



Re: [REDACTED] file

**From** Jennifer Daillox <jdaillox@algonquinhighlands.ca>  
**Date** Wed 2024-09-04 9:14 AM  
**To** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>

Thanks, I'll give you a call.

**Jennifer Daillox**  
Councillor, Ward 3  
& Deputy Mayor  
Township of Algonquin Highlands

cell: (705) 927-1273  
Email: jdaillox@algonquinhighlands.ca

**From:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>  
**Sent:** September 4, 2024 9:13 AM  
**To:** Jennifer Daillox <jdaillox@algonquinhighlands.ca>  
**Subject:** RE: [REDACTED] file

Hi Jen,

Yes I am available then.

Thanks,

Sean

**Sean O'Callaghan**, B.U.R.P.I., MCIP, RPP  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 324  
F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Jennifer Daillox <jdaillox@algonquinhighlands.ca>  
**Sent:** Wednesday, September 4, 2024 9:11 AM  
**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>  
**Subject:** [REDACTED]

Hi Sean,

Can we chat after 3pm about the [REDACTED] file?

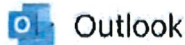
Cheers,  
Jen

**Jennifer Dailloux**  
Councillor, Ward 3  
& Deputy Mayor  
Township of Algonquin Highlands

cell: (705) 927-1273

Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)





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**RE: Kegal file**

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**From** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>

**Date** Wed 2024-09-04 4:02 PM

**To** Jennifer Dailloux <jdailloux@algonquinhighlands.ca>

 1 attachment (19 KB)

Public Meeting Clarification.docx;

Hi Jen,

Here is the wording I put together regarding public speaking at the meeting.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**

Planner

Township of Algonquin Highlands

1123 North Shore Road

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W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Jennifer Dailloux <jdailloux@algonquinhighlands.ca>

**Sent:** Wednesday, September 4, 2024 1:43 PM

**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>

**Subject:** Re: [REDACTED] file

Hi again,

Looks like we'll all be together at 3:30 so I'll wait with my questions until then.

Speak soon,  
Jen

Sent from my iPhone

On Sep 4, 2024, at 9:14 AM, Jennifer Dailloux <jdailloux@algonquinhighlands.ca> wrote:

3

Members of the Public wishing to speak either in favour or opposition to the proposed Zoning By-law Amendment will be given an opportunity to do so.

Any letters received prior to the publishing of the Council Agenda have been included with the Staff report and reviewed by Council

We ask those that have already submitted comments in writing to keep their comments concise and focused to that of new information not contained in their letter.

## Sean O'Callaghan

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**From:** Sean O'Callaghan  
**Sent:** September 4, 2024 4:03 PM  
**To:** Sabrina Richards  
**Cc:** Angie Bird; Liz Danielsen  
**Subject:** RE: OMB Decision & Lake Association Letter to Members

Hi Sabrina,

If the By-law was amended to require any livestock use associated with the property be a minimum distance from a lot line that would include feces disposal and would be enforceable. Overall nutrient units permitted on a property would be determined by the Ministry of Agriculture, Food, and Agribusiness and Ministry of Rural Affairs.

1. The number of animals that equals 2 nutrient units does vary dependent on the animals. As an example 3.5 pigs equals 1 nutrient unit as does 8 goats.
2. I am not aware of a provincial report regarding max number of nutrient units within a certain distance of a waterbody.
3. Each application would need to be evaluated on its own merits. No precedent would be set.
4. I am not aware of a report that addresses 2 nutrient units as it is such a minimal number according to the Ministry.
5. The Township Zoning By-law can restrict the agricultural use to a specific part of the property however staff would not be able to deal with animals should they get loose.
6. Zoning issues associated with a hobby farm can be controlled through our By-law dept.
7. It is my understanding that because the lot is an existing lot of record with an established right-of-way to a Public road the County is not concerned with the proposal.

Thanks,

Sean

**Sean O'Callaghan**, B.U.R.Pl., MCIP, RPP  
Planner  
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**From:** Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>  
**Sent:** Wednesday, September 4, 2024 10:27 AM  
**To:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>; Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Cc:** Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>  
**Subject:** Re: OMB Decision & Lake Association Letter to Members

Hi Sean,

Can you based on our discussion yesterday let me know if we can ensure setback limits for disposal of feces away from property lines and is it something by-law would be able to enforce?

Also, I'm wondering if you could help with the following questions:

1. Is there a definition of what 2 Nutrient units equates to?
2. Is there any report as to what 2 Nutrient units proximity limits to water would impact lake health and what if we have more properties that also have 2 Nutrient units? Meaning what if we end up with one day 20 properties with 2 Nutrient units each or 50?
3. If we did allow this one would we be able to say no to 50 more properties or would it set precedent?
4. Is there any report that would support 2 Nutrient units within this proximity to water if it also considered all these properties septic systems in addition to those 2 Nutrient units?
5. What by-laws do we currently have in place at township or county that allow our by-law officers to control any farming regulations or do we simply rely upon OMAFRA and their regulations? I think we discussed this somewhat recently that our current by-law dept would not be equipped to handle this if we did have any by-laws put into place.
6. If we are not interested in expanding our by-law department to be able to enforce issues on hobby farms would it not be considered good planning to at the least limit them to a less densely populated area?
7. What about the county response regarding section 7.9.5 that states new development along private roads will not be permitted and that the subject lands front on 2 private roads?

Sabrina Richards  
Councillor Ward 2  
Algonquin Highlands  
705-489-2429

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**From:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Sent:** September 4, 2024 8:09 AM  
**To:** Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Cc:** Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>; Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>  
**Subject:** RE: OMB Decision & Lake Association Letter to Members

Hi Liz,

A previous OMB decision would not prohibit the applicants from submitting an application to rezone the subject property.

Let me know if you have any questions.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
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**From:** Liz Daniels <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Sent:** Tuesday, September 3, 2024 6:39 PM  
**To:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Cc:** Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>; Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>  
**Subject:** Re: OMB Decision & Lake Association Letter to Members

Hi Sean.....given the OMB's decision are we in a position to change the zoning now?  
Sent from my iPhone

On Sep 3, 2024, at 3:06 PM, Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)> wrote:

Hi Sabrina,

It is my understanding that the property was one parcel that was subject to the OMB decision prior to it being severed in 1994 through application H-057/94.

It does not appear that the property was Zoned Rural and would agree that the current zoning of SR2 was a result of the OMB decision and not a mistake.

