

THE CORPORATION OF THE TOWN OF TILLSONBURG

By-Law 2025-106

Being a By-law to establish a By-Law Appeals Committee in the Town of Tillsonburg.

WHEREAS Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (hereinafter the “Municipal Act”), permits a municipality to delegate its powers and duties under the Municipal Act or any other Act to a person or body;

AND WHEREAS Section 23.2(1) of the Municipal Act indicates that a municipality may delegate certain legislative and quasi-judicial powers under the Municipal Act to:

- (a) One or more members of its council or a council committee;
- (b) A body having at least two members of whom at least 50 percent are,
 - (i) Members of its council,
 - (ii) Individuals appointed by its council,
 - (iii) A combination of individuals described in subclauses (i) and (ii); or

AND WHEREAS the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended, provides a framework for the proceedings of tribunals and quasi-judicial committees;

AND WHEREAS Section 15.6 of the Building Code Act, 1992, S.O. 1992, c.23, as amended (hereinafter the “Building Code Act”), requires that a by-law passed under Section 15.1 of the Building Code Act shall provide for the establishment of a Property Standards Committee;

AND WHEREAS the establishment of a By-Law Appeals Committee permits The Corporation of the Town of Tillsonburg (hereinafter referred to as the “Town of Tillsonburg” or the “Town”) to separate its quasi-judicial functions from its legislative and executive functions;

AND WHEREAS the Council of the Town of Tillsonburg wishes to create a By-Law Appeals Committee and delegate its powers under the Municipal Act and various Town of Tillsonburg municipal by-laws;

NOW THEREFORE be it resolved that the Council of the Town of Tillsonburg hereby enacts as follows:

1. Interpretation

1.1. This by-law may be cited as the “Appeals Committee By-law”.

1.2. References in this by-law or in any of the schedules attached hereto and forming part of this by-law to any legislation or municipal by-law means as may be

amended or replaced from time to time and will thus include any regulations thereunder.

2. Definitions

- 2.1. "Chair" means the person appointed as the Chair of the By-law Appeals Committee.
- 2.2. "Council" means the Council of the Town of Tillsonburg.
- 2.3. "Member" means the person(s) appointed by the Council of the Town of Tillsonburg for a specified term.
- 2.4. "Member(s) of the Public" means a person(s) who is not a member of the Council or a municipal employee of the Town of Tillsonburg.
- 2.5. "Town" or "Town of Tillsonburg" means the Corporation of the Town of Tillsonburg.

3. By-law Appeals Committee

- 3.1. The Town of Tillsonburg By-law Appeals Committee is hereby established and shall be comprised of three (3) Members of Council, including the Chair, who shall be appointed by and sit at the pleasure of Council during such term of Council.
- 3.2. The Chair of the By-Law Appeals Committee shall be directly appointed by Council.
- 3.3. The Chair shall preside at all meetings of the By-law Appeals Committee. In the case of the absence of the Chair, the By-law Appeals Committee members may appoint another member as the Acting Chair for that meeting.
- 3.4. The By-law Appeals Committee shall meet as necessary, for the expedient solution of the matters brought before it.

4. Terms of Reference & Rules of Practice and Procedure

- 4.1. The Terms of Reference governing the By-law Appeals Committee shall be set out in Schedule "B" attached hereto and forming part of this By-law.

4.2. The Rules of Practice and Procedure governing the By-Law Appeals Committee proceedings shall be set out in Schedule “C” attached hereto and forming part of this By-law.

5. Jurisdiction

5.1. The Town of Tillsonburg By-law Appeals Committee has the authority and power to:

- (a) Hear and determine all applications made, proceedings instituted, and matters brought before it and for such purpose to make such orders, give such directions, issue such approvals, deny, or vary applications, and other do and perform all such acts, matters, deed, and things as may be necessary of incidental to the exercise of its powers;
- (b) Perform such other functions and duties as are now or hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law or under statutory authority;
- (c) Make, give, or issue or refuse to make, give or issue any order, directions, regulations, rule, permission, approval, certificate, or direction, which it has the power to make, give or issue; and,
- (d) Hear and determine, with respect to matters within its jurisdiction, all questions of law or of fact.

