



## PROPERTY STANDARDS COMMITTEE

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### **RULES OF PRACTICE AND PROCEDURE**

#### INTRODUCTION

The City of Mississauga's Property Standards Committee is established pursuant to the *Building Code Act, 1992* and conducts hearings of appeals of Property Standards Orders that are issued pursuant to the *Building Code Act, 1992*.

ENACTED AND PASSED this 18th day of June, 2007.

Adopted as Amended on April 20, 2009, June 21, 2010, October 29, 2012, April 29, 2013 and April 7, 2014

*Ruhia Jokhio*

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Chair, Property Standards Committee

*Martha Cameron*

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Property Standards Committee Secretary

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**RULE 1: APPLICATION AND DEFINITIONS****1.1 Definitions**

- (1) In these Rules, unless the context requires otherwise:

“Appeal” means an appeal to the Committee.

“Appellant” means an owner or occupant that has been served with a Property Standards Order and has sent notice requesting an Appeal before the Committee.

“Chair” means the Chair of the Committee.

“Committee” means the Property Standards Committee of the City of Mississauga.

“Committee Secretary” means the Secretary for the Committee and is the City Clerk or her or his delegate.

“Council” means the Council of the City of Mississauga.

“Hearing” means the hearing of an Appeal made to the Committee pursuant to the *Building Code Act, 1992*.

“Member(s)” means the Mississauga resident(s) appointed by Council to be a Citizen Member(s) of the Property Standards Committee for a four-year term of office that coincides with the four-year term of office of Council.

“Party(ies)” includes the owner or occupant served with the Property Standards Order and the City of Mississauga Enforcement Division.

“Property Standards Committee Notice of Appeal Form” means the City of Mississauga’s prescribed form for Notices of Appeal to the Property Standards Committee.

“Representative” means in respect of an Appeal, a person authorized under the *Law Society Act* to represent a Party at the Hearing.

“Vice Chair” means the Vice Chair of the Committee.

**1.2 General**

- (1) These Rules apply to all proceedings before the Committee.
- (2) These Rules apply subject to the *Statutory Powers Procedure Act* and any other legislation governing the Committee.
- (3) The Committee may, at any time, as it deems necessary, dispense with compliance with any Rules, save and except those prescribed as mandatory by the *Statutory Powers Procedure Act* and any other legislation governing the Committee.
- (4) If these rules do not provide for a matter of procedure that arises during a Hearing, the practice shall be determined by the Committee at the Hearing.
- (5) These Rules shall be liberally construed to secure the just, most expeditious, and cost-effective determination of every proceeding on its merits.
- (6) Substantial compliance with requirements respecting the contents of forms, notices, or documents under these Rules is sufficient.
- (7) The Committee may exercise any of its powers under these Rules on its own initiative or at the request of a Party.

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**RULE 2: COMMITTEE MEETINGS AND CHAIR****2.1 Meetings**

- (1) The Committee shall hold its inaugural meeting as a Committee of the whole on a date and time to be determined by the City Clerk following the appointment by Council of the Committee Members for the current term.
- (2) The Committee shall meet as a Committee of the whole at the request of the Chair, and the Chair shall summon a meeting of the Committee of the whole when requested to do so in writing by a majority of the Committee Members.
- (3) When the Chair is absent or refuses to act or when the Chair's seat is vacant, a meeting of the Committee as a Committee of the whole may be summoned by the Committee Secretary on 24 hours' notice when requested to do so in writing by a majority of the Committee Members.
- (4) Meetings of the Committee shall be held at the Mississauga Civic Centre (300 City Centre Drive) or such other location, as the Committee Secretary deems advisable.
- (5) A majority of the Committee Members constitutes a quorum at meetings of the Committee as a whole.

**2.2 Committee Chair and Vice Chair**

- (1) At its inaugural meeting, the Committee shall elect one of its Members as Chair and Vice Chair for a one-year term. At the beginning of each year of their four-year term, the Committee shall elect a Chair and Vice Chair for a one-year term.
- (2) When the Chair of the Committee is absent, the Vice Chair will be the Acting Chair. When the Chair and Vice Chair are both absent, the Committee will appoint another Member as Acting Chair.
- (3) If the Chair of the Committee resigns as the Chair or a Committee Member, the Committee shall appoint another Member as Chair for the balance of the current term, or until a successor is appointed.

