, as applicable, and includes a Building Inspector and the Chief Building Official.
- 1.14. **Pecuniary Interest** means a direct or indirect pecuniary interest of a Member within the meaning of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended or replaced from time to time.
- 1.15. **Quorum** means a minimum of three (3) Members required to be present at any Meeting in order for business to be conducted.
- 1.16. **Secretary Treasurer and Assistant Secretary-Treasurer** means the staff member appointed by the Committee to carry out the functions of the Secretary-Treasurer in accordance with the provisions of the *Planning Act* and this By-law.

2. Application/Appeal Process

- 2.1 The Rules of Procedure contained in this By-law shall be observed in all proceedings of the Committee and shall be the rules and regulations for the

order and dispatch of business in Meetings of the Committee.

- 2.2 Procedural matters not provided for in this By-law shall be governed by the provision of the Municipality of Trent Lakes Procedure By-law.
- 2.3 In the event of a conflict between this By-law and the *Planning Act* or a regulation made thereunder, the *Planning Act* or the regulation shall take precedence.
- 2.4 In the event of a conflict between this By-law and the *Ontario Building Code Act* or a regulation made thereunder, the *Ontario Building Code Act* or the regulation shall take precedence.
- 2.5 The conduct of Meetings and Members, with respect to matters not specifically addressed, shall generally be considered in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 as amended, the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50 as amended, and Parliamentary Law as contained in the most recent edition of Robert's Rules of Order.

3. Committee Composition

- 3.1 The Committee shall be composed of five (5) Members as appointed by Council.
- 3.2 The Chair shall be appointed from amongst the Members of the Committee.
- 3.3 A Vice-Chair may be appointed from amongst the Members of the Committee to act as the Acting Chair and shall serve as the presiding officer of the Committee in the absence of the Chair.
- 3.4 In the absence of the Chair and Vice-Chair, the Secretary-Treasurer shall call the meeting to order and, if quorum is present, the Secretary-Treasurer shall conduct a vote to choose a member from among those present to preside as the Acting Chair during the meeting or until the arrival of the Chair or Vice-Chair.
- 3.5 The Chair or Acting Chair shall be counted in determining quorum and shall be entitled to all the rights of a Member of the Committee, including voting.

4. Term of Office

- 4.1 The Members who are not members of Council shall hold office for the term of Council that appointed them.
- 4.2 The Members who are members of Council shall be appointed annually by Council.
- 4.3 Where a Member ceases to be a Member before the expiration of their term, Council shall appoint another eligible person for the unexpired portion of the term.
- 4.4 Members shall continue to hold office past the expiration of their term until their successors are appointed.
- 4.5 Members are eligible for reappointment subject to the recruitment and selection process. Renewal of membership on the Committee is not automatic.

5. Location of Meetings

- 5.1 Meetings will be held in the Municipal Council Chambers located at 760 Peterborough County Road 36, Trent Lakes. Where a Meeting is to be held at

an alternate location or electronically, the agenda shall specify the Meeting location. A Notice of Hearing of the Committee of Adjustment, as circulated by the Secretary-Treasurer, will include the meeting location.

6. Calling of Meetings

- 6.1 Meetings of the Committee shall be called by the Secretary-Treasurer or the Chair of the Committee.
- 6.2 The Secretary-Treasurer shall prepare an annual schedule for the Committee, sitting as the Committee of Adjustment, generally scheduled on the first Tuesday of each month. If the first Tuesday of the month is a holiday, the meeting will generally be scheduled for the second Tuesday of the month. Meetings shall be on an as needed basis for the Committee sitting as the Appeals Committee. Such Meetings may be held concurrently, if required.
- 6.3 Meetings of the Committee may be cancelled or rescheduled by the Secretary-Treasurer or the Chair if there are no Applications or Appeals scheduled or when, in their opinion, there is sufficient cause to do so.
- 6.4 All Meetings of the Committee shall be open to the public save and except those Meetings, or parts thereof, that may be closed to the public in accordance with the *Municipal Act* or the *Statutory Powers Procedure Act*. Before holding a Meeting or part of a Meeting that is to be closed to the public, Committee shall, by resolution, state the fact that the Committee is going into a closed Meeting and the general nature of the matter to be considered at the closed Meeting.
- 6.5 Committee Meetings shall be limited to a maximum of three (3) hours. Unfinished business of a Meeting shall be adjourned to the next Meeting.

