



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2023

To Appendix 1 - Amendment to Brampton Appeal Tribunal By-law 48-2008.docx

WHEREAS The Corporation of the City of Brampton enacted the Brampton Appeal Tribunal By-Law 48-2008 establishing an appeal body composed of citizens of Brampton (the “Tribunal”);

AND WHEREAS The Corporation of the City of Brampton established a Property Standards By-law 165-2022, as amended, pursuant to the provisions of the Building Code Act, 1992, S.O. 1992, c. 23 (the “Building Code Act”);

WHEREAS The Corporation of the City of Brampton considers it desirable to amend the Brampton Appeal Tribunal By-Law 48-2008, as amended, in order to harmonize the rules and procedures relating to appeals under various City by-laws, including appeals of orders issued under the Property Standards Maintenance By-Law 165-2022 pursuant to section 15.6 of the *Building Code Act*, in order to enhance efficient municipal operations.

AND WHEREAS The Corporation of the City of Brampton considers it desirable to impose common fees and charges in relation to appeals of matters within the jurisdiction of the Brampton Appeal Tribunal;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

AMENDMENTS TO BRAMPTON APPEAL TRIBUNAL BY-LAW 48-2008:

1. By-Law 48-2008, as amended, is hereby further amended by deleting the second preamble in the by-law and by inserting the following in the preamble:

“AND WHEREAS Section 23.1 and 23.2 of the *Municipal Act*, as amended, permits Council to delegate appeals under the Animal Control By-law 261-93, Dog By-law 250-2005, Business Licensing By-law 3322013, Mobile Licensing By-law 67-2014, and the Adult Entertainment Establishment By-law 114-2017 to an independent committee;

AND WHEREAS section 15.3 and 15.6 of the *Building Code Act*, 1992, S.O. 1992, c. 23 (the “*Building Code Act*”), as amended, permits Council to establish the Property Standards By-law 165-2022 and appoint a committee to hear appeals of orders issued in

respect of the property standards set out in the Property Standards By-law;”

2. By-Law 48-2008, as amended, is hereby further amended by deleting the definition of “appellant” in paragraph 1 and replacing it with the following:

“**Appellant**” means a person that has filed a Notice of Appeal requesting an Appeal, and (a) in the case of an Appeal of a Decision of the Licence Issuer, includes an applicant for a licence, a holder of a licence, a partner of the partnership applying for or holding the licence, an officer or director of the corporation applying for or holding the licence; (b) in the case of an Appeal of a Decision of the Poundkeeper regarding the designation of a dog, the owner of the dog or agent of the owner; and (c) in the case of an Appeal of a Property Standards Order, includes the owner or occupant of the property.”

3. By-Law 48-2008, as amended, is hereby further amended by adding the following definitions to paragraph 1 in alphabetic order:

“**Adult Entertainment Establishment By-law**” means the Adult Entertainment Establishment By-Law 11-2017, as amended.

“**Appeal**” means a request for hearing in respect of a Decision or Property Standards Order commenced by the filing of a Notice of Appeal.

“**Building Code Act**” means the Building Code Act, 1992, S.O 1992, c. 23”

“**Decision**” means the decision of a Licence Issuer or a decision of a Poundkeeper for which a right of appeal exists under the Mobile Licensing By-Law, Business Licensing By-Law, Adult Entertainment Establishment By-Law, Dog By-Law and the Animal Control By-Law;

“**Fee**” means the fees prescribed for an Appeal of a Decision or Property Standards Order under User Fee By-Law 380-2003, as amended.

“**Hearing**” means a hearing in any proceeding conducted pursuant to this By-Law;

“**Licence Issuer**” means the City Clerk, the Manager of Licensing or the Manager of Animal Services and includes their designates.

“**Property Standards By-law**” means Property Standards By-law 165-2022, as amended”

“**Property Standards Officer**” means an officer as defined and appointed in accordance with the Property Standards By-law”

“Property Standards Order” means a property standards order issued by a Property Standards Officer under Property Standards By-law 165-2022 in accordance with the Building Code Act.

“Notice of Appeal” means a written notice requesting a Hearing in respect of a Decision or Property Standards Order referred to in section 8 of this By-Law.

“Poundkeeper” means the person appointed as such by Council.

“Tribunal Coordinator” means the member of City staff who has been assigned to perform the administrative tasks required by the Tribunal, including maintaining the records of the Tribunal in accordance with section 15.6(7) of the *Building Code Act*.”

