



City of Hamilton

HAMILTON LICENSING TRIBUNAL

established under the Municipal Act, 2001 and the Business Licensing By-law No. 07-170

Meeting #: 18-003
Date: June 12, 2018
Time: 3:00 p.m.
Location: Room 264, 2nd Floor, City Hall
71 Main Street West

Lauri Leduc, Committee Secretary (905) 546-2424 ext. 4102

Pages

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. CONFLICTS OF INTEREST

3. HEARINGS

4. TRIBUNAL BUSINESS

4.1 Broadcasting Policy (LS18017) (City Wide)


2

5. ADJOURNMENT



Hamilton

INFORMATION REPORT

TO:	Chair and Members Licensing Tribunal
COMMITTEE DATE:	June 12, 2018
SUBJECT/REPORT NO:	Broadcasting Policy (LS18017) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Justyna Hidalgo (905) 546-2424 Ext. 2023
SUBMITTED BY:	Nicole Auty City Solicitor Legal Services
SIGNATURE:	

TRIBUNAL DIRECTION:

Item 4.2 respecting the Broadcasting Policy of the Minutes 17-001 from the June 15, 2017 Hamilton Licensing Tribunal directed City Solicitor to report back to the tribunal with information about the recording and broadcasting policy used by the City of Toronto for its tribunal hearings.

INFORMATION:

TORONTO:

Toronto Licensing Tribunal:

Toronto Licensing Tribunal ("TLT") administration staff confirmed that TLT has not adopted any written policy respecting recording/broadcasting of hearings. Recording/broadcasting of hearings is also not addressed in the *City of Toronto Act*, the Toronto Licensing By-law or the Toronto Licensing Tribunal Rules of Procedure.

While the TLT hearings are open to the public in accordance with the jurisprudence developed under the "open courts principle", as a general practice, media coverage is not allowed. Any requests to record/broadcast are considered by the TLT on a case-by-case basis. In the opening script, the TLT Hearing Panel Chair advises the attendees to turn off all media devices as it interferes with the audio recording of hearings. If a request to record/broadcast is received, TLT seeks input from the affected parties, including any third party, such as the media, who wish to record/broadcast. Given that

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Broadcasting Policy (LS18017) (City Wide) - Page 2 of 4

the hearings often involve intimate financial or personal matters (including matters that may be criminal in nature), staff advised that in Toronto, subject to input from the parties and absent exceptional circumstances, to ensure consistency with the common practice in Ontario, staff advocate against permitting any recording/broadcasting of TLT proceedings.

TLT's practice is consistent with that adopted in the *Courts of Justice Act* by courts in Ontario. Section 136 of the *Courts of Justice Act* attached as Appendix "A" to Report LS18017 prohibits the recording/broadcasting, reproduction and dissemination of aural or visual recordings or representations, subject to exceptions listed in that section, which include the authorization of a judge.

Toronto Local Appeal Body (planning matters):

The Toronto Local Appeal Body Rules of Practice and Procedure, attached as Appendix "B" to Report LS18017, expressly addresses media coverage by prohibiting the recording of hearings unless permitted by the presiding member. The following are the relevant excerpts of the Rules:

Media Coverage - Photographic, Audio or Video Recording

27.5 No Person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or auditory representations by electronic means, or otherwise, at any Proceeding of the Local Appeal Body, unless the presiding Member authorizes such recording, on such terms or conditions as the presiding Member may direct.

Withdrawal of Approval 27.7

27.7 If any authorization to record is granted under Rule 27.5 the Local Appeal Body may withdraw permission to record temporarily or permanently

MISSISSAUGA**Licensing Tribunal**

In Mississauga, the Appeal (Licensing) Tribunal Rules of Practice and Procedure, attached as Appendix "C" to Report LS18017, contain a general prohibition of audio recording without the consent of the Tribunal. Unlike the Broadcasting Policy proposed in the City of Hamilton, the Mississauga Rules do not expressly set out the standard/test to be applied when considering whether consent to record/broadcast should be granted. Specifically, section 13.06 of the Rules provides as follows:

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Broadcasting Policy (LS18017) (City Wide) - Page 3 of 4

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

Property Standards Tribunal

Mississauga's Property Standards Committee Rules of Practice and Procedure also contain a general prohibition of audio recording of hearings, though they do not expressly provide for a consent by the Committee, except in a case of a qualified verbatim reporter. Specifically, section 12.6 of the Property Standards Rules provides as follows:

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.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Broadcasting Policy (LS18017) (City Wide) - Page 4 of 4

- (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.

