



Property Standards Committee

Rules of Procedure

Endorsed by Council on April, 25, 2022

Adopted by the Property Standards Committee Pursuant To Section 25.1 of *The Statutory Powers Procedure Act* on Day, Month, Year

PROPERTY STANDARDS COMMITTEE
RULES OF PROCEDURE

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RULE 1: INTERPRETATION

1.1 For the purposes of these rules, the following terms shall have the following meanings:

“Appeal” means an Appeal to the Property Standards Committee of a Property Standards Order;

“Appellant” means an owner or occupant that has been served with an Order and who has sent a Notice of Appeal to the Clerk within fourteen (14) days after being served with the Order;

“Appellant’s Agent” means a person authorized by an Appellant to represent the Appellant; “Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23 as amended;

“Business Day” means a day when the Oakville Town Hall is open for business and is not a Statutory Holiday nor a Saturday nor an Easter Monday;

“By-law” means the Property Standards By-law of the Town, being By-law No.2017-007, as amended;

“Chair” means the chair of the Property Standards Committee;

“Clerk” means the Town Clerk of The Corporation of the Town of Oakville or designate;

“Committee” means the Property Standards Committee of the Town;

“Committee Coordinator” means the Committee Coordinator for the Property Standards Committee as appointed by the Clerk from time to time;

“Electronic Hearing” means a hearing held by conference telephone, video conference, or some other form of electronic technology allowing persons to hear one another. For the purposes of these rules “electronic hearing” and “virtual hearing” have the same meaning;

“Hearing” means a hearing in any proceeding of the Property Standards Committee, including an electronic hearing;

“Notice of Appeal” means the Town’s prescribed form for Notices of Appeal to the Committee under these rules;

“Occupant” has the same meaning as it has in the Town’s By-law;

“Officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under section 15.1 of the *Building Code Act*;

“Owner” has the same meaning as it has in the Town’s By-law;

“Order” means a Property Standards Order made under the *Building Code Act*;

“Party” includes the Town and the Appellant;

“Proceeding” means a matter brought before the Property Standards Committee under the provisions of the By-law or the *Building Code Act*;

“Quorum” means the three members of the Property Standards Committee are in physical or virtual attendance and eligible to participate;

“Representative” means a person authorized by an Appellant to represent the Appellant;

“Statutory Holiday” means any of the following holidays:

1. Sunday
2. New Year’s Day
3. Family Day
4. Good Friday
5. Easter Monday
6. Victoria Day
7. Canada Day
8. Labour Day
9. Thanksgiving Day
10. Truth and Reconciliation Day
11. Christmas Day
12. Boxing Day
13. Any day fixed as a holiday by proclamation of the Governor General or Lieutenant Governor.

“Town” means the Corporation of the Town of Oakville.

“Vice Chair” means the Vice Chair of the Property Standards Committee.

RULE 2: GENERAL

These rules apply to all proceedings before the Committee.

- 2.1 These rules shall be applied in a manner consistent with the *Statutory Powers Procedure Act* (SPPA) and with other legislation governing the Committee.
- 2.2 The Committee may, at any time, as it deems necessary, dispense with compliance with any rules, save and except those prescribed as mandatory by the SPPA and

any other legislation governing the Committee.

- 2.3 If these rules do not provide for a matter of procedure that arises during a Hearing, the procedure shall be determined by the Committee at the Hearing.
- 2.4 These rules shall be liberally construed to secure the just, most expeditious, and cost-effective determination of every proceeding on its merits.
- 2.5 Substantial compliance with requirements respecting the contents of forms, notices or documents under these rules is sufficient.
- 2.6 The Committee may exercise any of its powers under these rules on its own initiative or at the request of a Party.
- 2.7
 - (a) Three members of the Committee constitute quorum for a Hearing.
 - (b) If no quorum is present 15 minutes after the time appointed for the commencement of the Hearing, the Committee Coordinator shall reschedule the Hearing.
 - (c) The Committee must not hear an appeal with an even number of Committee members sitting.
 - (d) The decision of a majority of Committee members is the decision of the Committee.
 - (e) Despite this Rule, if, after the commencement of a Hearing, a Committee member becomes unable to act, the remaining Committee members may continue to hear the appeal and, if Committee members constituting a simple majority of the panel are in agreement on the decision that should be given,
 - (i) they may give that decision; and
 - (ii) it is the decision of the Committee.
 - (f) If, after a Hearing continued under Rule 2.8(e), it appears that no majority decision is possible, the remaining Committee members must order that a new hearing commence with at least two different committee members.
- 2.8 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, in the discretion of the Clerk so long as the manner of hearing does not cause a Party significant prejudice.
- 2.9 Hearings will be open to the public except where the Committee is of the opinion that:
 - (a) matters involving public security may be disclosed; or

- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or
- (c) for an electronic hearing it is not practical to hold the hearing in a manner that is open to the public, in which case the Committee may hold the hearing or parts thereof in the absence of the public.

