



The Corporation of the Town of Orangeville

By-law Number 2025-074

A bylaw to establish procedures for the Town of Orangeville Committee of Adjustment

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A bylaw to establish procedures for the Town of Orangeville Committee of Adjustment

Whereas the Committee of Adjustment for the Town of Orangeville has been established by Council through bylaw pursuant to the Planning Act, R.S.O. 1990, c.P. 13, as amended; and

Whereas Section 238(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, requires that every municipality and local board shall pass a procedure bylaw for governing the calling, place and proceedings of meetings; and

Whereas Section 239(1) and Section 239(5) of the Municipal Act requires all meetings to be open to the public and states that a meeting shall not be closed to the public during the taking of a vote;

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. Definitions

“Agent” means any person authorized in writing by the owner(s) of any land, building or structure for which an application is made.

“Applicant” means any person authorized in writing by the owner(s) of any land, building or structure for which an application is made.

“Application” means an application made to the Committee under Section 45, 53 or 57 of the Planning Act.

“Chair” means the Chair of the Committee, appointed by members of the Committee under subsection 44(7) of the Planning Act.

“Committee” means the Committee of Adjustment of the Town appointed by Council through bylaw pursuant to the Planning Act.

“Council” means the Council of the Town of Orangeville.

“Hearing” means the public hearing of an application made to the Committee.

“Delegations” means any person speaking to an application on the agenda, except for staff, consultants, the applicant or their agent or representative.

“Deputy Secretary-Treasurer” means the staff member who is responsible for the duties of the Secretary-Treasurer in the absence of the Secretary-Treasurer.

“Electronic Participation” means a member of Committee, who can participate electronically with the ability to keep their camera on for the duration of a meeting, as permitted by the Municipal Act, as amended.

“Leave of the Committee” means:

- that no member objects (no vote is required).
- where one or more members do object, by a majority vote of the Committee.

“Member” means the person appointed by Council to be a member of the Committee pursuant to the Planning Act.

“Motion” means 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” means the *Municipal Act, 2001*, 5.0. 2001, c.25, as amended.

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

“Planning Act” means the Ontario Planning Act, R.S.O. 1990, c. P.13, as amended or superseded.

“Point of Order” means 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” means the raising of a question that concerns a member, or all of the members of the Committee of Adjustment, when a member believes that his or her rights, immunities or integrity or the rights, immunities or integrity of the Committee of Adjustment as a whole have been impugned.

“Presentations” means staff, consultants, or applicants, their agents or their representatives presenting on an application.

“Quorum” means a minimum of three members in accordance with the *Planning Act*, who are required to be present at a hearing in order for business to be conducted.

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

“Secretary-Treasurer” means the staff member appointed as the Secretary-Treasurer authorized to receive applications, application fees and to execute such duties as required by the regulations passed pursuant to the Planning Act.

“Town” means The Corporation of the Town of Orangeville.

"Vice Chair means the Vice Chair of the Committee appointed under subsection 44(7) of the Planning Act.

2. Application

- 2.1 The rules of procedure contained in this bylaw 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.
- 2.2 Procedural matters not governed by the provisions of this By-law shall be governed by the provisions of the Town's Procedure By-law governing Council and committees of Council.
- 2.3 In the event of a conflict between this By-law and the Planning Act, the Planning Act prevails.

3. Calling of Hearings

- 3.1 The Committee of Adjustment shall meet once per month according to a regular hearing schedule established at a meeting of the Committee, or at the call of the Chair, if required.
- 3.2 The Secretary-Treasurer shall prepare a schedule of hearings on an annual basis.
- 3.3 Where a hearing needs to be rescheduled, the Secretary-Treasurer shall ensure that the new hearing date satisfies all legislative notification requirements.
- 3.4 The agenda for the scheduled hearing shall be published to the Town's website no later than five (5) calendar days before the hearing date.
- 3.5 Agendas and other documents will be sent electronically to all of the members.

4. Location of Hearing

- 4.1 All meetings and hearings of the Committee shall be held at the Town of Orangeville municipal office.

5. Notice

- 5.1 The notice of an application to be considered at a hearing shall be given in accordance with the provisions of the Planning Act, as amended, and any regulations passed thereunder.
- 5.2 The Committee shall hold a public hearing on every application before a decision is made on the application.

6. Quorum

- 6.1 A minimum of three (3) members shall be present to constitute a quorum.
- 6.2 The inability of a member to act due to a declared conflict does not impair the powers of the Committee of the remaining members.
- 6.3 As soon as there is a quorum after the time appointed for the start of the hearing, the Chair of the Committee shall call the hearing to order.
- 6.4 If no quorum is present fifteen (15) minutes after the time appointed for a hearing of the Committee, the Secretary-Treasurer shall record the names of the members present and the meeting will stand adjourned until the next appointed time.

