

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2012-21

BEING A BY-LAW TO ADOPT TERMS OF REFERENCE FOR THE PROPERTY STANDARDS COMMITTEE

WHEREAS the *Ontario Building Code Act*, S.O. 1992, Chapter 23, Section 15.6(1) requires that a By-law be enacted under Section 15.1(3) of the *Ontario Building Code Act* to provide for the establishment of a Property Standards Committee;

AND WHEREAS the Council of the Corporation of the Township of Severn established a Property Standards Committee in accordance with Section 15.1(3) of the *Ontario Building Code Act*;

AND WHEREAS it is deemed expedient to adopt Terms of Reference for the Property Standards Committee;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. That the Terms of Reference for the Property Standards Committee be and they are hereby adopted in accordance with Schedule "A" attached hereto and forming part of this By-law.
2. That this By-law shall come into force and effect on the date of passing thereof.

By-law read a first and second time this 1st day of March, 2012.

By-law read a third time and finally passed this 1st day of March, 2012.

CORPORATION OF THE TOWNSHIP OF SEVERN


MAYOR


CLERK-TREASURER

SCHEDULE "A" TO BY-LAW NO. 2012-21

THE CORPORATION OF THE TOWNSHIP OF SEVERN

Township of Severn Property Standards Committee

TERMS OF REFERENCE

Purpose

The Property Standards Committee is established by Council to hear appeals to orders issued pursuant to the Property Standards By-law.

Composition

The Committee of Adjustment shall be appointed as the Property Standards Committee on behalf of the Township of Severn.

Chair

The Committee shall appoint a Chair and Vice-Chair from among its members prior to the appeal proceedings. The Chair shall preside over the hearing and may expel any person for improper conduct at a hearing.

Voting

A quorum shall mean a majority of the whole number of the members of the Committee. Each member shall be eligible for one (1) vote. Where there is a tie vote, the motion shall be lost and a new motion brought forward. All decisions of the Committee shall be final and binding.

The meeting shall not be closed to the public during the taking of a vote.

Mandate

The Property Standards Committee is established under the authority of Section 15.6(1) of the *Building Code Act* and the Township of Severn By-law to administer appeals and prescribe the standards for the maintenance and occupancy of property within the municipality. The Committee shall be required to act as a quasi-judicial body. In accordance with the Act, the Committee may adopt its own rules of procedure and any member may administer oaths.

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with Section 15 of the *Building Code Act* and the Property Standards By-law.

Appeals

An owner or occupant who has been served with an Order, and who is not satisfied with the terms or conditions of the Order, may appeal to the Property Standards Committee by sending a Notice of Appeal (**Appendix "1"**) by registered mail to the Secretary of the Committee within 14 days after being served with the Order. In the event that no appeal is taken, the Order shall be deemed to have been confirmed. (*Building Code Act, S.O.*) In accordance with the Property Standards By-law, all Notices of Appeal shall be accompanied by a non-refundable payment of \$250.00.

The Property Standards Committee shall hear the appeals received in accordance with the procedures. On an appeal, the Committee has all the powers and functions of the Officer who made the Order and the Committee shall do one of the following actions if, in the opinion of the Committee, doing so would maintain the general intent and purpose of the Property Standards By-law, Official Plan or Policy Statement:

1. Confirm, modify or rescind the Order to demolish or repair; and
2. Extend the time for complying with the Order.

Notice of an Appeal

Notice of an Appeal shall be prepared by the Secretary (**Appendix "2"**) and mailed to all parties involved, posted at the Outdoor Notice Boards and on the Township Website at least two (2) weeks prior to the scheduled hearing. The Notice shall contain a general description of the matter, location, date and time of the meeting and instructions for obtaining additional information.

Secretary

As provided in the Act, a Secretary for the Property Standards Committee shall be appointed by the Chief Administrative Officer to perform the following duties:

1. Give notice of the Appeal Hearing to all interested parties as directed by the Committee;
2. Attend all meetings of the Committee;
3. Prepare all background information for consideration by the Committee;
4. Keep on file the records of all official business of the Committee;
5. Keep on file records of all applications;
6. Record minutes of the meeting and all decisions respecting appeal applications; and
7. Give notice of the decision to all interested parties as directed by the Committee.

Appeal Hearings

All Appeal Hearings shall be held at the Township Administration Office and in accordance with the *Building Code Act*, the *Municipal Act* and all other relevant legislation.

