



PROPERTY STANDARDS COMMITTEE

TERMS OF REFERENCE

Purpose

The members of the Greenstone Property Standards Committee are appointed by the Council of The Corporation of the Municipality of Greenstone to hear the appeal of any owner or occupant who has been served with an Order issued under the Property Standards By-law or Ontario Building Code and who is not satisfied with the terms or conditions of the Order.

Powers of the Committee

It is the duty of the members of the Property Standards Committee to hear all appeals and to decide on each appeal. In accordance with Section 15.3 (3.1) of the *Building Code Act*, the Property Standards 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 Property Standards By-law and of the Official Plan of the Municipality of Greenstone: *confirm the Order to demolish or repair; modify the Order to demolish or repair; rescind the Order to demolish or repair; or extend the time for complying with the Order.*

Term of the Committee

The Committee shall be appointed for the term of Council, but shall continue until such time as new Committee members are appointed by a new Council following an election. Members may be reappointed at the discretion of Council. Recognizing that vacancies may arise, Council will request submissions from the public and appoint citizens to fill such vacancies.

Membership

The membership of the Committee shall consist of 3 residents of the Municipality of Greenstone. Council shall forthwith fill any vacancy that occurs in the membership of the committee. If advertising for community members fails to generate sufficient membership then Council may appoint individual councillors to sit on the Committee. Committee members must:

- Be available to conduct site inspections of subject properties;





- Be a qualified elector in the Municipality of Greenstone pursuant to the Municipal Act and able to demonstrate compliance with all relevant by-laws of the Municipality, enforced by said Committee;
- Be organized, available and committed to attend all Committee meetings;
- Be objective, possess relevant education component or equivalent experience and have an open mind in order to fully consider the evidence provided.

Chair of the Committee

By consensus, the Committee shall appoint a Chairperson from among its members. If the Chairperson is absent, the Committee may appoint an Acting Chairperson from among the Committee members.

Hearings

The Property Standards Committee shall hold a hearing when an Appeal of a Property Standards Order is received by the Committee Secretary. Hearings are confidential to protect the Appellant’s right to privacy.

Quorum

A quorum shall consist of a majority of the voting members appointed to the Committee. The Property Standards Committee shall not conduct business if a quorum is absent.

Voting

All decisions of the Committee shall be decided by a simple majority vote of the members present. The Chair will only vote to break a tie vote or to create a tie vote. A tie vote is a negative vote and if a tie vote occurs, the motion is considered lost.

Staff Resources

The Director of Planning & Protective Services of the Municipality of Greenstone that issued the Order shall attend hearings of the Property Standards Committee. One staff member, as selected by the CAO, shall attend hearings to serve as Committee Secretary. The responsibilities of the Director and the Secretary are outlined in the procedures attached as Appendix “A” to this Terms of Reference.





Closed Meetings

The Property Standards Committee is established under authority of the *Building Code Act*. It may deliberate in closed session but shall vote in the presence of the Appellant and the Director of Protective & Planning Services.

Committee May Reserve Judgment

If the Property Standards Committee is unable to come to a decision in the time allotted for a hearing, it may reserve judgment and reconvene at a future date and time to be set by the Committee Secretary in consultation with the members of the Committee and the Appellant.

Honorarium

The community members appointed to the Committee shall receive an honorarium of \$30 per hearing and mileage. Council members are not paid honorariums to sit on committees but may submit mileage claims.

Rules of Procedure and Oaths

The Rules of Procedure for the Property Standards Committee are attached as Appendix "A" to these Terms of Reference.





Appendix “A”

Property Standards Terms of Reference

Rules of Procedure

Submission of Appeals to the Property Standards Committee

An owner or occupant may appeal to the Property Standards Committee by sending a written notice of appeal to the Committee Secretary within 14 calendar days of being served with the Order. An Order that is not appealed within the time referred to above shall be deemed to be confirmed.

Confirmed Orders

An Order that has not been appealed, or that has been confirmed or modified by the Property Standards Committee or a judge, 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. If an Order is not complied with as confirmed or modified by the Property Standards Committee or a judge, the Protective & Planning Services Department of the Municipality of Greenstone will cause the property to be repaired or demolished accordingly. Expenses relating to the repair or demolition will be invoiced to the property owner and, if left unpaid, will be added to the property owner’s tax bill.

Length of Hearings

Hearings should be scheduled near the end of the workday when possible. The meeting location will be booked for 45 minutes for each Appeal.

Meeting Location

Meetings will be held at the Municipality of Greenstone Administration Office, 1800 Main Street, Geraldton ON POT 1M0.

Duty of the Director of Protective & Planning Services

For each hearing, the Director of Protective & Planning Services (Director) shall provide an information package that will be attached to each agenda. The information package shall contain:

- A copy of the Order;





- A report using the Municipality’s standard report format and stamped “confidential” that outlines why the Order was issued and provides details of the actions taken by the Director to date;
- A map showing the location of the subject property in the Municipality;
- A site map of the property identifying where the property standards issues are located;
- Colour photos of the property standards issues with each photo labelled for ease of reference.

The Director shall attend all hearings of the Property Standards Committee. The Director shall provide a 5-minute verbal outline of why the Order was issued and shall answer the Committee’s questions.

Duty of Committee Secretary

A Committee Secretary shall book hearings, secure a meeting room, circulate agendas, circulate decisions and minutes, attend hearings and transcribe minutes for circulation. In accordance with Section 15.6(7) of the *Building Code Act*: “the Committee Secretary shall keep on file the records of all official business of the Property Standards Committee, including records of all applications and minutes of all decisions respecting those applications. Requests from any member of the public, other than those circulated with minutes and decisions, shall be handled under the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. The Committee secretary has the power to administer oaths and affirmations for the purpose of any proceedings. The secretary shall schedule all meetings within 20 calendar days of receiving a notice to appeal.

Agendas

Property Standards Appeals are confidential. Public notice of hearings (i.e. an ad in the newspaper or municipal website) is not given. Agendas with the attached information package are circulated by the Committee Secretary to: The Property Standards Committee, the Municipal Clerk or Deputy Clerk, the Director that issued the Order, the Appellant and his or her agent.

Decisions and Minutes

The Committee Secretary transcribes minutes and submits them to the Committee Chairperson for review and approval within 5 days of the hearing. Decisions of the Committee are printed on Municipal letterhead and signed by the Committee





Chairperson. The Committee Secretary circulates written decisions of the Property Standards Committee within five days of the date of the hearing. Minutes and decisions are circulated as follows: Property Standards Committee members, the Municipal Clerk, Director, Appellant.

Appeals of the Decision of the Property Standards Committee

The Municipality of Greenstone or any owner or occupant or person affected by a decision of the Property Standards Committee may appeal to the Superior Court of Justice by notifying the Clerk in writing and by applying to the Court within 14 calendar days after a copy of the decision is mailed. (*Building Code Act, Section 15.3*)

