

The Corporation of the Municipality of Brockton



By-Law 2021-020

Being a By-Law to Adopt the Terms of Reference for the Property Standards Committee

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

And Whereas Section 15 of the *Building Code Act, S.O. 1992, c.23*, as amended provides that a Municipality may appoint a Property Standards Committee;

And Whereas the Council for The Corporation of the Municipality of Brockton deems it appropriate to establish a Property Standards Committee;

Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That the Terms of Reference for the Property Standards Committee as attached as Schedule "A" and forming part of this By-Law be hereby adopted.
- 2.0 That the Property Standards Committee be added to the Committee Appointment By-Law.
- 3.0 That By-Law 2007-50 be hereby rescinded.
- 4.0 That this By-Law shall come into effect upon final passage.
- 5.0 This By-Law may be cited as the "Property Standards Committee Terms of Reference By-Law".

Read, Enacted, Signed and Sealed this 9th day of February, 2021.

Mayor – Chris Peabody

Clerk – Fiona Hamilton



Property Standards Committee –Terms of Reference

Mandate

The Property Standards Committee is appointed by the Council of the Municipality of Brockton to hear the appeal of any owner or occupant who has been served with an Order issued under the Municipality of Brockton's Property Standards By-laws, as may be amended from time to time, and who wishes to appeal the terms or conditions of the Order.

Definitions

For the purposes of this By-Law, the following definitions shall apply and have the following meanings:

"Act" shall mean the *Building Code Act, 1992*, S.O. 1992, c. 23

"Brockton"

Shall mean the Corporation of the Municipality of Brockton

"Committee"

Shall mean persons appointed by Council to the Property Standards Committee to hold a hearing of an Appeal of a Property Standards Order.

"Council"

Shall mean the Council of the Corporation of the Municipality of Brockton consisting of the Mayor, Deputy Mayor and five Councillors.

"Councillor"

Shall mean a person elected or lawfully appointed to the Council of the Corporation of the Municipality of Brockton, but does not include the Mayor or Deputy Mayor.

"Chair"

Shall mean the member who presides at the Property Standards Committee meeting.

"Clerk"

Shall mean the Municipal Clerk or Deputy Clerk or designate duly appointed by Brockton Council as prescribed in Section 228 of the Act and designated by By-Law.

“Enforcement Officer”

Shall mean any individual appointed by Council by by-law as a Municipal Enforcement Officer.

“Minutes”

Shall mean a record of the proceedings and decisions of the Committee at the meeting, and shall be made by the Secretary of the Committee without note or comment.

“Secretary”

Shall be the Clerk of the Municipality of Brockton or a person designated by the Clerk.

Structure

The Committee shall consist of no less than three (3) and no more than five (5) voting members appointed by By-law and shall be Brockton residents over the age of 18. If advertising for community members fails to generate sufficient membership then Council may appoint individual Councillors to sit on the Committee.

The Committee Members must be objective, possess relevant education or experience and remain impartial when considering Appeals. The selection process of the members appointed to the Committee is at the sole discretion of Council and Council's decision is final.

By Consensus, the Committee shall appoint a Chairperson from among its members. If the Chairperson is absent, the Committee may appoint an Acting Chairperson from among the Committee Members.

Term

The Committee shall be appointed for the term of Council, but shall continue until such time as new Committee members are appointed by a new Council following an election. Members may be reappointed at the discretion of Council. Resignations from the Committee must be in writing.

Powers of the Committee

It is the duty of the members of the Property Standards Committee to hear all appeals and to issue a decision for each appeal. In accordance with Section 15.3(3.1) of the 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 Brockton's Zoning By-law and the Official Plan if applicable:

1. Confirm the Order to demolish or repair;
2. Modify the Order to demolish or repair;
3. Rescind the Order to demolish or repair;
4. Extend the time for complying with the Order.

The Committee in hearing the appeal has all the power and functions of the enforcement officer.

Hearings

The Committee shall hold a hearing when an Appeal of a Property Standards Order is received by the Clerk. 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 set by the Committee Secretary in consultation with the members of the Committee and the Appellant. Notice of the hearing shall be provided to the public in advance by posting the date and time on the Calendar on the Municipal Website.

