

# TOWN OF FORT FRANCES

## Committee of Adjustment

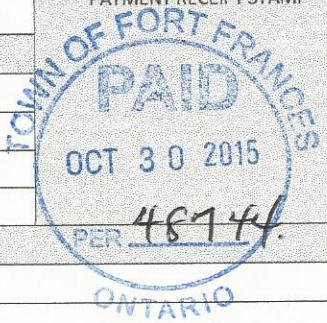
### AGENDA - November 23, 2015 5:00 PM

#### MEETING - Conference Room - Memorial Sports Centre

Page

1. **Call to Order**
2. **Non-agenda items**
3. **Declarations, Municipal Conflict of Interest Act**
4. **Minutes of Previous Meetings**
  - 4.1 Minutes of the August 17, 2015 Meeting
5. **Committee Applications**
  - 5.1 A7/2015 - 501 Third Street West 2 - 11
6. **Other Business**
7. **Outstanding Items**
  - 7.1 Review of Zoning By-Law #3/14 Section 3.20(c) and (g) by zone and/or by area 12 - 15
  - 7.2 Property Standards Review Committee Powers and Procedures 16 - 21
8. **Meeting Close**

It is the responsibility of the owner or authorized agent to provide complete and accurate information. This form will not be accepted as an application until such time as all questions have been answered and all requirements have been met in the manner requested herein. Please read the following carefully:

FOR OFFICE USE ONLY	
FEE	FILE NO.
\$296.35	A-7
PAYMENT RECEIPT STAMP	
	

PROPERTY INFORMATION	
Property Address	501 3 <sup>rd</sup> St. W.
Tax Roll No.	5 912 -010 - 003-04900-0000
Legal Description	Plan SM16 Lots 38 and 38 PCL 38-3
OWNER/APPLICANT INFORMATION	
Registered Owner(s)	Gregory Raymond DeGagne
Application Contact	Greg DeGagne
Full Mailing Address	501 3 <sup>rd</sup> St. W, Fort Frances, ON P9A 3B1
Telephone	807-276-2904
Email	Buff_721@hotmail.com / NorthlandDesign@shaw.ca
AGENT INFORMATION (if applicable)	
Company Name	None
Application Contact	Tonia Dolph
Full Mailing Address	726 Church St. , Fort Frances, ON P9A 1E8
Telephone	807-274-5733, 807-271-0205
Email	NorthlandDesign@shaw.ca
Note – All communication will be sent to Application Contact unless otherwise requested	
MORTGAGEES, HOLDERS OF CHARGES OR OTHER ENCUMBRANCES	
Institution	RBC
Contact/Reference	Joanne Bliss
Full Mailing Address	343 Scott St., Fort Frances, ON P9A 3N1
Telephone	274-7610
Email	Joanne.bliss@rbc.com

1.	Describe the nature and extent of relief applied for (indicate what the by-law requirement is, the relevant section of the by-law, and what you are proposing):
	<p>Minor Variance Section 4.4.2c of Zoning by-law – to permit the rear (south) yard required for a main building from 7.5 m to 2.4384 m. Enlarge building to accommodate garage, office &amp; carport.</p>



2.

Why is it not possible to comply with the provisions of the by-law? (Provide an explanation of the circumstances that hinder or restrict your ability to comply)

Existing Dwelling and Driveway access apron is situated on the lot in a manner that is not cohesive to the existing by-law side yard, leaving more useable space to make improvements to the rear of the side yard which is also abutting a roadway.

3.

When did the current owner acquire the Property?

March, 2008

4.

Provide the date of construction for all buildings and structures on the Property.

1940

5.

What is the existing use of the Property?

Residential

6.

How long has the existing use of the Property continued?

75 years

7.

What is the existing use of the abutting properties?

North	South	East	West
Residential	Residential	Residential	Residential

8.

Dimensions of the Property:

Property Dimensions	Metric	Imperial
Frontage:	19.812	65
Depth:	30.480	100
Area:	603.869	6500



9. **Building/Structure Particulars**  
Describe the particulars (in metric) of all buildings and/or structures existing and proposed for the Property.

