The Corporation of The Town of Ajax
By-Law 93-2026

Being a By-law to establish a Committee of Adjustment.

Whereas, *Section 44 and 45 of the Planning Act, R.S.O. 1990,* Chapter 13, as amended, provides that Council may, by by-law, establish a Committee of Adjustment, if the municipality has passed a by-law under section 34 of the said Planning Act;

And whereas the Council of the Corporation of the Town of Ajax deems it advisable and expedient to establish a Committee of Adjustment;

Therefore, it is enacted as a By-law of The Corporation of The Town of Ajax as follows:

1. That the Town of Ajax “Committee of Adjustment” be established for the 2026 to 2030 term of Council.

2. The attached “terms of reference and rules of procedure” shall guide the roles, expectations, conduct, structure and administration of the Town of Ajax’s Committee of Adjustment.

3. Where the *Section 44 and 45 of the Planning Act, R. S. O. 1990,* Chapter 13, as amended, and the *Statutory Powers and Procedures Act R.S.O. 1990, c. S.22* are silent, relevant by-laws, resolutions and practices of the Town of Ajax shall govern the roles, expectations, conduct, structure and administration of the Committee of Adjustment.

4. That By-law 73-2023 is hereby repealed.

By-law passed this September 21, 2026.

_____
Mayor and CEO

_____
Clerk

Town of Ajax Committee of Adjustment
Terms of Reference

A. Background

The Town of Ajax Committee of Adjustment has five (5) members appointed by the Council of the Town of Ajax. The Committee of Adjustment derives its jurisdiction and authority from the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Planning Act").

Enabling Legislation: The Planning Act

Section 44 of the *Planning Act* (Minor Variances): The Council of a municipality may, by by-law, constitute and appoint a Committee of Adjustment.

Section 54 of the *Planning Act* (Consents): The Council of an upper-tier municipality (i.e. Region of Durham) may, by by-law, delegate to the Council of a lower-tier municipality (i.e. Town of Ajax), the authority for the giving of consents under Section 53 of the *Planning Act* in respect of land located in the lower-tier municipality. Where authority is delegated to a Council of a lower-tier municipality, such Council may, by by-law, delegate the authority or any part of such authority to a Committee of Adjustment.

The Region of Durham has delegated to the Council of the Town of Ajax the authority for the giving of consents under Section 53 of the *Planning Act* and in turn, Council has delegated the authority for the giving of consents to the Committee of Adjustment.

B. Mandate

The Committee of Adjustment (the "Committee") is responsible for considering applications which seek to authorize the following:

- **minor variances from the provisions of the Town of Ajax Zoning By-law 95-2003, as amended, (the "Zoning By-law") to any land, building or structure;**
- **extensions, enlargements or variations of the legal non-conforming use of any land, building or structure;**
- **permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the provisions of the Zoning By-law, where the uses of land, buildings or structures permitted in the Zoning By-law are defined in general terms;**
- **consent to sever land (i.e. severing a new lot from an existing lot);**
- **consent to alter the existing boundaries of a property (i.e. add land to an existing lot/lot line adjustments);**
- **consent to register rights-of-way and easements over land;**
- **consent to sell, mortgage, charge or enter into any agreement for more than 21 years for a portion of a property; and**
- **validation of land title when there has been an error in the description of land.**

When considering minor variances, the Committee must ensure that the general intent and purpose of both the Town of Ajax Official Plan and Zoning By-law are maintained, and that a proposal is desirable for the appropriate development and/or use of the subject land, building or structure. In addition, it must be demonstrated that the variance is minor in nature.

When considering consents, the Committee must ensure proposals conform to the Region of Durham and Town of Ajax Official Plans and have regard to the matters outlined under Section 51(24) of the *Planning Act*.

In all scenarios, the Committee must ensure consistency with the in-effect provincial policy statements, conformity with the in-effect provincial plans, and be aware of corporate initiatives and priorities (i.e. Council's strategic plan).

The Committee shall:

- hear presentations from property owner(s), applicants or authorized agent(s) and consider correspondence from the public (e.g. oral and written comments);
- make a decision based on the presentation by the property owner(s), applicant or authorized agent(s), comments received from the public, and the staff recommendation report to the Committee; and
- approve, refuse, defer, or modify the recommendations of the staff report to the Committee.

All decisions of the Committee are subject to appeal to the Ontario Land Tribunal, or any other Tribunal, as amended by the Province, in accordance with the *Planning Act*.

C. Reporting & Functional Relationships

A Planner of the Planning and Development Services Department will act as the Secretary-Treasurer and staff resource person for the Committee, unless as directed otherwise by the Director of Planning and Development Services.

Staff will provide an annual report to Council on the Committee's activities and decisions.

