

BEING A BY-LAW TO GOVERN THE PROCEEDINGS OF THE TOWN OF COBOURG COMMITTEE OF ADJUSTMENT

WHEREAS Section 238(2) of the *Municipal Act, S.O. 2001, c.25 as amended*, grants municipalities powers to pass by-laws with respect to the requirement that a board follow, rules, procedures or policies established by the municipality; and

WHEREAS the Council for the Corporation of the Town of Cobourg now deems it advisable to enact a by-law to govern the proceedings of the Town of Cobourg Committee of Adjustment, the conduct of its Members and the calling of Meetings, and to provide for procedures and statutory requirements in accordance with *the Municipal Act, S.O. 2001, c.25 as amended* and *the Planning Act, R.S.O. 1990, c.P. 13, as amended*.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

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TOWN OF COBOURG
COMMITTEE OF ADJUSTMENT
PROCEDURAL BY-LAW

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Section 1 – DEFINITIONS AND INTERPRETATION

1.1 Definitions

1.1.1 For the purpose of this By-law; unless stated otherwise or the context requires a different meaning:

"Acting Secretary-Treasurer" means a Town of Cobourg staff person who is appointed by the Secretary-Treasurer, as required, to be responsible for the duties of the Secretary-Treasurer in the event of their absence.

"Chair" shall mean the Chair of the Committee of Adjustment of the Corporation of the Town of Cobourg appointed by Members of the Committee of Adjustment.

"Committee of Adjustment" shall mean the group of individuals appointed by the Council of the Town of Cobourg to the Committee of Adjustment pursuant to the provisions of *the Planning Act, R.S.O., 1990, c.P.13, as amended*.

"Council" shall mean the Council of the Corporation of the Town of Cobourg.

"Director of Legislative Services/Clerk" shall mean the Director of Legislative Services/Clerk of the Town of Cobourg and includes the Deputy Clerk and any official of the Town appointed by Council to exercise the power of the Clerk in the absence of the Clerk or Deputy Clerk.

"Meeting" shall mean any Meeting of the Committee of Adjustment held in accordance with the provisions of this Procedural By-law.

"Member" shall mean a Member of the Committee of Adjustment as appointed by Council.

"Motion" shall mean a question or proposal to be considered by the Committee of Adjustment and which is moved and seconded and is subject to debate. When a Motion is adopted, it becomes a Resolution.

"Municipal Act" shall mean the *Municipal Act, 2001, S.O.2001, c. 25, as amended* from time to time.

"Notice" means written notice, except where legislation, by-law or policy of the Town provides for another form and manner of notice.

“Pecuniary Interest” shall mean a direct or indirect Pecuniary Interest within the meaning of the *Municipal Conflict of Interest Act, R.S.O.1990, chapter M.50*, as amended.

“Planning Act” shall mean the *Planning Act, R.S.O. 1990, c.P. 13*, as amended.

“Point of Order” shall mean a statement made by a Member during a Meeting drawing to the attention of the Chair a breach of the Rules of Procedure.

“Point of Privilege” shall mean the raising of a question that concerns a Member, or all of the Members of the Committee of Adjustment, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of the Committee of Adjustment as a whole have been impugned.

“Presiding Member” shall mean the Chair of the Meeting.

“Quorum” shall be as defined in Section 4.6 of this Procedural By-law.

“Recording Secretary” shall mean administrative and clerical staff employed by the Town of Cobourg.

“Resolution” shall mean a formal expression of opinion, decision or intention by the Committee of Adjustment.

“Rules of Procedure” shall mean the rules and requirements contained within this Procedural By-law.

“Secretary-Treasurer” shall mean the Secretary-Treasurer of the Committee of Adjustment appointed under Section 44(8) of the *Planning Act, R.S.O. 1990, c.P. 13*, as amended.

“Town” shall mean the Corporation of the Town of Cobourg.

“Vice Chair” shall mean the Vice Chair of the Committee of Adjustment of the Town of Cobourg appointed by Members of the Committee of Adjustment.

Section 2 - GENERAL PROVISIONS

2.1 Applicability

- 2.1.1 Save as otherwise provided herein, the procedural rules and requirements of this by-law shall be observed at all Committee of Adjustment Meetings and shall be the rules and requirements which govern the order of business.
- 2.1.2 This by-law outlines a fair and equitable approach and process for the operation of the Committee of Adjustment pursuant to the *Planning Act, R.S.O.1990, c.P.13, as amended* and the *Municipal Act, 2001, S.O 2001 c.25, as amended*.
- 2.1.3 In the event of a conflict between this by-law and *the Planning Act, R.S.O.1990, c.P.13, as amended*, *the Planning Act, R.S.O.1990, c.P.13, as amended* prevails.

