

# Roles and Responsibilities of the Mississauga Appeals and Property Standards Committee (MAPSC)

Legal Services

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# Agenda

1. Overview of MAPSC

1. Overview of new Rules of Procedure

# Overview of MAPSC

## Roles and Responsibilities of the MAPSC

- Hears appeals and makes decisions regarding the following matters:
  - appeals of the City's licensing by-laws and the Animal Care and Control By-law 0098-2004;
  - appeals by registered property owners who have received a property standards order regarding non-compliance with the Property Standards By-law 0654-1998;
  - appeals related to bans of individuals from City facilities; and
  - objections regarding the City's imposition of local improvement charges under O. Reg. 586/06 of the *Municipal Act, 2001*
- Decisions of the MAPSC are final unless otherwise provided by legislation.

## Municipal Act, 2001

Licence Appeals, Appeals related to bans of individuals from entering City facilities:

- A municipality may delegate its powers and duties (subject to certain restrictions), including quasi judicial powers [s. 23.1; 23.2].

Committee of Revision:

- A municipality may establish a committee of revision consisting of three or five members appointed by council [O. Reg. 586/06; ss. 19(1)]

## ***Building Code Act, 1992***

- On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement: 1) confirm, modify or rescind the order to demolish or repair; 2) extend, the time for complying with the order [ss. 15.3(3.1)].
- A property standards by-law shall provide for the establishment of a committee composed of at least 3 people to hold office for such term and on such conditions as the by-law may establish [s. 15.6(1)].

## ***Section 6(1) of the Property Standards By-law 0654-1998***

- a) Council hereby establishes the property standards committee required by section 15.6 of the Building Code Act, 1992, and shall appoint at least three (3) members to the property standards committee for a term of office concurrent with Council.
- b) the Property Standards Committee established by subsection (a) is continued as the “Mississauga Appeals and Property Standards Committee” pursuant to By-law 0051-2023.
- c) Every person who intends to appeal an Order made under subsection 15.2(2) of the Building Code Act, S.O. 1992, c.23, shall submit a notice of appeal in the manner and within the time frame as prescribed in subsection 15.3(1) of the Building Code Act, S.O. 1992, c.23....

## By-law 0051-2023

- Establishes the MAPSC, which amalgamates and continues:
  - Mississauga Appeals Tribunal
  - Property Standards Committee
  - Incidents at City Facilities Committee
- When required by the imposition of a special charge pursuant to section 21 of the Local Improvement Charges - Priority Lien Status Regulation, O . Reg. 586/06, any three (3) or five (5) members of the MAPSC selected by the MAPSC Coordinator, shall form a committee of revision pursuant to section 19 of the regulation.



## By-law 0053-2023

Appointed current members to the MAPSC for the 2022-2026 Term of Office, ending on November 14, 2026, or until a successor is appointed.

# Overview of the MAPSC Rules of Procedure

## Overall Commentary

- Need to create single set of rules for new combined committee
- Used old rules with some organizational and modernizing updates, including using “plain language” in keeping with other tribunal rules
- Removed committee-related procedures from these rules – these are just rules for the appeal process

# Rule 7 – Parties and Representatives

- Parties can be self-represented or represented by lawyer or paralegal
- Can also be represented by certain other people if party files a signed authorization (Form 7):
  - Employee of appellant
  - Employee of legal aid clinic
  - Friend, neighbour or family member providing legal services for free
  - MPP or staff
  - Certified Human Resources Professional
  - Other regulated professionals
  - Aboriginal courtworker
  - Articling student

## Rule 10 – Request for Order

- aka a Motion
- Pre-hearing requests for order made in writing (Form 10A)
- Any party responding, makes response in writing (Form 10B) within 14 days
- Heard in writing by single member unless Chair directs otherwise

## Rule 11 – Pre-Hearing Conference

- Confidential conference, held at party's request or on Committee's initiative
- Held via phone/Webex before single member unless reason to hold in-person
- Purposes: essentially settlement/simplification of issues, set timelines, etc.
- Member cannot be part of hearing panel if settlement is discussed
- Member writes memo summarizing outstanding issues, orders, etc. that is provided to hearing panel at conclusion of conference

## Rule 3 – Adjournments

- Can be requested in advance (in writing) or at hearing
- Should be granted if required to permit an adequate hearing
- Factors to consider:
  - the sufficiency of the reasons advanced for the request to adjourn;
  - the timeliness of the request;
  - the resources of the Committee;
  - any prejudice to any party;
  - whether any adjournments have been granted previously;
  - the consent of the parties; or
  - any other relevant factor
- 1<sup>st</sup> adjournment, on consent of all parties, for no more than 60 days can be granted by Committee Coordinator

## Rule 14 - Disclosure

- Committee can make orders re disclosure of documents, witness statements, expert reports, etc.
- Appellant must disclose all documents it will rely on at hearing 20 days in advance
- Respondent must disclose all documents 10 days in advance
- Electronic documents preferred
- Paper copies must only provided if no electronic documents provided – 3 copies to provide to hearing panel



## Rule 17 – Hearing Procedure

- If party does not attend, can adjourn hearing or proceed with hearing without them
- If appellant does not attend, Committee must dismiss appeal unless there is an error on face of decision/order
  - Appellant has onus to demonstrate decision/order is unreasonable – cannot meet this onus if they are not there
  - Respondent (City) should not be required to call evidence if appellant is not there to prove their case

## Hearing Procedure cont'd

- Clarified order of presentation:
  1. Respondent (City) gives opening just to introduce decision/order under appeal
  2. Appellant opening
  3. Respondent opening
  4. Appellant calls evidence
  5. Respondent calls evidence
  6. Appellant closing
  7. Respondent closing

## Hearing Procedure cont'd - Evidence

- Cannot rely on documents if not previously disclosed without Committee's consent
- Can rely only on documents if they wish
- If calling witnesses, for each witness:
  - Party calling the witness examines by non-leading questions (except about non-contentious or background issues in interests of time)
  - Cross-examined by opposing party
  - Reply on new issues raised on cross-examination only, if any
  - Questions from hearing panel

## Hearing Procedure cont'd - Decision

- Majority decision is “Decision”
- Decision and order must be provided in writing
- Reasons must be provided in writing if requested by a party
  - Appears that practice is to provide written reasons in most/all cases
- Dissenting member can provide their own dissenting reasons, if panel provides written reasons

## Miscellaneous

- Rule 2.02(3) – Clarifies that Committee cannot extend time to commence appeal
- Rule 9 – Committee can dismiss frivolous and vexatious appeals without full hearing, on notice to appellant
- Service by email is permitted, removed option to fax
- Forms – template that can be edited in Word