Apart from these sections, recording or broadcasting is not otherwise addressed in the Licensing or Property Standards Rules in Mississauga.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – *Courts of Justice Act*, R.S.O. 1990, c. C 43 – excerpt

Appendix "B" – Mississauga Appeal Tribunal rules of Practice and Procedure

Appendix "C" – Mississauga Property Standards Committee Rules of Practice and Procedure

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Courts of Justice Act, R.S.O. 1990, c. C.43

Prohibition against photography, etc., at court hearing

136 (1) Subject to subsections (2) and (3), no person shall,

- (a) 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,
 - (i) at a court hearing,
 - (ii) of any person entering or leaving the room in which a court hearing is to be or has been convened, or
 - (iii) of any person in the building in which a court hearing is to be or has been convened where there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing;
- (b) publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio recording or record taken in contravention of clause (a); or
- (c) broadcast or reproduce an audio recording made as described in clause (2) (b). R.S.O. 1990, c. C.43, s. 136 (1).

Exceptions

(2) Nothing in subsection (1),

- (a) prohibits a person from unobtrusively making handwritten notes or sketches at a court hearing; or
- (b) prohibits a lawyer, a party acting in person or a journalist from unobtrusively making an audio recording at a court hearing, in the manner that has been approved by the judge, for the sole purpose of supplementing or replacing handwritten notes. R.S.O. 1990, c. C.43, s. 136 (2); 1996, c. 25, s. 1 (22).

Exceptions

(3) Subsection (1) does not apply to a photograph, motion picture, audio recording or record made with authorization of the judge,

**Appendix "A" to Report LS18017
Page 2 of 2**

- (a) where required for the presentation of evidence or the making of a record or for any other purpose of the court hearing;
- (b) in connection with any investitive, naturalization, ceremonial or other similar proceeding; or
- (c) with the consent of the parties and witnesses, for such educational or instructional purposes as the judge approves.

Offence

(4) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. C.43, s. 136 (3, 4).

Section Amendments with date in force (d/m/y)



MISSISSAUGA APPEAL TRIBUNAL

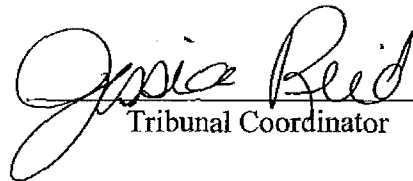
RULES OF PRACTICE AND PROCEDURE

INTRODUCTION

The City of Mississauga Appeal Tribunal is an all-citizens tribunal established to conduct hearings of appeals under the City of Mississauga's Licensing By-laws and Animal Care and Control By-law. The conduct of such hearings will be in accordance with these Rules of Practice and Procedure.

ENACTED AND ADOPTED this 21st day of September, 2010.


Chair


Tribunal Coordinator

INDEX

RULE 1: APPLICATION AND DEFINITIONS

RULE 2: TRIBUNAL MEETINGS AND CHAIR

RULE 3: NOTICE REQUESTING AN APPEAL

RULE 4: NOTICE OF HEARING

RULE 5: PRE-HEARING CONFERENCE

RULE 6: SERVING AND FILING DOCUMENTS

RULE 7: TIME

RULE 8: MOTIONS

RULE 9: ADJOURNMENTS

RULE 10: DISCLOSURE

RULE 11: WITNESSES

RULE 12: EVIDENCE

RULE 13: HEARINGS

RULE 14: HEARING PROCEDURES

RULE 1: APPLICATION AND DEFINITIONS

1.01 Definitions

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

"Animal Care and Control By-law" means By-law 98-04, as amended.

"Agent" means, in respect of an appeal, counsel or any other person authorized to represent one of the parties to the hearing, including the City and the Appellant.

"Appeal" means an appeal to the Tribunal.

"Appellant" means an applicant or Licensee that has filed a notice of appeal requesting an appeal hearing before the Tribunal.

"Council" means the Council of the Corporation of the City of Mississauga.

