



Appeals Committee

Agenda

Date: January 29, 2026
Time: 2:00 pm
Location: Virtual

Pages

1. Call to Order

2. Land Acknowledgement

Burlington as we know it today is rich in history and modern traditions of many First Nations and the Métis. From the Anishinaabeg to the Haudenosaunee and the Métis – our lands spanning from Lake Ontario to the Niagara Escarpment are steeped in Indigenous history.

The territory is mutually covered by the Dish with One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy, the Ojibway and other allied Nations to peaceably share and care for the resources around the Great Lakes.

We acknowledge that the land on which we gather is part of the Treaty Lands and Territory of the Mississaugas of the Credit.

3. Approval of the Agenda

4. Declarations of Interest

5. Approval of Minutes

6. Consent Items

Items placed on the Consent Agenda have the consent of both parties and may not require further discussion.

7. Hearings

8. Other Business

8.1 Election of Appeals Committee Chair and Vice-Chair for the term ending December 31, 2026.

8.2 Approval of Appeals Committee Governing Documents

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|----|-----------------------------------------------------|--------|
| a. | Appeals Committee Rules of Practice and Procedure | 1 - 5 |
| b. | Appeals Committee Code of Conduct | 6 - 7 |
| c. | Appeals Committee Recording and Broadcasting Policy | 8 - 10 |

9. Adjournment

BURLINGTON APPEALS COMMITTEE

RULES OF PRACTICE AND PROCEDURE

BACKGROUND

Section 25.1 of the *Statutory Powers Procedure Act* authorizes the Burlington Appeals Committee to make rules of practice and procedure. The rules may be of general or particular application.

The Burlington Appeals Committee is appointed by Burlington City Council to conduct appeal hearings to decide whether to,

- confirm, modify or rescind a Business Licence Decision Notice issued under the Business Licensing By-law 42-2008, Public Vehicle By-law 20-2009, Short-Term Accommodation By-law 01-2025 or Adult Entertainment By-law 01-2008; or
- confirm, modify, rescind or extend the time to comply with a Property Standards Order issued under the Property Standards By-law 28-2009.

PART 1 – DEFINITIONS AND APPLICATION

Definitions

1.1 In this By-law,

“**Appellant**” means a licence applicant or licensee who has appealed a Business Licence Decision Notice or a property owner who has appealed a Property Standards Order;

“**Chair**” means the Chair of the Appeals Committee;

“**Member**” means a Member of the Appeals Committee;

“**Rules**” means these Rules of Practice and Procedure;

“**Clerk**” means the person assigned by City to act as the secretary of the Appeals Committee; and

“**Vice Chair**” means the Vice Chair of the Appeals Committee.

Application

1.2 The Rules are observed at all meetings of the Appeals Committee.

1.3 If a matter is not provided for in the Rules, the Appeals Committee determines the rule that applies and, in making this determination, may do whatever is necessary and permitted by law, including in accordance with the *Statutory Powers Procedure Act*, to

enable it to effectively and completely deal with the matter before it.

- 1.4 The Appeals Committee may waive any rule in these Rules as it considers appropriate to ensure that the matter before it is determined in a timely, effective and fair manner.

PART 2 – CHAIR AND VICE CHAIR

Election of the Chair and Vice Chair

- 2.1 The Appeals Committee elects a Chair and a Vice Chair at its first meeting.
- 2.2 The Chair and the Vice Chair each serve for a one-year term for a maximum of two years unless the Appeals Committee determines otherwise.