5.2. The By-law Appeals Committee shall be the Property Standards Committee required under Section 15.6 of the Building Code Act.

6. Delegated Powers and Duties

6.1. The By-law Appeals Committee shall be delegated the powers and duties to hear and determine appeals filed in accordance with the by-laws listed in Schedule “A” attached hereto and forming part of this By-law, as may be amended from time to time, and any other appeals as are hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law of statutory authority.

6.2. The By-law Appeals Committee shall be delegated the authority to hear and grant exemptions from the relevant provisions of the by-laws listed in Schedule

“A” attached hereto and forming part of this By-law, as may be amended from time to time, and any other by-laws as are hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law or statutory authority, upon the conclusion of any administrative processes described therein.

6.3. The By-law Appeals Committee shall be delegated the authority to hear and grant exemptions from the reports and studies listed in Schedule “A” attached hereto and forming part of this By-law, as may be amended from time to time, and any other reports and studies as are hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law or statutory authority.

7. Decisions of the Committee

7.1. The By-law Appeals Committee shall make decisions that further the public interest and are consistent with the purpose and intent of the relevant by-law.

7.2. Every decision or order of the By-law Appeals Committee is final, without right of appeal to any Court or to Council, except as specifically provided for by municipal by-law or statute.

8. Liability

8.1. No member of the By-law Appeals Committee or any municipal employee is personally liable for anything done by it, or them, under the authority of this by-law.

8.2. The Town of Tillsonburg shall provide insurance for the protection of the members of the By-law Appeals Committee against risks that may involve pecuniary loss or liability.

9. Conflict with Other By-laws

9.1. If any provision of this by-law conflicts with any provision of any other by-law of the Town of Tillsonburg, the provisions of this by-law shall take precedence.

10. Severability

10.1. If any section, clause, sentence or provision or any part or parts thereof of this by-law is declared by any court of competent jurisdiction to be invalid, illegal,

or ultra-vires, such section, clause, sentence or provision or part or parts thereof shall be severable and shall not affect the validity of any other section, clause, sentence, provision or part of this by-law.

11. Enactment

11.1. This by-law shall come into full force and effect upon the final passing thereof.

READ a First, Second, Third and Final time and passed this 8th day of December, 2025.

MAYOR – Deb Gilvesy

DEPUTY CLERK – Amelia Jaggard

Authority: Council, Resolution 2025-
Staff Report Number: CS 25-035
Staff Report Date: December 8, 2025

SCHEDULE A to By-law 2025-106

Delegated Powers & Duties

In accordance with the By-laws of the Town of Tillsonburg, the By-law Appeals Committee is delegated the powers and duties to hear and determine the following:

- Appeals filed in accordance with Property Standards By-law 2023-049
- Appeals filed in accordance with Animal Control By-Law 2021-013
- Appeals filed in accordance with Business Licensing By-Law 3666

NOTE: This Schedule may be amended from time to time.

SCHEDULE B to By-law 2025-106

Terms of Reference

1. Mandate

The Town of Tillsonburg By-law Appeals Committee has a mandate to hear and determine appeals filed in accordance with the by-laws listed in Schedule “A” attached hereto and forming part of By-law 2025-106, as may be amended from time to time, and any other appeals as are hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law or statutory authority.

Furthermore, the By-law Appeals Committee shall be delegated the authority to hear and grant exemptions from the relevant provisions of the by-laws listed in Schedule “A”, as may be amended from time to time, and any other by-laws as are hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law or statutory authority, upon the conclusion of any administrative processes described therein.

The By-law Appeals Committee shall also be delegated the authority to hear and grant exemptions from the reports and studies listed in Schedule “A” of By-law 2025-106, as may be amended from time to time, and any other reports and studies as are hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law or statutory authority.

2. Committee Composition and Appointments

The term of office for the By-Law Appeals Committee shall be the same as the term of Council, ending at the conclusion of the Council term following the next regular election. Currently that is a four (4) year term.

The By-law Appeals Committee shall consist of three (3) members of Council, including the Chair, who shall be appointed by and sit at the pleasure of Council during such term of Council.

Committee members shall:

- Have a demonstrated expertise, interest, and involvement in the sector(s) of the specified committee;
- Fairly represent the sector(s) of the specified committee; and,
- Commit the time required to work on the committee.

