

The Corporation of the Township of North Frontenac

By-law #2026-53

Being a By-law to Establish a Procedural Policy for Members of the Committee of Adjustment/Planning Advisory Committee; and to repeal By-law #22-22

Whereas Section 238(2) of the *Municipal Act, S.O. 2001, c.25*, as amended (the *Municipal Act*) provides that Council shall pass a procedure by-law for governing the calling, place and proceedings of Meetings;

And Whereas Section 238 (2.1) of the *Municipal Act* provides that the procedure by-law shall provide for public notice of Meetings;

Now Therefore the Council of The Corporation of the Township of North Frontenac deems it expedient to enact a by-law to adopt a Procedural Policy for the Committee of Adjustment/Planning Advisory Committee of the Corporation of the Township of North Frontenac;

And That the Council of The Corporation of the Township of North Frontenac does hereby adopt the Procedural Policy for the Committee of Adjustment/Planning Advisory Committee of the Corporation of the Township of North Frontenac attached hereto as Schedule 'A';

And That should any sections of this By-law, including any section or part of any Schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining Sections shall nevertheless remain valid and binding;

And That By-law #22-22 is hereby repealed in its entirety;

And That all Resolutions, By-laws or parts of By-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.

And That this By-law shall come into force and take effect on the date of final passing;

Read a first and second time **October 23, 2026**

Read a third time and finally passed this **October 23, 2026**

Gerry Lichty, Mayor

Tara Mieske, Clerk

Schedule 'A' to By-law #2026-53

Committee of Adjustments/Planning Advisory Committee – Procedural Policy

Section 1.0 – Definitions

In this by-law:

“Act” means the Planning Act, R.S.O. 1990, c P.13, as Amended.

“Applicant” means the property owner(s) or authorized agent acting on behalf of the owner(s) who submitted the Planning Application.

“Application” means an Application made under the Planning Act, R.S.O. 1990, c.P, 13, for Minor Variance under Section 45, an Application for Consent under Section 53, an Application for power of sale and foreclosure under Section 50 or an Application for validation of title under Section 57.

“Chair” means a Member of the Committee appointed as the Chairperson of the Committee.

“Committee” means the Committee of Adjustment/Planning Advisory Committee appointed by By-law of the Council of the Corporation of the Township of North Frontenac.

“Hearing” means any hearing of the Committee held in person and/or electronic means, or another means as determined by the Secretary-Treasurer.

“Inaugural Hearing” means the first Hearing of the Committee held after the passing of the Appointing By-law of the Committee at the commencement of each Council term.

“Member” means an individual appointed by the Council of the Corporation of the Township of North Frontenac to the Committee and includes the Alternate Member.

“Pecuniary Interest” means a direct or indirect pecuniary interest within the meaning of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as Amended.

“Point of Order” means any alleged breach of the rules or irregularity in the proceedings of the Hearing.

“Public Notice” means the Notice of Complete Application/Hearing for an Application as prescribed by the Act.

“Secretary/Treasurer” means the Secretary/Treasurer of the Committee or in their absence the person appointed as the Acting Secretary/Treasurer, as appointed by Council.

Section 2.0 Authority, Clarification and Appointments

2.1 The Committee is a quasi-judicial body, operating independently from Council, as authorized by the Act, to make decisions on planning Applications as set out in the By-law to Appoint the Committee.

2.2 The procedures contained in this by-law shall be observed in all proceedings of the Committee and shall be the procedures for the order and dispatch of Hearings conducted by the Committee.

2.3 Procedural matters not governed by the provisions of this By-law shall be governed by Robert's Rules of Order 12th Edition.

2.4 In the event of a conflict between this by-law and the Act, the Act prevails.

2.5 The Committee shall be composed of three (3) sitting Members appointed by Township Council and one (1) Alternate Member appointed by Township Council. The term runs concurrently with the Term of Council or until such time as successor(s) are appointed.

