

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: December 17, 2018

CASE NO(S): PL111184

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1042710 Ontario Limited (aka Royal Centre)
Appellant:	1096818 Ontario Inc.
Appellant:	11333 Dufferin St et al
Appellant:	1191621 Ontario Inc.; and others
Subject:	Failure to announce a decision respecting Proposed New Official Plan
Municipality:	City of Vaughan
OMB Case No.:	PL111184
OMB File No.:	PL111184
OMB Case Name:	Duca v. Vaughan (City)

Heard: October 17, 2018 in Vaughan, Ontario

APPEARANCES:

Parties

Counsel

City of Vaughan (“City”)

Bruce Engell and Effie Lidakis

List of Appellants

See Schedule 1

Parties in attendance

See Schedule 2

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON
OCTOBER 17, 2018 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This proceeding was a further Pre-hearing Conference (“PHC”) to address appeals to the 2010 Vaughan Official Plan (“VOP”). The 168 appeals have been managed according to various categories by area or subject matter. This proceeding addressed appeals in the “Other Site-Specific” and “Other Development Applications” categories.

[2] Prior to this PHC, a motion from Solmar Inc. (Appeal #3) to resolve its appeal on settlement, was deferred to the November 30, 2018 PHC on consent.

OUTSTANDING APPEALS

[3] The City advised that many of the remaining appeals in the “Other Site-Specific” and “Other Development Applications” categories are moving towards resolution. However, for those appeals that are not progressing, the City requested direction from the Tribunal that the Appellants produce draft Procedural Orders (“PO”) with Issues Lists (“IL”) 30 days before the next PHC. The City had advised the Parties that it would be making this request. No objections were received from other counsel present.

[4] The Tribunal gave the requested direction based on four weeks before the next PHC, as set out in the Order below.

SCHEDULED HEARINGS

[5] The City produced a PO with IL on consent for each of three appeals and requested that hearings be scheduled. The Tribunal approved each PO and scheduled hearings as set out in the Order below. The Parties will advise the Tribunal at a future PHC if fewer days are needed for any of these hearings.

WITHDRAWN APPEALS

[6] Prior to the PHC, the City filed a motion advising that Appeal #127 (Monica Murad) and Appeal #138 (Taurasi) had been withdrawn and requesting approval of the Vaughan Official Plan, including the modifications of the City and Regional Municipality of York, as it pertains to the lands affected by these appeals.

[7] On the sworn Affidavit of David Marcucci, Registered Professional Planner, the Tribunal finds the VOP, as it pertains to the lands affected by Appeals #127 and #138, to have regard to matters of provincial interest under s. 2 of the *Planning Act*, to conform with the Growth Plan for the Greater Golden Horseshoe, to be consistent with the Provincial Policy Statement, to conform with the Regional Official Plan and to represent good planning in the public interest. The VOP is approved for these lands as set out in the Order below.

ORDER

[8] The Tribunal orders as follows.

[9] The next PHC will commence at **10 a.m.** on **Wednesday, March 6, 2019** at:

**Vaughan City Hall
Multi-Purpose Room
2141 Major Mackenzie Drive West
Vaughan, ON**

[10] For each appeal listed on Schedule 3, a draft Procedural Order (“PO”) with Issues List (“IL”) is to be provided by the Appellant to the City by **February 6, 2019**.

[11] For Appeal #77 (Langvalley Holdings), the PO is approved as set out in Schedule 4 and the hearing is set for **4 days** to commence at **10 a.m.** on **Tuesday, October 1, 2019** at:

**Vaughan City Hall
Hearing Room
2141 Major Mackenzie Drive West
Vaughan, ON**

[12] For Appeal #141 (Tien De Religion), the PO is approved as set out in Schedule 5 and the hearing is set for **8 days** to commence at **10 a.m.** on **Monday, March 2, 2020** at:

**Vaughan City Hall
Hearing Room
2141 Major Mackenzie Drive West
Vaughan, ON**

[13] For Appeal #148 (Liberata D'Aversa), the PO is approved as set out in Schedule 6 and the hearing is set for **3 days** to commence at **10 a.m.** on **Wednesday, November 20, 2019** at:

**Vaughan City Hall
Hearing Room
2141 Major Mackenzie Drive West
Vaughan, ON**

[14] The Tribunal orders that in accordance with the provisions of s. 17(50) of the *Planning Act* (the "Act"), R.S.O. 1990, c. P.13, as amended, the City of Vaughan Official Plan (2010), as adopted by the City on September 7, 2010 subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, and as modified and endorsed by the Regional Municipality of York on June 28, 2012, is approved as it applies to lands which were previously subject to the appeal of Monica Murad (Appeal #127) and to the lands known as the Taurasi lands and Former Taurasi lands (Appeal #138).

