



Staff Report

Legal Services

Report To: Council
Meeting Date: July 13, 2020
Report Number: FAF.20.115
Subject: Appointments to the Property Standards Committee
Prepared by: Will Thomson, Director of Legal Services

A. Recommendations

THAT Council receive Staff Report FAF.20.115, entitled "Appointments to the Property Standards Committee";

AND THAT Council consider the following recommendations:

1. THAT _____ is appointed as Council Member to The Blue Mountains Property Standards Committee for the balance of the 2018 – 2022 term of Council;

AND THAT _____ is appointed as an Alternate Council Member to The Blue Mountains Property Standards Committee for the balance of the 2018 – 2022 term of Council.

OR

2. AND THAT Council direct staff to explore the cross-appointment of the Committee of Adjustment as the Property Standards Committee.

OR

3. AND THAT Council direct that the current Council appointments to the Property Standards Committee for the 2018 to 2022 Term of Council be repealed;

AND THAT Council direct staff to advertise for letters of applications for appointment to the Property Standards Committee for the 2018 to 2022 Term of Council.

B. Overview

At the June 29th Committee of the Whole Meeting the Committee asked for clarification as to *who* is eligible to sit on the Town's Property Standards Committee, and specifically, whether the Committee may be comprised of citizen members, Council members, or both.

C. Background

The Property Standards Committee is a creation of the *Building Code Act* and is not a typical “committee of council” rather, it is a quasi-judicial body which adjudicates appeals of Property Standards Orders issued by the Municipality. Property Standards Committees are governed by the rules and regulations of the *Statutory Powers Procedure Act* and *Building Code Act*. Property Standards Committees are appointed by, but separate from, the Council of the Municipality; similar to a Committee of Adjustment.

D. Analysis

The *Building Code Act* is the Act which stipulates the creation of a Property Standards Committee. The *Statutory Powers Procedure Act* governs the processes of the Committee itself. S. 15.1 of the *Building Code Act* governs the passing of Property Standards By-laws generally; s. 15.6 of the *Building Code Act*, among other things, stipulates that: “A by-law passed under section 15.1 shall provide for the establishment of a 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.” (emphasis added).

The Building Code Act does not regulate *who* the members of the Committee can or should be, but rather stipulates that it be established and appointed by the Council of the Municipality.

Nothing in the *Building Code Act*, *Municipal Act*, or *Statutory Powers and Procedure Act* prevent Council members from serving on a Property Standards Committee, only that said members be appointed by Council.

Similarly, the Town’s Property Standards By-Law (2002-18) does not stipulate that members of the Committee be either Council or Citizen members, only that three members be appointed by Resolution of Council.

From a cursory review of other Municipalities Property Standards Committees it is worth noting that most, but not all, are composed of Citizen members rather than Councillors.

Further, some municipalities cross-appoint their Committees of Adjustment as their Property Standards Committees, as they are both quasi-judicial in nature.

E. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners
Objective #3 Strengthen Partnerships

Goal #4: Promote a Culture of Organizational & Operational Excellence
Objective #3 To Consistently Deliver Excellent Customer Service

F. Environmental Impacts

NA

G. Financial Impact

NA

H. In Consultation With

Wayne DeWitt, Supervisor By-Law Services

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Will Thomson, directorlegal@thebluemountains.ca

J. Attached

NA

Respectfully submitted,

Will Thomson
Director of Legal Services

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