



Property Standards Committee Rules of Procedure

Updated: September 15, 2021

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RULE 1: GENERAL

- 1.01 These rules apply to all proceedings before the **Committee**.
- 1.02 These rules apply subject to the *Statutory Powers Procedure Act* and any other legislation governing the **Committee**.
- 1.03 The **Committee** may, at any time, as it deems necessary, dispense with compliance with any rules, save and except those prescribed as mandatory by the *Statutory Powers Procedure Act* and any other legislation governing the Committee.
- 1.04 If these rules do not provide for a matter of procedure that arises during a **Hearing**, the practice shall be determined by the **Committee** at the **Hearing**.
- 1.05 These rules shall be liberally construed to secure the just, most expeditious, and cost-effective determination of every proceeding on its merits.
- 1.06 Substantial compliance with requirements respecting the contents of forms, notices or documents under these rules is sufficient.
- 1.07 The **Committee** may exercise any of its powers under these rules on its own initiative or at the request of a **Party**.

Quorum

- 1.08 (a) Three members of the **Committee** constitute quorum for a **Hearing**.
 - (b) If no quorum is present 30 minutes after the time appointed for the commencement of the **Hearing**, the **Committee Secretary** shall reschedule the **Hearing**.
 - (c) The **Committee** must not hear an appeal with an even number of **Committee** members sitting.
 - (d) The decision of a majority of **Committee** members is the decision of the **Committee**.
 - (e) Despite this Rule, if, after the commencement of a **Hearing**, a **Committee** member becomes unable to act, the remaining **Committee** members may continue to hear the appeal and, if **Committee** members constituting a simple majority of the panel are in agreement on the decision that should be given,
 - (i) they may give that decision; and
 - (ii) it is the decision of the **Committee**.
 - (f) If, after a **Hearing** continued under Rule 1.08(e), it appears that no majority decision is possible, the remaining **Committee** members must order that a new hearing commence.
- 1.09 Hearings may proceed in person, by telephone or electronically, or a combination thereof, in the discretion of the Committee so long as the manner of hearing does not cause a Party significant prejudice.
- 1.10 **Hearings** will be open to the public except where the **Committee** is of the opinion that,
 - (a) matters involving public security may be disclosed; or
 - (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding

disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the **Committee** may hold the hearing in the absence of the public.

1.11 A **Party** may be represented by a **Representative**.

RULE 2: NOTICE REQUESTING AN APPEAL

- 2.01 A **Notice of Appeal** of an **Order** must be received by the **Committee Secretary** within fourteen (14) days after being served the Order unless specified otherwise in the **Order**.
- 2.02 A **Notice of Appeal** may be filed by an **Owner** or **Occupant** who has been served with a Property Standards Order.
- 2.03 A **Notice of Appeal** shall include:
 - (a) A completed and signed **Notice of Appeal** (Appendix 1) that includes the following:
 - Address of property being appealed;
 - Order issue date:
 - Order compliance date;
 - Order appeal deadline date;
 - The name of the person(s) (specifically, the property owner, occupant, agent, and/or Representative) requesting the appeal and their address, telephone number, and email address;
 - The grounds and/or reasons for appeal, including any documents and photographs supporting the grounds and/or reasons for the appeal;
 - An authorization to act as agent for notice of appeal (if applicable);
 - An authorization to act as Representative for notice of appeal (if applicable); and
 - A property standards appeal fee, as set out in the Town of Innisfil Fees and Charges By-law, as amended.
 - (b) A copy of the **Order** related to the appeal.

Where Notice of Appeal is Incomplete

- 2.04 Where a person requests an **Appeal** by the **Committee** that is not substantially in accordance with Rule 2.03, the **Committee Secretary** shall send to the **Appellant**, or the **Appellant's Agent**, if represented, an **Acknowledgement** (Appendix 2) within 30 days of receipt of the **Notice of Appeal**. The **Acknowledgement** shall specify what additional information is required by the **Committee Secretary** in order to complete the **Notice of Appeal** substantially in accordance with Rule 2.03.
- 2.05 Any information requested in Rule 2.04 shall be sent to the **Committee Secretary** within 20 days of the date of the **Acknowledgment**, at the address listed in the **Acknowledgement**, failing which the **Notice of Appeal** may be considered abandoned.

Where Notice of Appeal is Complete

2.06 Where an **Appellant** has completed a **Notice of Appeal** in substantial accordance with Rule 2.03 the **Committee Secretary** shall appoint a time and place for the **Hearing** of the appeal in accordance with Rule 3.