"Chair" means the Chair of the Tribunal.

"File" means to send to the Tribunal Coordinator and requires that the material is either deemed to be or has actually been received by the Tribunal Coordinator.

"Hearing" means the hearing of an Appeal made to the Tribunal.

"In person proceeding" means an oral hearing at which the parties or their counsel or agents attend in person before the Tribunal.

"Licensee" means the holder of a license issued pursuant to the provisions of the City of Mississauga's Licensing By-laws, as amended.

"Licensing By-law" means one of the City of Mississauga's licensing by-laws being the Adult Entertainment Establishment Licensing By-law 507-05, Business Licensing By-law 1-06, Public Vehicle Licensing By-law 420-04, Tow Truck Licensing By-law 521-04, Vehicle Licensing By-law 520-04, Vendors By-law 522-04, Ice Cream Truck Vendors By-law 523-04, Fireworks By-law 340-01 or Residential Rental Accommodation Licensing By-law 172-10.

"Licensing Decision" means the decision of the License Manager or the Manager of Animal Services with respect to a license under one of the City's Licensing By-laws, or muzzle order under the Animal Care and Control By-law.

"Licence Manager" means the Manager of the Compliance and Licensing Enforcement Unit or the Manager of Mobile Licensing of the City's Enforcement Division and includes his or her designates.

"Manager of Animal Services" means the Manager of the Animal Services section of the City of Mississauga and shall include his or her designates.

"Meeting" means a business Meeting of the Tribunal and shall not include the hearing of an Appeal.

"Member(s)" means the person(s) appointed by Council to be a member(s) of the Tribunal for a specified term.

"Notice of Decision" means a written Licensing Decision issued to an applicant/Licensee.

"Party(ies)" includes the applicant or Licensee who have been served with a decision of the License Manager or Manager of Animal Services, and the City of Mississauga.

"Rules" means the Rules of Practice and Procedure of the Tribunal.

"Tribunal" means the Mississauga Appeal Tribunal.

"Tribunal Coordinator" means the member of City staff who has been assigned to perform the administrative tasks required by the Tribunal, on behalf of the office of the City Clerk.

1.02 General

- (1) These Rules apply to all proceedings before the Tribunal.
- (2) These Rules apply subject to the *Statutory Powers Procedure Act* and any other legislation governing the Tribunal.
- (3) The Tribunal may, at any time, as it deems necessary, dispense with compliance with any Rule, save and except those prescribed as mandatory by the *Statutory Powers Procedure Act* and any other legislation governing the Tribunal.
- (4) If these Rules do not provide for a matter of procedure that arises during a Meeting of the Tribunal as a whole or during a Hearing, the practice shall be determined by the Tribunal as a whole at a Meeting or the Tribunal 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 Tribunal may exercise any of its powers under these Rules on its own initiative or at the request of a Party.

RULE 2: TRIBUNAL MEETINGS AND CHAIR

2.01 Meetings

- (1) The Tribunal shall hold its inaugural Meeting as a Tribunal of the whole on a date and time to be determined by the City Clerk following the appointment by Council of the Tribunal Members for the current term.
- (2) The Tribunal shall meet as a Tribunal of the whole at the request of the Chair, and the Chair shall summon a Meeting of the Tribunal of the whole when requested to do so in writing by a majority of the Members.
- (3) When the Chair is absent from the City, or is absent through illness, or refuses to act, or when the office of the Chair is vacant, a Meeting of the Tribunal as a Tribunal of the whole may be summoned by the Tribunal Coordinator on 24 hours' notice when requested to do so in writing by a majority of the Members.
- (4) Meetings of the Tribunal shall be held at City Hall or such other location, as the Tribunal deems advisable.
- (5) A majority of the Members constitutes a quorum at Meetings of the Tribunal as a whole.

2.02 Tribunal Chair

- (1) At its inaugural Meeting the Tribunal shall elect one of its Members as Chair for the current term, or until a successor is appointed.
- (2) When the Chair of the Tribunal is absent through illness or otherwise, the Tribunal may appoint another Member as Acting Chair.
- (3) If the Chair of the Tribunal resigns as a Member of the Tribunal or resigns as the Chair of the Tribunal, the Tribunal shall appoint another Member as Chair for the balance of the current term, or until a successor is appointed.

