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Barristers and Solicitors

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March 24, 2015

Our File No. 114077

DELIVERED VIA ORDINARY MAIL

To Whom It May Concern:

**Re: Ontario Municipal Board Second Prehearing Conference
1401 Bronte Road, Town of Oakville
OMB Case No.: PL141318**

Official Plan Amendment: OPA 1530.07 and PL150064

We act on behalf of Bronte Green Corporation ("Bronte Green"), the beneficial owner of lands known municipally as 1401 Bronte Road in the Town of Oakville (the "Subject Lands"). The Subject Lands are within the southeast quadrant of the intersection of Bronte Road and Upper Middle Road and comprise what is currently the Saw-Whet Golf Course.

By way of background, a private application for an Official Plan Amendment ("OPA") was filed with the Town of Oakville on May 12, 2014. The OPA application was deemed complete on July 11, 2014. As described in the attached Explanatory Note, which includes an air photo that outlines the location and extent of the Subject Lands, Bronte Green's OPA application seeks to permit a mixed-use, mixed-density community by re-designating the Subject Lands from Private Open Space to Main Street 1, Low Density Residential, Medium Density Residential, Institutional and Natural Area. The OPA application also affects additional lands located on the west side of Bronte Road that is outside of the Greenbelt and is currently designated Parkway Belt. These additional lands are shown on the attached Explanatory Note.

The privately-owned lands at issue are part of a larger area referred to as the "Merton Lands", which encompasses an area of lands generally located on the north side of the QEW, south of Upper Middle Road, between Bronte Road and Third Line. The Livable Oakville Plan presently identifies the Merton Lands as a Special Policy Area for potential future development and directs that the area be studied comprehensively to determine future land uses, policies, infrastructure needs, and the phasing of future development. A comprehensive "Merton Planning Study" has been underway at the Town since November 2012 and Bronte Green's OPA largely implements findings arising from the Merton Planning Study as it relates to the Subject Lands and the relevant lands west of Bronte Road.

Please note that the revised OPA being pursued by Bronte Green is specific to the former Saw Whet Golf Course lands and to the lands to the west of Bronte Road as shown on the attached Explanatory Note. Bronte Green's OPA does not propose to alter the designation of the balance of the Merton Lands.

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The Town of Oakville did not render a decision on Bronte Green's site-specific OPA application within the time frame provided under the *Planning Act*. Accordingly, Bronte Green has appealed its site-specific OPA application to the Ontario Municipal Board as of January 7, 2015.

In conjunction with its OPA application, Bronte Green had also filed with the Town of Oakville related applications for Zoning By-law Amendment, Plan of Subdivision Approval, and Plan of Condominium Approval (collectively, the "Implementation Applications"). Bronte Green appealed the Town's failure to render a decision on the Implementation Applications to the Ontario Municipal Board on October 28, 2014, and a first prehearing conference respecting the Implementation Applications occurred on February 3, 2015. During that first prehearing conference, the Ontario Municipal Board scheduled a hearing in respect of the Implementation Applications to commence on **Tuesday, October 13, 2015**. The hearing length will be 9 days.

Bronte Green has requested that its site-specific OPA appeal be consolidated and heard with the appeals of its site-specific Implementation Applications. This request has been granted and the Ontario Municipal Board has directed that the first prehearing conference in respect of the OPA appeal occur at the next prehearing conference concerning the Implementation Applications. **This prehearing will occur on Friday, May 1, 2015 at 10:00 a.m. and will take place at the Municipal Building, OMB Hearing Room, 2nd Floor, 1225 Trafalgar Road, Oakville, ON L6H 0H3.**

Our office has been directed to provide you with notice of the above-noted prehearing conference. As part of this notice, we enclose and advise you of the following:

1. **The Notice of Prehearing Conference.** Please note the location and start time.
2. **A description of the purpose of a prehearing conference.** This document lists the matters the Ontario Municipal Board will address at a prehearing conference, including the identification of parties, the identification of issues, and other matters affecting the hearing. This document is effectively a summary of Rule 70 of the Board's *Rules of Practice and Procedure*, which has also been enclosed for your review. If you will be attending the prehearing conference, please come prepared to discuss each of the foregoing items, including a list of the issues you intend to raise (if any).
3. **Rules 61 to 65 of the Board's *Rules of Practice and Procedure*.** These Rules deal with adjournment requests, including with or without the consent of the Parties. Please note that once a hearing date is fixed, the hearing will proceed on that date unless the Ontario Municipal Board approves an adjournment. As noted above, a hearing date in respect of the within appeals has been fixed by the Ontario Municipal Board. The hearing will commence on October 13, 2015, and will run for 9 days.

