

## Order of Proceedings for Appeals Standing Committee – COVID Virtual Meetings

---

The Chair will open each of the hearings and address the following:

- The Chair will ask the Appellant (property owner) to identify themselves and provide their contact information
- If a person is appearing on behalf of an Appellant who is not present (legal counsel, family member, friend), they must provide written authorization to act on the Appellant's behalf to the Clerk's Office three (3) days in advance of the hearing.
- The Chair will briefly explain the hearing will proceed (as follows):
- **Staff Presentation:** The HRM staff presenter explains the basis for the order under review and presents evidence in support of the order (including any documents or recent photos of the property, if applicable)
- The Committee may ask questions of the HRM staff presenter for clarification
- The Appellant may ask questions of the HRM staff presenter for clarification
- Non-party witnesses\* may be permitted to provide factual evidence relevant to the appeal
- The Appellant may ask questions of non-party witnesses for clarification
- **Appellant's Presentation:** The Appellant is granted reasonable time to present evidence in support of the appeal (documents/photos/witnesses)
- The Appellant or their representative is then permitted up to 10 minutes to make a verbal submission in support of their case to reverse the order
- The Committee may ask questions to the Appellant and also further questions of HRM staff (subject to Appellant's response to the answers)
- Staff may ask questions to the Appellant (subject to Appellant's response to the answers)
- The Committee put the motion on the floor. This required mover and seconder.
- For appeals of an order to remedy, the motion must be to allow the appeal. This is in accordance with section 58 of Administrative Order 1.
- For a demolition Order, the motion is as stated in the Report of staff to the ASC. A request for a demolition order is not an appeal.
- The Committee then debates their decision and renders a decision with the Appellant or their representative present
- The Committee has four (4) options on an appeal of an Order to remedy:
  - **Grant the appeal (vote in affirmative of the motion)-** Case is closed so that HRM will walk away unless different nature of the complaint is submitted.
  - **Deny the appeal (vote in negative of the motion)-** The appellant is required to meet the conditions of the Order. Clock will tick again, and HRM will enter to do the work if conditions are not met within the time set out in the order.
  - **Amend the Order-** The Committee **denies the appeal (defeat the original motion on the floor)** and amends the conditions of the Order such as changing the amount of time a property owner has to undertake the work required. The matter does not return to the ASC. If the work is not done in the time set out in the order, HRM will enter to do the work.
  - **Defer the case to a later date- This is an option if** the Committee requires additional information or determines it appropriate to defer the case for other reasons, such as the property owner requires more time to do the work, but the Committee would like the matter to return to them. If the matter is deferred, both staff and the property owner must return to the ASC at whatever meeting the ASC defers the matter to, as no decision has been made yet on the original appeal. The only time the matter would not return is if the property owner met the conditions of the Order and the case was withdrawn. A motion to defer must be made **before** a vote is taken on the motion to allow the appeal.
- The Committee has four (4) options when presented with a recommendation from staff to order the demolition of a structure:

- Grant the demolition order as recommended by staff;
  - Grant the demolition order but amend the order to change the amount of time a property owner has to demolish a structure;
  - Vote in the negative on the motion for the demolition order. If the majority vote in the negative, the motion for the order to demolish a structure does not pass and the structure remains standing.
  - Defer the case to a later date. All comments on a deferral of an appeal apply as well to a deferral on a motion for a demolition order.
- Upon motion the Committee may move In Camera (In Private) to obtain confidential legal advice at any time during the process

\*Non-Party Witnesses

Persons who are not parties to the appeal may be permitted to provide relevant evidence of factual matters within their personal knowledge to the Appeals Standing Committee. Non-party witnesses will be given an appropriate amount of time to present their information.

Hearings of the Appeals Standing Committee are **open to the public by appointment** and any information, including personal information, which is provided or obtained in relation to your appeal, will be a matter of public record.

The Appeals Standing Committee meetings begin at 10:00 a.m. and cases will be heard as they appear on the approved agenda.