RULE 3: NOTICE OF HEARING

- 3.01 Where an **Appellant** has completed a **Notice of Appeal** in substantial accordance with Rule 2.03, the **Committee Secretary** shall appoint a time and place for the **Hearing**.
- 3.02 A **Notice of Hearing** shall be sent by the **Committee** Secretary by electronic transmission (email), registered mail or personal service to all parties affected by the order at least fourteen (14) calendar days in advance of the **Hearing**.
- 3.03 A **Notice of Hearing** shall include:
 - (a) A statement of the time, place and purpose of the **Hearing**; and
 - (b) A statement that if the **Appellant**, or **Appellant's 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.
- 3.04 A **Notice of Hearing** shall be sent to the **Appellant**, or **Appellants Agent** by electronic transmission (email), registered mail or personal service.

Effect of Non-Attendance at a Hearing

3.04 Where **Notice of a Hearing** has been given to a **Party** in accordance with these rules and the **Party** does not attend at the **Hearing**, the **Committee** may proceed in the absence of the **Party** and the **Party** is not entitled to any further notice in the proceeding.

RULE 4: HEARING AGENDA

- 4.01 The **Committee Secretary** shall prepare an Agenda (Form 3) prior to the **Hearing** listing the names of **Appellants**, along with the municipal addresses of the subject properties.
- 4.02 Copies of the Agenda along with copies of the **Order** and any other relevant file information are sent to the **Committee** members for review prior to the **Hearing**. Copies of the Agenda are available at the **Hearing** for the public.
- 4.03 If two or more **Hearings** before the **Committee** involve the same or similar questions of fact, law or policy, the **Committee** may,
 - (a) combine the proceedings or any part of them, with the consent of the parties;
 - (b) hear the proceedings at the same time, with the consent of the parties;
 - (c) hear the proceedings one immediately after the other; or
 - (d) stay one or more of the proceedings until after the determination of another one of them.

RULE 5: SERVING AND FILING DOCUMENTS

Documents Filed with Committee

- 5.01 If a **Party** intends to make use of any written or documentary evidence at the **Hearing**, that **Party** is required to serve one copy of the documents on all other parties no later than five (5) business days before the **Hearing** date.
- 5.02 For the purposes of Rule 5.01, "**document**" includes a sound recording, videotape, file, photograph, map, plan, survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.

Serving Documents

- 5.03 "Service" means the effective delivery of the documentation to any Party or, in the case of the Appellant, the Appellant's Agent.
- 5.04 Service is deemed to be effective when delivered:
 - (a) Personally to the **Party** or, in the case of the **Appellant**, the **Appellant's Agent** on same day of delivery;
 - (b) By registered mail on the third day after the day of mailing;
 - (c) By electronic transmission (email) on the same day as the transmission.
 - (d) By courier, including Priority Post, on the second full day after the document was given to the courier by the **Party** serving; or, at the last known address, unless the **Party** to whom the notice is to be given establishes that he or she, acting in good faith and through absence, accident, illness or causes beyond his/her control, failed to receive the notice until a later date or at all.
- 5.05 Documents delivered after 4:00 p.m. shall be deemed to have been delivered on the next day that is not a weekend day or holiday.
- 5.06 A person who serves or files a document shall include with it a statement of the person's address, telephone number, and the name of the proceeding to which the document relates.

Filing Documents

- 5.07 Documents may be filed with the **Committee Secretary** by any of the methods of delivery in Rule 5.04.
- 5.08 Any **Party** filing documents must file, with the documents, a statement indicating who has been served and what documents have been served.
- 5.09 Documents must be filed with the **Committee Secretary** at:

Committee Secretary, Property Standards Committee The Corporation of the Town of Innisfil 2101 Innisfil Beach Road Innisfil, Ontario L9S 1A1 planning@innisfil.ca

Failure to Serve and File Documents

5.10 If a **Party** fails to serve and file a document pursuant to these rules, the **Party** may not refer to the document in evidence at the **Hearing** without the **Committee**'s consent, which may be on terms and conditions as the **Committee** considers just.

RULE 6: HEARING PROCEDURE

- 6.01 The **Chair** shall call the Hearing to order.
- 6.02 The **Chair** explains the purpose of the **Committee** and the format of the **Hearing**.
- 6.03 The **Committee** shall adopt previous Minutes, if applicable.

6.04 For each appeal heard, the **Chair** calls the name of the **Appellant** and the municipal address of the property concerned.

