



Subject: Establishment of a By-Law Appeals Committee

Report Number: CS 25-035

Department: Corporate Services Department

Submitted by: Amelia Jaggard, Acting Clerk

Meeting Type: Council Meeting

Meeting Date: Monday, December 8, 2025

RECOMMENDATION

THAT report CS 25-035 titled “Establishment of a By-Law Appeals Committee” be received as information.

THAT Council authorize the establishment of a By-Law Appeals Committee to hear appeals in accordance with the Statutory Powers Procedure Act and relevant Town by-laws, and adopt the corresponding establishing by-law; and,

THAT the necessary amendments to the Animal Control By-Law 2021-013, Business Licensing By-Law 3666, and Property Standards By-Law 2023-049, be brought forward, removing outdated committee structures, referencing the By-Law Appeals Committee, and aligning appeal submission timelines for consistency; and,

THAT the following three (3) members of Council be appointed to the By-Law Appeals Committee: _____, _____, and _____.

BACKGROUND

The Town’s Animal Control By-Law, Business Licensing By-Law, and Property Standards By-Law each establish separate appeal committees to hear decisions under those by-laws in accordance with the Statutory Powers Procedure Act (SPPA). These committees include:

- The Animal Control Committee
- The Licensing Appeal Committee
- The Property Standards Committee (mandatory under s. 15.6 of the Building Code Act)

Historically, these bodies have rarely, if ever, met. The Town has not maintained standing committees, and in multiple instances committees were not appointed when appeals were filed, causing substantial delays.

Most recently, on November 12, 2025, the Town received an appeal of a Muzzle Order. The Animal Control Committee has not been appointed for this term, necessitating immediate action to appoint a committee before a hearing can be convened.

In 2024, a Property Standards appeal was received at a time when the Property Standards Committee had not been appointed. Recruitment and training of public members resulted in nearly ten months of delay, placing the validity of the Officer’s Order at risk.

This recurring pattern demonstrates that the Town’s current committee structure is not functional or sustainable.

DISCUSSION

The purpose of this report is to:

- Establish a consolidated By-Law Appeals Committee to hear statutory quasi-judicial appeals under Town by-laws;
- Replace outdated and inconsistent appeal committee structures within existing by-laws;
- Ensure the Town can respond promptly and in compliance with SPPA requirements when appeals are received; and
- Implement a modernized, efficient, and consistent hearing process across multiple regulatory areas.

1. Structural Issues with Existing Appeal Committees

Inconsistent Composition

The current composition of appeal bodies varies significantly and, in several cases, includes staff or external representatives serving as adjudicators, which is inconsistent with administrative tribunal best practices.

Committee	Composition Issues
Animal Control Committee	CBO, Town Clerk, two Council members and one public member; unclear voting rights (staff as adjudicators); no Terms of Reference
Licensing Appeal Committee	CAO/designate, CBO, BIA member, Chamber member – complex, unclear voting rights (staff as adjudicators); no Terms of Reference
Property Standards Committee	Public-member-only model; recruitment and training required each term; no Terms of Reference

These inconsistencies result in three separate committees with different rules, roles, and expectations. Each by-law references the SPPA but provides minimal detail regarding:

- Notice requirements

- Evidence rules
- Confidentiality
- Decision-writing
- Powers, duties, and quorum
- Conflict of interest
- Appeal timelines

This inconsistency poses risk to procedural fairness and enforceability.

Difficulty Maintaining Ready-to-Act Committees

Because appeals are rare, and unpredictable, the Town struggles to:

- recruit public members
- provide ongoing SPPA training
- keep committees active and knowledgeable
- appoint committees in advance of need

As demonstrated in 2024 and again in 2025, this leads to unacceptable delays.

2. Operational and Legal Risks Delays Undermine Enforcement

Examples:

- 2024 Property Standards appeal nearly voided an order due to delay
- 2025 Muzzle Order appeal cannot proceed without immediate committee appointment

Delays can result in:

- enforcement orders expiring
- inability to uphold licensing or property standards decisions
- reputational risk to the Town

Staff as Voting Adjudicators

Staff participation as voting members on appeal tribunals is contrary to administrative law best practice and risks:

- bias or appearance of bias
- conflict of interest
- procedural challenges

Potential for SPPA Non-Compliance

Without standardized procedures, decisions may be vulnerable to legal challenge.

