

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Wasaga Beach Property Standards Committee

TERMS OF REFERENCE

Purpose

The Property Standards Committee is established by Council to hear appeals to orders issued pursuant to the Property Standards By-Law.

Mandate

The Property Standards Committee is established under the authority of the *Building Code Act, S.O. 1992. c. 23, as amended* and the Town of Wasaga Beach By-Law Prescribing Standards for the Maintenance and Occupancy of Property.

The powers and functions of the Property Standards Committee are set out in Section 15 of the *Building Code Act, S.O. 1992. c. 23, as amended*, and the Town of Wasaga Beach Property Standards By-Law. The Committee shall be required to act as a quasi-judicial body.

The Committee, may, subject the *Building Code Act*, adopt its own rules of procedure and any member may administer oaths.

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with Section 15 of the *Building Code Act, S.O. 1992. c. 23, as amended*, and the Property Standards By-Law. All timelines under the Act will be strictly adhered to.

Responsibilities and Procedures

Appeal Hearings

1. All meetings of the Committee to hear an appeal filed pursuant to the *Building Code Act S.O. 1992, c. 23, as amended*, shall be called by the Chair of the Committee, after being notified by the Sr. MLEO/Property Standards Officer that an appeal has been received.
2. An appeal is to be considered at an appeal hearing of the Committee in accordance with the provisions of the *Building Code Act* and any regulations passed thereunder.
3. The Sr. MLEO/Property Standards Officer shall send notices of appeal and decisions of the Committee to the owner or occupant of the property in which the lands are the subject of the appeal.

4. In consultation with the Chair, the Secretary may cancel or reschedule an appeal hearing if there are no appeals to be heard at a scheduled meeting.

Appeal Hearing Procedures

1. An appeal hearing of the Committee shall be called to order by the Chair, or in the absence of the Chair, by his/her designate.
2. Generally, after an appeal hearing is called to order, the Chair shall call for any requests for deferral of an appeal or any requests for withdrawal of an appeal.
3. An appeal shall only be deferred upon reasonable cause as determined by the Committee.
4. Generally, after all requests for withdrawal have been made and all requests for deferral have been considered, the Secretary shall call each appeal in the order in which it appears on the agenda or in such other order as the Committee determines.
5. The Property Standards Officer will present all of its evidence, including witnesses to support its Order under the Property Standards By-Law. The Appellant and Committee may question all such evidence presented by the Officer.
6. The Committee shall provide each Appellant with an opportunity to present his or her appeal. The Committee shall provide the Property Standards Officer with an opportunity to question the Appellant and any person appearing in support of the Appellant.
7. The Committee shall permit both the Property Standards Officer and the Appellant the right to re-call any of their own witnesses, for the purpose of clarification of evidence already before the Committee.
8. The Committee shall provide any person having an interest in an appeal to express his or her comments with respect to that appeal.
9. The Committee shall provide the Appellant an opportunity to respond to any comments, correspondence, or proposed conditions brought forward at the appeal.
10. When considering an appeal, the Committee shall have all the powers and functions of the Property Standards Officer who made the Order, and 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:
 - a. Confirm, modify or quash the Order, or
 - b. Extend the time for complying with the Order.

Voting

1. Once all of the evidence has been heard in respect of the appeal, the Committee will recess and will retire in Closed Session to discuss the appeal and to make a decision. The Committee must decide whether the Order is to be confirmed, modified or quashed or whether time for compliance with the Order is to be extended.
2. The Chair will reconvene the hearing.
3. The Chair shall ask the members of the Committee for a motion with respect to the disposition of the appeal. The Chair, upon receipt of a motion from a member of the Committee, shall ask for a seconder for the motion. Once a motion has been moved and seconded, the Chair shall call for a vote on the motion and each member of the Committee shall announce his or her vote on the motion openly and individually and the Chair shall announce the decision of the Committee.
4. A Committee member, if present, may not abstain from voting, unless they have a Conflict of Interest.
5. Where there is a tie vote on a motion, the motion shall be defeated and a new motion brought forward.
6. The decision is final and binding on all parties. No further discussions will take place once the decision is made known. No further communications, whether oral or written, will be made to the Committee by the Appellant or the Officer. Any further concerns regarding the decision will be dealt with through the court appeal process.

Notice of Decision

Members of the Committee concurring in a decision of the Committee shall sign the notice of decision and the names of members present who did not concur in the decision shall be so noted in the notice of decision.

Delegated Authority

The Property Standards Committee has the ability to act on matters to carry out the mandate of the Committee pursuant to the of the *Building Code Act, S.O. 1992. c. 23, as amended*, and the Town of Wasaga Beach By-Law Prescribing Standards for the Maintenance and Occupancy of Property, using its discretion and judgment.

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.

Committee Composition

Upon recommendation from the Mayor and with input provided by the Property Standards Committee Chair, Committee members will be appointed by Town Council.

Council may, by resolution as and when required in order to maintain the requisite number and composition of members on the Committee, select and appoint new members to the Committee for the duration of the term.

The Committee will be composed of up to five (5) persons as follows:

- Five (5) members who are citizen volunteers who resides and/or owns property within the municipality, voting members
- Sr. Municipal Law Enforcement/Property Standards Officer, as a non voting staff resource

Only members, appointed by Council, may vote on any issue.

