



Schedule “A” to By-law XX-2025

Committee of Adjustment

Terms of Reference

1. Background

- 1.1 The Committee of Adjustment for the Corporation of the Village of Merrickville-Wolford is appointed by By-law.

2. Authority

- 2.1 Appointed under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended (hereinafter the “Planning Act”) Sections 44 and 45, the Committee of Adjustment (hereinafter “the Committee”) considers applications under the Planning Act with regard to Minor Variances, Permissions to Enlarge, as well as other authorities, for the Village of Merrickville-Wolford.

3. Scope

- 3.1 The provisions contained herein shall be observed in all proceedings of the Committee and shall be incorporated into the procedures for the order and dispatch of meeting conducted by the Committee. Any matters not governed by these provisions, shall be governed by the provisions of the Village of Merrickville-Wolford’s Procedure By-law.
- 3.2 In the event of a conflict between these provisions and the Planning Act, the Planning Act shall prevail.
- 3.3 In addition to this document, all applicable Federal, Provincial and Municipal legislation and regulations shall be adhered to.

4. Quasi-judicial Body

- 4.1 The Committee is a quasi-judicial body with authority to make decisions without the requirement of approval from Council.

5. Responsible Department

- 5.1 The Clerk’s Department is responsible for overseeing the functions of the Committee, with the assistance of planning staff.

6. Support Resources

6.1 Secretary-Treasurer: The Village Clerk or their designate as appointed by the CAO, shall be the Secretary-Treasurer of the Committee.

6.2 Attendance by the Secretary-Treasurer shall be mandatory for all meetings.

7. Committee Composition

7.1 Membership: The members of the Committee shall consist of the five (5) members of Council.

8. Term

8.1 The members of the Committee shall be appointed annually in accordance with the Planning Act.

9. Quorum

9.1 In accordance with the Planning Act, where the Committee is composed of more than three (3) members, three (3) members are required to constitute quorum.

9.2 The inability of a Committee member to act, due to a declared conflict, does not impair the powers of the Committee or of the remaining members.

9.3 If no Quorum is present thirty (30) minutes after the time appointed for a meeting of the Committee, the Secretary-Treasurer shall record the names of the members present and the meeting will stand adjourned until the next appointed time.

10. Voting

10.1 All sitting Committee members eligible to vote, including the Chair, shall vote.

11. Notice

11.1 For those item(s) that are under the jurisdiction of the Committee, the Secretary Treasurer shall issue notice of the application(s) to be considered at a meeting in accordance with the requirements of the Planning Act and regulations thereunder, at least ten (10) days before the meeting.

11.2 Not later than two (2) business days before the scheduled meeting date, the meeting Agenda, including any associated reports attached, shall be provided to the Committee members and posted publicly on the Village's website.

12. Meetings

- 12.1 Committee meetings shall be called by the Secretary-Treasurer when applications dictate. Generally, meetings will be scheduled at 5:00 p.m. prior to the beginning of Regular Council Meetings or at 2:00 p.m. prior to the beginning of Committee of the Whole Meetings. Meetings may also be scheduled at any time that is required, subject to availability of the Committee.
- 12.2 Committee meetings shall be held at the Village Municipal Office in Council Chambers, 317 Brock Street West, Merrickville, ON.
- 12.3 Electronic participation and/or attendance shall be permitted as outlined in the Village's Procedure By-law.
- 12.4 Meetings may be livestreamed on the Village's YouTube Channel.

13. Permitted Reasons Why a Hearing may be Closed to the Public

- 13.1 In accordance with the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, a hearing being conducted by the Committee during a meeting may be closed to the public when the Committee is of the opinion that:
- i. Matters involving public security may be disclosed; or
 - ii. Intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability to avoid disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public.

14. Agendas – Order of Business

- 14.1 Agendas for Committee meetings shall have the following general order of business:
- 1. Call to Order
 - 2. Approval of the Agenda
 - 3. Disclosure of Pecuniary Interest and the General Nature Thereof
 - 4. Approval of Committee of Adjustment Minutes (if any)
 - 5. Public Meeting – Hearing(s) for Applications
 - 6. Decisions
 - 7. Other Business
 - 8. Adjournment
- 14.2 Appointment of the Chair shall be made at the first meeting of the Committee. The Secretary-Treasurer will call the meeting to order and call for a vote on the appointment of the Chair before the business of the meeting.

- 14.3 The appointment of the Chair shall then be made at the first meeting of each calendar year.

15. Procedure for Public Meeting – Hearing(s) for Applications

- 15.1 The procedure below shall be followed for the Public Meeting – Hearing(s) for Applications portion of the meeting:

- i. The Chair shall call for any requests for deferral or withdrawal of any matters before the Committee.
- ii. The Chair shall ask for confirmation that the notice provisions were met.
- iii. The Chair shall ask for a presentation of the Planning report, review of comments received, and review of the proposed conditions to be attached to the decision should the Committee approve the application.
- iv. The Chair shall ask the applicant, or their representative, to introduce themselves and present any further information. The applicant, or their representative, shall be provided with a maximum of ten (10) minutes to present their application.
- v. The Chair shall ask if any members have questions of the applicant or the representative.
- vi. The Chair shall invite anyone else who has an interest in the application to come forward, identify themselves and express their interest. Submissions from the public shall be confined to the subject application. The applicant, their representative, or staff shall have the opportunity to respond, after all submissions are received.
- vii. The Chair shall provide Committee members with a final opportunity to ask any additional questions relevant to the application before them.
- viii. The Chair shall ask the Committee members for a motion with respect to the disposition of the motion, shall permit discussion on the motion, shall call for the vote, shall announce the decision of the Committee, and may summarize any decision orally if requested.

16. Decision

- 16.1 No decision of the Committee on an application is valid, unless it is concurred by the majority of the Committee members that heard the application.
- 16.2 In accordance with the Planning Act, the decision of the Committee shall:
- i. Be in writing;

- ii. Set out the reasons for the decision;
 - iii. Contain a brief explanation of the effect, if any, that the written and oral submissions had on the decision; and
 - iv. Be signed by the Committee members who concur with the decision.
- 16.3 A copy of the Committee's written decision shall:
- i. Be prepared and issued; and
 - ii. Be sent to prescribed agencies and each person who submitted a written request to receive a copy of the written decision with respect to the application, in accordance with the Planning Act.

17. Request for Deferral

- 17.1 A request for deferral of a matter on the scheduled meeting date by the applicant or authorized agent, must be for reasonable cause and must be made at the meeting.
- 17.2 If the deferral is granted, the Committee, after consultation with the Secretary-Treasurer, will set a new meeting date for the application to be heard. No further notice of the meeting date shall be required as per the Planning Act.
- 17.3 Only those members present at the meeting where the application was deferred shall render a decision on the application at the subsequent meeting.

18. Request for Withdrawal

- 18.1 The applicant, or their representative, may request that an application be withdrawn. Such requests may be made to the Secretary-Treasurer in advance of the meeting date or at the meeting. The Secretary-Treasurer will record that the application was withdrawn from the Committee's Agenda and the Committee will take no action on the matter at the meeting.

19. Meeting Minutes

- 19.1 Upon approval, the meeting minutes shall be signed by the Chair and Secretary-Treasurer.

20. Site Visits

- 20.1 Prior to the meeting where an application will be considered by the Committee, the members may conduct individual site visits.
- 20.2 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. All information shall be presented to the Committee at the hearing.