3. Commencement of Term

The term of appointment commences after the inaugural meeting of a new Council and generally ends at the conclusion of Council's term, and can be amended by resolution of Council.

4. Meetings

The By-law Appeals Committee shall meet as necessary, for the expedient solution of the matters brought before it.

Proceedings of the By-law Appeals Committee shall be conducted in public, except where closed meetings are permitted pursuant to Section 239 of the Municipal Act, 2001, S.O. 2001, c. 25. Meetings shall be held in the Board Room of the Customer Service Centre (10 Lisgar Ave, Tillsonburg), unless otherwise specified in the Notice of Hearing.

The By-law Appeals Committee shall be deemed to be a Committee of Council and shall adhere to any policies and procedures as provide for under the Municipal Act, S.O. 2001, c. 25, as amended and the Town of Tillsonburg's Procedural By-Law 4173, and Schedule "C" of By-law 2025-106, being a by-law to establish a By-Law Appeals Committee in the Town of Tillsonburg, as may be amended from time to time.

Where there is conflict between these Terms of Reference, the Municipal Act, S.O. 2001, c. 25, or any other legislation or municipal by-law governing the By-law Appeals Committee, the Municipal Act, S.O. 2001, c. 25 shall prevail.

5. Attendance by Committee Members

If a member is unable to attend a scheduled meeting of the Committee, they should inform the Chair and the Recording Clerk.

In the event that a member of the Committee is absent from the meeting for three (3) consecutive meetings, without being temporarily excused and such permission recorded in the minutes, Council may terminate the appointment and may, by motion, appoint another member of Council to the position.

In the case of the absence of the Chair, the By-law Appeals Committee members may appoint another member as the Acting Chair for that meeting.

6. Quorum

A quorum is a majority of the number of Committee members, more than 50%, is necessary to form a quorum to exercise its decision-making authority.

If there is no quorum within fifteen (15) minutes after the time appointed for the meeting, the Recording Clerk shall call the roll and record the names of the

members present and the meeting shall stand adjourned until the next regular meeting or until a special meeting is called.

In the event that a member recuses themselves by reason of having declared an interest leaving a remaining number of members that does not make quorum, the remaining members will be deemed to constitute quorum, provided that there is not less than two (2) members present to continue the hearing. In such cases, a unanimous decision of the By-law Appeals Committee is required.

7. Responsibilities & Protocol

Responsibilities of Committee Members

Committee members shall:

- Adhere to the Planning Act;
- Adhere to the Municipal Conflict of Interest Act and clearly identify any items of pecuniary interest before they are discussed and refrain from discussing and voting on same;
- Perform their duties in a manner that maintains and enhances public confidence in the integrity, objectivity and impartiality of the Town of Tillsonburg;
- Not be under an obligation to any person who might benefit from special consideration or favour from the member or who might seek, in any way, preferential treatment;
- Not benefit from the use of information acquired during the course of official duties that is not generally available to the public;
- Be professional, courteous and respectful with other members, Council, administration and the general public. In doing so, members will not publicly criticize elected officials, administration or other members and respect the decisions of Council;
- Maintain confidentiality when necessary, and ensure personal information controlled by the Town is used or disclosed in compliance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);
- Understand the Committee's relationship to Council;
- Strive to attend all scheduled meetings and advise in advance when unable to attend (to determine if there is going to be a quorum);
- Prepare for meetings by reading agendas and any background information supplied and by actively participating in the discussion and decision making process;
- Undertake any work assigned, including special projects and research, between meetings;

- Operate under the Town's Procedural By-law, as well as other Town of Tillsonburg policies and procedures where applicable;
- Respect that actions taken and/or recommendations shall reflect the majority view of the Committee.

Responsibilities of the Chair

The Chair holds the following responsibilities:

- Operate under the Town's Procedural By-law;
- Facilitate the meeting by identifying the order of proceedings and speakers according to the published agenda;
- Maintain decorum and ensure fairness and accountability;
- Generally refrain from participation in the discussion until all members have had an opportunity to speak to the matter;
- Refrain from making decisions. The Chair can only run a meeting in a fair and efficient manner when the will of the majority prevails after the minority has had a fair chance to present its point of view;
- Assist the Recording Clerk when possible or when requested;
- Represent the views of the Committee and not personal views.