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4. **Draft Procedural Order.** Our firm has enclosed a Draft Procedural Order to govern the within appeals. Our draft reflects the hearing date assigned by the Ontario Municipal Board and proposes dates for the exchange of documentary evidence leading up to the hearing. If you will be attending the prehearing conference, please come prepared to discuss this Draft Procedural Order including potential dates of evidence exchange, order of evidence, and the issues list.
5. **Rules 18 to 31 of the Board's Rules of Practice and Procedure.** These Rules deal with the manner in which the parties shall exchange documents, including evidence to be relied upon at the eventual hearing.
6. **Explanatory Note.** This document explains the purpose and effect of the private OPA and includes a key map showing the location and extent of the Subject Lands as well as the relevant additional lands located west of Bronte Road.
7. **Board's Decision of the First Prehearing Conference.** A copy of the Decision, issued February 9, 2015, is enclosed for your reference.

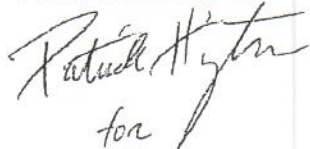
If you require any clarification or if you have any questions arising from your review of the foregoing, please contact our office directly. Further, if it is your intention to attend at the second prehearing conference, we ask that you contact our office on or before **April 13, 2015** so that we may understand your interest in these appeals and prepare for your attendance. We ask that you contact the following individuals as required:

Patrick Harrington, Partner – 416 865 3424 or pharrington@airdberlis.com

Jasmine Chung, Land Use Planner – 416 865 3067 or jchung@airdberlis.com

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PJH/jc

Encl.

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**Environment and Land Tribunals
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Ontario Municipal Board

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**Tribunaux de l'environnement et de
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Ontario

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Bronte Green Corporation
Subject: Proposed Plan of Subdivision - Failure of Town of Oakville to make a decision
Purpose: To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description: 1401 Bronte Road
Municipality: Town of Oakville
Municipal File No.: 24T-14004/1530
OMB Case No.: PL141318
OMB File No.: PL141320

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Bronte Green Corporation
Subject: Proposed Plan of Condominium - Failure of Town of Oakville to make a decision
Purpose: To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description: 1401 Bronte Road
Municipality: Town of Oakville
Municipal File No.: 24CDM-14003/1530
OMB Case No.: PL141318
OMB File No.: PL141319

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Bronte Green Corporation
Subject: Request to amend the Official Plan - Failure of Town of Oakville to adopt the requested amendment
Existing Designation: Private Open Space and Parkway Belt
Proposed Designation: Site specific (To be determined)
Purpose: To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description: 1401 Bronte Road
Municipality: Town of Oakville
Approval Authority File No.: OPA 1530.07
OMB Case No.: PL141318

OMB File No.:

PL150064

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PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Bronte Green Corporation
Subject: Application to amend Zoning By-law No. 1984-63 – Neglect or Refusal of application by Town of Oakville
Existing Zoning: 05 Zone
Proposed Zoning: Site specific (To be determined)
Purpose: To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description: 1401 Bronte Road
Municipality: Town of Oakville
Municipal File No.: Z.1530.07
OMB Case No.: PL141318
OMB File No.: PL141318

NOTICE OF PREHEARING CONFERENCE

The Ontario Municipal Board will conduct a prehearing conference respecting this matter.

If you do not attend the prehearing conference, the Ontario Municipal Board may proceed in your absence and you will not be entitled to any further notice of these proceedings.

TIME AND PLACE OF PREHEARING CONFERENCE

A prehearing conference will be held

at: 10:00 AM

on: Friday, May 1, 2015

at: Municipal Building
OMB Hearing Room 2nd. Fl.
1225 Trafalgar Road
Oakville, ON L6H 0H3

The Board has set aside **1 day(s)** for this conference.

