OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to establish standards for the maintenance and occupancy of property in the Town of Caledon being By-law Number 98-155 as amended by By-laws 99-126, 2004-14, 2004-152, 2007-31, 2015-021, 2018-82, 2020-58, 2020-82, 2023-089 and 2026-066. The following consolidation is an electronic reproduction made available for information purposes only and is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 98-155, 99-126, 2004-14, 2004-152, 2007-31, 2015-021, 2018-82, 2020-58, 2020-82, 2023-089 and 2026-066 the By-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 98-155

Being a by-law to establish standards for the maintenance and occupancy of property in the Town of Caledon and to repeal By-law Numbers 86-24, 87-247, 92-05, 92-71, 96-50

WHEREAS pursuant to section 15.1 (3) of the *Building Code Act, (S.O. 1992, c.23, as amended)*, a by-law may be passed by the council of a municipality relating to property standards provided that an official plan that includes provisions relating to property conditions is in effect in the municipality;

WHEREAS the Official Plan for The Corporation of the Town of Caledon includes provisions relating to property conditions;

WHEREAS the Council of The Corporation of the Town of Caledon is desirous of passing a by-law under section 15.1(3) of the ***Building Code Act***;

NOW THEREFORE, the Council of The Corporation of the Town of Caledon hereby ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,

"building" includes a structure used for or intended for supporting or sheltering any use or occupancy;

"clerk" means the Clerk for The Corporation of the Town of Caledon;

[Amended by By-law 2018-82, effective December 18, 2018]

"corporation" means The Corporation of the Town of Caledon;

"Council" means the council of The Corporation of the Town of Caledon;

"demolish" includes the doing of anything in the removal of a building or structure or part thereof;

"occupant" includes any person or persons over the age of eighteen years in possession of the property;

"officer" means a property standards officer who has been assigned the responsibility of administering and enforcing this by-law;

"owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of the lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

"property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto, and all mobile structures, outbuildings, fences and erections whenever erected, and includes vacant property;

"repair" includes the provision of such facilities, and the making of additions or alterations or the taking of such actions as may be required so that the property shall conform to the standards established under this by-law;

"standards" means the standards of physical condition and occupancy of property set out in this by-law;

"Town" means The Corporation of the Town of Caledon in the Regional Municipality of Peel.

SCOPE

2. This by-law shall apply to all property in the Town.

PROPERTY STANDARDS COMMITTEE

[Amended by By-law 2018-82, effective December 18, 2018]

3. The Property Standards Committee for the Town of Caledon is hereby established.

4. The Property Standards Committee shall be composed of five members who shall be appointed by Council through By-law.

SCHEDULES

[Added by By-law 2023-089, effective October 24, 2023]

5. The standards for maintenance and occupancy of property set out in Schedules A and D to this by-law are prescribed as the minimum standards and schedules A and D form part of this by-law. In the event of a conflict between the standards set out in Schedule A and Schedule D, the standards in Schedule D shall prevail.

6. The Rules of Procedure for the Property Standards Committee are

attached as Schedule B to this By-law and from part thereof.

7. The per diem for the members of the Property Standards Committee shall be set out in Schedule C attached to and forming part of this By-law.;

PROHIBITION

[Amended by By-law 2023-089, effective October 24, 2023]

8. (1) No person shall use or occupy, or permit the use or occupancy of any property except in accordance with the standards set out in Schedule A and D.

(2) The owner of any property which does not conform to the standards in Schedule A and D shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and leave it in a graded and levelled condition.

Original section 5 to by-law 1998-055 was deleted effective March 24, 2015

PENALTY

9. Any person who contravenes a provision of this by-law is guilty of an offence.

[Added by By-law 2026-066, effective June 23, 2026]

9.1 Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and is liable to pay to the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty System By-law 2024-086, as amended.

REPEAL

10. By-law numbers 86-24, 87-247, 92-05, 92-71, 96-50 are hereby repealed.

SHORT TITLE

11. This By-law may be referred to as the "Property Standards By-law".

By-law read three times and finally
passed in Open Council
this 21st day of December 1998.

_____
Carol Seglins, Mayor

_____
Marjory Morden, Clerk

[By-law 2004-152
effective Aug 10/04]

SCHEDULE "A" TO BY-LAW 98-155

DEFINITIONS

1. In this Schedule;

"average level of illumination" means the average intensity of illumination from floor level to be calculated using at least one measurement for every nine square metres (96.9 square feet) of floor area;

"Building Code" means the regulations made under section 34 of the *Building Code Act, 1992,* S. O 1992, c. 23, as amended;

"dwelling" includes a building or structure or any part thereof which is intended to be used for the purpose of human habitation, and includes a building that would or could be used for such purposes except for its state of disrepair;

"dwelling unit" means one or more rooms located in a dwelling and used or intended to be used for habitation by any one or more persons;

"Electrical Safety Code" means the regulations made under section 113 of the *Electricity Act, 1998,* S. O. 1998, c. 15, Sch. A, as amended;

"Fire Code" means the regulations made under section 12 of the *Fire Protection and Prevention Act, 1997*, S. O. 1997, c. 4, as amended;

"multiple occupancy residential building" means a building containing more than two dwelling units;

STRUCTURAL CAPACITY

2. Every building or structure or part of a building or structure shall be structurally sound and maintained in a condition so that it has sufficient structural capacity to resist safely and effectively all loads and the effects of loads and influences that may reasonably be expected, having regard to its expected uses and service life.

