



City of Hamilton Report for Information

To: Chair and Members
Planning Committee

Date: July 8, 2025

Report No: PED25175

Subject/Title: Committee of Adjustment Initiatives

Ward(s) Affected: City Wide

Recommendations

1. That Report PED25175, respecting Committee of Adjustment Initiatives, **BE RECEIVED** for information.
2. That the Committee of Adjustment public notice signage template, attached as Appendix B to Report PED25175, **BE ENDORSED**.

Key Facts

- The purpose of this report is to inform Council of several initiatives staff have identified to improve processes and procedures, which are in the process of or have already been implemented, within the Committee of Adjustment section.
- The Zoning and Committee of Adjustment section has undergone a change in staffing this year, with a new Manager, Secretary-Treasurer, Assistant Secretary-Treasurer, and Planning Technician.
- The new team has begun to identify areas for improvement within the Committee of Adjustment section.
- Current initiatives include new signage, sign posting guidelines, interested party form, a formalized update process for tabled applications, consistency in redacted information, improvements in minute taking, and information sharing between staff and the Chair and members of the Committee of Adjustment.

Financial Considerations

Not applicable.

Background

In keeping with the City's cultural pillar of Courageous Change, once the hiring of the new Secretary-Treasurer, Assistant Secretary-Treasurer, and Planning Technician in the Committee of Adjustment section was completed, staff began looking at potential improvements to existing processes and procedures within the Committee of Adjustment section. Seven areas were identified:

1. Signage;
2. Sign Posting Guidelines;
3. Interested Party Form;
4. Process for Tabled Applications;
5. Consistency in Redacted Information;
6. Improvements in Minute Taking; and,
7. Information Sharing with the Committee of Adjustment Members.

Analysis

Staff have either begun to explore the implementation of the initiatives or have already implemented them. These initiatives are discussed in detail below.

Signage

The current template utilized for public notice signage required under Section 45(5) of the *Planning Act* for a minor variance or consent application, attached as Appendix A to PED25175, was noted to be lacking any identifiable City of Hamilton logo or information. The notice appears in one large block of text which indicates that the property is the subject of a minor variance or consent notice, the application number, the time, and date of the hearing at which the application will be heard and contact information for Committee of Adjustment staff. To the average person, the purpose of the signage may not be obvious, fully understood, or confusing.

Pursuant to Ontario Regulation 200/96 (Minor Variance Applications), a posted notice for a minor variance application shall include "an explanation of the purpose and effect of the proposed minor variance or permission." Similarly, pursuant to Ontario Regulation 197/96 (Consent Applications), a posted notice for a consent application shall include "an explanation of the purpose and effect of the application". The current signage for minor variance and consent applications lacks this information, which would provide further clarity to the reader.

With the assistance of the Communications and Strategic Initiatives section of the City Manager's Office, staff developed a new sign template which is more user friendly, digestible, and provides the information required under Ontario Regulation 200/96 and Ontario Regulation 197/96. The City of Hamilton logo appears at the top of the signage for recognition purposes, as well as the hearing date, time, location, file number, Committee of Adjustment contact information, and the purpose and effect of the minor variance or consent application. The signage is compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

Staff are targeting the July 17, 2025, Committee of Adjustment meeting to begin using the new signage for the applications scheduled on that meeting agenda. An example of the new signage is attached as Appendix B to Report PED25175.

Sign Posting Guidelines

Staff have initiated the development of Sign Posting Guidelines to better inform applicants of the requirements under Ontario Regulation 200/96 and Ontario Regulation 197/96 to post notice for minor variance or consent. Pursuant to both Ontario Regulations, the posted notice shall be clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject land or in the area to which the application applies, or, where posting on the property is impractical, at a nearby location chosen by the Secretary-Treasurer.

The draft Sign Posting Guidelines contain instructions on where the sign is to be located on suburban, rural, and curb side urban areas, the minimum required size of the sign, and the materials of the sign. Additionally, the sign guidelines require that the applicant email a clear photograph of the sign in place to provide proof that the sign has been posted in accordance with the *Planning Act* requirements. The applicant is further warned that if a photograph is not received, the Committee of Adjustment will be informed and that this may negatively impact their decision or delay the process, as the requirements for posting notice will not have been met.

It is intended that the Sign Posting Guidelines will be finalized and rolled out by the end of June 2025. They will be provided to every applicant or agent for a minor variance or consent application. The draft Sign Posting Guidelines are attached as Appendix C to Report PED25175.

Interested Party Contact Form

To better track interested parties who delegate to the Committee of Adjustment, staff have created an Interested Party Contact Form which must be filled out by anyone who is making an in-person delegation to the Committee of Adjustment. The purpose of this form is so that staff have a record of interested parties for the following reasons:

- To send interested parties a Notice of Decision;
- An appeal of an application to the Ontario Land Tribunal; and/or,
- A tabled application is rescheduled to a future Committee of Adjustment hearing that they may be interested in attending.

