

## OFFICE CONSOLIDATION

**This consolidation is prepared for convenience only; for accurate reference see by-laws as adopted by the Property Standards Committee.**

Authority: Property Standards Committee at its general meeting held on January 22, 2002.

Enacted by Committee: January 22, 2002.

**Amended by Committee: February 8, 2012 and June 6, 2012.**

### CITY OF TORONTO PROPERTY STANDARDS COMMITTEE

#### BY-LAW No. 1

#### Rules of procedure for the Property Standards Committee.

As amended by By-law Nos. 2 and 3.

#### BACKGROUND

- A. As set out in § 629-3, of Chapter 629, Property Standards, of The City of Toronto Municipal Code, a Property Standards Committee was established that consists of four committee hearing panels which are based on the service delivery districts of the department of Urban Development Services;
- B. Under subsection 189(2) of the *City of Toronto Act, 2006* every local board shall adopt a procedure by-law for governing the calling, place and proceedings of meetings; (**By-law No. 2**)
- C. Under subsection 15.3 of the *Building Code Act, 1992*, the Property Standards Committee hears appeals from orders to comply with property standards and under 15.6(8), may, subject to subsection 15.6(9) respecting notice, adopt its own rules of procedure and any member may administer oaths.

The Property Standards Committee of the City of Toronto enacts as follows:

#### 1. Definitions.

As used in this By-law, the following terms shall have the meanings indicated:

COMMITTEE — The Property Standards Committee of the City of Toronto.

COUNCIL — The Council of the City of Toronto.

INAUGURAL MEETING — The first meeting of the Committee or a Panel after its members have been appointed by Council after a regular election.

PANEL — A hearing panel of the Committee.

## **2. Application.**

The rules in this By-law shall be observed in all meetings of the Committee and Panels and, where applicable, in the hearing portion of Panel proceedings.

## **3. Matters not dealt with in the rules of procedures.**

- A. If these rules do not provide for a matter of procedure that arises during a meeting or the meeting portion of Panel proceedings, the practice shall be determined by the Committee or the Panel.
- B. If these rules do not provide for a matter of procedure that arises during a hearing, the Panel may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it.

## **4. Meetings.**

- A. The Committee shall hold its inaugural meeting as a committee of the whole on a date and time to be determined by the City Clerk following the appointment by Council of the Committee members for the term of Council.
- B. The Committee shall meet as a committee of the whole at the request of the Chair and the Chair shall summon a meeting of the committee of the whole when requested to do so in writing by a majority of the members.
- C. When the Chair is absent from the City, or is absent through illness, or refuses to act, or when the office of the Chair is vacant, a meeting of the Committee as a committee of the whole may be summoned by the Secretary on 24 hours' notice when requested to do so in writing by a majority of the members.
- D. Meetings of the Committee shall be held at City Hall or such other location, as the Secretary deems advisable.
- E. A majority of the members constitutes a quorum at meetings of the committee as a whole.
- F. Meetings of the Committee shall be held, at the discretion of the Chair and in accordance with the *Building Code Act, 1992* and *Statutory Powers Procedure Act*, either as in-person meetings or electronic meetings, and where a meeting is held by electronic means, a physical meeting may not be held at the location described in subsection D. Members participating in accordance with the electronic meeting requirements adopted by the

Committee shall be counted in determining whether or not a quorum of members is present at any point in time.

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**5. Committee Chair.**

- A. At the inaugural meeting the Committee shall elect one of its members as Chair for the term of the Council that appointed the member and until a successor is appointed.
- B. When the Chair of the Committee is absent through illness or otherwise, the Committee may appoint another member as Acting Chair.
- C. If the Chair of the Committee resigns as a member of the Committee or resigns as the Chair of the Committee, the Committee shall appoint another member as Chair for the balance of the term of Council and until a successor is appointed.
- D. The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.

**6. Committee Secretary.**

The City Clerk is appointed as the Secretary of the Committee and may delegate administrative responsibilities to a Deputy Secretary assigned to administer a Panel.

**7. Panel Chair.**

- A. At its inaugural meeting a Panel shall elect one of its members as Panel Chair for the term of Council and until a successor is appointed.
- B. When the Panel Chair is absent through illness or otherwise, the Panel may appoint another member as Acting Panel Chair.
- C. If a Panel Chair resigns as a member of the Committee or resigns as the Chair of the Panel, the Panel shall appoint another member of the Panel as Panel Chair for the balance of the term of Council and until a successor is appointed.
- D. The Panel Chair shall enforce the observance of order and decorum among the members and the public at all hearings and shall preside over the review of all matters on the agenda to ensure fair and expeditious hearings.

