

## **1. Mandate**

The Property Standards Committee shall have all statutory duties as defined under Sections 15.1 to 15.8 of the Building Code Act, as amended, including to consider appeals to Property Standards Orders issued by Property Standards Officers. The Recording Clerk (Secretary) to the Property Standards Committee is responsible for accepting all applications for processing upon submission by the appellant. The Recording Clerk (Secretary) shall be the Clerk of the Township of Springwater, or a person designated by the Clerk.

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.

The Committee shall consider and apply the Township of Springwater's Property Standards By-law.

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, modify, rescind it, or may extend the time for complying with the Order.

## **2. Committee Composition and Appointments**

The term of office of the committee is the same as the term of office of Council that takes office following the next regular election. Currently that is a four (4) year term.

The Committee will consist of no less than three (3) and no more than five (5) voting members, which will comprise of:

Committee members shall:

- Be qualified elector, as defined by the Municipal Elections Act, within the Township of Springwater;
- Have a demonstrated education or expertise, and remain impartial when considering Appeals;
- Fairly represent the sector(s) of the specified committee; and
- Commit the time required to work on the committee.

If advertising for community members fails to generate sufficient membership, then Council may appoint individual Councillors to sit on the Committee.

## **3. Commencement of Term**

The term of appointment commences after the Inaugural Meeting of the new Council and generally ends at the conclusion of Council's term.

At the first meeting of the term of the newly appointed committee, the following must occur:

- Elect a Committee Chair

The Recording Clerk calls for nominations of the Chair. A member of the Committee can make a nomination which must be seconded by another member of the Committee. When all nominations have been received the Recording Clerk closes nominations. Votes are then cast. If there is a tie vote, ballots will be cast for the tied nominees until such time as a nominee receives the majority of the votes.

#### **4. Meetings**

The committee will formally meet on an as needed basis.

The committee will conduct its meetings in public, in an accessible location.

The committee shall be deemed to be a Committee of Council and shall adhere to any policies and procedures as provided for under the *Municipal Act, 2001*, as amended and the Township's Procedure By-law, and any other applicable legislation.

Where there is conflict between these Terms of Reference, the *Municipal Act, 2001* or any other Act or Regulation governing the Committee, the Act shall prevail.

#### **5. Attendance by Committee Members**

If a member is unable to attend a meeting, he/she should inform the Recording Clerk.

In the event a Committee member is absent for three consecutive meetings without being temporarily excused and such permission recorded in the minutes, Council may terminate the appointment and may by motion appoint a new person to fill the vacancy.

If the Chair is absent for three (3) consecutive meetings through illness or otherwise, the committee may appoint an Acting Chair or a new Chair, as deemed appropriate. While presiding the Acting Chair shall have all the powers of the Chair.

#### **6. Quorum**

A quorum is a majority of the whole number of committee members; more than 50% is necessary to form a quorum to exercise its decision-making authority.

If there is no quorum within thirty minutes after the time appointed for the meeting, the Recording Clerk shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

Where a member of the committee resigns or is dismissed by resolution of Council due to illness or otherwise, quorum shall be the majority of the remaining members.

#### **7. Responsibilities and Protocol**

##### **Responsibilities of Committee Members**

Committee members shall:

- Perform their duties in a manner that maintains and enhances public confidence in the integrity, objectivity and impartiality of the Township;
- Adhere to the *Statutory Powers Procedure Act*.
- Adhere to the *Building Code Act*.
  - Hear an appeal filed by the appellant as outlined in Appendix A.
- Adhere to the *Municipal Conflict of Interest Act* and clearly identify any items of pecuniary interest before they are discussed and refrain from discussing and voting on same;
- Not be under an obligation to any person who might benefit from special consideration or favour from the member or who might seek, in any way, preferential treatment.
- Not benefit from the use of information acquired during the course of official duties that is not generally available to the public.
- Be professional, courteous and respectful with other members, Council, administration and the general public. In doing so will not publicly criticize Elected Officials, administration or other members and respect the decisions of Council;
- Maintain confidentiality when necessary, and ensure personal information controlled by the Township is used or disclosed in compliance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- Understand the committee's relationship to Council;
- Strive to attend all scheduled meetings and advise in advance when unable to attend (to determine if there is going to be a quorum);
- Prepare for meetings by reading agendas and any background information supplied and by actively participating in the discussion and decision-making process;
- Undertake any work assigned, including special projects and research, between meetings;
- Operate under the Township's Procedural By-law, as well as other Township policies and procedures where applicable;
- Respect that actions taken and/or recommendations shall reflect the majority view of the committee.