All meetings of the Committee shall be open to the public. Part of a meeting may be closed to the public if the subject matter being considered is:

- the security of the property of the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a Council, Board, Committee or other body may hold a closed meeting under another Act.

Before holding a closed meeting, the Committee shall state by resolution:

- the fact of the holding of the closed meeting; and
- the general nature of the matter to be considered at the closed meeting.

All deliberations held in closed session shall remain confidential and the minutes shall be recorded without note or comment and remain confidential.

Appeal Hearing Procedures

1. An appeal hearing shall be called to order by the Chair.
2. The Chair shall call for any requests for deferral of an appeal or any requests for withdrawal of an appeal.
3. An appeal shall only be deferred upon reasonable cause as determined by the Committee.
4. If no requests are received, the Chair shall request the Property Standards Officer to present all of the evidence, including witnesses to support the Order under the Property Standards By-law.
5. The Appellant and members of the Committee may then question the evidence provided by the Property Standards Officer.

6. The Committee shall provide the Appellant with an opportunity to present his/her appeal, including witnesses.
7. The Property Standards Officer and members of the Committee may question the Appellant on his/her appeal.
8. The Property Standards Officer or the Appellant the right to re-call any of their own witnesses for the purpose of clarification of evidence already before the Committee.
9. The Committee shall provide any person having an interest in the appeal to express their comments to the Committee.
10. The Committee shall give the Appellant an opportunity to respond to any comments, correspondence or proposed conditions brought forward at the appeal.
11. Once all of the evidence has been heard in respect of the appeal, the Committee shall deliberate on their decision and enact a resolution stating their decision which shall be final and binding on all parties.

Notice of the Decision to an Appeal

Notice of the decision to an Appeal shall be prepared by the Secretary (**Appendix "3"**) and mailed to all parties involved, posted at the Outdoor Notice Boards and on the Township Website.



Appendix "1"

NOTICE OF APPEAL TO THE PROPERTY STANDARDS COMMITTEE

Property Standards Committee
c/o Secretary
Township of Severn
P.O. Box 159
Orillia, Ontario
L3V 6J3

**ALL NOTICES OF APPEAL
SHALL BE ACCOMPANIED
WITH A NON-REFUNDABLE
\$250.00 FEE.**

RE: Order to Remedy Violation of Standards of Maintenance & Occupancy at

(Description of Location of Property in Violation)

Property Owner (or Agent) _____

Address _____

Telephone No. _____

Date of Order to Remedy _____

Location of Property _____

I hereby give notice of an appeal of the undersigned to the Property Standards Committee for the Township of Severn because of dissatisfaction with the above-referenced Order to Remedy.

Appeal to Property Standards Committee

An owner or occupant who has been served with an Order, and who is not satisfied with the terms or conditions of the Order, may appeal to the Property Standards Committee by sending a Notice of Appeal (**Appendix "1"**) by registered mail to the Secretary of the Committee within 14 days after being served with the Order. In the event that no appeal is taken, the Order shall be deemed to have been confirmed. (*Building Code Act, S.O.*)

Owner (Agent) Signature _____ **Date** _____



**NOTICE OF HEARING DATE FOR
PROPERTY STANDARDS APPEAL**

(Name)
(Address)
(City, Province)
(Postal Code)

RE: Order to Remedy Violation of Standards of Maintenance & Occupancy at

(Description of Location of Property in Violation)

Dear Sir/Madam:

This notice is to advise you that we have received your appeal to the Property Standards Order for the property noted above. A hearing date has been scheduled for:

(Date)
(Time)
(Location)

Please be advised that the Committee may proceed with the hearing in your absence. If you need further details, please contact the Secretary at _____

Secretary, Property Standards Committee
c.c. Appellant
Property Standards Officer
Committee Members



Appendix "3"

(Date)

(Appellant Name)

(Address)

(City, Province)

(Postal Code)

RE: (Address of Property)

Please be advised that the Property Standards Committee has heard your appeal to the Order issued under the Property Standards By-law, dated _____ with a compliance date of _____ on (date of meeting).

It is hereby declared that our decision is as follows:

The decision rendered above may be appealed to a Judge of the Ontario Court (General Division) within fourteen (14) days by notifying the Clerk of the Corporation of the Township of Severn in writing and by applying to the Ontario Court for an appointment as provided for in Section 15. the *Ontario Building Code Act*.

If you have any questions on this matter, please contact the Clerk's Department at the Township of Severn.

Chairman, Property Standards Committee

Member, Property Standards Committee

Member, Property Standards Committee

Member, Property Standards Committee

Member, Property Standards Committee