PURPOSE OF PREHEARING CONFERENCE

The conference will deal with preliminary and procedural matters, including 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 Board to determine your status for the hearing, you or your representative should attend the prehearing conference 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 make a statement to the Board. Such persons should also attend the prehearing conference.
- **Identification of issues.**
- **Possibility of settlement of any or all of the issues** – the panel will explore with the parties whether the case before the Board and the issues in dispute are matters that may benefit from the assistance of a mediation meeting conducted by a Member of the Board. Mediation is a voluntary process of negotiation that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and consider 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. Where mediation is directed, a different Member of the Board would conduct the mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for prefilling of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Such further matters as the Board considers appropriate.**

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

EVIDENCE

Evidence or formal statements may also be heard at the prehearing conference in an attempt to settle the matters in dispute. Note that even if no settlement is reached the Board may make a final decision on the evidence it received.

All parties or their representatives should attend the prehearing conference.

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 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.

DATED at Toronto, this 12th day of February, 2015.

JOANNE HAYES
SECRETARY

ONTARIO MUNICIPAL BOARD RULES ON PREHEARING CONFERENCES

70. Prehearing Conference At the request of a party or on its own initiative, the Board may direct parties to participate in a prehearing conference, which can include settlement conferences, motions or preliminary hearing matters, in order to:

- (a) identify the parties and participants and determine the issues raised by the appeal;
- (b) identify facts or evidence the parties may agree upon or on which the Board may make a binding decision;
- (c) obtain admissions that may simplify the hearing;
- (d) provide directions for exchange of witness lists, expert statements and reports, for meetings of experts to address the disclosure of information, including the disclosure of the information that was not provided to the Municipality before Council made its decision that is the subject of the appeal, and for further disclosure where necessary;
- (e) discuss opportunities for settlement, including possible use of mediation or other dispute resolution processes;
- (f) fix a date and place for the hearing and estimate its length, and encourage the parties to agree upon the dates for any procedural steps;
- (g) discuss issues of confidentiality, including any need to hold a part of the hearing in the absence of the public or to seal documents;
- (h) address the production and cost sharing of joint document books; and
- (i) deal with any other matter that may assist in a fair, cost-effective, and expeditious resolution of the issues.

71. Sample Procedural Order and Meeting Before Prehearing Conference The Board may provide a sample procedural order to the parties before the prehearing conference. The parties are expected to meet before the prehearing conference to consider the matters set out in Rule 70 and present recommendations to the Board for the conduct of the hearing.

72. Serving Notice of a Conference The Board will give the applicant a Notice of Conference which provides the time and place of the prehearing conference. The applicant must serve this on those persons entitled to notice of the conference and provide an affidavit to the Board, at the conference, to prove service of the motion.

73. Board Member Presides The Chair will assign a Board Member to conduct the conference.

74. Public Attendance at a Prehearing A prehearing conference held in person will be open to the public. A prehearing conference held by electronic hearing will be open to the public where practical.

75. Conversion From One Procedure to Another The Board Member may, at any time, conduct a procedural discussion or a preliminary hearing and may convert from one to another. The Board will state in the notice of a prehearing conference that the parties are expected to arrive prepared for a procedural and settlement conference as well as a preliminary hearing, where evidence or formal statements may be heard. Even if no settlement is reached, the Board may proceed to make a final decision on any evidence received during the conference.

76. Results of Failure to Attend a Conference If a party fails to attend the conference in person or by authorized representative, the Board may proceed without that party. The non-attending party is not entitled to notice of subsequent hearing events in the proceedings.

77. Board Order Following The Member conducting the prehearing conference will issue an order that may decide any of the matters considered at the conference and provide procedural directions for any subsequent hearing event.

78. Hearing Member Bound The Member conducting the hearing or any subsequent hearing event is bound by the order resulting from the prehearing conference unless the Member is satisfied that there is good reason to vary the order.

79. Methods of Holding Hearing Events The Board may, in a proceeding, hold any or a combination of written, electronic or oral hearing events.

August 11, 2008

ONTARIO MUNICIPAL BOARD RULES ON ADJOURNMENTS

61. **Hearing Dates Fixed** Hearing events will take place on the date set unless the Board agrees to an adjournment.

62. **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 signed consents of all parties. However, the Board may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent.

63. **Requests for Adjournment Without Consent** If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 10 days before the date set for the hearing event. If the reason for an adjournment arises less than 10 days before the date set for the hearing event, the party must give notice of the request to the Board and to the other parties and serve their motion materials as soon as possible. If the Board refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

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

65. **Powers of the Board upon Adjournment Request** The Board may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Board will schedule a prehearing 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 the applicant or proponent and is accepted by the Board as reasonable and the Board finds no substantial prejudice to the other parties or to the Board's schedule. In this case the applicant or proponent must make a request that the hearing be rescheduled;
- (g) convert the scheduled date to a mediation or prehearing conference; or
- (h) make any other appropriate order.