Main Building:	Existing	Proposed	
Ground Floor Area:	300.68	310.89	
Width:	7.4676 + 1.538 Porch	No Change + 1.8462 Porch	
Length:	10.9728	No Change	
# of Storeys:	1	No Change	
Location of Building/Structure – Check geographic direction of Side Yard Setbacks			
Front North Yard:	2.59	No Change	
Rear South Yard:	7.62	2.4384	
East Left Exterior- Side Yard:	1.98	No Change	
West Right Interior- Side Yard:	7.010 to Porch 8.534 to House	6.705 to Porch No Change	
Accessory Building:	Existing Detached Garage to be Demolished	Proposed Attached	
Ground Floor Area:	93.8795	321.87	
Width:	4.267	7.4676	
Length:	6.705	13.411	
# of Storeys:	1	1	
Height:	1 story	1 story	
Distance to Main Building:	4.572	0	
Location of Building/Structure - Check geographic direction of Side Yard Setbacks			
Front North Yard:	No Change	No Change	
Rear South Yard:	7.62	2.4384	
East Left Exterior - Side Yard:	1.9812	3.810	
West Right Interior- Side Yard:	10.5156	8.534	

Note – Above information to match Site Plan

10. Check the appropriate box to Indicate connected or available services to the Property:

Source of Service:	Municipal	Private
Water	X	
Sanitary Sewer	X	
Storm Sewer	X	



11. Check the appropriate box to indicate access to the Property:
- | Source of Access: | Yes | No |
|-------------------|-----|----|
| Municipal Road    | X   |    |
| Other Public Road |     | X  |
| Water Access Only |     | X  |
12. What is the Official Plan designation of the Property? Living Area
13. What is the Zoning of the Property? R1
14. Has the Owner ever applied for a minor variance or permission regarding the Property?  
Yes ☐ No ☒ If Yes, provide details, including file number, date, decision, etc.
15. Is the Property the subject of a current application for consent under section 53 of the Planning Act, 1990, as revised? Yes ☐ No ☒ If Yes, provide details, including file number, date, etc.
16. **DECLARATION**

I, Greg DeGagne / Tonia Dopln solemnly declare that all the statements contained in this application are true and make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town of Fort  
Frances, in the District of Rainy River this  
~~30<sup>th</sup>~~ <sup>October</sup> day of ~~July~~, 2015.

Elizabeth Slomke  
A Commissioner, etc.

**Elizabeth Slomke, a Commissioner, etc.,  
District of Rainy River, for the Corporation  
of the Town of Fort Frances.**

Greg DeGagne  
(Signature of Owner or Agent)

Tonia Dopln  
(Signature of Owner or Agent)

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17. A sketch showing the following:

- i. The boundaries and dimensions of the subject land.
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- iv. The current uses on land that is adjacent to the subject land.
- v. The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. the location and nature of any easement affecting the subject land.



## OWNER'S AUTHORIZATION, ACKNOWLEDGMENT & CONSENT

(Must be signed by **each Owner** – print more copies as required)

I, **Gregory Raymond DeGagne**, am an Owner of the property known as **501 3<sup>rd</sup> St. W.** in the Town of Fort Frances, that is the subject of this Application, and hereby

### Authorize Agent to Act (if applicable):

1. Authorize and instruct Tonia Dolph to act as my Agent and make this application on my behalf.

### Freedom of Information:

2. Acknowledge that the information collected in this application is collected under the authority of The Planning Act, R.S.O. 1990, Chapter P13, as amended to assist in the processing of the application and will become part of a public record and, for the purposes of the Freedom of Information and Protection of Privacy Act, authorize and consent to the use by or the disclosure to, any person or public body of any personal information.
3. Acknowledge that full copies of the application are provided to the members of the Committee of Adjustment and as a result, **any information contained in it** is made public.

### Right to Enter Premises:

4. Authorize the members of the Committee of Adjustment and/or staff of The Town of Fort Frances as may be required, to enter upon the lands and premises identified in section 5 that are the subject of this application for the purpose of evaluating the merits of this application and for so doing, this shall be good and sufficient authority; and

### Consent re Meeting:

5. Consent to the application herein being considered at the next regular meeting of the Committee of Adjustment notwithstanding that section 45 of the Planning Act requires they be heard within thirty days after the secretary-treasurer receives the completed application.

Oct 25 2015  
Date

Gregory DeGagne  
Owner Signature

Tonia Dolph  
Owner Signature

Public Roadway 3RD ST. W

CURB

NORTH

4.2672 m

D.L.

P.L.

P.L.