7. Quorum

- 7.1 Three (3) Members constitute a quorum of Committee. No business shall be conducted in the absence of Quorum.
- 7.2 Subject to Section 7.1. above, a vacancy in the membership or the absence or inability of a Member to act does not impair the powers of the Committee or of the remaining Members.
- 7.3 If there is no Quorum within twenty (20) minutes after the time appointed for the Meeting, the Secretary-Treasurer shall call the roll and record the names of the Members present and the Meeting shall stand adjourned until the next Meeting.

8. Roles and Responsibilities

8.1 Duties of the Chair

The Chair shall ensure that decorum is maintained at each Meeting and that the rules of procedure and conduct are observed.

It shall be the duty of the Chair:

- a) To preside at all Meetings;
- b) To open Meetings by taking the Chair and calling the Members to order;
- c) To announce the business before the Committee in the order in which it is to be acted upon;
- d) To designate the person who has the floor when two or more persons wish to speak;
- e) To receive and submit to a vote, in the proper manner, all Motions which do not contravene the rules procedure and to announce the

result;

- f) To decline to put to a vote Motions which infringe upon the rules of procedure;
- g) To restrain the Members within the rules of procedure, when engaged in debate;
- h) To enforce on all occasions the observance of order and decorum among the Members;
- i) To expel any person from improper conduct at a Meeting, it being understood that such action shall be at the sole discretion of the Chair;
- j) To inform the Members on any Point of Order or Privilege; and
- k) To adjourn or postpone the Meeting without the question being put for a time to be named if considered necessary because of grave disorder arising.

8.2 Duties of Individual Members:

It shall be the duty of each individual Member:

- a) To contribute time, knowledge, skill and expertise to the Committee;
- b) To commit to attend the Meetings of the Committee; and
- c) To adhere to all rules of procedure and conduct for the Committee.

Members shall adhere to the following rules of conduct. No member shall:

- a) Speak disrespectfully of any person;
- b) Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada, or the Province of Ontario;
- c) Use offensive words, language or gestures;
- d) Come unprepared to any Meeting. Members shall have read all the material supplied, including the agenda and staff reports, to facilitate discussion and the determination of action at the Meeting. Members are encouraged to make inquiries of staff regarding the materials supplied with the agenda in advance of the Meeting;
- e) Speak on any subject other than the subject under debate;
- f) Interrupt a person speaking, except a Member raising a Point of Order or Privilege;
- g) Criticize any decision of the Committee;
- h) Disobey the rules of procedure or decisions on questions of order or privilege. Where a Member persists in any such disobedience after having been called to order, the Chair may order that such Member leave the Meeting. If the Member apologizes, the Member may be permitted to remain at the Meeting;
- i) Individually direct staff members to carry out specific tasks or functions;
- j) Insult or call into question the integrity of a Member, staff person, or Committee as a whole; and
- k) Violate the confidentiality of any matter.

8.3 Duties of Secretary-Treasurer

The Secretary-Treasurer shall act as the recording clerk for the Committee in an advisory/administrative support role and shall provide administrative support in the preparing of agendas, minutes, reports, annual meeting schedules and terms of reference updates, as required.

For the Committee sitting as Committee of Adjustment, the Secretary-Treasurer shall fulfill all duties of the Secretary-Treasurer in accordance with

the provisions of the *Planning Act* and this By-law. This shall include, but is not limited to:

- a) To receive, on behalf of the Municipality of Trent Lakes, Committee of Adjustment Applications and fees as outlined in the Municipality's Fees and Charges By-Law;
- b) To prepare Notices of Hearing, on behalf of the Committee, and circulate as prescribed in the *Planning Act*;
- c) Prior to the Meeting, to prepare, publish and distribute an agenda package including an agenda, notices, planning report and comments relating to each Application;
- d) To attend Meetings for the purpose of both taking Minutes and to summarize planning reports and comments received from those in attendance at the Meeting;
- e) To prepare and retain for the Committee of Adjustment records, minutes of each Meeting containing a summary of the verbal representations made to the Committee, together with a copy of all correspondence considered at the Meeting; and
- f) To keep on file minutes and records of all applications, decisions thereon, appeals and all other official business of the Committee, pursuant to Section 254 of the *Municipal Act*, 2001, as amended.

