

Date: 2023-06-11

Subject: Integration of the Brampton Appeal Tribunal and Property Standards Committee into a Single Administrative Tribunal

Contact: Peter Fay, City Clerk, Legislative Services, peter.fay@brampton.ca

Report Number: Legislative Services-2023-297

Recommendations:

1. That the report from Peter Fay, City Clerk, Legislative Services, re. Integration of the Brampton Appeal Tribunal and Property Standards Committee into a Single Administrative Tribunal, to the City Council Meeting of September 13, 2023, be received; and
2. That Council approve amendments to the Brampton Appeal Tribunal By-Law 48-2008, Property Standards By-law 165-2022, Animal Control By-law 261-93, Dog By-law 250-2005, Business Licensing By-law 332-2013, Mobile Licensing By-law 67-2014, Adult Entertainment Establishment By-law 114-2017 and User-Fee By-law 380-2003, as attached as Appendix 1 to this report, to expand the duties and responsibilities of the Brampton Appeal Tribunal to include the hearing of appeals of property standards orders issued under Property Standards By-law 165-2022, and to implement other related amendments to various City By-Laws.

Overview:

- Currently, the City operates both the Brampton Appeal Tribunal, which hears appeals from decisions issued under specified City by-laws, as well as a separate Property Standards Committee, which hears appeals of Property Standards Orders issued pursuant to the Property Standards By-law.
- Staff are proposing to expand the function of the Brampton Appeal Tribunal to include the hearing of appeals of Property Standards Orders, which is intended to eliminate the need to operate two separate citizen appointment committees and thereby promote greater efficiency of municipal operations.
- Council has appointed, this term, a total of 10 citizens to a combined administrative tribunal of the Brampton Appeal Tribunal and Property

Standards Committee, subject to a further report to Council to integrate the Tribunal and Committee into one decision-body, effective for the 2022-2026 term of Council.

- **The report recommends the necessary amendments to City by-laws to integrate Tribunal and Committee.**

Background:

The City operates both the Brampton Appeal Tribunal (BAT) and a separate Property Standards Committee (PSC). The BAT and the PSC are citizen-based adjudicative committees appointed by Council to sit for the duration of Council's term in office.

The BAT is currently established pursuant to the Brampton Appeal Tribunal By-Law 48-2008 to hear appeals from decisions made under the Business Licensing By-law, the Mobile Licensing By-law, and the Adult Entertainment Establishment By-law, including decisions relating to the issuance and revocation of licenses. The BAT also hears appeals from decisions of the Poundkeeper under the Dog By-Law and the Animal Control By-Law, including appeals of dangerous dog designations.

The PSC was established to hear appeals from Property Standards Orders issued pursuant to the Property Standards By-law 165-2022, in accordance with the *Building Code Act, SO 1992, c. 23*.

Last term of Council, five (5) members were appointed by Council to sit on the BAT. The BAT is scheduled to sit the second Monday of each month, subject to the existence of a pending appeal and the availability of its members. Five (5) members were also appointed to sit on the PSC. The PSC is scheduled to sit on the last Thursday of each month, subject to the existence of a pending appeal and the availability of its members. Hearings require a quorum to be present for each decision-body. During the last term, member resignations and attendance issues reduced the effective membership to sometimes make it difficult to schedule hearings and achieve quorum.

Table 1 shows the number of meetings held during the last four years. BAT and PSC meetings are reactive as appeals are filed with the City. The relatively low number of appeals considered by the BAT and PSC justify consideration for combining both into one decision-making tribunal.

Table 1 – Meeting Convening Rate
Property Standards Committee and Brampton Appeal Tribunal

	Property Standards Committee			Brampton Appeal Tribunal		
Year	Meetings Held	Meetings Scheduled	Convened Meeting Rate	Meetings Held	Meetings Scheduled	Convened Meeting Rate
2019	4	12	33%	4	12	33%
2020	5	12	42%	5	12	42%
2021	0	12	0%	6	12	50%
2022	1	12	8%	5	12	42%
Total	10	48	21%	20	48	42%

In May 2023, Council appointed 10 citizens to a combined administrative tribunal of the Brampton Appeal Tribunal and Property Standards Committee, effective June 1, 2023, subject to a further report to Council to integrate the Tribunal and Committee into one decision-body, effective for the 2022-2026 term of Council ending November 14, 2026, or until a successor is appointed.