**2.3 Duties of the Chair**

- (1) The Chair shall preside at every Hearing and meeting of the Committee and may vote.
- (2) The Chair shall put motions brought by any Party to a vote of the Committee.
- (3) The Chair shall enforce the observance of order and decorum during Hearings.

**2.3 Duties of the Chair (continued)**

- (4) The Chair is the liaison between the Members and the Committee Secretary on matters of policy and process.

**2.4 Minutes of Committee Business Meetings**

- (1) The Committee Secretary shall prepare Minutes of the Committee's Business Meetings.
- (2) The Committee shall review and adopt the Minutes of its previous Business Meeting at its next Business Meeting.
- (3) Committee Members, including the Chair, may vote on all motions and other questions submitted at Business Meetings.
- (4) In the case of a tie vote, the motion or question shall be deemed to have been lost.

**2.5 Quorum**

- (1) Three Members of the Committee constitutes quorum for a Hearing.
- (2) If no quorum is present 30 minutes after the time appointed for the commencement of the Hearing, the Committee Secretary shall reschedule the Hearing.

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**RULE 3: NOTICE REQUESTING AN APPEAL****3.1 Notice Requesting an Appeal**

- (1) An Appeal to the Committee by an owner or occupant served with a Property Standards Order must be made by sending a Notice of Appeal by registered mail or personal service to the Committee Secretary by the last date for filing appeal set out in the Property Standards Order.
- (2) The Notice of Appeal shall include:
  - (a) A completed and signed Property Standards Committee Notice of Appeal Form that includes the following:
    - Address of property being appealed;
    - Property Standards Order issue date;
    - Property Standards Order compliance date;
    - Property Standards Order appeal deadline date;
    - The name of the person(s) (specifically, the property owner, occupant, agent, and/or representative) requesting the appeal and their address, telephone number, fax number, and email address;
    - The grounds and/or reasons for appeal, including any documents and photographs supporting the grounds and/or reasons for the appeal;
    - An authorization to act as agent for notice of appeal (if applicable); and
    - An authorization to act as representative for notice of appeal (if applicable).
  - (b) A copy of the Property Standards Order related to the appeal; and
  - (c) A non-refundable Appeal fee prescribed in the Transportation and Works Fees and Charges By-law made payable to the City of Mississauga.
- (3) The Notice of Appeal in subsection (1) shall be sent by registered mail or personal service to:

Committee Secretary, Property Standards Committee  
The Corporation of the City of Mississauga  
Office of the City Clerk  
2<sup>nd</sup> Floor, Mississauga Civic Centre  
300 City Centre Drive  
Mississauga, ON, L5B 3C1

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**RULE 4: NOTICE OF HEARING****4.1 Where Notice of Appeal is Incomplete**

- (1) Where a person requests an Appeal by the Committee that is not substantially in accordance with Rule 3, the Committee Secretary shall send to the Appellant, or the Appellant's Representative, if represented, an Acknowledgement within 20 days of receipt of the notice requesting an Appeal.
- (2) The Acknowledgement shall specify what additional information is required by the Committee Secretary in order to complete the Notice of Appeal substantially in accordance with Section 3.1(2).
- (3) Any information requested in Section 4.1(2) shall be sent to the Committee Secretary within 20 days of the date of the Acknowledgment, at the address listed in Section 3.1(3), failing which the Appeal may be considered abandoned.

**4.2 Where Notice of Appeal is Complete**

- (1) Where an Appellant has completed a Notice of Appeal in substantial accordance with Section 3.1(2) the Committee Secretary shall appoint a time and place for the Hearing of the Appeal.

**4.3 Notice of Hearing**

- (1) The Committee Secretary shall provide a Notice of a Hearing to the parties.
- (2) A Notice of Hearing shall include:
  - (a) A statement of the time, place and purpose of the Hearing; and
  - (b) A statement that if the Appellant, or his or her Representative, does not attend at the Hearing, the Committee may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.

**4.4 Effect of Non-Attendance at a Hearing**

- (1) Where Notice of a Hearing has been given to a Party in accordance with these Rules and the Party does not attend at the Hearing, the Committee may proceed in the absence of the Party and the Party is not entitled to any further notice in the proceeding.



