

SAMPLE

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

Appellant:

Subject: By-law No.

Municipality:

LPAT Case No.:

LPAT File No.:

NOTICE OF CASE MANAGEMENT CONFERENCE

The Local Planning Appeal Tribunal (“Tribunal”) will conduct a Case Management Conference (“CMC”) for this matter.

This CMC will be held:

AT:

ON:

AT:

The Tribunal has set aside **# day(s)** for this conference.

Hearing dates are firm – adjournments will not be granted except in the most serious circumstances, and only in accordance with the Tribunal’s *Rules of Practice and Procedure* (“Rules”) on adjournments (Rule 17, attached).

If you do not attend the CMC, the Tribunal may proceed in your absence and you will not be entitled to any further notice of these proceedings. The Tribunal may finalize the list of appellants, parties and/or participants at this CMC, and may order that no additional appellants, parties and/or participants be added or included in this proceeding, without leave of the Tribunal.

THE CASE MANAGEMENT CONFERENCE

The purpose of the CMC is set out in Rule 19.1 (attached) of the Rules. The CMC will deal with preliminary issues, that include the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Tribunal to determine your status for the hearing, you or your representative should attend the CMC and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents.

- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and provide a written statement to the Tribunal.
- **Identification of issues.**
- **Possibility of settlement and/or mediation of any or all of the issues** – the panel will explore with the parties whether the case before the Tribunal and the issues in dispute are matters that may benefit from mediation. Mediation is a voluntary process that encourages all sides in a dispute to get a better understanding of each other’s positions and fully explore and negotiate options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for pre-filing of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Draft Procedural Order** – parties are expected to meet before the CMC to consider a draft Procedural Order, as per Rule 19.2 (see Schedule A: Sample Procedural Order). An electronic version is also available on the Tribunal website.
- **Such further matters as the Tribunal considers appropriate.**

Everyone should come prepared to consider specific dates for proceedings in this matter.

All persons who wish to participate in this matter are expected to be prepared should the Tribunal convert the CMC to a settlement conference, a motion for procedural directions, or a preliminary hearing, where evidence or formal statements or submissions may be heard. Even when no settlement is reached, the Tribunal may proceed to make a final decision on any evidence received during the conference.

PARTY OR PARTICIPANT STATUS REQUEST:

Persons other than the appellant(s), applicant, municipality or approval authority who wish to participate in the proceeding, either as a party or as a participant, are expected to file a written status request with the Tribunal to outline their interest in the proceeding.

A written status request should be provided at least 10 days in advance of the CMC to:

- The assigned Tribunal Case Coordinator **NAME** at **EMAIL**.
- The municipality and the approval authority on the same day as it is emailed to the Tribunal Case Coordinator.
- The Applicant and the Appellant(s) on the same day as it is emailed to the Tribunal Case Coordinator.

The contact information for the parties is included in Schedule B.

A person must also bring a paper copy of their status request to the CMC to file with the Tribunal Member assigned to this matter.

The written status request will be reviewed and considered by the presiding Member at the CMC. It will also assist the Tribunal in organizing the hearing event. **Attendance by the requestor, or their representative, at the CMC is required for all status requests.**

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

Helpful links

A Party/Participant Status Request Form is available on the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/forms/>) and may be used to assist with the preparation of the request.

Please see Schedule C for relevant excerpts from the Tribunal's Rules.

FURTHER DIRECTIONS

Tribunal proceedings, including the CMC, are open to the public and all documents filed in a proceeding will be included in the Tribunal's public file (except those documents that may be deemed confidential in accordance with section 33(3) of the *Local Planning Appeal Tribunal Act, 2017*, as amended).

The Tribunal shall issue a disposition following the CMC that will set out the directions of the Tribunal. A copy of this decision may be obtained from the Tribunal's website (<https://olt.gov.on.ca/tribunals/lpat/e-decisions/>) by referencing the above case number.

Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au <<MAIN_PHONE>>, 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 XX day of XX, 2019.

Deputy Registrar

SCHEDULE A

Sample Procedural Order

SCHEDULE B

Contact information of statutory parties:

J. Smith

JSMITH@BLANK.CA

Town of somewhere

TOWN@SOMEWHERE.CA

SCHEDULE C

EXCERPT FROM LOCAL PLANNING APPEAL TRIBUNAL'S *RULES OF PRACTICE AND PROCEDURE*, ON DOCUMENTS, EXHIBITS, FILING, SERVICE, ROLES OF PARTIES, ADJOURNMENTS AND CASE MANAGEMENT CONFERENCES. THE FULL DOCUMENT IS AVAILABLE ON THE TRIBUNAL'S WEBSITE.