[15] No further notice will be given.

[16] This Tribunal Member is not seized.

“S. Tousaw”

S. TOUSAW
MEMBER

If there is an attachment referred to in this document
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE 1

APPELLANT	APPEAL	REPRESENTATIVE
1042710 Ontario Ltd.	4	Patricia A. Foran / Patrick Harrington
Briardown Estates Inc.	33	Patrick Harrington
Amar Transport Inc.	84	
1406284 Ontario Inc.	164	
Glenwood Property Management Ltd. and The Gupta Group	165	David Bronskill
Highway 27 Langstaff GP Ltd.	2	Susan Rosenthal
Highway 27 Langstaff GP Ltd.	22	
Longyard Properties Inc.	23	
Solmar Inc.	3	Michael Melling / Meaghan McDermid
Tesmar Holdings Inc.	4	
1668872 Ontario Inc.	5	
77 Woodstream Inc.	25	
Block 40/47 Developers Group Inc.	28	
York Major Holdings Inc.	55	
1539253 Ontario Inc.	68	
Celebration Estates Inc.	96	
Overriver Holdings Ltd.	98	
Block 66 West Landowners Group Inc.	125	
Teston Green Landowners Group	149	
Block 42 Landowners Group	151	
Lucia Milani and Rizmi Holdings Ltd.	62	
Teston Villas Inc.	152	
Teston Sands Inc.	162	
2264319 Ontario Inc.	6	Ira T. Kagan
Block 41-28E Developments Limited, Block 41-28W Developments Ltd., 1212765 Ontario Inc. and 1213763 Ontario Ltd.	35	
7040 Yonge Holdings Ltd. and 72 Steeles Holdings Ltd.	38	
2 Steeles Avenue West Ltd.	39	
Auto Complex Ltd.	40	
Castlepoint Huntington Ltd.	49	

APPELLANT	APPEAL	REPRESENTATIVE
Salz & Son Ltd.	51	
Monarch Castlepoint Kipling North & South	154	
Queen's Quay Avante Limited	155	
Haulover Investments Ltd.	7	Jeffrey Streisfield
David and Kathy Lundell	42	
Portside Developments (Kipling) Inc.	116	
Mario Tedesco	117	
York Region Condominium Corporation 730	137	Reza Fakhim / Ali Shojaat / Domenica Perruzza
Baif Developments Limited	8	Roslyn Houser / Michael Stewart / Joseph Hoffman
Costco Wholesale Canada Ltd.	9	
Wal-Mart Canada Corp.	10	
First Vaughan Investments Inc., Ruland Properties Inc. and Skyrange Investments Inc.	72	
Calloway REIT (Sevenbridge) Inc.	73	
LTF Real Estate Company, Canada Inc. ("Life Time")	134	
TDL Group Corp.	41	Michael S. Polowin / Denise Baker
McDonald's Restaurants of Canada Ltd.	42	
A&W Food Services of Canada Inc.	43	
Wendy's Restaurants of Canada Inc.	44	
Ontario Restaurant Hotel & Motel Association	45	
West Rutherford Properties Ltd.	16	Bruce C. Ketcheson
Ozner Corporation	17	
836115 Ontario Inc.	18	Barry Horosko
1191621 Ontario Inc.	19	
Granite Real Estate Inc. (formerly MI)	20	
1834375 Ontario Ltd.	29	
1834371 Ontario Ltd.	30	
Delisle Properties Ltd.	34	
1541677 Ontario Inc.	43	
Novagal Development Inc.	52	
2159645 Ontario Ltd. (Liberty)	56	
Nine-Ten West Limited	80	
Cedarbrook Residential	103	

APPELLANT	APPEAL	REPRESENTATIVE
Allegra on Woodstream Inc.	112	
588701 Ontario Limited	124	
2128475 Ontario Corp.	146	
1030328 Ontario Inc.	147	
Caldari Land Development Corporation	150	
Hollywood Princess Convention and Banquet Centre Ltd.	50	Quinto M. Annibale / Steven Ferri
MCN (Pine Valley) Inc.	57	
785345 Ont. Ltd and I & M Pandolfo Holdings	59	
Kirbywest Ltd.	66	
Royal 7 Developments Limited	84	
Maple Industrial Landowners Group	118	
Blue Sky Entertainment Corp.	126	
Holcim (Canada) Inc.	129	
2203012 Ontario Limited	130	
Blair Building Materials Inc.	131	
10350 Pine Valley	163	
Lormel Developments Ltd.	167	
Blackwood Realty Fund I Limited Partnership	24	
2117969 Ontario Inc.	106	
Midvale Estates Ltd.	107	
Potestas Properties Inc.	108	
Covenant Chapel	115	
Ivanhoe Cambridge II Inc.	142	
Roybridge Holdings Ltd., Vaughan West II Ltd., and Squire Ridge Investment Ltd.	26	Susan D. Rogers
Adidas Canada Ltd., 2029832 Ontario Inc., and Conair Consumers Products Inc.	27	
John Duca	113	
RioCan Holdings Inc. (Coulter's Mills Marketplace)	31	Joel D. Farber
RioCan Holdings Inc. (Springfarm Marketplace)	32	
Riotrin Properties (Langstaff) Inc., SRF Vaughan Property Inc., and SRF Vaughan Property II Inc.	36	
Riotrin Properties (Vaughan) Inc., Riotrin Properties (Vaughan2) Inc. and Riotrin Properties (Vaughan3) Inc.	48	