2.03 Duties of the Chair

- (1) The Chair shall preside at every Hearing and Meeting of the Tribunal and may vote.
- (2) The Chair shall call the Hearing or Meeting to order.
- (3) The Chair shall put motions brought by any Party or Member to a vote of the Tribunal.

- (4) The Chair shall enforce the observance of order and decorum during Meetings and Hearings.
- (5) The Chair is the liaison between the Members and the Tribunal Coordinator on matters of policy and process.
- (6) The Chair shall administer the oath of each witness at a Hearing.

2.04 Minutes of Tribunal Meetings

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

2.05 Quorum for Meetings

- (1) A majority of the Members must be present to achieve quorum for a Meeting.
- (2) If no quorum is present 30 minutes after the time appointed for the commencement of the Meeting, the Tribunal Coordinator shall re-schedule the Meeting.
- (3) Notwithstanding clause (1) of this Section, when the number of Members who refrain from participating in debate of a matter, or voting by reason of having declared an interest according to the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*, leaves a remaining number of Members that does not make quorum, the remaining Members will be deemed to constitute quorum, provided that not less than two (2) Members to remain present to continue the Meeting.

RULE 3: NOTICE REQUESTING AN APPEAL

3.01 Notice Requesting an Appeal

- (1) An Appeal to the Tribunal by a Party who has received a Notice of Decision must be made by sending a Notice of Appeal in the form of a letter to the Office of the City Clerk within the time prescribed by the Notice of Decision and the applicable City By-law.
- (2) The Notice of Appeal shall be transmitted to the Office of the City Clerk before close of business on the last day for appeals:
 - (a) by personal delivery,
 - (b) by regular or registered mail,
 - (c) by courier, or
 - (d) by facsimile.
- (3) The Notice of Appeal shall include:
 - (a) a copy of the Notice of Decision appealed from;
 - (b) a statement setting out the grounds for the Appeal;
 - (c) the name, telephone number, and address for service of the Appellant and Agent, if represented by an Agent; and
 - (d) a non-refundable Appeal fee prescribed in the applicable By-law made payable to the City of Mississauga.
- (4) The Notice of Appeal in (1) shall be sent by one of the methods described above to:

Mississauga Appeal Tribunal Coordinator
The Corporation of the City Of Mississauga,
Office of the City Clerk,
2nd Floor, Civic Centre,
300 City Centre Dr.
Mississauga Ont., L5B 3C1
Fax: (905) 615-4181

- (5) If a Notice of Appeal is received after the appeal deadline the Tribunal Coordinator shall refuse the Notice of Appeal and shall advise the sender by registered mail that:

- (a) the appeal is denied based on the late filing, and
- (b) the Licensing Decision under appeal is final and binding.

3.02 Where Notice of Appeal is Incomplete

- (1) Where a Notice of Appeal is not substantially in accordance with Rule 3.01, the Tribunal Coordinator shall send a letter to the Appellant, or the Appellant's Agent, if represented, within 20 days of receipt of the Notice of Appeal stating the additional information required by the Tribunal Coordinator in order to complete the Notice of Appeal substantially in accordance with paragraph 3.01.
- (2) The information requested in paragraph (1) shall be sent to the Tribunal Coordinator within 20 days of the date of the Tribunal Coordinator's letter, at the address listed in paragraph 3.01 (4), failing which the Notice of Appeal is deemed to be abandoned and the Licensing Decision is final and binding.

3.03 Where Notice of Appeal is Complete

- (1) Where an Appellant has completed a Notice of Appeal in substantial accordance with paragraph 3.01 the Tribunal Coordinator, in consultation with the Parties, shall appoint a time and place for the Hearing of the Appeal.

3.04 Withdrawal of Appeal Prior to Hearing

- (1) An Appeal may be withdrawn prior to the Hearing Date scheduled for the hearing of that Appeal by filing a letter of withdrawal with the Office of the City Clerk as set out in Rule 3.01.