2.2 Issue Not Addressed

- 2.2.1 If an issue is raised that is not expressly addressed in this by-law, the issue shall be decided by the Chair, subject to an appeal to the Committee of Adjustment, as the case may be.

2.2.2 All points of order or procedure not provided for in these Rules of Procedure shall be decided in accordance with the Rules of Procedure known as Robert's Rules of Order.

2.3 Communication Devices

- 2.3.1 The use of cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media or members of the general public is permitted only with the approval of the Committee of Adjustment.
- 2.3.2 All communication devices shall be switched to 'silent' upon entering the location where any Committee of Adjustment Meeting is being held.

Section 3 - DUTIES OF THE COMMITTEE OF ADJUSTMENT

3.1 Duties of the Chair

- 3.1.1 It shall be the duty of the Chair to carry out the following responsibilities:
- a) to open the Meeting of the Committee of Adjustment by taking the Chair and calling the Committee of Adjustment to order;
 - b) to announce the business before the Committee of Adjustment in the order in which it is to be acted on;
 - c) to recognize any Member who wishes to speak and to determine the order of the speakers;
 - e) to put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings and to announce the results;
 - f) to participate as an active and voting member, encouraging active participation by all Members;
 - g) to decline to put to vote motions which contravene the provisions of this Procedural By-law;
 - h) to enforce the provisions of the Procedural By-law;
 - i) to enforce on all occasions, the observance of order and decorum among the Members;
 - j) to call by name, any Member refusing to comply with this Procedural By-law and to order the Member to vacate the place of Meeting;
 - k) to cause to be expelled and excluded any member of the public who creates a disturbance or acts improperly during a Meeting;
 - l) to authenticate, by signature, all Meeting minutes;
 - m) to rule on any points of order raised by Members;
 - n) to adjourn the Meeting when the business is concluded.
- 3.1.2 The Chair shall also adhere to the Duties of the Members of the Committee of Adjustment in Section 3.3.

3.2 Duties of the Vice Chair

- 3.2.1 Where the Chair gives notice that they will be absent from the Committee of Adjustment, or of their absence through illness, or they refuses to act, then the Vice Chair shall act in their place and instead of the Chair and, while so acting, has and may exercise all the rights, powers and authority of the Chair.
- 3.2.2 The Vice Chair shall also adhere to the Duties of the Members of the Committee of Adjustment in Section 3.3.

3.3 Duties of the Members of the Committee of Adjustment

- 3.3.1 It shall be the duty of the Members of the Committee of Adjustment to carry out the following responsibilities:
- a) to conduct site visits in accordance with Section 3.6;
 - b) to understand their role and expectations, including all applicable Town Policies and mandatory training and continuing education and /or certification for committee members
 - b) to comply with the Council Code of Conduct;
 - c) to apply and respect the Rules of Procedure;
 - d) to attend all scheduled Regular and Special Committee of Adjustment Meetings, sending regrets otherwise;
 - e) to follow the agenda and stay focused on the topic at hand;
 - f) to respect confidential information;
 - g) to vote on business except when not permitted to by law;

3.4 Duties of the Recording Secretary of the Committee of Adjustment

- 3.4.1 It shall be the duty of the Recording Secretary to carry out the following responsibilities:
- a) to complete all general administrative support duties for the Committee of Adjustment and its members, including receipt of application, file creation, and assisting applicants through prescribed processes;
 - b) to draft circulation memorandum, hearing notices, decision notices, minutes and agendas, including relevant resolutions under the direction of the Chair and Secretary-Treasurer;
 - c) to electronically distribute agendas to Members before a regularly scheduled or special meeting, respecting the designated timeframes described within this Procedural By-law;
 - d) to arrange for and/or set up of meeting areas, giving consideration to the nature of the matters to be discussed, any audio-visual requirements, attendance by the public and ensuring accessibility for all;
 - e) to record when the meeting started and adjourned;

f) to record the Members present and absent;

- g) to take minutes, recording a summary of the discussion for each item, actions to be taken and recommendations, including the names of the movers of motions;
- h) to finalize minutes for distribution under the direction of the Secretary-Treasurer;
- i) To act as a resource to the Committee of Adjustment.

3.5 Duties of the Secretary-Treasurer of the Committee of Adjustment

3.5.1 It shall be the duty of the Secretary-Treasurer to carry out the following responsibilities:

- a) to conduct site visits in accordance with Section 3.6;
- b) to provide direction and approval of the work of the Recording Secretary in Section 3.4;
- c) to ensure the statutory requirements of the Planning Act and relevant legislation and by-laws are satisfied;
- d) to stamp deeds and other legal documents required under the *Planning Act* in association with Town of Cobourg Committee of Adjustment applications, decisions and conditions;
- e) to prepare appeal packages to the Ontario Land Tribunal;
- f) To act as a resource to the Committee of Adjustment and to provide legislative and planning interpretation where required.

