



Property Standards Committee/Animal  
Services Committee  
Consolidated Version

Approved by: By-Law Number 26-21  
Amended by: By-Law Number 65-22

Date: June 28, 2021  
Date: December 19, 2022

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**Alternative formats available upon request by contacting:**  
[accessibility@scugog.ca](mailto:accessibility@scugog.ca) or 905-985-7346 ext. 115

## **Mandate**

The Township of Scugog Property Standards Appeal Committee and the Animal Services Appeal Committee (the "Committee(s)") are Quasi-Judicial and have full delegation of authority in the Building Code Act, 1992 S.O. 1992 c. 23, Section 15.3 and the Municipal Act, S.O. 2001, Chapter 25, Section 11 to hear appeals from both property owners and dog owners who have been served with or disagree with either a Property Standards Order or an Order to Restrain.

The Committees do not meet regularly. They will be called upon as needed.

The Committees shall hear evidence presented by witnesses, the Township Municipal Law Officer's, property owners (as applicable), the dog owner (as applicable), or other individuals that may have evidence relating to the case.

The Committees have the authority to make decisions on the status of a Property Standards Order or an Order to Restrain. As such, the Committees may confirm, modify rescind, or extend the time for complying with an Order.

## **Committee Membership (Amended by By-law 62-22)**

A Committee member must be a Canadian Citizen and 18 years of age or older. The Committees shall consist of no fewer than five (5) members appointed by Council of the Township of Scugog. Township staff shall recruit and recommend five (5) individuals for appointment to the Committee(s). Members may sit on one or both of the Committees. Members shall live in the municipality and be appointed by a By-law to hold office for the term of Council. A member of Council or an employee of the Township of Scugog or of a local board thereof is not eligible to be a member of the Committees.

Committee Members must have the ability to understand and apply the provisions of the Townships Property Standards By-law and the Townships Animal Control By-law and should be considered impartial with respect to their ability to fulfill their responsibilities.

Remuneration shall be \$65.00 per meeting attended. The Members shall be provided funds on a quarterly basis of each calendar year that the Committees sit. Committee members shall be reimbursed for mileage resulting from their site visit to the subject property in advance of each hearing, at the current rate paid to Council and Staff of the Corporation of the Township of Scugog, in accordance with the Township Mile Reimbursement Policy.

The Term of the Committees is four years, corresponding with the Term of Council, plus an additional three months during the transition period.

A Chair and Vice-Chair will be elected by the Committee Members and will serve for a one-year term. The Vice-Chair will act on behalf of the Chair when he/she is not available. The Chair/Vice-Chair will ensure that decorum is maintained at each meeting and that "Schedule A", Rules of Procedure, is observed at all times. The appointment of a Committee Member shall be rescinded if the member is absent from 3 consecutive meetings or absent for over 50% of the meetings in one year, unless excused by the Committees due to extenuating circumstances. Where a vacancy occurs for any

reason, Council shall appoint by by-law, a person qualified to be on the Committees for the remainder of the term.

The Committee has full delegated authority from Council to render decisions. However, certain decisions of the Committees are appealable to other bodies, as established later in these terms of reference.

### **Staff Support**

The Development Services Department (Municipal Law Enforcement Officer) will act as the staff resource person for the Committees. The Committees will receive administrative support from the Committee Coordinator, appointed by the Chief Administrative Officer. The Committee Coordinator will act as the secretary to the committee and shall keep on file minutes and records of applications and the decisions thereon, and all other official business of the Committees. The dates and times of meetings will be coordinated by the secretary and communicated directly to Committee Members.

An agenda and minutes shall be prepared for the Committees. The minutes shall outline the general deliberations and specific actions and decisions that result. The Committees shall provide its decision in writing to all parties via mail, email, or office pickup (when available) within 5 business days of the meeting date.

### **Quorum**

A quorum shall consist of a majority of the voting members. If there are three (3) voting members, quorum shall be two (2) members.

If no quorum is present within 15 Minutes after the time appointed for a meeting, the Alternate Committee Member may step in as an acting voting member in the unexpected absence of a regular voting member.

If the alternate member is not in attendance, the secretary shall record the names of the Members present and the meeting shall stand adjourned. The secretary shall reschedule the meeting to an alternate date.

Members of the Committees are required to notify the secretary when the Member is aware that he/she will be absent from any meeting of the Committees.

### **Property Standards Appeals**

When the Owner or Occupant upon whom an Order has been lawfully served is not satisfied with the terms or conditions of the Order, they may appeal to the Property Standards Committee by sending a Notice of Appeal by registered mail to the secretary of the Committee, within fourteen (14) days after service of the Order. Service shall be deemed to have been made on the fifth (5) day after the mailing of the Order. In the event that no Notice to Appeal is received within fourteen (14) days of service the Order shall be deemed final and binding.