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**RULE 5: SERVING AND FILING DOCUMENTS****5.1 Documents Filed with Committee**

- (1) If a Party intends to make use of any written or documentary evidence at the Hearing, that Party is required to serve one copy of the documents on all other parties no later than fifteen (15) days before the Hearing date and shall file eight (8) copies of the documents with the Committee Secretary no later than fifteen (15) days before the Hearing date.
- (2) For the purposes of Section 5.1(1), “document” includes a sound recording, videotape, file, photograph, map, plan survey, and any information recorded or stored by any means, and any expert reports to be relied upon and a copy of the curriculum vitae of the authors of any such expert reports.

**5.2 Serving Documents**

- (1) “Service” means the effective delivery of the documentation to any Party or to the Party’s Representative.
- (2) Service is deemed to be effective when delivered:
  - (a) Personally to the Party, or the Party’s Representative, if represented;
  - (b) By registered or certified mail on the seventh day after the day of mailing;
  - (c) By email or facsimile transmission, on the same day as the transmission, if the document consists of sixteen (16) pages or less inclusive of the cover page. A document of more than 16 pages may be served by facsimile transmission if the Party receiving the transmission gives prior consent; or
  - (d) By courier, including Priority Post, on the second full day after the document was given to the courier by the Party serving; or, at the last known address, unless the Party to whom the notice is to be given establishes that he or she, acting in good faith and through absence, accident, illness or other causes beyond his/her control, failed to receive the notice until a later date or at all.
- (3) Documents delivered after 4 p.m. shall be deemed to have been delivered on the next day that is not a holiday.
- (4) A person who serves or files a document shall include with it a statement of the person’s address, telephone number, and the name of the proceeding to which the document relates.

**5.3 Filing Documents**

- (1) Documents may be filed with the Committee Secretary by any of the methods of delivery set out in Rule 5.2.
- (2) Any Party filing documents must file, with the documents, a statement indicating who has been served and what documents have been served.
- (3) Documents must be filed with the Committee Secretary at:

Committee Secretary, Property Standards Committee  
The Corporation of the City Of Mississauga  
Office of the City Clerk  
2<sup>nd</sup> Floor, Mississauga Civic Centre  
300 City Centre Drive  
Mississauga, ON L5B 3C1

**5.4 Failure to Serve and File Documents**

- (1) If a Party fails to serve and file a document pursuant to this Rule, the Party may not refer to the document in evidence at the Hearing without the Committee's consent which may be on terms and conditions as the Committee considers just.

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**RULE 6: TIME****6.1 Computation**

- (1) In the computation of time under these Rules, unless the context requires otherwise:
  - (a) “Days” means calendar days;
  - (b) Where there is a reference to a number of days between two events, they shall be counted excluding the day on which the first event happens and including the day on which the second event happens;
  - (c) Where the time for doing an act under these Rules expires on a holiday, the act may be done on the next day that is not a holiday; and
  - (d) Service of a document made after 4 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.
- (2) Under these rules, “holiday” means:
  - (a) Any Saturday or Sunday;
  - (b) New Year’s Day;
  - (c) Family Day;
  - (d) Good Friday;
  - (e) Easter Monday;
  - (f) Victoria Day;
  - (g) Canada Day;
  - (h) Civic Holiday;
  - (i) Labour Day;
  - (j) Thanksgiving Day;
  - (k) Remembrance Day;
  - (l) Christmas Day;
  - (m) Boxing Day; and
  - (n) any special holiday proclaimed by the Governor General or the Lieutenant Governor; and where New Year’s Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday; and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays; and where Christmas Day falls on a Friday, the following Monday is a holiday.

**6.2 Extension or Abridgement of Time**

- (1) The Committee may, upon motion by any Party or upon motion by the Committee, extend or abridge the time prescribed by these Rules or make an order on such terms, if any, that the Committee deems necessary.
- (2) The Committee may exercise its discretion under Section 6.2(1) before or after the expiration of the time prescribed.

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**RULE 7: MOTIONS****7.1 Motions**

The Committee may hold a motion upon the request of a Party or, if in its own discretion, it deems a motion advisable for the following purposes:

- (a) To give directions concerning Committee procedures; and
- (b) For any other purpose which the Committee feels is necessary to carry out its functions.

