

(4) Decision Final. The decision of the Building Code Commission is final. 1992, c.23, s.24(4)

(5) Restrictions on Members. Members of the Building Code Commission holding a hearing shall not,
(a) take part before the hearing in any investigation or consideration of the subject-matter of the hearing; or
(b) communicate directly or indirectly in relation to the subject-matter of the hearing with any person unless all parties are given notice and allowed to participate. 1992, c.23, s.24(5)

(6) Independent Advice. Despite subsection (5), members of the Building Code Commission may seek independent legal or technical advice but the nature of the advice shall be made known to the parties in order that they may make submissions. 1992, c.23, s.24(6)

(7) Evidence. The findings of fact at a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. 1992, c.23, s.24(7)

(8) Restriction. Members of the Building Code Commission shall not participate in a decision of the Commission pursuant to a hearing unless they were present throughout the hearing. 1992, c.23, s.24(8)

(9) Idem. Except with the consent of the parties, no decision of the Building Code Commission shall be given unless all members present throughout the hearing participate in the decision. 1992, c.23, s.24(9)

(10) Release of Evidence. Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released by the Building Code Commission to that person within a reasonable time after the matter in issue has been finally determined. 1992, c.23, s.24(10)

25.- (1) Appeal of Orders and Decisions.

Any person who considers himself aggrieved by an order or decision made by an inspector or chief building official under this Act or the regulations, except a decision not to issue a conditional permit under subsection 8(3), may, within twenty days after the order or decision is made, appeal the order or decision to a judge of the Superior Court of Justice. 1992, c.23, s.25(1); 2002, c.9, s.40(1)

(2) Extension of Time. A judge to whom an appeal is made may, upon such conditions as the judge considers appropriate, extend the time for making the appeal before or after the time set out in subsection (1), if the judge is satisfied that there is reasonable grounds for the appeal and for applying for the extension. 1992, c.23, s.25(2)

(3) Effect of Appeal. If an appeal is made under this section in respect of a matter in which a question is pending before the Building Code Commission, the proceeding before the Commission is terminated. 1992, c.23, s.25(3)

(4) Powers of Judge. If an appeal is made under this section, the judge shall hold a hearing and may rescind or affirm the order or decision of the inspector or chief building official or take such action as the judge considers the inspector or chief building official ought to take in accordance with this Act and the regulations and, for such purpose, may substitute his or her opinion for that of the inspector or chief building official. 1992, c.23, s.25(4)

(5) Reference to Commission. A judge may refer a question respecting the interpretation of the technical requirements of the building code or the sufficiency of compliance with the technical requirements of the building code to the Building Code Commission for a hearing and report to the judge. 1992, c.23, s.25(5)

(6) Procedure. The procedure on the reference shall be the same as on an application under section 24. 1992, c.23, s.25(6)

(7) Stay of Order or Decision. An appeal under subsection (1) does not stay the operation of the order or decision appealed from but a judge may, on such terms as are just, stay the operation of the order or decision until the disposition of the appeal. 2000, c.26, Sched. K, s.1

26.- (1) Further Appeal. A party to the hearing before the Superior Court of Justice under section 25 may appeal from the decision to the Divisional Court. 1992, c.23, s.26(1); 2002, c.9, s.41(1)

(2) Minister Represented. The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. 1992, c.23, s.26(2)

(3) Powers of Court. An appeal under this section may be made on any question that is not a question of fact alone and the court may,

- (a) confirm or alter the decision of the judge;
- (b) direct the inspector or chief building official to do any act he or she is authorized to do under this Act;
- (c) refer the matter back to the judge for reconsideration; or
- (d) substitute its opinion for that of the inspector or chief building official or the judge. 1992, c.23, s.26(3)

27.- (1) Service. A notice or order required by this Act to be served may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service. 1992, c.23, s.27(1)