

## **South Huron Animal Control Tribunal Terms of Reference**

The Municipal Act, 2001, permits Council to delegate its authority to create a quasi-judicial body to hear appeals with respect to animal control.

### **1. Name**

The name of the Tribunal is the Municipality of "South Huron Animal Control Tribunal"

### **2. Mandate**

The South Huron Animal Control Tribunal (the "Tribunal") is an independent quasi-judicial tribunal that reviews the decisions of the Animal Control Officer and By-Law Enforcement Officer.

The Tribunal has the authority to:

- a) Confirm the determination of a Vicious or Potentially Vicious Dog Order; or
- b) Rescind the determination of a Vicious or Potentially Vicious Dog Order;
- c) Confirm, modify or rescind the Order and/or extend the time for complying with Order
- d) Make any the Animal Control Officer or By-Law Enforcement Officer could have made, or direct that the owner do anything under the Animal Control By-Law, as the Tribunal considers proper and for such purpose may substitute its opinion for that of the Animal Control Officer or By-Law Enforcement Officer.

### **3. Enabling Legislation, By-Law or Staff Report:**

The South Huron Animal Tribunal is established under the authority of the Animal Control By-Law 21-2018, as amended.

The Animal Control Tribunal is required to adhere to the provisions outlined in Animal Control Tribunal Rules of Procedure amended from time to time.

The Tribunal operates under the authority of the *Statutory Powers and Procedure Act*. The Tribunal hears appeals from the decisions of the Animal Control Officer and By-Law Enforcement Officer that carry right of appeal to the Tribunal as set out in South Huron Animal Control By-Law 21-2018.

### **4. Board Size and Composition**

The Tribunal is comprised of all of the members of Council including one member appointed as Chair. Each meeting is conducted by a tribunal panel of all the members.

## **5. Term**

The term of appointment of members to the Tribunal is four years coincident with the term of Council. Members continue to serve until their successors are appointed.

## **6. Chair**

The Tribunal member will select a Chair from within the membership at the first hearing of each year and the Chair may rotate on an annual basis or as deemed necessary by the Tribunal members.

If the Chair is not present within the first ten minutes of a Tribunal meeting or is absent through illness or otherwise, the Tribunal shall select another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

The Chair of the Tribunal is responsible for:

- Chairing any necessary meetings of the Tribunal in accordance with the Animal Control Tribunal Rules of Procedure;
- Acting as the lead representative and spokesperson for the Tribunal;
- Preparing the Report to Council on the Tribunal activities;
- Ensuring that hearing practices of the Tribunal are fair and effective;
- Ensuring quality and consistency of tribunal decisions and that the Tribunal carries out its functions and meets its obligations;
- Liaison with Municipal staff on administrative support matters;
- Responding to information and privacy related matters respecting the Tribunal.

## **7. Member Responsibilities**

Tribunal members are responsible for:

- Reviewing materials filed with each application they hear;
- Rendering a written decision based on the information presented;
- Attending meetings of the Tribunal and when not possible to attend send regrets in advance.

## **8. Tribunal Hearing Procedure**

Meetings of the Tribunal shall be governed by South Huron Animal Control Tribunal Rules of Procedure (the "Rules of Procedure"). The frequency of meetings is on an as-needed basis (at the availability of the individuals involved). Posting of the Tribunal meeting agenda on the South Huron website shall constitute notice of a Tribunal meeting.

An annual activity report will be submitted to Council. The decision of the Tribunal is final.

## **9. Quorum:**

A majority of the membership (4 Members) constitutes a quorum. If a quorum is not present within (15) minutes of the times fixed for the commencement of the meeting, the Tribunal meeting will be rescheduled to a future date.

## **10. Administration**

The Clerk of the municipality or designate shall follow the administrative practices and procedures as established for the Tribunal and shall carry out any other duties required to implement the Tribunal decisions.

The Secretary will ensure that agendas, minutes and decisions are properly communicated using South Huron's website or other means necessary.

The records emanating from meetings of the Municipality of South Huron Animal Control Tribunal shall be retained and preserved by the Municipality of South Huron in accordance with South Huron's Record Retention By-Law.

## **11. Open and Closed Meetings**

Hearings are subject to the Animal Control Tribunal Rules of Procedure requirements and are open to the public with the exception of situations where the Tribunal is of the opinion that 9(1)(a) or (b) of the Statutory Powers Procedure Act applies to the information submitted.

Members of the public are entitled to reasonable access to all information submitted to the Tribunal, where the Tribunal is of the opinion that 9(1)(a) or (b) of the Statutory Powers Procedure Act applies.

## **12. Members and Chair Remuneration**

Where the Municipality of South Huron has received an appeal under the Animal Control By-Law, staff from the Municipal Clerk's Office will provide administrative support to the Tribunal and the Clerk, or designate shall act as Secretary.

Tribunal members will receive remuneration for their participation in accordance with South Huron Council Remuneration Policies. Administration costs for such items as printing and mailing will be absorbed within the Municipal Clerk's operating budget.

## **13. Code of Conduct and Conflict of Interest**

All members will govern under the Code of Conduct as adopted by Council.

If a member has, at any time, a conflict of interest in relation to a particular issue or interest they must declare this conflict of interest under the agenda order of

business. The conflict of interest is to be properly documented by the Secretary and recorded in the minutes.

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary, in writing and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

#### **14. Errors/Omissions**

The accidental omission to give notice of any meeting of the Tribunal to its members or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the committee may at any time waive notice of any meeting.

#### **15. Review**

A review of these Terms of Reference will be undertaken every four years, and presented to Council for adoption or more frequently if deemed necessary by the Tribunal.

The Clerk has delegated authority to make administrative changes to these Terms of Reference that may be required from time to time due to legislative changes, or if, in the opinion of the Clerk, the amendments do not change the intent of the Terms of Reference.

#### **16. Council Adoption**

Terms of Reference adopted by the Council of the Municipality of South Huron on November 19, 2018 by By-Law 85-2018.