



## Schedule 'A' to By-law 2024-43

### Property Standards and By-law Appeal Committee Terms of Reference

#### 1.0 Purpose

The Municipality of French River's Property Standards and By-law Appeal Committee is a quasi-judicial body that hears appeals based on designations/orders laid under the Property Standards By-law, Responsible Animal Ownership By-law and any other Municipal By-laws that provide for a right to appeal decisions of a municipal administrative official.

#### 2.0 Mandate

##### 2.1. Mandate of the Property Standards Committee

The Committee shall hear appeals by property owners or their agents who have received an order laid under the Municipality's Property Standard By-law, which establishes the minimum levels of maintenance of properties and buildings in the Municipality. The Committee has the authority to confirm, modify or rescind an order to demolish/repair or to extend the time for complying with an Order under the By-law.

##### 2.2. Mandate of the By-law Appeal Committee - Responsible Animal Ownership By-law

The Committee shall hear appeals by dog owners who have received notice that their dog was deemed a vicious dog under the Responsible Animal Ownership By-law. The Committee has the authority to confirm, modify or rescind the designation/order made under the By-law.

##### 2.3. Mandate of the By-law Appeal Committee

The Committee shall hear appeals from the decision of municipal administrative officials under Municipal By-laws, where those by-laws specifically provide a right of appeal to the By-law Appeal Committee.

#### 3.0 Committee Composition

3.1. The Committee shall be composed of at least three (3) appointed citizen members, appointed by Resolution for the same duration of the term of Council.

3.2. The Committee shall appoint a Chair from amongst themselves, when the Chair is absent through illness or otherwise, the committee may appoint another member to act as Acting Chair for that specific hearing.

3.3. The Clerk shall be the Secretary and Staff Support to the Committee who shall provide administrative, procedural and technical support, who shall keep on file, the records of all official business of the Committee, including records of appeal and minutes of all decisions respecting those appeals.

3.4. Quorum is achieved when a majority of the Committee Members are present.

3.5. A person ceases to be a member of the Committee when they are:

- absent from three (3) consecutive meetings without reason satisfactory to the Committee; or
- absent in excess of 1/3 or more of all meetings over a twelve (12) month period without reason satisfactory to the Committee.

## **4.0 Membership Eligibility Criteria**

4.1 To facilitate the nomination and appointment of citizen members to the Committee, with the aim of achieving diverse representatives, the following criteria will be considered:

- Residency - Members must be at least 18 years of age and a tenant or owner of land in the Municipality of French River, or the spouse/partner of such owner or tenant.
- Technical Expertise – Preference may be given to eligible candidates that have the following skills:
  - Knowledge and prior experience in administrative law;
  - Ability to carry out a fair and impartial hearing;
  - Ability to communicate effectively with the public;
  - Ability to write a clear and concise decision; and
  - Excellent written and oral communication skills.
- Community Representatives - Consideration shall be given to the individual's level of participation and knowledge of legal tribunal governance, land use and real estate experience. The relevance of their interests to the mandate of the Committee will be an important consideration.
- Availability - It is imperative that an applicant be able to attend as many Committee meetings as possible and undertake work outside of the regular meetings.

## **5.0 Role of the Chair**

5.1. The role of the Chair is:

- Preside at the meetings of the Committee in accordance with the Municipality of French River's Procedural By-law.
- Provide guidance and leadership to the Committee as required.
- Ensure that each hearing abides by all rules of procedure and conduct, and that decorum is maintained.

## **6.0 Role of the Committee Members**

6.1. The role of the Committee Members is to:

- Review appeals in advance of hearings
- Attend all hearings, consider the appeals presented, and make decisions in public regarding the appeals.
- Contribute time, knowledge, skill and expertise to the fulfillment of the Committee's mandate.
- Provide notification to the Staff Support if unable to attend a hearing to ensure that quorum will be available.

## **7.0 Hearings**

7.1. All hearings shall be open, and no person shall be excluded therefrom, except for improper conduct or for matters identified in section 239(2) of the Municipal Act, 2001, S.O. 2001, c. 25.

7.2. Hearings will be conducted in accordance with the rules established by the respective by-law (Property Standard By-law or the Responsible Animal Ownership By-law), the Statutory Powers Procedure Act, and the Building Code Act, as appropriate.

- 7.3. Hearings are attended by the Committee Members, Municipal Staff, appellants and/or their agent, and any member of the public who wishes to observe or participate in the proceedings.
- 7.4. Hearings shall take place in the Council Chamber in the Municipal Complex.
- 7.5. All matters proposed to be resolved in a closed hearing must first be approved by the Clerk to ensure a closed session is appropriate.
- 7.6. The Chair shall cause notice of the hearings, including the agenda for the hearings in accordance with the Municipality's Procedural By-law.
- 7.7. Hearings may proceed in person, or virtually, at the discretion of the Committee so long as the manner of hearing does not cause a Party to the hearing significant prejudice.
- 7.8. Any decision of the Committee is final.
- 7.9. Where a person has requested a hearing and does not appear at the appointed time, the Committee may dismiss the hearing as abandoned or, where it has cause to believe it would be beneficial, may adjourn the hearing to allow the requester an opportunity to be present.
- 7.10. If the hearing is dismissed as abandoned by the Committee, the Designation/Order set out the by the respective by-law shall be considered confirmed by the Committee and there shall be no further right to appeal.

## **8.0 Remuneration**

- 8.1. The remuneration of the Members shall be in accordance with the payment amount set out in the Property Standards By-law or any other Municipal By-law that provides a right to appeal.