2.5908 m

P.L.

CURB

7.4676 m

1.8288 m

8.5344 m

1.8288 m

4.572 m

10.9728 m

Proposed Deck

2.438 m

Proposed  
1.98 m Existing  
1.524 m  
1.8288 m proposed

Existing Single Detached Dwelling

8.382 m

WEST

30.480 m

CARPORT  
Proposed Breezeway  
and Garage

CURRENT APRON

Proposed

16.9164 m

4.1148 m

8.382 m

CURB

2.4384 m

Proposed

SOUTH

19.812 m

Property Line



CURB

3rd St. W.

CURB

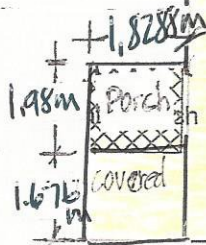
North

P.L.

P.L.

CURB

Existing Single Detached Dwelling



4.7244m

4.2672m

detached  
Existing Garage  
-To be demolished-

6.7056m

1.982m

CURRENT APRON

7.9248m

CURB

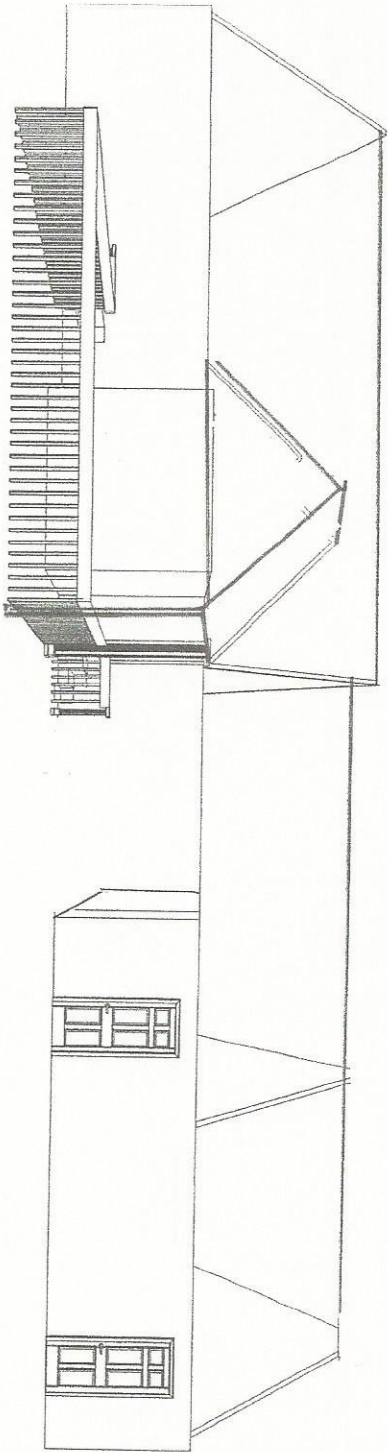
Existing

South

19.812m

PROPERTY LINE

West  
30.480m



(PROPOSED) VIEW FROM WEST

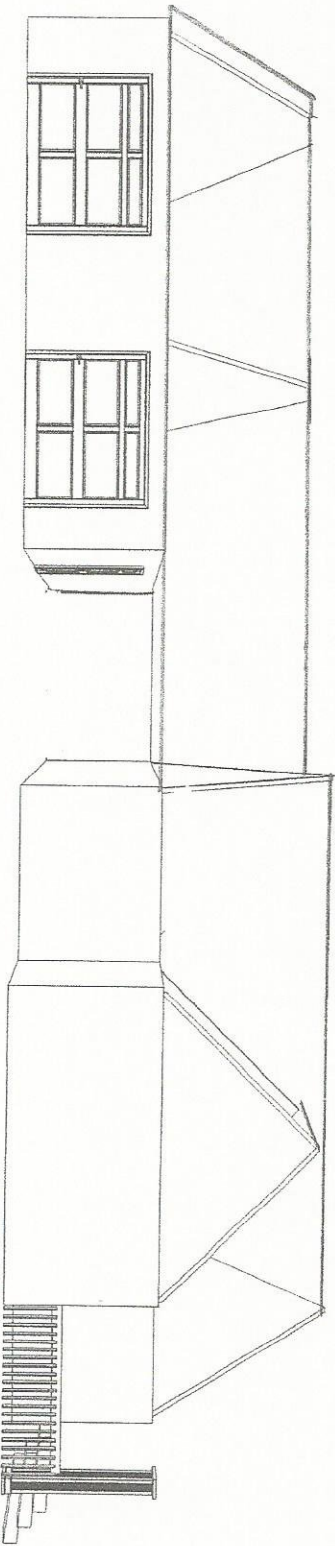
Note: This drawing is an artistic interpretation of the general appearance of the floor plan. It is not meant to be an exact rendition.

greg4

Garage Addition

Dwg no.