Upon receipt of the Notice of Appeal the secretary shall determine a date, time and place for the hearing of the Appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforementioned Notice

of Appeal. The secretary shall give notice of the date, time and place of the appeal to the Applicant, the Property Standards Committee members and the relevant Officer. The notice shall be in writing and may be provided via email, regular mail or hand delivered, as determined by the secretary.

Where an Appeal has been taken, the Property Standards Committee shall hear the Appeal and shall have all the authority and functions of the Officer. The Property Standards Committee may confirm, modify, or rescind the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the By-law and of the Official Plan or policy statement are maintained.

### **Animal Services Appeals**

Appellants have 10 days from the date of service to appeal an Order to Restrain, the Committee's decision is final and binding. Before an Appeal date has been set, all Orders to Restrain are in full effect, pursuant to the Township's Animal Control By-law.

Upon receipt of the Notice of Appeal the secretary shall determine a date, time and place for the hearing of the Appeal which shall take place not less than seven (7) days and not more than thirty (30) days from the date of receipt of the aforementioned Notice of Appeal and shall give notice of the date, time and place of the appeal to the Applicant, the Animal Services Committee members and the relevant Officer. The notice shall be in writing and may be provided via email, regular mail or hand delivered, as determined by the secretary. Service is deemed to be effected five (5) days after mailing.

Where an Appeal has been taken, the Animal Services Committee shall hear the Appeal and shall have all the authority and functions of the Officer. The Animal Services Committee may confirm, modify, or rescind the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the By-law, and the Official Plan or policy statement are maintained.

### **Virtual Appeals**

Appeals may be held virtually rather than in person if deemed advisable to by the secretary. Virtual appeals may take place via teleconference or videoconference. Virtual hearings require civility, professionalism, cooperation, communication and collaboration between parties, both before and during the hearing. Parties are expected to communicate and work cooperatively with each other and the Panel to ensure that the hearing is conducted in a just, expeditious and cost-effective manner.

Anyone who intends to present evidence in relation to the hearing, must register at least one (1) business day in advance of the hearing date with the secretary to ensure there is adequate time to administer the oath in person as per the requirements noted below.

The Chair of the Committee may conduct a roll call to confirm that all Parties and other required participants are present or available. If any party is unable to attend / connect to the hearing, the hearing may be postponed at the discretion of the Committee. However, if quorum is lost then the meeting shall be held in recess until a quorum is again achieved. If a quorum is not achieved within 15 minutes of losing quorum, the hearing shall be postponed.

**While virtual hearings may be offered in certain circumstances (i.e. during state of emergencies), in person hearings is the preferred option.**  
**Oaths**

While the applicable legislation (The Municipal Act and the Building Code) does not require that oaths and affirmations be administered for the purposes of hearings, the Township of Scugog does require that an oath or affirmation be taken by any individual who intends to present evidence or speak in relation to the hearing.

If the meeting is being held in person, the oath shall be taken at the start of the meeting by a staff member who is a commissioner of oaths.

The Commissioner of Oaths shall ask:

“Do you wish to affirm or swear?”

The individual shall respond with the following:

“I (state your name) swear (or solemnly affirm) that the evidence to be given by me in these proceedings shall be the truth, the whole truth, and nothing but the truth (so help me god if swearing).”

If the meeting is being held virtually, the oath shall be taken prior to the meeting following the below procedure:

1. The individual will attend the Municipal Office during regular office hours to meet with a commissioner of oaths.
2. The commissioner of oaths will administer the oath and have the individual sign the oath, as contained in Schedule A.
3. The original copy will be provided to the secretary of the Committee and a photocopy to the individual who took the oath.
4. The individual shall provide the commissioner with an email address that they will have access to at the start of the proceedings.
5. At the start of the meeting, the secretary will email a unique 8 digit pin to the email address the individual provided and will request that the individual read the 8 digit pin to verify that they are the individual who took the oath in advance of the meeting. Failure to provide the 8 digit pin, will result in being unable to provide sufficient indemnification and therefore will not be permitted from speaking at the hearing.

### **Failure to Attend by Appellant**

Where an appellant is properly notified of a hearing or appeal in writing as determined secretary, and does not attend at the time and place appointed, after 15 minutes, the Committees shall determine that the appellant has “deemed not to dispute” the Property Standards Order or Order to Restrain and the Committees shall confirm the Order(s) as written, with the appellant being notified of the Committees decision after the appeal hearing.

## **Public Access**

All appeal hearings shall be fully accessible to the general public. The Committees shall render its decision on the matter in the presence of the public, the appellant, staff and other interested parties.

## **Confidentiality**

Committee Members shall not permit any person, other than those who are legally entitled, to inspect or have access to information or documentation provided for an appeal. If unsure, the Committees shall discuss this matter with the Township Clerk or Designate.