### **Responsibilities of Chair**

The Chair holds the following responsibilities:

- Operate under the Township's Procedural By-law;
- Facilitate the meeting by identifying the order of proceedings and speakers according to the published agenda;
- Maintain decorum and ensure fairness and accountability;
- Generally refrain from participation in the discussion until all members have had an opportunity to speak to the matter;
- Refrain from making decisions. The Chair can only run a meeting in a fair and efficient manner when the will of the majority prevails after the minority has had a fair chance to present its point of view;
- Assist staff liaison/recording clerk when possible or when requested;

- Represent the views of the committee and not personal views;

### **Responsibilities of Staff Liaison**

As a non-voting member, the responsibilities of the staff liaison are to:

- Provide guidance and advice and remain impartial during discussions of committee matters with all members;
- Prepare any necessary reports for Council's consideration;
- Ensure that any recommendations proposed by the committee do not contradict the Township's budget, by-laws or policies and procedures.

### **Responsibilities of Recording Clerk (Secretary)**

(In some instances, the recording clerk and staff liaison are one in the same)

As a non-voting member, the responsibilities of the recording clerk (Secretary) are to:

- Prepare the agenda for each meeting in consultation with the Committee Chair;
- Distribute the agenda to the committee members as outlined in Township's Procedural By-law;
- Post agendas, minutes and meeting dates/times to the Township's website as outlined in Township's Procedural By-law;
- Record the minutes of the meeting including resolutions, decisions and other proceedings at the meeting, without note or comment;
- Submit the approved minutes of each committee meeting for inclusion on the Regular Council agenda for Council's consideration.
- Report any resignations of committee members to the Township Clerk;
- Book the meeting venue;
- When necessary and in consultation with the Chair, cancel a meeting (due to inclement weather or provide knowledge of lack of quorum), if time permits, the members should be contacted to advise of the cancellation.

## **8. Agendas & Minutes**

Agendas shall be released seven (7) calendar days prior to the meeting. Agendas will be released electronically, through the Townships meeting management software.

Agenda items should be relevant to the business of the committee and should only include items that require the attention or action of the committee.

The agenda will be prepared in consultation with the Committee Chair and posted to the Township's website in accordance with the Township's Procedural By-law.

Minutes of meetings represent a clear and accurate account of the business conducted by the committee. Minutes provide a permanent and official record of all proceedings, policy and budgetary decisions. Minutes should only reflect actions and not discussions.

The recording clerk will include the minutes of the previous meeting on the agenda for the next, regularly scheduled committee meeting for approval.

## **9. Rules of Procedure & Records**

The Procedural By-law shall apply to all committees, a copy of which shall be provided to all members. Where the by-law is silent, the Township Clerk or their designate is available to assist committees with the interpretation of the rules.

Under Section 2(3) of the 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.

## **10. Conflict of Interest**

A conflict of interest may arise for committee members appointed by Council when their personal or business interests clash with, or affect the duties and decisions of the committee. These members are required to adhere to the *Municipal Conflict of Interest Act*, which contains strict rules regulating their participation in matters to which they have a direct or indirect pecuniary interest. The onus to declare a conflict of interest lies with the member and not municipal staff.

At a meeting at which a member discloses an interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the recording clerk of the committee.

Committee members can seek advice from the Township's Integrity Commissioner respecting their obligations under the Township's Code of Conduct for Council, Committees and Boards, local ethical behaviour procedures, rules or policies governing the members, and the *Municipal Conflict of Interest Act*.

## **11. Committee Member Conduct**

Committee members shall, at all times follow the policies and procedures set out in the Township of Springwater's Council/Committee Code of Conduct.

All committee members shall also comply with all applicable Township policies and procedures, including but not limited to:

- Workplace Violence & Harassment Policy
- Rzone Policy

## **12. Communications**

Any written communications, including media releases, advisories, flyers, posters and other printed materials, shall be vetted by the Township's Communications Officer or designate.

Communications to Council or Administration are generally through the staff liaison or recording clerk.

Committees and committee members are not authorized to design and launch websites or social media accounts. Responsibility for managing and monitoring corporate

websites and social media sites is centralized through the Township Administration. Any Township policies relating to social media shall apply.

Only authorized spokespersons may speak on behalf of a committee. The Township's Communication Policy shall apply to committees.

### **13. Budget and Expenses**

In the event a committee has been approved a budget to carry out the mandate of the committee, the staff liaison or recording clerk shall oversee the finances of the committee and ensure that all purchases are in accordance with the Township's Procurement Policy.