3.5.2 Neither the Recording Secretary nor the Secretary-Treasurer shall have voting privileges.

3.6 Site Visits

3.6.1 Following the application by the owner or representative of the owner, for any land, building or structure located within the Town of Cobourg, but prior to the Meeting where the application will be considered by the Committee of Adjustment, the Members may conduct individual site visits.

3.6.2 At no time should more than two (2) members, including the Chair and Vice Chair, visit a site simultaneously.

3.6.3 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 of Adjustment.

Section 4 - MEETINGS

4.1 Place of Meeting

4.1.1 Unless otherwise directed by the Committee of Adjustment, all Regular and Special Emergency Meetings shall be held at the Town of Cobourg Victoria Hall Council Chambers located at 55 King Street West, Cobourg, Ontario.

4.2 Regular Meetings

4.2.1 Regular Meetings of the Committee of Adjustment shall be held on a set schedule with fixed start times to be determined by the

Committee of Adjustment at its Inaugural Meeting, which schedule will be provided to the Clerks Department immediately following the Inaugural Meeting.

- 4.2.2 Where it is determined by the Secretary-Treasurer that there are insufficient agenda items for a meeting, the Secretary Treasurer shall cancel the Meeting.
- 4.2.3 If a Meeting is cancelling, the Secretary-Treasurer shall provide notice to all members and any persons who are scheduled to be in attendance.
- 4.2.4 The Secretary-Treasurer shall issue notice of the applications to be considered at the Meeting and provide notice to the public as per the requirements of the *Planning Act, R.S.O. 1990, c.P.13, as amended* and regulations thereunder, at least ten (10) days before the Meeting for Minor Variance applications and at least fourteen (14) days before the Meeting for Consent applications.
- 4.2.5 The Secretary-Treasurer shall give the Agenda and written notice of each Committee of Adjustment Regular Meeting to Members at least two (2) business days before the time appointed for such Meeting and shall be delivered electronically via e-mail to their respective e-mail address.
- 4.2.6 The written notice shall indicate the nature of the business to be considered at the Meeting as well as date, time, and place of the Meeting.

4.3 Special Meetings

- 4.3.1 In addition to Regular Meetings, the Chair may, at any time, direct the Secretary-Treasurer to summon a Special Meeting of the Committee of Adjustment.
- 4.3.2 The Secretary-Treasurer shall issue notice of applications to be considered at the Special Meeting and provide notice to the public as per the requirements of the *Planning Act, R.S.O.1990, c.P.13, as amended* and regulations thereunder, at least ten (10) days before the Meeting for Minor Variance applications and at least fourteen (14) days before the Meeting for Consent applications.
- 4.3.3 The Secretary-Treasurer shall give the Agenda and written notice of each Committee of Adjustment Special Meeting to Members at least 48 hours before the time appointed for such Meeting and shall be delivered electronically via e-mail to their respective e-mail address.
- 4.3.4 The written notice shall indicate the nature of the business to be considered at the Special Meeting as well as date, time, and place of the Meeting.
- 4.3.5 No business other than that indicated in the written notice shall be considered at the Special Meeting.

4.4 Meetings Open to Public

- 4.4.1 Subject to Section 4.5 of this Procedural By-law, Meetings shall be open to the public and no person shall be excluded therefrom except for improper conduct.
- 4.4.2 The Chair may request that members of the public vacate the Place of Meeting if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally suspend the Meeting until order is restored in the Place of Meeting.

4.5 Closed Meetings

- 4.5.1 Except as otherwise provided herein, all Meetings shall be open to the public.
- 4.5.2 The Committee of Adjustment may, by resolution, close a Meeting or part of a Meeting to members of the public if, in accordance with the provisions of *the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22*, the Committee of Adjustment is of the opinion that:
- a) matters involving public security may be disclosed; or
 - b) 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 of avoiding 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.
- 4.5.2 A motion by the Committee of Adjustment, to close a Meeting or part of a Meeting to the public shall state:
- a) the fact of the holding of the closed Meeting;
 - b) the general nature of the subject matter to be considered at the closed Meeting.
- 4.5.3 Where a Meeting or part of a Meeting is closed to the public, the Committee of Adjustment shall either request those persons not specifically invited to the closed Meeting to vacate the Place of Meeting or the Members may relocate to another location, at the discretion of the Chair.
- 4.5.4 A Meeting or part of a Meeting shall not be closed to the public during a vote except where the vote is for a procedural matter or for giving directions or instructions to Members, employees or agents of the Committee of Adjustment or persons retained under contract by the Committee of Adjustment, and the Committee of Adjustment deems that it is in the best interests of the Committee of Adjustment to do so.
- 4.5.5 The Motion to rise from "In Camera" shall include the time that the Committee of Adjustment arose.
- 4.5.6 The Secretary-Treasurer shall record without note or comment all resolutions, decisions, and other proceedings at a Meeting of the Committee of Adjustment when it is closed to the public.