Happy to discuss further if you have any additional questions.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**



Planner  
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<image001.jpg>  
<image002.png>  
<image003.png>

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**From:** Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>  
**Sent:** Sunday, September 1, 2024 10:35 AM  
**To:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Cc:** Liz Daniels <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>; Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>  
**Subject:** Fw: OMB Decision & Lake Association Letter to Members

Hi Sean

On reviewing maps can you confirm for me that the OMB decision for attached shows the property at the time of the decision covering both the Shalom property and the current in question [REDACTED] property as joined and so a severance of the property must have occurred at some point thereafter? I think this is confirmed in Kegel's letter that the family severed the two properties.

And that the OMB decision ordered the current [REDACTED] property in question be zoned as SR2 and therefore no mistake was made by our OP in zoning it as SR2 or bad housekeeping of not being RR/RU?

Sabrina Richards  
Councillor Ward 2  
Algonquin Highlands  
705-489-2429

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**From:** [REDACTED]  
**Sent:** August 31, 2024 11:51 AM  
**To:** Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>  
**Cc:** [REDACTED]  
**Subject:** OMB Decision & Lake Association Letter to Members

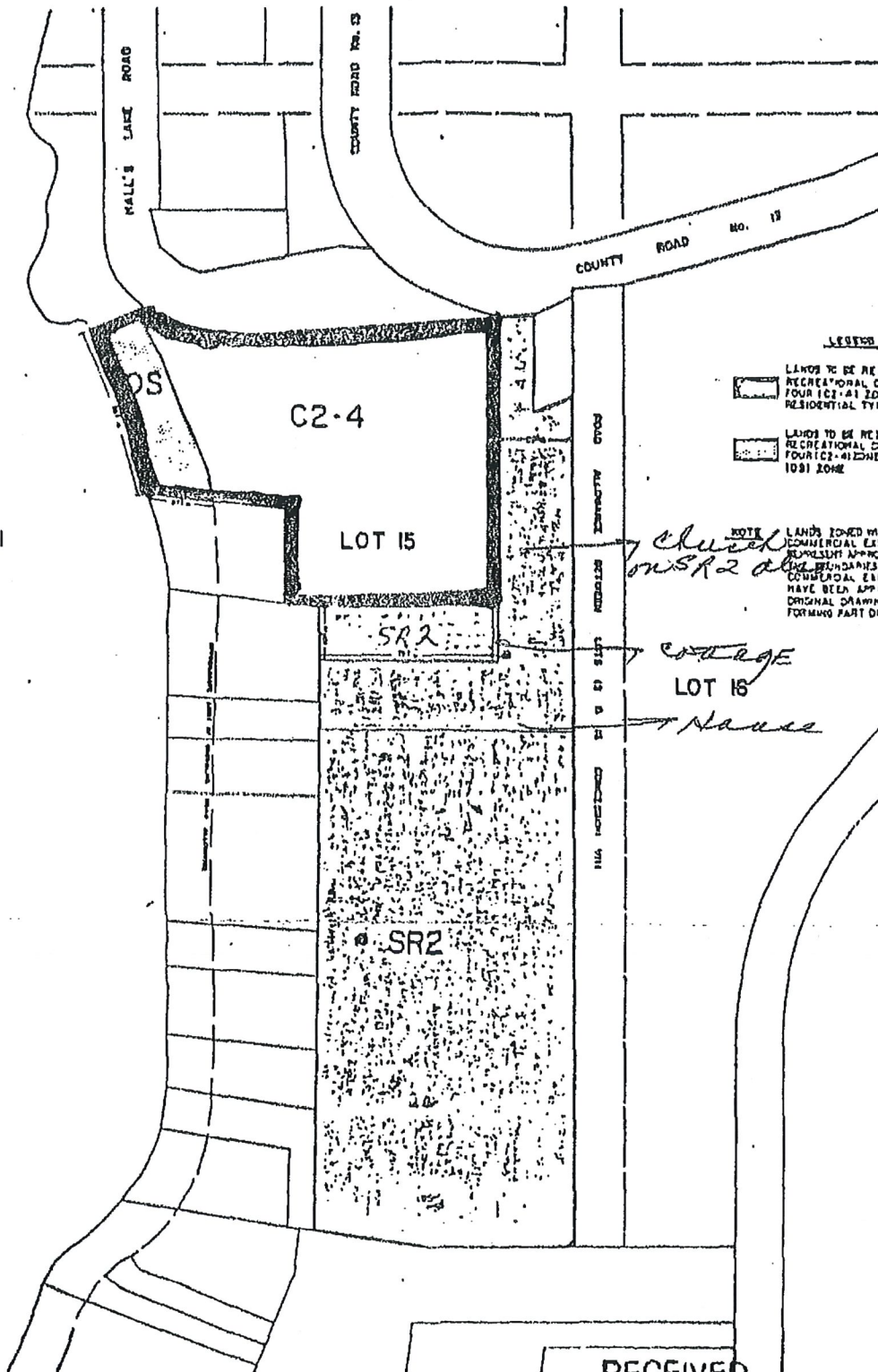
You don't often get email from [REDACTED] [Learn why this is important](#)

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B

CON. VIII



- LEGEND**
- LANDS TO BE REZONED FROM THE RECREATIONAL COMMERCIAL EXCEPTION FOUR (C2-4) ZONE TO THE SINGLE-FAMILY RESIDENTIAL TYPE ONE (R1) ZONE
  - LANDS TO BE REZONED FROM THE RECREATIONAL COMMERCIAL EXCEPTION FOUR (C2-4) ZONE TO BE THE OPEN SPACE (OS) ZONE

**NOTE** LANDS ZONED WITHIN THE RECREATIONAL COMMERCIAL EXCEPTION FOUR (C2-4) ZONE ARE APPROXIMATELY 1.4 HECTARES. THE BOUNDARIES OF THE RECREATIONAL COMMERCIAL EXCEPTION FOUR (C2-4) ZONE HAVE BEEN APPROXIMATED USING THE ORIGINAL DRAWINGS OF THE ZONE SCHEDULE FORMING PART OF BY-LAW NO. 77-15.

RECEIVED  
FILE ROOM

0010-2-10001

matter in accordance with the understanding among counsel. From the evidence adduced the Board is satisfied that a trailer park on the Offen property is not sound planning nor in the best interest of the Township as a whole.