RULE 4: NOTICE OF HEARING

4.01 Notice of Hearing

- (1) The Tribunal Coordinator shall provide a Notice of Hearing at least fifteen (15) days prior to the Hearing to the following:
 - (a) the Appellant,
 - (b) the Tribunal Members,
 - (c) the City Solicitor,
 - (d) Counsel to the Tribunal,
 - (e) the Licensing Manager,
 - (f) the Manager of Animal Services,
 - (g) the Manager of Prosecutions, and
 - (h) any other Party to the hearing not listed above.
- (2) A Notice of Hearing shall include:
 - (a) a statement of the statutory authority to hold a Hearing and the time, place and purpose of the Hearing; and
 - (b) a statement that if the Appellant, or his or her Agent, does not attend at the Hearing, the Tribunal may proceed in the Appellant's absence and the Appellant will not be entitled to any further notice in the proceeding.
- (3) The Tribunal shall have a standard Hearing date bi-monthly for the hearing of appeals on a basis to be determined by the Tribunal. If no appeals are scheduled one (1) month prior to a standard Hearing date, the Hearing is cancelled and notification via email or telephone is provided by the Tribunal Coordinator to the following:
 - (a) the Tribunal Members,
 - (b) the City Solicitor,
 - (c) Counsel to the Tribunal,
 - (d) the Licensing Manager,

- (e) the Manager of Animal Services, and
 - (f) the Manager of Prosecutions.
- (4) If the Tribunal Coordinator receives a withdrawal of appeal prior to the Hearing date, notice of cancellation of the Hearing shall be sent to all persons who received Notice of the Hearing.

4.02 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 Tribunal may proceed in the absence of the Party and the Party is not entitled to any further notice in the proceeding.

RULE 5: PRE-HEARING CONFERENCE

5.01 Request for Pre-Hearing Conference

- (1) The Tribunal may, at the request of a Party or on its own initiative, direct that a pre-hearing conference be held in any proceeding and that the Parties participate in the conference.

5.02 Purpose of and Procedure of Pre-Hearing Conference

- (1) The purpose of the pre-hearing conference will be to:
 - (a) exchange information between the parties, including disclosure of particulars, physical or documentary evidence, lists of witness(es) and witness statements;
 - (b) narrow or simplify any issues of law or fact;
 - (c) identify agreed upon facts, evidence or law;
 - (d) provide notice of any preliminary motions;
 - (e) establish dates by which any steps in the proceeding are to be started or completed;
 - (f) determine the estimated duration of the hearing;
 - (g) determine any other matter that may assist in the just and expeditious disposition of the proceeding; and
 - (h) mediate or settle any or all outstanding issues in dispute.
- (2) A pre-hearing conference may be conducted in person, in writing, or by telephone conference call at the discretion of the Tribunal or as may be agreed upon by the Parties;
- (3) The Tribunal Chair may designate any member of the Tribunal to preside at the pre-hearing conference.
- (4) Quorum for a pre-hearing conference may be reduced to one member of the Tribunal at the discretion of the Tribunal Chair.
- (5) If a Member of the Tribunal presides at a pre-hearing conference, that Member shall not be a Member of the panel Hearing the proceeding related to such pre-hearing conference unless all parties consent thereto in writing or on the record.

- (6) At the conclusion of the pre-hearing conference the Parties or their Agents may sign a memorandum setting out the results of the pre-hearing conference and a copy of the signed memorandum shall be placed before the Tribunal presiding at the Hearing.
- (7) No information shall be provided or made available to the Tribunal presiding at the Hearing with respect to any statement made at a pre-hearing conference except as disclosed in the memorandum referred to above.
- (8) A Party may be represented by an Agent at the pre-hearing conference and where the Party is not in attendance at the conference, such Agent shall ensure that the Party is available, either by telephone or other means.

RULE 6: SERVING AND FILING DOCUMENTS

6.01 Documents Filed with Tribunal

- (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 ten (10) days before the Hearing date and shall file eight (8) copies of the documents with the Tribunal Coordinator no later than ten (10) days before the Hearing date.
- (2) Every written document in a proceeding shall be on either 8 ½ by 11 inch or 8 ½ by 14 inch paper and the text shall be printed, typed, written or reproduced legibly with spaces between the lines, or in such alternate format as may be directed by the Tribunal in order to accommodate the needs of a Party to the Hearing.
- (3) For the purposes of paragraph 6.01 (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.