- 4.5.7 The Committee of Adjustment shall ensure that confidential matters disclosed to them during closed Meetings are kept confidential. Any breach of confidential matters disclosed during closed Meetings shall be subject to the sanctions contained in the Council Code of Conduct.

4.6 Quorum

- 4.6.1 Pursuant to Section 44(5) of the *Planning Act, R.S.O.1990, c.P.13, as amended*, Quorum at all Meetings of the Committee of Adjustment shall be three (3) Members of the Committee of Adjustment.
- 4.6.2 A vacancy in the Membership or the inability of a Member to act due to a declared conflict of interest does not impair the powers of the Committee of Adjustment of the remaining Members.
- 4.6.3 If a Quorum is not present within fifteen (15) minutes after the time appointed for the Meeting, the Secretary-Treasurer shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting or Special Meeting called in accordance with the provisions of this Procedural By-law.

4.7 Adjournment - Due Hour

- 4.7.1 Except as provided in Section 9.1.16 of this Procedural By-law, a Regular or Special Meeting of the Committee of Adjustment shall adjourn after four (4) hours, if in session at that time, and shall reconvene at such other day and time as the Committee of Adjustment, by resolution, may direct.
- 4.7.2 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.

4.8 Cancellation of Meeting

- 4.8.1 The Chair or the Vice Chair, in the Chair's absence may cancel any Meeting of the Committee of Adjustment if he/she is of the opinion that weather conditions or an emergency warrant. The Chair shall inform as many Members as he/she is able to reach, and any persons that are scheduled to be in attendance.
- 4.8.2 Postponement of the Meeting shall not be for any longer than the next regularly scheduled Meeting of the Committee of Adjustment.

4.9 Accessibility

- 4.9.1 Adequate provisions shall be made by the Chair to ensure that Places of Meeting, Agenda and Minute formats, communications and conduct of meeting are accessible to ensure maximum participation.

4.10 Orientation

- 4.10.1 Orientation and Training sessions shall be conducted for Committee of Adjustment appointees at the beginning of each term of Council. All Members benefit from orientation. Further sessions shall be conducted for appointees during the term of Council, as required.
Electronic

Orientation Manuals will be distributed to all Members for reference purposes by the Planning Department.

4.11 Hybrid Meetings

- 4.11.1 A member of the Committee of Adjustment may participate electronically in a meeting.
- 4.11.2 A member of the Committee of Adjustment who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time, and the member can participate in a meeting that is open or closed to the public.

Section 5 – APPOINTMENT AND ELECTIONS

5.1 Appointment Process for the Committee of Adjustment

- 5.1.1 The Committee of Adjustment shall consist of up to five (5) Members.
- 5.1.2 Once a decision is made to seek a new Committee of Adjustment Member, the Secretary-Treasurer on behalf of the Committee of Adjustment shall approach the Clerk to have the vacancy publicly posted, on the Town website, and the Town Page, so that all interested, eligible candidates may apply.
- 5.1.3 Committee of Adjustment position vacancies shall be filled by appointment by Council upon the recommendation of staff after reviewing all applications submitted pursuant to Section 5.1.2 of this by-law.

5.2 Committee of Adjustment Positions

- 5.2.1 The Committee of Adjustment shall elect from its ranks a Chair and Vice-Chair, who shall serve for the term of Council or until they resign from the position.
- 5.2.2 The Manager of Development Review shall act as Secretary-Treasurer to serve the Committee of Adjustment. The Secretary-Treasurer may appoint an Acting Secretary-Treasurer in their absence.
- 5.2.3 The role of Recording Secretary shall be performed by the administrative staff employed by the Town of Cobourg.

5.3 Resignation and Dismissal Process

- 5.3.1 Committee of Adjustment Members wishing to resign their appointment shall submit a letter of resignation to the Committee of Adjustment which shall be forwarded as soon as possible to the Clerks Department.
- 5.3.2 Council may, with or without the advice of the Committee of Adjustment, and with a supporting rationale, make changes to the Committee of Adjustment.

