

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW 28/2011

Being a By-law to Establish a Committee of Adjustment

WHEREAS Council wishes to delegate authority as authorized by Section 54(2) of the Planning Act, R.S.O. 1990 as amended, to the Committee of Adjustment for the Municipality of Port Hope;

AND WHEREAS Section 45 of the Planning Act, R.S.O. 1990 as amended, confers certain powers upon the Committee of Adjustment;

WHEREAS Council deems it advisable to establish a Committee of Adjustment for the Municipality of Port Hope.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. Committee Title

That a Committee to be known as the Committee of Adjustment for the Municipality of Port Hope is hereby established.

2. Definitions

That the definitions as outlined in the Corporation of the Municipality of Port Hope Procedural By-law and Planning Act shall apply.

3. Policies/Procedures

3.1 That the rules and regulations of the Corporation of the Municipality of Port Hope Procedural By-law shall govern all proceedings of the Committee of Adjustment.

3.2 That policies, practices and procedures governing the provisions of its goods or services are consistent with the Corporation's Accessibility Standards for Customer Service Policy and Procedures as adopted in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA), Customer Service Standard – Ontario Regulation 429/07.

4. Records

That the records of the Committee of Adjustment shall be retained and preserved in accordance with the provisions of the Corporation of the Municipality of Port Hope Records Retention By-law.

5. Composition

That the Committee of Adjustment shall consist of five (5) members appointed by Council by By-law in accordance with Section 44 of the Planning Act, R.S.O. 1990, as amended.

6. Term of Office

Members shall be appointed by Council in accordance with Section 44 of the Planning Act, R.S.O. 1990, as amended, for the term of Council that appointed them, or until their successors are appointed. Council may reappoint any member whose term has expired and otherwise has discretion in filling any vacancy by appointment for the remainder of any applicable term. There shall be no limit on the number of terms a member may be appointed and all appointments shall be at the discretion of Council. In the event a Committee member resigns prior to the completion of their term, a replacement appointed by Council, will assume the duties to the completion of the term.

7. Mandate

7.1 The powers of the Committee of Adjustment are:

As set out in Section 45 of the Planning Act, R.S.O. 1990 as amended, together with any supplementary powers contained in the Planning Act, R.S.O. 1990, or any amendment thereto.

The power to give consents under s. 53 of the Planning Act, R.S.O. 1990 or any amendment thereto, provided, and only so long as, the authority to give such consents is delegated to the Council for the Municipality of Port Hope.

7.2 The Committee of Adjustment shall function in accordance with the relevant provisions of the Planning Act, R.S.O. 1990, as amended, having regard to pertinent by-laws of the Municipality, and the Secretary-Treasurer shall file all documents as required by Section 44(10) of the said Act, and all minutes and records of all applications pursuant to Section 53 and the decisions thereon, in the office of the Municipal Clerk of the Municipality of Port Hope.

7.3 That in carrying out the provisions of this By-law, the Committee shall at all times be the agent of the Municipal Corporation and while acting bona fide within the limits of the authority of this By-law neither the Committee nor any member thereof shall incur any liability by reason of anything done or left undone by the Committee; provided however, that nothing in this section contained shall authorize or empower the Committee to incur any debt, liability or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of the Council of the Municipality of Port Hope.

8. Repeal of By-laws

That By-law 14/2007 pertaining to the establishment of a Committee of Adjustment is hereby repealed.

9. Force and Effect

That this By-law comes into force and takes effect upon the final passing thereof.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 29th day of March, 2011.

Linda Thompson, Mayor

S. C. Dawe, Municipal Clerk