

THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW 24-20

A by-law to adopt Terms of Reference and Rules of Procedure for the Property Standards Committee

WHEREAS subsection 5(3) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that municipal powers, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

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 Section 15 of the Building Code Act, S.O. 1992, c. 23, as amended provides that the Property Standards Committee operate under such conditions as the by-law may establish;

AND WHEREAS Council of The Corporation of the Municipality of Greenstone deems it necessary to pass such a by-law to establish Terms of Reference for a Property Standards Committee;

NOW THEREFORE The Council of The Corporation of the Municipality of Greenstone **ENACTS AS FOLLOWS:**

1. **THAT** the business of the Property Standards Committee be conducted in accordance with the Terms of Reference set out in Schedule "A" attached hereto, which shall form part of the By-law.
2. **THAT** the Rules of Procedure of the Property Standards Committee be conducted in accordance with Appendix "A" as attached hereto, which shall form part of the By-law.
3. **THAT** By-law 19-12 is hereby repealed.
4. **THAT** this By-law comes into force on the date it is passed.

ENACTED AND PASSED this 25th day of March 2024.



Original signed and sealed by K. Miousse
March 25, 2024

Kristina Miousse, Clerk

Original signed by J. McPherson
Resolution 24-113

James McPherson, Mayor

BY-LAW 24-20 SCHEDULE A
PROPERTY STANDARDS COMMITTEE – TERMS OF REFERENCE

Mandate

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

1. Definitions

For the purposes of these Terms of Reference, the following definitions shall apply and have the following meanings:

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

"Committee"

means persons appointed by Council to the Property Standards Committee to hold a hearing of an Appeal of a Property Standards Order;

"Council"

means the Council of The Corporation of the Municipality of Greenstone consisting of the Mayor and eight Councillors;

"Councillor"

means a person elected or lawfully appointed to the Council of the Corporation of the Municipality of Greenstone other than the Mayor;

"Chair"

means the member who presides at the Property Standards Committee meeting;

"Clerk"

means the Municipal Clerk or Deputy Clerk or designate duly appointed by Greenstone Council as prescribed in Section 228 of the Municipal Act and designated by By-law;

"Enforcement Officer"

means any person appointed by Council by By-law as a By-law / Property Standards / Municipal Enforcement Officer having duties and authority hereunder;

"Minutes"

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

"Municipality"

when not used in the geographic sense means The Corporation of the Municipality of Greenstone.

"Secretary"

means the Clerk of the Municipality or a person designated by the Clerk.

2. Structure

(1) The Committee shall consist of no less than three (3) and no more than six (6) voting members appointed by By-law and shall be Greenstone residents with a maximum of one (1) member from each ward. Employees of the Corporation or one of its boards are not eligible to become members of the Committee. If advertising

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

- (2) 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.
- (3) The Committee shall elect a Chair from among its members. If the Chair is absent, the Committee may appoint an Acting Chair from among the Committee Members.

3. Term of Office

The term of office for the members of the Committee is four (4) years provided that all members are authorized to serve beyond their fixed terms of office, as required, until re-appointed or replaced. Members may be reappointed at the discretion of Council. Resignations from the Committee must be in writing.

4. Powers of the Committee

- (1) 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 Greenstone's Zoning By-law and the Official Plan if applicable:
 - a. Confirm the Order to demolish or repair;
 - b. Modify the Order to demolish or repair;
 - c. Rescind the Order to demolish or repair;
 - d. Extend the time for complying with the Order.

- (2) The Committee in hearing and disposing of the appeal has all the power and functions of the Enforcement Officer.

5. Hearings (See also Appendix "A")

- (1) When the Secretary of the Committee has received a request for a hearing under this By-law, he or she will, after consultation with the Chair of the Committee, determine the appropriate date for the hearing, to be held in the Corporation's main administration building, on a day which is not more than sixty (60) days from the date that the secretary received the request. Where suitable rooms in the administration building are not available for any reason, the Committee may hold the hearing in another appropriate forum within Greenstone.
- (2) The Secretary shall send notice of the date, time and place of the hearing to the person who submitted the request and to the Protective and Planning Services Department of the Corporation. Notice shall be sent so that the intended recipients would in the ordinary course, receive the notice not less than fourteen (14) days and not more than thirty (30) days prior to the date of the hearing.
- (3) The Committee shall hold the hearing at the date, place and time set out in the notice. This does not preclude deferrals or adjournments of the hearing in accordance with the Committee's rules of procedure.
- (4) 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 Municipal Website.