5.4 Attendance Management

- 5.4.1 After two (2) consecutive absences by any Committee of Adjustment Member at regularly scheduled meetings, the following process shall be followed:

- a) The Chair shall informally contact the absent Member to determine if they plan to attend the next regularly scheduled meeting, noting any reasonable or compassionate circumstances which would prohibit their attendance.
- b) The Committee of Adjustment, by resolution, may waive the attendance requirements of the Committee of Adjustment if reasonable or compassionate circumstances exist. If no reasonable or compassionate response is given, the Chair shall inform the absent Member that if he/she is absent from the next regular meeting (the third meeting), the Committee of Adjustment shall declare their seat vacant and recommend by resolution to Council the removal of the Member.
- c) If the Chair is unable to reach the absent Member or if there were no reasonable or compassionate grounds for absences given at the time of preparing the Agenda for the third meeting:
 - i) The Secretary-Treasurer shall include the item "Absentee Member" on the Agenda under the Other Business heading.
 - ii) Upon consideration of the item, the Secretary-Treasurer shall briefly identify the requirements of the Committee of Adjustment Procedural By-law and the name of the absent Member.
 - iii) The Committee of Adjustment shall recommend by resolution to Council the absent Member's seat be declared vacant.
- d) Removal from the Committee of Adjustment shall be made by resolution of Council. Council may, by resolution, based on evidence of absenteeism due to compassionate or reasonable grounds waive the attendance requirements of the Committee of Adjustment Procedural By-law.

Section 6 - AGENDAS AND MINUTES

6.1 Committee of Adjustment Agenda

6.1.1 The Secretary-Treasurer shall cause to be prepared an electronic Agenda or paper version if requested by a Member, under the following headings, further explained in Section 7 of this Procedural By-law, for the use of the Members at Meetings of the Committee of Adjustment:

Call to Order
Disclosures of Pecuniary Interest
Approval of Minutes
Applications
Other Business
Adjournment

6.1.2 There shall be no more than five (5) applications, in total, scheduled for any Regular Meeting of the Committee of Adjustment and included on the agenda.

6.1.3 Notwithstanding Subsection 6.1.2, The Secretary-Treasurer of the Committee of Adjustment, at their sole discretion, may entertain additional applications, as the circumstances may warrant.

6.1.4 The Secretary-Treasurer of the Committee of Adjustment may call for a secondary meeting a month, at their discretion based on volume of applications.

6.1.5 The Agenda shall be emailed to each Member no later than two (2) business days preceding the commencement of the Regular or Special Committee of Adjustment Meeting in question.

6.1.6 The business of the Committee of Adjustment shall be considered in the order as it appears on the Agenda, unless otherwise decided by a vote of the majority of the Members present and voting.

6.2 Meeting Minutes

- 6.2.1 Meeting structure, Agenda and Minute formats shall meet the individual needs of the Committee of Adjustment, while ensuring consistency, completeness, and accountability.
- 6.2.2 The Secretary-Treasurer shall cause the Minutes to be taken of each Meeting of the Committee of Adjustment, whether it is closed to the public or not. These minutes shall include:
- a) the place, date and time of the Meeting;
 - b) the name of the Presiding Officer or Officers and the record of attendance of the Members; should a Member enter after the commencement of the Meeting or leave prior to adjournment, the time shall be noted;
 - c) declarations of pecuniary interest;
 - d) the reading, if requested, correction and confirmation of the minutes of prior Meetings; and
 - e) all resolutions, decisions and all other proceedings of the Committee of Adjustment, without note or comment.
- 6.2.3 The Secretary-Treasurer shall ensure the Minutes of the last Regular and Special Meetings of the Committee of Adjustment are included in the Agenda package prepared in accordance with Section 4.2 of this Procedural By-law.

Section 7 - ORDER OF PROCEEDINGS

7.1 Call to Order

- 7.1.1 As soon as a Quorum is present after the hour set for the holding of the Meeting, the Chair shall call the Members present to order.
- 7.1.2 If the Chair does not attend a Meeting within fifteen (15) minutes after the time set for the Meeting and a Quorum is present, the Vice Chair shall preside over the Meeting and shall exercise all duties and responsibilities of the Chair as outlined in this Procedural By-law until the Chair is present at the Meeting and able to perform their responsibility to assume the Chair.
- 7.1.3 If the Vice Chair is also not present within fifteen (15) minutes after the time set for the Meeting and a Quorum is present, the Secretary-Treasurer shall call the Meeting to order, and the Members present shall appoint a Presiding Member who shall act as Chair of the Meeting until the arrival of the Chair or Vice Chair, whoever is the first to arrive and is able to assume the chair.

7.2 Disclosures of Pecuniary Interest

- 7.2.1 Where a Member, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of the Committee of Adjustment at which the matter is the subject of consideration, the Member shall:
- a) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;

b) not take part in any discussion of or vote on any question with respect to the matter; and

c) not attempt in any way before, during, and after the meeting to influence the voting on any such question.

7.2.2 Where the Meeting is not open to the public, in addition to complying with the requirements of Section 7.2.1 of this Procedural By-law, the Member shall immediately leave the Meeting or part of the Meeting during which the matter is under consideration.