7. Chair

- 7.1 The Chair shall preside over hearings and, if the Chair is absent from a hearing, the hearing will be chaired by the Vice Chair. If both the Chair and Vice Chair are absent, another member appointed by the Committee shall chair.
- 7.2 The Chair shall be counted in determining quorum and shall be entitled to all the rights of a member on the Committee, including voting.

8. Committee Composition

- 8.1 The composition of the Committee shall be five (5) citizen members appointed by Council.

9. Appointments and Vacancies

- 9.1 The members of the Committee shall hold office for the term of the Council that appointed them, or until their successors are appointed, unless otherwise decided by Council.
- 9.2 The members shall appoint one member as Chair and one member as Vice Chair at the beginning of the term.
- 9.3 The Committee shall appoint a Secretary-Treasurer who will maintain hearing minutes, applications, decisions, and all other business of the Committee.
- 9.4 The Committee shall appoint a Deputy Secretary-Treasurer who will be responsible for the duties of the Secretary-Treasurer in their absence.

- 9.5 A vacancy on the Committee shall occur if a member is absent for three (3) successive hearings without providing notice in advance to the Chair and the Secretary-Treasurer.
- 9.6 A member who is unable to carry out his/her duties through illness or otherwise for three successive months shall provide notice to the Chair and the Secretary-Treasurer. The Secretary-Treasurer shall immediately notify the Town Clerk of the member's absence and the anticipated date of return. The request will go to Council and Council shall then confirm the absence or deem the seat vacant.
- 9.7 In a municipal election year, if a vacancy should occur, the seat shall remain vacant until Council has completed its membership appointment for the new term.

10. Declaration of Pecuniary Interest

- 10.1 In accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, any member of the Committee required to declare an interest by the provisions of the Act, shall disclose any direct or indirect pecuniary interest and shall state the general nature of such interest.
- 10.2 The declaration shall be recorded by the Secretary-Treasurer and noted in the minutes of a hearing.
- 10.3 The member shall not, at any time, take part in the discussion of, or vote on, any question in respect of the matter or attempt to influence the voting in respect of the matter at any time.
- 10.4 The member shall leave the room while the application is being considered. If the member is participating electronically, the member shall turn off their camera and microphone while the application is being considered.

11. Request for Deferral

- 11.1 The Committee, staff, applicant and/or agent may make a request to defer an application. Where the request for deferral is made by the applicant, a deferral fee may be applicable.
- 11.2 A request for deferral of a matter on the scheduled hearing date by the applicant or authorized agent must be for reasonable cause and must be made to the Committee at the hearing. Any requests for deferral submitted in writing prior to the hearing will be considered at the hearing.
- 11.3 The Committee may refer an application back to staff if the members feel more information would be beneficial for a better evaluation.

- 11.4 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, at which point a decision shall be rendered by the Committee, subject to exemptions.

12. Request for Withdrawal

- 12.1 A request for a matter to be withdrawn from the scheduled hearing date by the applicant or authorized agent must be presented at the hearing. Any requests for a matter to be withdrawn made in writing prior to the hearing will be considered at the hearing.
- 12.2 Any requests for application fees to be refunded, are at the discretion of the Committee and must be accompanied by a motion.

13. Public Hearing Procedures

- 13.1 In accordance with the provisions of the *Municipal Act, 2001*, all hearings of the Committee shall be open to the public.
- 13.2 The Chair shall call each application in the order determined by the agenda.
- 13.3 Requests for additional time for presentations or delegations or to waive any other requirement of this bylaw shall be made through the committee, and shall require a 2/3 vote to pass.
- 13.4 The Chair shall give the applicant and/or agent the opportunity to respond to any comments received from commenting agencies or interested persons.
- 13.5 Decorum of a meeting shall be the responsibility of the Chair.

