The Corporation of the City of Clarence-Rockland

By-law 2026-57

Being a By-Law to create the Clarence-Rockland Appeals Committee

Whereas Section 238(2) of the Municipal Act, 2001, as amended, requires every municipality and local board to adopt a procedural by-law governing the calling, place, and proceedings of meetings and hearings; and

Whereas the Building Code Act, 1992,as amended, provides for the appointment of committees to hear appeals respecting property standards orders; and

Whereas the Development Charges Act, 1997, as amended, provides that a person required to pay a development charge may file a formal complaint; and

Whereas the Line Fences Act, R.S.O. 1990, c. L.17, as amended, provides for the appointment of fence-viewers by municipalities to resolve disputes regarding fences on property boundaries; and

Whereas various municipal by-laws of the City of Clarence-Rockland provide a right of appeal to a committee of Council or local board; and

Whereas the creation of this Appeals Committee allows the City to separate its quasi-judicial functions from its legislative and executive functions;

Whereas Council deems it advisable and expedient to establish an Appeals Committee to hear and decide appeals respecting Property Standards Orders and decisions made pursuant to other City by□laws and applicable legislation where a right of appeal is expressly provided;

Therefore, the Council of the City of Clarence-Rockland enacts as follows:

1. Short Title

1.1. This By-law may be referred to as the "Appeals Committee By-law".

2. Administration

2.1. The Appeals Committee is hereby placed under the administrative authority of the City Clerk.

2.2. The Clerk, or their designate, shall be responsible for the administration of this by-law and to provide administrative support to the Appeals Committee.

2.3. The Clerk shall have the authority to establish Rules of Procedures and

make such administrative decisions as are necessary to give effect to this by-law, provided that such decisions are administrative in nature and do not interfere with the Committee's independent decision-making authority.

3. Definitions

In this by-law:

3.1. "Act" means the Municipal Act, 2001, S.O. 2001, c.25, as amended.

3.2. "Appeal" means a request to the Appeals Committee for the review of a decision or order made under a City by-law or applicable legislation, where a right of appeal is expressly provided.

3.3. "Chair" means the Chair of the Appeals Committee.

3.4. "Clerk" means the Clerk of the City of Clarence-Rockland or their designate.

3.5. "Committee" means the Appeals Committee established by this by-law.

3.6. "Hearing" means a proceeding before the Appeals Committee at which an appeal is considered and decided.

3.7. "Member" means a person appointed by Council to the Appeals Committee.

4. Establishment and Role of the Appeals Committee

4.1. The Appeals Committee is hereby established as a quasi-judicial body, operating independently from Council in the exercise of its adjudicative functions.

4.2. The Committee shall hear and decide appeals as outlined in this by-law and applicable legislation.

5. Jurisdiction

5.1. The Appeals Committee shall hear and determine:

a. Appeals under any City by-law that expressly provides a right of appeal to the Committee, except appeals under the Administrative Monetary Penalties System (AMPS);

b. Appeals under the Property Standards provisions of the Building Code Act, acting as the Property Standards Committee for the purposes of section 15.3 of the Act, respecting orders issued pursuant to a

Property Standards By-law.

c. Complaints filed under the Development Charges Act, 1997, as amended, with respect to the imposition, calculation, or applicability of a development charge, where the Act provides for a municipal complaints or appeal process; and

d. Matters under the Line Fences Act, R.S.O. 1990, c. L.17, as amended, including the performance of the functions of fence-viewers or a municipal committee, to the extent required or permitted by that Act.

5.2. The Committee may confirm, vary, or rescind the decision or order under appeal, or extend the time for compliance, as authorized by the legislation or by-law.

5.3. The decisions of the Committee are final and binding, subject to any statutory rights of appeal and to judicial review.

6. Composition

6.1. The Appeals Committee shall consist of a minimum of three (3) members and a maximum of five (5) members, appointed by by-law.

6.2. Employees of the City of Clarence-Rockland and Members of Council are not eligible for appointment.

6.3. Members shall perform their duties independently and impartially, having regard to the quasi-judicial nature of the Committee.

7. Hearing Panel and Quorum

7.1. Three (3) members shall sit as a hearing panel for any appeal.

7.2. Three (3) members constitute a quorum for a hearing.

7.3. Members assigned to a hearing panel shall participate in all sittings of the appeal unless unable to do so due to conflict, incapacity, or other exceptional circumstances.

7.4. If no quorum is present fifteen (15) minutes after the time appointed for a hearing of the Committee, the Clerk shall record the names of the members present and the hearing will stand adjourned to a date fixed by the Clerk.

