

# THE MUNICIPAL BOARD OF MANITOBA

## ***Procedure at Zoning By-law Hearings – re: Planning Act Appeals***

1. The Board is an “Independent Body” appointed by Order-in-Council and hearings before the Board are open to the public.
2. The hearing before the Board is a *de novo* or fresh hearing. It is separate and distinct from previous public hearings on the matter. It is not a debate or town hall meeting.
3. A party must, at least ten (10) working days prior to the hearing:
  - (a) serve one (1) copy of the written materials it intends to rely upon on each of the other parties as follows:
    - one (1) copy to the Planning District, if applicable;
    - one (1) copy to the Municipality, if applicable;
    - one (1) copy to the Appellant/Original Applicantand
  - (b) file four (4) copies of the written materials with the Board.
4. Any interested person who wishes to make a representation on the By-law, may make an oral and/or written submission to the Board. It is recommended that four (4) copies of the written submission be filed with the Board at least ten (10) working days prior to the hearing, failing which copies of the written submission must be provided to the Board and the parties at the hearing. Additional copies of the written submission should also be made available to the parties at the hearing.
5. The Municipality is responsible for housing all briefs and documents related to the matter at the Municipal office for public viewing.
6. If you wish to have service provided in French, please notify our office fifteen (15) days prior to the hearing.
7. On the day of the hearing, the Recording Secretary will ask for and confirm the names and contact information of persons wishing to make a representation.
8. The hearing will begin with the Recording Secretary announcing the matter to be heard. Hearings are recorded but transcripts are not prepared. You may contact the office for further information.
9. Although a quorum of the Board is two, the Board typically sits as a panel of three, one of whom acts as the Chair. The Chair will introduce the panel members and explain how the hearing will proceed. Questions about the proceedings may be asked at this time.
10. All evidence given at the hearing will be given under oath or affirmation.

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11. The Board requires all in attendance at the hearing to conduct themselves in a respectful manner, to take their turn, and not to interrupt the proceedings.
12. Each of the following parties, the Municipality/Planning District (as applicable) and Appellant/Original Applicant, will have an opportunity to make a presentation on the By-law and call witnesses. The other parties will have an opportunity to cross-examine the evidence presented. The Board may also question a party or witness on the evidence presented.
13. The Board will then hear submissions from any interested person who wishes to make a representation on the By-law. Once the submission is complete, the parties and the Board may question the person on their submission.
14. The Board reserves the right to set time limits for presentations and submissions.
15. Following the completion of all presentations, each party will have an opportunity to present closing submissions.
16. The Board, in dealing with the proposed By-law, must look at its duty which is set out in *The Planning Act*, as follows:

## **Decision of Municipal Board**

### **82.1(7) The Municipal Board must make an order**

- (a) rejecting the proposed amendment to the zoning by-law;**
- (b) confirming the proposed by-law or any part of it; or**
- (c) directing the board or council to alter the by-law in the manner it specifies.**

**The order may be subject to any terms or conditions the Municipal Board considers advisable.**

17. At the conclusion of the hearing the Chair will adjourn the proceedings. The panel will consider all of the evidence and make its decision within 60 days. A copy of the written Order and Decision, with supporting reasons, will be sent to the Appellant/Original Applicant, the Municipality or Planning District (as applicable), any other party to the appeal, and to every person who made a representation at the hearing and/or sent letters of objection or support.
18. The Board will not accept any information or evidence after the hearing has been adjourned.
19. The Order of the Board on an appeal is final and not subject to further appeal.
20. The Board has final discretion in the manner in which the hearing is conducted. The Board may in its discretion dispense with, vary or amend these procedures.