

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
Meeting on: February 21, 2023

Recommendation

That, on the recommendation of the City Clerk, the attached proposed by-law (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 March 7, 2023.

Previous Reports

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*.

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.

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*.

Appendix 'A' – By-law Appointing New Hearings Officers

Bill No.
2023

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 Margaret Buist and Gerry Macartney 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. Margaret Buist and Gerry Macartney 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.

PASSED in Open Council on March 7, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading – March 7, 2023
Second reading – March 7, 2023
Third reading – March 7, 2023

Appendix 'B' – Summary of Qualifications

Margaret Buist

Margaret Buist has been a senior executive in the federal public service in Ottawa for the past twenty years (retiring in spring 2023). She has been a lawyer for 37 years and had a private practice in London, Ontario from the mid 1980's to 2002 where she practiced family law and was a public prosecutor for the Ministry of Transportation.

Margaret appeared at all levels of court from provincial offences court as a prosecutor to the Ontario Court of Appeal in her private practice. Since moving to Ottawa in 2002 she has held senior positions in the Department of Justice, Crown Indigenous Relations, and currently as Vice President of the Canadian Northern Development Agency.

Margaret has written a legal textbook on Aboriginal Law for Halsbury's Canada which is now in its third edition. In addition to this book, Margaret has many years of experience writing succinct reports and strategic briefing materials for Ministers, parliamentary committees and legal conferences.

As a member of the Ontario bar and as an Assistant Deputy Minister in the federal government Margaret is a leader in diversity and inclusion and believes strongly in access to both the justice system and other public institutions. She is past president of the Ottawa chapter of Autism Ontario.

Gerry W. Macartney

Gerry Macartney is the recently retired CEO of the London Chamber of Commerce and brings over 40 years of management and community leadership experience. Gerry established the local Chamber as one of the top five legislative policy producers in the country with effective and meaningful contributions at all three levels of government over a 24-year span.

Gerry has been actively engaged in the community having served as a director on numerous Boards and Commissions, chief among them, the London Health Sciences Centre (8 years), the LEDC (where he facilitated the original founding of the organization), (10 years) and the London Club (4years). A founding member of the City of London Economic Road Map, the Past-President of the Ontario Chamber of Commerce Executives, a Steering Committee member for the Ontario Economic Summit (6 years) and the Founding Co-Chair of the Sarnia Lambton Economic Development Commission to name a few.

Gerry authored the first Diversity and Inclusion Plan for the Board and Staff of the London Chamber and was a key contributor to the drafting of the Ontario Chamber's first province-wide diversity and inclusion plan which is embedded in today's provincial Chamber network.

Gerry also served as a Panel Member on the Board of Referees Tribunal, HRDC, Employment Insurance Board for ten years hearing in-person appeals with the aim of finding a fair and equitable outcome within the parameters set out in the EI Act. Gerry gained experience writing and delivering decisions.

As a Sole Proprietor Consultant, Gerry has delivered over 55 professional strategic plans for a variety of not-for-profits, educational institutions, agricultural organizations, financial institutions, NGOs and chambers of commerce.