FOUNDATION AND FOUNDATION WALLS

3. The foundations and the foundation walls of every building or structure or part of a building or structure shall be structurally sound and maintained in that condition so that all masonry cracks are grouted; walls, joists, beams or other exposed wood

members are waterproofed; and so that there are adequate subsoil drains at footing levels and that jacking, underpinning or shoring under the authority of a valid Building Permit is done where necessary.

EXTERIOR WALLS

4. (1) (a) The exterior walls of every building or structure or part of a building or structure must be structurally sound, weather proof and free of loose and unsecured objects and materials.

(b) Improperly secured objects and materials shall be either removed, repaired or replaced.

(2) All brick and stonework, cornices, entablatures, belt courses, parapet walls, corbels, terra-cotta trim, wall facings, and similar decorative features shall be maintained in good repair and safe condition with proper anchorage.

(3) Cladding on the exterior walls of all buildings or structures shall consist of masonry, stucco, wood, metal or other similar materials that provide at a minimum the level of wind, water and vapour protection as required by the Building Code and shall be maintained in a state of good repair.

EXTERIOR DOORS, WINDOWS AND EXTERIOR TRIM

5. (1) The exterior doors, windows and exterior trim of every building or structure or part of a building or structure, shall be maintained in a good state of repair, properly fitted to prevent the entrance of the elements and painted or otherwise treated to provide protection against decay and rust.

(2) All windows in a multiple occupancy residential building that are capable of being opened shall be restricted from opening more than 100mm (4 in.) or with a heavy duty screen conforming to CAN/CSA-A440-M “Windows”;

(3) All dwelling units that are rented shall have screens installed in a secure manner on all windows capable of being opened windows and exterior patio doors.

(4) All exterior doors and windows shall be equipped with locks that are maintained in a state of good repair and in an operative condition.

EXTERIOR STAIRS, PORCHES AND DECKS

6. (1) All exterior stairs, stairways, decks, porches, awnings, canopies, fire escapes and other related structures shall be structurally sound, properly painted or otherwise treated, and free of loose and unsecured objects and materials.

(2) Where there is a difference in elevation between adjacent levels of 600 mm (24 in.) or more, a guard shall be installed that is sound, rust/decay free, safe and clean and firmly fastened. Such guards shall comply with the

requirements of the Building Code and be maintained in a state of good repair.

(3) All exterior stairs and stairways with more than three (3) risers shall be provided with a handrail and guard that complies with the requirements of the Building Code and be maintained in a state of good repair.

BALCONIES

7. (1) Balconies shall be structurally sound, and shall not allow the ponding of water.

(2) All balconies shall be enclosed by a sound rust/decay free, safe and clean guard that has been treated or painted to resist rust or decay and firmly fastened to the main structure. Such guards shall comply with the requirements of the Building Code and maintained in a state of good repair.

ROOFS

8. (1) (a) The roof of every building or structure shall be structurally sound weatherproof and free of loose and unsecured objects and materials.

(b) Improperly secured objects shall be either removed, repaired or replaced.

(2) All roof flashing shall be secured, free of rust and maintained in a serviceable condition.

CHIMNEYS

9. Every chimney, smoke pipe, vent, flue or other similar apparatus serving a heating device, system or solid fuel burning appliance shall be maintained in a safe/usable condition and have all required inspections as required by the Fire Code.

TELEVISIONS AND RADIO ANTENNAE

10. Television and radio antennae and other similar structures shall be securely anchored and maintained in a safe and good condition.

INTERIOR CEILINGS, WALLS AND DOORS

11. (1) All interior ceilings and walls shall be watertight, free from dampness, reasonably free from drafts and maintained in a safe and sound condition free of loose material.

(2) All paint, or other wall covering, which is stained or deteriorated shall be repainted and repaired.

(3) Missing or loose ceiling or wall tiles shall be repaired or replaced.

(4) Interior exit doors must be maintained in a good condition, in an operable condition for opening and closing, and shall be equipped with locks that are maintained in a state of good repair.

INTERIOR STAIRS

12. (1) Interior stairs, stairways, stairwells and landings of every building or structure shall be in a safe and clean condition, and

(a) shall be replaced or repaired in a good workmanlike manner if they have excessively worn, broken, warped or loose treads or worn tread coverings,

(b) handrails and guards that comply with the requirements of the Building Code shall be provided on all interior stairs with more than two (2) risers and
maintained in a state of good repair**.**

FLOORS AND FLOOR COVERINGS

13. All interior floors and floor coverings of every building or structure shall be:

(a) free from dampness and maintained in a safe and clean condition, and

(b) replaced or repaired in a good workmanlike manner if the floor boards or floor coverings become excessively worn, broken, warped or twisted**.**

LIGHTING

14. (1) Lighting fixtures shall be installed and maintained in all areas inside and outside every building or structure in compliance with the requirements of the Building Code including providing the required illumination levels.