7.2.3 Where a Member is absent from a Meeting which includes a matter for which the Member has a pecuniary interest, the Member shall disclose this interest and otherwise comply at the first Meeting of the Committee of Adjustment attended by him/her after the particular Meeting.

7.2.4 The Secretary-Treasurer shall advise all Members, the applicant or representative and the public that under the *Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, CHAPTER M.56*, unless otherwise stated in the submission, any personal information such as a name, address, telephone number and property location included in all submissions become part of the public record for files for this matter and can be released, if requested, to any person.

7.3 Approval of Minutes

7.3.1 The Minutes of each Committee of Adjustment Meeting shall be presented to the Members for confirmation at the next Regular Meeting.

7.3.2 Following approval of the Minutes, the Minutes shall be signed and approved by the Chair.

7.4 Meeting Procedures - Applications

7.4.1 The Chair shall read the application.

7.4.2 The Chair shall ask the applicant or their representative to introduce themselves and present the application and reasons for support of the application. The applicant or their representative shall be provided with a maximum ten (10) minutes to present the nature of the application to the Committee of Adjustment. Any submissions beyond the ten (10) minutes shall be at the discretion of the Committee of Adjustment.

7.4.3 The Chair shall:

- a) read aloud all comments received from agencies who responded to the circulation of the notice of the application;
- b) read aloud any letters received from persons expressing an interest in the application;
- c) summarize the nature of the interest being expressed;
- d) read aloud the proposed conditions to be attached to the decision should the Committee of Adjustment approve the application.

7.4.4 The Committee of Adjustment shall give the applicant or their representative the opportunity to respond to any comments received from commenting agencies or interested parties. This response shall be limited to five (5) minutes.

7.4.5 Following the presentation of the application by the applicant, the

Chair shall invite anyone else having an interest in the application

to come forward, identify themselves, and express their interest;

7.4.6 Submissions from members of the public, in support or opposition to any application, shall be limited to five (5) minutes and shall be confined to the subject application. Any submissions beyond the five (5) minutes shall be at the discretion of the Committee of Adjustment.

7.4.7 Following the Public Comment, the Committee of Adjustment shall consider the issues raised by the applicant or their representative and any respondents, and the Chair shall:

- a) ask Members for a motion with respect to the disposition of the application;
- b) permit discussions on the motion;
- c) call for a vote by the Committee of Adjustment on the motion;
- d) announce the decision of the Committee of Adjustment;

7.4.8 On every application before it, the Committee of Adjustment may vote to approve, deny, or defer an application, and shall set out the reasons for the decision.

7.4.9 Any approval granted by the Committee of Adjustment may be for such time and subject to such terms and conditions or agreement as the Committee of Adjustment considers advisable and as are set out in the decision.

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

7.5 Meeting Procedures – Decisions of the Committee of Adjustment

7.5.1 No decision of the Committee of Adjustment on an application is valid unless it is concurred by the majority of the Members that heard the application, and the decision of the Committee of Adjustment shall be in writing and shall set out the reasons for the decision and shall be signed by the Members who concur in the decision. Any decision on which there is a tie vote shall be deemed to be lost.

7.5.2 A copy of the Committee of Adjustment's written decision will be prepared and issued in accordance with the provisions of the *Planning Act, R.S.O.1990, c.P.13, as amended*.

7.5.3 A copy of the Committee of Adjustment's written decision shall be sent to each person who appeared in person or by agent or representative to express an interest in the application. In addition, any other person expressing an interest in an application shall leave their name and address with the Secretary-Treasurer at the Meeting, or may submit a written request, should they wish to receive a copy of the written decision and any further correspondence with respect to the application, pursuant to the provisions of the *Planning Act, R.S.O.1990, c.P.13, as amended*.

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

7.6 Meeting Procedures – Requests for Application Deferral or Withdrawal

7.6.1 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. If granted, the Committee of Adjustment after consultation with the Secretary- Treasurer, will set a new Meeting date for the application to be heard and may indicate any other requirements or conditions for deferral, such as re-notification, amendment, or the submissions of additional required information.

7.6.2 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 of Adjustment's agenda and the Committee of Adjustment will take no action on the matter at the Meeting.

7.7 Adjournment

7.7.1 See Section 9.1.14 of this Procedural By-law

Section 8 - RULES OF DEBATE AND CONDUCT

8.1 Duties and Conduct

8.1.1 The Committee of Adjustment is appointed by the Council of the Town of Cobourg and works on behalf of the residents of the Town of Cobourg. The Committee of Adjustment may consult with community stakeholders or engage in activities that puts Members in direct contact with residents and various organizations. Members shall reflect a professional and courteous manner when interacting with the public. Should a Member exhibit a pattern of inappropriate conduct, the Committee of Adjustment or staff may request that Council rescind the Member's appointment.

