

## COUNCIL REPORT

M&C No.	2019-133
Report Date	May 27, 2019
Meeting Date	June 03, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Adoption of updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Catherine Lowe</i></b>	<b><i>J Hamilton / A Poffenroth</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

Your City Manager recommends that Common Council adopt the updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee as submitted.

### ***EXECUTIVE SUMMARY***

The purpose of this report is to make minor amendments to the updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee so that they may be put into practice. The suggested amendments provide solutions to recent complications encountered in fulfilling the City's requirements to hold an appeal hearing. These updates are necessary to allow the City to hold fair appeal hearings in a timely manner.

### ***PREVIOUS RESOLUTION***

N/A

### ***STRATEGIC ALIGNMENT***

This report aligns with Council's Vibrant, Safe City priority.

### ***REPORT***

The Saint John Substandard Properties Appeal Committee (“the Appeal Committee”) is a committee of Council required by the *Local Governance Act* in order to assist with the administration of Part 13 of the Act, the *Saint John Minimum Property Standards By-Law* and the *Saint John Unsightly Premises and Dangerous Buildings and Structures By-Law*. The Appeal Committee hears appeals from owners or occupiers of premises, buildings or structures who have been given a Notice to Comply or an Order to Comply and are not satisfied with the terms and conditions set out in the Notice or Order. The Appeal Committee may confirm, modify or rescind the Notice or Order. The decisions of the Appeal Committee are binding on the City. Currently, the Appeal Committee consists of a group of three practicing lawyers who have been in active legal practice for at least five years. For the purpose of hearing an appeal, at least one committee member is required to be present to constitute a quorum. The appeal committee would typically hear one to two appeals on average per year.

The purpose of this report is to make minor amendments the updated Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee so that they may be put into practice. The first suggested update is to increase the number of committee members from three to five. The additional members will address the rare circumstance of one or more committee members being in a conflict of interest with a particular appeal case, will provide increased flexibility in scheduling appeal hearings, as well as ensure that a vacancy in the committee will not affect the City’s ability to hold appeal hearings. The second amendment is to reduce the experience required by committee members from five to four active years, thereby allowing more junior lawyers to serve on the committee. These updates are necessary to allow the City to hold fair appeal hearings in a timely manner.

### ***SERVICE AND FINANCIAL OUTCOMES***

The Saint John Substandard Properties Appeals Committee provides a fair and impartial avenue to have concerns heard once a property owner has been issued a Notice to Comply or an Order to Comply.

### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

Staff of Growth and Community Development Services and the City Solicitor’s Office jointly drafted the revised Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee.

### ***ATTACHMENTS***

Provisions Governing the Procedure and Operation of the Saint John Substandard Properties Appeal Committee

Règlement intérieur du Comité des appels sur les résidences non conformes aux normes de Saint John