PROPOSED VIEW FROM WEBSTER AVE.

Note: This drawing is an artistic interpretation of the general appearance of the floor plan. It is not meant to be an exact rendition.

greg4

Garage Addition

Dwg no.

### 3.18 OBNOXIOUS USES

Nothing in this By-law shall be construed to permit the **use** of land for the **erection** or **use** of a **building** or **structure** for any purpose:

- a) that is or is likely to become a nuisance or offensive:
  - i. by the creation of a noise or vibrations; or
  - ii. by reason of the emission of gas, fumes, dust or objectionable odour; or
  - iii. by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter or other such material; and
- b) which by the nature of the materials used therein is declared under the *Public Health Act*, as amended, or any other regulations thereunder to be a noxious or offensive trade, business or manufacture

### 3.19 OUTSIDE STORAGE/OUTDOOR STORAGE

Where **outside storage** is a permitted **use** or a permitted **accessory use** the following provisions shall apply:

- a) storage of goods and materials including refuse containers are not permitted within 6.0 metres of a Residential zone;
- b) storage and goods and materials including refuse containers shall be permitted in the required rear yard and interior side yard; and
- c) storage areas are to be screened from the view of adjacent streets by means of solid board fencing and/or landscaping features 2.0 metres in height, nor shall any material be piled higher than the surrounding screening.

### 3.20 PARKING AREA REGULATIONS

Except as provided in Section 3.19, no development shall be permitted for any **use** or **building** except where vehicular off-street **parking spaces** are provided and maintained in accordance with the following regulations.

Notwithstanding the **yard** and **setback** provisions of this By-law to the contrary, uncovered surface **parking areas** shall be permitted in the **required yards** or in the area between the street line and the required **setback**.

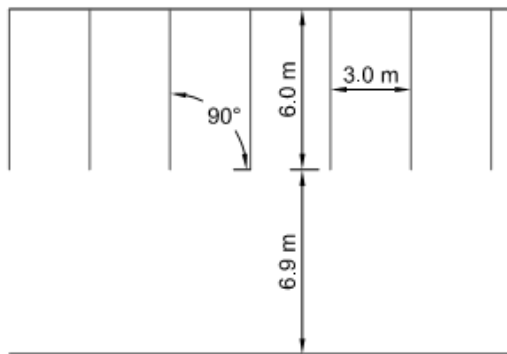
Where in this By-law **parking areas** are required or permitted for 4 or more vehicles the following provisions shall apply:

- a) when a **building** or **structure** accommodates more than one type of **use**, the **parking space** requirement for the whole **building** shall be the sum of the requirements for the separate parts of the **building** occupied by the separate types of **use**;
- b) adequate drainage facilities shall be provided and maintained in accordance with the requirements of the **Town**;
- c) the **parking area** and approaches shall be surfaced with concrete, asphalt, double float tar and chip surface, or a combination thereof;
- d) the lights used for illumination of **parking areas** shall be so arranged and located as to divert the light away from adjacent **lots** and directed on the **parking area**;
- e) **parking areas** shall be within 90.0 meters of the location which it is intended to serve and shall be situated in the same zone;
- f) each **parking space** shall be provided with unobstructed access to a street by a driveway, aisle or **laneway**;
- g) a **buffer strip** of landscaped area not less than 3.0 metres wide lying within the **lot** and along the boundaries of the **parking area**;

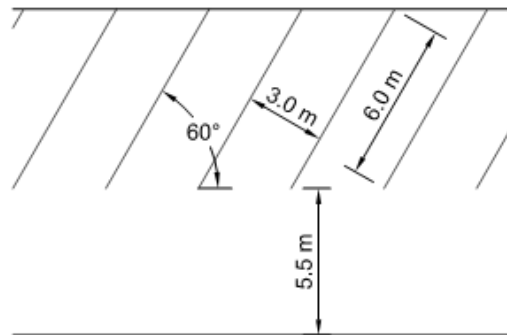


- h) The length of any **parking space** and the width of the adjacent aisle shall be in accordance with the following:

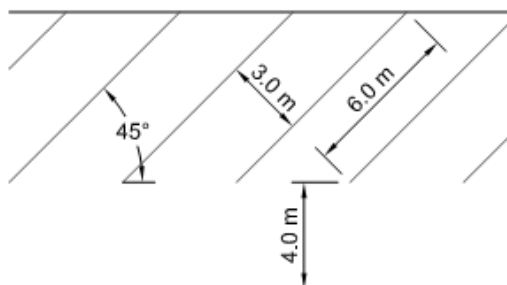
ANGLE OF PARKING SPACES	PARKING SPACE WIDTH (minimum)	PARKING SPACE LENGTH (minimum)	AISLE WIDTH (minimum)
90°	3 m	6.0 m	6.9 m
60°	3 m	6.0 m	5.5 m
45°	3 m	6.0 m	4.0 m
30°	3 m	6.0 m	3.7 m
Parallel	3 m	6.7 m	3.0 m



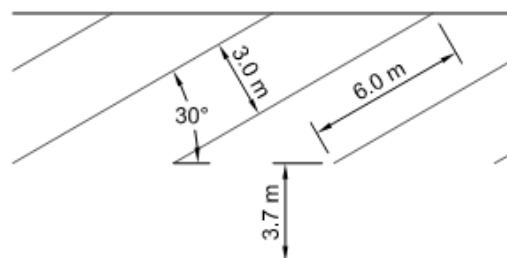
90° PARKING SPACE



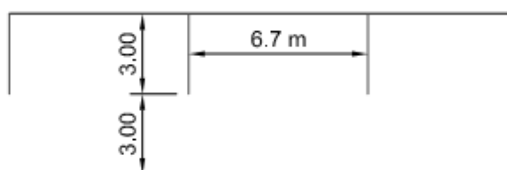
60° PARKING SPACE



45° PARKING SPACE



30° PARKING SPACE



0° PARKING SPACE  
(PARALLEL PARKING)

### Barrier-Free Parking Spaces

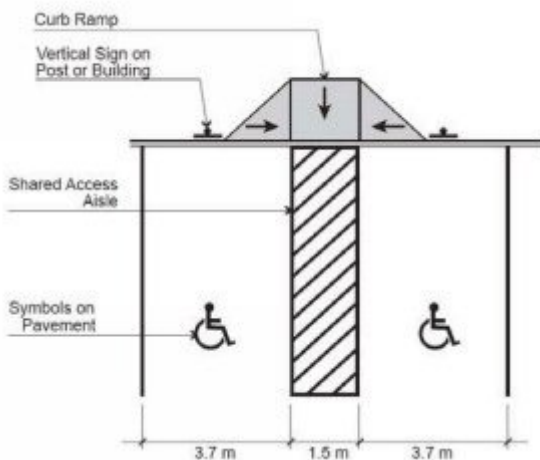
Barrier-free parking spaces shall be provided at the rate specified in the table below and shall meet all specifications of the *Ontario Building Code* regarding Barrier-Free Parking Design including, at a

minimum:

- a) each barrier-free parking space shall have a minimum width of 3.7 m and a minimum length of 7 m;
- b) if two adjacent spaces are designated for the disabled, then the total width of both spaces together shall be 6.4 m if a 1.5 m wide accessible aisle separates the two spaces;
- c) if no access aisle separates the spaces, the total width of the two spaces shall be 7.4 m;
- d) barrier-free parking spaces shall be located on level ground within close proximity and access to the building entrance;
- e) barrier-free parking spaces shall be clearly marked and reserved for the exclusive use of physically disabled persons.

#### *Required Barrier-Free Parking Spaces*

Capacity of Parking Area (Number of Parking Spaces)	Minimum Number of Barrier-Free Parking Spaces
1-10	0
11-25	1
26-50	2
51-75	3
76-100	4
More than 100	3% of total to a maximum of 10 spaces



The **parking space** requirements referred to herein shall not apply to any **building** or **structure** lawfully in existence on the date of passage of this By-law, so long as the **gross floor area** is not increased and the **use** or number of **dwelling units** does not change. If any addition is made to a **building** or **structure** which increases its **gross floor area**, then **parking spaces** for the addition shall be provided as required by the **Parking Space Requirement Table**. Where a change in **use** occurs, **parking spaces** shall be provided for such new **use** in accordance with the requirements of the **Parking Space Requirement Table**.