For the Committee sitting as the Appeals Committee, the Secretary-Treasurer shall fulfill all duties of the Secretary in accordance with the provisions of the *Building Code Act*, other applicable legislation and this By-law. This shall include but is not limited to:

- a) To receive, on behalf of the Municipality of Trent Lakes, Property Standard or Muzzle Order Appeals and fees as outlined in the Municipality's Fees and Charges By-Law;
- b) To prepare Notices of Hearing, on behalf of the Committee, and circulate as prescribed in the *Statutory Powers Procedure Act*;
- c) Prior to the Meeting, to prepare, publish and distribute an agenda package including an agenda, notices, reports and comments relating to the Appeal;
- d) To attend Meetings for the purpose of taking Minutes;
- e) To prepare and retain for the Committee records, minutes of each Meeting containing a summary of the verbal representations made to the Committee, together with a copy of all correspondence considered at the Meeting; and
- f) To keep on file minutes and records of all applications, decisions thereon, appeals and all other official business of the Committee, pursuant to Section 254 of the *Municipal Act*, 2001, as amended.

9. Remuneration and Memberships

9.1 All Members who are not members of Council (public appointees) shall receive a monthly honorarium in the amount of \$100.00, for a total of \$1200.00 per year. The honorarium shall be intended to offset the costs of mileage for Members to complete site visits related to Minor Variance Applications.

9.2 Each Committee Member has the opportunity to join and become a member of the Ontario Association of Committee of Adjustment and Consent Authorities (OACA), subject to Budget approval.

10. Disclosure of Pecuniary Interest

10.1 When a member present at a Meeting has a pecuniary interest as defined in the *Municipal Conflict of Interest Act*, the Member shall, prior to any

consideration or discussion of the matter, disclose the pecuniary interest and the general nature thereof and refrain from discussing, debating or voting on the matter.

- 10.2 Where a pecuniary interest of a Member has not been disclosed by reason of absence, the Member shall disclose the interest and general nature thereof at the next Meeting attended by the Member.
- 10.3 Every disclosure of pecuniary interest made by a Member shall be recorded in the minutes of the Meeting by the Secretary-Treasurer in accordance with the provisions of the *Municipal Conflict of Interest Act*.
- 10.4 Where a Meeting is not open to the public, the Member shall forthwith leave the Meeting for the part of the Meeting during which the matter is under consideration and also disclose the interest, but not the general nature of that interest, at the next Meeting that is open to the public.
- 10.5 At the Meeting, or as soon as possible afterward, the Member that disclosed a pecuniary interest shall provide a written statement of the interest and its general nature to the Secretary-Treasurer, who shall subsequently provide it to the Clerk. The Clerk shall keep a registry of the written statements on file which shall be available for public inspection. The form of the written statement to be used by Members is Schedule D to the Municipality's Procedure By-law.

11. Code of Conduct for Committee Members

- 11.1 All Members of the Committee shall comply with the Municipality's Code of Conduct for Members of Council and Local Boards.

12. Debate and Voting Procedures

- 12.1 Rules of Debate shall be in accordance with the Municipality's Procedure By-law.
- 12.2 The Chair shall call for the vote immediately after all Members desiring to speak to a Motion have spoken. No further speakers shall be permitted after the Chair has called for the vote.
- 12.3 Unless disqualified by statute, every Member present at a Meeting shall indicate their support by raising their hands when the Chair calls for the vote on a question or Motion. Until the result of the vote has been declared by the Chair, no Member shall speak to any other member or make any noise or disturbance.
- 12.4 Every Member present who is required to vote on a Motion, but in fact does not vote therein, shall be deemed to be voting in the negative.
- 12.5 Any Motion that receives a tie vote shall be deemed to have been decided in the negative.

Schedule “B” to By-law No. B2022-106

Procedures when Sitting as Committee of Adjustment

1. Purpose

- 1.1 The Committee of Adjustment has been delegated authority by Council to review and make decisions on Applications made pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, as amended, for Minor Variances under Section 45(1), (2) or (3) of the *Act*.

2. Process

- 2.1 The Notice of Hearing for an Application to be considered at a Meeting shall be given by personal service or ordinary mail in accordance with the provisions of the *Planning Act* or a regulation passed thereunder, or by fax or email where permitted by the *Act*.
- 2.2 The Committee shall hold a public Meeting on every Application before a decision is made on the Application and shall hear the applicant and every other person who desires to be heard in favour or against the application. Where consideration of an Application is adjourned, deferred, or the Committee reserves its decision after the holding of a public Meeting, the Committee is not required to hold another public Meeting or to resume the original public Meeting, before making its decision.

3. Site Visits

- 3.1 Following the filing of an Application, but prior to the Meeting, Members are required to conduct individual site visits. During site visits, Members shall not discuss with the applicant or other interested individuals, any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee.