14. Valid Decision and Voting

- 14.1 For draft conditions, the Committee shall:
 - 14.1.1 Review the draft condition(s) to determine if they are reasonably related to the application and make necessary changes; and
 - 14.1.2 Confirm with the applicant/agent whether they are able to indicate acceptance of the draft conditions should the application be favourably considered.
- 14.2 Following the applicant's response in respect of the draft conditions, the Committee shall consider the issues raised by the applicant/agent and any respondents, and the Chair shall:

- 14.2.1 Ask members for a motion with respect to the disposition of the application, being one of the following: approval, refusal, deferral, or approval with conditions, and shall set out the reasons for such disposition;
- 14.2.2 Upon receipt of a motion from a member, ask for a seconder to the motion;
- 14.2.3 Permit discussions on the motion;
- 14.2.4 Call for a vote by the Committee with a show of hands on the motion and announce the decision of the Committee stating the reasons for the decision.
- 14.2.5 If the initial motion fails, request a new motion and continue until a majority of members approve a motion.
- 14.3 Subject to 14.4, all members present shall be required to vote on the application before them and may not abstain from voting unless they have disclosed a pecuniary interest in the application before them. If any member refuses to vote, their vote shall be deemed to be voting in the negative.
- 14.4 The Chair shall indicate his/her vote only after all other members have voted. Notwithstanding the foregoing, when the Committee comprises an even number in attendance, and still has quorum, the Chair may refrain from voting to preclude a tie vote.
- 14.5 Any motion on which there is a tie vote, the motion shall be deemed to be defeated.
- 14.6 No discussion shall be permitted after the Chair has announced the decision of the Committee.
- 14.7 A written decision shall be prepared for each application and set out any conditions imposed by the Committee.
- 14.8 All decisions are to be signed by the members who concur with the decision.
- 14.9 The Secretary-Treasurer shall be permitted, at any time and without prior notice to the parties, to correct a technical or typographical error, error in calculation or similar minor error made in the minutes or in a decision.
- 14.10 No decision of the Committee on an application is valid unless it is concurred in by the majority of the members that heard the application.

14.11 A copy of the Committee's signed written decision will be issued in accordance with the provisions of the Planning Act and applicable regulations.

14.11.1 The Secretary-Treasurer shall be permitted to circulate an accessible version of the decision in the place of the document with actual signatures.

14.12 All Committee of Adjustment decisions will be placed on the next available Council information package.

15. Conduct of Meetings and Members

15.1 The conduct of meetings with respect to matters not specifically addressed shall generally be considered in accordance with the Statutory Powers Procedure Act, as amended, the Municipal Conflict of Interest Act, as amended, the Town's Procedure By-law, as amended, the Code of Conduct for members of Council and members of its local boards and committees, and Robert's Rules of Order Newly Revised, as case or circumstances require.

16. Point of Order

16.1 A member may at any time raise a point of order, directing attention to a matter being dealt with out of order or directing attention to a matter that affects the integrity, character or reputation of an individual, individuals, or the entire Committee, or the ability of an individual to participate.

16.2 A point of order shall take precedence over any other matter.

16.3 A member shall not be permitted to enter into any debate or introduce any motion not related to the point of order after a point of order has been raised.

16.4 The Chair shall decide upon the point of order and advise the members of the decision.

16.5 Unless a member immediately appeals the Chair's decision, the decision of the Chair shall be final.

16.6 If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" shall be called by the Secretary-Treasurer without debate, and its results shall be final.

16.7 When the matter has been determined to be a point of order, the member shall be afforded an opportunity to propose a motion in relation to that point of order.

17. Order of Business

17.1 The Secretary-Treasurer shall prepare an agenda containing the following:

1. Call to Order
2. Disclosures of (Direct or Indirect) Pecuniary Interest
3. Land Acknowledgment
4. Adoption of Minutes of Previous Meeting
5. Requests for Withdrawal or Deferral Applications
6. Consent Applications with accompanying Minor Variance Applications
7. Minor Variance Applications
8. Consent Applications
9. General Correspondence
10. Date of Next Meeting
11. Adjournment

17.2 The Secretary-Treasurer may add, delete, or modify agenda item headings to facilitate the orderly conduct of a meeting.

18. Minutes

18.1 The minutes of every hearing shall be recorded by the Secretary-Treasurer and submitted for approval at the next Committee hearing.

18.2 When the minutes have been approved by the Committee, the minutes will be added to the next available Council agenda for information.

19. Presentations, Delegations and Correspondence

19.1 Presentations by staff, consultants, applicants, agents or consultants for applications listed on an agenda shall not exceed ten (10) minutes.

19.1.1 Presenters shall notify the Secretary-Treasurer with their intent to present and provide all supporting documents at least seven (7) days in advance of the hearing.

19.2 Members of the public wishing to delegate to the Committee to speak to an item on the agenda are not required to provide notice in advance and shall be able to speak for five (5) minutes.

19.3 Members of the public may submit written correspondence to the Secretary-Treasurer to be included as part of the public record.

