

SUBJECT: Committee of Adjustment Member and Chair Remuneration Review
File #: PR 19 126301 (All Wards)

PREPARED BY: Geoff Day, MCIP RPP - Senior Planner, Zoning and Special Projects

REVIEWED BY: Bradley Roberts, Manager, Zoning and Special Projects

RECOMMENDATION:

1. That the report titled “Committee of Adjustment Member and Chair Remuneration Review, File # PR 19 126301”, be received;
2. That in addition to the current pay structure of \$2,500 for a Committee of Adjustment Member, and \$3,000 for the Committee of Adjustment Chair per annum, the Development Services Committee authorize an additional remuneration of \$100.00 to each Committee of Adjustment member and the Chair, for every Committee of Adjustment meeting attended, commencing January 1, 2022;
3. That the Planning Department 2022 Operating Budget be increased by \$15,920.00, as part of the 2022 budget process;
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to:

1. Provide an overview of Markham’s current Committee of Adjustment (COA) remuneration structure;
2. Recommend that the current pay structure of \$2,500 for a Committee of Adjustment Member and \$3,000 for the Committee of Adjustment Chair be maintained; and,
3. Recommend that an additional remuneration of \$100.00 be paid to each Committee of Adjustment member and the Chair, for each meeting they attend.

BACKGROUND:

Unlike other Committees of Council within the City, the COA is a quasi-judicial body with delegated authority to make decisions on minor variances from a zoning by-law (Section 45 of the *Planning Act*) and to grant permission for altering or changing a lawful non-conforming use of land, building(s) or structure(s). Section 53 of the *Planning Act* permits the Committee of Adjustment to make decisions on applications for changes to land configuration in the form of consents. Members of the COA are appointed by Council and are not employees of the City.

Procedural By-law 101-84 was enacted in 1984, which established the COA in its current form, as required by the *Planning Act*. In addition, the by-law established the structure of the COA and identified the remuneration rate that is still being employed today, as follows:

- Annual remuneration Chair - \$3,000*
- Annual remuneration Member - \$2,500*

**NOTE: The annual remuneration is paid in four (4) installments over the year*

As identified in the *Planning Act*, Committee members are to be reimbursed for their services as appointees to the COA. However, the specific amounts are not outlined in the provincial legislation.

Remuneration for COA members may be modified or amended by resolution of Council without the need to amend the remuneration section of the by-law itself. As the current structure of the COA remains consistent with the current legislation outlined in the *Planning Act*, Staff are not recommending any amendments to By-law 101-84, as amended, at this time.

DISCUSSION:

Comparison of Markham's COA remuneration to other GTA municipalities (Table 'A')

Staff undertook a review of COA remuneration in several other GTA municipalities that are comparable in population, area, development activity and, application volumes. The municipalities included the City of Mississauga, the City of Brampton, the City of Vaughan and the City of Richmond Hill. Staff compiled a three-year average (2017-2019) of all minor variance and consent applications that municipalities had received in this review to show their application activity. The year 2020 was omitted from the review due to the impacts of the COVID-19 pandemic on the application volumes and number of meetings held.

The Review

Table 'A' identifies, amongst other statistics, Markham's and other comparable GTA municipalities' current remuneration structure, annual application volume and the last time remuneration was assessed.

Population (Column B of Table 'A')

The populations of the municipalities in this review are included to provide an indicator of potential application volumes based on population. It is a logical assumption that there is a direct correlation of a municipality's population with the volume of COA applications in a given year.

Area and Mileage (Columns C and F of Table 'A')

The areas of the municipalities provide a broad indication of the potential travel that a Committee member may face when performing their required site visits. Although all members of the COA must be residents of the City, the distances each member travels to attend their required site visits likely varies significantly. While Mississauga, Brampton and Vaughan's areas are greater than that of Markham, Mississauga and Brampton provide a mileage allowance to their members, which assists in defraying the expenses they accrue. Markham COA members do not receive a mileage allowance.

