

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2020-39

A by-law to amend By-law 2018-080, being a by-law to establish the rules governing the calling, place, proceedings; providing public notice of hearings of the Committee of Adjustment of the Town of Caledon

WHEREAS the Committee of Adjustment has been established pursuant to the Planning Act, R.S.O. 1990, c. P.13, as amended, (the “Planning Act”),

AND WHEREAS subsection 238(2) of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended, (the “Municipal Act”), requires every municipality and local board to adopt a procedure by-law for governing the calling, place and proceedings of hearings;

AND WHEREAS Council of the Corporation of the Town of Caledon established rules governing the order and proceedings of the hearings of the Committee of Adjustment by By-law 2018-080 on December 18, 2018;

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* related to COVID-19;

AND WHEREAS on April 14, 2020 the Province of Ontario enacted *Bill 189, the Coronavirus (COVID-19) Support and Protection Act*, amending the *Planning Act*;

AND WHEREAS Ontario Regulation 149/20, Special Rules Related to the Declared Emergency, came into force April 15, 2020 which provides municipalities with the option to process and make decisions on land use planning applications, including minor variance and consent applications, during the COVID-19 emergency;

AND WHEREAS Council of the Corporation of the Town of Caledon deems it necessary and expedient to amend By-law 2018-080 to define electronic hearing, permit electronic hearings during a declared emergency and set out procedures regarding voting and public participation;

NOW THEREFORE the Council of the Corporation of Town of Caledon ENACTS AS FOLLOWS:

1. Committee of Adjustment Procedural By-law 2018-080, is hereby further amended by:

(1) adding the following definition be added to **Part 1: Definitions**:

“*Act*” means the Ontario Planning Act, R.S.O. 1990, c.P. 13, as amended or superseded.

“*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 Act.

“*Electronic hearing*” means a hearing called and held in full or in part via electronic means including, but not limited to, video teleconference, audio teleconference or telephone, and with or without in person attendance.

“*Public Notice*” means the public notice of an Application as prescribed by the Act.

(2) replacing the definition of “*Hearing*” with the following:

“*Hearing*” means any hearing of the Committee of Adjustment, including an electronic hearing.

(3) adding the following to **Part 5 Quorum**:

5.3. Where an emergency has been declared in all or part of the Town of Caledon under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:

3.6.1. any member of the Committee may participate in an *Electronic Hearing* and be counted for the purpose of establishing quorum.

(4) adding the following to **Part 6 Hearing Procedures and Voting**:

6.10.3 Members of the public may participate in an *Electronic Hearing* via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Clerk's Office.

6.10.4 Members of the public must submit a Delegation Request form by the day preceding the *Hearing* to participate in the *Electronic Hearing*.

6.10.6 Members of the public may submit written correspondence to the Secretary-Treasurer for an *Electronic Hearing*.

6.10.7. Written correspondence must be submitted no later than seven (7) calendar days prior the *Electronic Hearing*.

6.10.8 Written correspondence submitted for an *Electronic Hearing* will form part of the public record.

(5) replacing the following to **Part 6 Hearing Procedures and Voting**:

6.14.4. Call for a vote by the Committee on the motion by a show of hands to indicate their position on the motion under consideration and in an *Electronic Hearing* the Secretary Treasurer shall conduct a recorded vote.

Enacted by the Town of Caledon Council this 9th day of June, 2020.

Allan Thompson, Mayor

Amanda Fusco, Acting Town Clerk