**Parking spaces** and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only and for vehicles used in an operation incidental to the permitted uses in respect of which such **parking spaces** and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any **lot**, **building** or **structure** in the



Residential (R) **Zone** may **use** the **lot building** or **structure** for the parking, storing or housing of one commercial **motor vehicle** or **trailer** provided that such vehicle does not have wheelbase in excess of 5.0 metres or exceed a one ton load capacity.

Where a commercial **use** abuts or is adjacent to a navigable waterway, one third of the parking requirements may be in the form of boat slips maintained for the sole purpose of customer boat parking specifically for the commercial **use**. Such a space shall be at least 6 metres in length and have a width of 3 metres.

### 3.21 PARKING IN THE CENTRAL BUSINESS DISTRICT

Within a the Central Business District as shown on Schedule A, uses within the General Commercial (C2) **Zone** with the exception of **hotels, motels**, grocery stores exceeding 300 sq metres of gross floor space and residential units are exempted from providing parking.

### 3.22 PARKING SPACE REQUIREMENTS

**Parking spaces** are required under this By-law, in accordance with the **Parking Space** Requirement Table. Where the calculation of required spaces exceeds a whole space of more than .25, the required spaces shall be the next whole number.

Arena, <b>Assembly Hall</b>	1 per 5 seats or 3.0 m of bench seating or 1 per 4 people that may be legally accommodated at one time, whichever is greater
Agricultural/Farmers Market	1 per each 28 m <sup>2</sup> of <b>gross floor area</b>
Bowling Alley	3 per each bowling lane
<b>Office</b>	1 per each 28 m <sup>2</sup> of <b>gross floor area</b>
<b>Community centre, Recreation or Fitness Establishment</b>	1 per 100 m <sup>2</sup> <b>gross floor area</b>
Curling Rink, Outdoor Recreation Facility, Sports Field	4 per game playing surface plus 10 per 100 m <sup>2</sup> of <b>gross floor area</b> used for dining or assembly area.
Dry Cleaners Establishment	1 per each 9 m <sup>2</sup> or fraction thereof of <b>gross floor area</b> with a minimum requirement of four spaces.
Farmers Market	1 per 4 people that may be legally accommodated at one time
Financial Establishment	1 per each 28 m <sup>2</sup> of <b>gross floor area</b>
<b>Golf Course</b>	24 per each 9 holes of golfing facilities
<b>Home Occupation/ Home Industry</b>	1 in addition to the parking required for the dwelling
<b>Hospital, Nursing Home &amp; Assisted Living Facility</b>	1 per every two beds
<b>Hotel, Motel</b>	1 per rental unit plus 1 additional space per 9m <sup>2</sup> of floor area devoted to <b>public uses</b>
Industrial Uses not specifically identified	1 per 93 m <sup>2</sup> of <b>gross floor area</b> or for each 3 employees, whichever is greater
<b>Marina, Seaplane Base</b>	1.5 per 1 boat slip and 1 per every 8 m <sup>2</sup> of <b>gross floor area</b> for commercial <b>use</b> , exclusive of storage area

**MANDATE**

The Property Standards Committee is a quasi-judicial body established under the authority of the *Building Code Act, S.O. 1992. c. 23, as amended* to hear appeals to orders issued to the Town of Fort Frances Property Maintenance and Occupancy Standards By-Law #14/09 enacted on March 9, 2009.

The Property Standards Committee was established by the Town of Fort Frances July 22, 1985 by By-Law #24/85.

**POWERS OF COMMITTEE<sup>1</sup>**

On an appeal, the Committee has all the powers and functions of the Officer who made the order and the Committee may do any of the following things if, in the Committee's opinion, doing so would maintain the general intent and purpose of the by-law:

- Confirm the Order
- Quash the Order
- Amend the Order, or
- Extend the deadline for compliance

**COMPOSITION**

The members of the Property Standards Committee shall be comprised of the same members appointed to the Committee of Adjustment.