(2) Exterior lighting fixtures shall be installed and maintained so as to prevent the light source from shining directly into a neighbouring dwelling unit or increasing the light intensity on any adjacent roads so as to create an unsafe condition.

H.V.A. C. AND MECHANICAL SYSTEMS

15. (1) All heating, ventilation and mechanical systems shall be provided, maintained and operated free of safety hazards and capable of maintaining adequate and suitable heat in accordance with the Town’s applicable by-law.

(2) Any duct work that is part of a heating and/or ventilating system shall be kept

in a clean and sanitary condition free of dust, mold, mildews, or any other health hazard.

ELECTRICAL SYSTEMS

16. (1) All buildings, where required by the Building Code or the Electrical Safety Code, shall be connected to an electrical supply system and shall be wired to receive electricity.

(2) The capacity of the connection to the buildings and systems of circuits and electrical outlets distributing the electrical supply within the buildings shall be adequate for the use and intended use and shall be maintained in good working order, free from fire hazards, and in compliance with the Electrical Safety Code.

DRAINAGE, PLUMBING AND SEWAGE SYSTEMS

17. (1) All buildings shall be provided with drainage and plumbing systems which are installed in accordance with the requirements of the Building Code, maintained in good working order and free from leaks, defective dripping taps or other defects.

(2) (a) Where water run-off from roof surfaces discharges into an eavestrough or gutter, the eavestroughs or gutters shall be connected to downspouts which are either connected to the storm sewer serving the building or discharge directly over the surface of the ground.

(b) Where a downspout discharges directly over the surface of the ground, the downspout shall be provided with extensions to carry rainwater away from the building in a manner which will prevent soil erosion.

(3) Where a building is served by a private sewage system, the sewage system shall be maintained in a good state of repair and in accordance with the requirements of the Building Code.

(4) All dwelling units shall be provided with hot and cold running water along with a water closet, vanity and bathtub or shower located in the same room which shall be accessible from within the dwelling unit and have a door capable of being locked so as to provide privacy for the occupant.

LAUNDRY ROOMS, STORAGE ROOMS, RECREATION ROOMS, AND CHILDREN'S PLAY AREAS CONTAINED WITHIN MULTIPLE OCCUPANCY RESIDENTIAL BUILDINGS AS COMMON AREAS

18. (1) Laundry and recreational equipment shall be maintained in a safe working state of repair.

(2) All common use rooms including rooms used for storage, laundry, children play areas or recreational purposes shall be kept clean and free from health, fire and safety hazards.

(3) All equipment in a children's play area shall be installed and maintained in a safe and operable condition.

PARKING GARAGES

19. (1) Lighting fixtures in all parking garages shall be maintained in good working condition.

(2) Every parking garage shall be illuminated with an adequate number of light fixtures so as to maintain an average level of illumination of at least fifty (50) lux (4.6 foot candles).

(3) The minimum level of illumination at any location on a floor of a parking garage shall not be less than eleven (11) lux (1 foot candle).

(4) One (1) measurement of intensity of illumination made at floor level for every nine (9) square metres (96.9 square feet) of floor area shall be used in establishing the average level of illumination.

(5) All walls, columns and ceilings shall be painted white in colour and shall be maintained in a good state of repair.

(6) All ventilation systems within parking garages shall be maintained in good working
order at all times.

GARBAGE, COMPOST, REFUSE STORAGE ROOMS AND VERTICAL REFUSE SPACE

20. (1) All fire rated doors, closures and fire rated separations shall be installed and maintained on all garbage and refuse storage rooms as required by the Building Code and the Fire Code.

(2) All refuse storage rooms, vertical refuse service spaces, exterior refuse enclosures and refuse containers shall be operable, accessible at reasonable times and maintained in a state of good repair and kept in a clean and sanitary condition free from accumulation of garbage, odours , insects and other pests.

(3) Every person shall provide or install sufficient disposable or re-usable containers, garbage receptacles or garbage enclosures in buildings or on the property of sufficient size so as to safely contain all garbage, rubbish, waste and other refuse until it can be removed in accordance with the applicable by-law.

(4) All garbage, refuse/waste containers, compost, compost containers and composters kept on a property shall be stored in a manner so as not to allow offensive odours to effect the surrounding properties or attract rodents, vermin, pests or other animals to the property.