Responsibilities of the Chair and Vice Chair

- 2.3 The Chair provides guidance and leadership to the Appeals Committee in carrying out its responsibilities.
- 2.4 The Chair acts as the liaison between the Members and the Clerk on matters related to meetings, appeal hearings and the Rules.
- 2.5 The Chair ensures that the Code of Conduct for Local Boards and Committees and the Burlington Appeals Committee Code of Conduct is observed by all Appeals Committee Members.
- 2.6 The Chair presides at all meetings, ensuring,
- (1) the meetings are conducted in an efficient and timely way;
 - (2) the appeals are dealt with in a manner that is fair, transparent and consistent;
 - (3) the conduct of all participants is consistent with the quasi-judicial nature of the proceedings; and
 - (4) decorum is maintained.
- 2.7 The Chair ensures that the minutes accurately reflect what happened at a meeting.
- 2.8 The Vice-Chair supports the Chair at any meeting they both attend.
- 2.9(1) If the Chair is absent from a meeting, the Vice Chair presides and discharges the duties of the Chair during the meeting or until the arrival of the Chair.
- (2) If both the Chair and Vice Chair are absent from a meeting, the Members who are present elect an Acting Chair to preside and discharge the duties of the Chair during the meeting or until the arrival of the Chair or Vice Chair.

Resignation

- 2.10 If the Chair or the Vice Chair resigns as a Member or resigns as the Chair or Vice Chair, the Appeals Committee elects another Member as Chair or Vice Chair for the balance of

the term of the Chair or Vice Chair and until a successor is appointed.

PART 3 – MEETINGS

Scheduling meetings

- 3.1 The Clerk schedules an Appeals Committee meeting,
- (1) on the last Thursday of every month;
 - (2) when, after appropriate consultation, the Clerk considers a meeting necessary; or
 - (3) when requested to do so in writing by a majority of the Members.
- 3.2 The Clerk determines the location, date and time of a meeting.

In-person and electronic meetings

- 3.2 Meetings are held in-person, but, when, after appropriate consultation, the Clerk, considers it necessary, a meeting may be held as an electronic meeting or as any combination of an in-person meeting and an electronic meeting. The Clerk considers ensuring that appeal hearings are timely, effective and fair, including considering the necessity of accommodating any the Members, the parties, other participants and the public.

Notice of meetings

- 3.2 The Clerk gives notice of all meetings, and of cancelled or rescheduled meetings.
- 3.3 When an appeal will be considered at a meeting, the Clerk gives reasonable notice to the Appellant that sets out,
- (1) the location, date and time of the appeal hearing;
 - (2) the purpose of the appeal hearing; and
 - (3) that if the Appellant fails to attend the meeting, the Appeals Committee may proceed in the Appellant's absence, and the Appellant will not be entitled to further notice in relation to the appeal hearing or subsequent meetings at which the appeal hearing is considered.

Agendas and minutes

- 3.4 The Clerk prepares the meeting agendas and minutes and posts them on the appropriate page or pages on the City of Burlington's website.

Quorum

- 3.5 A quorum of the Appeals Committee is three Members, so at least three Members must be in attendance throughout a meeting. In the case of an appeal hearing, the same three, four or five members must be in attendance throughout the appeal hearing.
- 3.6 If quorum is not present 15 minutes after the time appointed for a meeting, the Clerk

may adjourn the meeting until the next scheduled meeting, or until a meeting at the call of the Clerk.

- 3.7 If quorum is lost during a meeting for a period of 15 minutes, the Clerk may adjourn the meeting and the meeting stands adjourned until the next scheduled meeting, or until a meeting at the call of the Clerk.
- 3.8 Members participating electronically in a meeting shall be counted in determining whether a quorum of members is present at any point in time.

Meetings open to the public

- 3.9 All meetings, including appeal hearings, are open to the public subject to the Appeals Committee retiring to deliberate and to the exceptions set out in the *Statutory Powers Procedure Act* and the *Municipal Act, 2001*. The Appeals Committee retires to deliberate in the absence of the public and the parties. The statutory exceptions may result in a meeting being closed to the public or to the public and to the parties to an appeal hearing.
- 3.10 Before closing a meeting, the Appeals Committee passes a motion to close the meeting and the motion states that the meeting is a closed meeting and the reasons why the meeting is closed.
- 3.11 All meetings begin and end in public.

Transcripts

- 3.12 A party may arrange, at their own expense, for the attendance of a qualified verbatim reporter for the purpose of recording testimony and submissions during an appeal hearing and preparing a transcript. Permission is not required for this, but the Appeals Committee should be informed in advance of the appeal hearing so that the meeting room can be set up to accommodate the verbatim reporter.