**GOVERNING LEGISLATION**

The conduct of members and meetings of the Property Standards Committee shall be in accordance with:

- *Statutory Powers Procedures Act, R.S.O. 1990 c.22, as amended*
- *Municipal Act, 2001, S.O. 2001, c. 25, as amended*
- *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended*
- *Roberts Rules of Order*

The Committee has the authority to establish it's own Rules of Procedure and once established, may,

1. determine the practice at the Hearing or refer to Robert's Rules of Order for guidance where a procedural issue arises that is not addressed;
2. liberally construe the Rules of Procedure to secure the just, most expeditious and cost effective determination of every proceeding on its merits; and
3. accept substantial compliance with requirements in respect to the contents of forms, notices or documents under these Rules.



**APPLICATION AND DEFINITIONS****1. Definitions**

- a. "Agent" means a person appointed by an Appellant to act on his behalf on the appeal.
- b. "Appellant" means an owner or occupant appealing a Property Standards Order pursuant to the provisions of the *Building Code Act*;
- c. "Building Code Act" means the *Building Code Act, 1992, S.O. 1992, c. 23, as amended*;
- d. "Committee" means the Town of Fort Frances Property Standards Committee established in accordance with section 15.6 of the *Building Code Act, 1992, S.O. 1992, c. 23, as amended*;
- e. "Member" means a person appointed by Council to be a member of the Committee;
- f. "Secretary" means the Secretary of the Committee;
- g. "Party" includes the owner or occupant served with the Property Standards Order and the Town;
- h. "Property Standards Order" means an order made pursuant to s. 15.2 of the *Building Code Act, 1992, S.O. 1992, c. 23, as amended*;
- i. "Officer" means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under s. 15.1 of the *Building Code Act, 1992, S.O. 1992, c. 23, as amended*
- j. "Representative" means a person authorized under the *Law Society Act, R.S.O. 1990, c. L.8, as amended*, to represent an Appellant or witness;
- k. "Rules" means these Rules of Practice and Procedure for the Committee;
- l. "Town" means The Corporation of the Town of Fort Frances;

**2. Hearings**

- a. Appeals will be considered at an appeal hearing of the Committee in accordance with the provisions of *Building Code Act S.O. 1992. C 23, as amended* and any regulations passed thereunder.
- b. The Secretary shall call all meetings of the Committee to hear an appeal filed pursuant to the *Building Code Act S.O. 1992. C 23, as amended*. In consultation with the Chair, the Secretary may cancel or reschedule an appeal hearing if there are no appeals to be heard at a scheduled meeting.

- c. The Secretary shall schedule a hearing to be held within thirty days of receiving an appeal.
- d. No less than 10 days before the hearing the Secretary shall send notice of the hearing to the Appellant, the Property Standards Officer issuing the Order to Comply and any other person or party as required.
- e. Hearings shall be held at Town municipal office, 320 Portage Avenue, Fort Frances, On P9A 3P9, or such other location, as the Committee deems advisable.
- f. Committee Members, including the Chair, shall vote on all motions and other questions submitted at a Committee meeting, unless prevented by legislation (ie. Municipal Conflict of Interest Act) from doing so.
- g. A majority of members constitutes a quorum for transacting the Committee's business<sup>2</sup>. If a quorum is not present within thirty (30) minutes after the time appointed for a meeting, the meeting shall be deemed to be terminated and may be re-scheduled by the Secretary.
- h. A resolution or decision of the Committee shall be deemed to be passed if a majority of the members of the Committee vote in favor of the resolution. In the case of a tie vote, a motion or question shall be deemed to have been lost.

### **3. Committee Chair**

- a. The members shall elect a chair from among themselves; when the chair is absent through illness or otherwise, the committee may appoint another member as acting chair<sup>3</sup>.
- b. The Chair shall preside at every hearing and meeting of the Committee.
- c. The Chair shall enforce the observance of order and decorum during the hearing.
- d. The Chair is the liaison between the members and the Secretary on matters of policy and process.

### **4. Secretary**

- a. The members shall provide for a Secretary for the committee<sup>4</sup>.
- b. The Secretary shall prepare minutes of the meetings of the Committee and shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, applies with necessary modifications to the minutes and records<sup>5</sup>.
- c. The Committee shall review and adopt, with or without amendment, the minutes of a previous meeting at a subsequent meeting.