LAND

21. All exterior property areas, including vacant land, shall be maintained in a clean and reasonable condition so as to prevent fire, accidents or health hazards, and in particular:

(1) (a) No wrecked, dismantled, inoperative, discarded, unused or unlicensed vehicles, trailers, boats, machinery or objects or parts thereof, or

(b) No vehicles, boats or trailers which do not openly display any permit, licence, certificate, plate or sticker, which is required pursuant to the provisions of the *Highway Traffic Act* or similar legislation

shall be placed, stored or left on land, except where such articles are required and used for business purposes permitted under the Town's land use by-laws and where such articles are placed, stored, or left in a manner which avoids an unsafe or unsightly condition deleterious to the neighbouring environment.

(2) Any part of a yard that is low lying or has excavated so that it accumulates water, shall be drained, filled and graded so that the water drains to a storm sewer or ditch. Swimming pools, ornamental pools and agricultural ponds shall not be included in this requirement.

(3) Every hard surfaced walkway, driveway, parking area or laneway shall be evenly graded and maintained free of potholes or uneven sections.

(4) Dilapidated, collapsed or unfinished structures and all accumulations of material, wood, debris or other objects that create an unsafe or unsightly condition, deleterious to the neighbouring environment, shall be removed.

(5) All grassed and landscaped areas on developed lots or on vacant lots shall be cut and maintained in a reasonable condition in relation to the neighbouring environment.

(6) All trees, hedges and bushes shall be maintained and trimmed in relation to the neighbouring environment and any decayed or damaged trees or limbs which create an unsafe condition shall be removed.

(7) All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust, dirt, rubbish, garbage, brush, waste and other debris.

(8) All parking and loading areas on property shall be surfaced with the appropriate material so that no tracking of mud or other debris onto the highway occurs at any time of the year.

FENCES/SCREENING/HOARDING

22. (1) All fences, hoarding and other forms of screening shall be erected and maintained so that they:

(a) do not cause or create an unsightly appearance;

(b) are structurally sound, in a vertical position;

i. are in a condition free of safety hazards and in a state of good repair; and

ii. are kept free of signs and posters unless such signs and posters are authorized by the Town.

(2) Fences shall not be used as a support for any structure, object or thing that is capable of or is causing force to be exerted against or upon the fence.

(3) Where the outside storage of goods, materials and equipment is permitted in accordance with the applicable land use by-law, such goods, materials and equipment shall be screened by fencing which is effective to avoid an unsightly condition deleterious to the neighbouring environment.

LANDSCAPING

23. All landscaping, hedges, trees, fences, curbs, retaining walls or similar changes to property which have been installed as part of a development or redevelopment project shall be maintained so as to ensure continuous compliance with the Town's requirements.

PEST PREVENTION

24. All interiors and exteriors of buildings shall be kept free of garbage and refuse at all times so as to prevent the infestation of pests such as rodents, vermin, insects, birds and methods used for exterminating rodents, vermin, and insects shall be in accordance with the provisions of the *Pesticides Act*, R. S. O. 1990, c. P. 11, as amended, and all regulations passed pursuant thereto.

NOISE ABATEMENT

25. All noise abatement systems and components shall be maintained so that they perform their intended function and are kept in a good state of repair.

SWIMMING POOLS

26. (1) All swimming pools, wading pools, artificial ponds, any accessory equipment or part or parts thereof shall be maintained in good repair free from leaks, mechanical or structural disrepair, or any other defects, accumulations of stagnant water, and free from any safety or health hazard.

(2) All swimming pools, wading pools, artificial ponds, accessory equipment or part or parts thereof which are not operated shall be removed, or fitted with a suitable cover so as to prevent visual blight, the entrance of elements, and/or the infestation of pests or insects.

DRAINAGE

27. (1) No person shall drain or cause to be drained any water from their property to adversely affect any adjacent or downstream properties.

(2) No person shall block or cause a blockage of an established drainage area or swale that adversely affects any upstream properties.

GRAFFITI

28. All property, including but not limited to, buildings, structures, fences or other objects shall be kept clean of graffiti at all times.

BOARDED BUILDINGS

29. (1) Where the exterior doors, windows or other openings to vacant, partially vacant or abandoned buildings or structures are broken, improperly fitted or otherwise in disrepair the property owner shall board the building or structure as a security/safety repair measure so as to prevent the entrance of unauthorized persons, or elements, or the infestation of pests.

(2) The boarding as required under subsection (1) shall comply with the following requirements:

(a) all boards used in the boarding shall be installed from the exterior and properly fitted within the frames of the opening in a watertight manner by nails or screws at least 50 mm in length and spaced not more than 150 mm on centre;

(b) all boards shall be painted or otherwise treated so that the colour blends with the exterior of the building; and

(b) all openings that are required to be boarded shall be securely boarded with a solid piece of plywood that is at least 12 mm thick or metal plate that is at least 3 mm thick.

Added by By-law 2018-82, effective December 18, 2018.