The Mayor shall serve ex-officio as a voting member of the Committee.

Other parties, with interest, may be invited to the meetings, as required, but without voting privileges.

Council may by resolution at any time and from time to time at its sole discretion remove any member, voting or non-voting, from the Committee, as it deems advisable.

A Committee member may apply for a re-appointment for any number of consecutive or non-consecutive terms.

Resignations from the Committee must be in writing to the Committee Chair and Town Clerk.

The advertising of vacancies and appointments will be in accordance with the policies and practices adopted by Council from time to time.

Committee Positions & Roles

Chair: One member will be chosen by majority vote of the Committee at the first meeting of each new Term to Chair the meetings and oversee the business of the Committee for that Term.

Vice-Chair: A Vice-Chair for the same duration will be chosen by majority vote of the Committee. The role of Vice-Chair is that of Chair when assuming the role of Chair.

Secretary: A secretary shall be appointed by a majority of the Committee membership. The role of Secretary is to confirm the meeting date and location with the Clerk's Office, keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, prepare the Agenda, take the minutes, and provide a copy of the minutes to the Town Clerk's office and all Committee members.

Term of Office

The term of the members of the Committee shall be four years coinciding with the term of the Council that has made the appointment.

Meetings

The Committee shall hold a business meeting at least once in every term of the Council. The purpose of the business meeting shall be, among other matters, to elect a Chair, Vice Chair and Secretary, to establish policies and practices of the Committee, and to address any other matters related to the operation of the Committee. The Committee shall not consider any hearings at a business meeting.

When the Municipality is in receipt of an appeal, the Sr. MLEO/Property Standards Officer of the Municipality shall contact the Committee members and arrange for the Members to hear the appeal request. The frequency and duration of the Committee meetings will be determined by the Committee in consultation with the Sr. MLEO/Property Standards Officer. Committee activity shall be determined primarily by the number and complexity of applications for Property Standards Order appeals that may be received.

Additional meetings may be called by the Chair if there are urgent matters that need to be discussed.

Meetings shall not conflict with regular meetings of the General Government Committee, Committee of the Whole and regular meetings of Council.

Committee members are expected to attend all regularly scheduled meetings. In the event that a member other than the Mayor is unable to attend a meeting, the member must contact the Chair in advance and advise him or her. If a member other than the Mayor has been absent for three consecutive regularly scheduled meetings and has failed to advise the Chair in advance, the member shall be deemed to have abandoned his or her appointment and the position shall be considered vacant.

Quorum

Quorum shall be a majority of the appointed members of the Property Standards Committee. A quorum shall consist of 50% plus 1 of the voting members.

Agenda

The Agenda of the Property Standards Committee shall contain the following items:

- Call To Order
- Disclosure of Pecuniary Interest
- Minutes of Last Meeting
- Deputations/Presentations
- Unfinished Business
- Sub-Committee Reports, if any
- New Business
- Items for Future Meetings
- Date of Next Meeting
- Adjournment

Governance

The Property Standards Committee shall be subject to the provision of the Town's Procedural By-Law to Govern the Proceedings of Council and its Committee, as amended, and shall adhere to Town policies and procedures.

Communication and Reporting

Unless otherwise directed by Council, the minutes of all Committee meetings will be presented to the General Government Committee, for information.

The Sr. MLEO/Property Standards Officer will report on Committee activity as required to the General Government Committee.

Web presence is supported through the Town's web site at www.wasagabeach.com, based on information provided by the Sr. MLEO/Property Standards Officer.

Municipal Support

The Municipal Law Enforcement Department shall be the lead department and the Sr. MLEO/Property Standards Officer the contact person for the Property Standards Committee and for general inquiries on Property Standard matters.

Requests for documentation, reports and support materials required by the Committee or outgoing correspondence will be directed to the Sr. MLEO/Property Standards Officer.

Committee's activities are supported through the Municipal Law Enforcement Department.

The Sr. Municipal Law Enforcement Officer/Property Standards Officer liaison staff member shall be present at all meetings of the Property Standards Committee.

Additional staff and/or representatives from special interest groups may be requested to attend meetings at the discretion of the Property Standards Committee.

Finances

Routine administrative costs associated with the work of the Committee will be allocated from the Property Standards annual budget.

The annual budget for the Property Standards Committee will be the responsibility of the Sr. MLEO/Property Standards Officer and Clerk.

The Sr. MLEO/Property Standards Officer will be responsible for the Committee's routine administrative costs associated with the work of the Committee including remuneration, supplies and miscellaneous operating expense budget.

Members of the Property Standards Committee shall be paid such compensation as Council may provide.

Upon recommendation of the Sr. MLEO/Property Standards Officer, expenses incurred while serving in Committee capacity may be reimbursed, as per Town policy.

Confidentiality

The *Municipal Act* and *Conflict of Interest Act* shall bind the members of the Committee as it relates to confidentiality, conflict of interest, closed sessions, and any other requirement under the *Act*, which pertain to the conduct of officials.

Indemnities to Committee Members and Others

Committee members shall be covered by the municipality's general liability insurance policy as it relates to Committees of Council's activities.

Review and Update of the Terms of Reference

The Terms of Reference are established and approved by Council and can only be altered by Council.

Approved by Council this 26th of April, 2011 by By-Law No. 2011-39.