Responsibilities of the Recording Clerk

The Recording Clerk is responsible for:

- Preparing for the provision of notices of applications/decisions, minute taking, issuance of certificates and ensuring that all municipal procedural matters are complied with during By-law Appeals Committee meetings;
- Prepare the agenda for each meeting in consultation with the Chair;
- Distribute the agenda to the Committee members as outlined in Town's Procedural By-law;
- Post agendas, minutes and meeting dates/times to the Town's website as outlined in Town's Procedural By-law;
- Record the minutes of the meeting including resolutions, decisions and other proceedings at the meeting, without note or comment;
- Submit the approved minutes of each Committee meeting for inclusion on the Regular Council agenda for Council's consideration;
- Report any resignations of Committee members to the Clerk;
- When necessary and in consultation with the Chair, cancel a meeting (due to inclement weather or provide knowledge of lack of quorum).

8. Agendas & Minutes

Agenda items should be relevant to the business of the Committee and should only include items that require the attention or action of the Committee.

The agenda will be prepared in consultation with the Chair and posted to the Town's website in accordance with the Town's Procedural By-law.

Minutes of meetings represent a clear and accurate account of the business conducted by the By-law Appeals Committee. Minutes provide a permanent and official record of all proceedings and decisions. Minutes should only reflect actions and not discussions.

The Recording Clerk will include the minutes of the previous meeting on the agenda for the next regularly scheduled Committee meeting for approval.

9. Rules of Procedure & Records

The Town of Tillsonburg's Procedural By-law shall apply to all committees, a copy of which shall be provided to all members. Furthermore, the Committee should conduct its business as outlined in the Rules of Practice & Procedure (Schedule "C") of By-law 2025-106.

Under Section 2(3) of the MFIPPA, as amended, records relating to the business of the municipality, created or received by a body considered part of the municipality, are accessible under the Act.

10. Conflict of Interest & Declarations of Pecuniary Interest

A conflict of interest may arise for Committee members appointed by Council when their personal or business interests clash with or affect the duties and decisions of the Committee.

The By-law Appeals Committee is subject to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as may be amended from time to time. If a member has a pecuniary interest in any matter in which the By-law Appeals Committee is engaged and if they are present at a hearing, they shall disclose the interest and the general nature thereof prior to the appellant or the Town representatives introducing evidence or making an opening statement as outlined in Rule 6.2 and shall not take part in the consideration or discussion of the matter.

At a meeting at which a member discloses a conflict of interest, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the Clerk of the municipality or the Recording Clerk of the By-law Appeals Committee.

Committee members can seek advice from the Town's Integrity Commissioner respecting their obligations under the Town's Code of Conduct, local ethical behaviour procedures, rules or policies governing the members, and the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50.

11. Committee Member Conduct

Committee members shall, at all times, follow the policies and procedures set out in the Town of Tillsonburg's Code of Conduct. All Committee members shall also comply with all applicable Town policies and procedures.

12. Communications

Communications to Council or Town Administration are generally through the Recording Clerk or Chair.

Only authorized spokespersons may speak on behalf of a By-law Appeals Committee.

SCHEDULE C to By-law 2025-106

Rules of Practice and Procedure

1. Application & Interpretation

1.1. Application

1.1.1. These Rules of Practice and Procedure apply to all hearings before the Town of Tillsonburg By-law Appeals Committee in the exercise of a statutory power of decision, as defined in the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended.

1.1.2. These Rules of Practice and Procedure do not apply if a statute or by-law provides for a different procedure to govern the proceedings of the By-law Appeals Committee in the exercise of its duties.