APPELLANT	APPEAL	REPRESENTATIVE
RioCan Holdings Inc. (Centre Street Corridor)	82	
1306497 Ontario Inc. (Sisley Honda)	133	
Ms. Ronni Rosenberg	37	Amber Stewart
Canadian Fuels Association	44	
Imperial Oil Ltd.	74	N. Jane Pepino
Country Wide Homes (Pine Valley Estates) Inc.	166	
Home Depot Holdings Inc.	44	
Granite Real Estate Inc. and Magna International Inc.	110	Steven A. Zakem
350 Creditstone Investments	143	
Lerwood Holdings Incorporated	158	
Casertano Development Corporation and Sandra Mammone	45	
Danlauton Holdings Ltd.	46	
1529749 Ontario Inc. (the "Torgan Group")	47	
Suncor Energy Products Partnership	54	
GST Canada Co.	85	
2157160 Ontario Inc.	99	Mary Flynn-Guglietti / Annik Forristal
Woodbridge Farmers Co. Ltd., 1510904 Ontario Ltd., and 1510905 Ontario Ltd.	100	
1693143 Ontario Inc. and 1693144 Ontario Inc.	101	
Antonia & Bertilla Taurasi	138	
390 Steeles West Holdings Inc.	153	
398 Steeles Avenue West Inc.	160	
165 Pine Grove Investments Inc.	53	Adam J. Brown / Jessica Smuskowitz
1525233 Ontario Inc.	97	
Estates of Gladys Smith	58	
Palmerston Properties Limited	122	Robert Miller
Yerk Condominium Corporation 499	139	
2090396 Ontario Ltd.	60	
Arthur Fisch & 1096818 Ontario Inc.	61	
H&L Title Inc. & Ledbury Investments Ltd.	75	Mark R. Flowers
Centre Street Properties Inc.	78	
Vogue Investments Ltd.	79	
Teefy Developments Inc.	63	Chris Barnett

APPELLANT	APPEAL	REPRESENTATIVE
281187 Ontario Ltd.	64	Gerard C. Borean
L-Star Developments Group	65	
Kipco Lands Development Inc.	86	
Lanada Investments Limited	87	
Market Lane Holdings Limited	88	
Gold Park (Woodbridge) Inc.	89	
Mrs. Anna Greco	90	
Luigi Bros. Paving Company Ltd.	94	
Mr. Silvio Di Giammarino	94	
1034933 Ontario Ltd.	120	
Luigi Bros. Paving Company Ltd.	128	
Concetta Marciano	135	
Pro Catering Ltd.	136	
Michael Termini, Salvatore Termini and Rosa Bancheri	145	
Blue Water Ranch Developments Inc.	67	Daniel Artenosi / Christopher J. Tanzola / Kelly Oksenberg
Berkley Commercial (Jane) Inc.	119	
Teresa Marando	123	
FCF Old Market Lane 2013 Inc.	140	
Liberata D'Aversa	148	
8188 Master Holding Inc.	157	
2058258 Ontario Ltd. (Forest Green Homes)	69	Christopher J. Williams / Andrea Skinner
Royal Group Inc.	70	Robert J. Gray
Ms. Traci Shatz	76	Aynsley L. Anderson
Langvalley Holdings	77	Nicholas T. Macos
K & K Holdings Limited	132	
Anland Developments Inc.	83	Laura Bisset
United Parcel Service Canada Ltd.	92	Tim Bermingham
Camelot on 7 Inc. and Elia Breda	93	Paul R. Bottos
Weston Downs Ratepayers Association	95	Anthony Francescucci
Mr. Alex Marrero	102	Alex Marrero
Tien De Religion Lands	141	Alan Heisey
TDC Medical Properties Inc.	105	Stephen D'Agostino
Mr. Antonio Di Benedetto	109	Self-Represented
Bentall Kennedy (Canada) LP	111	James Harbell /