2.6 A member shall not be appointed for more than three (3) consecutive terms of Council (for a total of 12 years). Any interim appointments are not to be included in the consideration of the total term of appointment of the member.

2.7 A vacancy on the Committee shall occur if a Member is absent for three (3) successive Hearings without confirmation from Council.

2.8 A Member who is unable to carry out their duties through illness or otherwise shall provide a note to the Secretary-Treasurer, who will notify the Clerk of the Member's absence and intended date of return. Council will confirm the absence or deem the seat vacant. Upon Council's confirmation, a Member may be absent from their seat for three successive Hearings from the date of their illness or otherwise.

2.9 If the vacancy should occur in an election year and the vacancy occurs after the Nomination Period begins, the seat shall remain vacant until Council has completed its Membership appointments for the new term.

Section 3.0 – Quorum

3.1 Pursuant to the Act, s. 44 (5) where a Committee is composed of three Members, two Members constitute a quorum.

3.2 The time limit for a Quorum is thirty (30) minutes after the time appointed for the Hearing. If no Quorum is present after thirty (30) minutes, the Chair or Secretary-Treasurer shall adjourn the Hearing, and the business shall be carried forward to the next Hearing or a Special Hearing.

3.3 If a Member of the Committee is absent from the Hearing, the Alternate Member of the Committee will assume the role and responsibilities of the absent Member.

3.4 Members of the Committee are encouraged to notify the Secretary-Treasurer when the Member is aware that they will be absent from any Hearing.

3.5 The Alternate Member shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Hearing, unless they are acting in the absence of a Committee Member.

Section 4.0 – Site Visits

4.1 Site visits will be completed in accordance with the Township's Site Visit Policy.

Section 5.0 – Calling of Hearings

5.1 The Committee shall meet once a month. At a Hearing prior to the end of the year, the date and time of the regular Hearings for the following year will be established. Every attempt will be made to hold the Hearings on a consistent day.

In the case of the year prior to the re-appointment of the Committee, the Hearing dates shall be set at the Inaugural Hearing of the Committee.

5.2 Additional Hearings may be held through a Special Hearing request by the Chair to the Secretary-Treasurer; at the request of the majority of the Members, at the request of the Council of the Township of North Frontenac; or by request of the Secretary-Treasurer to the Chair. The date of the Special Hearing will be dependent on the availability of Members.

5.3 Where it is determined by the Secretary-Treasurer that there are insufficient Agenda items for a Hearing, the Secretary-Treasurer shall cancel the Hearing, providing 7 days notice of the cancellation to Committee Members and any interested parties.

5.4 A Hearing may also be cancelled at the request of the Chair to the Secretary-Treasurer, providing a minimum of 48 hours' notice of the cancellation to the Members, the Applicants and any interested parties. The notice will also be provided on the Township's website and social media account

5.5 The Committee Hearings will take place in the Council Chambers at the Municipal Office, 6648 Road 506, Plevna, unless otherwise specified in the Public Notice.

5.6 All Committee Hearings shall be open to the public. Closed Session Hearings of the Committee may only be held in accordance with the Municipal Act, 2001 c. 25, s. 239 (2).

5.7 Public Notice shall be given by the Secretary-Treasurer in accordance with the Act.

5.8 The Committee shall hold a Public Hearing on every Application before a decision is rendered.

Section 6.0 - Electronic Participation

6.1 Members may participate in Hearings electronically and when doing so shall be counted towards quorum.

6.2 A Member must give to the Secretary-Treasurer a notice of at least 48 hours of their intent to participate electronically in a Hearing, unless extraordinary circumstances apply, to which a Member will advise the Secretary as soon as possible.

Section 7.0 – Appointment of the Chair

7.1 The Chair of the Committee shall be elected by the Members at the Inaugural Hearing of the Committee for a two-year term. Any Member may be nominated, or nominate themselves, for the position of Chair and present their case for being named Chair. The incumbent is free to run for the position. If no other Member wishes to run for the position, the incumbent will remain in the position.

