

THE CORPORATION OF THE MUNICIPALITY OF SOUTH BRUCE

BY-LAW #2013-64

**BEING A BY-LAW TO ESTABLISH TERMS OF REFERENCE
FOR THE MUNICIPALITY OF SOUTH BRUCE PROPERTY
STANDARDS COMMITTEE.**

WHEREAS pursuant to Section 23.1 of the *Municipal Act*, R.S.O., 2001, every Council may pass such by-laws to delegate to a committee of council any powers, duties or functions;

AND WHEREAS Subsections 15.3-(3), and 15.6-(1) – (9), outlines the duties, rules and powers of Property Standards as regulated by the Ontario Building Code. The role of the Property Standards Committee is in Subsection 15.3(3) **Duty of Committee**. The committee shall hear the appeal. 2002, c.9. s.24

AND WHEREAS the Council of the Corporation of the Municipality of South Bruce deems it expedient: to establish terms of reference for the Property Standards Committee;

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF SOUTH BRUCE
ENACTS AS FOLLOWS:**

1. Schedule “A”, attached, be adopted as terms of reference for the Municipality of South Bruce Property Standards Committee
2. That Schedule A constitute part of this by-law
3. That this by-law shall come into force and effect on the date of passing

**THAT THIS BY LAW BE READ, ENACTED, SIGNED AND SEALED THIS 27th DAY
OF August, 2013.**

Original signed

Bill Goetz, MAYOR

Original signed

Sharon Chambers, CAO/CLERK

SEAL

Municipality of South Bruce

Property Standards Review Committee

Terms of Reference

1.0 Enabling Legislation

Appeal of order

Section 15.3 of the Building Code Act states:

15.3 (1) An owner or occupant who has been served with an order made under subsection 15.2 (2) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the Municipal Clerk within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the 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 by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2001, c. 9, 2. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge’s powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224(8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), 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. 1997, c. 24, s. 224

(8) Power of municipality if an order not complied with 15.4 (1) If an order of an officer under section 15.2 (2) is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the committee or a judge, the municipality may cause the property to be repaired or demolished accordingly.

1997, c. 24, s.224 (8), or may prosecute the person for failing to comply with a final and binding order.

Warrantless entry

- (2) For the purpose of subsection (1), employees or agents of the municipality may enter the property at any reasonable time without a warrant in order to repair or demolish the property. 1997, c. 24, s. 224 (8).

No liability

- (3) Despite subsection 31 (2), a municipal corporation or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (1).1997, c. 24, s. 224 (8).

2.0 Responsibilities

It is the responsibility of the Property Standards Committee to hear and determine all appeals in accordance with the procedures established under the provisions of the Statutory Powers Procedure Act.

This Committee considers appeals to Property Standards Orders issued by Property Standards Officers. (By-law Enforcement Officer) It is the responsibility of the Secretary to the Property Standards Committee to accept all applications for processing, upon submission by the appellant. The Committee is authorized by the Building Code Act to:

- Hear an appeal filed by the appellant
- The Committee has all the powers of the Property Standards Officer and may confirm the Order or may modify or rescind it, or may extend the time for complying with the Order.
- When an appeal has been taken, the Committee shall give notice or direct that notice be given of such hearing to such person as the Committee considers should receive such notice.

3.0 Composition

- 3.1 The Committee shall be comprised of (3) citizen appointments.

4.0 Committee Chair

- 4.1 The Chair shall be elected by a majority of committee members for a one year term at the first meeting of each calendar year. An individual shall only act as a Chair for a maximum of two consecutive years unless the committee determines otherwise with the unanimous consent of its membership.
- 4.2 The Chair's role is to provide guidance and leadership to the committee in the completion of its mandate. The Chair shall exercise such authority and perform such duties as the Building Code Act prescribes.
- 4.3 The Chair shall ensure that decorum is maintained at each meeting and that the rules of procedure, as per the current Municipal Procedural By-law are observed.

5.0 Committee Members

- 5.1 Committee members shall contribute time, knowledge, skill and expertise to the fulfillment of the committee's mandate, which is to hear appeals against a Property Standards Order.
- 5.2 The appointment of a citizen member to a committee shall be rescinded should the member be absent from three consecutive meetings or absent from over 50% of the meetings in one year, unless excused by the Committee due to extenuating circumstances. The Deputy Clerk shall maintain the master record of member attendance.

5.3 Where a vacancy occurs in the Committee for any reason, Council shall by resolution appoint a person qualified to hold office for the remainder of the term for which his/her predecessor was appointed.

6.0 Municipal Staff

6.1 The Deputy Clerk (or Clerk as an alternate) will provide administrative support to:

- a) distribute the agenda
- b) notify members of upcoming meetings
- c) address administrative duties including correspondence, reports, presentations etc.
- d) record and circulate minutes
- e) follow up on committee issues.

6.2 The Chief Building Official/By-law Enforcement Officer shall act as a subject matter expert and provide information to assist the committee in reaching decisions.

7.0 Reporting

7.1 The Chief Building Official/By-law Enforcement Officer will provide an annual report at year end to Council to communicate Property Standards activities in the preceding year.

7.2 The Property Standards Committee will not be required to submit a work plan to Council due to its quasi-judicial nature.

8.0 Meetings

8.1 The Property Standards Committee shall meet as required at at the Municipality of South Bruce Municipal Building, 21 Gordon Street E, Teeswater, ON, unless an alternate location is approved by the Committee.

9.0 Conflict of Interest

9.1 Committee members may have pecuniary conflict of interest in that they have decision making powers. Members should be cognizant of any perceived conflict in terms of issues, which may serve to benefit them personally and if deemed necessary, not participate in an appeal where there is a perceived conflict. Members shall not use their status on committees for personal or political gain.

10.0 Budget

10.1 The Chief Building Official/By-Law Enforcement Officer shall be responsible for the Property Standards Committee budget, which shall be submitted annually in accordance with established municipality budget guidelines.

10.2 Committee members will be paid a per diem of \$50.00 per meeting and shall be reimbursed for their vehicle mileage generated through property inspections and meeting attendance incidental to appeals.