

**Environment and Land Tribunals
Ontario**

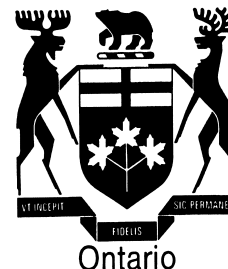
Local Planning Appeal Tribunal

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Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Tribunal d'appel de l'aménagement
local

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Toronto ON M5G 1E5
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PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Pamela Spence
Subject: By-law No. BL 2018-42
Municipality: Town of The Blue Mountains
OMB Case No.: PL180715
OMB File No.: PL180715
OMB Case Name: Spence v. Blue Mountains (Town)

NOTICE OF CASE MANAGEMENT CONFERENCE

The Local Planning Appeal Tribunal ("Tribunal") will conduct a case management conference for this matter.

This case management conference will be held:

at: 10:30 AM
on: Monday, April 15, 2019
at: Town Hall
Council Chambers
32 Mill Street, Thornbury
The Blue Mountains, ON N0H 2P0

The Tribunal has set aside **1 day** for this conference.

THE CASE MANAGEMENT CONFERENCE

The *Local Planning Appeal Tribunal Act, 2017* requires the Tribunal to conduct a case management conference after it has received a valid notice of appeal of the matter identified in the title of proceedings (above). The Appellant(s) and either the municipality or the approval authority, depending upon whose decision or non-decision has been appealed to the Tribunal, are the statutory parties in this proceeding. Persons other than the statutory parties, who wish to participate in the case management conference,

are required, by section 40 and 41 of the *Local Planning Appeal Tribunal Act, 2017*, to pre-file a written submission.

IF YOU ARE NOT THE APPELLANT(S) OR EITHER THE MUNICIPALITY OR THE APPROVAL AUTHORITY (DEPENDING UPON WHOSE DECISION OR NON-DECISION HAS BEEN APPEALED TO THE TRIBUNAL) IN THIS PROCEEDING, YOU MAY ONLY PARTICIPATE IN THE CASE MANAGEMENT CONFERENCE IF YOU FILE A WRITTEN SUBMISSION WITH THE TRIBUNAL REGISTRAR. THE WRITTEN SUBMISSION MUST BE SENT TO THE ATTENTION OF THE CASE COORDINATOR, **JOHN NORRIS** AT <<john.norris2@ontario.ca>> AND FILED IN PAPER COPY WITH THE REGISTRAR. YOUR SUBMISSION MUST BE RECEIVED **NO LATER THAN March 16, 2019**, WHICH IS 30 DAYS BEFORE THE DATE OF THE CASE MANAGEMENT CONFERENCE.

A COPY OF YOUR WRITTEN SUBMISSION IS TO BE PROVIDED TO THE APPELLANT(S) AND EITHER THE MUNICIPALITY OR THE APPROVAL AUTHORITY (DEPENDING UPON WHOSE DECISION OR NON-DECISION HAS BEEN APPEALED TO THE TRIBUNAL) (SEE CONTACT INFORMATION: ADDRESS, EMAIL IN SCHEDULE A ATTACHED).

THE PRE-FILING REQUIREMENTS FOR PERSONS WHO WISH TO PARTICIPATE IN THE CASE MANAGEMENT CONFERENCE

A) THE CONTENT OF THE WRITTEN SUBMISSION

A person other than the appellant(s), the municipality or approval authority who wishes to participate in an appeal initiated under subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19) or 51(34) of the *Planning Act* must file a written submission with the Tribunal Registrar. The submission must explain the nature of their interest in the matter and how their participation will assist the Tribunal in resolving the issues raised in the appeal. The submission is to explain whether any decision or non-decision of the municipality or approval authority, which is the subject of the appeal before the Tribunal:

- Is inconsistent with a Provincial Policy Statement,
- Fails to conform with a provincial plan, or
- Fails to conform with an applicable official plan.

Please note that a Case Management Conference Submission Form is available on the Tribunal's website.