## **Rules of Debate and Conduct**

Individuals shall be permitted to speak on a matter only once and be limited to speak for no more than 10 minutes. A five minute extension to speak may be decided, without debate, by a majority of Committee Members present. Where there are numerous individuals taking the same position on a matter, they are encouraged not to repeat information presented by an earlier delegation.

The Chair can limit the number of individuals speaking if he/she believes that the information being provided has already been presented to the Committees or the individual does not have firsthand knowledge of the matter or incident that is being heard by the Committees.

Members shall be permitted to ask questions of delegates but shall not make statements to, nor enter into debate with such persons.

## **Conduct of Committee Members**

No Member shall:

- Speak disrespectfully of the Reigning Sovereign, of any Member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor, of any Province, of any Member of Senate, of any elected assembly, of the Township Council or any officer or employee of the Township of Scugog;
- Use offensive words about the Council or against any Member, or any officer or employee of the Township of Scugog;
- Speak on any subject other than the subject in debate;
- Disobey the Rules of Procedure or a decision of the Committee Chair on questions of order or procedure or upon the interpretation of the Rules of Procedure; and in case a Member persists in any such disobedience after having been called to order, the Chair shall forthwith order him or her to vacate the Chamber in which the meeting is being held, but if the Member apologizes, he or she may, by majority vote of the Committee Members, be permitted to retake his or her seat;
- Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, and place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, or disability.

## Appeal Format

The Chair will explain the appeal process should an individual or the Township Staff not agree with a decision of the Committee for both Property Standard Orders, pursuant to the Building Code Act, and Orders to Restrain, pursuant to the Township's Animal Control Bylaw.

- a) **Appeal of Decision - Property Standards** - the municipality in which the property is situate or any owner or occupant or person affected by a decision may appeal to the Superior Court of Justice by notifying the Clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent.
- b) **Appeal of Decision - Animal Services** - the municipality in which the dog resides, or any owner of a dog identified in an Order to Restrain, may appeal directly to Council at the General Purpose and Administration (GPA) Committee by notifying the Clerk of the municipality in writing and by paying the appropriate fees as outlined in the Township's Fees and Charges By-law within 14 days after a copy of the decision is sent.

Township staff will present their testimony to the GPA Committee. The GPA Committee will then ask the Officers questions. At the conclusion of the GPA Committee questions, the appellant will then have the option to ask questions of the Officer. This is only an opportunity for questions from the Appellant and not for providing statements to the GPA Committee. This process will continue for each witness that will give testimony on behalf of the Township.

The Appellant will present their testimony to the GPA Committee. The GPA Committee will then ask the Appellant questions. At the conclusion of GPA Committee questions, Township staff will then have the option to ask questions of the Appellant. This process will continue for each witness that will give testimony on behalf of the Appellant.

The GPA Committee will then deliberate. Township Staff and the Appellant will remain present in the event that any additional questions are raised by any Member that requires clarification.

At any time, the GPA Committee Members can ask questions of Staff or of any witnesses who have already spoken to get clarification on an issue.

The Chair will orally notify the Appellant of the GPA Committee's decision with regard to the Appeal. The Chair will also notify the Appellant that the GPA Committee's decision will be provided to them in writing.

## **Conflict of Interest**

A conflict of interest may arise for Committee Members when their personal or business interests clash with the duties and decision of the Committees. Municipal conflict of interest requirements as defined by the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 will apply to the Committees.

If a Committee Member discloses a pecuniary interest, that member shall remove themselves from the meeting for the duration of the discussion and voting (if any) with respect to that matter.

## **Insurance**

The Township of Scugog's General Liability Policy and Errors and Omissions Liability Policy will extend to the Committees and its members provided that the Committee is under the control of, answerable to, or the responsibility of the Township of Scugog and Council. The applicable insurance policies extend to Committee Members while in the performance of his/her duties and to those activities authorized by the Township of Scugog and Council provided they are not negligent in the performance of their duties.

Members must adhere to the policies and procedures of the Township of Scugog and Council, including the Terms of Reference.

The Committee must provide an annual updated listing of all members, including member positions, to the Township of Scugog to ensure the applicable insurance coverage remains in force.

Committee Members are not entitled to any benefits normally provided by the Corporation of the Township of Scugog, including those provided by the Workplace Safety and Insurance Board of Ontario (WSIB) and are responsible for their own medical, disability or health insurance coverage.



## Schedule A

"I (state your name) solemnly affirm on (today's date) that the evidence to be given by me at the Township of Scugog (Animal Services Committee/Property Standards Committee) proceedings to be held on (insert date) shall be the truth, the whole truth, and nothing but the truth."

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Signature of Individual Taking the Oath

Sworn before me at the Township of Scugog, in the Regional Municipality of Durham on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Signature of Commissioner, etc.

Email address of the individual taking the oath where unique pin will be emailed at the start of the meeting to verify the individual:

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