The Board approves By-law 85-7 as amended, as previously directed in this decision. The Board does not approve Section 4.10.8.4 as included in the by-law, but amends it as follows:-

- "2. THAT Section 4.10.8.4, the Recreational Commercial Exception Four (C2-4) Zone, of By-law No. 85-7, be and the same, is hereby amended to read as follows:-

4.10.8.4 RECREATIONAL COMMERCIAL EXCEPTION FOUR  
(C2-4) ZONE PART LOT 15, CONCESSION 8

Notwithstanding any other provision of the Recreational Commercial (C2) Zone as set forth under Section 4.10 hereof to the contrary, within the Recreational Commercial Exception Four (C2-4) zone, as delineated on the Zone Map attached hereto as Schedule "A3" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:-

a. Permitted USES

i. Residential

in accordance with the provisions of Section 4.10.1(a) hereof;

ii. Non Residential

- an assembly hall;
- a charitable camp;
- a private recreational establishment which for the purposes of this By-law, shall mean a privately owned and operated sports or recreational establishment for use by private members and for the general public;
- a convenience store where ancillary to a principal permitted use specified herein;
- an eating establishment;
- a hotel which, for the purposes of this By-law, shall mean an establishment that consists of one building or two or more buildings which, throughout all or part of the year, caters to the needs of the travelling public by furnishing sleeping

*Building Permit*  
*Chapel*



- a motel;
- a motor vehicle gasoline bar where such use is ancillary to a principal permitted use specified herein;
- outside display and sales where such use is ancillary to a principal permitted use specified herein;
- a private park;
- a public use or municipal utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law;
- a retail commercial establishment where such use is ancillary to a principal permitted use specified herein;
- a retail gasoline establishment, and
- a tourist home.

iii. Accessory Uses

- in accordance with the provisions of Section 4.10.1(c) hereof."

With respect to the northerly 3.7 acres of the Offen property, the Board amends the zoning so that it is Seasonal Commercial (C2-4) and so orders.

With respect to the southerly portion of the Offen property, previously zoned SR under By-law 77-15, the Board amends the zoning provided under that by-law to provide for the continuation of one residence use only, and zoning as SR2.

The Board further amends the by-law as follows "that any form of trailer camps or trailer parks will be totally prohibited on all of the Offen property".

For greater clarity the Board attaches hereto as Schedule "B" to this decision, a map showing the zoning provided herein for all of the Offen property.



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XXXXX  XXXX  X  X  X      X  X  XXXXXX  X  X  XXXX
X  X  X  X  X  X  X  X  X  X  X  X  X  X
X  X  X  X  X  X  X  X  X  X  X  X  X
X  X  X  XXXXXX  X  X  X  X  X  XXXX
X  X  X  X  X  X  X  X  X  X  X  X
XXXXX  XXXX  X  X  XXXXXX  X  X  XXXXXX  X  X  XXXX

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\*\*\*\*\*

July 29th, 1986 - Edition #5

HALLELUJAH ! WE DID IT !!!!!!!

The O.M.B. hearing has been and gone. It is with the greatest pleasure that we bring you the results regarding the Offen property. The ruling contained the following decisions in summary:

The 3.7 acres will remain distinct and will be zoned 'Seasonal Commercial'. This will allow the present useage to continue. The remaining acreage will be zoned 'SR2' which will permit one seasonal residence.

Trailer parks and trailer camps will be specifically prohibited on all of the above property, under the 85-15 by-law.

Stanhope Township and Dr. Offen will each be required to pay \$2,000.00 toward the cost of the water survey prepared by our specialists.

Following the skillful cross-examination by our lawyer, Mr. John Parkinson, the lawyers for the opposition withdrew their defence of the proposed trailer park. The evidence that was presented at the hearing was the same evidence that we presented to the Stanhope Council last summer, before the by-law was enacted.

Our planning and environmental specialists together with our lawyer have stated that in all their years of experience, they have never encountered a group of ratepayers as well-organized and dedicated as the CCHL. This was largely due to the support you have given your committee. We represented over 400 people in our appeal.

We offer a special thanks to the 135 who returned the survey. It was of great value to our planner and our environmental biologist. Some of the more significant results included: -

The average residence has 2.65 water craft.

The average length of tenure is 25 years. (We do love this place!)

76% noted a 'change' in the near-shore environment in the last 10 years, with noted increases in algae, moss, slime, aquatic vegetation and foam.

Facts such as these showed that the addition of even 60 trailers (an increase of 25% population!) would have resulted in major changes in the traditional character and the environment of Halls Lake. The reports prepared by our consultants include the complete results of the survey and are available at the township office for your perusal.

Your committee of 10+ has been very active throughout the past year, on your behalf. Thousands of volunteer man-hours have been spent researching, consulting, negotiating, planning, travelling, canvassing, and reporting back to you. This obvious dedication not only saved all of us, the ratepayers, a great deal of money, but also helped ensure a successful outcome. It was all worthwhile. We have gained a great deal of experience that will benefit all of us should other 'problems' arise in the future.

Victory is ours, and the 'Piper' must now be paid. Our total costs are in the neighbourhood of \$30,000.00. To date we have raised just over \$17,000.00. We would particularly like to receive financial support from those of you who have not yet contributed significantly. Several people have contributed in excess of \$200.00 to this cause. We appreciate that for some, such an amount would be a burden. But, we ask you to re-consider the investment you have in your property and the impact the trailer park would have made on your property, and especially on our lake.

Please don't leave your committee 'holding the bag'. We are ALL a part of the Halls Lake Community willing to pull together when needed.

Please send a contribution that reflects your commitment to the future of our community. Cheques should be payable to - Mrs. Elaine Burbidge, CCHL and may be sent to -

815 Grace Street,  
NEWMARKET, Ontario, L3Y 2L6

- or delivered to her cottage on the Highland Road, (phone 489-3097)  
- or they may be delivered to, or collected by, any of the following committee members at the Lake:

Dave Bulford .....	489-3639	Dave Greenhow .....	489-3357
June Button .....	-----	Marg McFarlane .....	489-3038
Al Campbell .....	489-3247	Grant Montgomery ....	489-2730
Jim Carey .....	489-2324	Bill Munroe .....	489-2085
Jack Foote .....	489-2126	Fred Olsen .....	489-2051
Fred Gardner .....	489-2357	Glen Shingler .....	489-3434

## Sean O'Callaghan

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**From:** Jennifer Dailloux  
**Sent:** September 11, 2024 11:44 AM  
**To:** Sean O'Callaghan  
**Subject:** Re: [REDACTED] discussion tomorrow?

Great, see you then.

Jen

**Jennifer Dailloux**  
Councillor, Ward 3  
& Deputy Mayor  
Township of Algonquin Highlands

cell: (705) 927-1273  
Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)

*Where are the  
mtg notes?*

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**From:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Sent:** September 11, 2024 11:42 AM  
**To:** Jennifer Dailloux <[jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)>  
**Cc:** Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>  
**Subject:** RE: [REDACTED] discussion tomorrow?

Hi Jen,

Yes, I will be available tomorrow after 3pm so please stop in after your Committee meeting.