7.2 The Chair shall be counted in determining quorum and shall be entitled to all the rights of a Member, including voting.

7.3 Where the Chair is absent, the Secretary-Treasurer shall call for the election of an Acting Chair for the Hearing.

7.4 An Acting Chair shall be appointed for each Hearing or portion thereof in the Chair's absence.

Section 8.0 – Agenda

8.1 The Committee Agenda will contain the following:

1. Call To Order
2. Opening Remarks
3. Traditional Land Acknowledgement
4. Requests for Withdrawal or Deferral of Application(s)
5. Approval of Agenda
6. Disclosures of Pecuniary Interest and General Nature Thereof
7. Adoption of Minutes
8. Consent Applications*
9. Applications under Section 45 of the Planning Act*
10. Validation of Title Applications*
11. Power of Sale and Foreclosure Applications*
12. Recommendations to Council on Planning Applications where Council is the Approval Authority*

- 13. Delegations
- 14. Communications
- 15. Administrative Reports
- 16. Adjournment

*These items will only be included on the Agenda if a complete Application has been submitted and the required Public Notice has been completed.

8.2 The Secretary-Treasurer will prepare an electronic Agenda for the use of the Members at Hearings. Agendas will be provided to each Member and include the following information:

- Public Notice;
- Reports from Planners and Agencies;
- Comments Received from the Public prior to the preparation of the Agenda.

8.3 Agendas will be provided to Members via email a minimum of three (3) days prior to the Hearing. The Agenda shall also be posted to the Township's CivicWeb Portal.

8.4 The Secretary-Treasurer shall provide the Applicant with a copy of correspondence received from the Planner(s), applicable agencies and others who respond to the circulation of the Public Notice.

Section 9.0 - Disclosures of Pecuniary Interest/Conflict of Interest

9.1 The Chair shall call for any declaration of Pecuniary Interest from Members; the provisions of the Municipal Conflict of Interest Act and the Township's Code of Conduct Policy shall apply.

9.2 At a Hearing in which a Member discloses a Pecuniary Interest, the Member must file a written statement on a form provided by the Secretary-Treasurer of the Member's interest at the Hearing or as soon as possible afterwards.

9.3 The Secretary-Treasurer shall establish and maintain a registry in which the following shall be kept:

- a. A copy of each statement filed;
- b. A copy of each declaration recorded.

The registry shall be available for public inspection on the Township's Website.

9.4 All Members required to do so by the Provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 as Amended, shall disclose any direct or indirect Pecuniary Interest for themselves or a family member; and shall state the general nature of such Pecuniary Interest; and it shall be recorded by the Secretary-Treasurer accordingly. It is recommended the Member leave the Hearing for the duration of the matter for which a Pecuniary Interest is declared by the Member.

9.5 Where a Member has a Pecuniary Interest, they shall not use their office in any way to attempt to influence any decision of the Committee. The Member shall not take part in the discussion or vote on any question with respect to the matter and shall not attempt in any way before during and/or after the Hearing to influence the voting on any such question.

Section 10.0 – Delegations

10.1 Members of the public wishing to provide comments on an Application are not required to make a request.

Any person wishing to appear as a delegation must make a request to the Secretary-Treasurer 14 days prior to the Hearing. The delegate must provide a copy of their presentation to the Secretary-Treasurer to be included in the Agenda at least 7 days prior to the Hearing.

10.2 The Committee may request representatives of Non-Government Agencies, Government Agencies, Voluntary Sector Representatives or other experts to attend Hearings as presenters or advisors because of their knowledge of a particular subject. Such invitations will be agreed upon by the Committee and the Secretary-Treasurer will make the request.

10.3 Delegations are permitted to attend the Hearing electronically.

10.4 Delegations are limited to ten (10) minutes. The Chair may extend this time limit as deemed necessary. An additional ten (10) minute Committee question period is permitted following the presentation.

