

## **Appendix 1**

Authority: Sign Variance Committee at its meeting held on Month, XX, 2010

Enacted by Committee: Month, XX, 2010.

# **CITY OF TORONTO SIGN VARIANCE COMMITTEE**

## **BY-LAW No. 1**

### **Rules of Procedure for the Sign Variance Committee**

#### **BACKGROUND**

- A. As set out in Article VI, subsection 694-32, of Chapter 694, Signs, General, of The City of Toronto Municipal Code, a Sign Variance Committee is established for the City of Toronto.
- B. Under subsection 189(1) of the *City of Toronto Act, 2006* every local board must adopt a procedure by-law for governing the calling, place and proceedings of meetings.
- C. The Sign Variance Committee will conduct itself in accordance with the *Statutory Powers Procedure Act*.
- D. The Code of Conduct for Members of Adjudicative Boards City of Toronto applies to Members of the Sign Variance Committee.
- E. The responsibilities of the Sign Variance Committee include:
  - 1. Hearing applications for variances from Chapter 694 with respect to third party signs and, in considering an application for a variance from Chapter 694 with respect to third party signs, the Sign Variance Committee may in accordance with subsection 694-30 A. pass a resolution to:
    - i. Grant a variance
    - ii. Grant a variance with conditions
    - iii. Or refuse to grant a variance.
  - 2. Hearing appeals from decisions of the Chief Building Official on applications for variances from Chapter 694 with respect to first party signs and, in relation to an appeal to the Sign Variance Committee of the Chief Building Official's decision on an application for a variance from Chapter 694 with respect to a first party sign, the Sign Variance Committee may in accordance with subsection 694-30 A. pass a resolution to:
    - i. Grant a variance
    - ii. Grant a variance with conditions
    - iii. Or refuse to grant a variance.

The Sign Variance Committee of the City of Toronto enacts as follows:

**1. Definitions.**

All terms defined in Chapter 694, Signs, of the City of Toronto Municipal Code, as amended from time to time, shall have the same meaning in this by-law, unless otherwise defined below.

Appellant – the person who files an appeal from a decision of the Chief Building Official on an application for a variance from Chapter 694 to permit the erection and display of a first party sign as set out in subsection 694-30 K.

Applicant – the person who applies for a variance from Chapter 694, Signs, of the City of Toronto Municipal Code to permit the erection and display of a third party sign as set out in subsection 694-30 B.

Application to Consider – an application filed by the Ward Councillor as set out in Subsection 694-30 S, with respect to a decision of the Sign Variance Committee to grant a variance from the provisions of Chapter 694, with or without conditions.

Chair - the person presiding at a meeting

Chief Building Official – the Chief Building Official appointed by the Council of the City of Toronto under the *Building Code Act* and any person authorized by him or her to carry out the duties of the Chief Building Official under Chapter 694 Signs, of the City of Toronto Municipal Code

Committee - the Sign Variance Committee of the City of Toronto

Council - the Council of the City of Toronto

Deputy Secretary - the person who records the minutes of meetings, distributes the agenda and material, keeps the records of the Committee and may provide procedural advice

Inaugural Meeting - the first meeting of the Committee after its Members have been appointed by Council after a regular election.

Interested Party – a person permitted to make submissions to the Committee under Subsection 694-30 L(2) of Chapter 694.

Legal Counsel – shall for the purposes of this chapter be deemed to include any person licensed to practise law in Ontario as a barrister and solicitor, or licensed to provide legal services in Ontario as a paralegal, acting on behalf of an Applicant or Appellant.

Member – Member of the Sign Variance Committee

Quorum - the minimum number of Members required to be present at a meeting in order to conduct business

Rule or rule of procedure - a rule set out in this document

**2. Application of rules of procedure.**

- 2.1 The rules in this By-law shall be observed in all meetings of the Committee.
- 2.2 If these rules do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Committee and the Committee may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

**3. Committee Chair.**

- 3.1 The Chair is appointed by City Council for the term of the Council that appointed the Member and until a successor is appointed.
- 3.2 When the Chair of the Committee is absent through illness or otherwise, the Committee may appoint another Member as Acting Chair.
- 3.3 If the Chair of the Committee resigns as a Member of the Committee or resigns as the Chair of the Committee, the Committee shall appoint another Member as Chair for the balance of the term of Council and until a successor is appointed.
- 3.4 The Chair presides at all meetings of the Committee, follows the agenda, rules on all procedural matters and whether motions are in order and maintains decorum.
- 3.5 The Chair ensures that all Applications and Appeals before the Committee are appropriately tabled, considered and decided in a manner consistent with these Rules.
- 3.6 The Chair is the liaison between the Members and the Deputy Secretary of the Committee and the Chief Building Official on matters of policy and process.