**7.2 Procedure to bring a motion**

- (1) Where a Party intends to bring a motion, the Party shall request a time and date for the hearing of the motion from the Committee Secretary.
- (2) A Party bringing a motion shall then file a Notice of Motion with the Committee Secretary and serve the Notice of Motion on every other Party at least five (5) days before the date for which the motion is scheduled to be heard.
- (3) The Notice of Motion shall be in writing and shall:
  - (a) Contain the decision or order sought, the reasons for bringing the motion, and state the documentary or other evidence to be relied upon in support of the motion;
  - (b) Include an affidavit setting out a clear and concise statement of the facts; and
  - (c) Be accompanied by any documents that may support the motion.
- (4) A Party who wishes to respond to the motion may file with the Committee Secretary and serve on all parties, at least two (2) days before the date for which the Hearing is scheduled, any affidavit or other supporting material to be relied upon.
- (5) The Committee may hold a motion by way of an oral or written hearing.

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**RULE 8: ADJOURNMENTS****8.1 Adjournments**

- (1) A Hearing may be adjourned at the discretion of the Committee upon its own motion or upon the motion of a Party where that Party satisfies the Committee that the adjournment is required to permit an adequate Hearing to be held.
- (2) In deciding whether to grant an adjournment, the Committee may consider one or more of the following factors:
  - (a) The sufficiency of the reasons advanced for the request to adjourn;
  - (b) The timeliness of the request;
  - (c) The resources of the Committee;
  - (d) The prejudice to the Parties;
  - (e) Whether any adjournments have been granted previously;
  - (f) The consent of the Parties;
  - (g) Any other relevant factor.
- (3) The Committee may grant adjournments on such terms and conditions as it considers advisable.
- (4) Any Parties seeking an adjournment shall seek the consent of the opposing Party or Parties before bringing a motion before the Committee.
- (5) If consent is obtained pursuant to Section 8.1(4), the Party seeking the adjournment shall contact the Committee Secretary and provide evidence in writing of the request for an adjournment, the reasons for the request, and the consent of the other Party or parties. The Committee Secretary shall then provide the request to the Committee who will decide whether or not to grant the adjournment. If the Committee declines to grant the adjournment, the Party may seek a hearing of the request under Section 8.1(6).
- (6) If the Party seeking an adjournment is unable to obtain the consent of the other Party or parties, the Party seeking the adjournment may:
  - (a) Request a motion to determine the issue by filing a Notice of Motion pursuant to Rule 7; or
  - (b) Request that the adjournment issue be determined at the beginning of the Hearing if it is impractical to schedule a separate motion prior to the Hearing. Notice of such an adjournment request should be given to the other Parties and the Committee Secretary at the earliest possible time prior to the Hearing.
- (7) The Committee may, in its discretion, refuse an adjournment even though the Party(s) consent.

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**RULE 9: DISCLOSURE****9.1 Disclosure**

- (1) “Document” includes a sound recording, videotape, file, photograph, map, plan survey, and any information recorded or stored by any means.
- (2) At any stage of the proceeding before completion of the Hearing, the Committee may make orders for:
  - (a) The exchange of documents;
  - (b) The oral or written examination of a Party;
  - (c) The exchange of witness statements and reports of expert witnesses;
  - (d) The provision of particulars;
  - (e) A Party to provide a list disclosing all relevant documents and things in the possession or control of the Party;
  - (f) To provide a Party with an opportunity to view documents; or
  - (g) Any other form of disclosure relative to the subject matter.
- (3) Subsection (2) does not authorize the making of an order requiring disclosure of privileged information.
- (4) Members of the Committee holding 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 Representative of the Party, but the Committee may seek legal advice from an adviser independent from the Parties 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.

**9.2 Failure to Disclose**

- (1) If a Party fails to comply with an order of the Committee, or this rule, the Party may not refer to the document or thing or introduce the document or thing in evidence at the Hearing without the consent of the Committee which may be on terms and conditions as the Committee considers just.

**9.3 Order for Witness Statements**

- (1) The Committee may order a Party to the Hearing to provide to every other Party and file with the Committee, witness statements or statements of the evidence witnesses will give.
- (2) If a Party fails to provide a witness statement or a summary of the evidence a witness will give in accordance with Rule 9.3, the Party may not call the person as a witness without the consent of the Committee which may be on such terms and conditions as the Committee considers just.

