

DRAFT

Authority: Sign Variance Committee Item SB3.2 adopted at its meeting held on September 22, 2010

Enacted by the Sign Variance Committee:

CITY OF TORONTO SIGN VARIANCE COMMITTEE

BY-LAW No. 2

Amendments to the Rules of Procedure for the Sign Variance Committee, concerning Adjourning Hearings

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. The Sign Variance Committee will conduct itself in accordance with the *Statutory Powers Procedure Act*.
- C. Section 21 of the *Statutory Powers Procedure Act* establishes that a Hearing may be adjourned from time to time on the motion of the Sign Variance Committee, or where it is shown to the satisfaction of the Sign Variance Committee that the adjournment is required to permit an adequate hearing to be held.
- D. The Sign Variance Committee has adopted By-law No. 1, Rules of Procedure for the Sign Variance Committee, for the calling, place and proceedings of meetings.
- E. The Sign Variance Committee wishes to amend the Rules to address the process for considering a request for an adjournment.

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

1. Subsection 11.1 of By-law No. 1, of the Sign Variance Committee is deleted and the following substituted therefore:
 - "11.1 Introductory matters and requests for Adjournments.
 - 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.

- b. After all Interested Parties have had an opportunity to identify themselves and register their name with the Deputy Secretary, the Committee will hear from any Party to an Appeal who wishes to make a request for an adjournment of the Hearing.
- c. Committee Members, through the Committee Chair, may question the Party seeking the adjournment on the reasons for the request and the particulars of the requested adjournment.
- d. After the position of the Party seeking the adjournment has been received by the Committee, any other Party may address the Committee concerning the request for an adjournment and the Committee may, through the Committee Chair, question that Party on the Party's position concerning the requested adjournment.
- e. After hearing from all Parties to the Appeal who wish to speak to the issue of adjournment, the Committee may grant or deny the requested adjournment or may grant an adjournment on such terms as the Committee believes appropriate to ensure that the matters in issue are determined in a just manner.
- f. Adjournments of Hearings may be granted where the Committee is satisfied that the adjournment is required after considering all relevant matters, including, but not limited to:
 - i. the purpose of the adjournment;
 - ii. whether the Party seeking the adjournment made reasonable efforts to avoid the need for the adjournment;
 - iii. the position of other Parties concerning the adjournment and the reasonableness of their position with respect to the adjournment;
 - iv. the amount of notice, if any, which the party seeking the adjournment provided to the Deputy Secretary and the other Parties;
 - v. whether the Hearing has been adjourned previously;
 - vi. the seriousness of the harm to the Party seeking the adjournment which may arise from not granting the adjournment;
 - vii. the seriousness of the harm to other Parties which may arise from granting the adjournment; and,
 - viii. the ability to mitigate the harm to any Party which may arise from granting or refusing a request for an adjournment.
- g. If the Committee decides to adjourn the Hearing, the Committee Chair will announce the date and time of the meeting to which the Hearing has been adjourned, along with any conditions with respect to the adjournment, and no further notice will be given."

2. Subsection 12.1 of By-law No. 1 of the Sign Variance Committee is deleted and the following substituted therefore:

"12.1 Introductory matters and requests for Adjournments.

- b. The Committee Chair requests Interested Parties to an Application for a Variance from Chapter 694, to identify themselves and, if they have not already done so, to register their name with the Deputy Secretary.
- c. After all Interested Parties have had an opportunity to identify themselves and register their name with the Deputy Secretary, the Committee will hear from any Party to an Application who wishes to make a request for an adjournment of the Hearing.
- d. Committee Members, through the Committee Chair, may question the Party seeking the adjournment on the reasons for the request and the particulars of the requested adjournment.
- e. After the position of the Party seeking the adjournment has been received by the Committee, any other Party may address the Committee concerning the request for an adjournment and the Committee may, through the Committee Chair, question that Party on the Party's position concerning the requested adjournment.
- f. After hearing from all Parties to the Application who wish to speak to the issue of adjournment, the Committee may grant or deny the requested adjournment or may grant an adjournment on such terms as the Committee believes appropriate to ensure that the matters in issue are determined in a just manner.
- g. Adjournments of Hearings may be granted where the Committee is satisfied that the adjournment is required after considering all relevant matters, including, but not limited to:
 - i. the purpose of the adjournment;
 - ii. whether the Party seeking the adjournment made reasonable efforts to avoid the need for the adjournment;
 - iii. the position of other Parties concerning the adjournment and the reasonableness of their position with respect to the adjournment;
 - iv. the amount of notice, if any, which the party seeking the adjournment provided to the Deputy Secretary and the other Parties;
 - v. whether the Hearing has been adjourned previously;

- vi. the seriousness of the harm to the Party seeking the adjournment which may arise from not granting the adjournment;
- vii. the seriousness of the harm to other Parties which may arise from granting the adjournment; and,
- viii. the ability to mitigate the harm to any Party which may arise from granting or refusing a request for an adjournment.

h. If the Committee decides to adjourn the Hearing, the Committee Chair will announce the date and time of the meeting to which the Hearing has been adjourned, along with any conditions with respect to the adjournment, and no further notice will be given.";
and

3. Section 13 of By-law No. 1 of the Sign Variance Committee is deleted and the following substituted therefore:

"13. Adjournments on the Committee's own motion and Exceptions from procedures.

- a. The Committee may, on its own motion, adjourn a Hearing where the Committee is satisfied that the adjournment is appropriate to ensure that the matters in issue are determined in a just manner.
- b. Adjournments of Hearings may be granted where the Committee is satisfied that the adjournment is required after considering all relevant matters, including, but not limited to:
 - i. the purpose of the adjournment;
 - ii. whether the Party seeking the adjournment made reasonable efforts to avoid the need for the adjournment;
 - iii. the position of other Parties concerning the adjournment and the reasonableness of their position with respect to the adjournment;
 - iv. the amount of notice, if any, which the party seeking the adjournment provided to the Deputy Secretary and the other Parties;
 - v. whether the Hearing has been adjourned previously;
 - vi. the seriousness of the harm to the Party seeking the adjournment which may arise from not granting the adjournment;
 - vii. the seriousness of the harm to other Parties which may arise from granting the adjournment; and,
 - viii. the ability to mitigate the harm to any Party which may arise from granting or refusing a request for an adjournment.
- c. If the Committee decides to adjourn the Hearing, the Committee Chair will announce the date and time of the meeting to which the Hearing has

been adjourned, along with any conditions with respect to the adjournment, and no further notice will be given.

- d. 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."

ENACTED AND PASSED this day of November, 2010.

Chair

Deputy Secretary