

Staff Report to Council

Title: Property Standards Committee

Report Number: Legislative Services-2024-06

Director: Corporate Services

Manager: Legislative Services

Meeting Date:

Wednesday, March 6, 2024

Date to be considered by Council:

Wednesday, March 6, 2024

Recommendation:

That the Terms of Reference for the Property Standards Committee be approved as presented and that _____, _____, and _____ be appointed to the Property Standards Committee.

Executive Summary:

A Property Standards Committee is a quasi-judicial body that hears appeals from owners or their agents who have received a Property Standards Order in accordance with the Property Standards By-law No. 2019-123. Last term, the Committee was combined with the Committee of Adjustment. Now that Council is sitting as the Committee of Adjustment, Staff are recommending that Council appoint a separate committee comprised of three Council members to sit as the Property Standards Committee.

Strategic Priorities:

C.13-Protect people, property and the environment from the effects of dangerous conditions caused by people and nature

Financial Considerations:

The Property Standards Committee is required under the Property Standards By-law No. 2019-123 and the Building Code Act. Any costs incurred would come from the By-law Enforcement operating budget.

Policy:

.

Context and Background Information:

The Municipality's Property Standards By-law No. 2019-123 provides for the standards for maintenance and occupancy of property within the municipality including provisions relating to property conditions. Per the Building Code Act, the By-law contains a requirement for the establishment of a Property Standards Committee.

The Property Standards Committee is a quasi-judicial body that hears appeals from owners or their agents who have received an Order in accordance with the Property Standards By-law. The Committee conducts hearings to consider appeals and has all the powers and functions of the officer who made the order. The Committee, after hearing the appeal, 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:

- Confirm, modify, or rescind the order to demolish or repair;
- Extend the time for complying with the order.

In the past term of Council, the Property Standards Committee was combined with the Committee of Adjustment (CoA). In that term, the Committee did not have any hearings regarding Property Standards. Note this is only for Property Standards Orders and not Orders issued under the Clean and Clear Yards By-law.

As the CoA is now all of Council, Staff are recommending that a stand-alone Property Standards Committee be struck consisting of three members of Council. Legislative Services will be the staff support for the Committee. Other Staff may be called upon to support the committee in their deliberations including:

- Municipal By-law Enforcement Officers;
- Chief Building Official or their designate;
- The Fire Chief or their designate, as required for matters under the Fire Code;
- Bruce County Planner, as required to provide information regarding the Municipality of Kincardine Official Plan;
- Municipal legal Counsel.

A standalone committee is being recommended because property standards appeals deal directly with property owners whose property does not conform to the standards in the By-law as found by a Property Standards Officer. Although both are quasi-judicial, the CoA deals with applications for future changes and does not look at the current condition of a property.

The Municipality has recently received an Appeal and so the Committee members would be required to be available for a hearing during the month of March. Members should also potentially have the availability to do site inspections of subject properties as required by the Committee.

Decisions of the Property Standards Committee, much like CoA, are not ratified by Council but instead may be appealed to the Ontario Superior Court of Justice.

Consultation Overview:

The guidelines for the Property Standards Committee are as per the Property Standards By-law and the Building Code Act. Staff have also done a jurisdictional review of other similar size municipalities' Property Standards Committee's Terms of Reference.

Origin:

Property Standards By-law No. 2019-123

Implementation Considerations:

The Property Standards Committee will meet on an as needed basis.

Risk Analysis:

Under the Building Code Act, if there is a Property Standards By-law, it requires the establishment of Property Standards Committee.

Attachments: Property Standards Committee Terms of Reference

Prepared by: Jennifer Lawrie, Manager of Legislative Services/Clerk

Submitted by: Jennifer Lawrie, Manager of Legislative Services/Clerk