19.3.1 Correspondence received prior to publishing the agenda will be included on the agenda for the relevant meeting.

19.3.2 Correspondence received after publishing the agenda up to and including the day of the meeting, shall be included in a post-meeting agenda to be published after the meeting.

20. Electronic Participation

- 20.1 Electronic participation in this meeting is provided as a convenience and is dependent on third party platforms, internet connectivity, and user equipment. While the Town will make reasonable efforts to ensure the technology functions properly, uninterrupted access cannot be guaranteed. If technical issues arise, the meeting may proceed in accordance with the Town's Procedure By-law, provided quorum is maintained, or may recess for 15 minutes once it is noticed to permit virtual attendees the ability to connect in a different manner or attend in person. The Town is not responsible for a participant's inability to connect due to technical difficulties outside the Town's control.
- 20.2 The Secretary-Treasurer and Chair (or Vice Chair) are to be present at the meeting location, unless otherwise noted on the agenda.
- 20.3 Members participating in a hearing electronically shall have the same rights and responsibilities as if the member were in physical attendance, including the right to vote, and will count towards quorum.
- 20.4 Members participating electronically shall keep their camera on during the entire hearing, or will be deemed to have left the meeting, unless otherwise turned off by the Secretary-Treasurer, or designate, due to technical issues or in accordance with pecuniary interest rules.
- 20.5 Members, staff, consultants, applicants, presenters and delegates who wish to participate electronically, in accordance with this section, will make arrangements with the Secretary-Treasurer, no less than 24 hours in advance of the meeting, or as soon as possible in the event of inclement weather.
- 20.6 In the event of a technical failure during the hearing, there will be a recess of not more than fifteen (15) minutes to allow the Secretary-Treasurer to either reinstate the electronic participation through the video-conferencing platform or permit the time for members to attend in person to maintain quorum. If the connection cannot be reinstated, and quorum is lost, the hearing shall stand adjourned and any items of business shall be carried forward to a future hearing.
- 20.7 In the event of technical failure prior to or during the hearing, the meeting will be held in person provided quorum is met.

21. Closed Meetings

- 21.1 Except as provided in Section 9(1) of the Statutory Powers Procedures Act, all meetings shall be open to the public.
- 21.2 Except as provided in Section 239 of the Municipal Act, 2001, all meetings of Council, committees and local boards shall be open to the public.

22. Site Visits

- 22.1 Following the application by the owner/agent, for any land, building or structure located within the Town of Orangeville, but prior to the hearing where the application shall be considered by the Committee, the members may conduct individual site visits.
- 22.2 During site visits and leading up to the meeting, members shall not discuss any of the merits of the application or any issue or matter in connection with the application to be decided by the Committee with the applicant, other interested individuals, or other members of Committee.

23. Effective

This by-law shall come into effect January 1, 2026, upon approval by the Council, subject to section 284.11 of the Municipal Act.

Read three times and finally passed this 8th day of December 2025.



Lisa Post, Mayor



Raylene Martell, Town Clerk

Schedule A

Committee of Adjustment Hearing Procedures

1. The hearing shall be called to order by the Chair or Vice Chair. In the absence of both, the Secretary-Treasurer will call the meeting to order and request that the Committee appoint a Chair who will then chair the remainder of the hearing.
2. As required by the Municipal Conflict of Interest Act, and section herein, any member required to do so shall disclose any direct or indirect pecuniary interest and state the general nature of such interest and it shall be recorded by the Secretary-Treasurer.
3. The Chair shall read the land acknowledgement.
4. The Committee shall approve the minutes of the previous Committee hearings.
5. The Chair shall call for requests for deferral or withdrawal of any matters before the Committee.
6. The Chair will introduce the application and any reports and correspondence that has been received from agencies, residents and others who responded to the circulation of the notice of application.
7. The Chair shall ask planning staff to provide any new information subsequent to the publishing of the agenda. (10 minutes)
8. The Chair shall ask the applicant, authorized agent or the applicant's representative to identify themselves and ask if they wish to address the application. (10 minutes)
9. The Chair shall invite all persons having an interest in support of or in objection to the application to come forward, state their name and address and advise the Committee of their positions. Committee members may ask questions of those parties expressing an interest or concern. (5 minutes)
10. The Chair shall ask Committee members if they have any questions for the applicant and/or agent, or staff.
11. The Chair will advise the applicant, authorized agent or applicant representative of the options available following the decision of the Committee concerning signage removal, appeal period, date by which conditions must be met, and/or appeal procedures.
12. Any general correspondence may be added to the agenda for information.
13. The Chair shall adjourn the meeting.

14. The Secretary-Treasurer shall issue the decision to the applicant and or agent within five days of the hearing date.