**8. Location of Panel meetings.**

As Council has directed by adopting Planning and Transportation Committee Report 6, Clause 5, 2001, each Panel shall hold its meetings at the following locations or such other location, as the Secretary deems advisable: **(Amended by By-law No. 2)**

PANEL	LOCATION OF MEETING
Etobicoke York Panel	Etobicoke York Civic Centre
North York Panel	North York Civic Centre
Scarborough Panel	Scarborough Civic Centre
Toronto and East York Panel	Toronto City Hall

- B. Meetings shall be held, at the discretion of the Panel Chair and in accordance with the *Building Code Act, 1992* and *Statutory Powers Procedure Act*, either as in-person meetings or electronic meetings, and where a meeting is held by electronic means, a physical meeting may not be held at the location described in subsection A.

### 9. Schedule of meetings.

- A. Each Panel shall adopt a schedule of meetings to hear appeals for each year. **(Amended by By-law No. 2)**
- B. Before the end of the year, each Panel shall adopt a schedule of meetings to hear appeals for the next year, except in the final year of the term. **(Amended by By-law No. 2)**
- C. A meeting date may be added, cancelled or rescheduled by the Secretary.
- D. As Council has directed, by adopting Planning and Transportation Committee Report 6, Clause 5, 2001, each meeting shall commence at 9:30 a.m. and continue until the agenda is completed. **(Amended by By-law No. 2)**

### 10. Agenda.

- A. The Secretary shall provide an agenda before the meeting to each member of the Panel.
- B. The first matter of business on the agenda shall be the declaration of any conflict of interest. The member shall declare the general nature of the conflict of interest and shall remove him/herself from the hearing room during the discussion of the matter. **(Amended by By-law No. 2)**
- C. Every declaration of a conflict of interest and the general nature thereof shall be recorded in the minutes of the hearing. **(Amended by By-law No. 2)**

#### 10.1. Serving and filing documents.

- A. If a party intends to rely on or produce 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 5 days prior to the date of the hearing and shall file a copy of the documents with the Secretary no later than 5 days prior to the date of the hearing.

- B. Where a party fails to disclose or serve a document in accordance with Subsection A, the Panel may disallow the document to be entered in evidence and may make such other orders as it deems appropriate in the circumstance.
- C. A party may examine any document filed with the Secretary.
- D. Unless otherwise ordered by the Panel or unless the parties consent, no document filed with the Secretary may be amended after it is filed.
- E. A Panel may, at any stage in a proceeding, make such orders as it considers necessary for:
  - a. the exchange of documents;
  - b. the exchange of witness statements;
  - c. the provision of particulars; and/or
  - d. any other form of disclosure.
- F. Where any document is required to be served upon a party to a proceeding, including for commencing that proceeding, service can be made by:
  - a. Regular, registered or certified mail to the last known address of the person or their representative; or
  - b. Email, where the person or party receiving the document has provided an email address.
- G. Service is deemed to be effective:
  - a. By mail, on the fifth day after the document is mailed; or
  - b. By email, on the day after it was sent, unless that day is a holiday, in which case the copy shall be deemed to be received on the next day that is not a holiday.

**11. Panel quorum.**

- A. Four members are appointed to each Panel and three members constitute quorum for each Panel, subject to Subsection B.
- B. Before a meeting, if the Secretary determines that there will not be a quorum of members appointed to a Panel, the Secretary may arrange for other members of the Committee to

attend the hearing as substitute members and the substitute members shall be counted for purposes of making quorum.

- C. If no quorum is present 30 minutes after the time appointed for the commencement of the meeting, the Secretary shall re-schedule the meeting.
- D. Members participating electronically in an electronic meeting shall be counted in determining whether or not a quorum of members is present at any point in time.

## **12. Panel procedures.**

- A. Opening statement.

The Panel Chair reads an opening statement outlining the procedure and format of the Committee hearing process.

- B. Statements.

The Panel Chair will entertain any statements from Panel Members at this time.

- C. Motions.

The Panel will hear motions with respect to any business properly before the Panel at this time.

- D. Hearing of appeals.

Subject to any motions previously adopted by the Panel, the Panel Chair will indicate that the Panel will now hear the first appeal listed on the agenda.

- E. Introduction and recording of parties to an appeal.

The Panel Chair requests interested parties to an appeal to identify themselves, including any other interested persons who intend to give evidence on behalf of either party to the appeal.

- E.1 Electronic meetings

- 1. An electronic meeting shall only be held during the period from September 11, 2020 to one year following the later of the termination of the Provincial emergency or the termination of the municipal emergency related to COVID-19 and shall comply with the *Building Code Act, 1992* and *Statutory Powers Procedure Act*, and the electronic meeting requirements adopted by the Committee.