8.1.2 No Member shall:

- a) speak disrespectfully of the Reigning Sovereign, or of any Member of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any Province, of any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
- b) use offensive words or unparliamentarily language or speak disrespectfully against the Committee of Adjustment, against any Member or against any Council Member, officer or employee of the Town of Cobourg;
- c) speak on any subject other than the subject being debated;
- d) disobey the Rules of Procedure or a decision of the Chair, whoever is the Chair for the Meeting or a portion of the Meeting, on questions of Points of Order or procedure or upon the interpretation of the Rules of Procedure except where the ruling of the Chair is reversed by the Committee of Adjustment pursuant to subsection 8.6.2. If a Member persists in any such disobedience after having been called to order, the Chair shall forthwith order that Member to vacate the Place of Meeting, but if the Member apologizes, they may, by majority vote of the Members, be permitted to retake their seat;
- e) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital

status, family status or disability;

- f) where a matter has been discussed in a closed Meeting, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the closed Meeting to any person.

8.2 Address the Chair

- 8.2.1 Any Member desiring to speak shall signify their desire to speak in such manner as the Chair may direct, and upon being recognized by the Chair, shall address the Chair only.

8.3 Order of Speaking

- 8.3.1 When two (2) or more Members signify a desire to speak, the Chair shall recognize the Member who, in the opinion of the Chair, so signified first and next recognize in order the other Members.

8.4 Point of Privilege

- 8.4.1 Where a Member considers that their integrity or the integrity of the Committee of Adjustment as a whole has been impugned, the Member may, on a Point of Privilege, rise with the consent of the Chair for the purpose of drawing the attention of the Committee of Adjustment to the matter.
- 8.4.2 When a Member is permitted to raise such matter of privilege, it shall take precedence over other matters, but the Member shall not be permitted to enter into any argument or introduce any Motion related to the Point of Privilege.
- 8.4.3 When a Point of Privilege is raised, it shall be considered and decided by the Chair immediately and the decision of the Chair under this section shall be final.

8.5 Point of Order

- 8.5.1 When a Member desires to call attention to a violation of the Rules of Procedure, the Member shall ask leave of the Chair to raise a Point of Order and, after leave is granted, shall succinctly state the Point of Order to the Chair and the Chair shall then decide upon the Point of Order and advise the Member of the decision.

8.6 Appeal of Ruling of Chair

- 8.6.1 With respect to a ruling on either a Point of Privilege or a Point of Order, if the Member does not appeal immediately thereafter to the Committee of Adjustment the decision of the Chair shall be final.
- 8.6.2 If the Member wishes to appeal the decision of the Chair, he/she shall appeal immediately to the Committee of Adjustment otherwise the decision of the Chair is final.
- 8.6.3 If the decision is appealed, the Chair will give concise reasons for their ruling and will call a vote by the Committee of Adjustment, without debate on the following question: "Will the ruling be sustained?", and the decision of the Committee of Adjustment is final. The Chair may vote on this question. In the event of a tie of votes, the ruling of the Chair shall be deemed to be sustained.

8.7 Members Speaking

- 8.7.1 When a Member is speaking, no other Member shall pass between the Member and the Chair or interrupt the Member except to raise a Point of Order.

Section 9 - MOTIONS

Reading

- 9.1.1 All motions must be introduced by a mover before the Chair may put the question or motion on the floor for consideration.

Withdrawn

- 9.1.2 After a motion is properly moved, it shall be deemed to be in possession of the Committee of Adjustment, but may be withdrawn by the mover at any time before decision or amendment.

No debate until properly moved and seconded

- 9.1.3 No Member shall speak to any motion until it is properly moved and seconded, and the mover is entitled to speak first if the Member so elects.

Motion ruled out of order

- 9.1.4 Whenever the Chair is of the opinion that a motion is contrary to these Rules of Procedure, the Chair shall rule the motion out of order.

Not within jurisdiction of the Committee of Adjustment

- 9.1.5 A Motion in respect of a matter which requires the exercise of a legislative power by the Committee of Adjustment which is not within its jurisdiction shall not be in order at a Meeting of the Committee of Adjustment.

Motion to Amend

- 9.1.6 A motion to amend:
- a) shall be presented in writing if requested by the Chair;
 - b) shall relate to the subject matter of the main motion;
 - c) shall not be received proposing a direct negative to the question; and
 - d) shall be put to a vote in reverse order to the order in which the amendments are made.
- 9.1.7 Only one motion to amend an amendment to the original motion shall be allowed and any further amendment must be to the original motion.

Motion to Table

- 9.1.8 A motion simply to table is not debatable except where instructions are included, in which case, only the instructions shall be debatable. Such motion cannot be amended.
- 9.1.9 The matter tabled shall not be considered again by the Committee of Adjustment until a motion has been made to lift from the table the tabled matter at the same or subsequent Meeting.