In-Person Hearings

- The **Town** will present its case first. An opening submission may be made. The **Town** will then call their witness(es). Once called, a witness is seated at the witness table, and is sworn or affirmed. At the conclusion of the testimony of each Town witness(es), the **Appellant** and then the **Committee** may ask their own questions of the witness(es).
- After the **Town** has called all of their witnesses, the **Appellant** may make an opening submission and call their witnesses who may be the **Appellant** themselves and/or other witnesses. Again, once called, a witness is seated at the witness table and sworn or affirmed. At the conclusion of the testimony of each of the **Appellant**'s witness(es), the **Town** and then the **Committee** may ask their own questions of the witness(es).

Video Hearings

- 6.07 The **Town** will present its case first. An opening submission may be made. The **Town** will then call their witness(es). Once called, a witness will be asked to turn on their video and unmute their microphone, and is sworn or affirmed. At the conclusion of the testimony of each Town witness(es), the **Appellant** and then the **Committee** may ask their own questions of the witness(es).
- After the **Town** has called all of their witnesses, the **Appellant** may make an opening submission and call their witnesses who may be the **Appellant** themselves and/or other witnesses. Again, once called, a witness is asked to turn on their video and unmute their microphone, as is sworn or affirmed. At the conclusion of the testimony of each of the **Appellant**'s witness(es), the **Town** and then the **Committee** may ask their own questions of the witness(es).
- 6.09 A video hearing is a hearing event and the Rules apply. The conduct of a hearing by video does not change the obligations of witnesses and counsel to conduct themselves in accordance with the rules of professional conduct of their applicable professions

Evidence

- 6.10 Subject to Rules 6.11 and 6.12, the **Committee** may admit as evidence at a **Hearing**, whether or not given or proven under oath or affirmation or admissible as evidence in a court,
 - (a) any oral testimony; and
 - (b) any document or other thing provided in accordance with Rule 5, relevant to the subjectmatter of the proceeding and may act on such evidence, but the **Committee** may exclude anything unduly repetitious.
- 6.11 Nothing is admissible in evidence at a **Hearing**,
 - (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - (b) that is inadmissible by the statute under which the **Hearing** arises or any other statute.
- 6.12 Nothing in Rule 6.10 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.

- 6.12 The **Town** and the **Appellant** may make their final submissions. The final submissions should include what each party is requesting of the **Committee** with respect to confirming, modifying or rescinding the **Order** and/or extending the time for complying with the **Order**.
- 6.13 The **Committee** may retire to deliberate in the absence of the public, the **Town** and the **Appellant**. The **Committee Secretary** will retire with the **Committee** to record its decision.

RULE 7: THE DECISION

- 7.01 The **Committee** renders its decision on the matter in the presence of the public, the **Town** and the **Appellant** and/or the **Appellant's Agent**. If the **Committee** determines that additional information is required to render a decision, it may adjourn the matter to a future meeting date.
- 7.02 In considering an **Appeal**, the **Committee** shall have all the powers and function of the **Officer** who made the **Order** and in disposing of the matter, the **Committee** may,
 - (a) confirm the **Order**;
 - (b) modify the **Order**;
 - (c) rescind the **Order**;
 - (d) extend the time for complying with the **Order**;

if in the Committee's opinion, the general intent and purpose of the By-Law is maintained.

- 7.03 A copy of the decision including the reasons for the decision of the **Committee** will be sent to the **Appellant** by:
 - (a) by regular letter mail to the most recent address known to the **Committee** and shall be deemed to be received by the **Party** on the fifth day after the day it is mailed; or
 - (b) by electronic transmission (email) to the most recent electronic mail address known to the **Committee** and shall be deemed to be received on the day after it was sent, unless that day is a weekend or holiday, in which case the copy shall be deemed to be received on the next day that is not a weekend or holiday; or
 - (c) by some other method that allows proof of receipt.

Right to Appeal a Property Standards Committee Decision

7.04 The Town or any owner or occupant or person affected by a decision under subsection 15.3(3.1) of the **Building Code Act**, may appeal to the Superior Court of Justice by notifying the Clerk of the Town and by applying to the Court within fourteen (14) calendar days after a copy of the decision is sent.

RULE 8: DUTIES OF THE SECRETARY

- 8.01 The **Committee Secretary** shall keep on file records of all official business of the **Committee**, including records of all **Notices of Appeal** and minutes of all **Hearings** and **Decisions**, including minutes of any portion of a meeting closed to the public, respecting those **Notices of Appeal**.
- 8.02 The **Committee Secretary** shall prepare minutes of the **Committee**'s meetings and **Hearings**.
- 8.03 The **Committee Secretary** shall record the decision of the **Committee** on the form Notice of Decision (Form 5) and all **Committee** members present shall sign the decision.
- 8.04 The Committee Secretary shall send a copy of the Notice of Decision to the Appellant and to anyone else who has submitted a written request for the decision at the Hearing by mail, electronic submission (email) or some other method that allows proof of receipt.