1.2. Definitions

1.2.1. In these Rules of Practice and Procedure, unless the context otherwise requires, the following terms have the following meanings:

- (a) “By-law Appeals Committee” means the Town of Tillsonburg By-law Appeals Committee;
- (b) “Appellant” means an individual, corporation or partnership that has requested a hearing before the By-law Appeals Committee with respect to matters within its jurisdiction. For the purposes of this by-law, this includes individuals appealing orders and decisions under By-Law 2023-049, By-Law 2021-013, and By-Law 3666, as well as those seeking exemptions to regulations in other by-laws under the Committee’s jurisdiction;
- (c) “Chair” means the person appointed as the Chair of the By-law Appeals Committee;
- (d) “Clerk” means the Recording Clerk appointed by the Town of Tillsonburg and shall include the Clerk, Deputy Clerk and/or their designate;

- (e) "Hearing" means the opportunity to present one's case before the By-law Appeals Committee with respect to matters within its jurisdiction;
- (f) "Interested Party" means any person not a party to the proceeding who wishes to make representations to the By-law Appeals Committee in relation to the hearing before the By-law Appeals Committee;
- (g) "Member" means the person(s) appointed by the Council of the Town of Tillsonburg to the By-law Appeals Committee for a specified term;
- (h) "Proceeding" means a matter brought before the By-law Appeals Committee;
- (i) "Rules" means these Rules of Practice and Procedure; and,
- (j) "Town" means the Corporation of the Town of Tillsonburg.

1.3. Interpretation

- 1.3.1. These Rules shall be broadly interpreted to produce the quickest, most just and least expensive determination of the issues before the By-Law Appeals Committee.
- 1.3.2. The By-law Appeals Committee may, as it deems necessary, dispense compliance with any Rule(s), save and except those prescribed as mandatory by the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22 and any other legislation governing the Appeals Committee.
- 1.3.3. Where procedures are not provided for in these Rules, the By-law Appeals Committee may do whatever is necessary and permitted by law to effectively determine the matter before it, having regard to the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22.
- 1.3.4. The By-law Appeals Committee may exercise any of its powers under these Rules on its own initiative or at the request of a party.
- 1.3.5. A defect in form or other technical breach will not make a proceeding invalid.

1.4. Publication of the Rules of Practice & Procedure

- 1.4.1. A written copy of these Rules of Practice and Procedure shall be made available as reference material for any appellant or interested party at every hearing.

2. Hearings

2.1. Request for Hearings

- 2.1.1. Where an appellant wishes to request a hearing before the By-law Appeals Committee with respect to a matter within its jurisdiction, the appellant or individual seeking exemption shall provide the following to the Clerk within fourteen (14) days of delivery of the notice of the decision being appealed or within the fourteen (14) days preceding the proposed by-law exemption taking affect:

- (a) Appeal Request Form (in the form and manner prescribed by the Clerk);
- (b) Identification of the appellant and any other known interested persons; and,
- (c) Any fee established by a municipal by-law or the Fees and Charges By-law.

2.2. Appearance before the By-law Appeals Committee

- 2.2.1. An appellant or interested party may appear and be heard, either orally, or by written brief, in person or be represented by counsel, agent, or another representative.
- 2.2.2. Interested parties must contact the Clerk at least forty-eight (48) hours before the scheduled hearing date to register as an interested party and to be heard by the By-law Appeals Committee.

2.3. Public Hearings

- 2.3.1. Hearings shall be open to the public, except where closed meetings are permitted pursuant to Section 239 of the Municipal Act, 2001, S.O. 2001, c. 25.

2.4. Legal Advice

- 2.4.1. The By-law Appeals Committee may seek legal advice with respect to procedural matters through the Clerk's Office.

2.5. Disclosures of Pecuniary Interest

- 2.5.1. The By-law Appeals Committee is subject to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, as may be amended from time to time. If a member has a pecuniary interest in any matter in which the By-law Appeals Committee is engaged and if they are present at a hearing, they shall disclose the interest and the general nature thereof prior to the appellant or the Town representatives introducing evidence or making an opening statement as outlined in Rule 6.2 and shall not take part in the consideration or discussion of the matter.

2.6. Quorum/Majority Decision

- 2.6.1. A majority of the members of the By-law Appeals Committee shall constitute a quorum of the By-law Appeals Committee for the purposes of conducting a hearing.
- 2.6.2. If no quorum is present within fifteen (15) minutes of the scheduled start time, all hearings are rescheduled to a new date, and a new Notice of Hearing will be sent out as if it were the first Notice of Hearing.
- 2.6.3. A majority of the members of the By-laws Appeals Committee participating in a hearing shall determine any action or decision to be made by the By-law Appeals Committee.
- 2.6.4. If members recuse themselves by reason of having declared an interest in accordance with Rule 2.6.1 leaving a remaining number of members that does not make quorum, the remaining members will be deemed to constitute quorum, provided that there is not less than two (2) members present to continue the hearing. In such cases, a unanimous decision of the By-law Appeals Committee is required.