Corporate Privacy staff were engaged to ensure and confirm that the information staff are collecting is appropriate and in accordance with the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Planning Act*. This form was first piloted at the Committee of Adjustment meeting of May 8, 2025.

It should be noted that persons who delegate to the Committee of Adjustment virtually must pre-register and as such, staff have an accurate and complete record of these interested parties.

Process for Tabled Applications

There are several tabled applications for both minor variance and consent applications which remain outstanding, some of which date back to 2012. Currently, the onus is on the applicant to notify Committee of Adjustment staff when they wish to have a tabled application added back onto a Committee of Adjustment meeting agenda.

Staff consulted with Legal Services to determine options for moving forward with tabled applications. Several possibilities were identified:

- If public notice was previously provided and no decision was made, staff could have the Committee of Adjustment deem the applications denied at a future meeting; or,
- Staff could provide public notice again and hold another hearing for a decision to be made.

It has been determined and is proposed that the best practice would be to send a letter to the owner/applicant listed on the application form to have them reactivate the application and give them a deadline to respond. If the deadline passes with no response, the application would be deemed denied by the Committee of Adjustment, and proceeding with the application after that date would require a new application form and fee.

If the applicant remains interested in bringing the application forward, staff will provide public notice again and the application would be scheduled to a future Committee of Adjustment agenda. It should be noted that there may be a fee associated with the recirculation of a tabled application. Due to the numerous changes in the Zoning By-law and other applicable policies and legislation, the application may need to be re-reviewed by staff to ensure the previous minor variance notice write-up is current, or that consent comments and conditions are still applicable, especially if the application has been tabled for some time.

Staff will need to define the length of time after an application is tabled to send out a letter to the owner/applicant (for example, after the application has been tabled for one year) and will work on further refining and finalizing this process in the coming months. After the process is finalized, staff will begin to address the backlog of tabled consent and minor variance applications and apply it to future tabled applications.

Consistency in Redacted Information

Information of persons submitting comments relating to an application for minor variance or consent is collected under the authority of the *Planning Act* and becomes part of the public record. As such, this information can be made available to the applicant and the public, if requested. This information may include name, telephone number, address, and/or email address. Although permitted, this practice is inconsistent with other application types that are submitted to the City. For example, public comments submitted regarding proposed Zoning By-law Amendment applications have all personal information redacted, except for the name of the person who is submitting the comments.

Staff have begun redacting all personal information submitted with public comments for minor variance and consent applications (except for names) such as addresses, telephone numbers, and email addresses. Staff will continue not to post or provide any public comments received from an anonymous source.

Improvements in Minute Taking

Currently, the minutes for each Committee of Adjustment meeting outline, at a very high level, the discussion which took place for each application, and who spoke. These minutes are for internal use only and are not available to the public. Staff are looking into creating more formal meeting minutes, including noting the attendees (both public and staff), and having the Committee of Adjustment members ratify the minutes of each meeting. Additionally, staff will be exploring the option of posting the minutes to eScribe for the public to have access to them. This is in addition to video of each Committee of Adjustment meeting already being available for viewing via the City's YouTube channel.

Information Sharing

Starting with the meeting of May 29, 2025, staff have added an additional agenda item, "Chair and Staff Announcements", onto the end of each Committee of Adjustment after all applications have been heard. This is an opportunity for staff to share information with the Committee of Adjustment members regarding:

- Ontario Land Tribunal decisions relating to Committee of Adjustment applications for minor variance and consent; and,
- Updates on Zoning By-law changes or legislative changes which may impact or be of interest to the members of the Committee of Adjustment.

This agenda item will also give the Chair of the Committee of Adjustment an opportunity to share any applicable or relevant information with staff and/or the members of the Committee of Adjustment.

Alternatives

Not applicable.

Relationship to Council Strategic Priorities

3. Responsiveness & Transparency
 - 3.1. Prioritize customer service and proactive communication
 - 3.2. Get more people involved in decision making and problem solving
 - 3.3. Build a high performing public service
 - 3.4. Modernize City systems

Consultation

Consultation has been undertaken with staff in the following Departments:

- City Manager's Office (Social Media Marketing and Creative Services)

- Office of the City Clerk (Records and Freedom of Information)
- Planning and Economic Development (Development Planning)
- Corporate Services (Legal Services)

Appendices and Schedules Attached

Appendix A: Current Committee of Adjustment Public Notice Signage

Appendix B: New Committee of Adjustment Public Notice Signage

Appendix C: Draft Sign Posting Guidelines for Committee of Adjustment Public Notice Signage

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