**9.3 Order for Witness Statements (continued)**

- (3) A Party may not call a witness to testify to matters not disclosed in the witness statement without the consent of the Committee which may be on such terms and conditions as the Committee considers just.

**9.4 Expert Witness**

- (1) A Party that intends to call an expert witness at the Hearing shall provide to every other Party and file with the Committee Secretary a written report signed by the expert containing the name, address, and qualifications of the expert and the substance of the expert's proposed evidence, including a list of all the documents to which the expert will refer.
- (2) If a Party fails to comply with the provisions of Rule 9.4, the Party may not call the expert witness without consent of the Committee which may be on such terms and conditions as the Committee considers just.

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**RULE 10: WITNESSES****10.1 Administration of Oaths**

- (1) The Committee Secretary has the power to administer oaths and affirmations for the purpose of any of its proceedings.

**10.2 Rights of Parties to Examine Witnesses at Hearings**

- (1) A Party to a proceeding may, at a Hearing:
  - (a) Call and examine witnesses and present evidence and submissions; and
  - (b) 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.

**10.3 Rights of Witnesses to a Representative**

- (1) A witness at a Hearing is entitled to be advised by a Representative as to his or her rights but such Representative may take no other part in the Hearing without leave of the Committee.
- (2) Where a Hearing or portion thereof is closed to the public, the Representative for a witness is not entitled to be present except when that witness is giving evidence.

**10.4 Summons to Witness**

- (1) The Committee may issue a summons to a witness on its own initiative or upon request of a Party.
- (2) The Committee may require any person, including a Party, by summons:
  - (a) To give evidence on oath or affirmation at a Hearing relevant to the subject matter of the proceeding and admissible at a Hearing; and
  - (b) To produce in evidence at an oral or electronic Hearing documents and things specified by the Committee relevant to the subject matter of the proceeding and admissible at a Hearing.
- (3) A summons issued under Section 10.4(1) shall be in the prescribed form (in English or French) and shall be signed by the Chair of the Committee.
- (4) The summons shall be served personally on the person summoned by the Party who requested the summons.



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**10.4 Summons to Witness (continued)**

- (5) The person summoned is entitled to receive the same fees or allowances for attending at or otherwise participating in the Hearing as are paid to a person summoned to attend before the Ontario Superior Court of Justice, and payment to such fees is the responsibility of the Party who requested the summons.
- (6) A judge of the Ontario Superior Court of Justice may issue a warrant against a person if the judge is satisfied that:
  - (a) A summons was served on the person under this section;
  - (b) The person has failed to attend or to remain in attendance at the Hearing; and
  - (c) The person's attendance or participation is material to the ends of justice.
- (7) The warrant shall be in the prescribed form (in English or French), directed to any police officer, and shall require the person to be apprehended anywhere within Ontario, brought before the Committee forthwith and,
  - (a) Detained in custody as the judge may order until the person's presence as a witness is no longer required; or
  - (b) In the judge's discretion, released on a recognizance, with or without sureties, conditioned for attendance or participation to give evidence.
- (8) Service of a summons may be proved by affidavit in an application to have a warrant issued under Section 10.4(6).
- (9) Where an application to have a warrant issued is made on behalf of the Committee, the Chair of the Committee may certify to the judge the facts relied on to establish that the attendance or other participation of the person summoned is material to the ends of justice, and the judge may accept the certificate as proof of the facts.
- (10) Where the application is made by a Party to the proceeding, the facts relied on to establish that the attendance or other participation of the person is material to the ends of justice may be proved by the Party's affidavit.
- (11) The Party requesting the summons from the Committee shall ensure that it is served within a reasonable time before the date the witness' attendance is required.

**10.5 Abuse of Processes**

- (1) The Committee may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.
- (2) The 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.
- (3) The Committee may exclude from a Hearing anyone, other than a person licensed under the *Law Society Act*, appearing on behalf of a Party or as an adviser to a witness 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.