3. Notice of Hearings

3.1. Notice of Hearing

- 3.1.1. The Notice of Hearing shall be delivered at least fifteen (15) days prior to the hearing and shall be furnished to the contact particulars provided by the appellant.
- 3.1.2. If the Notice of Hearing is furnished to said contact particulars by regular mail, email, personal service or courier, at least fifteen (15) calendar days prior to the scheduled hearing it shall be deemed adequate notice.
- 3.1.3. Where an appellant submits an Appeal Request Form that is not substantially complete in accordance with Section 2.1.1, the Clerk shall send to the appellant, or their representative if applicable, a letter within the twenty (20) days of receipt of the notice of appeal to specify what additional information is required by the By-law Appeals Committee. If the Clerk does not receive a response to their letter within twenty (20) days of the letter being sent, the By-Law Appeals Committee shall consider the attempted appeal to be abandoned.

3.2. Contents of the Notice of Hearing

- 3.2.1. The Notice of Hearing shall contain a statement of the statutory authority to hold the hearing and the time, place and purpose of the hearing, and a statement that if the appellant, or their representative, does not attend the hearing, the By-law Appeals Committee may proceed in the appellant's absence and the appellant will not be entitled to any further notice in the proceeding.

3.3. Service by Publication

- 3.3.1. If, in any case within the jurisdiction of the By-law Appeals Committee, it is made to appear to the satisfaction of the By-law Appeals Committee that service of any such notice cannot conveniently be made or effected, the By-law Appeals Committee may order and allow such service to be made by publication on the Town's website and the local newspapers.

3.4. Service of Other Documents

- 3.4.1. Any regulation, order, direction, decision, report, or other document may, unless in any case otherwise provided, be served in like manner as notice under this section.

4. Committee Jurisdiction and Powers

4.1. Jurisdiction

- 4.1.1. The By-law Appeals Committee has the authority to hear and determine all applications made, proceedings instituted, and matters brought before it and for such purpose to make such orders, give such directions, issue such approvals, deny or vary applications, and otherwise do and perform all such acts, matters, deeds and things as may be necessary or incidental to the exercise of the powers conferred upon it.
- 4.1.2. The By-law Appeals Committee has the authority to perform such other functions and duties as are now or hereafter conferred upon or assigned to the By-law Appeals Committee by municipal by-law or under statutory authority.

4.2. General Powers

- 4.2.1. The By-law Appeals Committee has the power to make, give or issue or refuse to make, give or issue any order, directions, regulation, rule, permission, approval, certificate, or direction, which it has power to make, give or issue.
- 4.2.2. The By-law Appeals Committee has the power to hold hearings or other proceedings by a conference telephone call, by videoconference, or any other electronic or automated means, subject to any rules made by the By-law Appeals Committee regulating their use.
- 4.2.3. The By-law Appeals Committee, as to all matters within its jurisdiction, has the authority to hear and determine all questions of law or of fact.

5. Dismissing Proceedings

5.1. Dismissal without Hearing

- 5.1.1. Despite the Statutory Powers Procedure Act or any other Act, the By-law Appeals Committee may dismiss any matter brought before it without holding a hearing on its own motion if:
- (a) The fee(s) prescribed by a municipal by-law or a valid Fees and Charges By-Law of the Town, have not been paid;
 - (b) The appellant fails to attend the hearing and the matter has been adjourned at least one time previously. Alternatively, the By-law Appeals Committee may proceed in the absence of the appellant if the appellant fails to attend the hearing;
 - (c) The appellant fails to follow timelines for filing an appeal established under these Rules; or,
 - (d) The appellant does not comply with any other Rule under these Rules of Practice and Procedure.