D. Committee Membership

The Committee shall consist of five (5) members of the public appointed by the Council of the Town of Ajax. Town staff shall recruit, interview, and recommend five (5) individuals for appointment to the Committee.

Three (3) members shall constitute a quorum. Section 1 of Schedule "A" – Rules of Procedure shall apply if no quorum is present.

Committee members must have the ability to understand and apply the policies and provisions of the Town's Official Plan and Zoning By-law and should be considered

impartial with respect to their ability to fulfill their responsibilities.

Remuneration ($80.00 for all members of the Committee for each meeting attended) shall be provided to the members in December of each year.

The term of the Committee is four (4) years, corresponding with the term of Council, plus an additional three (3) months during the transition period.

A Chair and Vice-Chair may be elected by the Committee members throughout the duration of the four (4) year term with such titles/duties rotating amongst the different members. The Vice-Chair will act on behalf of the Chair when they are not available. The Chair/Vice-Chair will ensure that decorum is maintained at each meeting and that Schedule "A" – Rules of Procedure is observed at all times.

The appointment of a Committee member shall be rescinded if the member is absent from three (3) consecutive meetings or absent for over 50% of the meetings in one (1) year, unless excused due to extenuating circumstances.

E. Meeting Structure

The Committee will be called to order for a mandatory training session at the beginning of the term. Monthly meetings will be scheduled; however, it is understood that additional meetings may be called, if needed. Further, if no applications are received by the deadlinefor the scheduled meeting, the Committee meeting will be cancelled. The date and time of the meetings will be coordinated by the Secretary-Treasurer of the Committee and communicated directly to the Committee members.

An agenda shall be prepared for each Committee meeting and the minutes of each meeting shall outline the general deliberations and specific actions and decisions that result. The Committee shall provide its decision to all applicable parties and persons, in accordance with Town procedures and the *Planning Act*.

The decision of the Committee may be appealed to the Ontario Land Tribunal (OLT), or any other Tribunal, as amended by the Province. The appeal is to be filed via the OLT e-file portal (first-time users will need to register for a My Ontario Account) at olt.gov.on.ca/e-file-service, by selecting "Ajax, Town of" as the Approval Authority. If the e-file portal is unavailable, appeals are to be sent via e-mail to clerks@ajax.ca. The appeal must be made within twenty (20) days of the decision. The appeal must include the Tribunal's fee made payable to the Minister of Finance and the Town's fee made payable to the Town of Ajax. Please refer to the Tribunal website and Town of Ajax Fees and Charges By-law, as amended for updated fees.

Failure to Attend by Applicant/Authorized Agent

Where a property owner, applicant or authorized agent has filed an application to the Committee and does not attend the meeting at the time and place appointed, the Committee shall determine whether or not the application can be heard or if the application is to be deferred until the next scheduled meeting with the Committee. If

the application is deferred by the Committee, the property owner, applicant, or authorized agent may be required to pay the requisite tabling fee in accordance with the Town of Ajax Fees and Charges By-law, as may be amended from time to time, to move the application to the next scheduled Committee meeting.

Public Access

All Committee meetings shall be fully accessible to the general public. The agenda shall be posted on the Town's website within five (5) business days (where possible) before the Meeting date, and the minutes shall be posted on the Town's website within five (5) business days (where possible) after the Committee meeting. The Committee shall render its decision on the matter in the presence of the public, applicants/authorized agents, staff, and other interested parties.

Confidentiality

Members of the Committee shall not permit any person, other than those who are legally entitled, to inspect or have access to information. If unsure, the Committee shall discuss this matter with the Town Clerk or Designate.

F. Remote Meeting Participation

Committee members, staff, and members of the public are permitted to participate in meetings remotely via electronic means (e.g. video or audio teleconference). Committee Members participating remotely shall have all the same rights and responsibilities as if they were in physical attendance. A Committee member who is remotely participating in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time and may participate electronically in any portion of a meeting that is closed to the public.

Where a Committee member encounters technical difficulties or is otherwise unable to participate remotely in a meeting, such circumstances shall not affect the validity of the meeting or any action taken at the meeting, provided that quorum is not lost during the meeting.

G. Recording and Broadcasting Meetings

Meetings of the Committee may be audio and/or video recorded and may be broadcast publicly by the Town. Closed session portions of all meetings shall not be recorded or broadcast.

Schedule "A"
Rules of Procedure

1. Quorum

A quorum of Committee shall be three (3) members.

If a quorum is not present within fifteen (15) minutes after the time appointed for a meeting, the Secretary-Treasurer shall record the names of the members present and the meetingshall stand adjourned until the date of the next scheduled regular meeting.

Members of the Committee are encouraged to notify the Secretary-Treasurer when the member is aware that he/she will be absent from any meeting of the Committee of Adjustment.