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**RULE 11: EVIDENCE****11.1 Admissible Evidence at a Hearing**

- (1) Subject to Sections 11.1(2) and (3) below, the Committee, in its discretion, may admit as evidence at a Hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court:
  - (a) Any oral testimony; and
  - (b) Any document or other thing;relevant to the subject matter of the Hearing and may act on such evidence, but the Committee may exclude anything unduly repetitious.
- (2) Nothing is admissible in evidence at a Hearing:
  - (a) That would be inadmissible in a court by reason of any privilege under the law of evidence; or
  - (b) That is inadmissible by the statute under which the proceeding arises or any other statute.
- (3) Nothing in Section 11.1(1) overrides the provisions of any *Act* expressly limiting the extent to or purposes for which any oral testimony, documents, or things may be admitted or used in evidence in any proceeding before the Committee.
- (4) Where the Committee is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a Hearing.
- (5) Where a document has been filed in evidence at a Hearing, the Committee may, or the person producing it or entitled to it may with leave of the Committee, cause the document to be photocopied and the Committee may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a Member of the Committee.
- (6) A document purporting to be a copy of a document filed in evidence at a Hearing, certified to be a copy thereof by a Member of the Committee, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

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**RULE 12: HEARINGS****12.1 Hearings**

(1) A Hearing shall be open to the public except where the Committee is of the opinion that:

- (a) Matters involving the public security may be disclosed; or
- (b) Intimate financial or personal or other matters may be disclosed at the Hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that Hearings be open to the public;

in which case the Committee may hold the Hearing, or portion thereof, in the absence of the public.

**12.2 Right to Counsel**

(1) A Party to a proceeding may be represented by a Representative.

**12.3 Location**

(1) Hearings shall be held at the City of Mississauga's Civic Centre, 300 City Centre Drive, Mississauga, ON, L5B 3C1, unless otherwise specified in the Notice of Hearing.

**12.4 Record of Proceeding**

(1) The Committee Secretary shall compile a record of any proceeding in which a Hearing has been held which shall include:

- (a) A copy of the Property Standards Order appealed from;
- (b) The Notice of Appeal and any accompanying documentation;
- (b) The Notice of Hearing;
- (c) Any interlocutory orders made by the Committee;
- (d) All documentary evidence filed with the Committee, subject to any limitation expressly imposed by any other *Act* on the extent to or the purposes for which any such documents may be used in evidence in any proceeding; and
- (f) The decision of the Committee and reasons, where written reasons have been given.

**12.5 Disposition of Proceeding without a Hearing**

(1) If the Parties consent, the proceeding may be disposed of by a decision of the Committee given without a Hearing.

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**12.6 Recording of a Hearing**

- (1) 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 Committee that is open to the public.
- (2) Any Party may arrange for the attendance of a qualified verbatim reporter at his or her own expense for the purpose of recording all testimony and submissions during a Hearing.
- (3) Before a qualified verbatim reporter is permitted to record only part of a Hearing, the Party retaining the qualified verbatim reporter must obtain the consent of the Committee. In considering whether to provide its consent, the Committee will consider, among other matters, whether to permit a record of only part of the Hearing would result in prejudice to a party.
- (4) If a Party orders a transcript or partial transcript, the party must notify the Committee, and the other Parties to the Hearing, that it has done so, and the Committee shall receive a copy free of charge, if the Committee requests a copy. The Party must furnish the copy of the transcript to the Committee within three days of the date of the party's receipt of the transcript.
- (5) The Committee may at its own expense and, on notice to the Parties, order a transcript or partial transcript from the qualified verbatim reporter without furnishing a copy of the transcript to the Parties, however, in any such case the Committee will advise the Parties that it has ordered the transcript and where the Committee orders a partial transcript the Committee shall notify the Parties as to the part of the transcript the Committee has ordered.

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**RULE 13: HEARING PROCEDURES****13.1 Opening Statement**

- (1) The Chair provides an opening statement outlining the procedure and format of the Committee Hearing process and introducing the Property Standards Committee Members.
- (2) The Chair will read out the proceedings listed on the agenda.
- (3) The Chair requests that the parties subject to the hearing identify themselves and indicate that the hearing is open to the public who are not required to identify themselves.
- (4) The Chair will outline the purpose of the hearing and how it will proceed (i.e. the order of presentations);
- (5) The Chair will clarify with both parties what witnesses will be called and what the nature of their testimony will be;
- (6) The Chair will indicate that no person shall take or attempt to take a photograph, motion picture, audio recording or other record capable of producing visual or aural representation by electronic means or otherwise at a Hearing before the Committee that is open to the public, without the Committee's consent.

