

## Report to Corporate Services Committee

**To:** Chair and Members  
Corporate Services Committee  
**From:** Michael Schulthess, City Clerk  
**Subject:** Appointment of Hearings Officers to Conduct Hearings under Various City of London By-laws and to Serve on the Property Standards Committee  
**Meeting on:** June 17, 2024

## Recommendation

That, on the recommendation of the City Clerk, the following actions be taken with respect to the appointment of Hearings Officers to conduct Hearings under various City of London by-laws:

- a) the proposed by-law as attached as Appendix “A” being “A by-law to approve the appointments of Hearings Officers in accordance with By-law A.-6653-121, as amended”, **BE INTRODUCED** at the Municipal Council meeting to be held on June 25, 2024;
- b) the proposed by-law as attached as Appendix “B” to amend By-law No. CP-24 being “A by-law to provide standards for the maintenance and occupancy of property and to repeal By-law CP-16” to repeal Schedule “A” and amend s.7.2, **BE INTRODUCED** at the Municipal Council meeting to be held on June 25, 2024; and
- c) the Civic Administration **BE AUTHORIZED** to undertake all administrative acts that are necessary for these appointments.

## Previous Reports

March 21, 2023 – Community and Protective Services Committee – [Appointment of Hearings Officers to Property Standards Committee](#)

February 21, 2023 – Corporate Services Committee – [Appointment of Hearings Officers to Conduct Hearings under Various City of London By-laws](#)

May 11, 2021 – Community and Protective Services Committee – [Property Standards By-law](#)

March 9, 2020 – Corporate Services Committee – [Appointment of Hearings Officers to Conduct Hearings under Various City of London By-laws](#)

June 19, 2018 – Corporate Services Committee – [Appointment of Hearings Officers to Conduct Hearings under Various City of London By-laws](#)

April 13, 2011 – Finance and Administration Committee – Appointment of Hearings Officers to Conduct Hearings under Various City of London By-laws

## Background

The Municipal Council, at its meeting held on April 18, 2011, enacted “A By-law to establish the positions of Hearings Officer” to hear appeals under various City by-laws and to approve the “Rules of Practice and Procedure for Hearings Before a Hearings Officer”, pursuant to Section 23.1 of the *Municipal Act, 2001* and the *Statutory Powers Procedure Act*.

Further, at its meeting held on May 25, 2021, the Municipal Council enacted CP-24 “A by-law to provide standards for the maintenance and occupancy of property and to repeal By-law CP-16 being a by-law prescribing standards for the maintenance and occupancy of property”. This by-law is commonly referred to as the [Property Standards](#)

[By-law](#). This by-law updated Section 7: Establishment of a Committee, specifically related to:

- provision of the Property Standards Committee;
- appointment of Hearings Officers to the Property Standards Committee as a schedule to the by-law;
- forthwith fill for vacancy; and
- establishing administrative direction on remuneration, election of a chair, majority quorum, secretary role and maintenance of records, committee adoption of rules and procedures, and notice of hearing.

## Discussion

Hearings Officers have been appointed by the Municipal Council and delegated the authority to hear appeals under various City by-laws. In most cases, a single Hearings Officer conducts the hearings and issues a final decision with reasons. Property Standards By-law appeals require a minimum of three Hearings Officers to hear the appeals and issue a final decision with reasons. With additional Hearings Officers, for efficiency, it is recommended that the By-law be amended to permit the committee to be organized into multiple panels, with a minimum of three officers per panel in accordance with the provisions of *Building Code Act*.

The Hearings Officers have been rotating the responsibilities for conducting hearings based on the availability of the individual. This has provided flexibility in setting hearing dates and has resulted in timely responses to appeals.

The [Hearings Officer By-law](#) requires Hearings Officers to be Canadian citizens and possess the following:

- knowledge and prior experience in administrative law;
- be of good character;
- ability to carry out a fair and impartial hearing;
- ability to write a clear and concise decision;
- ability to communicate effectively with the public;
- an understanding of *Statutory Powers Procedure Act*; and,
- an understanding of the *Municipal Act, 2001*.

The Civic Administration has completed a targeted recruitment to seek additional qualified individuals to serve as Hearings Officers. Four individuals have expressed an interest in appointment and meet the qualifications as set out in the Hearings Officer By-law. These individuals have a record of community service and strong commitment to diversity and inclusion. The applicants have each submitted their qualifications, a summary of which are attached as Appendix “C” to this report for the information of the Municipal Council.

## Conclusion

The Civic Administration is committed to providing flexibility and timely responses to appeals and is therefore recommending that the Municipal Council appoint Karen Hulan, Jack Huber, Leslie Ibouily, and Stephen Gibson as additional Hearings Officers to assist with the appeals workload and to serve on the Property Standards Committee.

**Submitted by:** Sarah Corman  
Deputy City Clerk

**Recommended by:** Michael Schulthess JD MPA CMO  
City Clerk

Tara Pollitt  
Deputy City Manager, Legal Services  
City Solicitor

## Appendix “A” – By-law Appointing New Hearings Officers

Bill No.  
2024

By-law No.

