



## **PROPERTY STANDARDS COMMITTEE TERMS OF REFERENCE**

### **Purpose**

The Property Standards Committee (the "Committee") is constituted and appointed pursuant to Section 15.6 of the *Building Code Act* (the "Act") and the City's *Property Standards By-law* No.79-99 (Municipal Code Chapter 1010), as amended. The purpose of the Committee is to exercise the specific powers and authority given to a property standards committee under the Act.

### **Mandate**

The Committee is a quasi-judicial tribunal appointed by Council; however, it exercises its authority independently and autonomously from Council.

The Committee's mandate is to hear and determine appeals by property owners or their agents who have received a Property Standards Order (an "Order") issued by a City Property Standards Officer or Municipal Law Enforcement Officer, and exercise the authority given to a property standards committee under the Act and any applicable regulations.

The Committee shall conduct hearings in accordance with these Terms of Reference and in accordance with the *Statutory Powers Procedures Act*.

Upon request of an appeal of an Order, the Committee will be responsible to:

- Give notice or direct that notice be given of such hearing to person(s) the Committee considers appropriate
- Hear an appeal filed by the Owner
- Exercise any power of the Property Standards Officer and may confirm, modify or rescind the Order, or may extend the time for complying with the Order
- Make a decision, which may be appealed to the Superior Court of Justice.

### **Committee Composition**

The Committee will be comprised of three (3) members appointed by by-law of Council, who are:

- either a resident of the City or the owner or tenant of land in the City;
- a Canadian citizen;
- at least 18 years of age;
- not disqualified by statute or otherwise prohibited by law from voting in an election of Council.

Council will seek to appoint individuals with the following qualifications:

- legal tribunal administrative and governance experience,
- building and/or land-use planning or development experience or training,
- real estate experience,
- skills, knowledge or experience that can contribute to the mandate of the Committee.

## **Term of Office**

The term of office for Committee members shall run concurrent with the term of Council, with existing members remaining in office until a new Council appoints successors.

A member may resign from the Committee at any time by advising of this intention in writing to the Director of Legislative Services.

Any Committee member that misses three hearings without being excused by the Committee may be removed from the Committee, and the City shall advertise the vacant position for Council appointment.

In the event of a vacancy by death, resignation or from any other cause other than the expiration of the term for which the member was appointed, Council shall appoint another eligible candidate in the vacant seat for the unexpired portion of the term.

## **City Staff Support**

Staff of the Adjudications Section in the Community Standards Division, will provide technical and administrative support services to the Committee.

City Staff will establish hearing dates in consultation with Committee members, and shall serve a notice of hearing to all persons who may have interest in the matter and as directed by the Committee.

City staff will be responsible for posting an agenda for all hearings on the City's website in order to provide public notice of the hearing.

City staff will attend hearings as deemed appropriate by the Manager of Adjudications.

## **Administration of the Committee**

Committee members shall elect a Chair from among themselves. When the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.

The members shall provide for a Secretary for the Committee. The Secretary shall keep on file records of all official business of the Committee, including records of all applications, minutes of all hearings and decision respecting those applications. All records shall be electronically shared with the Community Standards Division.

Members to the Committee shall be paid compensation as approved by Council in the annual Operating Budget.

## **Rules of Procedure**

- All hearings of the Committee will be open to the public.
- The Committee shall conduct hearings as outlined in these Terms of Reference and in accordance with the *Statutory Powers Procedure Act*.
- Quorum for the Committee shall be a majority of the members of the Committee (i.e., two (2) members). Provided quorum is met, a vacancy in the membership or the absence or the inability of a member to act does not impair the powers of the Committee or of the remaining members.
- The Committee must have a Secretary at all hearings.

- All appeals must be received by the Committee within fourteen (14) days after the Order is served unless otherwise specified within the Order.

#### **Recommended Hearing Format**

1. The Chair shall call the meeting to order, state the name of Owner and address of the municipal property concerned, and explain the purpose of the Committee and format of the hearing.
2. The Chair shall call the Owner or authorized agent or counsel to make submission on the appeal of the Order. If an Owner or his/her agent fails to appear at the Hearing, after being given the required notice, the Committee may consider the matter in their absence.
3. At the conclusion of the Owner's submissions, the Committee and Property Standards Officer will be permitted to ask questions.
4. The Chair calls the Property Standards Officer or authorized agent to come forward and make representations to the Committee on the Order and status of the property.
5. At the conclusion of the Officer's submission, the Committee and Owner will be permitted to ask questions.
6. The Chair may call any persons in attendance to identify themselves, and speak on the matter.
7. The Chair will permit the Owner to make a further submission restricted to issues raised since their first submission.
8. After all submissions have been made, the Committee shall render and declare its decision on the matter, or adjourn the matter to a later date. If a unanimous decision is not reached, the matter will be decided by a simple majority of all members of the Committee present.

#### **Hearing Schedule**

The Committee shall hold hearings as required to consider appeals that have been filed with the City.

All hearings shall be held at the Municipal Offices (225 East Beaver Creek Road) or the Operations Centre (1200 Elgin Mills Road East).

#### **Miscellaneous**

In the case of any conflict between these Terms of Reference and any statutory provisions, such statutory provisions shall take precedence, and the Terms of Reference shall be deemed amended as required to conform to such statutory provision.

The Committee shall endeavor to make decisions that align with the City's strategic goals and priorities in effect at the time of the hearing.

The City is committed to creating, providing and maintaining a work environment that is based on mutual respect for the dignity and rights of everyone in the organization. All employees including any person(s) who performs work or services in exchange for monetary compensation are guided by the City's Respect in the Workplace Policy and Procedure.