

Property Standards Appeal Committee

Terms of Reference

1. Name

The committee will be called the “Property Standards Appeal Committee” or “The Property Standards Committee”.

2. Purpose/Mandate

The members of the Property Standards Committee are appointed by the Council of the Township of Woolwich to hear the appeal of any owner or occupant who has been served with an Order issued under the Property Standards By-law and who is not satisfied with the terms or conditions of the Order.

3. Operation and Powers of the Committee

It is the duty of the members of the Property Standards Committee to hear all appeals and to make a decision for each appeal. In accordance with Section 15.3 (3.1) of the **Building Code Act**, the Property Standards 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 Property Standards By-law and of the Official Plan of the Township of Woolwich:

1. **confirm the Order to demolish or repair;**
2. **modify the Order to demolish or repair;**
3. **rescind the Order to demolish or repair; or**
4. **extend the time for complying with the Order.**

4. Committee Composition

The membership of the Committee shall consist of 5 residents of the Township of Woolwich. Council shall forthwith fill any vacancy that occurs in the membership of the committee.

If advertising for community members fails to generate sufficient membership then Council may appoint individual councillors to sit on the Committee.

By consensus, Committee members will choose a chair among it’s members at their first meeting. The duties of the Chair shall be as set out in the Township’s Procedural By-law with necessary modifications to apply to the Property Standards Committee. If the Chair is absent, the Committee may appoint an Acting Chair from among the Committee members.

The Mayor, as an ex-officio member, may attend any meeting of the committee.

The Township Clerk or his/her designate will act as staff liaison to the Dog Designation Appeal Committee.

One Enforcement Officer of the Township of Woolwich Enforcement Services Division, preferably the Officer that issued the Order, shall attend hearings of the Property Standards Committee. One staff member of the Corporate Services Department, as selected by the Clerk, shall attend hearings to serve as Committee Secretary. The responsibilities of the Officer and the Secretary are outlined in the procedures attached as Appendix "A" to this Terms of Reference.

5. Honorarium

The community members appointed to the Committee shall receive an honorarium of \$75 per hearing and mileage for visiting the subject properties. Council members are not paid honorariums to sit on committees but may submit mileage claims for site visits.

6. Hearing Frequency

The Property Standards Committee shall hold a hearing when an Appeal of a Property Standards is received by the Clerk.

7. Term of Office

Property Standards Committee members will be appointed for a four-year term of office aligned with the term of Council. Committee members may continue to serve up to six-months after a new term of Council until new members are appointed.

8. Meeting Procedures

The Property Standards Committee will follow the Township's Procedural By-law with necessary amendments to apply to the committee. Hearings are confidential to protect the Appellant's right to privacy. The Property Standards Committee is established under authority of the **Building Code Act**. It may deliberate in closed session but shall vote in the presence of the Appellant and the Enforcement Officer.

A quorum shall consist of a majority of the voting members appointed to the Committee. The Property Standards Committee shall not conduct business if quorum is absent.

All decisions of the Committee shall be decided by a simple majority vote of the members present. The Chair will only vote to break a tie vote or to create a tie vote. A tie vote is a negative vote and if a tie vote occurs, the motion is considered lost.

If the Property Standards Committee is unable to come to a decision in the time allotted for a hearing, it may reserve judgment and reconvene at a future date and time to be

**Property Standards Committee
Terms of Reference**

February 21, 2023

set by the Committee Secretary in consultation with the members of the Committee and the Appellant.

The Rules of Procedure for the Property Standards Committee are attached as Appendix "A" to this Terms of Reference.

**Appendix "A"
Property Standards Terms of Reference**

Rules of Procedure

Submission of Appeals to the Property Standards Committee:

An owner or occupant may appeal to the Property Standards Committee by sending a written notice of appeal to the Committee Secretary within 14 days of being served with the Order. An Order that is not appealed within the time referred to above shall be deemed to be confirmed.

Confirmed Orders:

An Order that has not been appealed, or that has been confirmed or modified by the Property Standards Committee or a judge, as the case may be, 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. If an Order is not complied with as confirmed or modified by the Property Standards Committee or a judge, the Enforcement Services Division of the Township of Woolwich will cause the property to be repaired or demolished accordingly. Expenses relating to the repair or demolition will be invoiced to the property owner and, if left unpaid, will be added to the property owner's tax bill.

File Numbering:

Hearings shall be numbered consecutively throughout the year. For example, PS1-2012, PS2-2012, etc. The Committee Secretary keeps all records and minutes for each hearing under the L01 heading in the Active File System of the Council and Information Services Division.

Length of Hearings:

Hearings should be scheduled near the end of the workday when possible. The meeting location will be booked for 45 minutes for each Appeal.

Duty of Enforcement Officer:

For each hearing, the Enforcement Officer shall provide an information package that will be attached to each agenda. The information package shall contain:

- A copy of the Order;
- A report using the Township's standard report format and stamped "confidential" that outlines why the Order was issued and provides details of the actions taken by the Enforcement Officer to date;
- A map showing the location of the subject property in the Township;
- A site map of the property identifying where the property standards issues are located;
- Colour photos of the property standards issues with each photo labelled for ease of reference. A PowerPoint presentation is recommended to be displayed at the hearing.

**Property Standards Committee
Terms of Reference**

February 21, 2023

The Enforcement Officer shall attend all hearings of the Property Standards Committee. The Officer shall provide a 5-minute verbal outline of why the Order was issued and shall answer the Committee's questions.

Duty of Committee Secretary:

A Committee Secretary selected by the Clerk shall book hearings, secure a meeting room, circulate agendas, circulate decisions and minutes, attend hearings and transcribe minutes for circulation. In accordance with Section 15.6(7) of the **Building Code Act**: "the Committee Secretary shall keep on file the records of all official business of the Property Standards Committee, including records of all applications and minutes of all decisions respecting those applications. Requests from any member of the public, other than those circulated with minutes and decisions, shall be handled under the provisions of the **Municipal Freedom of Information and Protection of Privacy Act**.

Agendas:

Property Standards Appeals are confidential. Public notice of hearings (i.e. an ad in the newspaper) is not given. Agendas with the attached information package are circulated by the Committee Secretary to: the Property Standards Committee, the Municipal Clerk or Deputy Clerk, the Enforcement Officer that issued the Order, the Appellant and his or her agent.

Order of Business:

1. The Chair will read an opening statement outlining the procedure/format of the Hearing.
2. The City will present their case and evidence first, followed by the Appellant.
3. The City and the Appellant may call and examine witnesses and may cross-examine all witnesses.
4. The Committee members are provided an opportunity to ask questions at the conclusion of the evidence provided.
5. The City and the Appellant will have an opportunity to make a closing statement.
6. The role of the Committee is to hear all the evidence and information provided and make a decision regarding the Order. Please note, the Decision made by the Committee is final and binding.

Decisions and Minutes:

The Committee Secretary transcribes minutes and submits them to the Committee Chairperson for review and approval within 5 days of the hearing. Decisions of the Committee are printed on Township letterhead and signed by the Committee Chairperson. The Committee Secretary circulates written decisions of the Property Standards Committee within five days of the date of the hearing. Minutes and decisions are circulated as follows: Property Standards Committee members, the Municipal Clerk, Enforcement Officer, Appellant.

Appeals of the Decision of the Property Standards Committee:

The Township of Woolwich or any owner or occupant or person affected by a decision of the Property Standards Committee to the Superior Court of Justice by notifying the Clerk in writing and by applying to the Court within 14 days after a copy of the decision is mailed. (**Building Code Act, Section 15.3**)