4. By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 3 and replacing with the following:

“3. The Tribunal shall be composed of not fewer than five (5) individuals who shall be appointed in accordance with the City’s Citizen Appointment Procedures, and

- (a) a Member shall be appointed for the term of Council
- (b) a Member shall be deemed to have resigned if the Member fails to attend three (3) or more Hearings.”

5. By-Law 48-2008, as amended, is hereby further amended by adding the following sentence to the end of paragraph 5 of By-law 48-2008:

“A majority of the Members shall constitute a quorum of the Tribunal for purposes of the Hearing of an Appeal.”

6. By-Law 48-2008, as amended, is hereby further amended by adding the following as paragraph 6:

“TRIBUNAL CHAIR AND SECRETARY

6. At its first meeting, the members of the Tribunal shall:

(a) elect a Chair from among the Members of the Tribunal to preside over the Hearings of the Tribunal, and when the Chair is absent the Members may appoint another Member as Acting Chair; and

(b) appoint a Tribunal Coordinator to maintain the records of the Tribunal in accordance with section 15.6(7) of the *Building Code Act*.”

7. By-Law 48-2008, as amended, is hereby further amended by adding the words “AND PRESCRIBED FORMS” to the title of the section before paragraph 6 and deleting paragraph 6 and adding the following as paragraph 7 and 8:

“7. The Tribunal may prescribe rules. Where no rules have been prescribed by the Tribunal, the Rules of Procedure set out in Schedule 1 shall apply.

8. The City Clerk may prescribe forms for use in connection with Appeals.”

8. By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 7 and replacing it with the following, and renumbering it as paragraph 9:

“9. The Tribunal shall hear Appeals from a:

(1) Decision of a Licence Issuer for which a right of appeal is set out in the Business Licensing By-law, the Mobile Licensing By-law, and the Adult Entertainment Establishment By-law;

(2) Decision of a Poundkeeper for which a right of appeal is set out in the Dog By-law;

(3) Decision of a Licence Issuer pertaining to pigeons, hens, or rabbits for which a right of appeal is set out in the Animal Control By-law; and

(4) Property Standards Order issued in respect of the property standards set out in the Property Standards By-law for which a right of appeal exists in accordance with the *Building Code Act*.”

9. By-Law 48-2008, as amended, is hereby further amended by adding the following words at the end of paragraph 9 and renumbering paragraphs 8 and 9 to be paragraphs 10 and 11:

“Nothing in this By-Law shall affect the right of a person under section 15.3(4) of the *Building Code Act* to appeal a Decision of the Tribunal rendered in respect of a matter appealed under section 9(4) of this By-Law.”

10. By-Law 48-2008, as amended, is hereby further amended by deleting paragraphs 10, 11 and 12 and the word “EXCEPTION” before those paragraphs and by adding the following as paragraph 12:

“12. The powers delegated to the Tribunal under this By-law may only be exercised by the Tribunal.”

11. By-Law 48-2008, as amended, is hereby further amended by renumbering paragraph 14.1 to be paragraph 15.

12. By-law 48-2008, as amended, is hereby further amended by adding the following after the renumbered paragraph 15:

“PROPERTY STANDARDS APPEALS

16. The powers of the Tribunal in respect of an Appeal of a Property Standards Order are those which are conferred upon a committee appointed in accordance with the *Building Code Act*.”

13. By-Law 48-2008, as amended, is hereby further amended by deleting the words “HEARING PROCEDURE” before paragraph 15 and replacing it

with the words “NOTICE OF APPEAL” and by deleting paragraphs 15 and 16 and replacing them with the following:

- “17. An Appeal is commenced by filing with or sending a written Notice of Appeal by mail or courier to the Tribunal Coordinator together with the Fee, within fourteen (14) days after the date the Appellant:
(1) receives the Decision or Property Standards Order; or
(2) is deemed to have received the Decision or Property Standards Order,
whichever is earlier.
18. Upon receipt of a written Notice of Appeal and applicable Fee, the City Clerk shall schedule a Hearing a minimum of four (4) weeks from the date of receipt of the Notice of Appeal and shall give reasonable notice to the Appellant, the Manager of Prosecutions and such other persons as may be directed by the Tribunal.”
14. By-Law 48-2008, as amended, is hereby renumbering paragraphs 17, 18, 19 and 20 to be paragraphs 19, 20, 21, and 22, respectively.
15. By-Law 48-2008, as amended, is hereby further amended by deleting paragraphs 21 and 22 and replacing them with the following:
- “23. A person who has the right of Appeal under subsections 9(1), 9(2) or 9(3) may bring a motion before the Tribunal to extend the time for filing the Notice of Appeal, either before or after the fourteen (14) day appeal period under section 17.
24. The Tribunal may extend the time for filing of the Notice of Appeal under Section 23 if it is satisfied that there are apparent grounds for the Appeal and there are reasonable grounds for an extension.”
16. By-Law 48-2008, as amended, is hereby amended by renumbering paragraphs 23 and 24 to be paragraphs 25 and 26, respectively, and renumbering as necessary all paragraphs and paragraph references to establish a chronological order to the By-law paragraphs.
17. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by adding the words “the definitions set out in the By-law shall apply, as well as the following definitions,” after the words “In these Rules,” and by capitalizing the first letter of all defined terms and deleting the definitions of the words “applicant”, “Animal Control By-Law”, “Business Licensing By-Law”, “Dog By-Law”, “hearing”, “Licensing By-Law”, “member”, and “Mobile Licensing By-Law”.
18. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by deleting the words “Licensing By-Law, as amended, the” in the definition of “Licensee” and by adding at the end of the definition of “Licensee” the words “and Animal Control By-law (By-law 261-93).”
19. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by replacing the word “applicant” with the word “Appellant” throughout.

20. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by adding the words “in accordance with the *Statutory Powers Procedure Act*” at the end of paragraph 2(2).
21. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 5 and the words “TRIBUNAL CHAIR” before paragraph 5 and by renumbering paragraphs 3(1), 3(2), and 4 to be paragraphs 3, 4, and 5, respectively.
22. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by deleting the words “four (4)” in subparagraph 12(3) and replacing them with the words “five (5).”
23. Schedule 1 to By-Law 48-2008, as amended, is hereby amended by deleting paragraphs 13(1) and 13(2) and replacing with the following:

“(1) Subject to Rule 19, the filing of any document by any party to a Hearing (i.e. transmitting it to the City Clerk) may be effected by personal delivery, by ordinary or registered mail, by fax transmission, by courier, by email or otherwise as the Tribunal may order.

(2) A document that is more than twenty (20) pages may not be served by fax on other parties unless prior written consent from the intended recipient for this faxing is obtained.”
24. Schedule 1 to By-Law 48-2008, as amended, is hereby amended by deleting paragraph 14 and replacing with the following:

“14. All parties to a Hearing, particularly solicitors lawyers and legal representatives, shall bring to the Hearing a sufficient number of copies of documents for the Tribunal Members, the Tribunal Coordinator, counsel to the Tribunal and the other parties.”
25. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by deleting paragraphs 18 and 19 and replacing them with the following:

“18. In the following sections, the last day of the fourteen (14) day period after the receipt or deemed date of receipt of the Decision or Property Standards Order under section 17 of this By-Law is called the “Appeal Deadline”.

19. An Appeal is commenced by delivering or transmitting a written Notice of Appeal together with the Fee to the Tribunal Coordinator by:

(1) personally or by courier delivering it to a person in the City Clerk’s Office; or

(2) ordinary mail.

A Notice of Appeal is ineffectual to create a right to a Hearing unless it is received by the Tribunal Coordinator on or before the Appeal Deadline. A Notice of Appeal cannot be delivered by fax transmission or email.”

26. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by deleting the words “for the next available hearing date” in paragraph 26.

27. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by deleting the word “submitted” in the second sentence of paragraph 28 and replacing it with the word “scheduled”, and deleting the word “two” and replacing it with “a minimum of four (4)” and by adding the following subparagraph (7) and renumbering all subsequent subparagraphs:

“(7) in the case of Hearings relating to the Property Standards By-Law, the Property Standards Officer; and”

28. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 29 and replacing it with the following:

“29. An Appellant may withdraw an Appeal by filing, by means including but not limited to email, ordinary mail, courier or in-person, a written notice of withdrawal of Appeal with the City Clerk prior to the Hearing date. Upon receipt of a written notice of withdrawal of Appeal the Tribunal Coordinator shall issue a notice of cancellation of the Hearing and administrative dismissal of the Appeal to all persons who received notice of the Hearing.”

29. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by adding the following subparagraphs (6) and (7) of section 30 and renumbering the subparagraphs (1) through (9):

“(6) in the case of an Appeal of a Property Standards Order, a copy of the Property Standards Order;
(7) the Notice of Appeal;”

30. Schedule 1 to By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 32 and replacing it with the following:

“32. Once a date has been set for a Hearing, it may not be: (i) adjourned or (ii) settled and/or withdrawn, with or without conditions, except on consent of all parties, made in writing and filed with the Tribunal Coordinator at least two (2) days prior to the Hearing (unless determined otherwise by the City Clerk) or by order of the Tribunal.”