PART 4 – DECISIONS

Consideration of Business Licence Decision Notice or Property Standards Order

- 4.1 The Appeals Committee considers,
- (1) a Business Licence Decision Notice and decides to confirm, modify or rescind the refusal, revocation, suspension of or imposition of conditions on a business licence; or
 - (2) a Property Standards Order and decides to confirm, modify or rescind the Order including deciding whether to extend the time to comply.

Interim/Procedural and Final Decisions

- 4.2 The Appeals Committee may give an interim/procedural decision orally only and not writing and need not provide reasons for an interim/procedural decision.
- 4.3 The Appeals Committee may give a final decision orally, followed by a written decision or may give only a written decision. The Appeals Committee provides reasons for a final decision.
- 4.4 The Appeals Committee may reserve either an interim/procedural decision or a final decision.
- 4.5 The Chair who presided at the appeal hearing signs any written decision (in ink or electronically).
- 4.6 The Clerk sends the Appeals Committee's Decision Notices to the Appellant.

PART 5 – PUBLIC INFORMATION

- 5.1 Information, including forms, documents and statements submitted to the Appeals Committee relating to an appeal, is an adjudicative record that is a public record available to parties, participants and the general public.
- 5.2 In accordance with section 27 of the *Municipal Freedom of Information and Protection of Privacy Act*, the provisions protecting individual privacy in Part 2 of the Act do not apply to any information collected in the Appeals Committee's prescribed forms and associated filings for appeals.
- 5.3 A request for relief from sections 5.1 and 5.2 may be made in writing to the Clerk who, after appropriate consultation, will determine the response to the request and inform the requestor.

BURLINGTON APPEALS COMMITTEE

CODE OF CONDUCT

The Burlington Appeals Committee has adopted this Code of Conduct for the guidance of its Members and to assist Members in performing their duties in a manner which will promote the public's confidence in the Burlington Appeals Committee's fairness, integrity and independence.

It is recognized that the Code of Conduct cannot anticipate all possible fact situations in which Members may be called on to exercise judgement as to the appropriate standard of conduct. When this occurs, Members are to ensure that their decisions maintain the Burlington Appeals Committee's fairness, integrity and independence.

Failure to comply with this Code of Conduct may result in the Burlington Appeals Committee,

- (1) requesting an apology from the Member; and/or
- (2) the Member not being selected to hear matters for all or a portion of their term.

1. FAIRNESS

Members shall act in an impartial, lawful and just manner following all relevant legislation including by-laws and common-law.

2. GOOD CONDUCT

Members shall act with honesty and integrity including,

- acting in a manner that contributes to the public's confidence in the Burlington Appeals Committee;
- not expressing personal views on matters before the Burlington Appeals Committee where this is likely to impair public confidence in the Burlington Appeals Committee; and
- not engaging in conduct that may, or may appear to, constitute an abuse of their position as a Member.

3. PROCEEDINGS

Members shall maintain proper control over proceedings to ensure that parties have an equal and fair opportunity to present their case including.

- making all reasonable efforts to conduct proceedings in a manner that is understandable by all parties, whether or not they are represented; and

- demonstrating respect for everyone who is involved in a proceeding.

4. COLLEGIALLY

Members shall respect and co-operate with other Members and City staff.

5. BIAS AND CONFLICT OF INTEREST

Members shall avoid situations of real or apparent bias or conflict of interest, including,

- approaching every proceeding and every issue in a proceeding with an open mind and avoiding doing or saying anything to cause any person to think otherwise;
- basing decisions on an application of the relevant law to the evidence presented in each case and not on irrelevant considerations;
- not participating in a proceeding when the Member (or another person with whom the Member has close personal or professional relationship) has a financial or other private interest that may be affected by the proceeding or its outcome;
- not accepting a gift or benefit that may appear as being offered because they are a Member; and
- not appearing before the Burlington Appeals Committee on their own behalf or as a representative on behalf of any party.

6. CONFIDENTIAL INFORMATION

Members shall not disclose to any member of the public any confidential information acquired by virtue of their position.

Confidential information includes any Burlington Appeals Committee discussion when it retires to deliberate.

7. MEDIA COMMUNICATION

Except for the Chair, who may accurately communicate a decision, Members shall not comment to the media.