APPELLANT	APPEAL	REPRESENTATIVE
		Patrick Duffy / Maggie Bassani
Toromont Industries Ltd.	114	Michael Miller / Alexandra Schwarz
Monica Murad	127	Micheal Simaan
Seven 427 Developments Inc.	144	Valeria Maurizio / Johanna Shapira
Kau & Associates LP	74	Caterina Facciolo
Trimax on Islington	104	
Dufferin Vistas Ltd.	24	David Bronskill
Country Wide Homes Woodend Place Inc.	121	Jane Pepino
Tan-Mark Holdings Limited & Telast Enterprises Inc.	156	Alexander Burton-Vulovic
Tan-Mark Holdings Limited, Gino Matrondola and Telast Enterprises Inc.	168	
2464879 Ontario Inc. and Ultra Towns Inc.	159	Leo Longo
The Ravines of Islington Encore Inc.	161	

<u>Parties</u>	<u>Party No.</u>	<u>Representative</u>
Region of York	A	Pitman Patterson / Bola Ogunmefun
Ministry of Municipal Affairs and Housing	B	Kenneth G. Hare / Ugo Popadic
Toronto and Region Conservation Authority	C	Jonathan Wigley / June Little
PEARLS Inc.	D	Bruce McMinn
UPS Canada	E	Tim Birmingham
611428 Ontario Ltd.	F	David Bronskill / Nick Staubitz
York Region Catholic District School Board	G	Tom McCrae / Christine Hyde
York Region District School Board	H	Gilbert Luk
FCHT Holdings (Ont) Corp	I	Steven A. Zakem
Magna International Inc. and Granite Real Estate Inc.	J	
CNR	K	Alan Heisey
Alex & Michelle Marrero (5859 Rutherford)	L	
Ivanhoe Cambridge Inc.	M	John Alati
Vaughan 400 North Landowners Group Inc.	N	Michael Melling

Parties	Party No.	Representative
1233389 Ontario Inc.	Q	Alan Heisey
Sustainable Vaughan	P	Stephen Roberts
RioCan Holdings Inc.	Q	Joel Farber
Brownridge Ratepayers Association	R	Mario G. Racco
Joseph & Teresa Marando	S	Garmine Marando
Velmar Centre Property Ltd.	T	Michael Melling
Argo Lumber Inc., Alpa Trusses Inc.	U	Thomas Barlow / Sarah Jane Turney
Roybridge Holdings Ltd., Vaughan West II Ltd. and Squire Ridge Investment Ltd.	V	Susan D. Rogers
Adidas Canada Ltd., 2029832 Ontario Inc. and Conair Consumers Products Inc.	W	Susan D. Rogers
Part of Block 50 Landowners Group	X	Thomas Barlow
Sidney Isenberg (Medallion Fence Ltd.)	Y	Shelly Isenberg
Liberta D'Aversa (now Appeal 148)	Z	Gregory Gryguc
One-Foot Developments Inc.	AA	Thomas Barlow / Sarah Jane Turney
Two Seven Joint Venture Limited	AB	
Anatolia Capital Corp.	AC	
Di Poce Management Limited	AD	
Toromont Industries Ltd.	AE	
John Simone	AF	
Domenic Simone	AG	
Silvia Bellissimo	AH	
Enza Cristello	AI	
Maria Simone	AJ	
Anthony Simone	AK	
Annarita Guida	AL	
Cole Engineering Group Ltd.	AM	
Teresa Marando	AN	

Participants	No.	Representative
Block 27 Landowners	1	Michael Melling / Matthew Di Vona
City of Brampton	2	Roberto Zuech
Antonio DiBenedetto	3	Self

Participants	No.	Representative
Americo Ferrari	4	joseph.jgp@gmail.com
Crown Heights Coop Housing	5	Ellen Schacter Inc.
Maria, Yolanda, Laura, Guiseppe Pandolfo and Cathy Campione	6	Guiseppe Pandolfo
Brownridge Ratepayers Association	7	Mario G. Racco
Bellaterra Corporation	8	Gerard C. Borean
Mary Mauti and Elisa Testa	9	Mary Mauti & Elisa Testa
The Village of Woodbridge Ratepayers Association	10	Maria Verna

