

Hearing Committee*



Mandate

Procedure Bylaw 2011 – 235

- Article 44 – Hearing Committee decides on:
 - licensing under Part IV of the *Municipal Act, 2001* [MA]
 - property tax issues under s. 357 of the MA
 - issues under the *Drainage Act*, RSO1990
 - issues under the *Development Charges Act* (including s. 20 complaints)
 - lottery licensing for charities
 - topsoil regulation permits
 - acts as Property Standards Committee under s. 15.6 Building Code Act
 - appeals of muzzling orders under s. 105 of the MA
 - street re-naming
 - appeals regarding regulation of trees on municipal road rights-of-way
 - appeals regarding eligibility for Handi Transit Services
 - such other matters as set out by municipal bylaws

Mandate – Overriding Principles

Procedure Bylaw 2011 – 235 – Article 44

Where the Hearing Committee is exercising a statutory power of decision and is required by law to hold a hearing, or to afford to the parties to the proceeding an opportunity for a hearing, before making a decision, the hearing process shall comply with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.

Key Provisions

Procedure Bylaw 2011 – 235

- Article 44 – Hearing Committee
- Article 37 – Committees of Council
- Article 13 – Public Hearings
- Article 33 – Voting
- Article 6 – Chair & Vice Chair
- Article 28 – Decorum

Composition

- 5 Councillors (art. 44)
- Committee appoints Members to serve as Chair & Vice-Chair (art. 37.11)
- Chair and Vice-Chair hold office for one year or until successor appointed (art. 37.11)
- Both Chair and Vice-Chair may serve consecutive terms and both are eligible to vote (art 37.12)

Term & Time Commitment

- Term (will be decided by resolution of Council with the appointments for the Hearing Committee)
- Hearings scheduled by City Clerk as issues arise

Members' Roles and Duties

- Committee conducts the hearings
- Committee reports to Council by way of minutes including:
 - Findings of fact
 - Recommendations of the Committee
 - Supporting reasons for the recommendations
- Decisions of the Committee are not binding on Council unless Council adopts the Committee's minutes

Decorum – Article 28

Chair & Vice-Chair responsible to ensure decorum is maintained.

No Person shall:

- speak disrespectfully of any other person or office;
- use offensive words or unparliamentary language;
- address remarks to anyone but the Chair;
- interrupt a person who has the floor;
- engage in disruptive or distracting behaviour in such manner as to interrupt the proceedings;
- come within the enclosure formed by the Member's Council tables during meetings, without permission from the Chair;
- display signs, placards or props; or
- disobey the rules set out in this Bylaw or rulings made by the Chair.

Hearing Conduct – Article 13

- Chair commences the Hearing by announcing:
“this is a public hearing under the provisions of the [name] Act concerning [issue]. Anyone who wishes to speak on this matter shall be allowed to do so.”
- Order of Speakers
 - 1) staff
 - 2) applicant (appellant)
 - 3) anyone who wishes to speak
- Anyone may request permission to address the Committee
- Chair should control time to ensure fairness , while maintaining efficiency

Hearing Conduct – Article 13

- Upon hearing all submissions, the Chair concludes the hearing by announcing “The public hearing concerning this matter is now complete. The Hearing Committee shall now resume, in order to discuss and vote on the application.”
- Following this announcement, no further submissions shall be accepted and the application shall be discussed and voted on by all Members present, unless disqualified by reason of conflict of interest, or otherwise.
- Any ruling resulting from a hearing shall be in the form of a recommendation to Council for a final decision.

Hearing vs. Meeting

- Hearings are not the same as “meetings”
- Quasi-judicial body
- *Statutory Powers Procedure Act* provides minimum rules, to ensure procedural fairness such as:
 - All proceedings to be held in public, unless ordered for reasons of public security or to protect confidentiality
 - All parties entitled to proper notice and entitled to attend hearing to submit evidence and answer arguments
- *Statutory Powers Procedure Act* ensures procedural fairness/natural justice

Hearing vs. Meeting

- **Natural Justice - Principles**

- Notice
- Disclosure
- Opportunity to present one's case
- Opportunity to respond
- Duty to consider all of the evidence
- Right to counsel
- Right to an interpreter
- Legitimate expectations
- Right to impartial decision maker & freedom from bias
- Institutional independence
- Required that person who hears the case must decide
- Delay
- Right to reasons

Critical Points

- Change hats
 - Not an advocate for constituents
 - Objective and unbiased decision-maker
- Must apply the relevant bylaw(s)
- Must weigh the evidence
- Fairness not only to applicant, but to all residents of CGS