

Terms of Reference

Tree and Woodland Appeals Committee

Recitals

- A. The City has enacted a Tree Conservation By-law, being a by-law to regulate the Injury and Destruction of Trees within the City of Peterborough.
- B. A property owner may appeal the refusal to issue a permit or appeal the conditions attached to a permit under the By-law to the Tree and Woodland Appeals Committee (the “Committee”).
- C. The purpose of the Committee is to provide a timely and final determination concerning the issuance or non-issuance of a permit or the conditions attached to a permit issued under the By-law.

1.0 Purpose of the Committee

- 1.1 The Committee has the responsibility to hear and determine appeals of all decisions made under the By-law.
- 1.2 On an appeal, the Committee has the authority to:
 - a. Confirm or vary the conditions contained in a permit issued under the By-law; or
 - b. Confirm the non-issuance of a permit under the By-law; or
 - c. Issue a permit under the By-law with or without conditions.

2.0 Operation of the Committee

- 2.1 Committee Hearings are attended by Committee members, City staff, and applicants and/or their representatives.
- 2.2 The Committee shall establish its own rules of practice and procedure and the Committee may accept and weigh evidence in such manner as it determines is fair, reasonable and expeditious.
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- 2.4 The written decision of the Committee is final.

- 2.5 The decision of the Committee need not be unanimous, and in the event of a split decision, the majority decision shall be the Committee's final decision.
- 2.6 No appeal shall be heard and determined unless at least 3 Committee members are present for the entire hearing. Only Committee members who have heard all the evidence shall participate in the Committee's decision making process.
- 2.7 In the event that a majority of the Committee is satisfied that the appellant was provided with reasonable notice of the hearing, and if the appellant is not present at the hearing, the Committee may:
 - a. Adjourn the hearing to another date; or
 - b. Confirm, vary or overturn the Director's decision.
- 2.8 Only in extraordinary circumstances, which are within the Committee's discretion to determine, shall more than one adjournment be granted to an appellant.

3.0 Term of Office

- 3.1 The appointed members of the Committee shall hold office for a term concurrent with the term of Council, but every member shall continue in office until his or her successor is appointed.
- 3.2 Any member of the Committee whose term of office has expired is eligible for reappointment.
- 3.3 When a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the unexpired portion of the term.

4.0 Composition of the Committee

- 4.1 The Committee shall include:
 - a. A Registered Professional Forester ("RPF") as defined in the **Professional Foresters Act, 2000**, S.O. 2000, c. 18, as amended or replaced from time to time registered professional forester; and
 - b. An Arborist, who is not an RPF; and
 - c. A third member duly appointed by the Council for the Corporation of the City of Peterborough, who is not a member of Council.
- 4.2 The Committee will select a Chair and a Secretary.

5.0 Qualifications

5.1 In selecting its appointments to the Committee, Council shall consider, among other factors:

- a. The candidate's demonstrated commitment to, and interest in, the community;
- b. The candidate's status as resident, property owner or employee within the City of Peterborough;
- c. The candidate's availability and commitment to be impartial and attend all Committee meetings; and
- d. The candidate's ability to objectively and fully consider the information provided at any hearing.

6.0 Role of Committee Members

6.1 It is the duty of the Chair to:

- a. Preside at all hearings of the Committee;
- b. Call the hearing to order;
- c. Swear in the staff members, the appellant and all witnesses; and
- d. Determine in conjunction with the other Committee members, the Committee's procedure.

6.2 It is the duty of the Secretary to:

- a. Ensure that the appellant and is informed of the hearing date at least 7 calendar days prior to the hearing;
- b. Keep records of all official business of the Committee, including records of all appeals and copies of all decisions respecting each appeal;
- c. Issue the Committee's decision within a reasonable time period; and
- d. Concurrent with the issuance of the Committee's decision, inform the appellant and staff, of the Committee's decision.

7.0 Remuneration

7.1 Members of the Committee shall serve without remuneration.

8.0 Meetings

- 8.1 The Committee shall meet as required to consider appeals that have been filed with the City.
- 8.2 Meetings of the Committee shall be held at City Hall or such other location within the City of Peterborough, as the Committee deems advisable.
- 8.3 Subject to the volume of appeals received, the Committee may be required to meet monthly, bi-monthly, or semi-annually.

9.0 Conflict of Interest

- 9.1 Members of the Committee shall exercise their duties ethically and identify and/or avoid potential conflicts of interest.