6. Procedures and Evidence at Hearing

6.1. Hearing Procedures

- 6.1.1. The rules of evidence hereinafter established will be substantially followed by the By-law Appeals Committee. If appropriate, and upon consultation, the Chair may relax such rules when in their judgement such relaxation would not impair the rights of any party and would more speedily conclude the presentation of the claim.
- 6.1.2. The general order of the presentation of evidence at a hearing shall be as follows:
- (a) The appellant shall introduce evidence (including witnesses) and/or make submissions;
 - (b) The Town's representative shall introduce evidence (including witnesses) and/or make submissions;
 - (c) Interested parties (as permitted by the registration process prescribed in Section 2.3.2) may introduce evidence (including witnesses) and/or make submissions in accordance with the evidence provisions set out in Section 6.2 of these Rules;

- (d) Members may ask questions of the parties at any point in time during the proceedings. In the event that the By-law Appeals Committee poses a question, each party to the proceeding shall be given the opportunity to answer the question;
- (e) Rebuttal evidence shall only be permitted where necessary in the opinion of the By-law Appeals Committee;
- (f) Closing statements from all parties.

6.2. Evidence

- 6.2.1. The presentation of evidence and closing statements by the appellant shall not exceed five (5) minutes, and the presentation of evidence and closing statements by the appellant and all interested parties shall not exceed ten (10) minutes in total duration.
- 6.2.2. Time extensions of the foregoing are at the sole discretion of the Chair.
- 6.2.3. No party has the right to deposition, affidavit of documents, examination for discover or similar mechanism to question or obtain documents from the opposing party under oath prior to a hearing.
- 6.2.4. The parties may file an agreed statement of facts in writing or by situation in the record, which will be treated in all respects as evidence.
- 6.2.5. Affidavit evidence is not permissible unless specifically permitted by the Chair in advance of the proceeding due to the absence of the appellant or an interested party as allowed by the Chair considering the circumstances of such absence.
- 6.2.6. The Chair shall rule upon all questions of procedure and in the event that objection is taken on the admissibility of the evidence where so challenged. The Chair and the By-law Appeals Committee may consult with the Clerk's Office on such matters. The decision of the Chair shall be final.
- 6.2.7. The Chair may allow oral hearsay evidence to be admitted and the By-law Appeals Committee shall assess the weight of the said evidence accordingly. Oral references to municipal policies or administrative practices or procedures may be considered without a copy of the applicable document.

6.2.8. The Chair shall be entitled at any time, and at the direction of the Chair, to deny the repeat presentation of evidence.

6.3. Witnesses

6.3.1. Neither the appellant, an interested party, nor the Town's representative may introduce testimony of more than two (2) witnesses at a hearing, except with the permission of the Chair.

6.3.2. There shall be no undue harassment or embarrassment of a witness as they are giving evidence. The By-law Appeals Committee may disallow a question put to a witness that is deemed to be vexatious or irrelevant to any matter that may be properly inquired into at the proceeding.

6.3.3. Where a witness appears unwilling or unable to give answers to the questions being, the By-law Appeals Committee may permit the party calling the witness to examine the witness by means of leading questions.

6.3.4. A witness has the right to be advised by counsel or an agent as to their rights. Such counsel shall take no other part in the hearing without the permission of the By-law Appeals Committee.

7. Decisions of the Committee

7.1. Criteria for Making Decisions

7.1.1. The By-law Appeals Committee shall apply the criteria established under each by-law applicable to the particular hearing in making its decision.

7.2. Decisions of the Committee

7.2.1. Every decision or order of the By-law Appeals Committee is final and binding, without right of appeal to any Court or to Council, except as specifically provided for by municipal by-law.

7.2.2. The By-law Appeals Committee will provide its decision by resolution. The By-law Appeals Committee may recess at any time to consider its decision during the hearing.

7.2.3. Where a decision is made at the hearing, the By-law Appeals Committee shall provide a written decision as soon as practicable after the conclusion of the hearing, a copy of which will be delivered through the Clerk by hand delivery or registered mail to the appellant at the address provided on their Appeal Request Form. The publishing of the meeting minutes on the Town's website shall be deemed to satisfy this requirement of written decision.

7.3. Costs

7.3.1. The By-law Appeals Committee does not have the power or authority to order that any party pay the costs of another party with respect to a hearing or application for a hearing.

7.4. Adjournment

7.4.1. The By-law Appeals Committee may adjourn a hearing at any time on such conditions as it considers just.