Section 11.0 – Procedures for Hearing

In accordance with the provisions of the Municipal Act 2001, all Hearings of the Committee shall be open to the public.

11.1 After the Hearing has been Called to Order, the Chair shall:

- Read the Opening Remarks and Traditional Land Acknowledgement;
- Call for requests for deferral or withdrawal of any matters before the Committee (see Section 12 below);
- Call for approval of the Agenda;
- Call for disclosure of any Pecuniary Interest of Members;
- Call for approval of the Minutes of the previous Committee Meetings.

11.2 The Chair, with the permission of the Committee, shall determine the order of the items on the agenda to facilitate the Hearing in the most expeditious manner.

11.3 For each Agenda item, the Chair shall follow the following procedure:

- a) Ask the Applicant to introduce themselves and provide any new information regarding their Application.
- b) Request the Planner to provide an overview of the Application including comments provided from outside agencies and others who responded to the circulation of the Public Notice.
- c) Request the Member who attended the site to present a report regarding their findings during the site visit.
- d) Invite any person having an interest in the Application to identify themselves and express their interest. Remarks or questions shall be confined to the Application before the Committee. Public submissions shall be limited to a single presentation not exceeding five (5) minutes.
- e) Invite Members to ask questions of the Applicant, including if they understand the conditions requested or if they have any questions or comments.
- f) After hearing submissions from all interested parties give the Applicant(s) the opportunity to respond to any comments received from the Members, commenting agencies and interests parties. This response shall be limited to five (5) minutes.
- g) After hearing all submissions, the Members shall deliberate and put forward a motion (See Section 12) to approve, defer or deny the Application. The Members shall vote on the motion. If the motion is approved by a majority of the Members the decision is final. If the motion is defeated, a new motion shall be put forward with a different decision, and the Members shall vote on the motion. If the motion is approved by a majority of the Members the decision is final.
- h) Advise the Applicant of the decision and request the Secretary-Treasurer provide details on what happens next in the process.

11.4 At any time, a Member may ask the Secretary-Treasurer to:

- Read aloud all comments received by agencies who responded to the circulation of the Public Notice;
- Read aloud any letters received from persons expressing interest in the Application.

11.5 The Committee shall review the draft conditions to determine if they are reasonably related to the Application and make necessary changes;

11.6 The Committee shall confirm with the Applicant whether they are able to indicate acceptance of the draft conditions should the Application be favourably considered.

11.7 The Committee shall receive any delegations to the meeting.

11.8 The Committee shall review any communications provided by outside agencies.

11.9 The Committee shall receive any Administrative Reports provided by Planning Staff or other appropriate persons.

11.10 The Chair shall call for an adjournment of the meeting.

Section 12.0 – Deferrals or Request for Withdrawal

Request for Deferral on Hearing Date

12.1 A request for deferral of a matter on the scheduled Hearing date by the Applicant must be for reasonable cause and must be made at the Hearing or by written request.

12.2 Any Member, the Planner, or the Secretary-Treasurer may request a deferral of a matter on the scheduled Hearing date for a reasonable cause.

12.3 After hearing the request from the Applicant, the Members shall deliberate and put forward a motion to defer the Application (See Section 11). The Members shall vote on the motion. If the motion is approved by a majority of the Members the decision is final. If the motion is defeated, a new motion shall be put forward with a different decision, and the Members shall vote on the motion. If the motion is approved by a majority of the Members the decision is final.

12.4 If the Committee grants the request for deferral, the Committee in consultation with the Secretary-Treasurer shall set a new hearing date for the Application to be heard and indicate any other requirements of the deferral, such as re-notification, and the deferral fee (if applicable).

12.5 The Committee may not discuss or take any action on the deferred Application at the Hearing.

Committee Decision to Defer the Application

12.6 The Committee may indicate requirements or conditions for deferral, such as re-notification, recommended amendments to the Application or additional information being submitted.

12.7 Any deferral granted by the Committee shall be for a period of six (6) months or sooner, to a maximum of three (3) deferrals per Application. If the deferral process is exhausted, the Application shall be deemed to be withdrawn.