2.10 A Party may be represented by a Representative.

RULE 3: NOTICE REQUESTING AN APPEAL

- 3.1 A Notice of Appeal of an Order must be received by the Clerk within fourteen (14) days after being served the Order unless specified otherwise in the Order.
- 3.2 A Notice of Appeal may be filed by an Owner or Occupant who has been served with a Property Standards Order.
- 3.3 A Notice of Appeal shall include:
 - (a) A completed and signed Notice of Appeal (Appendix 1) that includes the following:
 - ☐ Address of property being appealed;
 - ☐ Order issue date;
 - ☐ Order compliance date;
 - ☐ Order appeal deadline date;
 - ☐ The name of the person(s) (specifically, the property owner, occupant, agent, and/or Representative) requesting the appeal and their address, telephone number, and email address;
 - ☐ The grounds and/or reasons for appeal, including any documents and photographs supporting the grounds and/or reasons for the appeal;
 - ☐ An authorization to act as agent for notice of appeal (if applicable);
 - ☐ An authorization to act as Representative for notice of appeal (if applicable); and
 - ☐ A property standards appeal fee, as set out in the Town of Oakville Rates and Fees Schedule, as amended. This fee is non-refundable.
 - (b) A copy of the Order related to the appeal.

Where Notice of Appeal is Incomplete

- 3.4 Where a person requests an Appeal by the Committee that is not substantially in accordance with Rule 3.3, the Committee Coordinator shall send to the Appellant, or

the Appellant's Agent, if represented, an Acknowledgement (Appendix 2) within 30 days of receipt of the Notice of Appeal. The Acknowledgement shall specify what additional information is required by the Committee Coordinator in order to complete the Notice of Appeal substantially in accordance with Rule 3.3.

- 3.5 Any information requested in Rule 3.4 shall be sent to the Committee Coordinator within 20 days of the date of the Acknowledgment, at the address listed in the Acknowledgement, failing which the Notice of Appeal shall be considered abandoned.

Where Notice of Appeal is Complete

- 3.6 Where an Appellant has completed a Notice of Appeal in substantial accordance with Rules 3.3 or 3.4, the Committee Coordinator shall appoint a time and place for the Hearing of the appeal in accordance with Rule 4.

RULE 4: NOTICE OF HEARING

- 4.1 A Notice of Hearing shall be sent to the Appellant or Appellant's Agent or Representative by the Committee Coordinator by electronic transmission (email), registered mail or personal service to all parties affected by the order at least twenty-five (25) business days in advance of the Hearing.
- 4.2 A Notice of Hearing shall include:
- (a) A statement of the time, place and purpose of the Hearing and details about the manner in which the Hearing will be held; and
 - (b) A statement that if the Appellant, or Appellant's Agent, does not attend the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding; and
 - (c) If the Hearing is to be an electronic hearing, a statement that the party notified may, by satisfying the Committee that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the Committee to hold the Hearing as an "in person" hearing, and an indication of the procedure to be followed for that purpose.

Effect of Non-Attendance at a Hearing

- 4.3 Where Notice of a Hearing has been given to a Party in accordance with these Rules and the Party does not attend at the Hearing, the Committee may proceed in the absence of the Party and the Party is not entitled to any further notice in the proceeding.

RULE 5: HEARING AGENDA

- 5.1 The Committee Coordinator shall prepare a Hearing Agenda (Form 3) prior to the Hearing listing the municipal addresses of the subject properties.
- 5.2 Copies of the Hearing Agenda along with copies of the Order(s) and any other relevant file information shall be sent to the Committee members for review prior to the Hearing. Copies of the Hearing agenda shall be available electronically before the Hearing and at an “in person” Hearing for the public and on the Oakville.ca.
- 5.3 If two or more Hearings before the Committee involve the same or similar questions of fact, law or policy, the Committee may,
 - (a) combine the proceedings or any part of them, with the consent of the parties;
 - (b) hear the proceedings at the same time, with the consent of the parties;
 - (c) hear the proceedings one immediately after the other; or
 - (d) stay one or more of the proceedings until after the determination of another one of them.

