



**City of Kingston
Appeals Committee
Minutes**

04-2024
July 15, 2024
12:00 p.m.
Councillors' Lounge
Third Floor, City Hall

Members Present: Councillor McLaren
Councillor Oosterhof
Blaine Fudge
Tara Kainer
Todd Storms

Staff Present: Janet Jaynes, City Clerk
Christine O'Connor, Committee Clerk
Andrew Reeson, Senior Legal Counsel
Iain Sullivan, Committee Clerk

1. Meeting to Order

The Chair called the meeting to order at 12:00 p.m.

2. Approval of the Agenda

Moved by: Tara Kainer

Seconded by: Todd Storms

That the agenda be approved.

Carried

3. Confirmation of Minutes

Ms. Kainer asked why it is not recorded in the minutes how each member of the Committee voted on a particular item. Ms. O'Connor explained that this is not recorded at the Committee level. Ms. Jaynes added that a Committee member would have to call for a Recorded Vote to take place for each member's vote to be recorded in the minutes.

Moved by: Blaine Fudge

Seconded by: Councillor Oosterhof

That the minutes of Appeals Committee Meeting Number 03-2024 held on Monday, June 17, 2024, be approved.

Carried

4. Disclosure of Pecuniary Interest

There were none.

5. Delegations

There were none.

6. Briefings

There were none.

7. New Appeals

There were none.

8. Property Updates

There were none.

9. Appeals Committee Procedures Review

Ms. Kainer inquired about the meaning of section 2.8 of the City of Kingston Appeals Committee – Rules of Procedure. She asked for an example of a time that the Committee had waived the rules to come to a just decision. Mr. Reeson explained that this is already a power that the Committee has. He stated that the Committee has a purpose of making decisions that are fair and just and therefore the Committee may waive the rules if necessary to achieve a fair decision. The Chair provided an example of a case where the Committee allowed an appellant to speak to the Committee on multiple occasions so that they could come to a fair decision.

Councillor Oosterhof asked if the ultimate decision on this matter would be with City Council. Ms. Jaynes stated that staff would receive feedback from the Committee at this meeting and then take the feedback to formulate a recommendation that would go to City Council who has the final decision. Councillor Oosterhof expressed concern for removing the Councillors from the Committee. He stated that in his time on the Appeals Committee he had not seen an instance where political influence was a factor or a conflict of interest had occurred. He added that the Councillors can hold each other accountable on these matters.

Mr. Storms stated that in his time on the Appeals Committee he has never witnessed a conflict of interest from a Councillor serving on the Committee. He reiterated that Committee members, including the Councillors, recuse themselves when there is a conflict.

Ms. Kainer asked if this was the only quasi-judicial committee at the City. Ms. Jaynes confirmed that the Appeals Committee and the Committee of Adjustment are the only quasi-judicial committees at the City. Ms. Kainer inquired whether there are Councillors in the membership of the Committee of Adjustment. Ms. Jaynes confirmed that Councillors were recently added to the Committee of Adjustment's membership due to changes that were made at the provincial level with the *Planning Act*. Ms. Kainer stated that the Councillors bring an understanding of procedure and a relationship with City staff that the other members of the Committee do not necessarily have. She expressed concern for removing the Councillors from the Committee and the potential of the Committee decisions being dismissed as a result.

Mr. Fudge stated that in his 12 years of sitting on the quasi-judicial committees with the City he had not witnessed conflict of interest or issues arising with a Councillor sitting on the committees. He agreed that Councillors bring valuable experience. He reiterated that he does not see the need to have the Councillors removed from the Committee.

The Chair was passed to Ms. Kainer.

Councillor McLaren stated that if Councillors were elected at-large, he would see an issue as every appellant would be one of their constituents. He added that currently the Councillors serving on the Committee should recuse themselves if an appellant is coming from their district.

The Chair was returned to Councillor McLaren.

10. Motions

There were none.

11. Notices of Motion

There were none.

12. Other Business

There was none.

13. Correspondence

There was none.

14. Date of Next Meeting

The next meeting of the Appeals Committee is scheduled for Monday, August 19, 2024, at 12:00 p.m.

15. Adjournment

Moved by: Todd Storms

Seconded by: Blaine Fudge

That the Appeals Committee adjourn at 12:21 p.m.

Carried