



## REPORT

### Council

**Meeting Date: August 9, 2022**

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**FROM:** Clerk's Department  
and Legal Department

**DATE:** July 26, 2022

**SUBJECT:** **Amendment to the Property Standards Committee Terms of Reference – By-law 2022-094**

**LOCATION:** N/A

**WARD:** Town-wide

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#### **RECOMMENDATION:**

1. That the updated Property Standards Committee Terms of Reference adopted by Council on April 25, 2022 be further amended to provide that the Councillors appointed to the Appeals Committee of Council also be appointed to serve on the Property Standards Committee and the updated Property Standards Committee Terms of Reference as so amended be adopted.
2. That the membership of the existing members of the Property Standards Committee be terminated forthwith and given thanks for their service to the Town.
3. That By-law 2022-094 to appoint Councillors Beth Robertson, Janet Haslett-Theall, Jasvinder Sandhu, Marc Grant and Natalia Lishchyna, to the Property Standards Committee to serve until the end of this Council term, be passed.
4. When filling Council appointments for the new term of Council 2022 – 2026 and also future Council appointments, five (5) members of Council be appointed to the Property Standards Committee, noting it could be the same five (5) members appointed to the Appeals Committee.

#### **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*.

- Revised updated Terms of Reference were prepared and adopted by Town Council at its meeting on April 25, 2022, 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) were prepared and endorsed by Council at the same meeting.
- Quorum challenges with the existing citizen membership of three (3) members and two (2) alternate members, has resulted in the cancellation of meetings.
- Due to the quorum issues with the existing membership, staff is suggesting the Council members from the Appeals Committee also form the membership on the Property Standards Committee. Changes would have to be made to the Property Standards Committee Terms of Reference to reflect this change.

**BACKGROUND:**

Unfortunately, the existing citizen membership of the Committee have had attendance and quorum challenges throughout this Term of Council and recently have not been able to adopt the Rules of Procedure nor hear the outstanding Appeal currently on file due to lack of quorum. A fully functional Committee is required to adopt the new Rules of Procedure and Terms of Reference and hear the outstanding appeal.

**COMMENT/OPTIONS:**

To overcome the attendance and quorum difficulties of the past and meet the needs for the rest of this Council term, and into the future, it is recommended that the existing membership be terminated and the existing members thanked for their service.

In their place it is recommended that the Council Members of the Appeals Committee also be appointed to the Property Standards Committee for the remainder of this Council Term or until their successors are appointed. Thereafter it is proposed that those Council Members appointed by future Councils to the Appeals Committee also be appointed to the Property Standards Committee.

The workload for both Committees should be manageable now and in the near future. There have been relatively few Appeals Committee matters and the number of Property Standards Orders appealed have even been fewer. In addition, both Committees in hearing Appeals are local tribunals governed by the *Statutory Powers Procedure Act* and use similar Rules of Procedure or governing by-laws.

The Property Standards Committee Terms of Reference were recently revised and updated by Council from 2017 to allow for electronic meetings and hearings amongst other matters. To implement the membership change proposed in this report, the updated Terms of Reference will have to be amended to reflect that change. See Appendix A for the proposed amended updated Terms of Reference for Council's consideration and, if agreeable, then adoption.

At the time of the adoption of the updated Terms of Reference, Council also endorsed proposed new Rules of Procedure and sent them 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 allowed for electronic hearings as well as in person hearings and provided 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. Those proposed Rules of Procedure will not need to be amended to reflect the proposed change in Committee Membership because they simply refer to 'members' whomever they may be.

**CONSIDERATIONS:**

**(A) PUBLIC**

The amended updated 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 this report.

**(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 – Amended Property Standards Committee Terms of Reference  
Appendix B – By-law 2022-094

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