August 11, 2008

ONTARIO MUNICIPAL BOARD

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Subject:	Bronte Green Corporation Proposed Plan of Subdivision - Failure of Town of Oakville to make a decision
Purpose:	To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description:	1401 Bronte Road
Municipality:	Town of Oakville
Municipal File No.:	24T-14004/1530
OMB Case No.:	PL141318
OMB File No.:	PL141320

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Subject:	Bronte Green Corporation Proposed Plan of Condominium - Failure of Town of Oakville to make a decision
Purpose:	To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description:	1401 Bronte Road
Municipality:	Town of Oakville
Municipal File No.:	24CDM-14003/1530
OMB Case No.:	PL141318
OMB File No.:	PL141319

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Subject:	Bronte Green Corporation Application to amend Zoning By-law Nos. 1984-63 and 2014-014 - Neglect or Refusal of application by Town of Oakville
Existing Zoning:	O5 Zone, By-law 1984-63, and O2 Zone, By-law 2014-014
Proposed Zoning:	Site Specific
Purpose:	To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description:	1401 Bronte Road
Municipality:	Town of Oakville
Municipal File No.:	z.1530.07
OMB Case No.:	PL141318
OMB File No.:	PL141318

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Subject:	Bronte Green Corporation Application to amend Livable Oakville Official Plan — Neglect or Refusal of application by Town of Oakville
Existing Designation:	Special Policy Area; Private Open Space
Proposed Designation:	Low/Medium Density Residential; Neighbourhood Commercial; Natural Area
Purpose:	To permit the development of an integrated mixed-use, mixed-density community
Property Address/Description:	1401 Bronte Road
Municipality:	Town of Oakville
Municipal File No.:	OPA 1530.07
OMB Case No.:	PL141318
OMB File No.:	PL150064

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PROCEDURAL ORDER

Organization of the Hearing:

1. The Board 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.
2. A hearing in respect of these appeals will commence on **Tuesday, October 13, 2015, at 10:00 a.m.** The hearing will be held at the Municipal Building (Oakville), 1225 Trafalgar Road, Oakville, Ontario (room to be assigned). The hearing length shall be **9 days**.
3. The parties and participants identified as having an interest in this appeal are listed in **Attachment 1** to this Order.
4. The order of evidence is set out in **Attachment 2** to this Order.
5. The issues list is set out in **Attachment 3** to this Order. There will be no changes to this list unless the Board permits and a party who asks for changes may have costs awarded against it.

Requirements Before the Hearing:

6. A party who intends to call witnesses, whether by summons or not, shall provide to the Board and the other parties a list of their witnesses, the area of expertise of any proposed expert witness, and the order in which they will be called. This list must be delivered by **Monday, June 1, 2015**.
7. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert as well as any other reports or documents to be relied on at the hearing. 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 Board may refuse to hear the expert's testimony.
8. All expert reports and/or expert witness statements filed in this matter must be accompanied by an executed Acknowledgment of Expert's Duty. The Board may dismiss any expert report or expert witness statement that is not accompanied by an executed Acknowledgment of Expert's Duty.

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9. Witnesses shall give evidence individually and witness panels will not be permitted. Any party wishing to call a witness panel must seek the Board's leave to do so by way of a motion.

10. On or before **Monday, July 6, 2015**, the parties shall provide copies of their expert report and/or witness statements to the other parties and to the Board.

11. Witnesses who are under summons but not paid to produce a report do not have to file an witness statement, but the party calling them must file a detailed outline of evidence by **Monday, July 6, 2015**.

12. An identified participant must provide to the Board and the parties a participant statement by **Monday, July 6, 2015** or the participant may not give oral evidence at the hearing.

13. Parties may provide to all other parties and file with the Board a written response to any written evidence by **Monday, August 31, 2015**.

14. No later than **Monday, September 28, 2015**, the parties and participants shall provide each other with an opportunity to view their visual evidence. 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 written motion to the Board (*see Rules 37 and 38 of the Board's Rules, which require that the moving party provide copies of the motion to all other parties 10 days before the Board hears the motion.*)

16. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence unless the party notifies the Board and the other parties at least 7 days before the commencement of the hearing that the written evidence will not form part of their record.