2. Meetings Open to the Public

All proceedings of the Committee of Adjustment shall be open to the public.

3. Conduct of Applicants, Authorized Agents, Members of the Public, or Other Interested Parties

Applicants, authorized agents, or members of the public, or other interested parties shall not:

a) speak disrespectfully of any person;

b) use offensive words;

c) speak on any subject other than the subject for which they have received approval to address Committee;

d) disobey the decision of the Chair or Committee; and

e) enter into cross debate with other persons present, Town staff, members, or the Chair.

Persons desiring to make an application to the Committee of Adjustment shall submita complete application to the Secretary-Treasurer of the Committee of Adjustment, by the prescribed deadline for the next scheduled Committee of Adjustment meeting.

Notwithstanding Section 3.2, a person wishing to present information is not required togive written notice nor be listed on the agenda with respect to a matter before the Committee of Adjustment for which the public has been invited.

Individuals shall be permitted to speak on a matter only once and be limited to speak for no more than five (5) minutes. A five (5) minute extension to speak may be decided, withoutdebate, by a majority of Committee members present. Where there

are numerous individuals taking the same position on a matter, they are encouraged not to repeat information presented by an earlier delegation.

The Chair can limit the number of individuals speaking if he/she believes that the information being provided has already been presented to the Committee of Adjustment.

Members of the Committee of Adjustment shall be permitted to ask questions of applicants or authorized agents but shall not make statements to nor enter into debate with such persons.

4. Order of Business

4.1 Agenda

The Secretary-Treasurer shall prepare and cause to be circulated for the use of the Members at the regular scheduled meetings of the Committee of Adjustment, an agenda listing the order of business, as follows:

a) Call to Order & Acknowledgement of Traditional Treaty Lands
b) Conflict of Interest
c) Adoption of Minutes from the previous Committee of Adjustment Meeting
d) Outline of the General Mandate of the Committee of Adjustment
e) Public Meeting/Hearing of Submitted Applications
f) Other Business/New Business
g) Adjournment

All business shall be taken up in the order in which it appears on the agenda unless otherwise decided by general consent of the members present.

The agenda will be provided to each Committee member no later than the Friday priorto the regular scheduled Committee of Adjustment meeting.

4.2 Call to Order & Acknowledgement of Traditional Treaty Lands

As soon after the hour fixed for the holding of the meeting of the Committee of Adjustment as a quorum is present, the Chair shall call the members to order and read the acknowledgement of traditional treaty lands.

If the Chair does not attend a meeting of the Committee of Adjustment within ten (10) minutes after the time appointed, the Secretary-Treasurer shall call the members to order, and the Vice-Chair shall preside until the arrival of the Chair.

If the Vice-Chair is not present at the time when the Secretary-Treasurer calls the members to order, the members present shall appoint a presiding member

who shall preside over the meeting.

The Chair shall advise all persons present that any and all electronic devices shall beturned off for the duration of the meeting.

4.3 Conflict of Interest

Members shall adhere to the Town of Ajax Code of Conduct for Local Boards. It is the responsibility of members to identify and disclose any conflict of interest as defined under the *Municipal Conflict of Interest Act*.

Members shall disclose any conflicts at the opening of a meeting, prior to any discussion on the matter, and shall not take part in discussion or vote on such matter. Members shall not in any way attempt to influence the voting on a matter before, during, or after the meeting. Where a member is absent from a meeting which included a matter on which they have a conflict of interest, the member shall disclose the conflict at the next meeting they attend. All disclosed conflicts of interest shall be recorded in the meeting minutes and in the Town's Conflict of Interest Declaration Registry.

4.4 Minutes

The Secretary-Treasurer shall cause minutes to be taken of each meeting of theCommittee of Adjustment, which shall include:

a) the place, date, and time of the meeting;
b) the attendance of the members; should a member enter after the commencement of a meeting or leave prior to adjournment, the time shall be noted; and
c) all other proceedings of the Committee of Adjustment without note or comment.

Minutes of the last regular meeting of the Committee of Adjustment shall be included in the agenda and may be adopted by the Committee of Adjustment without having been read at the meeting at which the question of their adoption is considered.

4.5 General Mandate

The Chair shall outline the general mandate of the Committee of Adjustment prior to proceeding with the first application on the agenda.

4.6 Public Meeting/Submitted Applications

The Chair will co-ordinate the meeting as it is outlined on the meeting agenda. The format is outlined in Section 8 of this document. The Chair has the ability to deviate from the format as he/she deems necessary but shall always strive to

have it maintained as written.

4.7 Other / New Business

Items of business requiring the direction of the Committee of Adjustment will appearunder this section of the agenda. These matters shall generally pertain to information items only.