12.8 If an Application is deferred by the Committee, any member of the public who provided comments on the Application at the first Hearing may provide additional comments at a subsequent Hearing.

Request to Withdraw Application

12.9 The Applicant may request that an Application be withdrawn. Such requests may be made to the Secretary-Treasurer in writing in advance of the Hearing date or at the Hearing.

12.10 The Secretary-Treasurer shall record that the Application was withdrawn and the Committee shall take no further action on the matter at the Hearing.

Section 13.0 - Motions

13.1 After hearing all submissions, the Chair shall:

- a. Ask the Members to deliberate and put forward a motion (See Section 12) to approve, defer or deny the Application; and shall set out the reasons for such a disposition;
- b. Upon receipt of a motion from a Member, ask for a seconder to the motion;
- c. Upon receipt of a seconder, permit discussion on the Motion;
- d. Call for a vote.

13.2 In the case of consideration of another matter, the Chair shall request a motion from a Member, upon receipt of a seconder, permit discussion on the motion and call for a vote.

13.3 If the Chair wishes to make a Motion or leave the chair for any reason, the duties of the Chair must be delegated to another Member until the Chair resumes the position.

Section 14.0 - Voting

14.1 After hearing all submissions, the Chair shall call the vote immediately after all the Members desiring to speak to a Motion have spoken.

14.2 All Members present shall be required to vote and, if any Member refuses to do so, they will be deemed to be voting in the negative.

14.3 Any Motion on which there is a tie vote shall be deemed to be defeated.

14.4 Each Member shall indicate by a show of hands, or by any other form of acknowledgment, their position on the Motion. The majority decision of the Committee on the Motion shall constitute the decision of the Committee. If the initial Motion fails, a new Motion shall be requested by the Chair and continue until the majority of the Members approve a Motion.

14.5 Once a motion has been carried, the Chair shall announce the decision of the Committee.

14.6 No discussion shall be permitted after the Chair has announced the decision of the Committee.

Section 15.0 - Notice of Decision

15.1 No decision of the Committee on an Application is valid unless it is concurred by the majority of the Members that heard the Application. The Decision of the Committee shall be set out in writing and shall set out the reasons for the Decision.

15.2 A written Decision will be prepared for each hearing detailing any conditions imposed by the Committee. In the case of a Minor Variance, the Decision shall be signed by all Members who concur with the Decision. For Members participating electronically, the Decision will be provided through Docusign by the Secretary-Treasurer to be signed by the Member.

15.3 Decisions of the Committee shall be circulated in accordance with the Act. A copy of the Decision shall be provided to the Committee.

Section 16.0 - Minutes

16.1 The Secretary-Treasurer shall prepare a record of Minutes of each Hearing containing a summary of the verbal representations made to the Committee. A copy of the draft Minutes shall be circulated to the Committee for consideration. Once approved, a copy of the Minutes shall be circulated to the Council of the Township of North Frontenac and posted to the Township's Website.

Section 17.0 – Rules of Procedure and Conduct

17.1 It shall be the duty of the Chair to:

- a. Call the Hearing to order;
- b. Ensure a Quorum is established and is maintained throughout the course of the Hearing;
- c. Put to a vote all Motions that arise in the course of the proceedings and announce the result of each vote;
- d. Decline to put to a vote Motions that infringe upon the rules set out under this Procedural Policy;
- e. Uphold on all occasions the rules and observance of order and decorum amongst the Members and attendees in accordance with this By-law;
- f. Rule on Points of Privilege and Points of Order and decide all questions relating to the orderly procedure of the Hearing;
- g. Adjourn the Hearing without question or suspend the Hearing to a time to be named by the Chair, if considered necessary due to grave disorder;
- h. Adjourn the Hearing when the business is concluded.