Schedule B – Rules of Procedure

Part 1 – Definitions

1.1 In Schedule B and Schedule C of this By-law:

"*Agent*" means, in respect of a *hearing*, counsel or licensed paralegal, or any other individual authorized to represent one or all of the parties to the appeal, including the *Town* and/or the *appellant*;

"*Appellant*" means a person that has filed or is filing a Notice of Appeal requesting a *hearing* before the *Property Standards Committee* in respect of the Property Standards By-law and may include an *agent* on behalf thereof;

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

"*Coordinator*" means an employee of the *Town* who has been assigned to perform the administrative tasks required by the *Property Standards Committee*, on behalf of the *Town Clerk*;

"*Council*" means the Council for The Corporation of the Town of Caledon;

"*Document*" means written material, files, photographs, maps, plans, surveys, sound recordings, videotapes, and any information recorded or stored by any means;

[By-law 2020-58 effective August 25/20]

"*Electronic hearing*" means a hearing called and held in full or in part via electronic means including, but not limited to, video teleconference, audio teleconference or telephone, and with or without in person attendance;

[By-law 2020-58 effective August 25/20]

"*Hearing*" means any appeal hearing before the *Property Standards Committee*, including an *electronic hearing*;

"*Member*" means a person appointed by *Council* to preside over the *Property Standards Committee*;

"*Notice of Decision*" means a written decision made by the *Property Standards Committee;*

"*Notice of Hearing*" means the notice issued to the parties of the appeal, setting out the date, time and location of the *hearing*;

"*Property Standards Committee*" means the local board established pursuant to this By-law

for the purposes of considering appeals with respect to the *Town's* Property Standards By-law;

"*Quorum*" means a majority of the *members* including the *Chair* for the purposes of transacting the business of the *Property Standards Committee*;

"*Town*" means The Corporation of the Town of Caledon;

"*Town Clerk*" means the Town Clerk for the *Town* or a designate on behalf thereof.

Part 2 – Application of Rules

General

2.1 These Rules of Procedure apply to all *hearings* before the *Property Standards Committee* subject to the Town's Property Standards By-law, the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 and any other applicable legislation.

2.2 The *Property Standards Committee* may, at any time, as it deems necessary, dispense with compliance with any rule herein, save and except those prescribed as mandatory by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. s.22 and any other legislation governing the *Property Standards Committee*.

2.3 These Rules of Procedure shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.

2.4 Where a party to an appeal has not complied in full with any Rule herein, the *Property Standards Committee* may:

(1) adjourn the proceeding until satisfied that such Rule has been complied with; and

(2) take any other step as it considers just and reasonable.

2.5 A party to a proceeding may be represented by an *agent*.

2.6 The *Property Standards Committee* may meet monthly or as often as is necessary for the expedient resolution of appeals in accordance with these Rules of Procedure.

2.7 *Hearings* shall be held at the Town of Caledon Town Hall at 6311 Old Church Road, Caledon, unless otherwise specified in the *Notice of Hearing*.

2.8 The *Coordinator* shall administer oaths and affirmations for the purpose of a *hearing*.

Jurisdiction

2.9 The *Property Standards Committee* shall hear appeals pursuant to the following *Town* By-laws:

(1) Property Standards By-law

Part 3 – Tenure of Members

Term

3.1 The *member's* term on the *Property Standards Committee* shall coincide with the term of *Council* that appointed him or her, or until such time as their successor(s) are appointed.

3.2 A *member* shall not be appointed for more than 3 consecutive terms of *Council* (for a total of 12 years). Any interim appointments are not to be included in the consideration of the total term of appointment of the *member*.

Vacancies of the Property Standards Committee Members

3.3 Subject to Section 3.4 of these Rules of Procedure, a vacancy on the *Property Standards Committee* shall occur if a *member* is absent for 3 successive meetings of the *Property Standards Committee* without confirmation from *Council*.

3.4 A *member* who is unable to carry out his/her duties through illness or otherwise shall provide a note to the *Town Clerk* advising of the absence and the anticipated date of return. The *Town Clerk* shall notify *Council* and *Council* shall then confirm the absence or deem the seat vacant. Upon *Council's* confirmation, a *member* may be absent from his/her seat for 3 successive meetings of the *Property Standards Committee* from the date of his/her notice of illness or otherwise.

3.5 In an election year, if a vacancy should occur on the *Property Standards Committee*, the seat may remain vacant until *Council* is completing its membership appointment for the new term.

3.6 *Members* requesting a temporary leave of absence or intending to resign from the *Property Standards Committee* should provide adequate written notice to the *Coordinator* prior to such action.

Part 4 – Property Standards Committee Chair

4.1 At its first meeting, the *members* shall appoint one *member* as the *Chair*.

4.2 When the *Chair* is absent the *Property Standards Committee* shall appoint another *member* to act as *Chair* for that meeting.

4.3 The *Chair* will:

(1) call the *hearings* to order;

(2) preside over the appeals heard by the *Property Standards Committee*;

(3) enforce the observance of order and decorum during all *hearings*;

(4) give direction to the *Coordinator* and *Town Staff*; and

(5) direct the administrative duties and functions of the *Property Standards Committee*.

4.4 If the *Chair* resigns, either as *Chair* or as *member*, before the end of the term, the remaining *members* of the *Property Standards Committee* shall appoint another *member* as *Chair* for the balance of the current term, or until a successor is appointed.