**13.2 Statements**

- (1) The Chair will entertain any statements from Committee Members at this time.
- (2) Where a Committee Member has any pecuniary interest, direct or indirect, in any proceeding that is before the Committee, the Committee Member,
  - (a) Shall, prior to any consideration of the agenda matter, disclose the interest and the general nature thereof;
  - (b) Shall recuse him or herself from the Hearing of that matter; and
  - (c) Shall not attempt in any way whether before, during or after the Hearing to influence the decision of the Committee.

**13.3 Motions**

- (1) The Committee will hear motions regarding any proceeding listed on the agenda.
- (2) The Committee will hear motions for adjournment requests prior to the commencement of any Hearing.
- (3) If a Party brings a motion regarding a proceeding not listed on the agenda, the Committee may decide to hear the motion at that time or order that it be brought at a later date.

**13.4 Hearing of Appeals**

- (1) Subject to any motions previously adopted by the Committee, the Chair will indicate that the Committee will now hear the first Appeal listed on the agenda.

**13.5 Presentation of the Property Standards Order**

- (1) The Property Standards Officer is requested to present the Order to Comply and related evidence.
- (2) A Representative for the City of Mississauga's Enforcement Division will examine the Property Standards Officer.
- (3) The Appellant, or if represented, the Appellant's Representative may cross-examine the Property Standards Officer.
- (4) The Committee Members may ask questions of the Property Standards Officer through the Chair.

**13.6 Other Witnesses in support of the Property Standards Order**

- (1) After any cross-examination of the Property Standards Officer, the Committee may hear from any other witness in support of the confirmation of the Property Standards Order.
- (2) A Representative for the City of Mississauga's Enforcement Division will examine any other witness in support of the Property Standards Order.
- (3) The Appellant, or if represented, the Appellant's Representative may cross-examine any other witness giving evidence in support of the Property Standards Order.
- (4) The Committee, through the Chair, may question the persons giving evidence to clarify any evidence presented.

**13.7 Presentation of the Appeal**

- (1) The Appellant or the Appellant's Representative is requested to present evidence with respect to the Appeal of the Property Standards Order.
- (2) A Representative for the City of Mississauga's Enforcement Division may cross-examine the Appellant.
- (3) The Committee will allow the Appellant or the Appellant's Representative to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.

- (4) The Committee may, through the Chair, ask questions of the Appellant to clarify any evidence presented.

### **13.8 Other Witnesses in Support of the Appeal**

- (1) A Representative for the City of Mississauga Enforcement Division may cross-examine the witness.
- (2) The Appellant, ▪ Charlene Perrotta, Manager of Prosecutions or the Appellant's Representative may call other witnesses in support of the Appeal of the Property Standards Order.
- (3) The Appellant, or if represented, the Appellant's Representative will examine the witness in support of the Appeal.
- (4) The Committee, through the Chair, may question the witness giving evidence to clarify any evidence presented.

### **13.9 Other Representations; Recall of Property Standards Officer**

- (1) After the Property Standard Officer's presentation, the Committee will hear from anyone else who wishes to make representations before the Committee pertaining to the matter.
- (2) Persons giving evidence under Section 13.10(1) are subject to questions by the Committee, the Appellant, or the Appellant's Representative, and the Representative the City of Mississauga's Enforcement Division.
- (3) The Property Standards Officer may also be recalled at this time.

### **13.10 Committee Decision**

- (1) The Committee will give an oral and written decision or may reserve its decision.
- (2) A Committee Member may request that their dissent with reasons be included in the decision.

### **13.11 Notice of Decision**

- (1) The Committee Secretary will forward notice of the Committee's decision to all those notified of the Hearing and to everyone who appears before the Committee.
- (2) The written decision sent in the Notice of Decision will be signed by all Members of the Committee that took part in the Hearing.



### **13.12 Exceptions From Procedures**

- (1) The Committee may grant all necessary exceptions from the procedures listed in these Rules as it considers appropriate to ensure that a fair and just Hearing is conducted.

**RULE 14: VOTING.**

**14.1 Voting, Equality of Vote**

- (1) Committee Members, including the Chair, may vote on all motions and other questions submitted at a Hearing.
- (2) In the case of a tie vote, the motion or question shall be deemed to have been lost.