RULE 6: SERVING AND FILING DOCUMENTS

Documents Filed with Committee

- 6.1 If a Party intends to make use of any written or documentary evidence at the Hearing, that Party is required to serve one copy of the documents on all other parties and the Clerk and the Town’s Legal department, no later than nine (9) business days before the Hearing date.
- 6.2 For the purposes of Rule 6.1, “document” includes any report, memorandum, witness statement, sound recording, videotape, file, photograph, map, plan, survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.

Serving Documents

- 6.3 “Service” means the effective delivery of the documentation to any Party or, in the case of the Appellant, the Appellant’s Agent or Representative.
- 6.4 Service is deemed to be effective when delivered:
 - (a) Personally to the Party or, in the case of the Appellant, the Appellant’s Agent or Representative on same day of delivery;
 - (b) By registered mail on the third day after the day of mailing;

- (c) By electronic transmission (email) on the same day as the transmission.
- (d) By courier, including Priority Post, on the second full day after the document was given to the courier by the Party serving; or, at the last known address, unless the Party to whom the notice is to be given establishes that he or she, acting in good faith and through absence, accident, illness or causes beyond his/her control, failed to receive the notice until a later date or at all.

6.5 Documents delivered after 4:00 p.m. shall be deemed to have been delivered on the next day that is not a weekend day or statutory holiday.

6.6 A person who serves or files a document shall include with it a statement of the person's address, telephone number, email address, if available and the name of the proceeding to which the document relates.

Filing Documents

6.7 Documents may be filed with the Clerk's and Legal departments by any of the methods of delivery in Rule 6.4.

6.8 Any Party filing documents must file, with the documents, a statement indicating who has been served and what documents have been served.

6.9 Documents must be filed with the Clerk's and Legal department at:

The Town of Oakville
Legal Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

The Town of Oakville
Clerk's Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Failure to Serve and File Documents

6.10 If a Party fails to serve and file a document pursuant to these rules, the Party may not refer to the document in evidence at the Hearing without the Committee's consent, which may be on terms and conditions as the Committee considers just.

RULE 7: HEARING PROCEDURE

7.1 The Chair shall call the Hearing to order.

7.2 The Chair explains the purpose of the Committee and the format of the Hearing.

7.3 For each appeal heard, the Chair calls the name of the Appellant and the municipal address of the property concerned.

“In-Person” Hearings

- 7.4 The Town will present its case first. An opening submission may be made. The Town will then call their witness(es). Once called, a witness is seated at the witness table, and is sworn or affirmed. At the conclusion of the testimony of each Town witness(es), the Appellant and then the Committee may ask their own questions of the witness(es).
- 7.5 After the Town has called all of their witnesses, the Appellant may make an opening submission and call their witnesses who may be the Appellant themselves and/or other witnesses. Again, once called, a witness is seated at the witness table and sworn or affirmed. At the conclusion of the testimony of each of the Appellant’s witness(es), the Town and then the Committee may ask their own questions of the witness(es).

Electronic Hearings

- 7.6 The Town will present its case first. An opening submission may be made. The Town will then call their witness(es). Once called, a witness will be asked to turn on their video and unmute their microphone, and is sworn or affirmed. At the conclusion of the testimony of each Town witness(es), the Appellant and then the Committee may ask their own questions of the witness(es).
- 7.7 After the Town has called all of their witnesses, the Appellant may make an opening submission and call their witnesses who may be the Appellant themselves and/or other witnesses. Again, once called, a witness is asked to turn on their video and unmute their microphone, and is sworn or affirmed. At the conclusion of the testimony of each of the Appellant’s witness(es), the Town and then the Committee may ask their own questions of the witness(es).
- 7.8 An Electronic hearing is a hearing event and the Rules apply. The conduct of a hearing by conference telephone or videoconference and/or other technology does not change the obligations of witnesses and counsel to conduct themselves in accordance with the rules of professional conduct of their applicable professions.

Evidence

- 7.9 Subject to Rules 7.11 and 7.12, the Committee may admit as evidence at a Hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,
- (a) any oral testimony; and
 - (b) any document or other thing provided in accordance with Rule 6, relevant to the subject- matter of the proceeding and may act on such evidence, but the Committee may exclude anything unduly repetitious.

7.10 Nothing is admissible in evidence at a Hearing,

- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
- (b) that is inadmissible by the statute under which the Hearing arises or any other statute.

Nothing in Rule 7.10 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.

7.11 The Town and the Appellant may make their final submissions. The final submissions should include what each party is requesting of the Committee with respect to confirming, modifying or rescinding the Order and/or extending the time for complying with the Order.

7.12 The Committee may retire in person and/or electronically to deliberate in the absence of the public, the Town and the Appellant. The Committee Coordinator will retire with the Committee to record its decision.