Thanks,

Sean

**Sean O'Callaghan**, B.U.R.P.I., MCIP, RPP  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
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W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)





**From:** Jennifer Dailloux <jdailloux@algonquinhighlands.ca>  
**Sent:** Wednesday, September 11, 2024 11:37 AM  
**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>  
**Cc:** Angie Bird <abird@algonquinhighlands.ca>  
**Subject:** [REDACTED] discussion tomorrow?

Hi Sean,

There have been some interesting questions raised via correspondence over the last few days re: the [REDACTED] EIA, and a number of them are ones I've had myself. Such as, who sets the Terms of Reference? Will the EIA consider the Rural Zone land uses writ large, or only the hobby farm as it is currently configured, or something in the middle? And so forth. Are you available tomorrow afternoon after 3pm, by any chance, for a short sit-down? I'll be in the office for the Environment and Stewardship meeting and would be happy to stop in after that.

Cheers,  
Jen

**Jennifer Dailloux**  
Councillor, Ward 3  
& Deputy Mayor  
Township of Algonquin Highlands

cell: (705) 927-1273  
Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)

## Sean O'Callaghan

---

**From:** Sean O'Callaghan  
**Sent:** October 3, 2024 2:01 PM  
**To:** Liz Daniels  
**Cc:** Angie Bird  
**Subject:** RE: [REDACTED] Rezoning Email

Hi Liz,

He is correct in that the EIS requested in not under the Environmental Assessment Act. The Township OP allows us to request the EIS.

The intent of the report and possible other reports, such as a nutrient management plan, is to ensure that the proposed development will not have any negative environmental impacts to surrounding properties and to Halls Lake.

These reports are required to be completed by a qualified professional such as an ecologist.

Once the report is received the matter will be brought back to Council for a decision. Should Council not be satisfied with the report Council has the ability to require a peer review.

Happy to speak further if you have additional questions.

Thanks,

Sean

**Sean O'Callaghan**, B.U.R.P.I., MCIP, RPP  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 324  
F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Liz Daniels <ldanielsen@algonquinhighlands.ca>  
**Sent:** Thursday, October 3, 2024 11:24 AM  
**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>  
**Subject:** Fw: [REDACTED] Rezoning Email

Thoughts on a response?



Liz Daniels  
Mayor, Algonquin Highlands  
[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)  
[warden@county.haliburton.on.ca](mailto:warden@county.haliburton.on.ca)

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**From:** [REDACTED]  
**Sent:** October 2, 2024 3:15 PM  
**To:** Liz Daniels <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Subject:** [REDACTED] Rezoning Email

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please contact the Help Desk if you require assistance.

Madame Mayor, I was forwarded your email replying to the [REDACTED] regarding this application.

I wanted to clarify a couple things that were raised in your reply.

You made reference to a legislation that would guide the requirements of the Environmental Impact Study (EIS) that Council has requested. You made reference to Environmental Assessment legislation.

I'm not sure who advised you that the EIS Council has requested falls under the Environmental Assessment Act, but it is absolutely incorrect.

The Environmental Assessment Act is a legislation a municipality or Ministries is governed by for projects the exceed certain values or could have significant social, economic or environmental impacts. The Municipality must then follow defined processes outlined in the Act.

This Act does not govern private citizens or private enterprises and is not applicable law in this circumstance.

In addition, the Act does not define what specific things are to be studied, only high-level categories like social, economic and environmental areas are to be considered with all options being reviewed including, Do Nothing. But the Act does provide specifics about what studies must be done and how detailed they must be. Only that if it's not properly done, there is a risk of an individual(s), or organization, or even a Ministry could request the Minister of Environment to Bump Up the Study to a much larger scope and detail.

The EIS Council had directed to be done is not governed by any legislation, other than maybe the Municipal Act and Planning Act which gives Council the authority to request the study. Therefore, there is no definition to what must take place for this EIS.

This is why myself and others have raised concerns over the lack of defined terms of reference the applicant was to use when soliciting the "ecologist".

In fact, there is no definition to what an "ecologist" is either as there is no such thing as a Professional Ecologist. This is why many residents and an organization has inquired about the need for a peer review. The fact you have made reference to an Act that is not applicable in this situation concerns me that you are given incorrect information and makes me even more concerned over your staff's qualifications to review the EIS, and whatever the EIS has reviewed or not reviewed.

No disrespect to Mr O'Callaghan, he is a competent Planner but he is not an Engineer, I am however and I have 25 years of experience in the municipal world during which period I ran departments like Public Works, Engineering, Transit, Fleet, Bylaw, Building and even Parks during that time. I am well diverse and considered an expert in the area of EA's as I have headed a multitude of them during my career, so I can assure you that the EA Act has no relevance here.

I was also charged with overseeing engineering matters related to development applications during my tenure including applications similar to this. This is why I am so concerned over this process and its lack of clarity and definition.



I am not opposed to the idea of a hobby farm, if it's determined unquestionably safe to operate one at this site or part of this site. But I am highly concerned over the health of Halls Lake so this application is very much under my and others watchful eye.

As many have pointed out to Council, the RU zoning permits a host of other uses that are concerning too but Council did not direct they be studied, this too raises questions why this application be considered only based on what the applicant's intentions are said to be rather than what all the potential approved uses could be.

As you probably know, once zoning is granted it cannot be taken away from a property, therefore it is very concerning Council has not taken this into account.

These plus other reasons are why we are requesting the file be dealt with in a very transparent and professional manner that includes well defined parameters and has thorough review by qualified professionals, and not just a Planner who may or may not have some experience but no formal education in these matters.

Your email also requested the [REDACTED] and others refrain from using certain words like bias when referencing Council and Staff. I'm not exactly sure what brought you to suggest you needed to try and suppress freedom of speech but I can point out that Mr. O'Callaghan had said on public record that he was going to recommend approval of this application until he and Council had received many concerns. This Madame Mayor does demonstrate a type of bias to this application on his part. He had already made a decision that this application should be approved with no additional information despite his knowledge that it was a site that was under extreme scrutiny from an OMB hearing. This raised a lot of flags in the community and in my opinion, this demonstrates a bias and suggests Mr. O'Callaghan should not be charged with the review of the EIS, that it needs to be done by a third party who has the correct qualifications.

The OMB and its process had determined this specific property is in a zone of influence on Halls Lake and that draws considerable attention to what Council is doing so why all the uses in the RU zoning are not requested by Council to be scrutinized makes no sense too many residents and gives thought to there being some kind of bias and probably why people have used that term when communicating. I don't believe there was a need for you to be defensive about it, nor do I believe it was intended to be used in a liable manner as there are legitimate reasons why people may have thought there to be bias.

I thank you for your time in reading my email and look forward to your reply.

