

**CITY OF WELLAND  
PROPERTY STANDARDS COMMITTEE  
RULES OF PROCEDURE**

**RECEIPT OF APPEAL**

1. All Appeals must be received by the Secretary within fourteen (14) days after being served the Order unless specified otherwise in the Order.
2. An Appeal may be filed by an Owner or Occupant who has been served with an Order.
3. An Appeal must be completed on the form "Notice of Appeal" attached as Form 1.
4. Upon receipt of a properly filed Appeal, the Secretary shall notify the Owner that an Appeal has been filed and obtain a copy of the Order together with a list of persons to whom the Order was sent and also persons who may have an interest in the matter.

**NOTICE OF HEARING**

1. The Secretary shall immediately establish a date for the Appeal Hearing by consulting the majority of Committee Members.
2. The Appeal shall be heard at Welland Civic Square within thirty (30) days of receipt of Appeal at a date and time to be determined by the Committee Chair.
3. The Secretary shall complete and mail the form "Notice of Hearing" attached as Form 2 to all persons to whom the Order was sent and also to persons who may have any interest on the matter, with copies going to the Officer and each Member of the Committee. In all cases, the Notice shall be sent by Registered Mail at least ten (10) days prior to the Hearing.

**HEARING AGENDA**

1. The Secretary shall prepare an Agenda prior to the Hearing listing the names of Appellants, along with the municipal addresses of the subject properties.
2. Copies of the Agenda along with copies of the Order and any other relevant file information are sent to the Committee Members for review

prior to the Hearing. Copies of the Agenda are available at the Hearing for the public.

### **HEARING PROCEDURE**

1. The Chair shall call the Hearing to order and introduce the Committee Members and Secretary.
2. The Chair explains the purpose of the Committee and the format of the Hearing by reading the attached Schedule 1.
3. Adoption of previous Minutes.
4. For each Appeal heard, the Chair calls the name of the Appellant and the municipal address of the property concerned.
5. The Chair calls the Appellant or authorized Agent or Counsel to come forward, state their name and address to the Secretary and to make representations to the Committee on the Appeal.
6. At the conclusion of the Appellant's submission, the Committee and Property Standards Officer will be permitted questions concerning the submission.
7. The Chair calls the Property Standards Officer or authorized Agent to come forward, state their name and address to the Secretary and to make representations to the Committee on the Order and status of the property.
8. At the conclusion of the Officer's submission, the Committee and Appellant will be permitted questions concerning the submission.
9. The Chair calls all persons in attendance who wish to come forward to speak on the matter after first providing their full name and address to the Secretary.
10. The Chair invites the Appellant to make a further submission restricted to issues raised subsequent to their first submission.
11. After all submissions have been made, the Committee shall render and declare its Decision on the matter or adjourn the matter to a later fixed time and place.
12. The Committee shall hold all Hearings/meetings open to the public including all deliberations and voting on a decision. A Hearing/meeting may be closed to the public for matters described in Section 239 of the

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- Municipal Act, in which case the Committee may require all parties to withdraw during deliberation of the matter, but not for the Decision.
13. If a Hearing/meeting is allowed to be closed, minutes of the discussion must be recorded by the Secretary. A Decision or vote must not be rendered while a Hearing/meeting is closed to the public.
  14. If a unanimous Decision is not reached, the matter will be decided by a simple majority of all Members of the Committee present.
  15. In considering an Appeal, the Committee shall have all the powers and function of the Officer who made the Order and in disposing of the matter, the Committee may,
    - a) confirm the Order;
    - b) modify the Order;
    - c) rescind the Order;
    - d) extend the time for complying with the Order;if in the Committee's opinion, the general intent and purpose of the By-law is maintained.
  16. If an Appellant fails to appear at the Hearing, after being given the required notice, the Committee may consider the matter in their absence.

#### **DUTIES OF THE SECRETARY**

1. The Secretary shall keep on file records of all official business of the Committee, including records of all Applications and Minutes of all Hearings and Decisions, including minutes of any portion of a meeting closed to the public, respecting those Applications.
2. The Secretary shall record the Decision of the Committee on the form "Decision" attached as Form 3 and all Members present shall sign the Decision.
3. The Secretary shall mail a copy of the form "Notice of Decision" attached as Form 4 to the Appellant and to anyone else who has submitted a written request for the Decision at the Hearing.

#### **SITE INSPECTIONS**

1. The Committee will not as a pre-requisite or general rule, inspect subject properties prior to a Hearing, however it should not be considered unusual if an individual Committee Member wishes to drive by the property prior to the Hearing for information purposes.
2. Notwithstanding (1) above, the Committee may reserve its Decision to a later fixed time and place, pending a site inspection by the Committee, where the Committee determines such inspection is necessary.
3. Where the Committee requires a site inspection, the Owner of the property will be notified of the date and time for the inspection and if the inspection involves entry into a dwelling unit Section 16.(1) of the Ontario Building Code Act will apply.