SCHEDULE 2

Sign in Sheet

LPAT Prehearing Oct 17, 2018

Solicitor	Client	Appeal #
Joel Farber	Riolan/Sisley	32/82
Jeffrey Stresfeld	Harlowe 8100 Yanse	Yanse Steeles SP
Chris Tamada / Michael Cara		67/140/148/157
Nick Macos	Long Valley	77
A Miltiken Hersey	CNR Rail	3/ 141
	Town de Religion	141
Quinto Annibale	MCN Pine Valley Inc	57
	Caldari Land Development Cooperation	150/3
	Rutherford Land Development Corporation	3/150
Jonathan Mehmetallah	Toronto Region Conservation Authority	77/141/ 148
ANTONIO DI BENEDETTO	© PEELAR RD.	
Gillian Gondosch for Gerard Borean	281187 Ontario Ltd. and others	
NADIA KADEI (DAVIES HOWE)	1539253 Ontario Inc.	68
	2090396 Ontario Inc.	60
	2017969 Ontario Inc.	106
	Arthur Fisch & Ontario Inc.	61
	Block 40/47 Developers Group Inc.	28
	Block 202 Landowners Group.	157
	Block 66 West Landowners Group.	125
	H&L Title Inc. & Ledbury Investments	175
	Ivanhoe Cambridge II Inc.	142
	Midvale Estates Ltd.	107
	Solmar Inc.	3
	Teston Green Landowners Group	149
Phil STEWART (Pound Stewart & Jones)	131+155 Residential Court	149

SCHEDULE 3	APPEAL
APPELLANT	
Wal-Mart Canada Corp.	10c
RioCan Holdings Inc. (Springfarm Marketplace)	32
David and Kathy Lundell	42
Danlauton Holdings Ltd.	46
MCN (Pine Valley) Inc.	57
Lucia Milani and Rizmi Holdings Ltd.	62
Royal Group Inc.	70
2157160 Ontario Inc.	99
Block 66 West Landowners Group Inc.	125
Caldari Land Development Corporation	150
Block 42 Landowners Group	151
Teston Villas Inc.	152

SCHEDULE 4

LOCAL PLANNING APPEAL TRIBUNAL

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Langvalley Holdings
Subject: Failure of the Regional Municipality of York to announce a decision respecting the proposed new Official Plan for the City of Vaughan
Municipality: City of Vaughan
LPAT Case No.: PL111184
LPAT File No.: PL111184

PROCEDURAL ORDER – LANGVALLEY HOLDINGS APPEAL #77

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. The hearing will begin on **Tuesday, October 1, 2019** at 10:00 a.m., at the City of Vaughan Municipal Building, OMB Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario.
3. The length of the hearing will be 4 days.
4. The parties and participants to this proceeding are listed in **Attachment 1**.
5. The Issues are as set out in the Issues List attached as **Attachment 2**. There will be no additions to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. Any person intending to participate in the hearing should provide a telephone number to the Tribunal as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address and phone number as soon as possible.

Requirements Before the Hearing

7. There will be a further pre-hearing conference on **Wednesday, March 6, 2019** at 10:00 a.m., at the City of Vaughan Municipal Building, OMB Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario. At that further pre-hearing, the parties will provide any refinements of the Issues List and length of

hearing required resulting from on-going discussions between the parties and their respective experts.

8. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal, the other parties and to the Clerk a list of the witnesses, their professional qualifications, their areas of expertise, completed Acknowledgement of Expert's Duty, the precise area and discipline in which they will seek to be qualified to provide expert testimony, and the intended order in which the witnesses will be called during the hearing. This information must be delivered on or before **Tuesday, July 9, 2019**. Any challenge by a Party to the qualifications or expertise of a witness must be filed with the Tribunal with supporting reasons within 30 days.
9. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 11. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7 of the Tribunal's *Rules of Practice and Procedure*. If the expert witness has prepared any report(s) that he/she intends to rely on at the hearing, and which did not form part of the submissions made to the City such report(s) shall be provided to the other parties at the same time as the delivery of expert witness statements, as in section 11.
10. A participant must provide to the Tribunal and the parties a participant statement consisting of a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any which the participant will refer to at the hearing, on or before **Tuesday, August 6, 2019**, or the participant may not give oral evidence at the hearing.
11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in section 11.
12. On or before **Tuesday, August 6, 2019** the parties shall provide copies of their witness and expert witness statements to the other parties and to the Clerk.
13. On or before **Tuesday, September 3, 2019**, the parties shall provide any reply witness statements responding to any written evidence received to the other parties.
14. On or before **Tuesday, September 3, 2019**, the parties shall provide copies of their visual evidence to the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.

15. A person wishing to change written evidence, including witness statements, must make a motion to the Tribunal. Such a motion shall be in accordance with the Tribunal's Rule 10, which require that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.
16. A party who provides a witness' evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of the record.
17. Documents may be delivered in accordance with the Tribunal's Rules.
18. The Tribunal's file number PL111184 is to be clearly marked on all documents served by the parties or filed with the Tribunal.
19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.
20. The order of evidence shall be in accordance with **Attachment 3**.
21. The purpose of the Procedural Order and the meaning of the terms used in the Procedural Order are set out in **Attachment 4**.

This Member is not seized

So orders the Tribunal.