4. Withdrawal or Adjournment of an Application

- 4.1 If an applicant wishes to withdraw or adjourn an Application which has been circulated as per the *Planning Act* prior to the Meeting, the applicant must provide in writing such desire to the Secretary-Treasurer, accompanied by the prescribed fee required in the form of a certified cheque, money order, cash or debit.

5. Agenda Package – time frame and distribution

- 5.1 The Secretary-Treasurer shall ensure that an agenda package, including agenda and Notices of Hearing, is posted on the municipal website at least ten (10) calendar days before the day of the Meeting. Members will be advised by e-mail when the agenda is posted.
- 5.2 An amendment to the agenda package, including planning report(s) and recommendation(s) as well as comments received to date from agencies and the public, shall be posted to the municipal website at least four (4) calendar days before the day of the Meeting.
- 5.3 Where additional correspondence and materials have been received by the Secretary-Treasurer following the distribution of the agenda, copies will be made available at the Meeting or as soon after receipt as is practicable to the Committee and other interested parties.

6. Meeting Procedures

- 6.1 The Chair will preside over all meetings.
- 6.2 Attendees at a Meeting shall maintain order and not conduct any behaviour which may be considered disruptive during the Meeting and shall be asked by the Chair to stop the disruptive behaviour and if it continues the Chair may ask the person to leave the Meeting.
- 6.3 The Chair shall call for any requests for adjournment or deferral of an application or any requests for withdrawal of an application.
- 6.4 The Chair shall call each Application in an order determined by the agenda or in an order determined by the Chair and/or the Committee.
- 6.5 The Hearing of each application shall proceed as follows, and may be modified as required at the discretion of the Chair:
- a) The Secretary-Treasurer shall summarize the planning report and any comments or objections received from agencies, residents and others who responded to the circulation of the Notice of Hearing and Application. The Secretary-Treasurer, at the discretion of the Chair, may read aloud letters received from any persons expressing an interest in the Application.
 - b) The applicant or representative shall have the opportunity to provide any further information or additional comments to the Committee.
 - c) Members may ask questions of the applicant or their representative.
 - d) The Chair shall call for other persons having an interest with respect to the Application. Attendees may come forward, state their names and advise the Committee of their position.
 - e) Members may ask questions of those parties expressing an interest.
 - f) The applicant or representative shall have the opportunity to respond to any comments received from commenting agencies or interested parties.
 - g) Members, may ask additional questions at this time.
 - h) On every Application before it, the Committee shall vote to approve, deny, adjourn, defer, or reserve its decision on an Application, and shall set out the reasons for the decision.
 - i) The Chair shall announce the decision of the Committee.
- 6.6 If there are remaining Applications on the agenda which have not been heard by the time required to adjourn the Meeting, the Secretary- Treasurer will assign a date to resume the public Meeting, and no further public notice will be required to be provided.
- 6.7 The Secretary-Treasurer shall be permitted, at any time and without prior notice to the parties, to correct a technical or typographical error, error in calculation or similar minor error made in the minutes or in a decision.

7. Decisions of the Committee

- 7.1 No decision of the Committee on an application is valid unless it is concurred by the majority of the Members that heard the Application. Decisions of the Committee shall be in writing and shall set out the reasons for the decision and shall be signed by the Members who concurred with the decision. The decision shall contain a brief description of the effect, if

any, that the written or oral submissions had on the decision.

7.2 A copy of the Committee's written decision will be prepared and issued in accordance with the provisions of the *Planning Act*.

Schedule "C" to By-law No. B2022-106

Procedures when Sitting as Appeals Committee

1. Purpose

- 1.2 The Appeals Committee has been delegated authority by Council to consider, and make decisions on, appeals to Orders issued under the Municipality's Property Standards By-law and Animal Control By-law.

2. Appeal Process

- 2.1 Upon receipt of an application for Appeal, the Secretary-Treasurer shall notify both the Clerk and the Officer that issued the Order.
- 2.2 Where an Appeal is confirmed as complete, the Appellant will be notified, and a Hearing date confirmed.
- 2.3 The Notice of Hearing for an Application to be considered at a Hearing shall be given by personal service or ordinary mail, or by fax or email as deemed appropriate, in accordance with the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 and any regulations passed thereunder.
- 2.4 All Appeal Hearings shall be held in accordance with the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.
- 2.5 The Secretary-Treasurer of the Committee shall send the Notice of Hearing for an Appeal to the Clerk.