[REDACTED]

## Sean O'Callaghan

---

**From:** Sean O'Callaghan  
**Sent:** October 25, 2024 9:04 AM  
**To:** Liz Danielsen  
**Subject:** RE: [REDACTED] Rezoning Email

Hi Liz,

Council has the ability to ask for a peer review should they want, which would be at the applicants cost. It's not typically something that would be recommended by staff on such a small scale development which has ministry support as well.

Happy to discuss further if you have any additional questions.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 324  
F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Liz Danielsen <ldanielsen@algonquinhighlands.ca>  
**Sent:** October 22, 2024 6:27 PM  
**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>  
**Subject:** Fwd: [REDACTED] Rezoning Email

Sent from my iPhone

FYI....and I will respond initially that my initial response to him was not on advice from you. I have confidence that you will always govern your best advice based on the information available to you. Should we require a peer review and who pays for that?  
Begin forwarded message:

**From:** [REDACTED]  
**Date:** October 22, 2024 at 1:33:03 PM EDT  
**To:** Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Subject:** Re: [REDACTED] Rezoning Email



Sorry to hear your were ill, hope you are feeling better and I fully understand the delay. I actually had a friend struggle with covid all summer and unfortunately she didn't survive and she had no underlying conditions. Shocking to think it's still a major concern. Sorry if my email was unclear. My concern is the misinformation you were stating about the EA Act being applicable law for this file. You've have been misadvised which raises concerns over the competency of the person(s) giving you the advice and if that's staff, which I assume it is, then it raises even more concerns over their ability to adequately review this EIS never mind the parameters of what the study should include. As you are probably well aware, if Council approves this application, there is absolutely no ability to appeal or walk it back, so it is vital that any study done to determine adequacy of the land use must be thorough and accurate. The lack of direction to review all the potential land uses in the zoning is really nothing less than negligent. The applicant's intended uses are not even relevant, since this approval would be forever, and the applicant and his intentions are temporary. So, the study must thoroughly examine all potential uses and determine what, if any are suitable. Or consequently, if a hobby farm with restrictions as to what that is, is determined to be suitable, then why not amend the current zoning to included that use instead of opening up all the uses under an RU zoning? Because you do not have adequate expertise on staff to review the EIS, I believe it must be peer reviewed by a third party qualified to perform the review of the study, like an engineering firm with environmental background, Example Golder and Associates, or an organization with close environmental ties. The peer reviewer must be given a full understanding of the applicants desires and the community's concerns. A professional company would carry a lot of credibility to the decision. Anything less than that and I will advise you, an approval will raise large community outcry and finger pointing that will the allege foul play which nobody wants. And vice versa for that matter if denied. I am not for or against the lands being used for the applicant's intended uses, only that it be proven to be safe before its denied/approved, since my family spent considerable time and money years ago to assure the other application on these lands was suitable then as Council should do the same now. So, to simplify, is council getting a third party to peer review the EIS?

Thank you,

[REDACTED]

---

**From:** Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Sent:** Tuesday, October 22, 2024 9:55:59 AM  
**To:** [REDACTED]  
**Subject:** Re: [REDACTED] Rezoning Email

[REDACTED]

My apologies for the delay. I make it a normal practice to follow up as quickly as possible on all e-mail exchanges. However, I came down with a rather hasty and lengthy case of COVID. In addition I wanted to reach out to Sean for clarification on your concerns.

Sean was absent for several weeks during that time as well. I should have at least responded to say there would be some delay.

I confess that I was not entirely clear on exactly what directed the details of an EIS and I thank you for your clarification. This

File remains active and will receive close scrutiny before any changes are made.

Liz Daniels  
Mayor, Algonquin Highlands  
[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)  
[warden@county.haliburton.on.ca](mailto:warden@county.haliburton.on.ca)

---

**From:** [REDACTED]  
**Sent:** October 21, 2024 10:37 AM  
**To:** Liz Daniels <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Subject:** Re: [REDACTED] Rezoning Email

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please contact the Help Desk if you require assistance.

It's been several weeks since I sent you the email and I haven't heard back from you. Are you planning on responding or is this common practice for you to not acknowledge a constituent reaching out to you?

Thank you,

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, October 2, 2024 3:15:22 p.m.  
**To:** Liz Daniels <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>  
**Subject:** [REDACTED] Rezoning Email

Madame Mayor, I was forwarded your email replying to the [REDACTED] regarding this application.

I wanted to clarify a couple things that were raised in your reply.

You made reference to a legislation that would guide the requirements of the Environmental Impact Study (EIS) that Council has requested. You made reference to Environmental Assessment legislation. I'm not sure who advised you that the EIS Council has requested falls under the Environmental Assessment Act, but it is absolutely incorrect.



The Environmental Assessment Act is a legislation a municipality or Ministries is governed by for projects the exceed certain values or could have significant social, economic or environmental impacts. The Municipality must then follow defined processes outlined in the Act.

This Act does not govern private citizens or private enterprises and is not applicable law in this circumstance.

In addition, the Act does not define what specific things are to be studied, only high-level categories like social, economic and environmental areas are to be considered with all options being reviewed including, Do Nothing. But the Act does provide specifics about what studies must be done and how detailed they must be. Only that if it's not properly done, there is a risk of an individual(s), or organization, or even a Ministry could request the Minister of Environment to Bump Up the Study to a much larger scope and detail.

The EIS Council had directed to be done is not governed by any legislation, other than maybe the Municipal Act and Planning Act which gives Council the authority to request the study. Therefore, there is no definition to what must take place for this EIS.

This is why myself and others have raised concerns over the lack of defined terms of reference the applicant was to use when soliciting the "ecologist".

In fact, there is no definition to what an "ecologist" is either as there is no such this as a Professional Ecologist. This is why many residents and an organization has inquired about the need for a peer review.

The fact you have made reference to an Act that is not applicable in this situation concerns me that you are given incorrect information and makes me even more concerned over your staff's qualifications to review the EIS, and whatever the EIS has reviewed or not reviewed. No disrespect to Mr O'Callaghan, he is a competent Planner but he is not an Engineer, I am however and I have 25 years of experience in the municipal world during which period I ran departments like Public Works, Engineering, Transit, Fleet, Bylaw, Building and even Parks during that time. I am well diverse and considered an expert in the area of EA's as I have headed a multitude of them during my career, so I can assure you that the EA Act has no relevance here.

I was also charged with overseeing engineering matters related to development applications during my tenure including applications similar to this. This is why I am so concerned over this process and its lack of clarity and definition.

I am not opposed to the idea of a hobby farm, if it's determined unquestionably safe to operate one at this site or part of this site. But I am highly concerned over the health of Halls Lake so this application is very much under my and others watchful eye.