Part 5 – Property Standards Committee Requisites

Quorum

5.1 A majority of the *members* must be present to achieve *quorum* for a *hearing*.

5.2 If no *quorum* is present 30 minutes after the time appointed for the commencement of the *hearing*, the *Coordinator* shall cancel the *hearing* and shall reschedule the *hearing* in accordance with these Rules.

5.3 Notwithstanding Section 5.1, when the number of *members* who refrain from participating in debate of a matter, or voting by reason of having declared an interest according to the provisions of the *Municipal Conflict of Interest Act*, leaves a remaining number of *members* that does not make *quorum*, the remaining *members* will be deemed to constitute *quorum*, provided that not less than two 2 *members* remain present to continue the *hearing*.

[Sections 5.4 and 5.4.1 added, By-law 2020-58 effective August 25/20]

5.4 Where an emergency has been declared in all or part of the Town of Caledon under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act:

5.4.1 any *member* of the *Property Standards Committee* may participate in an *Electronic Hearing* and be counted for the purpose of establishing *quorum*.

Voting

5.5 All actions taken by the *Property Standards Committee* shall be voted on and the decision made by majority vote.

5.6 *Members*, including the *Chair*, may vote on all motions and other questions submitted at a *hearing*.

[Section 5.7 added, By-law 2020-58 effective August 25/20]

5.7 Call for a vote by the *Property Standards Committee* on the motion by a show of hands to indicate their position on the motion under consideration and in an *Electronic Hearing* the Council Committee Coordinator shall conduct a recorded vote.

5.8 In the case of a tie vote, the motion or question shall be deemed to have been lost.

Part 6 – Record of Hearings

Electronic Record

6.1 The *Coordinator* shall record by electronic method the *hearings* of the *Property Standards Committee*.

6.2 Other than the *Coordinator*, no person shall take or attempt to take a photograph, motion picture, audio recording or other record capable of producing visual or aural representations by electronic means or otherwise at a *hearing* before the *Property Standards Committee* that is open to the public, without the *Property Standards Committee*'s consent.

Minutes of Property Standards Committee Hearings

6.3 The *Coordinator* shall prepare minutes of the *hearing* without note or comment.

6.4 The minutes of the *hearing* shall include the *Notice of Decision* of the *Property Standards Committee*.

6.5 Where a *hearing* is open to the public, every declaration of a pecuniary interest, and the general nature thereof, made pursuant to Section 12.3 shall be recorded in the minutes of the meeting by the *Coordinator*.

6.6 Where a *hearing* is not open to the public, every declaration of a pecuniary interest made pursuant to Section 12.3, but not the general nature of that interest, shall be recorded by the *Coordinator* in the minutes of the next meeting that is open to the public.

Part 7 – Notice Requesting an Appeal

7.1 An *appeal* is commenced by the filing of a Notice of Appeal in the form approved by the *Town Clerk*, in accordance with the provisions of the Property Standards By-law as applicable.

7.2 A complete Notice of Appeal shall include:

(1) a copy of the decision or order giving rise to the appeal;

(2) a statement setting out the grounds for the appeal;

(3) the name, telephone number, email address and address for service of the *appellant* and/or the *agent* on behalf thereof;

(4) the original signature of the *appellant* and/or *agent* on behalf thereof;

(5) a notice regarding accommodations respecting language, visual or audial impairment or otherwise; and

(6) payment of the non-refundable appeal fee as set out in the Town's Fees By-law.

7.3 A complete Notice of Appeal shall be received by the *Town Clerk* before the close of business, being 4:30 p.m., on the last day the appeal may be filed and such Notice of Appeal shall only be provided by personal delivery, regular or registered mail.

7.4 Where a Notice of Appeal is not complete, the *Town Clerk* shall refuse the Notice of

Appeal and shall inform the *appellant* of the material required in order to complete the Notice of Appeal.

7.5 If a Notice of Appeal is received after the appeal deadline the *Town Clerk* shall refuse the Notice of Appeal and shall advise the appellant in writing that:

(1) the appeal is denied based on the late filing; and

(2) the decision or order under appeal is final and binding.

Part 8 – Preparation for a Hearing

Scheduling of Hearing

8.1 Within 60 days of receipt of a complete Notice of Appeal by the *Town Clerk*:

(1) the *Coordinato*r shall contact the *members* to advise them of the Appeal and to confirm *quorum* for the next *hearing* date; and

(2) the *Coordinator* shall schedule a *hearing*, and shall give reasonable notice to the required parties.

8.2 The *Notice of Hearing* shall contain:

(1) the date, time, location and purpose of the *hearing*;

(2) a reference to the statutory authority under which the *hearing* will be held; and

(3) a statement that if the *appellant* does not attend at the *hearing*, the *Property Standards Committee* may proceed in the *appellant's* absence and the *appellant* will not be entitled to any further notice in the proceeding.