6.02 Serving documents

- (1) "Service" means the effective delivery of the documentation to any Party or to the Party's Agent.
- (2) Service is deemed to be effective when delivered:
 - (a) personally to the Party, or the Party's Agent, if represented; or
 - (b) by regular or registered mail on the seventh day after the day of mailing;
or
 - (c) by 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.
- (3) In the case of subsection (2) paragraphs (b) and (d) service by regular or registered mail or courier is effective if it is sent to 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.

- (4) Documents delivered after 4:30 p.m. shall be deemed to have been delivered on the next day that is not a holiday.
- (5) A Party who serves or files a document shall include with it a statement of the Party's address, telephone number and the name of the proceeding to which the document relates.
- (6) This Rule 6.02 regarding deeming of receipt date for facsimile transmission does not apply to the filing of the notice of appeal, which must be filed pursuant to Rule 3.

6.03 Filing Documents

- (1) Documents may be filed with the Tribunal Coordinator by any of the methods of service set out in Rule 6.02.
- (2) Where a document is filed, the date of the receipt stamp on the document shall be deemed to be the date of the filing, unless the Tribunal orders otherwise.
- (3) No Party may file a document by way of facsimile transmission that is more than sixteen (16) pages long unless prior consent for such service was obtained from the Tribunal Coordinator.
- (4) Any Party filing documents must file, with the documents, a statement indicating who has been served and what documents have been served.
- (5) Documents must be filed with the Tribunal Coordinator at:

Mississauga Appeal Tribunal Coordinator
The Corporation of the City Of Mississauga,
Office of the City Clerk,
2nd Floor, Civic Centre
300 City Centre Dr.
Mississauga Ont., L5B 3C1

6.04 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 consent of the Tribunal which may be given on terms and conditions as the Tribunal considers just.
- (2) Where the Tribunal Coordinator has no record of the receipt of a document alleged to have been filed, the document shall be deemed not to have been filed, unless the Tribunal orders otherwise.

RULE 7: TIME

7.01 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 4:30 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 day on which the staff administrative offices of the City are closed.

7.02 Extension or Abridgement of Time

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

RULE 8: MOTIONS

8.01 Motions

The Tribunal 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 Tribunal procedures; and
- (b) for any other purpose which the Tribunal feels is necessary to carry out its functions.

8.02 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 Tribunal Coordinator.
- (2) A Party bringing a motion shall then file a Notice of Motion with the Tribunal Coordinator and serve the Notice of Motion on every other Party at least 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) be accompanied by any documents that may support the motion.
- (4) A Party who wishes to respond to the motion may file with the Tribunal Coordinator and serve on all Parties, at least two (2) days before the date for which the Hearing is scheduled, a summary of their responding position and any supporting material to be relied upon.
- (5) The Tribunal may hold a motion by way of an oral or written hearing.

RULE 9: ADJOURNMENTS

9.01 Adjourments

- (1) A Hearing may be adjourned at the discretion of the Tribunal upon its own motion or upon the motion of a Party where that Party satisfies the Tribunal that the adjournment is required to permit an adequate Hearing to be held.
- (2) In deciding whether to grant an adjournment, the Tribunal 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 Tribunal;
 - (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 Tribunal 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 Tribunal.
- (5) If consent is obtained pursuant to subsection (4) above, the Party seeking the adjournment shall contact the Tribunal Coordinator 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 Tribunal Coordinator shall then provide the request to the Tribunal who will decide whether or not to grant the adjournment. If the Tribunal declines to grant the adjournment, the Party may seek a hearing of the request under subsection (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) by way of Notice of Motion request an adjournment at the hearing; and

- (b) file with the Tribunal Coordinator at least five (5) days before the date for which the Hearing is scheduled, any affidavit or other supporting material to be relied upon.
- (7) The Tribunal may, in its discretion, refuse an adjournment even though the parties consent.

RULE 10: DISCLOSURE

10.01 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 Tribunal 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 Tribunal 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, except upon notice to and with opportunity for all Parties to participate, but the Tribunal may seek legal advice from Counsel to the Tribunal 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.

10.02 Failure to Disclose

- (1) If a Party fails to comply with an order of the Tribunal, 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 Tribunal which may be on terms and conditions as the Tribunal considers just.

