

Committee of Adjustment Terms of Reference

Mandate

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal established under Section 44 of the *Planning Act*. The committee exercises its independent statutory power of decision in accordance with the *Statutory Powers Procedure Act* on the following applications:

- Minor Variances from the provisions of the *Zoning By-law*;
- Consent to sever a property or for any agreement, mortgage or lease that extends for more than 21 years;
- Permission regarding a legal non-conforming use relating to the enlargement or extension of a building or structure, or a change in use;
- Validation of Title and Power of Sale.

Membership

The Committee of Adjustment shall consist of 15 citizen members appointed by City Council. Members are appointed for a four-year term, aligned with the term of Council. Members remain in office until their successors are appointed.

Members are eligible for reappointment subject to Council's [Appointment Policy – Council-Appointed Public Members of Committees, Boards and other External Authorities](#).

Members are subject to the Code of Conduct for Members of Local Boards.

Committee structure

The committee shall be divided into three panels, each composed of five members, who hear applications for different geographic areas of the city (urban, suburban, and rural).

In accordance with Subsection 44(7) of the *Planning Act*, each panel shall elect a Chair and, when the Chair is absent through illness or otherwise, the members may appoint another member to act as acting Chair.

The members shall also elect a committee Chair from among the panel Chairs. The other two panel Chairs are designated as Vice-Chairs.

Administration and reporting relationships

In accordance with the *Planning Act*, the Committee of Adjustment shall appoint a Secretary-Treasurer. The Secretary-Treasurer leads a centralized administration office

where committee staff process applications in accordance with the rules and regulations set out in the governing provincial legislation.

As the Committee of Adjustment is an independent local board, its members do not have access to the City of Ottawa's automated administrative systems. For this reason, an informal "dotted-line" relationship exists between the Secretary-Treasurer and the City Clerk. This relationship is meant to address financial transactional and human resources matters, such as vacation leave and mileage claims, in accordance with the terms and conditions of employment as determined between the committee and the Secretary-Treasurer.

Roles and responsibilities

The roles and responsibilities of a member, panel Chair or committee Chair, as described below, do not include overseeing, supervising, or directing the day-to-day operational work of the Secretary-Treasurer and staff of the Committee of Adjustment or City of Ottawa staff, nor any Council policy advisory function.

1. Member

Every member shall:

- Attend training at the start of their term and participate in periodic training or professional development meetings during their term of office, as determined by the Chair in consultation with the Secretary-Treasurer;
- Attend hearings and consider applications in accordance with the applicable laws, regulations, policies, procedures and rules; and
- Comply with the committee's policies and practices related to financial accountability and administrative requirements.

2. Panel Chair (committee Vice-Chair)

In addition to the roles and responsibilities of a member, a panel Chair shall:

- Preside over hearings of their panel;
- Review and approve the issuance of written decisions of their panel; and
- Provide guidance, assistance and mentorship to the members of their panel.

The two panel Chairs who serve as committee Vice-Chairs shall:

- Together with the committee Chair, participate in the selection panel to recruit the Secretary-Treasurer; and
- Together with the committee Chair and working with the City's Human Resources, conduct an annual performance review of the Secretary-Treasurer.

3. Committee Chair

In addition to the roles and responsibilities of a member and panel Chair, the committee Chair shall:

- Preside over the selection panel to recruit the Secretary-Treasurer;
- Together with the Vice-Chairs and working with the City's Human Resources, conduct an annual performance review of the Secretary-Treasurer;
- Provide adjudicative leadership to all members and the Vice-Chairs;
- Endorse mandatory legislative policies applicable to the Committee of Adjustment, as recommended by the Secretary-Treasurer; and
- Consider and approve, on behalf of the committee, any other policy, rule or practice applicable to members and required to ensure the efficient, effective, and fair conduct of hearings, as recommended by the Secretary-Treasurer.

4. Secretary-Treasurer

The Secretary-Treasurer shall:

- Supervise and direct the operations of the committee and its employees, exercising sole authority over the work of committee staff and day-to-day operations;
- Be responsible for strategic planning, operating within a budget, and working within a unique governance and accountability framework that includes the tribunal's arm's length relationship with Council and the City administration as well as a reporting/working relationship with the Chair;
- Perform statutory duties and responsibilities on behalf of the committee, including under the *Planning Act* (processing applications, notification of public hearings, issuing notices of decisions, all within strict timelines), the *Municipal Act, 2001* (maintaining publicly available records), and the *Municipal Conflict of Interest Act* (maintaining a public registry of the members' declarations of interest);
- Provide support to the committee Chair in their role of providing adjudicative leadership to the members and the Vice-Chairs, including organizing training and professional development of members, and the development of any relevant policies or guidance regarding their role as adjudicators;
- Serve as the main point of communication between the Council-appointed members and Council, City staff, applicants, external stakeholders, and the public; and
- Submit the committee's draft annual budget, for Council approval, according to its mandate of recovering 100 per cent of the costs of processing applications through a tariff of fees.

5. City Clerk

In keeping with the informal “dotted-line” relationship, the City Clerk shall:

- Process all indirect compensation and financial transactional matters, as applicable to the Secretary-Treasurer; and
- Process any required purchase requisitions, invoices, and other financial-related transactions through the City’s automated approval system in accordance with the City’s procurement policies.