Appeal of Decision of Committee

Any decision of the Committee may be appealed to the Ontario Superior Court of Justice by the Municipality or the owner/occupant of the Property on which the Order was made by notifying the Clerk in writing and by applying to the Court within fourteen (14) days after a copy of the decision is mailed.

Administration

1. The Committee will adhere to all aspects of Brockton's Procedural By-Law. Committee members are expected to adhere to the Brockton Council Code of Conduct. Failing to abide by the Council Code of Conduct may result in the Committee member being immediately dismissed from the Committee, following written notice.
2. The Committee shall meet as required.
3. Members of the Committee who are unable to attend a regular meeting are required to report their absence prior to the meeting date and/or time.
4. A Quorum of Members shall be a majority of Committee members and shall be required to conduct any Committee business.
5. If no Quorum is present within fifteen (15) minutes after the hour appointed for a Meeting, the Secretary shall record the names of those present and the Meeting shall stand adjourned until the next meeting. Those present may choose to continue meeting for discussion purposes only, but no decisions to advance the business of the committee shall be made.
6. 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 shall be counted as a negative vote and if a tie vote occurs the motion is considered defeated.

7. The office of a member becomes vacant if the member is absent from the meetings for three consecutive meetings without being authorized to do so by a resolution of the Committee.
8. All Committee meetings are open to the public. The Committee may deliberate privately but shall vote and make decisions openly to the public, the Appellant and the Enforcement Officer.
9. The Rules of Procedure for the Property Standards Committee are attached as Appendix "A" to these Terms of Reference.

Personnel

1. One Enforcement Officer of the Municipality of Brockton, preferably the Officer that issued the Order, shall attend hearings of the Property Standards Committee. The Clerk, or a staff person designated 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.
2. The Committee may request assistance from other members of staff at the Municipality of Brockton as the Committee may deem appropriate for the purposes of making a decision in relation to the appeal.

Financial

1. The Members of the Committee who are not also Members of Council, if applicable, will be eligible to receive an honorarium and mileage at the rate set by the Municipality of Brockton in the Fees and Charges Bylaw each year.

Appendix “A”

Rules of Procedure of the Property Standards Committee

Submission of Appeals to the Property Standards Committee

An Owner of occupant may appeal to the Property Standards Committee by sending a written notice of appeal to the Committee Secretary within fourteen (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 in accordance with the Act.

Confirmed Orders

An Order that has not been appealed, or that has been confirmed or modified by the Property Standards Committee or a judge of competent jurisdiction, 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 Municipality of Brockton 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.

An owner or occupant may be required to pay an administrative penalty as set by the Municipality of Brockton in the Fees and Charges By-law to ensure compliance with an Order. Any administrative penalties will be invoiced to the property owner and, if left unpaid, will be added to the property owner's tax bill.

Length of Hearings

Hearing should be scheduled for one (1) hour 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:

1. A copy of the Order
2. A report using Brockton's Council Report Template that outlines why the Order was issued and provides details of the actions taken by the Enforcement Officer to date
3. A map showing the location of the subject property
4. A site map of the property identifying where the property standards issues are located
5. Colour photographs of the property standards issues with each photograph labelled for ease of reference.

The Enforcement Officer shall attend all hearings of the Committee and shall provide a five (5) minute verbal outline explaining why the Order was issued and answering any of the Committee's questions.

Duty of Committee Secretary

The Committee Secretary shall book hearings, secure a meeting room circulate agendas, decisions and minutes, attend hearings and record minutes for circulation. The 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.

Agendas

Agendas with the attached information package will be circulated by the Committee Secretary to the Committee, the Enforcement Officer that issued the Order, the Appellant and his or her agent and posted on the Municipality of Brockton website.

Decisions and Minutes

The Secretary shall record minutes and submit them to the Committee at the next meeting. Once approved, the Minutes shall be signed by the Secretary and Chairperson. The Secretary circulates written decisions of the Committee to the Enforcement Officer, the Appellant and his or her agent within (5) days of the date of the hearing, and shall also post copies of the decisions available on the Municipality of Brockton website.