This report recommends amendments to the necessary by-laws to integrate the BAT and PSC into one decision-making tribunal.

Current Situation:

The City Clerk's Office oversees the operation and scheduling of matters before the BAT and the PSC. Over the past years staff have experienced difficulty scheduling matters due a lack of quorum of members available for hearings in respect of both the BAT and the PSC. Also, the number of appeals considered by the respective decision-bodies no longer warrants separate and distinct committees.

As a result, Staff are proposing to resolve these concerns and improve the efficiency of these two citizen appointment adjudicative committees, by combining them into the BAT in accordance with the amendments to By-Law 48-2008 and other related municipal bylaws as set out in Appendix 1 (proposed by-law amendments) and Appendix 2 (red-line mark-up of proposed Brampton Appeal Tribunal By-law 48-2008) to this Report, and by enhancing the operations of the BAT in a number of key respects, including:

- authorizing the City Clerk to prescribe forms for use by the Brampton Appeal Tribunal;
- permitting the adjournment of appeals on the filing of written consent of all parties, thereby avoiding unnecessary attendance by Members to address adjournment requests made on consent;
- standardizing the fees applicable to appeals from decisions and orders under various City by-laws to \$200 per appeal, which is the current appeal fee charged for Animal Control By-law and Dog By-law appeals;
- standardizing the honorarium paid to members to \$100 per meeting day and \$125 for the Chair per meeting day, whereas currently BAT members receive \$75 per meeting day and PSC members receive \$50 per meeting day attended;
- implementing more realistic and effective decision issuance timelines for the tribunal;
- other amendments intended to meet the requirements of the *Building Code Act* relating to the establishment of a committee to hear appeals of Property Standards Orders.

A benchmarking review of other municipalities indicates that some other municipalities also operate one Tribunal that hear property standards appeal, as well as appeals

arising from other municipal by-laws, such as the City of Mississauga, City of Waterloo, the City of Ottawa, the City of Kingston, and the Town of Ajax.

Corporate Implications:

Financial Implications:

There are no anticipated costs to the City arising from the implementation of the recommendations in this report. The combination of the BAT and PSC would result in a single Tribunal comprised of 10 members rather than two separate committees comprised of a five (5) members each. Although the amendments propose to standardize the honoraria paid at a rate slightly higher than the current rate, given the reduction in number of appeals processed and the slight increase proposed for appeal fees charged for certain appeals, it is anticipated that there will be little to no financial impact on the Corporation, which can be accommodated within the City Clerk's Office budget for Council and Committee operations. If additional costs are incurred through the implementation of the BAT and PSC, budget considerations will be included in future year budget submissions.

Other Implications:

nil

Strategic Focus Area:

This report achieves the Strategic Focus Area of Government and Leadership by facilitating the establishment of one qualified citizen-based adjudicative tribunal to hear appeals from decisions and orders issued pursuant to the City's various by-laws and facilitates effective governance by enhancing the efficiency of municipal operations.

Conclusion:

This report proposes to expand the function of the Brampton Appeal Tribunal to include the hearing of appeals of Property Standards Orders, which is intended to eliminate the need to operate a separate property standards committee and thereby promote greater efficiency of municipal operations, as well as introduce other amendments to improve the operations of the Brampton Appeal Tribunal.

Authored by:

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Attachments:

APPENDIX 1 - By-Law to Amend the Brampton Appeal Tribunal By-Law 48-2008, Property Standards By-law 165-2022, Animal Control By-law 261-93, Dog By-law 250-2005, Business Licensing By-law 332-2013, Mobile Licensing By-law 67-2014, Adult Entertainment Establishment By-law 114-2017 and User-Fee By-law 380-2003.

APPENDIX 2 – Brampton Appeal Tribunal By-Law 48-2008, including proposed wording amendments.