5. Rules of Debate and Conduct

5.1 Conduct of Members of Committee

No member shall:

a) speak disrespectfully of the Reigning Sovereign, of any Member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor of any Province, of any Member of Senate, or of any elected assembly;

b) use offensive words or against the Committee, Council, or any member, or any officer or employee of the Town of Ajax;

c) speak on any subject other than the subject in debate;

d) disobey the Rules of Procedure or a decision of the Committee of Adjustment Chair on questions of order or procedure or upon the interpretation of the Rules of Procedure; and in case a member persists in any such disobedience after having been called to order, the Chair shall forthwith order him or her to leave the meeting, but if the member apologizes he or she may, by majority vote of the members of Committee, be permitted to retake his or her seat; and

e) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, or disability.

5.2 Rules of Debate

The Chair shall preserve order and decorum and decide questions of order subject toan application to the Committee of Adjustment by any member.

When two (2) or more members desire to speak, the Chair shall designate the member who has the floor.

No member shall be deemed to have precedence or seniority over any other member.

Before speaking to a question or motion, a member shall be acknowledged by theChair and shall address the Chair.

When a member is speaking, no other member shall pass between that member andthe Chair or interrupt that member except to raise a point of order.

A member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member who is speaking.

No member, without leave of the Committee, shall speak to the same question, or reply, for longer than five (5) minutes.

A member may ask a question for the purpose of obtaining information relating to thematter under discussion and such question shall be stated concisely and asked onlythrough the Chair.

When a member has been recognized as the next speaker, before speaking the member may ask a question of or through the Chair on the matter under discussion for the purpose of obtaining information, following which the member may speak.

6. Points of Order

When a member desires to call attention to a violation of the Rules of Procedure, the member shall ask leave of the Chair to raise a point of order, and after leave is granted, shall state the point of order to the Chair succinctly and the Chair shall thendecide upon the point of order and advise the members of his/her decision.

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

If a member appeals to the Committee on a point of order, the Committee shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair, and shall decide the question without debate. The decision of Committee underthis section shall be final.

7. Motions

A motion presented to the Committee of Adjustment need not be in writing but will require a seconder.

When a motion is presented and has been seconded, it shall be stated by the Chair/member before debate.

After a motion is stated by the Chair/member it shall be deemed to be in possession of the Committee of Adjustment, but with permission of the mover, may be withdrawnat any time before decision or amendment.

A motion in respect of a matter which is beyond the jurisdiction of the Committee of Adjustment shall not be in order.

A motion properly before the Committee of Adjustment for decision must receive disposition before any other motion can be received.

8. Voting

Every member present at a meeting when a question is put shall vote thereon unlessdisqualified to vote on the question. All votes shall be by show of hands except wherea recorded vote is requested by any member.

If a member does not vote when a question is put, he or she shall be deemed to havevoted in the negative, except where the member is disqualified from voting.

A member not in their seat when the question is called by the Chair is not entitled to vote on that question.

Immediately preceding the taking of the vote, the Chair shall state the question in the form introduced.

The Chair shall announce the result of every vote.

If a member disagrees with the announcement of the Chair that a question is carried or defeated, he/she may immediately after the declaration by the Chair, state their objection to the declaration and request that a recorded vote be taken on the question.

8.1 Recorded Vote

When a recorded vote is requested by a member, or is otherwise required, the Secretary-Treasurer shall record the name and vote of every member, on the question commencing with the member who made the request and then all other members, alphabetically, until all members have voted. The Chair shall vote last.

8.2 Tied Vote

Any question on which there is an equality of votes shall be deemed to have been decided in the negative.

9. Hearing of Submitted Applications

The Chair will welcome all individuals present and call the first application on the meeting agenda.

The Chair will explain the mandate of the Committee of Adjustment and the format of the meeting.

The Chair will outline the submitted applications and reiterate the requests before the Committee of Adjustment.

The applicant/authorized agent will present their application to the Committee of

Adjustment. The Committee of Adjustment will ask the applicant/authorized agent questions. The Committee of Adjustment will then ask if there are any other interested parties that wish to speak to the submitted application. The Committee of Adjustment can then ask questions of any interested party. Lastly, the Chair of the Committee of Adjustment will ask for a motion from the Committee on the submitted application and a motion will be brought forward, seconded, and then voted on. At any time, the Committee can ask questions of staff or of any witnesses who have already spoken to get clarification on an issue.

Once a decision is made by the Committee of Adjustment, the Chair will explain the appeal process pursuant to the *Planning Act*.

The Chair will orally notify the applicant/authorized agent of the Committee's decisionwith regard to the application. The Chair will also notify the applicant/authorized agentthat the Committee's decision will be provided to them in writing.

The above process will continue until the Committee has heard all applications listed on the agenda for that meeting.

Last Updated: September 2026