3. Appeal of a Muzzle Order Process

- 3.1 If an Appeal of a Muzzle Order is complete, the Committee shall hear the Appeal and may:
- Confirm, vary, or reverse the declaration in an Animal Control Order that the subject dog is a biting dog, as the case may be;
 - Confirm or vary any of the requirements of an Animal Control Order as the Committee considers appropriate;
 - Exempt the owner of the dog in whole or in part from any of the requirements of the Animal Control Order, subject to such terms and conditions as the Committee considers appropriate;
 - Impose conditions which, if fulfilled to the satisfaction of the Committee, will permit the Committee in its sole discretion to vary or exempt the owner from some or all of the terms or restrictions in the Animal Control Order; or
 - Combine any confirmation, variance, condition, or exemption of any of the requirements in the Animal Control Order as the Committee considers appropriate.

4. Appeal of a Property Standards Order Process

- 4.1 If an Appeal of a Property Standards Order is complete, the Committee shall hear the Appeal and have all the powers and functions of the Property Standards Officer who made the order and may:
- Confirm, modify or rescind the order to demolish or repair;
 - Extend the time for complying with the order provided that, in the opinion of the Committee, the general intent and purpose of the Property Standards By-Law is maintained.

5. Agenda Package

- 5.1 The Secretary-Treasurer shall ensure that an agenda package, including agenda and Notice of Hearing, is posted on the municipal website at least ten (10) calendar days before the day of the Hearing. Members will be advised by e-mail when the agenda is posted.
- 5.2 Should the agenda require an amendment, the amendment will be posted to the municipal website at least four (4) calendar days before the day of the Meeting.
- 5.3 Where additional correspondence and materials have been received by the Secretary-Treasurer following the distribution of the agenda, copies will be made available at the Hearing or as soon after receipt as is practicable to the Committee and other interested parties.

6. Meeting Procedures

- 6.1 The Chair will preside over all meetings.
- 6.2 Attendees at a Meeting shall maintain order and not engage in any behaviour which may be considered disruptive during the Hearing and shall be asked by the Chair to stop the disruptive behaviour and if it continues the Chair may ask the person to leave the Hearing.
- 6.3 The Hearing of each Appeal shall be held in accordance with the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 and shall generally proceed as follows, and may be modified as required at the discretion of the Chair:
 - a) The Appellant or a representative of the Appellant must attend the Appeal. If no one is present and no reason has been provided for the Appellant or his or her representative's absence, the Appeal will be dismissed.
 - b) The Chief Building Official or designate shall summarize the Appeal and any comments received. The Secretary-Treasurer, at the discretion of the Chair, may read aloud any letter(s) received from any persons expressing an interest in the Appeal.
 - c) The Officer shall have the opportunity to explain the reason for the Order and to provide any further information or additional comments to the Committee.
 - d) Members may ask questions of the Officer.
 - e) The Appellant shall have the opportunity to provide any further information or additional comments to the Committee.
 - f) Members may ask questions of the Appellant.
 - g) The Officer shall have the opportunity to respond to any comments from the Appellant.
 - h) The Chair shall call for other persons having an interest with respect to the Appeal. Attendees may come forward, state their names and advise the Committee of their position.
 - i) Members may ask questions of those parties expressing an interest.
 - j) The Appellant shall have the opportunity to respond to any comments received from interested parties.
 - k) The Officer shall have the opportunity to respond to any comments received from interested parties or the Appellant.
 - l) Members may ask additional questions at this time.
 - m) On every Appeal before it, the Committee shall vote and make a decision in respect of the Order and shall provide written reasons for the decision. If the Committee determines that it needs further information, it may adjourn, defer, or reserve its decision on an Appeal, and shall set out the reasons for the decision.

n) The Chair shall announce the decision of the Committee with written reasons to follow.

6.4 The Secretary-Treasurer shall be permitted, at any time and without prior notice to the parties, to correct a technical or typographical error, error in calculation or similar minor error made in the minutes or in a decision.

7. Decisions of the Committee

7.1 Decisions of the Committee on an Appeal shall be in writing and shall set out the reasons for the decision. Decisions shall be dated and signed by at least three (3) Members of the Committee.

7.2 A copy of the Committee's written decision will be prepared and issued in accordance with the provisions of the *Statutory Powers Procedure Act* and any other applicable legislation.

7.3 For Appeals of Property Standards Orders, A Notice of Decision, outlining the particulars of an appeal to the Superior Court of Justice, will be given to the Appellant and anyone else who requests notice of decision.

7.4 If no appeal has been commenced to the Superior Court of Justice under the *Building Code Act, 1992, S.O. 1992, c. 23*, notice shall be given to the Appellant that the decision of the committee is final.