10.03 Order for witness statements

- (1) The Tribunal may order a Party to the Hearing to provide to every other Party and file with the Tribunal Coordinator, witness statements or summary 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 10.03 (1), the Party may not call the person as a witness without the consent of the Tribunal which may be on such terms and conditions as the Tribunal considers just.
- (3) A Party may not call a witness to testify to matters not disclosed in the witness statement or summary of evidence without the consent of the Tribunal which may be on such terms and conditions as the Tribunal considers just.

10.04 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 Tribunal Coordinator 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 10.04 (1), the Party may not call the expert witness without consent of the Tribunal which may be on such terms and conditions as the Tribunal considers just.

RULE 11: WITNESSES

11.01 Administration of Oaths

- (1) A Member of the Tribunal has the power to administer oaths and affirmations for the purpose of any of its proceedings.

11.02 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.

11.03 Rights of Witnesses to an Agent

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

11.04 Summons to Witness

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

- (5) The person summoned shall 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) In the event that a warrant is issued by a judge of the Ontario Superior Court of Justice the procedures outlined in the *Statutory Powers Procedure Act* apply.
- (7) The Party requesting the summons from the Tribunal shall ensure that it is served within a minimum of five (5) days before the date the witness' attendance is required.

11.05 Abuse of Processes

- (1) The Tribunal may make such orders or give such directions in proceedings before it as it considers proper to prevent abuse of its processes.
- (2) The Tribunal 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 Tribunal 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.

RULE 12: EVIDENCE

12.01 Admissible Evidence at a Hearing

(1) Subject to subsections (2) and (3) below, the Tribunal, 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 Tribunal 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 subsection (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 Tribunal.

(4) Where the Tribunal 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 Tribunal may, or the person producing it or entitled to it may with leave of the Tribunal, cause the document to be photocopied and the Tribunal 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 Tribunal.

(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 Tribunal, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

RULE 13: HEARINGS

13.01 Hearings

- (1) A Hearing shall be open to the public except where the Tribunal 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 Tribunal may hold the Hearing, or portion thereof, in the absence of the public.

13.02 Right to Counsel

- (1) A Party to a proceeding may be represented by an Agent.

13.03 Location

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

13.04 Agenda

- (1) The Tribunal Coordinator shall compile an Agenda for each Hearing, to be distributed to all persons who received a Notice of Hearing, which shall include:
 - (a) a copy of the Notice of Decision appealed from;
 - (b) the Notice of Appeal and any accompanying documentation.

13.05 Disposition of proceeding without a Hearing

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

13.06 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 Tribunal that is open to the public, without the Tribunal's consent.

- (2) With the consent of the Tribunal, any Party may arrange for the attendance of a qualified verbatim reporter at his or her own expense for the purpose of recording all or part of the testimony and submissions during a Hearing. In considering whether to provide its consent, the Tribunal will consider, among other matters, whether to permit a record of only part of the Hearing would result in prejudice to a party.
- (3) If a Party orders a transcript or partial transcript, the Party must notify the Tribunal, and the other parties to the Hearing, that it has done so, and the Tribunal shall receive a copy free of charge, if the Tribunal requests a copy. The Party must furnish the copy of the transcript to the Tribunal within three days of the date of the Party's receipt of the transcript.
- (4) The Tribunal 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 Tribunal will advise the Parties that it has ordered the transcript and where the Tribunal orders a partial transcript the Tribunal shall notify the Parties as to the part of the transcript the Tribunal has ordered.

RULE 14: HEARING PROCEDURES

14.01 Quorum and Voting

- (1) A minimum of three Members must be present to achieve quorum for a Hearing.
- (2) If no quorum is present within 30 minutes of the scheduled start time, all Hearings are rescheduled for the next standard Hearing date, and a fresh Notice of Hearing will be sent as if it were the first Notice of Hearing.
- (3) Notwithstanding clause (1) of this Section, when the number of Members who recuse themselves by reason of having declared an interest according to Section 14.03, leaves a remaining number of Members that does not make quorum, the remaining Members will be deemed to constitute quorum, provided that not less than two (2) Members remain present to continue the Hearing.
- (4) If constituted quorum for a Hearing is two (2) Members, a unanimous decision of the Tribunal is required.
- (5) Tribunal Members, including the Chair, may vote on all motions and other questions submitted at the Hearing.
- (6) In the case of a tie vote, the motion or question shall be deemed to have been lost.

