

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 5-2019

Being a by-law to establish a By-law Appeal Committee and the corresponding Rules of Procedure

WHEREAS Council wishes to create a By-law Appeal Committee, for hearing appeals of administrative decisions made pursuant to certain by-laws; and

AND WHEREAS Section 23.1 of the *Municipal Act, 2001*, permits Council to delegate the power and duty to hear appeals; and

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

AND WHEREAS the creation of this Committee permits the Town to separate its quasi-judicial functions from its legislative and executive functions; and

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

Definitions

1. For the purpose of this By-law, the following definitions are applicable:
 - a) “Committee” mean the Town of Kingsville By-law Appeal Committee;
 - b) “Council” means the Council of the Town of Kingsville;
 - c) “Town” means the Town of Kingsville;

Appeal Committee

2. The Town of Kingsville By-law Appeal Committee is established.
3. The Committee shall be composed of not less than three (3), nor more than five (5) Councillors who shall be appointed in accordance with the Town’s committee appointment process, as may be in effect from time to time.
4. The Committee shall meet as necessary for the expedient resolution of its case load.

Rules of Procedure

5. The Rules of Procedure governing the Committee are set out in Schedule 1.

Jurisdiction

6. The Committee shall hear appeals from the decisions of municipal administrative officials delegated under Municipal by-laws, where those by-laws specifically provide a right to appeal to the Committee.
7. Every decision or order of the Committee is final, without right of appeal to any Court or Council.

How the Committee is to make its decision

8. The Committee shall make a decision that furthers the public interest and is consistent with the purpose and intent of the relevant by-law.
9. The Committee has authority to confirm, amend, or reverse any decision appealed to it, and attach any conditions to such a decision as it may see fit.
10. The decision of the Committee shall be made in accordance with the Rules of Procedure governing the Committee as set out in Schedule 1.

No Liability

11. No member of the Committee or Council, or any Municipal employee is personally liable for anything done by it, or him or her, under authority of this by-law.
12. This By-law may be called the By-law Appeal Committee By-law.
13. This By-law shall come into force and effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
14th DAY OF JANUARY, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo