

**Property Standards Committee**

**Terms of Reference**

**Approved by Council on**

**April 25, 2022**

## **1. The Enabling Legislation**

The Property Standards Committee is a quasi-judicial tribunal that hears appeals made to a Property Standards Order that was issued by a Property Standards Officer of the Town of Oakville. It is established 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, may appeal the Order to the Property Standards Committee. The Committee, operating under the provisions of the *Statutory Powers Procedure Act* and the Property Standards Committee Rules of Procedure, holds a hearing and 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.

## **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* and the Property Standards Committee Rules of Procedure.

### **Goal**

The goal of the Property Standards Committee is to consider appeals to Property Standards Orders issued by Property Standards Officers. It is the responsibility of the Clerk's department, to accept all applications for processing, upon submission by the appellant.

### **Alignment with the Town Corporate Strategic Goals**

This mandate of the Property Standards Committee shall meet with all Corporate Strategic Goals.

### **Interpretation**

The Property Standards Committee may hold business meetings, as necessary from time to time, (choosing a Chair, or for education sessions) Business meetings shall be conducted in accordance with the Town of Oakville Procedure By-law (rules governing the procedure of Council and its Committees). For holding hearings to deal with Property Standards Orders, the Committee shall adopt Rules of Procedure in accordance with s. 25.1 of the *Statutory Powers Procedure Act* and conduct the meeting in accordance with the *Statutory Powers Procedure Act*.

### **3. Composition, Qualifications and Quorum and Format**

#### **Composition**

The Property Standard Committee is appointed by Town Council and will be comprised of five members—three citizen appointees plus two alternate citizen appointees to fill in should vacancies arise or should one of the three citizen appointees be unable to attend a meeting or hearing. Staff representatives support the Committee but do not form part of the Committee.

The Chair of the Committee will be elected at the first business meeting or hearing 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 citizen members.

#### **Qualifications**

Citizen and alternate members will be chosen for their expertise, experience, dedication, and commitment to the mandate of the Committee and shall have the following qualifications:

- education, experience or understanding of the Building Code or fundamentals of construction and the Property Standards By-law; or
- related education, experience or an understanding of law, legislation or law enforcement; and
- must not have been convicted of a criminal offence in which a pardon has not been granted; and
- decision making skills including:
  - Ability to make sound, practical and timely judgments
  - Ability to keep an open mind while hearing all sides of an argument
  - Ability to remain impartial.

#### **Term**

Membership is to align with the term of Council. Committee members may serve for a maximum of two consecutive four year terms only, unless permitted to serve additional terms at the discretion of Council.

A member may resign from the Committee at any time, except when hearing and deciding any appeal from a Property Standards Order, by advising of their intention in writing to the Town Clerk.

## **Quorum**

Quorum in a business meeting will consist of three members. Should one of the three citizen appointees be unable to attend a business meeting, one of the alternate appointees will be asked to attend in their place. In keeping with the *Municipal Conflict of Interest Act*, the quorum can be two members to address any item where one member has a conflict of interest in that item.

Quorum in a hearing of an appeal will consist of three members in attendance without any conflicts of interest. Should any of the three citizen appointees be unable to attend and/or unable to participate in an appeal because of a conflict of interest then one or more of the alternate appointees without a conflict of interest will be asked to attend in their place.

The Committee must not hear an appeal with an even number of Committee members sitting.

If no quorum, without conflicts of interest, is present within 15 minutes after the time appointed for the commencement of the hearing, the Committee Coordinator shall reschedule the hearing.

## **Format**

Business meetings and hearings may proceed in person, by conference telephone, by video-conference, or some other form of electronic technology allowing persons to hear one another, or a combination thereof, at the discretion of the Town Clerk so long as the manner of hearing does not cause a Party significant prejudice.

# **4. Meeting Schedule**

The Property Standards Committee shall meet as required to carry on the business of the Committee and to hear appeals that have been filed with the Town Clerk.

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

# **5. Reporting Requirements and Method**

## **Minutes and Agendas**

The Committee Coordinator will give notice of each meeting to all committee members, staff representatives and the appellant(s) where there is/are hearings scheduled. 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 after any hearing will be forwarded to the appellant(s) following the meeting, and minutes of the business meeting and any hearings will be filed as part of the official record.

The Property Standards Committee decision on any hearing is the final decision at the Town, but it may be appealed to the Superior Court of Justice by notifying the Town Clerk in writing, and by applying to the Court within 14 calendar days after a copy of the Committee's decision has been sent to the appellant(s).

## **6. 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 budget requests should be identified in the town's annual operating budget.

Staff will provide administrative support to the Committee through taking minutes of meetings, distribution of agenda and general administrative coordination of meetings and hearings.

## **7. 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 Conduct Procedure. 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](http://www.oakville.ca).

### **Conflict of Interest**

A member shall declare a direct or indirect pecuniary interest in accordance with the Municipal Conflict of Interest Act, and

- a. prior to any consideration of the matter at a meeting or hearing, shall disclose the interest and the general nature thereof verbally and by filing a written statement of the interest with the Clerk at the meeting or hearing or as soon as possible afterwards;
- b. shall not take part in the discussion of, or vote on any motion in respect of the matter at a business meeting or at a hearing, as the case may be;
- c. during or after the business meeting or hearing, shall not attempt in any way to influence the voting on any such matter; and
- d. shall be included in the minutes.

A copy of each written statement shall be kept in a registry which will be available on the Town of Oakville webpage.

## APPENDIX A

### 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 recommended at the Administrative Services Committee meeting of November 10, 2009, as follows: (*in part*)**

- 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 recommended at the Administrative Services Committee meeting of August 23, 2010, as follows:**

That the citizen appointments to advisory committees and boards that are to expire in 2010 be extended "until their successors are appointed and not later than March 31, 2011" and that the term of all future citizen appointments include a proviso to enable the continuation of a term of appointment for no greater than 3 months into the year following an election year.

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 recommended at the Administrative Services Committee meeting of March 22, 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 recommended at the Administrative Services Committee meeting of February 7, 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 recommended at the Administrative Services Committee meeting of June 19, 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.