3. Proposed Solution: By-Law Appeals Committee

Staff propose establishing a consolidated **By-Law Appeals Committee**, which would:

- Hear all quasi-judicial by-law appeals under the SPPA
- Act as the **Property Standards Committee** under the Building Code Act
- Replace the Animal Control Committee and Licensing Appeal Committee
- Allow Council to appoint three (3) trained members to sit on all appeal matters
- Ensure administrative support through the Clerk's Office
- Maintain consistency in procedural fairness across appeal types

Benefits

- Timely hearings when appeals are received
- Consistent training for one committee
- Efficient administration and lower staff burden
- Clear and defensible decisions under the SPPA
- Alignment with surrounding municipalities (Norfolk County, Aylmer, etc.)
- Elimination of outdated committee structures

Committee Composition (Recommended)

- Three (3) Members of Council – Voting adjudicators
- Town Clerk or designate – Secretary (non-voting)
- Relevant staff as needed (e.g., CBO, Enforcement Officers) – Presenters/witnesses (non-voting)

Alignment of Appeal Submission Timelines

The three by-laws currently contain different appeal submission deadlines, which creates confusion and administrative inconsistency. Staff recommend standardizing these timelines to a 14-day appeal period, consistent with the Property Standards By-Law and common municipal practice. Aligning all appeal timelines to 14 days will improve clarity for the public and ensure consistent, fair application of appeal processes.

OPTIONS

Option 1 – Establish the By-Law Appeals Committee (Recommended)

- Efficient and modern
- Eliminates multiple ineffective committees
- Ensures SPPA compliance
- Provides timely response to new appeals
- Meets Building Code Act requirement for a Property Standards Committee

Option 2 – Maintain the Existing Committee Structures (Not Recommended)

- Requires recruitment of public members
- Requires training and readiness for three separate committees
- Continues risk of delay and SPPA vulnerability
- Does not address structural or procedural inconsistencies

If Council wishes to maintain the existing committee structure at this time (Option 2), the motion should appoint two (2) members of Council to the Licensing Appeal Committee. Staff would then initiate recruitment for one (1) public member to complete the required composition. Applications would be reviewed by the Council Nominating Committee, which would subsequently provide a recommendation to Council for appointment.

Staff note that this approach is not recommended, as the recruitment and onboarding process will result in unacceptable delays in processing the current appeal.

Strong Mayor Powers Consideration

Because the proposed By-Law Appeals Committee would be composed solely of Council members (with staff acting only in administrative, non-voting roles), it falls under the strong mayor powers set out in Part VI.1 of the *Municipal Act, 2001*. These powers include establishing or dissolving committees, appointing Chairs and Vice-Chairs, and assigning committee functions.

The Mayor has delegated these powers to Council through **Mayoral Decision MDE-2025-006**, which allows Council to create and govern this committee at this time. However, the Mayor—or any future Mayor—may revoke this delegation and reclaim these authorities in accordance with the Act. As such, ongoing committee governance remains subject to potential future mayoral direction.

Comparable Practice – Norfolk County and Town of Aylmer

Several neighbouring municipalities, including Norfolk County and the Town of Aylmer, have implemented consolidated By-Law Appeals Committees comprised of Council members to hear appeals under multiple by-laws in accordance with the SPPA.

These committees also serve as the Property Standards Committee under the Building Code Act. Their models demonstrate a modern, efficient, and legally robust approach that supports procedural fairness, improves responsiveness, and reduces administrative burden.

The proposed Tillsonburg structure aligns with these regional best practices, ensuring consistency and improving the Town's readiness to respond to appeals.

Examples of other municipalities with a By-Law Appeals Committee include but are not limited to: City of Brantford, Municipality of Leamington, City of Port Colborne etc.

CONSULTATION

Building and By-Law Division

FINANCIAL IMPACT/FUNDING SOURCE

Minimal financial impact is anticipated.

- Consolidation reduces recruitment and training costs.
- Staff time for hearings will be streamlined through one committee rather than three.
- Member compensation (if any) will be determined through Council policy.

Costs associated with delivering notices, preparing records, and conducting hearings are part of normal administrative operations.

CORPORATE GOALS

- Lifestyle and amenities
- Customer service, communication and engagement
- Business attraction, retention and expansion
- Community growth
- Connectivity and transportation
- Not Applicable

Does this report relate to a specific strategic direction or project identified in the Community Strategic Plan? Please indicate section number and/or any priority projects identified in the plan.

Goal – N/A

Strategic Direction – N/A

Priority Project – N/A

ATTACHMENTS

Appendix A – Proposed By-Law