- 9.1.10 A motion to lift a tabled matter from the table is not subject to debate or amendment.

Reconsideration

- 9.1.11 A resolution or any question or matter which has been adopted previously by the Committee of Adjustment may be reconsidered by the Committee of Adjustment subject to the following:
- a) a majority of the Committee of Adjustment agree to such reconsideration by Resolution. Only a Member who voted thereon with the majority may make a Motion to Reconsider;
 - b) such motion must be supported by two-thirds (2/3) of the Members present and voting in favour of such reconsideration before the matter is re-opened for debate;
 - c) debate on a motion to reconsider must be confined to reasons for or against the subject of the reconsideration;
 - d) if a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future date, and debate on the question to be reconsidered may proceed as though it previously had never been voted on; and
 - e) a vote to reconsider a particular matter or decision will not be considered more than once during the term of the Committee of Adjustment.

Motion to Recess

- 9.1.12 A motion to recess shall provide for the Committee of Adjustment to take a short intermission within a Meeting which shall neither end the Meeting nor destroy its continuity and after which, proceedings shall immediately resume at the point where they were when interrupted.
- 9.1.13 A motion to recess is not debatable, but it is amendable as to the length of the recess and is not in order when another motion is on the floor.

Motion to Adjourn

- 9.1.14 A motion to adjourn is not debatable or amendable and shall always be in order except:
- a) when another Member is in possession of the floor;
 - b) when a vote has been called;
 - c) when the Members are voting; or
 - d) when a Member has indicated to the Chair their desire to speak on the matter before the Committee of Adjustment.
- 9.1.15 A motion to adjourn, if carried, without qualification, will bring a Meeting or session of Committee of Adjustment to an end.
- 9.1.16 A motion to proceed beyond four (4) hours:
- a) shall not be amended or debated;

- b) shall always be in order except when a Member is speaking or the Members are voting; and
- c) shall require the support of two-thirds (2/3) of the Members present and voting.

Section 10 - VOTING ON MOTIONS

Unrecorded Vote

- 10.1 A simple majority vote of the Members present shall be followed. Recorded votes shall not be permitted.
- 10.2 The manner of determining the decision of the Committee of Adjustment on a motion shall be at the direction of the Chair and may be by voice, show of hands, standing, or otherwise.
- 10.3 Every eligible Member present at the Meeting, when the question is put, shall vote thereon unless disqualified under the Municipal Conflict of Interest Act to vote on the question.
- 10.4 Except where the Member is disqualified under the Municipal Conflict of Interest Act from voting, if a Member does not vote when a question is put, that Member shall be deemed to have voted in the negative.
- 10.5 A Member not in their seat when the question is called by the Chair is not entitled to vote on that question.
- 10.6 Each Member, including the Chair and Vice Chair, has only one (1) vote.
- 10.7 The Chair shall announce the result of every vote.

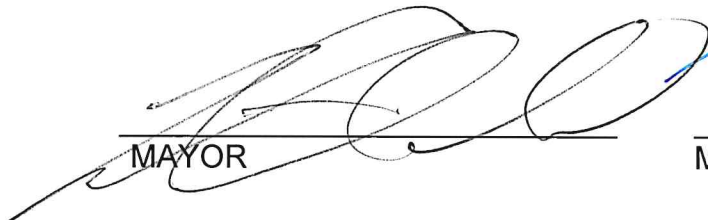
Section 11 - CONDUCT OF THE AUDIENCE

- 11.1 Members of the public who constitute the audience in the Committee of Adjustment Place of Meeting, during a Meeting, shall respect the decorum of the Committee of Adjustment, maintain order and quiet and may not:
 - a) address the Committee of Adjustment without permission from the Chair;
 - b) interrupt any speaker or action of the Members or any person addressing the Committee of Adjustment;
 - c) speak out;
 - d) applaud;
 - e) behave in a disorderly manner; or
 - f) make any noise or sound that proves disruptive to the conduct of the Meeting.
- 11.2 Placards, signs, posters, etc. or any advertising devices shall not be permitted in the Place of Meeting.
- 11.3 The Chair may request that a Member or members of the public vacate the Place of Meeting if their behaviour is deemed to be disruptive to the business at hand.


Section 12 - ADMINISTRATION

- 12.1 Unless the context otherwise requires, in this Procedural By-law the words used in the male gender shall include the female gender and the singular includes the plural, and vice-versa, as the context requires.
- 12.2 This Procedural By-law shall be administered by the Committee of Adjustment with the assistance of the Town's Director of Legislative Services/Clerk
- 12.3 This By-law shall come into full force and effect on the 6th day of February, 2023.

By-law read and passed in Open Council this 6th day of February, 2023.



MAYOR



MUNICIPAL CLERK