



**Port Colborne
Property Standards/Notice to Muzzle
Appeal Committee
Terms of Reference**

Committee: Port Colborne Property Standards/Notice to Muzzle Appeal Committee

Date Approved: June 13, 2023

Date Revised: N/A

Approval: Council

Committee Resource: City Clerk and Manager of By-law Services

1. Purpose

The City of Port Colborne Property Standards/Notice to Muzzle Appeal Committee (PSMC) is a quasi-judicial body that hears appeals based on orders laid under the Property Standards By-law and the Dog Control By-law.

2. Mandate

- 2.1 Mandate of the Property Standards Committee – The City of Port Colborne Property Standards Committee shall hear appeals by property owners or their agents who have received an order laid under the City's Property Standards By-law, which establishes the minimum levels of maintenance of properties and buildings in the municipality. The Committee has the authority to confirm, modify or rescind an Order to demolish/repair or to extend the time for complying with an Order under the by-law.
- 2.2 Mandate of the Notice to Muzzle Appeal Committee – The City of Port Colborne Notice to Muzzle Appeal Committee shall hear appeals by dog owners who have received a Vicious Dog Declaration/Notice to Muzzle issued under the City's Dog Control By-law. The Committee has the authority to confirm the declaration/order, remove the declaration/order, or dispose of the appeal via a Consent Order.

3. Membership Composition

- 3.1 The PSMC shall consist of the following voting members:



- Four members of the City of Port Colborne's Council shall be appointed by resolution of Council.
- One member shall be appointed from the public at large by resolution of Council.

3.2 The City of Port Colborne PSMC shall consist of the following non-voting members:

- At least one non-voting member of staff who shall act as a resource person, recording secretary, and shall provide administrative support to the Committee.
- The Mayor is an ex-officio non-voting member of the Committee.

4. Citizen Membership Eligibility Criteria

To facilitate the nomination and appointment of citizen members to the Committee, with the aim of achieving diverse representatives, the following criteria will be considered:

- 4.1 Residency - Members must be at least 18 years of age and a tenant or owner of land in the City of Port Colborne, or the spouse/partner of such owner or tenant.
- 4.2 Technical Expertise – Preference may be given to eligible candidates that have the following skills:
 - Knowledge and prior experience in administrative law.
 - Ability to carry out a fair and impartial hearing.
 - Ability to communicate effectively with the public.
 - Ability to write a clear and concise decision.
 - Excellent written and oral communication skills.
 - Knowledge and/or experience in the areas of property maintenance and/or animal care.
- 4.3 Community Representatives - Consideration shall be given to the individual's level of participation and knowledge of legal tribunal governance, land use and real estate experience. The relevance of their interests to the mandate of the Committee will be an important consideration.



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- 4.4 Availability - It is imperative that an applicant be able to attend as many Committee meetings as possible and undertake work outside of the regular meetings.

5. Membership Recruitment

- 5.1 Membership recruitment will be conducted in accordance with the City's Appointments to Boards and Committees Policy.
- 5.2 The membership on the Committee shall consist of appointments by Resolution of Council.

6. Term

Unless otherwise provided for, the term of the Committee shall be the term of the Council. Each member of the Committee shall hold membership until his/her successor is appointed. In the case of a vacancy for any cause other than expiration of term, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.

7. Resignation

A voting member of the Committee shall cease to be a member of the Committee upon submission of a letter of resignation to the City Clerk or if he/she absents himself/herself from three successive scheduled meetings of the Committee without being authorized to do so by a resolution of the Committee entered in its minutes.

8. Appointment of Chair and Vice-Chair

At the first meeting of the new term of the Committee, the members shall appoint, from among their number, a Chair and Vice-Chair.

9. Role of the Chair

The role of the Chair is to:

- 9.1 Preside at the meetings of the Committee in accordance with the City's Procedural By-law and keep discussion on topic.
- 9.2 Provide guidance and leadership to the Committee as required.



- 9.3 Ensure that each hearing abides by all rules of procedure and conduct, and that decorum is maintained.

10. Role of the Vice-Chair

In the absence of the Chair, the Vice-Chair assumes all functions of the Chair, as required.

11. Role of Committee Members

The role of Committee Members is to:

- 11.1 Review appeals in advance of hearings.
- 11.2 Attend all hearings, consider the appeals presented, and make decisions in public regarding the appeals.
- 11.3 Contribute time, knowledge, skill, and expertise to the fulfillment of the PSMC's mandate.
- 11.4 Provide notification to the Staff Liaison if unable to attend PSMC hearings to ensure that quorum will be available.

12. Hearings

- 12.1 All PSMC hearings shall be open, and no person shall be excluded therefrom, except for improper conduct or for matters identified in section 239(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- 12.2 PSMC hearings are attended by PSMC members, City staff, appellants and/or their agent, and any member of the public who wishes to observe or participate in the proceedings.
- 12.3 PSMC hearings shall not conflict with the Council approved schedule.
- 12.4 PSMC hearings shall take place at a City facility.
- 12.5 All matters pertaining to a closed hearing must first be approved by the Clerk to ensure it is appropriately being dealt with in closed session.



12.6 The Chair shall cause notice of the hearings, including the agenda for the hearings in accordance with the City's Procedural By-law.

13. Minutes

The minutes of all PSMC hearings shall be recorded and distributed to PSMC members.

The minutes shall be open to inspection in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended and such minutes will be posted on the City's website.

14. Quorum

The Chair will call the hearing to order as soon as a quorum is present. Quorum is achieved when a majority of voting members are present. Vacant seats shall count as seats for the purpose of calculating a quorum.

If quorum for a hearing is not present within fifteen (15) minutes of the designated time of commencing the hearing, the Recording Secretary shall record the names of the Members present and the hearing shall stand adjourned until the date of the next scheduled hearing.

15. Conflict of Interest

It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Committee in accordance with the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50.

Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a hearing of the Committee at which the matter is the subject of consideration, the Member will, in accordance with *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50 (5):

- file a written statement of the interest and its general nature with the Clerk prior to the hearing;
- not take part in the discussion of, or vote on any question with respect to the matter;
- not attempt in any way before, during and/or after the hearing to influence the vote on the matter.



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Where a hearing is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the Member will forthwith leave the hearing for the part during which the matter is under consideration.

The Clerk will record the particulars of any disclosure of pecuniary interest made by Members of Committees in the minutes of that hearing and update the Pecuniary Interest Registry. The Registry will be available for public inspection.

16. Procedures

Appeal hearings will be conducted in accordance with the rules established by the respective by-law (Property Standards By-law or the Dog Control By-law), the *Statutory Powers Procedure Act*, and the *Building Code Act*, as appropriate.

17. Remuneration

The remuneration of the Members of the MSMC shall be in accordance with the payment amounts set out in the Property Standards By-law and the Dog Control By-law, and any amendments made thereto.

18. Staff Liaison

The City Clerk or designate shall appoint a Staff Liaison to the PSMC. The Staff Liaison will provide administrative, procedural, and technical support to the PSMC.

19. Terms of Reference

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Port Colborne staff. Council may, at its discretion, change the Terms of Reference for this Committee at any time. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the City Clerk through a report.

20. Resources

- 20.1 City's Property Standards By-law
- 20.2 City's Dog Control By-law
- 20.3 *Statutory Powers Procedure Act*
- 20.4 Procedural By-Law
- 20.5 *Municipal Act*
- 20.6 Code of Conduct



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20.7 Appointment to Boards/Committees Policy

20.8 *Conflict of Interest Act*

20.9 Robert's Rules of Order

20.10 *Building Code Act 1992, S.O. 1992*

20.11 *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*