



Property Standards Committee

Terms of Reference

Approved by Council on

November 16, 2009

(Revised August 30, 2010)

(Revised March 28, 2011)

(Revised February 13, 2012)

(Revised June 26, 2017)

1. The Enabling Legislation

The Property Standards Committee is established by Property Standards By-law 2007-100, in accordance with Section 15.6 of the *Building Code Act*. Where an owner who has been served with a Property Standards Order is not satisfied with the terms and conditions of the Order, he/she may appeal the Order to the Property Standards Committee. The committee, operating under the provisions of the *Statutory Powers Procedure Act*, may confirm, modify or rescind the Order or extend the time for compliance. The decision of the Property Standards Committee may be appealed to the Superior Court of Justice.

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).

Background

The Property Standards Committee is a statutory committee established to hear appeals of Property Standards Orders in accordance with the *Building Code Act*.

The Property Standards Committee's Terms of Reference were approved by Council on November 16, 2009, as follows:

- a) The Licensing Appeal Committee and Biting Dog Appeal Committee be combined to create an expanded appeal committee and a revised terms of reference be brought forward for approval.
- b) That the Terms of Reference for the Property Standards Committee, attached as Appendix A to the report dated October 22, 2009, from the Clerk's Department, be approved.

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.

The Property Standards Committee's Terms of Reference were revised by Council on February 13, 2012, as follows:

That the current vacancy for the third alternate member to the Property Standards Committee not be filled, and the committee's Terms of Reference be amended to decrease the number of alternate members from three to two.

The Property Standards Committee's Terms of Reference were revised by Council on June 26, 2017, as follows:

That the Terms of Reference for the Property Standards Committee attached as Appendix D to the staff report dated May 15, 2017, from the Clerk's department, be approved to include the revisions as detailed in Appendix C as noted below:

- a) under 'Enabling Legislation' is a brief description of the committee;
- b) under 'Background' the motion from the Council meeting of November 16, 2009 was added which approved the creation of the terms of reference for the property standards committee;
- c) added the description of the Chair's responsibilities;
- d) corrected the title of the staff representative;
- e) added 'Interpretation' of the terms of reference;
- f) add reference to what constitutes a quorum for a meeting;
- g) deleted reimbursement of vehicle mileage for committee members, as it is not necessary for committee members to perform site visits; and
- h) deleted 'Committee members shall have regard for the corporate policy addressing the use of corporate resources during an election year, because should an appeal be submitted in an election year, it would have to be addressed as expeditiously as possible.

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*.

Goals

The Property Standards Committee is to consider 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.

Deliverables

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

- Hear an appeal filed by the appellant.
- Confirm, modify or rescind the order, or extend the time to comply with the order, as the committee has all the powers of the Property Standards Officer, and provided that, in the opinion of the committee, the general intent and purpose of the Property Standards By-law is maintained.
- Give notice or direct that notice of an appeal hearing be given to such persons as the committee considers should receive such notice.

Alignment with the Town Corporate Strategic Goals

This mandate shall meet with the following Corporate Strategic Goals:

1. To be accountable in everything we do.
2. To treat everyone with respect.
3. To be the most livable town in Canada.

3. Type of Committee

Statutory Committee

4. Membership, Roles and Responsibilities, Qualifications

Committee Composition

The Property Standard Committee will be comprised of five members—three citizen appointees plus two alternate appointees to fill in should vacancies arise or should one of the three citizen appointees be unable to attend a meeting.

The Chair of the committee will be elected at the first meeting of each year from amongst the three citizen appointees. The tenure for the Chair will be limited to two consecutive years unless the committee determines otherwise with a unanimous vote of the members present. Alternate members will not have voting rights unless they are filling in for one of the permanent members.

Role	Member Name
Committee Chair	To be determined
Committee Member(s)	Three citizens-at-large plus two alternates to be appointed by Council to fill in should a vacancy arise or should one member be unable to attend a meeting.
Support Staff	Council and Committee Coordinator
Departmental Representatives	Director of Municipal Enforcement Services Supervisor of By-law Services By-law Enforcement Officers Assistant Town Solicitor (as required)

Roles and Responsibilities

General

The Property Standards Committee will consider appeals to Property Standards Orders issued by Property Standards Officers and, operating under the provisions of the *Statutory Powers Procedure Act*, may confirm, modify or rescind the Order or extend the time for compliance.

The decision of the Property Standards Committee may be appealed to the Superior Court of Justice.

Qualifications

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

Must not have been convicted of a criminal offence in which a pardon has not been granted.

Term

Membership is to align with the term of Council. Committee members may serve for two consecutive four year terms. A committee member may be permitted to serve additional terms at the discretion of Council.

Interpretation

The rules and regulations in these terms will be observed in all proceedings of the Property Standards Committee, the committee cannot pass a motion to suspend the rules pertaining to these terms. In all proceedings, the committee will have regard for its Terms of Reference.

Procedural matters not governed by the provisions of these terms will be governed by the Town's Procedure By-law (rules governing the procedure of Council).

5. Meeting Schedule

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

All meetings will be held at Oakville Town Hall, unless special circumstances warrant a temporary change of location.

Quorum

Quorum will consist of a majority of the committee members. Should one of the three citizen appointees be unable to attend a meeting, one of the alternate appointees will be asked to attend in his/her place.

6. Reporting Requirements and Method

The Property Standards 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 Committee's decision has been sent to the appellant.

Minutes and Agendas

The Council and Committee Coordinator will give notice of each meeting to all committee members, staff representatives and the appellant(s). Any relevant material will accompany the notice in the form of an agenda. The notice/agenda of a meeting will be sent by courier, mail or electronically to the address of each member and the appellant(s).

The decision of the committee will be forwarded to the appellant following the meeting, and minutes of the meeting will be recorded and filed as part of the official record.

7. Budget and Resources

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 Property Standards Committee:

Staff Resource	Time Commitment per Meeting (Approximately)
Council and Committee Coordinator	13 hours per hearing
Director of Municipal Enforcement Services Supervisor of By-law Services By-law Enforcement Officers	15 hours per hearing
Assistant Town Solicitor (as required)	To be determined as required.
Total	28 hours per hearing

8. Code of Conduct

The Town of Oakville is committed to fostering an environment where there is Respect for yourself; Respect for others; and Responsibility for your actions. All volunteers, delegates and staff will be guided by town policies and procedures including the Code of Conduct and Respectful Workplace Policy. These policies ensure that all volunteers, delegates and staff are treated with respect and dignity. Policies and procedures can be found on the town website at www.oakville.ca.

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.

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