A by-law to approve the appointments of Hearings Officers in accordance with By-law A.-6653-121, as amended, being “A by-law to establish the positions of Hearings Officer”.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, as amended permits a municipal Council to delegate its powers and duties to an individual who is an officer of the municipality;

AND WHEREAS the Council of The Corporation of the City of London enacted By-law No. A.-6653-121 being “A by-law to establish the positions of Hearings Officer” on April 18, 2011 and amended on June 26, 2018 and May 25, 2021;

AND WHEREAS the Council of The Corporation of the City of London wishes to appoint Stephen Gibson, Jack Huber, Karen Hulan, and Leslie Ibouily as Hearings Officers in accordance with By-law A.-6653-121, as amended, being “A by-law to establish the positions of Hearings Officer”;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Stephen Gibson, Jack Huber, Karen Hulan, and Leslie Ibouily be hereby appointed as Hearings Officers in accordance with By-law A.-6653-121, as amended, being “A by-law to establish the positions of Hearings Officer”.
2. This by-law comes into force and effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on June 25, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First reading – June 25, 2024  
Second reading – June 25, 2024  
Third reading – June 25, 2024

## Appendix “B” – By-law to Amend CP-24 Property Standards By-law

Bill No.  
2024

By-law No. CP-24-

A by-law to amend By-law No. CP-24, being “A by-law to provide standards for the maintenance and occupancy of property and to repeal By-law CP-16” to repeal Schedule “A” and amend s.7.2.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS the Official Plan for the City of London includes provisions relating to conditions of maintenance and occupancy of properties;

AND WHEREAS section 15.1 of the *Building Code Act* provides that the Council may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring property that does not conform with the standards to be repaired and maintained with the standards on the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;

AND WHEREAS the Municipal Council on May 25, 2021, passed By-law No. CP-24, being “A by-law to provide standards for the maintenance and occupancy of property and to repeal By-law CP-16;”

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. CP-24 with respect to the appointments of Hearings Officers to the Property Standards Committee;

NOW THEREFORE the Municipal Council of The Corporation of the City of London hereby enacts as follows:

1. That Schedule “A” to By-law No. CP-24 be repealed.
2. That Section 7.2 of By-law No. CP-24 be amended in its entirety to read as follows: “The Committee may organize itself into panels of of no less than three persons to adjudicate matters. The Committee members appointed to the Committee are those Hearings Officers appointed by Council and Committee members shall remain in office at the pleasure of Council.”
3. This by-law comes into force and effect on the day it is passed subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on June 25, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First reading – June 25, 2024  
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## Appendix “C”– Summary of Qualifications

### **Karen Hulan**

Karen Hulan is a Partner with Beckett Personal Injury Lawyers in London. She has been practicing in the areas of personal injury and insurance law since 2003. In her practice, Karen represents clients in court and in provincial and federal tribunals.

Karen is an elected Lawyer Bencher with the Law Society of Ontario. She is an Adjudicator with the Law Society Tribunal that hears and renders decisions in regulatory cases between the Law Society and Ontario's lawyers and paralegals.

Karen has volunteered in many legal and community organizations in London and Ontario and was the President of the Middlesex Law Association where she served as a Board Trustee for several years. She has authored and presented legal papers and been a guest speaker at a variety of legal associations' events.

### **Jack Huber**

Jack Huber will soon be retiring as a municipal prosecutor with the County of Elgin and has prosecuted Part I and Part III Provincial Offence matters for over 20 years, including a term as the Manager of Provincial Offences Prosecutions for the City of London.

Jack is a lawyer with a Master of Laws degree in Criminal Law and Procedure and served as the Standing Agent for 11 years as a Prosecutor with the Public Prosecution Service of Canada, handling all federal charges pursuant to the Controlled Drugs and Substances Act in the County of Elgin.

Jack was an instructor in the Paralegal Program at Fanshawe College for four years and is currently an approved Tutor through the Law Society of Ontario for both Paralegal and Lawyer candidates preparing for the Bar examinations. Recently, Jack has been appointed as a 'Coach' and 'Advisor' with the Law Society of Ontario, assisting lawyers who are experiencing challenges in their practice.

Jack is also designated as a 'mentor' with the Provincial Prosecutors Association, providing advice and guidance on procedural and ethical issues that arise during Provincial Offence matters.

### **Leslie Ibouily**

Leslie Ibouily is a lawyer practicing at Shillington McCall LLP. Leslie received her Bachelor of Laws from the University of Toulouse 1 Capitole in France. In addition, Leslie holds two Master of Laws degrees, one from the University of Ottawa and the other from Osgoode Hall Law School. Her current law practice focuses on insurance defence, including accident benefits, breach of fiduciary duty, and tort claims.

Leslie has worked for multiple regulatory bodies and major insurance companies, specializing in investigations, regulatory compliance, and regulatory litigation. In addition to serving her clients, Leslie is involved with Fanshawe College as a Professor at the Lawrence Kinlin School of Business.

A committed community volunteer, Leslie is currently a board trustee of the Middlesex Law Association, Wellkin Child & Youth Mental Wellness, and Leads Employment. She is also a member of the Canadian Black Lawyers Association, L'Association des juristes d'expression française de l'Ontario, and the Canadian Defense Lawyers Association.

## **Stephen Gibson**

Stephen Gibson has been actively engaged in legal practice since his call to the bar in 1984, specializing in litigation and municipal law. Most recently, he served as the in-house County Solicitor for the Corporation of the County of Elgin. With extensive experience in municipal law, Stephen handled prosecutions in Provincial Offences Court, particularly focusing on violations of municipal by-laws and provincial regulatory statutes.

Stephen holds a Bachelor of Arts (with distinction) from Carleton University and a Bachelor of Laws from Queen's University.

During his career, Stephen worked as a lawyer at Williams McEney & Davis in Ottawa and as a partner at Hennessey Gibson Hogan in St. Thomas, where he performed and supervised litigation services at all levels of Ontario Courts and specific administrative boards and tribunals. He was also appointed as a part-time Crown Attorney for Elgin and served as Regional Counsel and External Prosecutor for the Ministry of Natural Resources.