

MUNICIPAL ELECTIONS		
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PURPOSE

To provide for the delegated authority of Council to the Chief Administrative Officer, to obtain external planning and legal advice to support the City’s decision whether or not to seek party or participant status in an Ontario Land Tribunal Appeal.

SCOPE

This policy is applicable to City staff, namely the Chief Administrative Officer, City Clerk and Director, Development Services; providing delegated authority and direction should there be a Ontario Land Tribunal appeal of a Committee of Adjustment decision.

POLICY

Upon receipt of an acknowledgement of an appeal from the Ontario Land Tribunal of a Committee of Adjustment decision, which differs from the recommendation(s) of City Planning staff, the City of Thorold shall:

- Retain an external planner to review the decision, the City’s Report, and the originating application(s), in order to recommend to the City whether or not the City should seek participant status in the appeal, to defend the decision of the Committee of Adjustment;

If the external planner recommends the City seek participation status in the appeal, and that the decision of the Committee of Adjustment has merit, the City of Thorold shall:

- Retain external legal representation to work with the external planner, and correspond with the Ontario Land Tribunal to seek participant status and to defend the decision of the Committee of Adjustment.

City staff shall Communicate to Council a status update when:

- An external Planner and external legal counsel have recommended the City seek participant status in an Ontario Land Tribunal Hearing.

If the external planner recommends the City not seek participation status in the appeal, and that s/he cannot defend the decision of the Committee, the City of Thorold shall notify the Members of Council accordingly.

ROLES AND RESPONSIBILITIES

- 1) The Chief Administrative Officer, through the City Clerk or designated staff, shall seek the advice of an external planner to review any Committee of Adjustment decision that is appealed to the Ontario Land Tribunal (OLT).
 - a. In the event that the external planning consultant's recommendation be that the Committee of Adjustment's decisions cannot be supported, the City Clerk will inform Council.
- 2) The Chief Administrative Officer, through the City Clerk or designated staff, shall engage the services of external legal counsel to defend a Committee of Adjustment matter, which was reviewed by an external planning consultant, the result of which supports the City's involvement in the matter with the OLT, seeking party or participant status.
 - a. In the event that External Legal Counsel is engaged, the City Clerk will inform Council.