ATTACHMENT 1

LIST OF PARTIES

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
City of Vaughan	-	Bruce Engell Effie Lidakis	WeirFoulds LLP Toronto Dominion Centre 66 Wellington Street West, Suite 4100 Toronto, ON M5K 1B7 (t) (416) 947-5081 (f) (416) 365-1876 bengell@weirfoulds.com City of Vaughan 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 (t) (905) 832-8585 x8385 (f) (905) 832-6130 Effie.Lidakis@vaughan.ca
Langvalley Holdings	77	Nicholas Macos	Black, Sutherland LLP 130 Adelaide Street West Suite 3425, P.O. Box 34 Toronto, Ontario M5H 3P5 (t) 416-840-1319 (f) 416-361-1674 nmacos@blacksutherland.com
Toronto and Region Conservation Authority	C	Jon Wigley	Gardiner Roberts LLP Bay Adelaide Centre - East Tower 22 Adelaide Street West, Suite 3600 Toronto, ON M5H 4E3 (t) (416) 865-6655 (f) (416) 865-6636 jwigley@grllp.com

ATTACHMENT 2

ISSUES LIST

1. As they relate to the Langvalley Holdings lands, Is the delineation of the Core Features designation on Schedule 2 appropriate and is the boundary between the Employment Area designations and the Core Features designation on Schedule 13 appropriate given the characteristics of the lands and in light of the requirements of the applicable policy regimes and good planning?

ATTACHMENT 3
ORDER OF EVIDENCE

1. City of Vaughan
2. TRCA
3. Langvalley Holdings
4. City of Vaughan reply, if any

ATTACHMENT 4

Purpose of the Procedural Order and Meaning of Terms

The Tribunal recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Tribunal to order following the conference. The Tribunal will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Local Planning Appeal Tribunal, and the Tribunal's Rules, from the Tribunal Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-212-6349, or from the Tribunal website at <http://elto.gov.on.ca/tribunals/lpat/about-lpat>.

Meaning of terms used in the Procedural Order

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party. **NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Tribunal to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Tribunal on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Tribunal will set the time for hearing these statements. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Tribunal will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she

will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

Additional Information

Summons: A party who wishes to summons a witness shall make a request in writing to the Registrar. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.

SCHEDULE 5

LOCAL PLANNING APPEAL TRIBUNAL

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Tien De Religion
Subject: Failure of the Regional Municipality of York to announce a decision respecting the proposed new Official Plan for the City of Vaughan
Municipality: City of Vaughan
LPAT Case No.: PL111184
LPAT File No.: PL111184

PROCEDURAL ORDER – TIEN DE RELIGION APPEAL 141

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. The hearing will begin on **Monday, March 2, 2020** at 10:00 a.m., at the City of Vaughan Municipal Building, OMB Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario.
3. The length of the hearing will be 8 days.
4. The parties and participants to this proceeding are listed in **Attachment 1**.
5. The Issues are as set out in the Issues List attached as **Attachment 2**. There will be no additions to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. Any person intending to participate in the hearing should provide a telephone number to the Tribunal as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address and phone number as soon as possible.

Requirements Before the Hearing

7. There will be a further pre-hearing conference on **Wednesday, March 6, 2019** at 10:00 a.m., at the City of Vaughan Municipal Building, OMB Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario. At that further pre-hearing, the parties will provide any refinements of the Issues List and length of hearing required resulting from on-going discussions between the parties and their respective experts.
8. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal, the other parties and to the Clerk a list of the witnesses, their professional qualifications, their areas of expertise, completed Acknowledgement of Expert's Duty, the precise area and discipline in which they will seek to be qualified to provide expert testimony, and the intended order in which the witnesses will be called during the hearing. This information must be delivered on or before **Monday, December 9, 2019**. Any challenge by a Party to the qualifications or expertise of a witness must be filed with the Tribunal with supporting reasons within 30 days.
9. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 11. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7 of the Tribunal's *Rules of Practice and Procedure*. If the expert witness has prepared any report(s) that he/she intends to rely on at the hearing, and which did not form part of the submissions made to the City such report(s) shall be provided to the other parties at the same time as the delivery of expert witness statements, as in section 11.
10. A participant must provide to the Tribunal and the parties a participant statement consisting of a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any which the participant will refer to at the hearing, on or before **Friday, January 10, 2019**, or the participant may not give oral evidence at the hearing.
11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in section 11.
12. On or before **Friday, January 10, 2020** the parties shall provide copies of their witness and expert witness statements to the other parties and to the Clerk.

