


TERMS OF REFERENCE

	Committee:	Licensing Committee
	Administered By:	Manager of Licensing & Enforcement
	Approval Date:	DRAFT
	Replaces:	Licensing Committee – August 14, 2023
	Attachment(s):	Appendix: Schedule A

1. COMMITTEE NAME

This committee shall be known as the Licensing Committee.

2. MANDATE

- 2.1. The Licensing Committee is a special purpose body that has the delegated authority by Council to hear matters related to licenses being issued, revoked, suspended or having conditions placed upon it or as listed in Schedule “A” appendix. The Committee shall make its decisions based on evidence presented at its hearings.
- 2.2. The Licensing Committee is responsible for upholding the Licensing and Short- Term Rental By-Laws and conducting its administrative affairs in accordance with Town policies and procedures.
- 2.3. It is the responsibility of the secretary of the Licensing Committee to accept all appeals for processing, upon submission by an appellant.
- 2.4. It is the responsibility of the Licensing Committee to hear and determine all appeals in accordance with the procedures established under the provisions of the Statutory Powers Procedure Act, as amended.
- 2.5. When an appeal has been received, the Town shall give notice or direct that notice be given of such hearing to the appellant within 10 days of such hearing.
- 2.6. The Manager of the Licensing and Enforcement Services Division will be the Staff Liaison for the Licensing Committee. A staff representative from the division will provide information to assist the Committee in reaching decisions.

3. SCOPE

- 3.1. The Licensing Committee Terms of Reference apply to appointed members of the committee for the duration of their appointment.
- 3.2. The Terms of Reference shall be reviewed and updated periodically at the discretion of the Town Clerk, or designate.

4. DEFINITIONS

- 4.1. **Special purpose body** - a committee created by Council to exercise a legislative or quasi-judicial power. The committee has the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's webpage.

5. INTERPRETATIONS

Any reference in this document to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. GENERAL CONDITIONS

6.1. Committee Composition

- 6.1.1. The committee shall consist of five (5) lay members appointed by Council. The committee members shall:
 - 6.1.1.1. be a tenant or owner of land in the Town, or spouse of such owner or tenant
 - 6.1.1.2. 18 years of age or older
 - 6.1.1.3. have demonstrated expertise, interest, and involvement in the sector(s) of the specified committee
 - 6.1.1.4. fairly represent the sector(s) of the specified committee
 - 6.1.1.5. commit the time required to work on the Committee
 - 6.1.1.6. sign a statement affirming a commitment to abide by Code of Conduct
- 6.1.2. The following qualifications should be considered for appointing members to the Licensing Committee:
 - 6.1.2.1. Dispute resolution, mediation, law, and/or tribunal experience.
 - 6.1.2.2. Experience serving on a judicial or quasi-judicial board or committee.
 - 6.1.2.3. Experience with municipal or law enforcement services and the relevant legislation.
- 6.1.3. In the event a member finds it necessary to resign, he/she shall notify the Town Clerk in writing.

6.2. Committee Meeting Schedule

- 6.2.1. The Licensing Committee will be scheduled to meet as required.
- 6.2.2. If a member is unable to attend a meeting, he/she should inform the staff liaison or Chair.
- 6.2.3. If a member is absent from three meetings within a calendar year, the member shall be removed from the board/committee.
- 6.2.4. When it is necessary to cancel a meeting (due to inclement weather or prior knowledge of lack of quorum), if time permits, the members should be contacted to advise of the cancellation.

6.2.5. Committee meetings are open to the public and are subject to the provisions of Section 239 of the Municipal Act, 2001. Members of the public who are in attendance shall not interfere with the conduct of the Committee.

6.2.6. Meetings shall not conflict with regular meetings of Council, or other committee meetings.

6.3. **Renumeration**

6.3.1. Renumeration will be paid to members for each meeting attended in accordance with the appointing by-law.

6.4 **Parliamentary Procedural Rules**

6.4.1 In any case where provision is not made in the Procedural By-Law or the Municipal Act, then the Chair shall have regard for Robert's Rules of Order for assistance in the conduct of the meeting.

6.4.2 The conduct of the proceedings shall be in accordance with the Statutory Power and Procedure Act, as amended.

7. **RESPONSIBILITIES**

7.1. **Council** has the authority and responsibility to:

7.1.1. Through by-law, establish and maintain a Licensing Committee to have delegated authority to hear matters relating to licensing issues.

7.1.2. Approve the Terms of Reference for the Licensing Committee.

7.2. The **Clerk** has the authority and responsibility to:

7.2.1. Record the minutes of the meeting including resolutions, decisions and other proceedings at the meeting, without note or comment, in accordance with section 228(1)(a) of the Municipal Act.

7.2.2. Ensure the committee elects or re-elects the Chair and Vice-Chair on an annual basis.

7.3. The **Secretary** has the authority and responsibility to:

7.3.1. Accept appeals for processing submitted by appellants and administrative functions related to the Licensing Committee.

7.4. **Chair** has the authority and responsibility to:

7.4.1. Operate under the Town's Procedural By-law;

7.4.2. Facilitate the meeting by identifying the order of proceedings and speakers according to the published agenda;

7.4.3. Ensure active participation by all members;

7.4.4. Maintain decorum and ensure fairness and accountability;

7.4.5. Generally refrain from participation in the discussion until all members have had an opportunity to speak to the matter;

- 7.4.6. Refrain from making decisions. The Chair can only run a meeting in a fair and efficient manner when the will of the majority prevails after the minority has had a fair chance to present its point of view.
- 7.4.7. Assist staff liaison when possible or when requested.

7.5. **Staff Liaison** has the authority and responsibility to:

- 7.5.1. Provide advice to ensure that any recommendations proposed by the committee do not contradict the Town's budget, by-laws or policies and procedures.

8. REFERENCES AND RELATED DOCUMENTS

- 8.1. Municipal Act, 2001
- 8.2. Statutory Powers Procedure Act, 1990

APPENDIX



The Corporation of The Town of Amherstburg

271 Sandwich St. South, Amherstburg, ON N9V 2A5
www.amherstburg.ca

Appendix Name: Schedule "A"

Scheduled "A"

1. Appeals from applicants refused a short-term rental licence in accordance with Short Term Rental By-law 2023-059, as amended.
2. Appeals from Short Term Rental owners who were assessed demerit points and/or had their Short-Term Rental licence suspended and/or revoked.