31. Schedule 1 of By-law 48-2008, as amended, is hereby further amended by deleting the title “CONFLICT OF INTEREST” before paragraph 33 and deleting paragraph 33 and replacing them with the following:

“CODE OF CONDUCT

33. The Members of the Tribunal shall be subject to such Code of Conduct and other by-laws, policies and procedures as may be approved by Council.”

32. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 37 and replacing it with the following:

“37. A summons shall be in the form prescribed by Reg. 116/95 of the *Statutory Powers Procedure Act*, as amended, and signed by the Chair.”

33. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 38 and consecutively re-numbering all subsequent paragraphs.
34. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by deleting the word “receive” after paragraph 40 and replacing it with the words “be paid by the party summoning such witness” and adding the following to the end of the paragraph “The Tribunal Coordinator shall be responsible for processing witness fees and travel allowances, as required.”
35. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 41 and replacing it with the following:

“40. The Hearing is held as follows:

- (1) A majority of the appointed Members must be present to achieve quorum. In the following sections, the “panel” means those Members that are present to conduct the Hearing or procedure.
- (2) If quorum is not achieved within thirty (30) minutes of the scheduled start time, all Hearings are rescheduled to the next standing date and notice shall be sent as if it were the first notice of the Hearing.
- (3) When the Tribunal chair is unable to attend a Hearing, the panel may select amongst themselves the Member who will chair the Hearing (“the Hearing chair”).
- (4) The Hearing chair will call the Hearing to order and may advise the Appellant of the Hearing procedure.
- (5) The Tribunal Coordinator or any Member of the Tribunal will swear or affirm the witnesses.
- (6) A member of the City Solicitor’s Office, or counsel appointed by the City Solicitor, who is not privy to the case of either party may be present as counsel to the Tribunal to assist and give legal advice to the Tribunal hearing the case. However, counsel to the Tribunal does not have power to decide the Appeal, which rests with the Tribunal.
- (7) The Hearing process is informal, but the *Statutory Powers Procedure Act* applies.
- (8) The Tribunal may decide which of the parties it wishes to hear from first, but it is customary that the City proceeds first.
- (9) The City’s agent shall be called “City’s Case Presenter” and not “prosecutor”.
- (10) The process for each witness to give testimony is: evidence in chief, cross-examination and reply, if any.
- (11) Each Member of the Tribunal may ask questions of the witness at any time.
- (12) The Tribunal may recall a witness for the purpose of clarifying a point that has arisen since the witness has concluded their main presentation.
- (13) The parties have the right to make opening and closing statements. It is customary that the City proceeds first; however the Tribunal may rule otherwise.
- (14) These Rules, except for Rule 41(1), are subject to change by the Tribunal, if the Tribunal finds that there is a fairer way of proceeding.”

36. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by adding the following as paragraph 41 before the heading “DECISION”:

- “41. Hearings of the Tribunal may be recorded and a copy of the recording shall be maintained by the Clerk for such period of time as accords with applicable City policy and procedure.”
37. Schedule 1 of By-Law 48-2008, as amended, is hereby further amended by deleting paragraph 42 and 43 and replacing with the following:
- “42. (1) The Tribunal may recess at any time during or at the conclusion of a Hearing to deliberate and may give an oral Decision or may reserve its Decision.
- (2) The Tribunal will attempt to issue a written Decision within 30 days after the Hearing is completed.
- (3) The counsel to the Tribunal will prepare the Notice of Decision and the Tribunal Coordinator shall ensure that at least the Chair, on behalf of the Tribunal, or a majority of the consenting Tribunal Members party to the Hearing, sign the Decision in ink or digitally.
43. Following an oral Decision or where the Tribunal has reserved its Decision, the Appellant shall thereafter be issued a Notice of Decision by email, courier, ordinary or registered mail.”
38. Schedule 1 of By-law 48-2008, as amended, is hereby further amended by deleting the words “28” in paragraph 44 (4) and replacing it with the words “24”.
39. Schedule 2 of By-law 48-2008, as amended, is hereby further amended by deleting the words “of \$75.00” and replacing it with the words “as follows:” and adding the following thereafter to Schedule 2:
- “Regular Members - \$100.00/meeting
- Chair or Acting Chair - \$125.00/meeting”
40. By-Law 48-2008, as amended, is further amended by capitalizing all defined terms referenced throughout the By-Law and Schedules to the By-Law, and renumbering as necessary all paragraphs and paragraph references to establish a chronological order to the Schedule paragraphs, and capitalizing each defined term throughout the By-law and Schedules, and replacing the word “license” with “licence” throughout the By-law and Schedules.