17. Documents may be delivered by personal delivery, facsimile, electronic mail or registered or certified mail, or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's *Rules* on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

18. A joint document book may be prepared with the cost to be borne by the parties, determined by the number of copies required.

19. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's *Rules* apply to such requests.

This Member is not seized of the matter.

So orders the Board.

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ATTACHMENT TO PROCEDURAL ORDER

Purpose of the Procedural Order and Meaning of Terms

The Board 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 Board to order following the conference. The Board 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 Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800, or from the Board website at www.omb.gov.on.ca.

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Board 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 authorization 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 Board 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 Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing this 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 Board 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 must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board 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 Board;
- 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 Board.

Ontario Municipal Board Rules on
DOCUMENTS, EXHIBITS, FILING, SERVICE

18. **Form of Documents** Unless otherwise directed by the Board, every document filed or introduced by a party or participant in a proceeding shall be prepared on letter size paper (8 1/2" x 11") (except for large documents such as plans or surveys), and shall have each page numbered consecutively throughout the entire text and graphic content, even if there are dividers or tabs.

19. **Other Exhibits** Large graphic or other such types of visual evidence should not be glued to foam or other boards. It must be on paper and **be removed from the boards** following the hearing event, and folded to 8 1/2" x 11". Three-dimensional models must be photographed and the photographs must be introduced with the model. A videotape to be used in evidence must be viewed by the other identified parties before the hearing.

20. **Copies of Documents for Parties and Clerk** Subject to the Board making a different order at a prehearing conference, a party who will use a document as evidence at a hearing event should provide copies at the beginning of the proceeding for all parties and participants. If it is an official plan, those **parts** of the Plan to be used should be distributed to the parties and participants, but a copy of the entire plan must be made available to the Board Member(s) at the beginning of the proceeding. If the Board orders that copies of documents be kept by the clerk of the municipality, they do not need to be certified copies, unless a party objects that they are not authentic copies.

21. **Prefiling of Witness Statement and Reports** **Experts:** If a hearing is expected to last more than 10 days, the Board **may** require that parties calling expert or professional witnesses serve on the other parties and file with the clerk of the municipality, any experts' witness statements and reports prepared for the hearing at least 30 days in advance of the hearing, or as the Board directs. The Board may also make this order for hearings expected to last less than 10 days if a party requests this. The expert witness statement must contain:

- (a) the expert's name, address and qualifications;
- (b) the issues the expert will address, opinions on these issues and the reason for the opinions; and
- (c) a list of the reports, whether prepared by the expert or by someone else, that the expert will refer to at the hearing.

The expert's complete report may be filed instead of this statement, if it contains the required information.

An expert may not be permitted to testify if this statement or report is not filed. The reports in (c) above do not need to be filed with the Board, but should be supplied to the parties in advance if the parties request them. Participants in the hearing wishing to examine expert reports may do so at the Clerk's office.

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Other Witnesses: The Board may also require that a witness who is not giving expert evidence, or a participant, provide to the Board and the parties a witness or participant statement. A witness or participant statement should contain a short written outline of the person's background, experience and interest in the matter; a list of the issues which they will discuss and an opinion on those issues; and a list of reports that they will rely on at the hearing. A participant statement should also briefly outline the evidence to be presented. The witness or participant may not be allowed to testify if this statement is not filed.

22. Amendment of Documents Documents filed with the Board cannot be amended unless the Board orders it, or the other parties consent. The Board may require that the person requesting an amendment do so by way of a motion under Rule 34 with notice to all parties.

23. Copies of Board Documents A person may examine any document filed with the Board, and copy it after paying the Board's fee, unless an Act or a court or Board order provides otherwise. (*This does not apply to documents that the Board has ordered to be confidential, sealed, and not part of the public record.*)

24. Return of Exhibits Exhibits (*written or visual evidence*) of all types introduced at a hearing will be kept for 60 days after the Board decision issues. The person introducing an exhibit may ask for its return after this time, and it may be given back if the Board agrees. If no such request is made, it becomes the property of the Board and may be archived.

25. Final Approval of Plans of Subdivision When a final plan is prepared for the Board's approval (*rather than the approval authority's, if the Board orders that it be final approved by the authority*), the owner shall insert on the original plan and copies the following wording:

This plan is approved by the Ontario Municipal Board under file [insert OMB case number] pursuant to the *Planning Act*, section _____.

