

Chapter 17
Appeals Committee By-law



1. Title and Scope
 - 1.1 This By-law is enacted under the authority of the *Municipal Government Act*, SNS 1998, c. 18 including Section 172.
 - 1.2 This By-law shall be known and may be cited as the “Appeals Committee By-law” of the Municipality of the County of Colchester.
2. Definitions
 - 2.1 In this By-law:
 - 2.1.1 “Act” means the *Municipal Government Act*, SNS 1998, c. 18;
 - 2.1.2 “Appeals Committee” means the committee established pursuant to this By-law;
 - 2.1.3 “By-law” means a by-law adopted by Council;
 - 2.1.4 “Council” means Council for the Municipality of the County of Colchester;
 - 2.1.5 “Councillor” means a person elected to Council, and for the purposes of this By-law, includes the mayor;
 - 2.1.6 “Municipality” means the Municipality of the County of Colchester;
 - 2.1.7 “Policy” means a policy adopted by Council.
3. Appeals Committee
 - 3.1 Council hereby establishes the Appeals Committee.
 - 3.2 The Appeals Committee will consist of five Councillors appointed by Council. A quorum of three members is required for the Appeals Committee to conduct business.
 - 3.3 All decisions are by the majority of member in attendance. There shall not be any abstentions and a refusal to vote will be treated as a negative vote. If the vote of the members results in a tie vote the motion shall be deemed to be defeated.
 - 3.4 The members of the Appeals Committee will be appointed for a two (2) year term unless the member is removed or resigns.

- 3.5 There shall not be any Ex Officio members on the Appeals Committee.
- 3.6 A member of the Appeals Committee will be eligible for re-appointment.
- 3.7 If any member of the Appeals Committee ceases holding office during the member's term on the Appeals Committee, that member's appointment to the Appeals Committee is vacated effective immediately.
- 3.8 Should a Councillor vacancy occur on the Appeals Committee, for any reason other than the expiration of the term of a member, Council will within 30 days of notification thereof, appoint a Councillor to fill the vacancy, and the Councillor so appointed will hold office for the remainder of the term of the member to whose place they were appointed.
- 3.9 The Appeals Committee will, at its first meeting of each two year term, elect from its members, a Chairperson and Vice-Chairperson. The Vice-Chairperson will act in the absence of the Chairperson.
- 3.10 The members of an Appeals Committee may be assisted by staff, legal counsel, or other advisors if deemed necessary for the hearing.
- 3.11 The Appeals Committee may determine the practice and procedures regarding the conduct of appeals.

4. Fees

- 4.1 Where an appeal to the Appeal Committee is unsuccessful, the person who made the appeal may be required to pay the fees that are set by Council policy under the authority of this By-Law, which may include the cost of Municipal resources such as hearing costs and staff costs.
- 4.2 Any fees levied under this By-law shall be due within 30 days of the official invoice date and are payable to the Municipality.
- 4.3 In addition to any fees levied pursuant to this section:
 - 4.3.1 Interest on any fees shall accrue, starting 30 days after the date of such fee, at a rate set from time to time by the Municipality; and
 - 4.3.2 Any such fees that remain outstanding for an excess of 30 days, including the interest as it accrues, may be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to section 507 of the Act.
- 4.4 All fees collected become the property of the Municipality.

5. Jurisdiction

- 5.1 The Appeals Committee will hear all appeals that are directed to the Appeals Committee by a By-law or by Policy.

5.2 The Appeals Committee may exercise the same authority and discretion conferred on Council by the Act, a By-law or Policy.

6. Effective Date and Application

This By-law is effective the date of publication of the approval of the By-law in accordance with the Act and shall apply to any proceedings for which a notice of appeal has not yet been filed.