Volumes (Column D of Table 'A')

Application volumes were included as they provide a better understanding of the real and potential volumes of applications that a COA hears, or may hear, in the future. While Staff are unable to comment on the complexity of the applications that Markham's COA receives in relation to the other municipalities in this review, the complexity of many of Markham's 46 parent zoning by-laws, the extent of issues associated with variance applications and the complexity of staff reports,

have generally increased over the years. This necessitates additional time on the part of COA members to review the applications and reports in order to formulate an informed position. It is noted that all other COAs included in this review, except for the City of Brampton, receive Staff reports to assist in making their decisions.

Number of Meetings (Column E of Table 'A')

The number of meetings that a COA holds per year shows the number of actual days that members are required to set aside to attend said meetings. In this statistic, Mississauga and Vaughan hold more meetings in a typical year than Markham.

Remuneration (Column F of Table 'A')

At the core of this report is a comparison of the remuneration to Markham's COA members with that of other comparable municipalities.

The current remuneration structure in Markham provides a fixed, annual reimbursement to all Committee members. This structure was established in the Procedural By-law 101-84, as amended. By-law 101-84 was enacted in 1984 and the remuneration component of the by-law has not been revisited since enactment. As shown, the other four (4) comparable GTA COAs remunerate their members solely for each individual meeting, based on their attendance.

Based on the average twenty-one (21) COA meetings held in Markham per year, the \$2,500.00 annual remuneration for COA members equates to \$119.05 per meeting and, the \$3,000.00 annual remuneration for the COA chair, equates to \$142.86 per meeting. As shown in column 'F' of Table 'A', this 'per meeting' remuneration for Markham's COA is significantly lower than all other municipalities studied.

Bank of Canada Inflation Rate

In order to get a better understanding of what \$2,500.00 (COA members) and \$3,000.00 (COA Chair) in 1984 dollars equates to in 2021 dollars, the Bank of Canada's inflation rate calculator was used. This calculator uses the monthly consumer price index to compare the cost of a typical "basket of goods" between two years. Between 1984 and 2021, the rate of inflation has increased by an average of approximately 2.3% per year. Based solely on this calculator, \$2,500.00 (COA members) and \$3,000.00 (COA Chair) in 1984 dollars would equate to an annual remuneration of \$5,866.17 and \$7,039.41 in 2021 dollars or \$279.34 per meeting per Member and, \$335.21 per meeting to the Chair respectively in 2021 dollars (based on 21 meetings per year).

However, it is important to note that the inflation rate calculator does not take into account future market and economic fluctuations; a municipality's other financial budgetary obligations such as major capital projects, citywide initiatives; and, a desire to keep property taxes low, which are all factors that affect a municipality's ability to augment remuneration.

Analysing the current remuneration of Mississauga, Brampton and Vaughan (It was determined that Richmond Hill's COA activity was not a strong comparable due to the average number of COA applications and average number of meetings held in a given year), gives a clearer indication of what an appropriate increase may be for Markham's COA.

Therefore, using Mississauga, Brampton and Vaughan's COA remuneration produces the following average "per meeting" remuneration:

- \$199.92 per Member; and,
- \$211.25 for the Chair

As stated earlier in the report, Markham's COA members are currently remunerated an equivalent of \$119.05 per Member per meeting and, \$142.86 to Chair per meeting. If Markham's COA were to position its remuneration at the above noted averages of the other municipalities (excluding Richmond Hill), its supplemental remuneration per meeting would be as follows:

- \$80.87 per member, per meeting attended (\$199.92 -\$119.05); and,
- \$68.39 for the Chair, per meeting attended (\$211.25 -\$142.86).

Proposed supplemental remuneration

Using the approach taken above would provide for a base minimum additional remuneration for Markham's COA moving forward. However, column 'G' of Table 'A' shows that it has been over 10 years since the majority of the other municipalities have reviewed the remuneration of their COAs. It is reasonable to conclude that these other municipalities will be reviewing their COA remuneration in the near future.

Therefore, Staff recommend smoothing out and "bumping up" the above supplemental amounts, so that each member and the Chair receives an additional remuneration of \$100 per meeting attended. Row '(i)(b)' of Table 'A' shows the potential remuneration for full attendance, given an annual twenty-one (21) meeting schedule.