Date

Secretary, Ontario Municipal Board

Comment on Faxes (Rules 26 to 31 below):

The Rules below respecting faxes apply to all documents filed or served, including notices of appeal, notices of motion, notices of hearing and documents exchanged following a procedural order.

Note, however, that the Board cannot extend an appeal period in an Act, so that documents must be served on or before the last day. These Rules merely require that documents be faxed by specific times. For example, staff will be present to receive a fax if it is faxed before 4:30 p.m. (See also Rules 10 to 12 respecting time.)

26. Service by Fax Where any document is required to be served (*delivered*) or filed, including one commencing a proceeding or a motion, or providing notice, it may be served by fax (unless an Act, or the Board, requires another method of service) and shall be sent to,

- (a) the party's representative, if any;
- (b) where the party is an individual and is not represented by a representative, to that party directly where that party has provided a fax number;
- (c) where that party is a corporation and is not represented by a representative, to the corporation directly to the attention of an individual with apparent authority to receive the document; or
- (d) where served on or filed with the Board, a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, an individual with apparent authority to receive the document.

27. If Faxed After 4:30 p.m. Any document served by fax after 4:30 p.m. is deemed to have been served on the next **business** day.

28. Permission to Fax if More Than 12 Pages If a document is more than 12 pages including the cover page, it must not be served by fax between 8:00 a.m. and 4.30 p.m. unless the person receiving the document has given permission in advance. If more than 30 pages, it cannot be served by fax at any time without advance permission.

29. Contents of Cover Page The fax cover page must include the Board's case and file number, the type of matter and the municipality in which the matter arose, as well as full identification of the sender and receiver.

30. Proof of Service by Fax A confirmation printout received by the sender is proof of the full transmission and receipt of the fax.

31. No Hard Copy Needed A hard copy of a faxed document must not be sent by another means of transmission unless requested, and may then be sent by ordinary mail.

ATTACHMENT 1
PARTIES TO APPEAL

<p>Bronte Green Corporation (Applicant)</p> <p>Patricia Foran and Patrick Harrington Aird & Berlis LLP Brookfield Place, 181 Bay Street Suite 1800, Box 754 Toronto, ON M5J 2T9</p> <p>Tel: (416) 863-1500 Fax: (416) 863-1515 e-mail: pforan@airdberlis.com e-mail: pharrington@airdberlis.com</p>	<p>Town of Oakville</p> <p>Catherine A. Lyons Goodmans LLP Bay Adelaide Centre 333 Bay Street, Suite 3400 Toronto, ON M5H 2S7</p> <p>Tel: 416.979.2211 Fax: 416.979.1234 e-mail: clyons@goodmans.ca</p> <p>Jennifer Huctwith Legal Services Town of Oakville 1225 Trafalgar Road Oakville, ON L6J 5A6</p> <p>Tel: (905) 845-6601 ext. 3017 Fax: (905) 338-4184 e-mail: jhuctwith@oakville.ca</p>
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<p>Halton District School Board</p> <p>Brad Teichman Overland LLP Yonge-Norton Centre 5255 Yonge Street, Suite 1101 Toronto ON M2N 6P4</p> <p>Tel: (416) 730-0180 Fax: (416) 730-9097 e-mail: bteichman@overlandllp.ca</p>	<p>Victor Enns, Joyce Enns, 1442839 Ontario Ltd.</p> <p>Nancy Smith Turkstra Mazza Associates 15 Bold Street Hamilton, ON L8P 1T3</p> <p>Tel: (905) 529-3476 Fax: (905) 529-3663 e-mail: nsmith@tmalaw.ca</p>

PARTICIPANTS TO APPEAL

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<p>Regional Councillor Allan Elgar 1320 Mapleridge Crescent Oakville, ON L6M 2G7</p> <p>Tel: (905) 827-6056 e-mail: allan.elgar@oakville.ca or ward4@oakville.ca</p>	<p>Infrastructure Ontario</p> <p>John S. Doherty Gowling Lafleur Henderson LLP 50 Queen Street North, Suite 1020, P.O. Box 2248 Kitchener, ON N2H 6M2</p> <p>Tel: (519) 576-6910 Fax: (519) 571-5018 e-mail: john.doherty@gowlings.com</p>

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