13. On or before **Monday, February 3, 2020**, the parties shall provide any reply witness statements responding to any written evidence received to the other parties.
14. On or before **Monday, February 3, 2020**, the parties shall provide copies of their visual evidence to the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
15. A person wishing to change written evidence, including witness statements, must make a motion to the Tribunal. Such a motion shall be in accordance with the Tribunal's Rule 10, which require that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.
16. A party who provides a witness' evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of the record.
17. Documents may be delivered in accordance with the Tribunal's Rules.
18. The Tribunal's file number PL111184 is to be clearly marked on all documents served by the parties or filed with the Tribunal.
19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.
20. The order of evidence shall be in accordance with **Attachment 3**.
21. The purpose of the Procedural Order and the meaning of the terms used in the Procedural Order are set out in **Attachment 4**.

This Member is not seized

So orders the Tribunal.

ATTACHMENT 1

LIST OF PARTIES

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
City of Vaughan	-	Bruce Engell Effie Lidakis	WeirFoulds LLP Toronto Dominion Centre 66 Wellington Street West, Suite 4100 Toronto, ON M5K 1B7 (t) (416) 947-5081 (f) (416) 365-1876 bengell@weirfoulds.com City of Vaughan 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 (t) (905) 832-8585 x8385 (f) (905) 832-6130 Effie.Lidakis@vaughan.ca
Tien De Religion	141	Alan Heisey	Papazian Heisey Myers Standard Life Centre Suite 510, 121 King Street West P.O. Box 105 Toronto, ON M5H 3T9 (t) (416) 601-2702 (f) (416) 601-1818 heisey@phmlaw.com
Toronto and Region Conservation Authority	C	Jon Wigley	Gardiner Roberts LLP Bay Adelaide Centre - East Tower 22 Adelaide Street West, Suite 3600 Toronto, ON M5H 4E3 (t) (416) 865-6655 (f) (416) 865-6636 jwigley@grllp.com

ATTACHMENT 2

ISSUES LIST

1. Are all or part of the Tien De Religion lands within the TRCA regulatory limits pursuant to Ontario Regulation 166/06, as amended?
2. Are the VOP 2010 designations of Schedule 1 -Natural Areas and Countryside, Schedule 2 - Core Features, and Schedule 13 – Natural Areas appropriate for all or part of the lands?
3. Is it appropriate to introduce permissions for a place of worship, residential uses and agricultural use in the Official Plan designation for all or part of the Tien De Religion lands?
4. Is it appropriate to designate all or part of the Tien De Religion lands to permit a place of worship, residential uses and agricultural use?
5. Would the introduction of a permission for a place of worship, residential uses and agricultural use in the Official Plan designation for all or part of the Tien De Religion lands be consistent with or conform to the Provincial Policy Statement, Region of York Official Plan, TRCA's Living City Policies and Ontario Regulation 166/06?
6. If all or part of the Tien De Religion lands are to be designated for a place of worship, residential uses and agricultural use, what are the appropriate policies for the lands?
7. If part of the Tien De Religion lands are to be designated for a place of worship, residential uses and agricultural use, what are the appropriate development limits?

ATTACHMENT 3
ORDER OF EVIDENCE

1. City of Vaughan
2. Toronto and Region Conservation Authority
3. Other parties in support
4. Tien De Religion
5. City of Vaughan reply, if any

ATTACHMENT 4

Purpose of the Procedural Order and Meaning of Terms

The Tribunal recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Tribunal to order following the conference. The Tribunal will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Local Planning Appeal Tribunal, and the Tribunal's Rules, from the Tribunal Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-212-6349, or from the Tribunal website at <http://elto.gov.on.ca/tribunals/lpat/about-lpat>.

Meaning of terms used in the Procedural Order

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party. **NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Tribunal to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Tribunal on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Tribunal will set the time for hearing these statements. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Tribunal will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

Additional Information

Summons: A party who wishes to summons a witness shall make a request in writing to the Registrar. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.

SCHEDULE 6

LOCAL PLANNING APPEAL TRIBUNAL

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Liberata D'Aversa
Subject: Failure of the Regional Municipality of York to announce a decision respecting the proposed new Official Plan for the City of Vaughan
Municipality: City of Vaughan
LPAT Case No.: PL111184
LPAT File No.: PL111184

PROCEDURAL ORDER – D'AVERSA APPEAL #148

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

Organization of the Hearing

2. The hearing will begin on **Wednesday, November 20, 2019** at 10:00 a.m., at the City of Vaughan Municipal Building, OMB Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario.
3. The length of the hearing will be 3 days.
4. The parties and participants to this proceeding are listed in **Attachment 1**.
5. The Issues are as set out in the Issues List attached as **Attachment 2**. There will be no additions to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. Any person intending to participate in the hearing should provide a telephone number to the Tribunal as soon as possible. Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address and phone number as soon as possible.