Although this increase will result in an actual remuneration greater than the other municipalities studied (except Mississauga), as stated above, it has been over 10 years since the majority of the municipalities that were reviewed, have augmented the remuneration of their COAs. It is reasonable to conclude that these municipalities will be reviewing their COA remuneration in the near future.

CONCLUSION:

This analysis has taken into consideration Canada's inflation rate over the past 37 years while also being cognizant that anticipated remuneration, cannot solely be based on inflation alone.

Staff are of the opinion that it is important to acknowledge and compensate for the professionalism, dedication to service, workload, time spent and effort that Markham's COA provides the City as well as the real expenses that they accrue in performing their required duties.

Administration

If approved, the Secretary Treasurer of the Committee of Adjustment will be responsible for tracking COA attendance to forward to the Finance Department for payment. As with the current structure of the COA's base remuneration, the supplemental remuneration would be paid four times annually.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

The proposed changes would result in an increase in overall remuneration to Committee members.

Summary of Financial Impact

	Current 2021 Budget	Proposed (potential) 2022 Expenditure*	Change / Increase
Six Members	\$2,500 x 6 = \$15,000	\$15,000 + \$100 x 21 meetings x 6 = \$27,600	\$12,600
Chair	\$3,000	\$3,000 + \$100 x 21 meetings = \$5,100	\$2,100
Benefits (8.3%)	\$1,494	\$2,714	\$1,220
Total	\$19,494	\$35,414	\$15,920

* *Based on full attendance*

If approved, the Planning department 2022 operating budget will be increased by \$15,920, as part of the 2022 budget process.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

‘Exceptional Services by Exceptional People’ is achieved by ensuring that COA attracts and retains the most qualified appointees that represent Council and will continue to ensure that Markham’s COA maintains a high-level of service.

BUSINESS UNITS CONSULTED AND AFFECTED:

Markham’s Planning and Urban Design and, Finance Departments were consulted in addition to the Secretary Treasurers’ of all of the municipalities identified in this report.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.,
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.,
Commissioner of Development Services

ATTACHMENTS:

TABLE ‘A’ COA Comparison Review

TABLE 'A'

	A	B	C	D	E	F	G
	MUNICIPALITY	POPULATION 2016 CENSUS DATA	AREA OF MUNICIPALITY (KM ²)	COA APPLICATIONS (Variances + Consents) AVG. 2017- 2019 (not including deferral items)	COA MEETINGS PER YEAR (AVG. 2017-2019)	REMUNERATION AS IDENTIFIED IN MUNICIPALITIES BY-LAW	LAST ADJUSTMENT
(i)	City of Markham	329,000	212	209	21	Existing: \$2,500 annually per Member \$3,000 annually to Chair Avg. per meeting \$119.05 per Member ⁽¹⁾ Avg. per meeting \$142.86 to Chair ⁽¹⁾	1984
(i)(b)	City of Markham					Proposed: <i>\$2,500.00 annually per Member + \$100.00 per meeting attended = \$4,600.00 (if attending all 21 meetings) Avg. per meeting \$219.05 - Member</i> <i>\$3,000.00 annually to Chair + \$100.00 per meeting attended = \$5,100.00 (if attending all 21 meetings) Avg. per meeting \$242.86 - Chair</i>	
(ii)	City of Mississauga	722,000	292	563	37	\$264.75 ⁽²⁾ per meeting to each Member and Chair	2009
(iii)	City of Brampton	594,000	266	235	17	\$175.00 per meeting to each Member and Chair + \$0.59 per km mileage	2002
(iv)	City of Vaughan	306,000	274	296	23	\$200.00 per meeting to each Member \$234.00 per meeting to Chair	2010
(v)	City of Richmond Hill	195,000	101	168	15	\$150.00 per meeting to each Member \$175.00 per meeting to Chair	2015

(1) For comparison purposes only as Markham's COA is not paid per meeting but paid in four (4) installments over the calendar year

(2) Mississauga's COA receives an annual cost of living increase similar to that of Members of Council, in 2021 COA remuneration is \$224.75 per meeting plus \$40.00 mileage allowance per meeting which equates to an average of \$264.75 per meeting to each Member and Chair