AMENDMENTS TO THE PROPERTY STANDARDS BY-LAW 165-2002

41. By-Law 165-2022 is hereby further amended by deleting the definition of “Committee” in paragraph 1.1 of that By-Law and replacing it with the following definition:
- ““Committee” means the property standards committee appointed in accordance with the *Building Code Act, 1992*, S.O. 1992, c. 23.”

42. By-Law 165-2022 is hereby further amended by deleting the title “Property Standards Committee” before paragraph 3 and deleting paragraph 3.1, and replacing them with the following:

“Committee

3.1 The Brampton Appeal Tribunal established pursuant to By-Law 48-2008 is hereby appointed to act as the Committee.”

43. By-Law 165-2022 is hereby further amended by deleting paragraph 3.2 of that By-Law and replacing it with the following:

“3.2. The Brampton Appeal Tribunal shall have and exercise the powers of the Committee set out in the Building Code Act.”

AMENDMENTS TO THE ANIMAL CONTROL BY-LAW 261-93

44. By-Law 261-93, as amended, is hereby further amended by deleting the words “in accordance with the procedures established by the Licensing By-Law 1-2002” in paragraph 14.1(2)(i) and replacing them with the words “in accordance with the procedures established by the Brampton Appeal Tribunal By-law 48-2008”.

AMENDMENTS TO THE DOG LICENCE BY-LAW 250-2005

45. By-Law 250-205, as amended, is hereby further amended by deleting the words “within fifteen (15) days” within paragraph 28 and replacing them with the words “within fourteen (14) days”.

AMENDMENTS TO THE BUSINESS LICENSING BY-LAW 332-2013

46. By-Law 332-2013, as amended, is hereby further amended by deleting the words “within 15 days” in paragraph 26(2)(d) of that By-Law and replacing them with the words “within 14 days”.
47. By-Law 332-2013, as amended, is hereby further amended by deleting the words “within 15 days” in paragraph 27(1) of that By-Law and replacing them with the words “within 14 days”.
48. By-Law 332-2013, as amended, is hereby further amended by deleting the words “by the 15th day” in paragraph 27(3) of that By-Law and replacing them with the words “by the 14th day”.

AMENDMENTS TO THE MOBILE LICENSING BY-LAW 67-2014

49. By-Law 67-2014, as amended, is hereby further amended by deleting the words “within 15 days” in paragraph 34(2)(d) of that By-Law and replacing them with the words “within 14 days”.

- 50. By-Law 67-2014, as amended, is hereby further amended by deleting the words “within 15 days” in paragraph 35(1) of that By-Law and replacing them with the words “within 14 days”.
- 51. By-Law 67-2014, as amended, is hereby further amended by deleting the words “by the 15th day” in paragraph 35(4) of that By-Law and replacing them with the words “by the 14th day”.

AMENDMENTS TO THE ADULT ENTERTAINMENT ESTABLISHMENT BY-LAW 114-2017

- 52. By-Law 114-2017, as amended, is hereby further amended by deleting the words “within 15 days” in paragraph 26(2)(d) of that By-Law and replacing them with the words “within 14 days”.
- 53. By-Law 114-2017, as amended, is hereby further amended by deleting the words “within 15 days” in paragraph 27(1) of that By-Law and replacing them with the words “within 14 days”.
- 54. By-Law 114-2017, as amended, is hereby further amended by deleting the words “by the 15th day” in paragraph 27(3) of that By-Law and replacing them with the words “by the 14th day”.

AMENDMENTS TO THE USER-FEE BY-LAW 380-2003

- 55. By-law 380-2003, as amended, is hereby further amended by increasing the following fees in Schedule D — City Clerk, effective August 1, 2023:

Goods and/or Services	Fee Unit	Tax Applicable	Current	Effective Date
Appeal of Decision of License Issuer				
Appeal of decision of License Issuer (to refuse, revoke, suspend, etc. business license)	Per Appeal	No	\$200.00	August 1, 2023
Appeal of Order to Comply with Minimum Maintenance By-law				
Appeal of Order to Comply with Property Standards By-law	Per Appeal	No	\$200.00	August 1, 2023

TRANSITION PROVISIONS

- 56. This By-law shall come into force and effect on September 15, 2023 and, for greater certainty, shall apply to any Appeal heard on and after September 15, 2023.
- 57. Any Appeal heard prior to September 15, 2023 shall continue to be determined in accordance with the provisions of the By-Law in effect as of September 15, 2023.

ENACTED and PASSED this 13th day of September, 2023.

Approved as to
form.
20 __/month/day
[insert name]

Patrick Brown, Mayor

Approved as to
content.
2023/09/07
P. Fay

Peter Fay, City Clerk