



Date: October 28, 2024

To: Mayor and Council

Author: Angela Toole, Acting Manager of Municipal Governance & Clerk
Jennifer Galea, Manager of Human Resources

RE: Appointment to the Committee of Adjustment & Appeals

RECOMMENDED ACTION

That _____ **BE APPOINTED** to the Committee of Adjustment & Appeals for a term set to expire with the expiration of the current Term of Council;

And that the Clerk **BE DIRECTED** to prepare the requisite appointment By-law for inclusion on the November 4, 2024, Regular Meeting Agenda.

BACKGROUND

The Town of Kingsville's Committee of Adjustment & Appeals operates as a multi-function and cross-disciplinary committee and has the authority to make decisions and carry out a variety of statutory duties and quasi-judicial functions. Currently, the Committee of Adjustment & Appeals (hereafter the "Committee") is inclusive of the following committee/matter types, which are either subject to and governed by specific legislation, Terms of Reference and/or Town of Kingsville By-laws as follows:

Committee of Adjustment Hearings

Hearings held under this heading are subject to provisions of the Planning Act, 1990. The Committee makes decisions with respect to applications for minor variance, consent and permissions to extend or enlarge legal non-conforming uses.

Court of Revision Hearings

Court of Revision Hearings are subject to provisions of the Drainage Act, 1990. The Committee (serving as the Court of Revision) hears appeals of landowners wishing to challenge their drainage assessments quickly and informally on grounds that land or road has been assessed too high; or land or road should have been assessed but has not; or due consideration has not been given to the land's use. The Committee's only authority is limited to re-allocating funds in a drainage assessment schedule (which forms part of an Engineer's Report for specific drainage works).

Property Standards Appeal Hearings

Property Standards Appeal Hearings are subject to provisions of the Ontario Building Code Act, 1990. The Committee (serving as the Property Standards Committee) hears appeals of landowners respecting “Orders to Remedy” as issued pursuant to a municipality’s Property Standards By-law. The Committee’s authority is limited to confirming orders to demolish or repair, rescinding orders, modifying orders, or extending the deadline for compliance with an order.

By-law Appeal Hearings

By-law Appeal Hearings are subject to specific Town By-laws where appeal rights are provided for. For example, Boarding, Lodging, and Rooming House By-law 3-2024 provides any applicant with the right to appeal any decision the Clerk makes pursuant to By-law 3-2024. The By-law further provides that the Committee has the authority to substitute or change the decision of the Clerk.

DISCUSSION

The Committee of Adjustment & Appeals currently has a vacancy due to the retirement of Committee Chair Gord Queen effective September 30, 2024. To satisfy the composition requirements subject to the legislation corresponding to the various committee types which fall under the Town’s Committee of Adjustment & Appeals, the Committee must maintain a composition of either 3 or 5 members. Currently, Russell Horrocks, Nicole Hackett-Winkels, Phil Caruana, and Councillor Thomas Neufeld serve on the Committee. Administration has advertised the vacancy and received several satisfactory applications. Council must appoint a 5th (fifth) person to meet the composition requirements previously noted. A new chair will be elected by the members at the next Committee Meeting.

The Planning Act requires that members of the Committee of Adjustment be appointed by by-law. The requisite appointment by-law will be included on the November 4, 2024, Regular Meeting Agenda following Council’s decision with respect to the Recommended Action.

FINANCIAL CONSIDERATIONS

None.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

Jennifer Galea, Manager of Human Resources

PREPARED BY:



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REVIEWED BY:



Ryan McLeod
Director of Finance and Corporate Services/Treasurer