### **5. Hearing Procedures**

- a. Call To Order - The Chair will call the hearing to order, confirm quorum and ask the Secretary to confirm notice of the hearing had been given as required.
- b. Chair Opening Statement - The Chair will make the following statements:
  - i. the Property Standards Committee is a quasi-judicial body established by, and independent of, Council to hear appeals of Orders issued under section 15.1 of the *Building Code Act S.O. 1992. C 23, as amended*;
  - ii. the Committee is governed by the *Statutory Powers Procedures Act, R.S.O. 1990 c.22, as amended*, anyone wishing to speak will be afforded the opportunity to. The first presenter will be the Officer issuing the Order, then the Appellant. There will be an opportunity in each instance for questions by the Members and the other party.
- c. Conflict of Interest - The Chair will ask for disclosure of pecuniary interest. If a Member has any pecuniary interest, direct or indirect, in any proceeding that is before the Committee, the Member shall
  - i. disclose the interest and the general nature thereof prior to any consideration of the agenda matter;
  - ii. recuse him or herself from the Hearing of that matter; and
  - iii. not attempt in any way whether before, during or after the Hearing to influence the decision of the Committee.
- d. Deferrals/Withdrawals - The Chair will call for any requests for deferral of the appeal or any requests for withdrawal of an appeal. An appeal will only be deferred upon reasonable cause as determined by the Committee.
- e. Identification of Parties - The Chair will announce the appeal to be heard using the property address and ask the involved parties to identify themselves (i.e. who is the Officer involved? Who is the Appellant? Are there any witnesses who intend to give evidence on behalf of either Party, to the Appeal?)
- f. Presentations – The Chair will call on
  - i. Officer to present evidence in support of the Order. The Appellant and the Members are given the opportunity to question Officer on evidence presented.
- g. Appellant including any person appearing in support of thereof. The Officer and the Members are given the opportunity to question the Appellant and any person appearing in support.

## **6. Presentation of the Property Standards Order**

- a. The Officer will present the Order to Comply and related evidence.
- b. The Appellant, Agent or Representative may cross-examine the Officer.



- c. The Members may ask questions of the Officer through the Chair.

#### **7. Other Witnesses in support of the Property Standards Order**

- a. 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.
- b. The Appellant, or if represented, the Appellant's Representative may cross-examine any other witness giving evidence in support of the Property Standards Order.
- c. The Committee, through the Chair, may question the persons giving evidence to clarify any evidence presented.

#### **8. Presentation of the Appeal**

- a. The Appellant or the Appellant's Representative is requested to present evidence with respect to the Appeal of the Property Standards Order.
- b. A Representative for the Town of Fort Frances By-Law Enforcement Department may cross-examine the Appellant.
- c. (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.
- d. The Committee may, through the Chair, ask questions of the Appellant to clarify any evidence presented.

#### **9. Other Witnesses in Support of the Appeal**

- a. A Representative for the City of Mississauga Enforcement Division may cross-examine the witness.
- b. 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.
- c. The Appellant, or if represented, the Appellant's Representative will examine the witness in support of the Appeal.
- d. The Committee, through the Chair, may question the witness giving evidence to clarify any evidence presented.

#### **10. Other Representations; Recall of Property Standards Officer**

- a. 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.

- b. Persons giving evidence under Section 10(a) are subject to questions by the Committee, the Appellant, or the Appellant's Representative, and the Representative the Town of Fort Frances By-Law Enforcement Department.
- c. The Officer may also be recalled at this time.

#### **11. Committee Decision**

- a. The Committee will give an oral and written decision or may reserve its decision.
- b. A Member may request that their dissent with reasons be included in the decision.

#### **12. Notice of Decision**

- a. The Secretary will forward notice of the Committee's decision to all those notified of the Hearing and to everyone who appears before the Committee.
- b. 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. Exceptions From Procedures**

- a. 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

#### **14. Acceptance**

- a. These Rules of Practice and Procedure were accepted by the Committee of Adjustment on this \_\_\_\_ day of \_\_\_\_\_, 2015

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<sup>1</sup> s. 15.3 (3.1) Building Code Act, 1992, as amended

<sup>2</sup> s. 15.6(5) Building Code Act, 1992, as amended

<sup>3</sup> s. 15.6(3) Building Code Act, 1992, as amended

<sup>4</sup> s. 15.6(6) Building Code Act, 1992, as amended

<sup>5</sup> s. 15.6(7) Building Code Act, 1992, as amended