RULE 8: THE DECISION

8.1 The Committee shall render its decision on the matter in the presence of the public, the Town and the Appellant and/or the Appellant's Agent or Representative. If the Committee determines that additional information is required to render a decision, it may adjourn the matter to a future hearing date.

8.2 In considering an Appeal, the Committee shall have all the powers and functions of the Officer who made the Order and in disposing of the matter, the Committee may,

- (a) confirm the Order;
- (b) modify the Order;
- (c) rescind the Order;
- (d) extend the time for complying with the Order;

if, in the Committee's opinion, the general intent and purpose of the By-law is maintained.

8.3 A copy of the decision including the reasons for the decision of the Committee will be sent to the Appellant by:

- (a) regular letter mail to the most recent address known to the Committee and shall be deemed to be received by the Party on the fifth day after the day it is mailed; or
- (b) by electronic transmission (email) to the most recent electronic mail address known to the Committee and shall be deemed to be received on the day after it was sent, unless that day is a weekend or statutory holiday, in which case

- the copy shall be deemed to be received on the next day that is not a weekend or statutory holiday; or
- (c) by some other method that allows proof of receipt.

Right to Appeal a Property Standards Committee Decision

- 8.4 The Town or any owner or occupant or person affected by a decision under subsection 15.3 (3.1) of the *Building Code Act*, may appeal to the Superior Court of Justice by notifying the Clerk of the Town and by applying to the Court within fourteen (14) days after a copy of the decision is sent.

RULE 9: DUTIES OF THE COMMITTEE COORDINATOR

- 9.1 The Committee Coordinator shall keep on file records of all official business of the Committee, including records of all business meetings, Notices of Appeal and Minutes of all Hearings and Decisions, including minutes of any portion of a meeting closed to the public, respecting those Notices of Appeal.
- 9.2 The Committee Coordinator shall prepare Minutes of the Committee's business meetings and Hearings.
- 9.3 The Committee Coordinator shall note the decision of the Committee on any Hearing on the form Notice of Decision (Form 5) and all voting Committee members shall sign the decision.
- 9.4 The Committee Coordinator shall send a copy of the Notice of Decision to the Appellant and to anyone else who has submitted a written request for the decision at the Hearing by mail, electronic submission (email) or some other method that allows proof of receipt.

RULE 10: SITE INSPECTIONS

- 10.1 The Committee will not as a pre-requisite or general rule, inspect subject properties prior to a Hearing, however an individual Committee member may drive by the property prior to the Hearing for information purposes. The Committee can be requested by any Party to "Take a Site Inspection" of the property as a Committee and the Committee may do so if the Committee believes such a Site Inspection would be beneficial but is not required to do so.
- 10.2 Notwithstanding 8.1 above, the Committee may reserve its decision to a later fixed time and place, pending a Site inspection by the Committee, where the Committee on request by a Party or on its own initiative determines such Site Inspection would be beneficial.
- 10.3 Where the Committee requires a Site Inspection, the Owner of the property will be

notified of the date and time for the Site Inspection and if the Site Inspection involves entry into a dwelling unit, Section 16.(1) of the Ontario Building Code Act shall apply. In undertaking the Site Inspection the Committee shall have the Appellant or Appellant's Agent or Representative and one representative from the Town in attendance with the Committee.

APPENDICES

Appendix 1: Notice of Appeal

Property Location:	
Property Owner(s)	
Address if different from location	
Owner Phone #:	

Order Issue Date:		Order Deadline for appeal date:	
Order compliance date:		Order number:	

Appellant's Name:	
Address:	
Phone Number:	
Email Address:	

Agent Name:	
Address:	
Phone Number:	
Email Address:	

- ☐ State the grounds and/or reasons for appeal, including any documents and photographs supporting the grounds and/or reasons for the appeal:

Sign:

Date:

Name:

Attachments:

- ☐ Order related to the appeal
- ☐ A property standards appeal fee, as set out in the Town of Oakville Rates and Fees Schedule, as amended. This fee is non-refundable.
- ☐ An authorization to act as agent for notice of appeal (if applicable);
- ☐ An authorization to act as representative for notice of appeal (if applicable); and

Appendix 2: Acknowledgement

DATE

FIRST NAME LAST NAME

ADDRESS

CITY, PROVINCE

POSTAL CODE

SUBJECT: ACKNOWLEDGEMENT OF RECEIPT OF APPEAL

This letter is to acknowledge receipt of an appeal regarding [insert subject matter of appeal], regarding an Order to Comply with Building Maintenance By-law 035-18, Building Code Act, S.O. Chapter C23, as amended.