Expenses incurred by a committee against an approved budget shall be detailed in the meeting minutes, with a resolution approving the expenditure.

The budget will generally include expenses such as:

- Mileage, meals, and costs for committee members, excluding the staff liaison, to attend workshops, conferences and other training in accordance with section 4.5.4 of the Township's Team Member Handbook;
- Other costs that may be specific to the legislative mandate of the committee.

### **14. Remuneration**

Committee members will receive \$80.00 remuneration per meeting attended and mileage. Remuneration may be adjusted by Council and supersedes the remuneration as provided for in these Terms of Reference. A mileage rate to be paid is based on Springwater Township Policy.

Council Members Representatives will not be paid mileage to attend meetings.

## **Appendix A**

### **Property Standards Committee Procedures**

#### **Responsibilities**

- All meetings of the Committee to hear an appeal filed pursuant to the Act shall be called by the Chair of the Committee, after being notified by the Recording Clerk (Secretary) that an appeal has been received.
- The Manager of Municipal Law Enforcement or Township Clerk (or designate) shall send notices of appeal and decisions of the Committee to the owner or occupant of the property in which the lands are subject of the appeal.

#### **Appeal Hearing Procedures**

- An appeal hearing of the Committee shall be called to order by the Chair, or in the absence of the Chair, by their designate.
- The Chair shall call for any Conflict of Interest. If a member declares a conflict, they shall remove themselves from the hearing.
- Generally, after an appeal hearing is called to order, the Chair shall call for any request for deferral of an appeal or any requests for withdrawal of an appeal.
- An appeal shall only be deferred upon reasonable cause as determined by the Committee.
- Generally, after all requests for withdrawal have been made and all requests for deferrals have been considered, the Chair shall call each appeal in the order in which it appears on the agenda or in such other order as the Committee determines.
- The Property Standards Officer will present all of their evidence, including witnesses to support the Order. The Appellant and the Committee may question all such evidence presented by the Officer.
- The Committee shall provide each Appellant with an opportunity to present their appeal. The Property Standards Officer and the Committee may question all such evidence presented by the Appellant.
- The Committee shall permit both the Property Standards Officer and the Appellant the right to re-call any of their own witnesses, for the purpose of clarification of evidence already before the Committee.
- The Committee shall provide the Appellant or Property Standards Officer an opportunity to respond to any comments, correspondence or proposed conditions brought forward at the appeal.
- When considering an appeal, the Committee shall have all the power and functions of the Property Standards Officer who made the Order, and 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:
  - Confirm, modify or rescind the Order, or
  - Extend the time for complying with the Order.

### **Voting**

- Once all the evidence has been heard in respect of the appeal, the Committee will deliberate on their decision and enact a resolution stating their decisions based on the options to confirm, modify or question the order or to extend the time for complying with the order.
- The Chair shall ask the members of the Committee for a motion with respect to the disposition of the appeal. The Chair, upon receipt of a motion from a member of the Committee, shall ask for a seconder for the motion. Once the motions have been moved and seconded, the Chair shall call for a vote on the motion and each member of the Committee shall vote on the motion openly and individually and the Chair shall announce the decision of the Committee.
- The decision is final and binding on all parties. No further discussions will take place once the decision is made known. No further communications, whether oral or written, will be made to the Committee by the Appellant or the Property Standards Officer. Any further concerns regarding the decision will be dealt with through the court appeal process.

### **Notice of Decision**

- Members of the Committee concurring in a decision of the Committee shall sign the Notice of Decision and the names of members present who did not concur in the decision shall be noted in the Notice of Decision.
- Notice of the decision to an Appealed shall be prepared by the Recording Clerk (Secretary) and mailed to all parties involved.

### **Appeal of Decision of Committee**

- Any decision of the Committee may be appealed to the Ontario Superior Court of Justice by the Township or the owner/occupant of the property on which the Order was made by notifying the Clerk in writing and by applying to the Court within fourteen (14) days after a copy of the decision is mailed.

### **Confirmed Orders**

- An Order that has not been appealed, or that has been confirmed or modified by the Property Standards Committee or a judge of competent jurisdiction, 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 Township of Springwater 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.

### **Agent of the Municipality**

- In carrying out the provisions of this by-law, the Committee shall at all times be the Agent of the Municipal Corporation and while acting bona fide within the limits

of the authority of this by-law, neither the Committee nor any member shall incur any liability by reason of anything done or left undone by the Committee; provided however, that nothing in the paragraph shall authorize or empower the Committee to incur any debt, liability or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of the Council of the Corporation of the Township of Springwater.