14.02 Opening Procedures

- (1) The Chair shall call the Hearing to order and read an opening statement outlining the procedure and format of the Tribunal Hearing process.
- (2) The Chair will read out the proceedings listed on the Agenda.

14.03 Statements

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

14.04 Motions

- (1) The Tribunal will hear motions regarding any proceeding listed on the Agenda.
- (2) The Tribunal 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 Tribunal may decide to hear the motion at that time or order that it be brought at a later date.

14.05 Hearing of Appeals

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

14.06 Parties to an Appeal

- (1) The Chair requests that the Parties to an Appeal to identify themselves, including any witnesses who intend to give evidence on behalf of either Party to the Appeal.

14.07 Order of Presentation

- (1) The City may make an opening statement.
- (2) The Appellant may make an opening statement.
- (3) The City is requested to present the Licensing Decision and related evidence and witnesses.
- (4) The Appellant may cross-examine each of the City's witnesses and the City may re-examine those witnesses.
- (5) The Tribunal Members may ask questions of any witness, through the Chair.

14.08 Presentation of the Appeal

- (1) The Appellant is requested to present evidence which may include witnesses with respect to the Appeal of the Licensing Decision.
- (2) The Tribunal will allow the Appellant to complete their presentation before asking any questions, unless clarification is required before the presentation is completed.
- (3) The Tribunal may, through the Chair, ask questions of the Appellant or any of his or her witnesses to clarify any evidence presented.

- (4) The City may cross - examine the Appellant or his or her witnesses and the Appellant may re-examine those witnesses.

14.09 Other representations; Right of Reply

- (1) After the Appellant's presentation, the Tribunal will hear from anyone else who wishes to make representations before the Tribunal pertaining to the matter.
- (2) Persons giving evidence under subsection (1) are subject to questions by the Tribunal, the Appellant or the Appellant's Agent, and the Agent for the City.
- (3) The City's Agent has the right of reply on matters which could not have been anticipated prior to hearing the Appellant's evidence.

14.10 Closing Statements

- (1) At the conclusion of all evidence presented, both Parties are entitled to make final submissions to the Tribunal.

14.11 Tribunal Decision

- (1) The Tribunal may give an oral decision or may reserve its decision.
- (2) The Tribunal may recess at any time to consider its final decision or any interim decision during the Hearing.
- (3) If the decision is reserved the Chair will advise the Appellant that the Appellant will be notified by registered mail of the Tribunal's decision.

14.12 Notice of Decision

- (1) The Tribunal Coordinator will forward notice of the Tribunal's decision within fourteen (14) days of the Hearing to all persons who received Notice of the Hearing and to everyone who appeared before the Tribunal at the Hearing.
- (2) The written decision sent in the Notice of Decision will be signed by all Members of the Tribunal that took part in the Hearing and will contain written reasons to support the decision.
- (3) The Notice of Decision shall contain a record of the proceedings, compiled by the Tribunal Coordinator, which shall include:
 - (a) list of persons present;
 - (b) list of witnesses and for whom they testified;
 - (c) any interlocutory orders made by the Tribunal; and

- (d) all documentary evidence filed with the Tribunal, subject to any limitations expressly imposed by any other *Act*.

14.13 Exceptions from Procedures

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



PROPERTY STANDARDS COMMITTEE

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, and April 29, 2013.

Tony Jasinski

Tony Jasinski,
Chair

Carmela Radice

Carmela Radice,
Committee Secretary

INDEX

RULE 1	APPLICATION AND DEFINITIONS
RULE 2	COMMITTEE MEETINGS AND CHAIR
RULE 3	NOTICE REQUESTING AN APPEAL
RULE 4	NOTICE OF HEARING
RULE 5	SERVING AND FILING DOCUMENTS
RULE 6	TIME
RULE 7	MOTIONS
RULE 8	ADJOURNMENTS
RULE 9	DISCLOSURE
RULE 10	WITNESSES
RULE 11	EVIDENCE
RULE 12	HEARINGS
RULE 13	HEARING PROCEDURES
RULE 14	VOTING

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.

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.

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
2nd Floor, Mississauga Civic Centre
300 City Centre Drive
Mississauga, ON, L5B 3C1

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.

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
2nd 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.