

SCHEDULE 'A'
TO BY-LAW 2013-23

TERMS OF REFERENCES

PROPERTY STANDARDS COMMITTEE

Established:

This Committee shall be established pursuant to section 15.6 of *the Ontario Building Code Act R.S.O. 1992, c. 23 as amended*.

The Property Standards Committee shall hear the Appeal of a Property Standards ORDER, given under the Township of Perry Property Standards By-law, and have all the powers and functions of the Officer who made the ORDER.

Membership:

1. The Committee shall be composed of a minimum of at least three (3) persons and not more than five (5) members, as the Council deems advisable.
2. The Property Standards Committee shall hold Office during the term of Council of the Corporation of the Township of Perry and shall have the powers and perform the duties of the Property Standards Committee for the Municipality as prescribed in Section 15.3 (3.1) *The Ontario Building Code Act, R.S.O. 1992, c. 23*.
3. The committee, from its members, shall elect a chairperson, at a meeting, arranged by the secretary, shortly thereafter their appointment to said committee by council.
4. When the chairperson is absent through illness or otherwise, the committee may appoint another member to act as chairperson.
5. Two (2) members of the committee shall constitute a quorum if the committee consists of three persons and three (3) members of the committee shall constitute a quorum if the committee consists of four to five persons.
6. The Council of the Township of Perry will appoint the staff member who will serve as the Secretary for the Committee. The Secretary shall not have voting powers. The Secretary shall be paid the meeting fee as set out in the current wage by-law for the municipality.
7. The Committee members will receive \$50.00 for each Appeal heard.

Responsibility of the Committee Members:

Chairperson

1. The Chairperson shall insure oaths are administered.
2. The Chairperson is responsible to ensure that the corporation and the appellant are provided equal opportunity to give evidence in said Appeal.
3. The Chairperson shall ensure that the evidence is presented in accordance to procedures outlined in this document.
4. The Chairperson is responsible for the conduct of the meeting/appeal.

Secretary

1. The secretary if the Committee, upon receipt of the Notice of Appeal shall:
 - (a) determine the date, place and time of the hearing of the appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforesaid notice; and

(b) give notice in writing of the date, place and time of the hearing to:

- (i) the appellant;
- (ii) the officer who issued the order; and
- (iii) any others as the Committee may consider advisable

2. The secretary of the Committee shall notify:

- (a) the appellant;
- (b) the officer who issued the order; and
- (c) any other person who appeared at the hearing of the appeal, of the decision, by causing a copy to be served personally or by registered mail.

Duties of the Committee:

1. A duty arises when an Officer issues an ORDER pursuant to section 15.2.2 or 15.7 of the *Ontario building Code Act, 1992, c. 23*, and
2. When the owner or occupant upon whom an ORDER has been issued is not satisfied with the ORDER or the terms or conditions thereof, the owner or occupant may appeal to the Committee by sending a Notice of Appeal, by registered mail, to the Secretary of the Committee, within fourteen (14) days after service of the ORDER and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed.
3. The Committee shall hold the hearing at the date, place and time set out in the notice and shall have all the powers and functions of an Officer.
4. The Committee shall hear all evidence from the Corporation of the Township of Perry and the Appellant in accordance with the rules of evidence.

Procedure for an Appeal:

- The Committee will be given copies of the following:
 - Property Standards By-Law
 - Copy of the ORDER and Informal Notice (if applicable)
- The Corporation will present its evidence to the Committee first – witness testimony and documentary evidence
 - The chairperson prior to allowing any witness to give testimony will have the witness make OATH. The witness will take an oath swearing that he will tell the truth or he will affirm that he will tell the truth.
 - The appellant and the Committee will have the opportunity to question any Corporation witness, when the Corporation is finished with their line of questioning for that particular witness. (Cross examination)
 - The Corporation will have the opportunity to clarify any evidence brought out in cross-examination – meaning address the witness again by asking questions. (re-examination)
- Once the Corporation has completed its evidence, the Appellant may present its evidence.
 - The parallel procedure applies as above.
- Upon completion of the Appellant's evidence the Corporation has the opportunity to give Reply Evidence. Meaning, if during the course of the defense, the appellant or witness have raised an issue not previously raised by the Corporation then as Reply Evidence the Corporation may call evidence on the point, which had not been previously raised.
- Once the evidence for the appellant and the Corporation is completed, they will have the opportunity to summarize their evidence to persuade the Committee as to what conclusions he or she should draw from the evidence.

5. The Property Standards Committee may:
 - a) confirm the ORDER;
 - b) Modify or rescind the ORDER; or
 - c) extend the time for complying with the ORDER provided that the general intent and purpose of the By-law is maintained.
6. The Committee shall give its decision in writing within 10 working days.
7. The Corporation or any owner or occupant or person affected by the Committee's decision may appeal to a judge of the Ontario Court (General Division) by notifying the clerk of the corporation in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision.