

## SCHEDULE A To By-law 17-04

### Town of Blind River

#### Rules of Procedure for the Property Standards Committee

##### 1. Definitions

**“Act”** means the Building Code Act, 1992, S.O. 1992, c. 23,

**“Agent”** means a lawyer, licenced paralegal or other individual authorized to represent a party to an appeal.

**“Appellant”** means the person who has filed a Notice of Appeal requesting a hearing before the Committee in respect of the Property Standards By-Law.

**“Chair”** means the Chair of the Committee.

**“Clerk”** means the Town Clerk, or designate.

**“Committee”** means the Property Standards Committee of the Town established pursuant to the Property Standards By-Law.

**“Council”** means the Council of the Town.

**“Hearing”** means a hearing of the Committee held pursuant to section 15.3 of the Act.

**“Member”** means a member of the Committee.

**“Property Standards By-Law”** means the Town’s Property Standards By-law passed pursuant to section 15.1 of the Act.

**“Rules”** means these Rules of Procedure for the Property Standards Committee.

##### 2. Application

2.1. These Rules shall be observed in all Hearings of the Committee.

##### 3. Matters not dealt with in Rules

3.1 If these Rules do not provide for a matter of procedure that arises during a Hearing, the Committee may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

3.2 All Hearings of the Committee shall be in accordance with the provisions of the Statutory Powers Procedures Act, R.S.O. 1990, c.S.22 and the Act.

##### 4. Committee Chair

4.1 At its first Hearing, the Committee shall elect one of its members as Chair for the term of Council that appointed the member and until a successor is appointed.

4.2 When the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.

4.3 The Chair shall preside over Hearings of the Committee and shall have the following duties and responsibilities:

(a) Calling the Hearing to order when there is quorum;

- (b) presiding over the proceedings of the Committee, including facilitating Committee business, identifying the order of proceedings, conducting votes, ruling on points of order or points of privilege, and administering oaths;
  - 4.4 ensuring that these Rules are observed and enforcing decorum; and
  - 4.5 participating as an active member of the Committee, including making motions and voting on all matters.
5. Committee Secretary
- 5.1 The Clerk is appointed as Secretary of the Committee and may delegate administrative responsibilities to a Deputy Secretary.
6. Notice of Appeal; Commencing Hearings
- 6.1 An Appeal is commencing by filing a Notice of Appeal with the Clerk in accordance with the provisions of the Act.
  - 6.2 An Appellant shall advise the Clerk in writing whether they will be represented by an Agent, who may appear at the Hearing and act on behalf of the Appellant. If the Agent is not a person licensed under the Law Society Act, R.S.O. c. L8. The Appellant shall provide written authorization for the Agent to act on their behalf.
  - 6.3 Within 60 days of receiving a Notice of Appeal, the Clerk shall:
    - (a) contact the members to advise them of the Appeal and confirm quorum for a hearing date; and
    - (b) reference to the statutory authority under which the hearing will be held; and
    - (c) a statement that if the Appellant or their Agent does not attend the hearing the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.
  - 6.4 Notice may be given by mail, registered mail, or email if the Appellant has provided an email address.
  - 6.5 The Clerk shall prepare an agenda for each Hearing which shall include all appeals to be dealt with at the hearing.
  - 6.6 The Clerk shall prepare a hearing brief for each Appeal which shall be provided to the parties and the Members, which shall contain, without limitation, the Property Standards By-Law, the Rules, the Property Standards Order being appealed from, and the Notice of Appeal.
7. Serving and Filing Documents
- 7.1 If a party intended to rely on or produce any written or documentary evidence at the Hearing, the party is required to serve one copy on the documents on all other parties and file a copy of the same with the Clerk no later than 5 days prior to the date of the Hearing.
  - 7.2 Where a party fails to disclose or serve a document in accordance with section 7.1, the Committee shall have discretion to decline to enter the document into evidence and may make such other orders as it deems appropriate in the circumstances.

- 7.3 Any document required to be served in accordance with these Rules may be served as follows:
- (a) by regular mail, in which case service is deemed effective on the fifth day after mailing;
  - (b) by registered mail; or
  - (c) by email, if the party has provided an email address, in which case service is deemed effective on the day it is sent, unless sent after 5:00 p.m., in which case service is deemed effective on the next day.

8. Hearing Procedures

8.1 Hearings shall be conducted in accordance with the following order of proceedings:

- (a) Opening Statement by the Chair
- (b) Preliminary Motions
- (c) Identification of Parties
- (d) Hearing of Appeals
  - 1. Town's Case
    - i. Presentation of Property Standards Order and related evidence
    - ii. Cross-examination or Questioning by Appellant, if represented by legal counsel
    - iii. Questioning by Committee
  - 2. Appellant's Case
    - i. Presentation of Appeal and related evidence
    - ii. Cross-examination or Questioning by Town, if represented by legal counsel
    - iii. Questioning by Committee
  - 3. Town Reply
    - i. Town Right to Reply to matters which could have been raised prior to the Appellant's Case, if necessary.
- (e) Closing Submissions by the Town and Appellant
- (f) Private Deliberations by Committee
- (g) Committee Decision

8.2 The Committee shall give brief written reasons for its decision.

8.3 The Committee may provide its decision orally, with an indication that brief written reasons will follow, or may reserve its decision.

8.4 Notwithstanding the order of proceedings set out in this section 8, the Committee may, at any time, as it deems necessary, grant exceptions to ensure that the real questions in issue are determined in a fair and just manner, so long as such

exceptions are consistent with the principles of fairness, subject to applicable legislation.

9. Voting

- 9.1 All Members, including the Chair, must vote on all motions or other questions submitted to the Committee, unless the Member has declared a conflict of interest.
- 9.2 All votes shall be decided by a majority vote.
- 9.3 In the case of a tie vote, the motion or question shall be deemed to have been lost.