6. Appeal of Decision of Committee

Any decision of the Committee may be appealed to the Superior Court of Justice by the Municipality or the owner or the 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.

7. Administration

- (1) Committee members shall adhere to the Municipal Code of Conduct. Failing to abide by the Code of Conduct may result in the Committee member being removed 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 a quorum 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.

8. Personnel

- (1) An Enforcement Officer of the Municipality of Greenstone, 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 these Terms of Reference.
- (2) The Committee may request evidence or administrative assistance from other members of staff at the Municipality as the Committee may deem appropriate for the purposes of making a decision in relation to the appeal.

9. Financial

The Members of the Committee who are not also Members of Council, will be eligible to receive an honorarium of fifty dollars (\$50.00) per meeting and mileage

at the rate set by By-law 22-55 Schedule A Travel and Expense Reimbursement for Members of Council, Officers and Employees of the Municipality Policy.

10. Authority to Vary Orders

At any time, the Enforcement Officer who issued an Order, or another Enforcement Officer in circumstances where the issuing officer is not available, may modify the terms or requirements of the Order, including the time within which compliance with the Order must be achieved and where an Order is so modified, it shall be served as required by the Building Code Act and the modified Order may be appealed within the time prescribed by the said Act with the final date for giving notice of appeal of the modified Order to be indicated therein.

BY-LAW 24-20 APPENDIX "A"
RULES OF PROCEDURE OF THE PROPERTY STANDARDS COMMITTEE

1. Submission of Appeals to the Property Standards Committee

An Owner or occupant who is not satisfied with the terms or conditions of an Order may appeal to the Property Standards Committee by sending a written notice of appeal by registered mail 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.

2. 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 as modified by the Property Standards Committee or a Judge, the Municipality may cause the Property to be repaired or demolished accordingly. Expenses relating to the repair or demolition will be invoiced to the property owner and/or occupant and, if unpaid, may be added to the property owner's tax account and shall constitute a priority lien as prescribed in Subsection 15.4 of the Building Code Act.

An owner or occupant who has failed to comply with the Property Standards By-law or an Order as provided in Section 15.4.1 of the Act may be required to pay an administrative penalty as set by the Municipality. Any administrative penalties will be invoiced to the person in default and, if left unpaid, may be added to the tax roll or rolls as described in Subsection 15.4.2 of the Act.

3. Length of Hearings

Where practicable and fair, a hearing should initially be scheduled for one (1) hour for each appeal.

4. 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. A copy of the Order;
- b. A report that outlines why the Order was issued and provides details of the actions taken by the Enforcement Officer to date;
- c. A map showing the location of the subject property
- d. A site map of the property identifying where the property standards issues are located
- e. Colour photographs of the property standards issues with each photograph labelled for ease of reference.

5. Evidence and Submissions

- (1) The Enforcement Officer shall attend all hearings of the Committee and shall provide a preliminary five (5) minute verbal outline explaining why the Order was issued and answering any of the Committee's questions.
- (2) Following the Enforcement Officer's preliminary outline, the Appellant shall be entitled to provide evidence in support of the Appeal to which the Enforcement Officer may respond personally or through other witnesses or evidence and the

Appellant shall thereafter be entitled to a limited reply to new, fresh or unanticipated evidence submitted by the Officer.

- (1) The Committee may vary the order and rules of proceedings as it may deem just and shall permit the Enforcement Officer and the Appellant to make Submissions or Arguments following the completion of the evidence.
- (2) The Municipality shall be entitled to participate fully in the Hearing and to provide evidence and submissions in addition to those of the Enforcement Officer and Appellant.
- (3) Any party may be assisted by legal counsel or other representation.

6. 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.

7. Agendas

Agendas with the attached information package shall 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 Greenstone website.

8. 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 shall circulate 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 Greenstone website.