B) FILING REQUIREMENTS FOR THE WRITTEN SUBMISSION

- The written submission (containing the content above) must be emailed to the assigned Tribunal Case Coordinator, **JOHN NORRIS** at <<john.norris2@ontario.ca>>, **at least 30 days** before the date of the case management conference. A paper copy of the document must also be filed with the Tribunal Registrar.
- A copy of the written submission shall be provided to either the municipality or to the approval authority, depending upon whose decision or failure to make a

decision is appealed, on the same day as it is emailed to the Tribunal: **at least 30 days** before the date of the case management conference.

- A copy of the written submission must also be provided to the Appellant(s) on the same day as it is emailed to the Tribunal: **at least 30 days** before the date of the case management conference.
- A certificate of service, in the form available on the Tribunal's website, shall be filed with the Tribunal Case Coordinator to confirm service of the written submission on the appellant(s) and either the municipality or the approval authority.

NOTE: THE TRIBUNAL MAY NOT EXTEND THE TIME PERIOD TO FILE THE WRITTEN SUBMISSION

THE CASE MANAGEMENT CONFERENCE

The Tribunal shall determine, from among the persons that have provided written submissions, whether that person may participate in the case management conference, and the terms upon which a person is allowed to participate.

A Tribunal may also appoint one person, who filed a written submission to represent a class of persons, as either a party or participant at the case management conference and at any hearing, or any other hearing event, that may be directed by the Tribunal.

At the case management conference, the Tribunal shall discuss opportunities for settlement, including the possible use of mediation or other dispute resolution techniques.

Please see the extract of Rule 26.20 of the LPAT Rules of Practice and Procedure attached to this notice for further details of the matters the Tribunal will discuss at the Case Management Conference.

FURTHER DIRECTIONS

The Tribunal shall issue a disposition following the Case Management Conference that will set out the directions of the Tribunal. A copy of this decision can be obtained from the Tribunal's website by reference to the above case number.

A person who is not granted party or participant status by the Tribunal at the case management conference is not permitted to participate in any further hearing event that is convened by the Tribunal for this appeal.

Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact

our Accessibility Coordinator as soon as possible. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

DATED at Toronto, this 15th day of January, 2019.

Mary Ann Hunwicks
Registrar

LOCAL PLANNING APPEAL TRIBUNAL RULES ON ADJOURNMENTS

17.01 Hearing Dates Fixed Hearing events will take place on the date set unless the Tribunal agrees to an adjournment. Adjournments will not be allowed that may prevent the Tribunal from completing and disposing of its proceedings within any applicable prescribed time period.

17.02 Requests for Adjournment if All Parties Consent If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the written consents of all parties. However, the Tribunal may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent. The consenting parties are expected to present submissions to the Tribunal on the application of any prescribed time period to dispose of the proceeding.

17.03 Requests for Adjournment without Consent If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 15 days before the date set for the hearing event. If the reason for an adjournment arises less than 15 days before the date set for the hearing event, the party must give notice of the request to the Tribunal and to the other parties and serve their motion materials as soon as possible. If the Tribunal refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

17.04 Emergencies Only The Tribunal will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witness cannot be obtained. The Tribunal must be informed of these emergencies as soon as possible.

17.05 Powers of the Tribunal upon Adjournment Request The Tribunal may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Tribunal will schedule a prehearing or case management conference on the status of the matter;
- (c) grant a shorter adjournment than requested;
- (d) deny the request, even if all parties have consented;
- (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
- (f) grant an indefinite adjournment, if the request is made by a party and is accepted by the Tribunal as reasonable and the Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule. In this case a party must make a request, or the Tribunal on its own initiative may direct, that the hearing be rescheduled or resumed as the case may be;
- (g) convert the scheduled date to a mediation or prehearing or case management conference;
- (h) issue a Notice of Postponement or a Notice of Resumption; or
- (i) make any other appropriate order.

April 3, 2018