As many have pointed out to Council, the RU zoning permits a host of other uses that are concerning too but Council did not direct they be studied, this too raises questions why this application be considered only based on what the applicant's intentions are said to be rather than what all the potential approved uses could be.

As you probably know, once zoning is granted it cannot be taken away from a property, therefore it is very concerning Council has not taken this into account.

These plus other reasons are why we are requesting the file be dealt with in a very transparent and professional manner that includes well defined parameters and has thorough review by qualified professionals, and not just a Planner who may or may not have some experience but no formal education in these matters.

Your email also requested the [REDACTED] and others refrain from using certain words like bias when referencing Council and Staff. I'm not exactly sure what brought you to suggest you needed to try and suppress freedom of speech but I can point out that Mr. O'Callaghan

had said on public record that he was going to recommend approval of this application until he and Council had received many concerns. This Madame Mayor does demonstrate a type of bias to this application on his part. He had already made a decision that this application should be approved with no additional information despite his knowledge that it was a site that was under extreme scrutiny from an OMB hearing. This raised a lot of flags in the community and in my opinion, this demonstrates a bias and suggests Mr.

O'Callaghan should not be charged with the review of the EIS, that it needs to be done by a third party who has the correct qualifications.

The OMB and its process had determined this specific property is in a zone of influence on Halls Lake and that draws considerable attention to what Council is doing so why all the uses in the RU zoning are not requested by Council to be scrutinized makes no sense too many residents and gives thought to there being some kind of bias and probably why people have used that term when communicating. I don't believe there was a need for you to be defensive about it, nor do I believe it was intended to be used in a liable manner as there are legitimate reasons why people may have thought there to be bias.

I thank you for your time in reading my email and look forward to your reply.





---

**RE: Kegal Rezoning Request**

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From Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>

Date Mon 18/11/2024 5:13 PM

To Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>; Sean O'Callaghan  
<[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>

Hi Liz,

Sorry I missed your call. I would agree with you that Sean needs an opportunity to see and review the letter from [REDACTED] and provide feedback for you to be able to respond appropriately. I'd like to meet with him tomorrow to debrief about our meeting with [REDACTED] and [REDACTED] that we had last Wednesday, and then review that with you as well.

It would be my preference to also include Sean in your meeting with [REDACTED]. We can touch base more tomorrow after our agenda review.

Angie

**Angie Bird**, A.M.C.T., CMM III  
Chief Administrative Officer  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 322  
F: 705-489-3491  
E: [abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)

**Please consider the environment before printing this email.**

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**From:** Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>

**Sent:** Monday, November 18, 2024 1:56 PM

**To:** Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>; Sean O'Callaghan  
<[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>

**Subject:** Kegal Rezoning Request

Hi

I've just received an e-mail from [REDACTED] asking for a meeting with myself and Jen about the impact any rezoning would have on Halls Lake. She refers to the planning opinion letter received from [REDACTED] and added that she'd

like [REDACTED] to attend. He's the fellow who  
Has been critical of Sean which cheeses me off no end. She wants to meet in person this  
Friday, or via zoom next Tuesday or Wednesday,  
It's my thinking that until Sean has an opportunity to review [REDACTED] letter and we have the  
EA information back, having any meeting with  
[REDACTED] Would serve no purpose.

Thoughts?

Liz

Liz Danielsen  
Mayor, Algonquin Highlands  
[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)  
[warden@county.haliburton.on.ca](mailto:warden@county.haliburton.on.ca)



## Sean O'Callaghan

---

**From:** Jennifer Dailloux  
**Sent:** November 29, 2024 8:37 AM  
**To:** Sean O'Callaghan  
**Subject:** Re: [REDACTED] conversation with county

Thanks Sean,  
Jen

**Jennifer Dailloux**  
Councillor, Ward 3  
& Deputy Mayor  
Township of Algonquin Highlands

cell: (705) 927-1273  
Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)

---

**From:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Sent:** November 29, 2024 8:35 AM  
**To:** Jennifer Dailloux <[jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)>  
**Subject:** RE: [REDACTED] conversation with county

Hi Jen,

The County has provided revised comments not in support of the application. It is my understanding the Kegel's are going to be meeting with the County to discuss.

I will be bringing a report back to Council with the revised comments.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 324  
F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Jennifer Dailloux <jdailloux@algonquinhighlands.ca>  
**Sent:** November 29, 2024 7:51 AM  
**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>  
**Subject:** [REDACTED] conversation with county

Hi Sean,

Very curious to know how your conversation with Elizabeth went last week. Did she revise the county's position on the [REDACTED] application?

Cheers,  
Jen

***Jennifer Dailloux***  
Councillor, Ward 3  
& Deputy Mayor  
Township of Algonquin Highlands

cell: (705) 927-1273  
Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)

**Sean O'Callaghan**

---

**From:** Liz Danielsen  
**Sent:** November 19, 2024 10:11 PM  
**To:** Angie Bird  
**Cc:** Sean O'Callaghan; Jennifer Dailloux; Sarah Hutson  
**Subject:** Re: Meeting with Halls Hawk Assoc re: [REDACTED] Zoning Application

Okay.... Thanks Angie.  
Sent from my iPhone

On Nov 19, 2024, at 9:26 PM, Angie Bird <abird@algonquinhighlands.ca> wrote:

Hi Liz,

It is definitely possible to send out a zoom link, but it will be necessary for everyone in the Council room to use the microphones during the meeting, the same as you do in Council.

I've cc'd Sarah, as she will need to assist us with the setup.

Angie Bird, CAO  
Sent from my iPhone

On Nov 19, 2024, at 2:57 PM, Liz Danielsen  
<ldanielsen@algonquinhighlands.ca> wrote:

Hi all:

A meeting time has been set for 1:00 pm on Friday afternoon in the Council Chambers.

Is it possible to have a zoom capability set up for [REDACTED] who is in Florida at the moment [REDACTED] was suggesting he could speak through her phone, but I think a zoom invite would be better so we can see and hear him properly. Otherwise, for the rest of us, I think the in person approach is best.

Liz

Liz Danielsen  
Mayor, Algonquin Highlands  
ldanielsen@algonquinhighlands.ca  
warden@county.haliburton.on.ca

## Sean O'Callaghan

---

**From:** Sean O'Callaghan  
**Sent:** November 22, 2024 11:36 AM  
**To:** Angie Bird  
**Subject:** RE: [REDACTED] ZC - time to chat?

Thanks Angie.

I asked Elizabeth for a follow up call for this afternoon to seek a couple points of clarification. I will send the email to her and cc you and Gary following that discussion.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.P.I., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
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F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>  
**Sent:** November 22, 2024 11:33 AM  
**To:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Subject:** RE: [REDACTED] ZC - time to chat?

