



REPORT

Council

Meeting Date: April 25, 2022

FROM: Clerk's Department
and Legal Department

DATE: April 19, 2022

SUBJECT: **Property Standards Committee, Terms of Reference and Rules
of Procedure**

LOCATION: N/A

WARD: Town-wide

Page 1

RECOMMENDATION:

1. That the updated Property Standards Committee Terms of Reference attached as Appendix A to the report dated April 19, 2022 from the Clerk's and Legal department, be adopted.
2. That the proposed Property Standards Committee Rules of Procedure attached as Appendix B to the report dated April 19, 2022 for hearing Appeals of Property Standards Orders be endorsed and commended to the Property Standards Committee for its consideration in making rules governing its practice and procedure under section 25.1 of the *Statutory Powers Procedure Act R.S.O. 1990,c.S22* as amended.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The Town has a Property Standards Committee appointed under the Ontario *Building Code Act* (as required) to hear appeals of Property Standards Orders under the Town's Property Standards By-law created under the Ontario *Building Code Act*.
- The Town first adopted Terms of Reference for its Property Standards Committee in 2009 and has reviewed and updated those Terms of Reference every four to five years, the last time being in 2017. Having held successful electronic hearings under the *Statutory Powers Procedure Act* during the COVID Pandemic Emergency, a review and update of the Terms of Reference, to include the opportunity to continue to hold electronic hearings outside of the emergency is appropriate at this time.

- On December 7, 2020 Council passed By-law 2020-140, being a by-law to allow electronic meetings and hearings of the Town of Oakville Property Standards Committee during the COVID-19 emergency.
- This by-law came into force on the day it was passed, and applied to meetings and hearings of the Committee until the COVID-19 Emergency was declared terminated.
- On March 11th, 2022, Mayor Burton declared the emergency related to the COVID-19 pandemic terminated in accordance with the provisions of the *Emergency Management and Civil Protection Act*.
- In order for the Property Standards Committee to continue to hold electronic meetings and hearings in the future, the Terms of Reference have been revised and rules governing its practice and proceedings under s. 25.1 of the *Ontario Statutory Powers Procedure Act* made available for the Committee's consideration.
- Revised updated Terms of Reference have been prepared and are attached as Appendix A to this report for Council's consideration and if appropriate, adoption, and proposed Rules of Procedure for the Committee to consider when making rules governing its practice and procedure under s.25.1 of the *Statutory Powers Procedure Act* (SPPA) have been prepared and are attached as Appendix B to this report for Council's consideration and endorsement.

BACKGROUND:

The Mayor declared an emergency on March 24, 2020 due to the outbreak of COVID-19, which prevented the Town of Oakville Property Standards Committee meetings to be held 'in-person' as Town Hall was closed to the public due to the virus. Council passed By-law 2020-140 on March 7, 2020, which allowed the Committee to meet virtually until the emergency was ended. The Mayor ended the emergency on March 22, 2022, and in order for the Committee to continue to meet virtually and hold electronic meetings and hearings, a revised Terms of Reference allowing same must be adopted by Council and new Rules of Procedure need to be considered by the Committee under s. 25.1 of the SPPA to allow for electronic hearings. This will allow the Committee to meet and hear appeals of Property Standards Orders under the Property Standards By-law in the future in person, or virtually or, in a Hybrid manner with members and attendees being present in person or virtually.

There is an outstanding property standards appeal currently on file to be considered by the Committee and the Terms of Reference and the new Rules need to be updated in order to proceed.

COMMENT/OPTIONS:

The Terms of Reference attached as Appendix A have been revised and updated from 2017 in keeping with the make-up and practice of the Committee in 2022, and to allow for electronic meetings and hearings. The changes include:

- Reference to the 'Rules of Procedure' added throughout the document;
- 'The Appeal of an Order' being removed as it is now defined in the Rules of Procedure;
- Qualifications for Members has been further enhanced;
- Quorum has been changed to reflect that three members are required for a meeting or a hearing and that meetings or hearings cannot be held with only two members present and would need to be rescheduled;
- When holding business meetings, the Committee would abide by Council's Procedure By-law.

Council's endorsement of the proposed Rules of Procedure attached as Appendix B, is sought and if given, they will be sent to the Committee to be adopted in accordance with s.25.1 of the SPPA to govern the Committee's practice and procedure when holding Hearings for Appeals of Property Standards Orders. The proposed Rules of Procedure allow for electronic hearings as well as in person hearings and provide complete details of the appeal process including the requirements for requesting an appeal, the notice of hearing, the committee agenda and minutes, serving and filing of documents, hearing procedure, the making and issuing of decisions and the filing of Appeals to the Superior Court.

The revised Property Standards Committee Terms of Reference attached as Appendix A are recommended for adoption and the proposed new Rules of Procedure in Appendix B are recommended for endorsement and commendation to the Committee for its consideration.

CONSIDERATIONS:

(A) PUBLIC

The revised Terms of Reference will be publicly posted on the Town of Oakville website once adopted by Council and the proposed Rules of Procedure will also be posted on the Town of Oakville website, if adopted by the Committee.

(B) FINANCIAL

There are no financial implications with respect to this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Legal and Municipal Enforcement departments have provided input into the Terms of Reference and the Rules of Procedure.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- to be accountable in everything we do

(E) CLIMATE CHANGE/ACTION

N/A

APPENDICES:

Appendix A – Property Standards Committee Terms of Reference

Appendix B – Property Standards Committee Rules of Procedure

Prepared by:

Kathy Patrick

Manager of Council and Committee Services

Dennis Perlin

Assistant Town Solicitor

Submitted by:

Vicki Tytaneck

Town Clerk and

Doug Carr

Town Solicitor