RULE 9: SITE INSPECTIONS

- 9.01 The **Committee** will not as a pre-requisite or general rule, inspect subject properties prior to a **Hearing**, however it should not be considered unusual if an individual **Committee** member wishes to drive by the property prior to the Hearing for information purposes.
- 9.02 Notwithstanding (1) above, the **Committee** may reserve its decision to a later fixed time and place, pending a site inspection by the **Committee**, where the Committee determines such inspection is necessary.
- 9.03 Where the **Committee** requires a site inspection, the **Owner** of the property will be notified of the date and time for the inspection and if the inspection involves entry into a dwelling unit Section 16.(1) of the Ontario **Building Code Act** will apply.

RULE 10: INTERPRETATION

- 10.01 For the purposes of these rules, the following terms shall have the following meanings:
 - "Appeal" means an Appeal to the Property Standards Committee of a Property Standards Order;
 - "Appellant" means an owner or occupant that has been served with an Order and who has sent a Notice of Appeal to the Committee Secretary within fourteen (14) days after being served with the Order:
 - "Appellant's Agent" means a person authorized by an Appellant to represent the Appellant;
 - "Building Code Act" means the Building Code Act, 1992, S.O. 1992, c.23 as amended;
 - "By-Law" means the Property Standards By-Law of the Town, being By-Law No. 035-18, as amended;
 - "Chair" means the chair of the Property Standards Committee;
 - "Clerk" means the Clerk of The Corporation of the Town of Innisfil or designate;
 - "Committee" means the Property Standards Committee of the Town;
 - "Committee Secretary" means the Secretary for the Property Standards Committee, deemed to be the Secretary of the Committee of Adjustment for the Town or his/her designate;
 - "Hearing" means a hearing in any proceeding of the Property Standards Committee, including a virtual hearing;
 - "Notice of Appeal" means the Town's prescribed form for Notices of Appeal to the Committee under these rules;
 - "Occupant" has the same meaning as it has in the Town's By-Law;
 - "Officer" means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under section 15.1 of the **Building Code Act**;
 - "Owner" has the same meaning as it has in the Town's By-Law;
 - "Order" means a Property Standards Order made under the Building Code Act;

"Party" includes the Town and the Appellant;

"Proceeding" means a matter brought before the Property Standards Committee under the provisions of the By-law or the Building Code Act;

"Quorum" means the majority of the members of the **Property Standards Committee** are in physical or virtual attendance and eligible to participate;

"Representative" means a person authorized by an Appellant to represent the Appellant;

"Town" means the Corporation of the Town of Innisfil.

"Vice Chair" means the Vice Chair of the Property Standards Committee;

APPENDICIES

Appendix 1: Notice of Appeal

Appellants Name Address Phone Number Email Address

Date

- · Address of property being appealed;
- Order issue date;
- Order compliance date;
- Order appeal deadline date;
- The name of the person(s) (specifically, the property owner, occupant, agent, and/or representative) requesting the appeal and their address, telephone number and email address;
- The grounds and/or reasons for appeal, including any documents and photographs supporting the grounds and/or reasons for the appeal;
- An authorization to act as agent for notice of appeal (if applicable);
- An authorization to act as representative for notice of appeal (if applicable); and

Signed Date

Attachments:

- Order related to the appeal
- A property standards appeal fee, as set out in the Town of Innisfil Fees and Charges By-law, as amended.

Appendix 2: Acknowledgement

DATE

FIRST NAME LAST NAME ADDRESS CITY, PROVINCE POSTAL CODE

SUBJECT: ACKNOWLEDGEMENT OF RECEIPT OF APPEAL

This letter is to acknowledge receipt of an appeal regarding [insert subject matter of appeal], regarding an Order to Comply with Building Maintenance By-law 035-18, **Building Code Act**, S.O. Chapter C23, as amended.

The subject property is known legally as **LEGAL DECRIPTION** and is known municipally as **Municipal Address**.

Town staff are processing your appeal and will notify you of the Notice of Appeal Hearing date and time and information on how to register and participate.