**4. Committee Secretary/Deputy Secretary**

- 4.1 The Committee appoints the Chief Planner and Executive Director of City Planning as the Secretary with authority to delegate responsibilities to a Deputy Secretary assigned to administer the Committee.
- 4.2 The Deputy Secretary gives notice of each meeting of the Committee together with an agenda of the matters to be considered so that the notice and agenda will reach the Members at least five days, where feasible, in advance of the meeting.

**5. Meetings.**

## Rules of Procedure for the Sign Variance Committee

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- 5.1 The Committee holds its inaugural meeting on a date and time to be determined by the Deputy Secretary, in consultation with the Chief Building Official, following the appointment by Council of the Committee Members for the term of Council.
- 5.2 The Sign Variance Committee adopts a schedule of meetings for the year 2010.
- 5.3 Before the end of the year, the Committee adopts a schedule of meetings for the next year.
- 5.4 A meeting date may be added, cancelled or rescheduled by the Deputy Secretary, in consultation with the Chief Building Official, subject to any applicable notice requirements.
- 5.5 Special meetings of the Committee may be held at the request of the Chair on 24 hours' notice, whenever the Chair considers it necessary to do so.
- 5.6 If a written request is made by a majority of the Members to call a special meeting, it is the duty of the Chair or, in case of his or her absence, the Deputy Secretary, to summon a special meeting of the Committee, on 24 hours' notice.
- 5.7 Meetings of the Committee are held at City Hall or such other location, as the Deputy Secretary deems advisable.
- 5.8 Each meeting begins at 9:30 a.m. and continues until the agenda is completed.

### **6. Quorum.**

- 6.1 Five citizen Members are appointed to the Sign Variance Committee and a majority of the membership (three Members) constitutes a quorum, subject to Subsection 6.3.
- 6.2 If no quorum is present 15 minutes after the time set for the beginning of the meeting, the Deputy Secretary takes down the names of the Members who are present and the meeting is adjourned. Any unfinished business carries forward to the next scheduled meeting, or to a special meeting called for that purpose.
- 6.3 A vacancy in the Membership or the absence or inability of a Member to act does not impair the powers and duties of the Sign Variance Committee nor the remaining Members, except if the vacancy results in a failure to meet quorum. If the vacancy is a result of the disclosure of a conflict of interest, then two Members may be considered a quorum as set out in the *Municipal Conflict of Interest Act*.

### **7. Agenda**

- 7.1 The Deputy Secretary provides copies of the Agenda and related material to each Member.

- 7.2 The Deputy Secretary makes the Agenda available to the public after delivery of the agenda to the Members.

**8. Meetings open to the public.**

Except for meetings described in Subsection 9(1) of the Statutory Powers Procedure Act and Chapter 27 of the Toronto Municipal Code, Subsection 27-38, all meetings are open to the public.

**9. Declaration of Interest**

- 9.1 A Member advises of any direct or indirect pecuniary interest in a matter under consideration at a meeting and declares the general nature of the interest. The Member must leave the meeting room during discussion of the matter.
- 9.2 Every declaration of interest and the general nature of the interest are recorded in the Minutes of the meeting.

**10. Opening Statement**

At the beginning of the meeting the Committee Chair reads an opening statement outlining the procedures and format of the Committee meeting.

**11. Procedure for Hearing - Appeal of a Decision of the Chief Building Official on an application for a variance relating to a First Party Sign**

- 11.1 Introduction and recording of parties to an Appeal.
- a. The Committee Chair requests Interested Parties to an Appeal to identify themselves and, if they have not already done so, to register their name with the Deputy Secretary.
- 11.2 Presentation of Decision of Chief Building Official.
- a. The Chief Building Official presents the Decision of the Chief Building Official and related evidence.
  - b. Committee Members, through the Committee Chair, may question the Chief Building Official to clarify any evidence presented.
  - c. If the Appellant is represented by legal counsel, legal counsel may cross-examine the Chief Building Official at this time.

