



Municipality of French River

PROPERTY STANDARDS & BY-LAW APPEAL COMMITTEE

RULES OF PROCEDURE

Prepared by the Municipal Clerk of the Municipality of French River
dated October 23, 2024

Part 1: Short Title

This procedural manual shall be known as the "Rules of Procedure" for the Municipality of French River's Property Standards & By-law Appeal Committee (Appeal Committee).

Part 2: Definitions

"Appellant" means an individual, corporation or partnership that is seeking a ruling from the By-law Appeal Committee.

"Application" means a request for reconsideration of a decision of Municipal administration.

"Chair" means the Chair of the Appeal Committee, as appointed by the members.

"Appeal Committee" means a panel of three members of the public, appointed by Council of the Municipality of French River for the purpose of hearing appeals of administrative decisions under by-laws, as permitted under those by-laws.

"Interested Party" means any person who wishes to make representations to the Appeal Committee in relation to an application under consideration.

"Municipal Appeal Documents" means any documents published on the Municipal website relating to the Appeal Committee, as amended from time to time.

"Representative" refers to a licensee, as defined by the *Law Society Act*, R.S.O. 1990, c. L.8.

"Rules of Procedure" shall mean the rules and regulations hereinafter provided in this document.

Part 3: General Rules

3.1 The rules and regulations contained in these Rules of Procedure shall be observed in all hearings. Any rule contained within shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.

3.2 Where these rules are silent, the principles, policies and procedures established by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, shall be followed.

Part 4: Publication of Rules

4.1 A written copy of the rules shall be made available as reference material for any Appellant or Interested Party at every hearing.

Part 5: Hearings

5.1 Request for Hearing

Where an Appellant wishes to request a hearing regarding an appealable decision under a By-law, the Appellant shall provide the following to the Municipal Clerk within 30 days of delivery of notice of the decision being appealed:

- a) A written request for a hearing in accordance with any Municipal Appeal Documents for this purpose;
- b) Identification of the Appellant and any other known interested parties;
- c) The address and telephone number for the Appellant or their Representative;
- d) Any fee established under the Municipality's User Fees By-law;

*Applicants who require accommodations for participation at a hearing are requested to discuss those requests with the Municipal Clerk upon the filing of your appeal. The Municipality will attempt to make the necessary arrangements.

5.2 Location of Hearings

All hearings of the Appeal Committee shall be conducted in Council Chambers at the Municipal Complex, located at 44 St. Christophe Street, Noelville.

5.3 Hearings to be Open to Public

All hearings are to be open to the public. The exceptions to the open hearing requirement are those portions where "in camera" meetings are permitted pursuant to section 239 of the *Municipal Act, 2001*. During in camera meetings, only the Municipal Solicitor, Municipal Clerk and/or Deputy Clerk may remain in the room.

5.4 Appearance before Appeal Committee

An Appellant or Interested Party may appear and be heard, either orally, or by written brief, in person or by his/her Representative.

5.5 Disclosures of Pecuniary Interest

If a member has any pecuniary interest, in any matter in which the Appeal Committee is engaged and if they are present at a hearing, they shall disclose their interest and the general nature thereof and shall not take part in the consideration or discussion of the matter.

5.6 Decision Format

All decisions of the Appeal Committee are to be delivered orally by the Chair of the Appeal Committee followed by a written decision either by email or mail.

5.7 Quorum

Quorum for the Appeal Committee shall be two members of the Appeal Committee. Where only two members are present, a decision of the Appeal Committee must be unanimous. Where more than two members are present, a decision of the majority shall constitute the Appeal Committee's decision.

Part 6: Notice of Hearings

6.1 Notice

Notice shall be furnished to the contact particulars provided by the Appellant, and if furnished to said contact particulars by regular mail, by email, by fax, by personal service or by courier shall be deemed adequate, if mailed, emailed or served at least 15 calendar days prior to the scheduled hearing. The Notice shall also be published on the Municipal Website.

6.2 Service of other Documents

Any regulation, order, direction, decision, report or other document may, unless in any case otherwise provided, be served in like manner as notice may be given under this section.

