

Property Standards Committee

Terms of Reference

Purpose of this Committee:

- To hear appeals submitted by owners or occupants served with property standards orders under the Municipality's Property Standards By-law

Members:

Council will appoint no less than three (3) members, but ideally, five (5) members, who must be residents of the Municipality of Callander. Appointed members shall not be members of Council or employees of the Municipality. Members should, although not required, have some knowledge and understanding of Property Standards and the Building Code.

The term of the Committee is concurrent with the Term of Council. Replacement members shall be appointed by Council Resolution as required.

A majority of the members constitutes quorum for transacting the committee's business.

Committee Responsibilities:

Committee Members must have the ability to understand and apply the provisions of the Property Standards By-law and the *Building Code Act* and must be considered impartial with respect to their ability to fulfill their responsibilities.

Committee Members must:

- Perform duties in a manner that maintains and enhances public confidence in the integrity, objectivity, and impartiality of the Municipality
- Maintain confidentiality when necessary, and ensure personal information controlled by the Municipality is used or disclosed in compliance with the Municipal Freedom of Information and Protection of Privacy Act
- Attend and prepare for meetings by reading agendas and any background information supplied and by actively participating in the discussion and decision-making process
- Follow all applicable policies and procedures, including the Conflict-of-Interest Agreement

Committee Members shall:

- Hear presentations from property owner(s), applicants, or authorized agent(s)

- Make a decision based on the presentation by the property owner(s), authorized agent(s), and the staff report
- Approve, refuse, table, defer, or modify the recommendations of the staff report

As per the *Building Code Act*, committee responsibilities are as follows:

- 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:
 - Confirm, modify or rescind the order to demolish or repair
 - Extend the time for complying with the order
- An order that is confirmed or modified by the committee 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

Committee Position Roles:

The Committee Chair will be responsible for ensuring the effective operation of the Committee and its roles in accordance with the Municipality's meeting procedures. Specifically, the Chair shall be responsible for:

- Calling meetings to order
- Scheduling meetings, as necessary

The Secretary/Treasurer is responsible for preparing the agenda and motions, prescribing notice, and taking minutes at all Property Standards Committee meetings. The Secretary/Treasurer will also ensure that notice of meeting, agenda and minutes are circulated to all committee members, as well as the Chief Building Official and the Municipal Clerk. The Secretary-Treasurer shall keep on file all official business of the Committee, including records of all application and minutes of all decisions respecting those applications. All applications for appeal are addressed to the Secretary/Treasurer, care of the Municipal Office. The Secretary-Treasurer shall be a member of staff.

Staff Representative Responsibilities:

As a non-voting member, the staff representative of the Property Standards Committee will provide guidance and advice while remaining impartial during discussions of committee matters with all members. The staff representative will also ensure that they inform the Chair of any proposed procedural issues that may contradict this Terms of Reference. The staff representative shall be appointed by the Committee as the Secretary/Treasurer.

Meeting Structure:

The Committee will be called to order for a mandatory training session at the beginning of the term. At the first meeting of the term, the Committee must also elect a Committee Chair.

Meetings will be held on an as needed basis and scheduled by the Chair of the Committee, in correspondence with the Secretary/Treasurer. Meetings are not open to the general public.

If a member is unable to attend a meeting, they should inform the Chair or Secretary. In the event that a member of the Committee is absent from the meeting for three consecutive meetings without being excused, Council may consider this the member's resignation and terminate the appointment and may by resolution appoint a new member to fill the vacancy.

If the Chair is absent from any meeting, the committee shall appoint an Acting Chair for that meeting. While presiding, the Acting Chair shall have all the powers and rights of the Chair.

Rules of Procedure to be Followed by this Committee

The *Statutory Powers Procedure Act* sets out procedural rules for the conduct of proceedings of administrative and quasi-judicial tribunals, including the Property Standards Committee.

Basic Rules of "Natural Justice":

- The Committee's directions and decisions must be impartial, give the appearance of fairness, and not be biased as to create prejudice against the Appellant or the Municipality;
- The Committee is not a representative of the Municipality but is a tribunal with statutory power of decision conferred to it by Municipal Council;
- Public participation is not permitted during appeal hearings unless the person has been previously identified as a witness through the Secretary/Treasurer
- The Municipality and the Property Owner are entitled to be represented by an agent or counsel
- Both parties are entitled to fully present evidence, receive copies of any evidence entered as exhibits during the hearing (disclosure), cross-examine witnesses and present oral arguments;
- The members of the Committee should be present throughout the appeal hearing. If a member must leave the appeal hearing for any reason, the Chair should adjourn the hearing until the member returns. A member of the Committee who arrives after the hearing has commenced should not be permitted to join proceedings in progress;
- The Committee shall give its decision in writing within seven days of the Hearing.

References:

[Building Code Act](#)

[Statutory Powers Procedure Act](#)