- d. No legal counsel.
  - i. If the Appellant is not represented by legal counsel, any questions the Appellant may wish to ask the Chief Building Official shall be directed to the Committee through the Committee Chair.
  - ii. The Committee may allow the question to be put to the Chief Building Official or rule that the question is improper or out of order.
- e. The Chief Building Official may call witnesses to provide evidence with respect to the Appeal.
- f. The Committee may, through the Committee Chair, ask questions of the witnesses called by the Chief Building Official.
- g. After the Committee has asked questions of a witness called by the Chief Building Official, the Appellant or the Appellant's legal counsel may cross-examine the witness in the manner provided under Subsection 11.2.c or d.

11.3 Presentation of an Appeal.

- a. The Appellant or the Appellant's legal counsel presents evidence with respect to the Appeal of the Decision of the Chief Building Official.
- b. The Committee may, through the Committee Chair, ask questions of the Appellant to clarify any evidence presented.
- c. The Committee will allow the Appellant or the Appellant's legal counsel to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.
- d. The Appellant may call witnesses to provide oral evidence with respect to the grounds of Appeal alleged by the Appellant.
- e. The Committee may, through the Committee Chair, ask questions of the witnesses called by the Appellant.

11.4 Interested Parties to an Appeal.

- a. The Committee Chair invites any Interested Parties to speak to the Committee in the order they appear on the Speakers' List.
- b. Anyone who wishes to speak to the Committee and who has not registered their name with the Deputy Secretary is invited to do so and their name is added to the Speakers' List.
- c. The Committee may, through the Committee Chair, ask questions of an Interested Party to clarify any evidence presented.

- d. The Committee will allow the Interested Party to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.
- e. The Appellant or the Appellant's legal counsel may ask questions of the Interested Party in the manner provided under Subsection 11.2.c or d.

11.7 Review of Written Documentation.

- a. The Committee will review and consider any written comments or any other documentation submitted to the Committee regarding the Application for variance from Chapter 694.

11.8 Recall of Chief Building Official.

- a. After the presentations by the Appellant and Interested Parties, the Committee may recall the Chief Building Official to respond to any issues raised by the Appellant and/or the Interested Parties.

11.9 Committee Decision.

- a. On an Appeal to the Sign Variance Committee of the Chief Building Official's decision on an application for a variance from Chapter 694 to permit the erection and display of a first party sign, the Sign Variance Committee may pass a resolution to grant a variance, grant a variance with conditions, or refuse to grant a variance.
- b. The Committee Chair will announce the decision of the Committee.
- c. All Committee decisions shall be in writing and state any conditions imposed with respect to granting the variance from Chapter 694.
- d. If the Committee decides to postpone making a decision until the next meeting, the Committee Chair will announce the date and time of the next meeting and no further notice will be given.

11.10 Written reasons

- a. The Committee shall, upon request by the Appellant, Chief Building Official or an Interested Party, give reasons in writing for its decision.

11.11 Notice of Decision

- a. The Deputy Secretary will forward written notice of the Committee's decision, and if applicable, the written reasons of the Committee, to the Appellant, the property owner, the Ward Councillor, any person who submitted documentation

to the Sign Variance Committee with respect to the Appeal, and any person who appeared before the sign Variance Committee at the Hearing of the Appeal.

**12. Procedure for Hearing – Application for a Variance from Chapter 694, Signs, General, with respect to a Third Party Sign**

**12.1 Introduction and recording of parties to an Application for a Variance.**

- a. The Committee Chair requests Interested Parties to an Application for a Variance from Chapter 694, Signs, General, with respect to a Third Party Sign, to identify themselves, including any other interested persons who intend to give evidence on behalf of either party to the Application and, if they have not already done so, to register their name with the Deputy Secretary.

**12.2 Presentation of an Application.**

- a. The Applicant or the Applicant's legal counsel is requested to present evidence with respect to the application for the variance.
- b. The Committee may, through the Committee Chair, ask questions of the Applicant to clarify any evidence presented.
- c. The Committee will allow the Applicant or the Applicant's legal counsel to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.
- d. The Applicant may call witnesses to provide oral evidence with respect to the Application.
- e. The Committee may, through the Committee Chair, ask questions of the witnesses called by the Applicant.