The subject property is known legally as LEGAL DESCRIPTION and is known municipally as Municipal Address.

Town staff are processing your appeal and will notify you of the Notice of Appeal Hearing date and time and information on how to register and participate.

Name

Townclerk@oakville.ca

905-845-6601 ext. 6015

Appendix 3: Notice of Appeal Hearing

PROPERTY STANDARDS COMMITTEE NOTICE OF APPEAL HEARING

TAKE NOTICE that an appeal hearing has been scheduled by the Town of Oakville, regarding an Order to Comply with Town of Oakville Property Standards By-law 2017-007 as amended, under the *Building Code Act*, S.O. Chapter C23, as amended.

The subject property is known legally as LEGAL DESCRIPTION and is known municipally as Municipal Address.

The Appellant, First Name Last Name is seeking review and consideration from the Property Standards Committee regarding Order to Comply No. , attached as Appendix A. The Appellant's Notice of Appeal is attached as Appendix B.

The Property Standards Committee for the Town of Oakville will consider this appeal through an in person or electronic hearing on INSERT DATE AND TIME. The purpose of this hearing is to consider the Appellant's Appeal.

To participate in the hearing as the Appellant, Appellant's Agent, Witness and/or Interested Party, you must register by submitting an email Townclerk@oakville.ca or in writing to: Town of Oakville, Clerk's Department, 1225 Trafalgar Road, Oakville, ON L6H 0H3

If the Appellant, or Appellant's Agent, does not attend the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

Please be advised that this hearing is a formal process where parties involved will be given an opportunity to present oral, written or visual evidence related to the matter. Questions of clarification may be asked by the Committee. Those parties providing evidence will be sworn in or affirmed before they do so. The process for this hearing must comply with the Committee's Rules of Procedure and as necessary, the *Statutory Power and Procedures Act*. A copy of the Committee's Rules of Procedure are available on the Town of Oakville website.

If you wish to receive a copy of the decision of the Property Standards Committee in respect of the appeal, you must make a written request to the Clerk of the Town of Oakville by way of email or regular mail.

Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact at townclerk@oakville.ca

Name
townclerk@oakville.ca
905-845-6601 ext. 6015

Appendix 4: Agenda

PROPERTY STANDARDS COMMITTEE AGENDA

MEETING OF Month, Day, Year @ Time

1. Call to Order
2. Regrets
3. Declarations of Pecuniary Interest
4. The following appeal(s) will be heard:
5. Adjournment

Appendix 5: Notice of Decision

TAKE NOTICE that a decision has been made by the Property Standards Committee for an appeal to A Property Standards Order under the Town of Oakville Property Standards By-law 2017-007 as amended, pursuant to the *Building Code Act*, S.O. Chapter C23, as amended.

The subject property is known legally as LEGAL DESCRIPTION and is known municipally as Municipal Address.

The Appellant, First Name Last Name is seeking review and consideration from the Property Standards Committee regarding Order to Comply (Order No.), attached as Appendix A. The Appellant's Notice of Appeal is attached as Appendix B.

The Property Standards Committee has considered all written and oral submissions received before and/or during the hearing as part of their decision and renders its decision on the matter in the presence of the public, the Town and the Appellant and/or the Appellant's Agent.

☐ Order Confirmed: The decision of the Property Standards Committee is that the appeal by the Appellants, (Appellants Names) be denied and that the Property Standards Order, being Order (Order No.) is confirmed.

☐ Order is Rescinded: The decision of the Property Standards Committee is that the appeal of the Appellants (Appellants Names) is allowed and the Order is hereby rescinded.

☐ Order is Modified: The decision of the Property Standards Committee is that the appeal of the Appellants (Appellants Names) is allowed and the Order is hereby modified in the following manner:

That the following conditions be added and/or amended:

a) _____

b) _____

☐ AND/OR Time for Compliance is Extended: The decision of the Property Standards Committee is that the appeal of the Appellants (Appellants Names) is allowed and the Order is hereby modified by extending the time for compliance to ____ p.m. on the ____ day of ____, 202X.

FOR THE FOLLOWING REASONS:

- 1.
- 2.

DECISION DATED AT THE TOWN OF OAKVILLE this X day of Month, Year.

CIRCULATION DATE OF NOTICE OF DECISION: Month Day, Year

Name, Chair

Name, Member

Name, Member

I, Name, Committee Coordinator do hereby certify that the above is a true copy of the
Decision of the Property Standards Committee rendered on the XX Day of Month, Year.

Name,
Committee Coordinator
Property Standards Committee