[Subsection 8.2 (4) added, By-law 2020-58 effective August 25/20]

(4) a statement that the *hearing* is being held electronically and shall comply with Section 6(5) of the Statutory Powers and Procedure Act, R.S.O. 1990, c. S.22.

Agenda

8.3 The *Coordinator* shall compile an agenda for each hearing to include all appeals to be dealt with at that *hearing* date.

8.4 The *Coordinator* shall provide a copy of the agenda for each *hearing* to the *members* and counsel for the *Property Standards Committee* at least seven 7 days prior to the hearing date with the exception of where a lesser amount of time is deemed sufficient and/or necessary in the discretion of the *Town Clerk*.

8.5 A copy of the agenda may be posted to the *Town's* website.

Book of Evidence

8.6 The *Coordinator* shall prepare a book of evidence for each *appeal* to be distributed to the required parties.

8.7 A copy of the book of evidence for each *hearing* shall be provided to the *members* and counsel for the *Property Standards Committee* prior to or on the date of the

hearing.

Withdrawal of Appeal

8.8 An appeal may be withdrawn prior to the *hearing* date by filing a letter of withdrawal with the *Town Clerk* as soon as reasonable.

8.9 If the *Town Clerk* receives a withdrawal of appeal prior to the *hearing* date, notice of cancellation of that particular *hearing* shall be sent to all persons who received the *Notice of Hearing*.

Effect of Non-Attendance at a Hearing

8.10 Where a *Notice of Hearing* has been given to a party and the party does not attend at the *hearing*, the *Property Standards Committee* may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.

Part 9 – Filing Documents

9.1 If an *appellant* intends to make use of any *documents* as evidence at the *hearing*, the *appellant* shall provide 10 copies of each item by personal delivery, regular or registered mail and such items shall be required to be received by the *Town Clerk* to allow for three full business days prior to the *hearing* date and, for further clarification, the *hearing* date shall not be included in the three day period.

9.2 The *Coordinator* shall distribute copies of the *appellant's* documents to the required parties.

9.3 The *appellant* shall include with the *documents* a statement of his or her address, telephone number, email address and the name of the proceeding to which the *documents* relate.

Part 10 – Adjournments

10.1 A *hearing* may be adjourned at the discretion of the *Property Standards Committee* upon its own motion or upon the motion of a party where that party satisfies the *Property Standards Committee* that the adjournment is required to permit an adequate *hearing* to be held.

10.2 In deciding whether to grant an adjournment, the *Property Standards Committee* may consider one or more of the following factors:

(1) the sufficiency of the reasons advanced for the request to adjourn;

(2) the timeliness of the request;

(3) the resources of the *Property Standards Committee*;

(4) the prejudice to the parties;

(5) whether any adjournments have been granted previously;

(6) the consent of the parties; and

(7) any other relevant factor.

10.3 The *Property Standards Committee* may grant adjournments on such terms and conditions as it considers advisable.

10.4 The *Property Standards Committee* may, in its discretion, refuse an adjournment even though the parties consent.

Part 11 – Legal Advice to Property Standards Committee Members

11.1 *Members* of the *Property Standards Committee* participating in a *hearing* shall not have taken part, before the *hearing*, in any communication directly or indirectly in relation to the subject-matter of the *hearing*, with any person, or with any party or *agent*, except upon notice to and with opportunity for all parties to participate, but the *Property Standards Committee* may seek legal advice from counsel to the *Property Standards Committee* and, in such case, the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Part 12 – Witnesses

Order for Witness Statements

12.1 The *Property Standards Committee* may order a party to the *hearing* to provide witness statements or summary of the evidence witnesses will give, including expert witnesses.

Rights of Parties to Examine Witnesses

12.2 A party- to a proceeding may, at a *hearing*:

(1) call and examine witnesses and present evidence and submissions; and

(2) conduct cross-examinations of witnesses at the *hearing* to the extent reasonably required for a full and fair disclosure of all matters relevant to the issues in the *hearing*.

Summons to Witness

12.3 The *Property Standards Committee* may issue a summons to a witness on its own initiative or upon request of a party in accordance with the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22.

Abuse of Process

12.4 The *Property Standards Committee* may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.

12.5 The *Property Standards Committee* may reasonably limit further examination or cross- examination of a witness where it is satisfied that the examination or cross-

examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

12.6 The *Property Standards Committee* may exclude from a *hearing* anyone, other than a person licensed under the *Law Society Act*, R.S.O. 1990, c. L.8 appearing on behalf of a party or as an *agent* if it finds that such person is not competent to properly represent or to advise the party or witness or does not understand and comply at the *hearing* with the duties and responsibilities of an advocate or adviser.

Part 13 – Hearing Procedures

Opening Procedures

13.1 The *Chair* shall call the *hearing* to order and read an opening statement outlining the procedure and format of the *hearing* process.

