



Township of Brock Appeals Committee Terms of Reference

Number: ToR-Appeals-2023
Reference: Council Resolution # _____
Date Approved: January 30, 2023
Date Revised: N/A

1. Enabling Legislation

The Appeals Committee is a quasi-judicial body that shall meet and deliberate as required by the legislation pursuant to which the by-laws have been enacted, and when necessary in order to hear appeals pursuant to these by-laws.

The Appeals Committee will also serve as fence-viewers under the authority of the Line Fences Act, 1990, as amended.

2. Mandate and Responsibilities

- 2.1 The Appeals Committee is established for the purpose of hearing appeals pursuant to the following by-laws:
- i. Property Standards By-law No. 1562-98-PP, as amended - established under the authority of the *Building Code Act, So. 1992. c. 23, as amended*, Prescribing Standards for the Maintenance and Occupancy of Property.
 - ii. Animal Control By-law No. 2446-2012-PP, as amended – established to provide for the licensing and regulation of certain animals, including Order to Restrain.
 - iii. Fence-viewers – established under the authority of the *Lines Fences Act, 1990*, as amended, for the purpose of arbitrating disputes between adjoining neighbours for sharing the costs of the construction, reconstruction or repair of a common fence.

- 2.2 The Appeals Committee will be responsible to hear and determine all applications made, proceedings instituted and matters brought before it and for such purpose to make such orders, give such directions, issue such approvals, deny or vary applications and otherwise do and perform all such acts, matters, deeds and things as may be necessary or incidental to the exercise of the powers conferred upon the Appeal Committee.
- 2.3 The Appeals Committee will follow the Township's Procedure By-law No. 3017-2021, as amended. The Committee may also adopt its own procedures specific to the hearing process.

3. Composition

- 3.1 The Appeals Committee shall be comprised of three(3) Members of Council, specifically, the Mayor, Regional Councillor and one(1) local Ward Councillor to which the appealed matter is NOT within their local ward. Local Ward Councillor to be chosen, based on rotation ward 1 through ward 5.
- 3.2 Where the Mayor or Regional Councillor have a conflict of interest with a specific appeal matter filed, The Clerk shall call upon the remaining Local Councillors to sit in their place.

4. Staff Liaison/Support

- 4.1 The Appeals Committee will receive administrative support from the Clerk's Department. This will include the recording of minutes, preparation of agenda, support necessary to convene a meeting and other support as may be necessary from time to time.
- 4.2 Decisions will be distributed to the applicable parties.
- 4.3 All records under the Appeals Committee are subject to privacy legislation.

5. Chair/Vice-Chair

- 5.1 The Chair of the Appeals Committee shall be the Mayor
- 5.2 The Vice-Chair of the Appeal Committee shall be the Regional Councillor

6. Meeting Frequency & Attendance

- 6.1 All meetings are open to the public. Meeting dates are established on an "as required" basis when appeals/applications are filed.

7. Conflict of Interest

- 7.1 A conflict of interest may arise for Committee members when their personal interests conflict with the duties and decisions of the Committee. Municipal conflict of interest requirements as defined by the *Municipal Conflict of Interest Act* will apply to the Appeals Committee.
- 7.2 Members who have an interest on any appeal matter submitted shall note the conflict prior to the establishment of any hearing so that the composition of the Appeals Committee will always have 3 Council Members sitting in the hearing.