



Municipal Licensing and Standards Committee Terms of Reference

Number:	ToR-QC-05
Reference:	Council Resolution 131-22 and 147-25
Date Approved:	May 16, 2022
Date Revised:	June 23, 2025
Approval:	Council
Point of Contact:	Office of the Town Clerk (Secretariat Support) Senior Manager of Enforcement Services and/or Supervisor of By-law and Animal Services (Staff Liaison)

1.0 Enabling Legislation

1.1 Appeal of Muzzling of Dogs Order

Section 105 (1) of the *Municipal Act, 2001*, as amended, requires that the Council of a municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement.

Section 23.1 (1) of the *Municipal Act, 2001*, as amended, allows the Council of a municipality to delegate certain powers and duties.

The Council of The Corporation of the Town of Whitby delegates hearing of appeals of Muzzling of Dogs Orders and all Orders issued pursuant to Responsible Pet Ownership By-law # 7294-17, as amended, to the Municipal Licensing and Standards Committee.

1.2 Appeal of Property Standards Order

Section 15.3 (1) of the *Building Code Act, 1992*, as amended, indicates that an owner or occupant who has been served with an Order made under section 15.2 (2) of the *Building Code Act, 1992*, as amended, and who is not satisfied with the terms or conditions of the Order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.

Section 15.6 (1) of the *Building Code Act, 1992*, as amended, indicates that a by-law passed under section 15.1 of the Building

Code Act, 1992, shall provide for the establishment of a committee composed of such persons, not fewer than three, as Council considers advisable to hold office for such term and on such conditions as the by-law may establish.

Section 2.7 of Town of Whitby Property Standards By-law # 6874-14, as amended, provides for the establishment of a committee.

1.3 Appeal from Applicants Refused a Business Licence

Section 23.1 (1) of the *Municipal Act, 2001*, as amended, allows the Council of a municipality to delegate certain powers and duties.

The Council of The Corporation of the Town of Whitby delegates hearing of appeals from applicants refused a business licence in accordance with Business Licensing By-law # 5545-04, as amended, to the Municipal Licensing and Standards Committee.

1.4 Fence By-law Exemptions

In accordance with Fence By-law # 8228-25, as may be amended from time to time, and Schedule "A" to the Fence By-law, being the Fence By-law Exemption Process, the Municipal Licensing and Standards Committee shall be responsible for considering all Fence By-law exemption applications between the heights above 2.2 metres (7 feet 2 inches) and 3.0 metres (9 feet 10 inches).

1.5 The Council of The Corporation of the Town of Whitby delegates authority to the Clerk to make administrative amendments to Schedule A – Listing of Appeals to be Heard by the Municipal Licensing and Standards Committee, as a result of changes to statute or regulations and decisions of Council.

1.6 For the purposes of above subsections, the secretary of the Municipal Licensing and Standards Committee shall be the Clerk.

2.0 Mandate and Responsibilities

2.1 It is the responsibility of the Municipal Licensing and Standards Committee to hear and determine all appeals in accordance with the procedures established under the provisions of the *Statutory Powers Procedure Act*, as amended.

This Committee considers appeals as listed in Schedule A appended hereto and forming part thereof.

It is the responsibility of the secretary of the Municipal Licensing and

Standards Committee to accept all appeals for processing, upon submission by an appellant.

2.2 The Committee is authorized by the *Statutory Powers Procedure Act*, and the *Building Code Act, 1992*, both as amended, to:

- Hear an appeal filed by the appellant;
- Execute all the powers of a Municipal Law Enforcement Officer, Property Standards Officer, or police officer and may confirm, modify, or rescind an Order, or extend the time for complying with an Order; and,
- When an appeal has been taken, the Committee shall give notice or direct that notice be given of such hearing to such person as the Committee considers should receive such notice.

2.3 The Committee is authorized by the *Statutory Powers Procedure Act*, as amended, and Fence By-law # 8228-25, as may be amended from time to time, and Schedule "A" to the Fence By-law, being the Fence By-law Exemption Process to consider all Fence By-law exemption applications between the heights above 2.2 metres (7 feet 2 inches) and 3.0 metres (9 feet 10 inches).

3.0 Lead Department

3.1 The Legal and Enforcement Services Department will be the lead department for the Municipal Licensing and Standards Committee. A staff representative from the department will provide information to assist the Committee in reaching decisions.

4.0 Membership and Composition

4.1 The Municipal Licensing and Standards Committee shall be comprised of five (5) citizen appointments.

#	Committee Members	Member Type
5	Citizen Appointments	Voting

5.0 Member Qualifications

5.1 The following qualifications should be considered for appointing members to the Municipal Standards Committee:

5.1.1 Dispute resolution, mediation, law, and/or tribunal experience.

5.1.2 Experience serving on a judicial or quasi-judicial board or

committee.

5.1.3 Experience with municipal or law enforcement services and the relevant legislation.

6.0 Meetings

6.1 The Municipal Licensing and Standards Committee shall meet as required at 2:00 p.m. in a virtual meeting format.

7.0 Remuneration

7.1 Committee members will be paid a per diem as established by Council by by-law.

8.0 Rules of Procedure

8.1 The rules of procedure of the Municipal Licensing and Standards Committee shall be in accordance with Boards and Committees Policy G 030 and the *Statutory Powers Procedure Act*, as amended.

9.0 Schedules

9.1 Schedule A – Listing of Appeals to be heard by the Municipal Licensing and Standards Committee

This Terms of Reference is hereby approved by Council Resolution #131-22 on this 16th day of May, 2022 and Council Resolution #147-25 on this 23rd day of June, 2025.

Schedule A

Listing of Appeals and Hearings to be Heard by the Municipal Licensing and Standards Committee

1. Appeals of Muzzling of Dogs Orders and all Orders issued pursuant to Responsible Pet Ownership By-law # 7294-17, as amended.

Note: Appeals of Muzzling of Dogs Orders and all Orders issued pursuant to Responsible Pet Ownership By-law # 7294-17, as amended, shall be open to the public, but the Committee may deliberate in private.

2. Appeals of Orders made under section 15.2 (2) of the *Building Code Act, 1992*, as amended.

Note: Appeals of Orders made under section 15.2 (2) of the Building Code Act, 1992, as amended, shall be open to the public, but the Committee may deliberate in private.

3. Appeals from applicants refused a business licence in accordance with Business Licensing By-law # 5455-04, as amended.

Note: Appeals from applicants refused a business licence in accordance with Business Licensing By-law # 5455, as amended, shall be open to the public, but the Committee may deliberate in private.

4. Fence By-law Exemption Applications in accordance with Fence By-law # 8228-25, as may be amended from time to time.

Note: Hearings of Fence By-law Exemption Applications in accordance with Fence By-law # 8228-25, as may be amended from time to time, shall be open to the public at all times.