

## **Memorandum to the Council of Corporation of the Municipality of Temagami**

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**Subject:** Concerns with the Planning Process - COA

**Memo No:** 2025-M-193

**Date:** August 14, 2025

**Attachment:** Appendix A - Email Correspondence from Jordan Pandolfo

**Prepared By:** Laala Jahanshahloo - CAO/Treasurer

### **Recommendation**

BE IT RESOLVED THAT Council receives Memo 2025-M-193 and the attached correspondence from Jordan Pandolfo;

AND FURTHER THAT Council provide direction to staff regarding the structure, authority, and processes of the Committee of Adjustment (COA), selecting one of the following options:

1. Retain the COA with Mandatory Improvements — including a binding service standard requiring all complete applications to be heard within 35 days, mandatory member training, updated membership qualifications, and enhanced applicant communication.
2. Council Assumes COA Responsibilities Directly — dissolve the current COA and have Council, as elected officials, hear and decide all minor variance and consent applications.
3. Replace most COA functions with a Community Planning Permit System (CPPS) in accordance with the Planning Act.
4. Continue with status quo.

AND FURTHER THAT Council direct staff to provide a written response outlining Council's decision.

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### 1. Executive Summary

On August 6, 2025, the Municipality received correspondence from local business owner Jordan Pandolfo, expressing concern over the current Committee of Adjustment (COA) process. Issues identified include the absence of qualification requirements for members, inconsistent decision-making, significant delays from submission to hearing, and the heightened impact of such delays during the Municipality’s short building season.

This memo outlines four paths forward — immediate reform of the COA with enforceable timelines, Council directly assuming COA authority, a structural change to a Community Planning Permit System (CPPS, as recently explored in other Ontario municipalities including Mapleton Township), or status quo.

### 2. Background

The Municipality received correspondence from Jordan Pandolfo, owner of Temagami Contracting, outlining the following key concerns:

Qualifications gap: COA members are not required to have planning experience despite the technical nature of the role.

Decision-making authority vs. expertise: Volunteers may overrule professional planning advice without equivalent training or accountability.

Perceived subjectivity: Decisions may be influenced by personal beliefs rather than established planning principles and legislation.

Delay example: An application submitted mid-May 2025 was not scheduled for hearing until August 20, 2025.

Economic impact: Lost construction time during the limited northern Ontario building season.

The correspondence requests that Council dissolve the COA and take on decision-making authority, noting that Council already addresses more complex planning matters and has access to professional planning advice.

### **3. Authority of the Committee of Adjustment**

Under Ontario's Planning Act, the Committee of Adjustment (COA) is a statutory body appointed by Council to make decisions on specific land use planning matters, including applications for minor variances and consents (severances). The legislation does not require COA members to own property, pay municipal taxes, or hold professional planning credentials.

The rationale for this structure is to establish an arm's-length, quasi-judicial body separate from Council, with members intended to represent a cross-section of the community. Decisions must be based on the four tests for minor variances outlined in the Planning Act and on applicable municipal planning documents, rather than personal or financial interests.

While this framework is legislatively sound, it can lead to public perception concerns. Some stakeholders question whether individuals who do not own property or pay taxes in the municipality should have the authority to approve or deny development proposals that directly affect the property rights, business operations, or investments of others. These concerns often relate to perceived accountability, the level of technical expertise applied to decisions, and the potential for delays in the process.

## 4. Options for Council Consideration

### Option 1 – Retain the COA with Mandatory Improvements

#### Required measures:

- Service Standard: All complete applications must be scheduled for hearing within 35 calendar days.
- Mandatory Training: Planning legislation, municipal policy, and decision-writing before participation.
- Membership Criteria: Residency and/or relevant experience; code of conduct and conflict-of-interest rules.
- Enhanced Communication: Written confirmation to applicants of process steps, hearing date, and decision timeline.

#### Pros:

- Maintains citizen participation.
- Directly addresses timeliness and consistency concerns.
- Can be implemented quickly.

#### Cons:

- Two-tier governance remains.
- Requires active monitoring to ensure compliance with the 35-day rule.

### Option 2 – Council Assumes COA Responsibilities Directly

Council would dissolve the COA and serve as the statutory decision-maker for all minor variance and consent applications.

#### Pros:

- Immediate ability to address delays and accountability concerns.
- Decisions made by elected officials directly accountable to the public.
- Integrates with existing Council decision-making processes.