Part 7: General Jurisdiction and Powers

The Appeal Committee has jurisdiction and power:

- 7.1 To hear and determine all applications made, proceedings instituted and matters brought before it and for such purpose to make such orders, give such directions, issue such approvals, deny or vary applications and otherwise do and perform all such acts, matters, deeds and things, as may be necessary or incidental to the exercise of the powers conferred upon the Appeal Committee;
- 7.2 To perform such other functions and duties as are now or hereafter conferred upon or assigned to the Appeal Committee by Municipal By-Law or under statutory authority;
- 7.3 To make, give or issue or refuse to make, give or issue any order, directions, regulation, rule, permission, approval, certificate or direction, which it has power to make, give or issue;
- 7.4 To hold hearings or other proceedings by a conference telephone call, by videoconference or any other electronic or automated means, subject to any rules made by the Appeal Committee regulating their use.
- 7.5 The Appeal Committee, as to all matters within its jurisdiction, has authority to hear and determine all questions of law or of fact.

Part 8: Dismissal without Hearing

- 8.1 Despite the *Statutory Powers Procedure Act* or any other Act, the Appeal Committee may dismiss any matter brought before it without holding a hearing on its own motion if:
 - a) the fee(s) prescribed under a valid Municipal fees and charges bylaw, have not been paid;
 - b) the Appellant fails to attend the hearing and the matter has been adjourned at least one time previously. Alternatively, the Appeal Committee may proceed in the absence of the Appellant if the Appellant fails to attend the hearing;
 - c) the Appellant fails to follow timelines for filling an appeal established under these Rules of Procedure; or
 - d) the Appellant does not comply with any other rule under these Rules of Procedure.

Part 9: Procedures and Evidence at Hearing

- 9.1 The rules of evidence hereinafter established will be substantially followed by the Appeal Committee. If appropriate, and upon consultation, the Chair may relax such rules when in their judgment such relaxation would not impair the rights of any party and would more speedily conclude the presentation of the claim.
- 9.2 The general order of the presentation of evidence at a hearing shall be as follows:
 - a) the Appellant shall introduce evidence (including witnesses) and/or make submissions;
 - b) the Municipality's representative shall introduce evidence (including witnesses) and/or make submissions;
 - c) any Interested Party may introduce evidence (including witnesses) and/or make submissions;
 - d) Committee Members may ask questions of the parties at any point in time during the proceedings. In the event that the Appeal Committee poses a question, each party to the proceeding shall be given an opportunity to answer the question;
 - e) rebuttal evidence shall only be permitted where necessary in the opinion of the Appeal Committee.
- 9.3 Neither the Appellant, an Interested Party nor the Municipality's representative may introduce testimony of more than two witnesses at a hearing, except with leave of the Chair.
- 9.4 The presentation of evidence by the Appellant is limited to 30 minutes in total duration.
- 9.5 The presentation of evidence by the Municipality is limited to 30 minutes in total duration.
- 9.6 The presentation of evidence by an Interested Party is limited to 15 minutes in total duration.
- 9.7 Closing submissions by any party are limited to 5 minutes in duration.
- 9.8 Time extensions to any of the foregoing are at the sole discretion of the Chair.
- 9.9 No party has any right to a deposition, affidavit of documents, examination for discovery or similar mechanism to question or obtain documents from the opposing party under oath prior to a hearing.
- 9.10 The parties may file an agreed statement of facts in writing or by stipulation in the record, which will be treated in all respects as evidence.
- 9.11 Affidavit evidence is not permissible unless specifically permitted by the Chair.
- 9.12 The Chair shall rule upon all questions of procedure and in the event that evidence is taken, on the admissibility of the evidence where so challenged. The Chair and the Appeal Committee may consult with the Municipal Solicitor on such matters. The decision of the Chair shall be final.

9.13 The Chair may allow oral hearsay evidence to be admitted and shall assess the weight of the said evidence accordingly. Oral references to Municipal policies or administrative practices may be considered without a copy of the applicable document.

Part 10: Appeal Committee's Criteria for Making Decisions

10.1 The Appeal Committee shall apply the criteria established under each by-law applicable to the particular hearing in making its decision.

Part 11: Decisions of Appeal Committee to be Final

11.1 Every decision or order of the Appeal Committee is final, without right of appeal to any Court or the Municipal Council.

Part 12: Costs

12.1 The Appeal Committee does not have the power or authority to order costs to any party with respect to a hearing or application for a hearing.