Hi Sean,

This looks great. You can go ahead and send it. I also let the Mayor know yesterday that we would be sending this.

Thanks.

Angie

**Angie Bird, A.M.C.T., CMM III**  
Chief Administrative Officer  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 322



F: 705-489-3491

E: [abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)

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---

From: Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>

Sent: November 20, 2024 2:43 PM

To: Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>

Subject: RE: [REDACTED] ZC - time to chat?

Hi Angie,

For your review.

Thanks,

Sean

Hi Elizabeth,

Further to our earlier phone conversation and after consulting with Angie can you please confirm if the County will be providing revised comments in opposition to the proposed Zoning By-law Amendment or if the original comments that appeared to be in support of the application stand.

If you will be providing revised comments can you please indicate that they are revised from the original comments received on August 22<sup>nd</sup>, 2024.

As mentioned during our call the applicant is in the process of obtaining an Environmental Impact Study, Nutrient Management Plan and Manure Storage Plan. If the County will be providing revised comments in opposition I would like to notify the applicant ASAP so they can halt those efforts and re-evaluate how they wish to proceed with their application.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**

Planner

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**From:** Sean O'Callaghan  
**Sent:** November 20, 2024 12:30 PM  
**To:** Elizabeth Purcell <[epurcell@haliburtoncounty.ca](mailto:epurcell@haliburtoncounty.ca)>  
**Subject:** RE: [REDACTED] ZC - time to chat?

Hi Elizabeth,

Would 1:30pm work?

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 324  
F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Elizabeth Purcell <[epurcell@haliburtoncounty.ca](mailto:epurcell@haliburtoncounty.ca)>  
**Sent:** November 20, 2024 12:20 PM  
**To:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Subject:** [REDACTED] ZC - time to chat?

Happy Wednesday – There's been some outreach to the County about the hobby farm zc and I was wondering if you had a couple minutes to chat this afternoon?

Please let me know!

**Elizabeth Purcell, BES, MPA, MCIP, RPP**  
**Director of Planning**  
County of Haliburton  
11 Newcastle Street, P.O. Box 399  
Minden, Ontario K0M 2K0  
Phone: (705) 286-1333 ext. 222  
Mobile: (705) 457-5749  
[epurcell@haliburtoncounty.ca](mailto:epurcell@haliburtoncounty.ca)  
<https://www.haliburtoncounty.ca>



<https://myhaliburtonhighlands.com/>

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**Sean O'Callaghan**

---

**From:** Jennifer Dailloux  
**Sent:** November 25, 2024 4:05 PM  
**To:** Liz Danielsen; Angie Bird; Sean O'Callaghan  
**Cc:** Lisa Barry; Julia Shortreed; Sabrina Richards  
**Subject:** Council visit to the [REDACTED] property

Dear Liz and Angie,

As the [REDACTED] zoning application is hotting up again around the community, I would feel much more comfortable voting on the issue after having viewed the property. Could provision be made for a Council visit to the site?

Many thanks,  
Jen

**Jennifer Dailloux**  
Councillor, Ward 3  
& Deputy Mayor  
Township of Algonquin Highlands

cell: (705) 927-1273  
Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)

## Sean O'Callaghan

---

**From:** Dawn Newhook  
**Sent:** December 17, 2024 11:43 AM  
**To:** Jennifer Dailloux; Liz Danielsen; Lisa Barry; Julia Shortreed; Sabrina Richards  
**Cc:** Sean O'Callaghan; Angie Bird  
**Subject:** RE: Council visit to the [REDACTED] property

Good morning, Council:

I would recommend that any member of Council that wishes to visit the subject property do so individually, with Sean, and with the permission of the property owner and their availability.

If all Council, or a quorum of Council, was to meet on site together it may be construed as a meeting, of Council as this is a matter that has been discussed by Council, a public meeting has been held in accordance with the Planning Act and will be coming back to Council for a full discussion and decision.

Thank you.

Dawn Newhook, Dipl.M.M.  
Clerk/Deputy CAO  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
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 Please consider the environment before printing this email

**From:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Sent:** December 13, 2024 2:59 PM  
**To:** Jennifer Dailloux <[jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)>; Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>; Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>; Dawn Newhook <[dnewhook@algonquinhighlands.ca](mailto:dnewhook@algonquinhighlands.ca)>

Cc: Lisa Barry <lbarry@algonquinhighlands.ca>; Julia Shortreed <jshortreed@algonquinhighlands.ca>; Sabrina Richards <srichards@algonquinhighlands.ca>

**Subject:** RE: Council visit to the [REDACTED] property

Hi Jen,

I'm sure the Kegal's will welcome a site visit by Council and I will reach out to them to confirm.

It would be best if we all went together. Unfortunately now with the snow on the ground it may be best to wait until the spring to visit to be able to truly see the site, however, if Council would like to see the site this winter we can try to arrange a site visit sooner.

Thanks,

Sean

**Sean O'Callaghan**, B.U.R.Pl., MCIP, RPP

Planner

Township of Algonquin Highlands

1123 North Shore Road

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P: 705-489-2379 Ext. 324

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W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Jennifer Dailloux <[jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)>

**Sent:** December 13, 2024 1:28 PM

**To:** Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>; Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>; Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>; Dawn Newhook <[dnewhook@algonquinhighlands.ca](mailto:dnewhook@algonquinhighlands.ca)>

**Cc:** Lisa Barry <[lbarry@algonquinhighlands.ca](mailto:lbarry@algonquinhighlands.ca)>; Julia Shortreed <[jshortreed@algonquinhighlands.ca](mailto:jshortreed@algonquinhighlands.ca)>; Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>

**Subject:** Re: Council visit to the [REDACTED] property

Hi Liz,

Given the likely return of this file early in the new year, I'd like to reconfirm my request for a Council visit to the property.

Thanks,

Jen

**Jennifer Dailloux**

Councillor, Ward 3

& Deputy Mayor

Township of Algonquin Highlands



cell: (705) 927-1273

Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)

---

**From:** Jennifer Dailloux <[jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)>

**Sent:** November 25, 2024 4:05 PM

**To:** Liz Daniels <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>; Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>; Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>

**Cc:** Lisa Barry <[lbarry@algonquinhighlands.ca](mailto:lbarry@algonquinhighlands.ca)>; Julia Shortreed <[jshortreed@algonquinhighlands.ca](mailto:jshortreed@algonquinhighlands.ca)>; Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>

**Subject:** Council visit to the [REDACTED] property

Dear Liz and Angie,

As the [REDACTED] zoning application is hotting up again around the community, I would feel much more comfortable voting on the issue after having viewed the property. Could provision be made for a Council visit to the site?