7.5. If, during the course of a hearing, quorum is lost, the Chaid shall adjourn the hearing, to reconvene at such time and place as the Chair shall determine, or cancel the balance of the hearing if, in his opinion, it is not essential to deal with the balance of the agenda before the next hearing.

7.6. Members not sitting on a hearing panel shall serve as alternates and may be assigned by the Clerk prior to the commencement of a hearing in cases of absence, conflict of interest, or vacancy.

8. Training and Education

8.1. Members of the Appeals Committee shall successfully complete all training required by the City to properly carry out their duties. Training shall include, at a minimum:

a. orientation on the Committee's mandate, powers, and procedures;

b. procedural fairness and natural justice principles, including requirements of the Statutory Powers Procedure Act;

c. training respecting applicable legislation, including property standards matters under the Building Code Act; and

d. any additional training as determined by the Clerk to support effective and legally defensible decision-making.

8.2. Members who have not completed mandatory training shall not participate in hearings.

9. Term of Office

9.1. Members shall be appointed for a term concurrent with the term of Council.

9.2. Members shall continue to serve until their successors are appointed, unless removed by Council in accordance with applicable policies or by-law.

9.3. Members may resign at any time by written notice to the Clerk.

9.4. Where a vacancy occurs, Council may appoint a replacement for the remainder of the term.

10. Chair and Vice-Chair

10.1. The Committee shall elect a Chair and Vice-Chair annually from among its members.

10.2. The Chair shall:

a. Preside hearings;

b. Rule on questions of procedure;

c. Maintain order and ensure fairness;

d. Vote as a member of the hearing panel.

10.3. The Vice-Chair shall act in the absence of the Chair and shall have all the powers of the Chiair when acting in that capacity.

11. Calling of Hearings

11.1. Hearings shall be called by the Clerk upon receipt of an appeal.

11.2. Hearings may be held in person, electronically, or in hybrid format.

11.3. Notice of hearings shall be given in accordance with the applicable by-law or statute governing the appeal or, where no such provision exists, in accordance with notice procedures established by the Clerk.

12. Conduct of Hearings

12.1. Hearings shall be conducted in accordance with the Statutory Powers Procedure Act, where applicable.

12.2. The Chair may control the order of proceedings and impose reasonable limits on submissions and evidence.

13. Voting

13.1. Decisions of the Committee shall be made by majority vote of the members who heard the appeal.

13.2. No decision is valid unless supported by a majority of the hearing panel.

13.3. In the event of a tie vote, the matter shall be deemed to be lost.

14. Conflict of Interest

14.1. Members shall comply with the Municipal Conflict of Interest Act.

14.2. A Member who declares a conflict of pecuniary interest shall not participate in any part of the hearing or decision, including deliberations, and shall leave the hearing room, whether the hearing is conducted in person or electronically.

15. Clerk Functions

15.1. The Clerk shall:

a. Receive and process appeal requests;

b. Schedule hearings and issue notices;

c. Assign Committee members to hearing panels, including alternates;

d. Prepare agendas and minutes, and records of proceedings;

e. Issue notices of decision and maintain official records of the Committee;

f. Provide procedural advice to the Committee.

16. Minutes and Records

16.1. Minutes shall be recorded for all hearings and shall include:

a. Hearing date, time, and location;

b. Members present;

c. Declarations of conflict;

d. Decisions and reasons, where required.

16.2. Decisions of the Committee shall be issued in writing and shall include reasons, where required by legislation. Written decisions shall be issued by the Clerk on behalf of the Committee.

17. Remuneration

17.1. Members shall be paid a one-time retainer fee of four hundred dollars ($400), per term, upon successful completion of the initial mandatory training required under this By-law.

17.2. Members may be reimbursed for traveling expenses incurred in the performance of their functions and duties, in accordance with the City’s applicable expense reimbursement policies, as amended from time to time.

17.3. Members shall be remunerated for attendance at duly scheduled hearings as follows:

a. Chair: $80 per hearing

b. Member: $70 per hearing

18. Effective date

18.1. This By-law shall come into force and take effect on the date of its passage, however, the Appeals Committee shall not commence

operations or exercise its powers until such time as the Committee members have been duly appointed by Council and have completed the mandatory training required under this By-law.

Read, passed and adopted in open council this 10th day of June 2026.

Mario Zanth
Signé avec ConsignO Cloud (16/06/2026)
Vérifiez avec verifio.com ou Adobe Reader.
notarius
Mario Zanth, Mayor



Monique Ouellet
Signé avec ConsignO Cloud (11/06/2026)
Vérifiez avec verifio.com ou Adobe Reader.
notarius
Monique Ouellet, Clerk