



BY-LAW

NO. 2024 –

Being a By-law to Adopt a Terms of Reference for The Property Standards Committee

Whereas pursuant to the Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas pursuant to Section 15.6 (1) of the Building Code Act as amended, provides for the establishment of a Property Standards Committee composed of such persons, not fewer than three, as the Council considers advisable to hold office for such term and on such conditions as the By-law may establish; and

Whereas Council of the Corporation of the Municipality of Kincardine passed the Property Standards By-law No. 2019-123 on the 7th day of October, 2019; and

Whereas the Council of the Corporation of the Municipality of Kincardine desires to adopt a Terms of Reference for the Property Standards Committee; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Terms of Reference for the Property Standards Committee for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law, be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That By-law may be cited as the "Property Standards Committee Terms of Reference By-law".

Read a First, Second and Third Time and Finally passed this 6th day of March, 2024.

Mayor

Clerk

Property Standards Committee

Terms of Reference

Reference:

Date Approved:

Term of the Committee: Statutory

Start Date: **End Date:**

Lead Department: Legislative Services

Point of Contact: Jennifer Lawrie, Manager of Legislative Services

1. Mandate

The Property Standards Committee is a quasi-judicial body that hears appeals from owners or their agents who have received an Order of the Chief Building Official, a Property Standards Officer, or a Municipal Law Enforcement Officer, in accordance with the Property Standards By-law No. 2019-123.

2. Enabling Legislation/Authorizing By-law

The Property Standards Committee is established under the authority of the Building Code Act, 1992, S.O. 1992 c. 23 and the Municipality's Property Standards By-law No. 2019-123.

3. Strategic Plan Priorities

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

4. Responsibilities/Specific Functions

The Committee will conduct hearings to consider Property Standards Order Appeals.

The Property Standards Committee considers appeals from owners or occupants who have been served with an order in regards to property standards made under subsection 15.2 (2) of the Building Code Act.

On receipt of an appeal, the Property Standards 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:

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

Decisions of the Property Standards Committee are not ratified by Council and are appealable to the Ontario Superior Court.

5. Membership

a. Roles and Responsibilities

The Chair

The responsibilities of the Chair are to:

- preside over all Meetings;
- ensure adherence to the Council approved terms of reference;
- maintain regular communication with assigned Municipality staff; and
- make an informed and impartial decision regarding any appeal of any owner who has been serviced an Order pursuant to the Municipality's Property Standards By-law.

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Councillor Members

Councillors appointed to the Committee, and not serving as the Chair, are expected to make an informed and impartial decision regarding any appeal of any owner who has been serviced an Order pursuant to the Municipality's Property Standards By-law.

Secretary

The Manager of Legislative Services/Clerk or designate from Legislative Services will be Secretary of the Committee and will prepare the agenda and take the minutes.

The Secretary shall keep on file records of all official business of the Committee, including records of all Applications and Minutes of all Hearings and Decision.

Other Staff

Depending on the nature of the appeal, the following staff may be called upon to support the Committee in their deliberations:

- Municipal By-law Enforcement Officers;
- The Chief Building Official or their designate;
- The Fire Chief or 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.

b. Number of Members

The Committee will consist of three (3) members of Council each with voting privileges.

c. Member Qualifications

The Committee Members must be objective, possess relevant education or experience and remain impartial when considering Appeals.

The Committee will also have:

- A concern for the health and safety of Municipal residents;
- An understanding of the Building Code Act and Property Standards By-law;
- An understanding of the role of the Property Standards Committee;
- Availability to do site inspections of subject properties if required;
- Ability to read and understand building plans, survey's and reports.

6. Reporting Structure

Decisions of the Property Standards Committee are not ratified by Council.

Any decision of the Committee may be appealed to the Ontario Superior Court of Justice by the Municipality 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.

7. Public Communications

The Committee is expected to adhere to the following public communications protocols:

- The Chair or their designate will act as the spokesperson for the Committee;

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- Coordination of any communication pieces/advertisements, etc., shall be through the Staff Liaison; and
- Agendas, meetings and minutes will be posted on the Municipal website.

8. General

a. Frequency of Meetings

The Property Standards Committee shall meet as required, dependant on appeals filed.

b. Procedures

The Property Standards Appeals Committee is required to adhere to the provisions of the:

- Statutory Powers and Procedures Act;
- Property Standards By-law No. 2019-123; and
- The Municipality of Kincardine Procedure By-law No. 2023-138