Dated:

Name,
Secretary-Treasurer
email@innisfil.ca
705-436-3740 ext. ####

Appendix 3: Notice of Appeal Hearing

PROPERTY STANDARDS COMMITTEE NOTICE OF APPEAL HEARING BL####-###

TAKE NOTICE that an appeal hearing has been scheduled by the Town of Innisfil, regarding an Order to Comply with Building Maintenance By-law 035-18, Building Code Act, S.O. Chapter C23, as amended.

The subject property is known legally as **LEGAL DESCRIPTION** and is known municipally as **Municipal Address**.

The **Appellant**, **First Name Last Name** is seeking review and consideration from the Property Standards Committee regarding Order to Comply No. BL####-###, attached as Appendix A. The Appellant's Notice of Appeal is attached as Appendix B.

The Property Standards Committee for the Town of Innisfil will consider this appeal through a video hearing on **INSERT DATE AND TIME**. The purpose of this hearing is to consider an appeal to By-law 035-18

To participate in the hearing as the Appellant, Appellant's Agent, Witness and/or Interested Party, you must register by submitting an email to planning@innisfil.ca or in writing to: Town of Innisfil Property Standards Committee, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1.

If the Appellant, or Appellant's 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.

Please be advised that this hearing is a formal process where parties involved will be given an opportunity to present oral, written or visual evidence related to the matter. Questions of clarification may be asked by the Committee. Those parties providing evidence will be sworn in before they do so. The process for this hearing must comply with the Statutory Power and Procedures Act and the Rules of Procedure for the Property Standards Committee. A copy of the Rules of Procedure are available on our website here.

If you wish to receive a copy of the decision of the Property Standards Committee in respect of the appeal, you must make a written request to the Secretary of the Property Standards Committee by way of email or regular mail.

Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at planning@innisfil.ca.

Dated:
Name,
Secretary-Treasurer
email@innisfil.ca
705-436-3740 ext. ####

Appendix 4: Agenda



PROPERTY STANDARDS COMMITTEE AGENDA

MEETING OF Month, Day, Year @ Time

- 1. CALL TO ORDER
- 2. PURPOSE AND FORMAT OF HEARING
- 3. ADOPTION OF PREVIOUS MINUTES
- 4. APPLICATIONS TO BE HEARD (including correspondence and applicant statement)

	Appellant	Municipal Address						
1	First Name Last Name	Address						
2								

- 5. OTHER BUSINESS/CORRESPONDENCE
- 6. ADJOURNMENT

Appendix 5: Notice of Decision

Name. Member

TAKE NOTICE that a decision has been made by the Property Standards Committee for an appeal to Building Maintenance By-law 035-18, pursuant to the *Building Code Act*, S.O. Chapter C23, as amended.

The subject property is known legally as **LEGAL DESCRIPTION** and is known municipally as **Municipal Address**.

The **Appellant**, **First Name Last Name** is seeking review and consideration from the Property Standards Committee regarding Order to Comply No. BL####-###, attached as Appendix A. The Appellant's Notice of Appeal is attached as Appendix B.

of Appeal is attached as Appendix B. The Property Standards Committee has considered all written and oral submissions received before and/or during the hearing as part of their decision and renders its decision on the matter in the presence of the public, the Town and the Appellant and/or the Appellant's Agent. □ Order Confirmed: The decision of the Property Standards Committee is that the appeal of By-law 035-18 by the Appellants, (Appellants Names) be denied and that the Property Standards Order, being Order (Order No.) is confirmed. □ Order is Rescinded: The decision of the Property Standards Committee is that the appeal of By-law 035-18 by Appellants (Appellants Names) is allowed and the Order is hereby rescinded. □ Order is Modified: The decision of the Property Standards Committee is that the appeal of By-law 035-18 by Appellants (Appellants Names) is allowed and the Order is hereby modified in the following manner: That the following conditions be added and/or amended: b) ☐ Time for Compliance is Extended: The decision of the Property Standards Committee is that the appeal of By-law 035-18 by Appellants (Appellants Names) is allowed and the Order is hereby modified by extending the time for compliance to _____p.m. on the _____day of _____, 202X. **DECISION DATED AT THE TOWN OF INNISFIL** this X day of Month, Year. CIRCULATION DATE OF NOTICE OF DECISION: Month day, Year Name, Chair Name, Co-Chair Name, Member Name, Member

I, Name	, Secretary-Treasurer	do l	hereby	certify	that	the	above	is	a tru	ue c	сору	of	the	Decision	of t	the
Property	Standards Committee	rend	dered o	n the X	X Da	y of	Month,	Yε	ear.							

Name, Secretary-Treasurer Property Standards Committee

Appendix 6: Minutes