



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 197-95

To provide rules governing the calling, place and proceedings of meetings of The City of Brampton Committee of Adjustment

WHEREAS the City of Brampton has established a Committee of Adjustment under By-law 51-89 in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS a Committee of Adjustment is a local board as defined in the Municipal Affairs Act R.S.O. 1990, c.M.46;

AND WHEREAS Section 55(2) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, requires that every local board shall adopt a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS Section 55(3) and Section 55(8) of the Municipal Act, as amended requires all meetings to be open to the public and prohibits a meeting being closed to the public during the taking of a vote unless the exception, set out in Section 55(9), applies;

NOW THEREFORE the Council of The Corporation of the City of Brampton hereby ENACTS as follows:

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| <b>Calling of Meetings</b>                   | 1. | All meetings of the Committee of Adjustment shall be called by the Secretary-Treasurer or Chair of the Committee.   |
| <b>Cancellation/ Rescheduling of Meeting</b> | 2. | In consultation with the Chair the Secretary-Treasurer may cancel or reschedule a meeting.  |
| <b>Failure to Constitute <u>Quorum</u></b>   | 3. | If after a period of thirty (30) minutes from the scheduled commencement time, the Committee has failed to constitute quorum, the meeting shall be adjourned.   |
| <b>Location of Meetings</b>                  | 4. | All meetings of the Committee of Adjustment shall be held in a meeting room located within the Brampton City Hall. The meeting location will be set out in the Notice of Public Hearing circulated by the Secretary-Treasurer or designate of the Committee of Adjustment.  |
| <b>Notice of Public Hearing</b>              | 5. | The Notice of Public Hearing shall be given in a manner that the Committee of Adjustment deems appropriate, in accordance with the provisions of the Planning Act, as amended, and any regulation passed thereunder.  |
| <b>Meeting Procedures</b>                    | 6. | <p>(a) A meeting of the Committee shall be called to order by the Chair of the meeting or his or her designate.</p> <p>(b) The Chair shall call for any requests for deferral of an application or any requests for withdrawal of an application.</p> <p>(i) A request for deferral of an application to a later meeting date must be for reasonable cause as determined by the Committee. The Committee at its own volition may defer the consideration of an application. The Committee shall set a new meeting date for the consideration of the application</p> |

and shall indicate any other requirements or conditions for deferral, such as re-notification, amendment or additional required information. The Committee may determine that the consideration of an application on a deferred date is peremptory.

- (c) The Secretary-Treasurer or designate shall call each application in an order determined by the agenda or in an order determined by the Chair of the meeting and/or the Committee.
- (d) The Chair of the meeting shall ask the applicant, authorized agent or the applicant's representative to present the application.
- (e) The Committee may ask questions of the applicant, authorized agent or applicant's representative at this time. Questions may be asked during the presentation, however, typically questions are put forward by members of the Committee at the conclusion of the presentation.
- (f) The Chair of the meeting shall then read aloud or cause to be read all comments received from outside agencies, residents and others who responded to the circulation of the Notice of Public Hearing.
- (g) The Chair of the meeting shall invite anyone else having an interest in the application to come forward and express his/her interest. Committee members through the Chair, may ask questions of those parties present expressing an interest.
- (h) The Chair of the meeting shall then request that the consolidated staff report pertaining to the application, be read out by the staff member present from the Planning & Building Department. A copy of the staff report for each application shall also be posted at the entrance to the meeting room.
- (i) The Committee shall then give the applicant, authorized agent or the applicant's representative the opportunity to respond to any comments received from commenting agencies, staff or other interested parties.
- (j) The members, through the Chair of the meeting, may ask additional questions at this time.

**Voting**

- 7. (a) After having considered the issues raised by the applicant, authorized agent, applicant's representative, any respondents and the evidence heard at the meeting by the Committee, the Chair shall then ask the members of the Committee for a motion with respect to the disposition of the application. The Chair, upon receipt of a motion from a Committee member shall ask for a seconder to the motion. The Chair shall call for a vote by the Committee on the motion and shall announce, at the meeting, the decision of the Committee, whether the application be approved, refused or deferred to a future meeting.
- (b) The Chair shall be entitled to all the rights of a member on the Committee, including voting.

**Notice of Decision**

- 8. (a) Committee members concurring in the decision of the committee shall sign the Notice of Decision at the meeting and the names of members present not concurring in the decision shall be so noted on the Notice of Decision.

- (b) The Notice of Decision shall be given in a manner that the Committee of Adjustment deems appropriate, in accordance with the provisions of the Planning Act, as amended, and any regulation passed thereunder.

**Conduct of  
Meeting, Members  
Applicants/Agents  
and others**

9. The conduct of meetings, members, applicants/agents and others in attendance 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, and Robert's Rules of order.

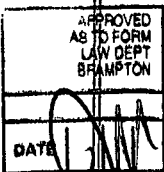
**Conflict of  
Interest**

10. In accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, any member of the Committee required to so do by the provisions of the Act, shall disclose any direct or indirect pecuniary interest and shall state the general nature of such interest, and it shall be recorded by the Secretary-Treasurer accordingly.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 11th day of **October**, 1995.

  
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P. ROBERTSON, MAYOR

  
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L. J. MIKULICH, CITY CLERK



95/10/12