17.2 A Member shall not:

- a. Discuss an Application with an Applicant or a member of the public prior to the Hearing
- b. Disobey the terms of this By-law;
- c. Disturb other Members by any disruptive or distracting conduct, including private conversations or electronic communications among Members during a Hearing;
- d. Display any behavior which may be considered disruptive, inconsiderate or disrespectful, or use any profane or offensive words or insulting expressions;
- e. Speak until recognized by the Chair;

- f. Interrupt a Member who is speaking, except to raise a Point of Order or a Point of Privilege;
- g. Leave a Hearing at any time without advising the Chair;
- h. Comment or question on matters other than those directly pertaining to the subject Application before the Committee;
- i. Use their status on the Committee for personal or political gain.
- j. Leave cell phones or other electronic devices set to emit any audible sound during the Hearing.

17.3 In the event that a Member engages in grave misconduct in the course of their duties as a Member, Council may remove said Member from the Committee.

17.4 Attendees at a Hearing shall maintain order and shall not engage in any behaviour which may be considered disruptive, inconsiderate, disrespectful or intimidating to others.

17.5 Any person who disrupts a Hearing shall be asked by the Chair to stop the disruptive behaviour and if the person persists, they shall be asked to leave the Hearing.

17.6 With respect to matters of conduct not specifically addressed in this By-law, generally shall be in accordance with the Statutory Powers Act, R.S.O. 1990, c.22 as Amended and the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as Amended. Conduct not covered by these Acts will be in accordance with Robert's Rules.

17.7 The Committee may decide, by Resolution, to suspend the operation of all or part of the rules of procedure, provided the suspension does not produce a result inconsistent with the requirements of statute or purport to suspend any statutory requirement. In the event of a conflict, statutory requirements always prevail over a By-law unless a statute provides otherwise.

Section 18.0 – Point of Privilege

18.1 A Member may, at any time, raise a Point of Privilege directing attention to a matter that affects the integrity, character or reputation of an individual(s) or the entire Committee, or the ability of an individual to participate.

18.2 A Point of Privilege shall take precedence over any other matter.

18.3 A Member shall not be permitted to enter into any debate or introduce any Motion not related to the Point of Privilege.

18.4 The Chair shall decide upon the Point of Privilege and advise the Members of the decision. The Chair's decision shall be final unless a Member immediately appeals the decision. The question "Shall the ruling of the Chair be upheld?" shall be called without debate and its results shall be final.

18.5 When the matter has been determined to be a Point of Privilege, the Member shall be afforded an opportunity to propose a Motion in relation to the Point of Privilege.

Section 19.0 - Point of Order

19.1 A Member may, at any time, raise a Point of Order to a perceived violation of the rules of procedure.

19.2 The Chair shall decide upon the Point of Order and advise the Members of the decision. The Chair's decision shall be final unless a Member immediately appeals the decision. The question "Shall the ruling of the Chair be upheld?" shall be called without debate and its results shall be final.

20.0 - Adjournment

20.1 All hearings shall stand adjourned when the Committee has completed all business as listed on the Agenda, or after 3 hours, whichever is earlier, unless otherwise determined through a motion by a majority of the Members present.

20.2 If there are remaining Applications on the Agenda which have not been heard by the time required to adjourn the Hearing, the Secretary-Treasurer shall assign a date to resume the public hearing and further Public Notice shall be required to be provided to those in attendance who have requested to be notified.

Section 21.0 – Council Liaison

21.1 The Council Liaison to the Committee is a Member of Council appointed by the Council of the Township of North Frontenac.

21.2 The role of Council Liaison is to attend Hearings of the Committee and provide reports of the proceedings to Council.

21.3 The Council Liaison shall not take an active role in the discussion of Applications; address the Applicant; or provide comments regarding the proceedings of the Hearing unless there is a clear infringement of Council's Policies (i.e. Official Plan, Zoning By-law, etc.).

Section 22.0 – Code of Conduct

22.1 The Committee shall have regard for the Code of Conduct Policy for Members of Council which applies to Members of the Committee.