Should the media contact a Member directly, the Member shall refer the media to the Chair or, in the absence of the Chair, to the Vice Chair.

BURLINGTON APPEALS COMMITTEE

RECORDING AND BROADCASTING POLICY

Guiding Principles:

The purpose of the Policy, made under the authority of the *Statutory Powers Procedure Act*, is to govern the recording/broadcasting of proceedings of the Burlington Appeals Committee.

The Burlington Appeals Committee must balance public access to its proceedings with the fair administration of justice. Accordingly, requests to record/broadcast proceedings are balanced with,

- ensuring proceedings are accessible to the public;
- ensuring proceedings take place without impediment;
- ensuring witnesses at proceedings do not feel constrained; and,
- ensuring the rights of parties at a proceeding to a fair appeal hearing are not compromised.

Each appeal hearing must be fair, with the rights of the parties protected. As such, subject to section 2 of this Policy, prior permission from the Burlington Appeals Committee is required for recording/broadcasting on a hearing-by-hearing basis.

Definitions:

In this Policy,

“broadcasting”, in all its forms, means the live or recorded transmission, by electronic means, of a photograph, motion picture, video recording or other recording capable of producing an aural or visual representation of an appeal hearing; and,

“recording”, in all its forms, means taking, by electronic means, a photograph, motion picture, video recording or other recording capable of producing an aural or visual representation of an appeal hearing.

Recording/Broadcasting Appeal Hearings:

1. An appeal hearing before the Burlington Appeals Committee may not be recorded/broadcast unless prior permission has been given by the Burlington Appeals Committee.

A statement will be read at the start of the meeting by the Burlington Appeals Committee indicating that this is the case.

2. Despite section 1,
 - (a) Prior permission is not required to transmit live alphanumeric communications about an appeal hearing to a publicly accessible medium (for example, Twitter or a live blog) or to make an aural recording as notes for the purposes of reporting on an appeal hearing. The Burlington Appeals Committee may act to limit these activities, in accordance with this Policy modified as necessary, if concerns under sections 3 or 4 arise during an appeal hearing.
 - (b) Permission will not be given to record/broadcast appeal hearings or portions of appeal hearings that are closed in accordance with the *Statutory Powers Procedure Act* when members of the public and the media cannot attend.
 - (c) As set out in the Burlington Appeals Committee Rules of Practice and Procedure, a party may arrange, at their own expense, for the attendance of a qualified verbatim reporter for the purpose of recording all testimony and submissions during an appeal hearing and preparing a transcript. Permission is not required for this, but the Burlington Appeals Committee should be informed in advance of the appeal hearing so that the meeting room can be set up to accommodate the verbatim reporter.
3. A request to record/broadcast a Burlington Appeals Committee hearing may be made to the Burlington Appeals Committee. The Burlington Appeals Committee may permit the request if the Members are satisfied that,
 - (a) access to an appeal hearing by the Members of the Burlington Appeals Committee, the other participants in the appeal hearing as well as the members of the public and the media attending will not be impeded;
 - (b) the appeal hearing will not be disrupted or delayed;
 - (c) no prejudice to any party in the appeal hearing will result;
 - (d) no participants, including the parties, will be negatively impacted (for example, an individual participating as a witness may be reluctant to testify or testify fully); and
 - (e) the privacy interests of participants will be protected.
4. In determining whether to permit a request made under section 3, the Chair of the Burlington Appeals Committee will ask the parties and any witnesses about any concerns they may have.

In addition, the Burlington Appeals may hear submissions from any other interested person.
5. The Burlington Appeals Committee may permit a request made under section 3 subject to any conditions necessary to ensure the concerns raised under sections 3 and 4 are

addressed. This may include limiting permission to only a part or parts of an appeal hearing.

6. The Burlington Appeals Committee may, at any time during an appeal hearing, withdraw or limit their permission to record/broadcast under section 5, if the concerns raised under sections 3 or 4 are no longer addressed.
7. A recording/broadcast of an appeal hearing permitted under section 2(a) or section 5 may be used only for the dissemination of news and information in a manner that is consistent with the Canadian Association of Broadcasters Code of Ethics.