Requirements Before the Hearing

7. There will be a further pre-hearing conference on **Wednesday, March 6, 2019** at 10:00 a.m., at the City of Vaughan Municipal Building, OMB Hearing Room, 2nd Floor, 2141 Major Mackenzie Drive, Vaughan, Ontario. At that further pre-hearing, the parties will provide any refinements of the Issues List and length of hearing required resulting from on-going discussions between the parties and their respective experts.
8. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal, the other parties and to the Clerk a list of the witnesses, their professional qualifications, their areas of expertise, completed Acknowledgement of Expert's Duty, the precise area and discipline in which they will seek to be qualified to provide expert testimony, and the intended order in which the witnesses will be called during the hearing. This information must be delivered on or before **Monday, October 7, 2019**. Any challenge by a Party to the qualifications or expertise of a witness must be filed with the Tribunal with supporting reasons within 30 days.
9. An expert witness shall prepare an expert witness statement which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 11. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7 of the Tribunal's *Rules of Practice and Procedure*. If the expert witness has prepared any report(s) that he/she intends to rely on at the hearing, and which did not form part of the submissions made to the City such report(s) shall be provided to the other parties at the same time as the delivery of expert witness statements, as in section 11.
10. A participant must provide to the Tribunal and the parties a participant statement consisting of a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any which the participant will refer to at the hearing, on or before **Monday, October 21, 2019**, or the participant may not give oral evidence at the hearing.
11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in section 11.
12. On or before **Monday, October 21, 2019** the parties shall provide copies of their witness and expert witness statements to the other parties and to the Clerk.

13. On or before **Monday, November 4, 2019**, the parties shall provide any reply witness statements responding to any written evidence received to the other parties.
14. On or before **Monday, November 4, 2019**, the parties shall provide copies of their visual evidence to the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
15. A person wishing to change written evidence, including witness statements, must make a motion to the Tribunal. Such a motion shall be in accordance with the Tribunal's Rule 10, which require that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.
16. A party who provides a witness' evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of the record.
17. Documents may be delivered in accordance with the Tribunal's Rules.
18. The Tribunal's file number PL111184 is to be clearly marked on all documents served by the parties or filed with the Tribunal.
19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.
20. The order of evidence shall be in accordance with **Attachment 3**.
21. The purpose of the Procedural Order and the meaning of the terms used in the Procedural Order are set out in **Attachment 4**.

This Member is not seized

So orders the Tribunal.

ATTACHMENT 1

LIST OF PARTIES

Appellant / Party	Appeal/ Party No.	Representative	Contact Information
City of Vaughan	-	<p>Bruce Engell</p> <p>Effie Lidakis</p>	<p>WeirFoulds LLP Toronto Dominion Centre 66 Wellington Street West, Suite 4100 Toronto, ON M5K 1B7 (t) (416) 947-5081 (f) (416) 365-1876 bengell@weirfoulds.com</p> <p>City of Vaughan 2141 Major Mackenzie Drive Vaughan, ON L6A 1T1 (t) (905) 832-8585 x8385 (f) (905) 832-6130 Effie.Lidakis@vaughan.ca</p>
Liberta D'Aversa	148	Chris Tanzola	<p>Overland LLP Yonge Norton Centre 5255 Yonge Street Suite 1101 Toronto ON M2N 6P4 (t) (416) 730-0337 x112 (f) (416) 730-9097 ctanzola@overlandllp.ca</p>

ATTACHMENT 2

ISSUES LIST

1. Are the height and density provisions on Map 12.10.A of the Kipling Avenue and Highway 7 Area Specific Plan appropriate for the D'Aversa lands?
2. Is the specific requirement of Policy 12.10.1.5(a) limiting height within thirty (30) metres of a Low-Rise Residential designation to a maximum of 4 storeys or 12.8 metres (whichever is less) an appropriate restriction for the D'Aversa lands or are there other ways that an appropriate relationship to lands within a Low-Rise Residential designation can be achieved?

ATTACHMENT 3
ORDER OF EVIDENCE

1. City of Vaughan
2. Liberata D'Aversa
3. City of Vaughan reply, if any

ATTACHMENT 4

Purpose of the Procedural Order and Meaning of Terms

The Tribunal recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Tribunal to order following the conference. The Tribunal will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Local Planning Appeal Tribunal, and the Tribunal's Rules, from the Tribunal Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-212-6349, or from the Tribunal website at <http://elto.gov.on.ca/tribunals/lpat/about-lpat>.

Meaning of terms used in the Procedural Order

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party. **NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Tribunal to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Tribunal on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Tribunal will set the time for hearing these statements. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Tribunal will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

Written and Visual Evidence: **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

Witness Statements: A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

Additional Information

Summons: A party who wishes to summons a witness shall make a request in writing to the Registrar. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Tribunal;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Tribunal.