#### Cons:

- Increases Council workload and meeting length.
- May reduce perception of independent community representation.

### Option 3 – Replace Most COA Functions with a CPPS

#### How it Works:

- Requires Official Plan policies and a CPPS by-law.
- Consolidates multiple approvals into a single process.
- Approvals typically delegated to staff within set timelines.

#### Pros:

- Creates a single, streamlined process for applicants.
- Reduces duplication and delays.
- Integrates community consultation early in the planning process.

#### Cons:

- Requires 6–12 months for study, consultation, and by-law adoption.
- Cannot amend CPPS by-law for first five years.
- May be best applied to targeted growth or redevelopment areas.

### Option 4 – Status Quo

This option would maintain the Committee of Adjustment in its current form without making any structural or procedural changes. Under this approach, the Committee would continue to operate as presently established, following existing timelines, membership criteria, and decision-making processes. The advantage of this option is that it requires no administrative or legislative changes, maintains the current level of citizen involvement, and avoids potential confusion or transition issues. However, it would not address the concerns raised regarding member qualifications, decision-making consistency, or application processing timelines, and may result in continued stakeholder dissatisfaction or perceptions that Council has not responded to expressed concerns. There have been similar concerns brought forward to staff in the past.

## Appendix A - 2025-M-193

Mayor O'Mara and Members of Council,

I am writing to you as the owner and operator of Temagami Contracting, a business that has proudly served the Temagami area for over a decade. My reason for reaching out is to respectfully express some concerns with the current system used for certain land use planning applications, specifically those falling under the authority of the Committee of Adjustment.

As you are aware, Committees of Adjustment in Ontario municipalities are established under the Planning Act, and are responsible for making decisions on applications for minor variances and consents (severances). These committees are comprised of local citizens appointed by Council and have the authority to grant relief from zoning by-laws and approve the division of land.

While I appreciate that members of the Committee of Adjustment are volunteers who dedicate their time for the betterment of our community, I feel that there are fundamental flaws in this model that are having a detrimental impact on local businesses and development.

To begin with, there are currently no prerequisites, qualifications, or required planning background for individuals to sit on the Committee. While the Terms of Reference may aim to include geographic representation from various areas of the municipality, there is no requirement for technical knowledge or decision-making experience in land use planning. This means that applications—which are often detailed, technical, and with financial and legal implications—are being decided by individuals who may not have the expertise to fully assess the matters before them.

Furthermore, although staff reports, feedback from relevant ministries, and recommendations from the Municipality's professional planning consultant are typically provided, the final decision rests with the Committee. This process seems fundamentally flawed. These individuals, while community-minded, were not elected by the general public nor are they trained planning professionals. Yet they have been given the authority to decide whether or not a resident or business owner can proceed with development on their own property. This can, and in my opinion often does, result in decisions that are subjective, inconsistent, and at times influenced by personal opinions or biases related to development philosophies or individual applicants.

I respect that everyone has a right to their opinion, and I appreciate that Temagami residents are passionate about our community. But land use planning decisions should be grounded in

planning principles, legislation, and professional expertise—not personal beliefs.

In my own case, I submitted a completed Minor Variance application in mid-May 2025. I followed up verbally and through email for an update. Only recently have I been advised that the Committee of Adjustment will be meeting to consider my application on August 20th—a full three months later. Even if approved, there is still an appeal period before work can commence. As a contractor, this delay means that the entire summer building season has passed me by, and this is simply not sustainable for my business or others like mine.

The short building season in Temagami requires that municipal processes be as efficient and streamlined as possible. I understand the Committee members are volunteers who have jobs, families, and summer plans of their own. But if we are serious about supporting local economic development and retaining the few contractors that remain in this area, this system needs to change.

With the utmost respect to those serving on the Committee, **I ask that Council consider dissolving the Committee of Adjustment and assuming the role of decision-maker for minor variance and consent applications, as is permitted under the Planning Act.** Council already makes decisions on zoning by-law amendments and Official Plan changes. You are elected by the public and accountable to them. Furthermore, the Municipality already retains a qualified professional planner with the credentials and experience to provide informed recommendations. Council meets twice per month, and I believe this model would allow for a more timely and transparent process, while still ensuring planning decisions are informed and accountable.

Thank you for taking the time to consider my perspective. I am committed to the long-term sustainability of Temagami and believe that an improved approach to planning approvals will benefit our entire community.

Respectfully,

Jordan Pandolfo  
Temagami Contracting