13.2 The *Chair* will read out the proceedings listed on the agenda.

Declaration of Pecuniary Interest

13.3 Where a *member* has any direct or indirect pecuniary interest, pursuant to the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, in any proceeding that is before the *Property Standards Committee*, the *member* shall:

(1) prior to any consideration of the appeal, disclose the interest and the general nature thereof;

(2) recuse him or *herself* from the *hearing* of that appeal;

(3) not attempt in any way whether before, during or after the hearing to influence the decision of the *Property Standards Committee*;

(4) where a part of a *hearing* is not open to the public, immediately leave that part of the *hearing* if the matter regarding the pecuniary interest is under consideration;

(5) at the *hearing*, or as soon as possible afterwards, file a written statement of the interest and its general nature with the *Coordinator*; and

(6) disclose the pecuniary interest at the next meeting which they attend, if the pecuniary interest was not disclosed by reason of the *member's* absence from the *hearing*.

13.4 A copy of each written statement filed in accordance with Section 12.3 (5) and a copy of each declaration recorded pursuant to Sections 5.5 and 5.6 shall be kept in the registry maintained for the *Property Standards Committee*.

Motions

13.5 The *Property Standards Committee* will hear motions regarding any *hearing* listed on the agenda.

13.6 The *Property Standards Committee* will hear motions for adjournment requests prior to the commencement of any *hearing*.

13.7 If a party brings a motion regarding a proceeding not listed on the agenda, the *Property Standards Committee* may decide to hear the motion at that time or order that it be brought at a later date.

Order of Presentation

13.8 Subject to any motions previously adopted by the *Property Standards Committee*, the *Chair* will indicate that the *Property Standards Committee* will now hear the first appeal on the agenda.

13.9 The *Chair* requests that the parties to an appeal identify themselves, including any witnesses who intend to give evidence on behalf of either party to the appeal.

13.10 The *Town's agent* may make an opening statement.

13.11 The *appellant* may make an opening statement.

13.12 The *Town's agent* is requested to present the decision or order to which the appeal applies, related evidence and witnesses.

13.13 The *appellant* may cross-examine each of the *Town's* witnesses and the *Town's agent* may re-examine those witnesses.

13.14 The *members* may ask questions of any witness, through the *Chair*.

Appellant's Presentation of the Appeal

13.15 The *appellant* may present evidence with respect to the appeal of the decision or order.

13.16 The *Property Standards Committee* will allow the *appellant* to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.

13.17 The *Property Standards Committee* may, through the *Chair*, ask questions of the *appellant* or any of his or her witnesses to clarify any evidence presented.

13.18 The *Town's agent* may cross-examine the *appellant* or his or her witnesses and the *appellant* may re-examine those witnesses.

Other Representations; Right of Reply

13.19 After the *appellant's* presentation, the *Property Standards Committee* will hear from anyone else who wishes to make representations before the *Property Standards Committee* pertaining to the matter.

13.20 Persons giving evidence are subject to questions by the *Property Standards Committee*, the *appellant* and the *Town's agent*.

13.21 The *Town's agent* has the right of reply on matters which could not have been anticipated prior to hearing the *appellant's* evidence.

Closing Statements

13.22 At the conclusion of all evidence presented, both parties are entitled to make final submissions to the *Property Standards Committee*.

Part 14 – Property Standards Committee Decision

Decision Process

14.1 The *Property Standards Committee* may recess at any time to consider its final decision or any interim decision during the *hearing*.

14.2 to If the *Property Standards Committee* requires, it may move into closed session upon adoption of the required motion, to deliberate and/or to draft a *Notice of Decision* or consult with counsel for the *Property Standards Committee*. The *Property Standards Committee* shall give a written decision or may reserve its decision.

14.3 If the decision is reserved the *Chair* will advise the *appellant* that the *appellant* will be notified by registered mail of the *Property Standards Committee*'s decision.

14.4 The decision of the *Property Standards Committee* is final and binding.

Notice of Decision

14.5 The *Coordinator* will forward notice of the *Property Standards Committee*'s decision within 5 days of the making of the decision to all persons who received a *Notice of Hearing* and to everyone who appeared before the *Property Standards Committee* at the *hearing*.

14.6 The *Notice of Decision* shall be signed by all *members* of the *Property Standards Committee* that took part in the *hearing* and shall contain written reasons to support the decision.

14.7 The *Notice of Decision* shall contain a record of the proceedings, compiled by the *Coordinator*, which shall include:

(1) list of persons who provided submissions;

(2) list of witnesses and for whom they testified;

(3) any interlocutory orders made by the *Property Standards Committee*; and

(4) all *documents* and evidence filed with the *Property Standards Committee*, subject to any limitations expressly imposed by any other Act.

Amended by By-law 2020-82, effective October 27, 2020.

[By-law 2020-58 effective August 25/20]

Schedule C – Honourarium to Members

1. With the exception of the *Chair*, each *member* who participates in a *hearing* date under this By-law shall be paid an honorarium of $75.00 per scheduled hearing day.

2. The *Chair* who participates in a *hearing* date under this By-law shall be paid an honorarium of $100.00 per scheduled hearing day.