

BY-LAW NUMBER 17-99

OF

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

Being a by-law to establish a committee and the terms of reference for the Township of Clearview Property Standards Committee

WHEREAS, Council has enacted by-law 17-98, being a by-law to prescribe standards for the maintenance and occupancy of property in the Township of Clearview;

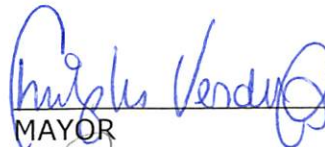
AND WHEREAS, a Property Standards Appeal body needs to be established under the *Building Code Act, 1992, S.O. 1992, C.23*, as amended;

AND WHEREAS, Council establishes terms of reference for boards and committees;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW HEREBY ENACTS AS FOLLOWS:

1. That the terms of reference for the Township of Clearview Property Standards Committee are hereby adopted as presented in Schedule A to this by-law.
2. That Schedule A forms part of this By-law.
3. That the Township of Clearview Committee of Adjustment shall serve as the Property Standards Committee.
4. That this by-law shall come into force and effect January 1, 2018.

By-law Number 17-99 read a first, second and third time and finally passed this 30th day October, 2017.


MAYOR


DIRECTOR OF LEGISLATIVE SERVICES/CLERK



Schedule A – By-law 17-99



Clearview Property Standards Committee TERMS OF REFERENCE

Enabling Legislation

Building Code Act, 1992, S.O. 1992, C.23, as amended

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 Town 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, 2.24

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).

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. 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.

Committee Composition

The Committee of Adjustment shall serve as the Property Standards Committee.

Committee Members Role

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.

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.

Township Staff Role

The Clerk's Office will provide administrative support that shall:

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

Terms of Reference – Clearview Property Standards Committee

Property Standards Officers shall act as subject matter experts and provide information to assist the committee in reaching decisions. Property Standards Officers may assign a staff member as resource to provide information to the committee.

Reporting

The Property Standards Committee will provide an annual report at year end to Council to communicate its activities in the preceding year. This will be created and submitted by the Secretary in consultation with Chair.

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

Meetings

The Property Standards Committee shall meet as required and specified in the notice provided by the Secretary.

Conflict of Interest

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.

Budget

The Township Clerk shall be responsible for the Property Standards Committee budget, which shall be submitted annually in accordance with established Township budget guidelines.

Committee members will be paid the same per diem per meeting as received for Committee of Adjustment.

Records

Under Section 2(3) of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), as amended, records relating to the business of the municipality, created or received by a body considered part of the municipality, are accessible under the Act.

Terms of Reference – Clearview Property Standards Committee