



OAKVILLE

Property Standards Committee

Terms of Reference

Approved by Council on November 16, 2009

(Revised August 30, 2010)

(Revised March 28, 2011)

The Terms of Reference

Committee: Property Standards Committee

1. Enabling Legislation

Appeal of order

Section 15.3 of the *Building Code Act* states:

[15.3 \(1\)](#) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the Town Clerk within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

[\(2\)](#) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

[\(3\)](#) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

[\(3.1\)](#) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

[\(4\)](#) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

[\(5\)](#) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

[\(6\)](#) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

[\(7\)](#) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224 (8).

Power of municipality if order not complied with

[15.4 \(1\)](#) If an order of an officer under section 15.2 (2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly. 1997, c. 24, s. 224 (8), or may prosecute the person for failing to comply with a final and binding order.

Warrantless entry

[\(2\)](#) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c. 24, s. 224 (8).

No liability

[\(3\)](#) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1). 1997, c. 24, s. 224 (8).

The Property Standards Committee's Terms of Reference were revised by Council on August 30, 2010, as follows:

"That the Terms of Reference for the Property Standards Committee be amended to increase the composition of the Committee to 5, consisting of 3 members and 2 alternate appointees to fill in should vacancies arise or one of the three appointees be unable to attend a meeting."

The Property Standards Committee's Terms of Reference were revised by Council on March 28, 2011, as follows:

"That the terms of reference for the Property Standards Committee be amended to increase the composition of the committee to 6, consisting of 3 citizen members and up to 3 alternate appointees."

2. Mandate

The mandate of the Property Standards Committee is to hear and determine all appeals in accordance with procedures established under the provisions of the *Statutory Powers Procedure Act*.

This Committee considers appeals to Property Standards Orders issued by Property Standards Officers. It is the responsibility of the Secretary of the Property Standards Committee to accept all applications for processing, upon submission by the appellant.

The Committee is authorized by the *Building Code Act* to:

- Hear an appeal filed by the appellant.
- The Committee has all the powers of the Property Standards Officer and may confirm the Order or may modify or rescind it, or may extend the time for complying with the Order.
- When an appeal has been taken, the Committee shall give notice or direct that notice be given of such hearing to such person as the Committee considers should receive such notice.

Alignment with Corporate Strategic Goals

This mandate shall meet with the following Corporate strategic goals:

- 1. To be accountable in everything we do.

Timeframe

This Committee’s mandate will be examined every four years unless otherwise identified in **Term 9. Completion Criteria.**

3. Type of Committee

Statutory Committee

4. Membership and Roles and Responsibilities

The Property Standards Committee is composed of the following Members:

Role	Member Name
Committee Chair	To be determined
Committee Member(s)	Three citizens at large plus up to 3 alternates to be appointed by Council to fill in should a vacancy arise or one member is unable to attend a meeting.
Support Staff	Committee Coordinator
Departmental Representatives	Supervisor of Licensing and By-law Services (Secretary of the Property Standards Committee) By-law Enforcement Officers

Qualifications

Qualifications include the skills, knowledge, and experience committee members need to contribute effectively to the accomplishment of the committee’s objectives.

5. Meeting Schedule

The Committee shall meet as required to consider appeals that have been filed with the Town of Oakville.

6. Reporting Requirements and Method

The Committee is established by Council and has the power to make the final decision, which may be appealed to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

7. Budget and Resources

Members of the Committee shall be reimbursed for their vehicle mileage generated on property inspections incidental to appeals.

Committees are not given a budget, however under special circumstances Council may approve one time expenditures to help committees achieve their goals and objectives. Any financial requirement of a committee should be identified prior to the approval of the annual operating budget by Council.

Resource Budget

The following Town of Oakville staff resources will be required per meeting for the successful operation of this Committee:

Staff Resource	Time Commitment (FTE equivalent) per meeting
Staff #1 Committee Coordinator	FTE TBD
Staff #2 Supervisor of Licensing and By-law Services (Secretary of the Property Standards Committee)	FTE TBD
Staff #3 Assistant Town Solicitor (as required)	FTE TBD
Total	FTE

8. Code of Conduct

All employees and volunteers will be guided by the Town of Oakville's Workplace Harassment, Discrimination Prevention Policy and Conflict Resolution Policy.

The policy supports a positive and respectful workplace that is free from personal harassment and workplace conflict.

Workplace conflict occurs when two or more parties have interests to some degree that are or can be perceived as being at odds which disrupts the cohesive relationships necessary for a productive and harmonious workplace.

Personal harassment is any unwelcome behaviour, conduct or communications directed at an individual that is offensive to that individual. It is persistent and creates an intimidating, offensive or embarrassing work environment.

All staff and volunteers will refrain from personal harassment and workplace conflict behaviour, including offensive remarks or other actions that create intimidating, hostile or humiliating working conditions under this policy.

Conflict of interest

Members should be cognizant of perceived conflict in terms of issues which may serve to benefit them personally. Members shall not use their status on committees for personal or political gain.

Committee members shall have regard for the Corporate Policy addressing the use of corporate resources during an election year.

9. Completion Criteria

The mandate of the Property Standards Committee will be considered complete when an alternate appeal procedure has been determined to address appeals.

Additional completion criteria include:

1. Results of review every 4 years or once per Council term