**12.3 Presentation of Recommendation of Chief Building Official.**

- a. The Chief Building Official presents the Recommendation of the Chief Building Official and related evidence.
- b. Committee Members, through the Committee Chair, may question the Chief Building Official to clarify any evidence presented.
- c. If the Applicant is represented by legal counsel, legal counsel may cross-examine the Chief Building Official at this time.
- d. No legal counsel.



- i. If the Applicant is not represented by legal counsel, any questions the Applicant may wish to ask the Chief Building Official shall be directed to the Committee through the Committee Chair.
- ii. The Committee may allow the question to be put to the Chief Building Official or rule that the question is improper or out of order.
- e. The Chief Building Official may call witnesses to provide evidence with respect to the Application.
- f. The Committee may, through the Committee Chair, ask questions of the witnesses called by the Chief Building Official.
- g. After the Committee has asked questions of a witness called by the Chief Building Official, the Applicant or legal counsel for the Applicant may cross-examine the witness in the manner provided under Subsection 12.3.c or d.

12.4 Interested Parties to an Application.

- a. The Committee Chair invites any interested parties to speak to the Committee in the order they appear on the Speakers' List.
- b. Anyone who wishes to speak to the Committee and who has not registered their name with the Deputy Secretary is invited to do so and their name is added to the Speakers' List.
- c. The Committee may, through the Committee Chair, ask questions of an Interested Party to clarify any evidence presented.
- d. The Committee will allow the Interested Party to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.
- e. The Applicant or legal counsel for the Applicant may question the Interested Party in the manner provided under Subsection 12.3.c or d.

12.5 Review of Written Documentation.

The Committee will review and consider any written comments or any other documentation submitted to the Committee regarding the Application for variance from Chapter 694.

12.6 Recall of Chief Building Official.

- a. After the presentations by the Applicant and the Interested Parties, the Committee may recall the Chief Building Official to respond to any issues raised by the Applicant and/or Interested Parties.

12.7 Committee Decision.

- a. On an Application to the Sign Variance Committee for a variance from Chapter 694 to permit the erection and display of a third party sign, the Sign Variance Committee may pass a resolution to grant a variance, grant a variance with conditions, or refuse to grant a variance.
- b. The Committee Chair will announce the decision of the Committee.
- c. All Committee decisions shall be in writing and state any conditions imposed with respect to granting the variance from Chapter 694.
- d. If the Committee decides to postpone making a decision until the next meeting, the Committee Chair will announce the date and time of the next meeting and no further notice will be given.

12.8 Written reasons

- a. The Committee shall, upon request by the Applicant, Chief Building Official or an Interested Party, give reasons in writing for its decision.

12.9 Notice of Decision

- a. The Deputy Secretary will forward written notice of the Committee's decision, and if applicable, the written reasons of the Committee, to the Applicant, the property owner, the Ward Councillor, any person who submitted documentation to the Sign Variance Committee with respect to the variance application, and any person who appeared before the sign Variance Committee at the Hearing of the Variance Application.

**13. Grant exceptions from procedures.**

The Committee may grant all necessary exceptions from the procedures in Sections 11 and 12, as it considers appropriate to ensure that the matters in issue are determined in a just manner.

**14. Voting**

- 14.1 Every Member, including the Chair, has a vote, unless prohibited by law (for example, a declared interest) in which case the Deputy Secretary shall record the name of the Member who does not vote and reason for not voting.
- 14.2 A tie vote means a motion is lost.
- 14.3 A motion does not need to be seconded.

**15. Effective Date of Decision**

15.1 A decision of the Sign Variance Committee is final and binding:

- a. In the case of a decision to refuse to grant a variance, on the date the decision is made; and,
- b. In the case of a decision to grant a variance or to grant a variance with conditions, 21 days after the decision is made unless an Application to Consider is filed by the Ward Councillor with the Chief Building Official as set out in Chapter 694.

**16. Minutes.**

16.1 The Deputy Secretary prepares the minutes for all Committee meetings.

16.2 The minutes include:

- a. All decisions and other proceedings;
- b. The names of all Members attending and absent;
- c. The names of those people who appeared before the Committee;
- d. For recorded votes, a record of the way each Member present voted for every motion; and
- e. A record of Members, if any, who declared an interest and the general nature of the interest declared.

16.3 The Deputy Secretary submits each meeting's minutes to the next regular meeting, or as soon as possible afterwards, for Members to either adopt or amend.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Chair

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Chief Planner and Executive  
Director of City Planning