2. Where an appeal is proceeding by electronic means, the Panel Chair shall request interested persons to an appeal to identify themselves at the beginning of the hearing and to confirm all parties have registered their names with the Secretary.
3. Where an appeal is proceeding by electronic means, and all interested persons identified themselves and all parties have confirmed registration with the Secretary, the Committee shall hear from any party who wishes to make:
  - a. a request for an adjournment of the hearing
  - b. a petition for an in-person hearing; or,
  - c. both.
4. If the Panel, either as result of submissions made in relation to a petition for an in-person hearing, or on its own motion, that hearing proceeding by electronic means shall cause a party significant prejudice, the Committee shall direct that the hearing be held as an in-person hearing, and may adjourn the hearing to such date and time as the Panel believes appropriate.

F. Presentation of order to comply.

1. The Property Standards Officer is requested to present the order to comply and related evidence.
2. The Property Standards Officer may be questioned by the Panel Members through the Panel Chair to clarify any evidence presented.
3. If the Appellant is represented by legal counsel, legal counsel may cross-examine the Property Standards Officer at this time.
4. No legal counsel.
  - a. If the Appellant is not represented by legal counsel, any questions the Appellant, including any Appellant's agent, may wish to ask the Property Standards Officer shall be directed to the Panel through the Panel Chair.
  - b. The Panel may allow the question to be put to the Property Standards Officer or rule that the question is improper or out of order.
5. Every opportunity will be given to the Appellant to view any evidence submitted by the Property Standards Officer.

G. Other persons in support of the order.

1. After any cross-examination of the Property Standards Officer, the Panel may hear from anyone else who supports the confirmation of the order to comply.
2. Preference in the order of hearing will be given to those who identified themselves as an "other interested person" at the beginning of the hearing.
3. The Panel, through the Panel Chair, may question the persons giving evidence to clarify any evidence presented.
4. Legal counsel may cross-examine the persons and an Appellant not represented by legal counsel may cross-examine the persons in the manner provided under Subsection F(4).

H. Presentation of an appeal.

1. The Appellant or the Appellant's legal counsel is requested to present evidence with respect to the appeal of the order to comply.
2. The Panel may, through the Panel Chair, ask questions of the Appellant to clarify any evidence presented.
3. The Panel will allow the Appellant or the Appellant's legal counsel to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.
4. If evidence is to be given by anyone other than the Appellant or a witness called by the Appellant, preference of hearing order will be given to those who identified themselves as "other interested persons" at the beginning of the hearing.
5. Persons giving evidence under Subsection H(4) are subject to questions by the Panel, the Appellant and the Appellant's counsel as described in Subsection G(3) and (4).

I. Other representations; recall of Property Standards officer.

1. After the Appellant's presentation, the Panel will hear from anyone else who wishes to make representations before the Panel pertaining to the matter.
2. Persons giving evidence under Subsection I(1) are subject to questions by the Panel, the Appellant and the Appellant's counsel as described in Subsection G(3) and (4).
3. The Property Standards Officer may also be recalled at this time.



J. Panel decision. **(This section was amended by By-law No. 2)**

1. The Panel will as a general practice rely on pictures and other diagrams to describe the property.
2. The Panel will give an oral decision or may reserve its decision.
3. If the decision is reserved, the Panel shall specify the future hearing date when it intends to provide a Decision.

K. Notice of Decision

The Secretary will forward notice of the Panel's decision to all those notified of the hearing and to everyone who appears before the Panel.

**13. Grant exceptions from procedures.**

A Panel may grant all necessary exceptions from the procedures in Section 12, except and save for the procedures in Subsection 12 J and K, as it considers appropriate to ensure that the real questions in issue are determined in a just manner, so long as the exemptions accord with principles of fairness. **(Amended by By-law No. 2)**

**14. Voting; equality of vote.**

- A. All members, including the Committee Chair, must vote on all motions and other questions submitted at a Committee meeting that they are present for unless they have declared a conflict of interest. **(Amended by By-law No. 2)**
- B. All Panel members, including the Panel Chair, must vote on all motions and other questions submitted at a Panel meeting that they are present for unless they have declared a conflict of interest. **(Amended by By-law No. 2)**
- C. All votes other than tie votes shall be decided by a majority vote. **(Amended by By-law No. 2)**
- D. In the case of a tie vote, the motion or question shall be deemed to have been lost. **(Amended by By-law No. 2)**
- E. If all motions to modify the order, confirm the order, rescind the order or extend the time to comply with the order are lost, the order is deemed to be confirmed. **(Amended by Bylaw No. 3)**

**15. Minutes.**

- A. The Secretary shall prepare minutes of the meetings of the Committee and the meetings and hearings of each Panel.
- B. The Committee and each Panel shall review and adopt the minutes of its previous meeting before beginning the current agenda.

ENACTED AND PASSED this 22<sup>nd</sup> day of January, A.D. 2002.

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Chair

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Secretary