Many thanks,

Jen

**Jennifer Dailloux**

Councillor, Ward 3

& Deputy Mayor

Township of Algonquin Highlands

cell: (705) 927-1273

Email: [jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)

---

**Re: Council visit to the [REDACTED] property**

---

From Liz Daniels <ldanielsen@algonquinhighlands.ca>

Date Sat 14/12/2024 7:48 PM

To Sean O'Callaghan <socallaghan@algonquinhighlands.ca>

Cc Jennifer Dailloux <jdailloux@algonquinhighlands.ca>; Angie Bird <abird@algonquinhighlands.ca>; Dawn Newhook <dnewhook@algonquinhighlands.ca>; Lisa Barry <lbarry@algonquinhighlands.ca>; Julia Shortreed <jshortreed@algonquinhighlands.ca>; Sabrina Richards <srichards@algonquinhighlands.ca>

I didn't quite realize that the [REDACTED] issue would take til spring to resolve or longer. However I agree with Sean that we should go together and in the spring when we can actually see what's on the ground.

Liz

Sent from my iPhone

On Dec 13, 2024, at 2:59 PM, Sean O'Callaghan <socallaghan@algonquinhighlands.ca> wrote:

Hi Jen,

I'm sure the Kegals will welcome a site visit by Council and I will reach out to them to confirm.

It would be best if we all went together. Unfortunately now with the snow on the ground it may be best to wait until the spring to visit to be able to truly see the site, however, if Council would like to see the site this winter we can try to arrange a site visit sooner.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 324  
F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)

**Sean O'Callaghan**

---

**From:** Liz Danielsen  
**Sent:** December 20, 2024 11:13 AM  
**To:** Sean O'Callaghan  
**Cc:** Angie Bird; Dawn Newhook  
**Subject:** Re: [REDACTED] Visit

Thanks for checking this out Sean!  
How best to handle this has been worrying me given the public backlash we've been getting.

Sent from my iPhone

On Dec 20, 2024, at 10:02 AM, Sean O'Callaghan <socallaghan@algonquinhighlands.ca> wrote:

Hi Liz,

I just spoke with John and he strongly advised [REDACTED]

[REDACTED]

Let me know if you have any questions or would like to discuss further.

Thanks,

Sean

**Sean O'Callaghan, B.U.R.P.I., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
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F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)

<image001.jpg>

<image002.png>

<image003.png>



**From:** Liz Danielsen <ldanielsen@algonquinhighlands.ca>  
**Sent:** December 20, 2024 8:10 AM  
**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>; Dawn Newhook <dnewhook@algonquinhighlands.ca>; Angie Bird <abird@algonquinhighlands.ca>  
**Subject:** [REDACTED] Visit

Hello all:

I can't get the idea of this proposed visit out of my head. I don't believe that individual visits are the way to go

As [REDACTED] would likely be present, questions asked and answered, but members of Council not necessarily ending

Up with the same information. In addition, asking Mr. [REDACTED] to accept as many as five visits is a bit much.

We have, in the past, visited several sites en masse, with the Clerk in attendance as well and as required.

Given that it would constitute a meeting and, if there is to be a visit, that is what I would still recommend.

I seem to recall, at some point in the past, our being advised that this isn't necessarily a good practice, so I'm

Wondering if Sean shouldn't make a quick call to Mr. Ewart to get a bit of advice on this. I have little doubt that this

Is an application that could ultimately end up with the land tribunal and I would hate to take a step that could

Jeopardize the success of any decision that we might make.

Liz

Liz Danielsen  
Mayor, Algonquin Highlands  
[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)

## Sean O'Callaghan

---

**From:** Sean O'Callaghan  
**Sent:** December 20, 2024 9:37 AM  
**To:** M. John Ewart  
**Subject:** RE: AH-ZBA-009/24 [REDACTED]

Hi John,

[REDACTED]

Thanks,

Sean

**Sean O'Callaghan, B.U.R.P.I., MCIP, RPP**  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
P: 705-489-2379 Ext. 324  
F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** M. John Ewart <jewart@ewartodwyer.com>  
**Sent:** December 20, 2024 9:34 AM  
**To:** Sean O'Callaghan <socallaghan@algonquinhighlands.ca>  
**Subject:** RE: AH-ZBA-009/24 [REDACTED]

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Sean

[REDACTED]

John

M. John Ewart  
Certified by the Law Society of Ontario as a Specialist in Municipal Law  
(Local Government/Land Use Planning and Development)  
EWART O'DWYER  
311 George Street North, Suite 103  
Peterborough, ON K9J 3H3  
Tel: (705) 874-0404 Ext. 231 Fax: (705) 874-1165

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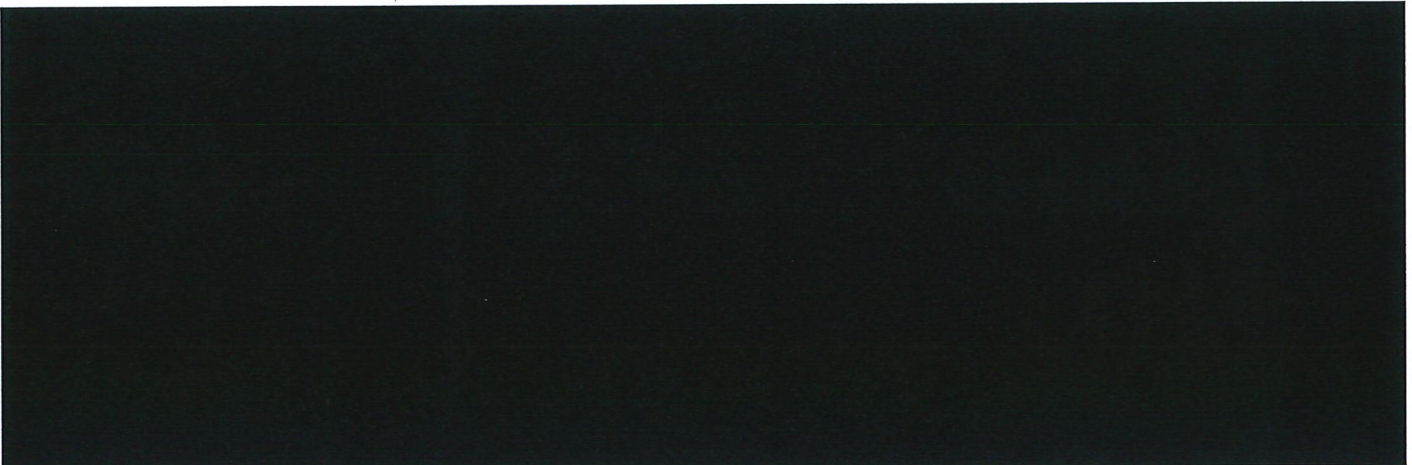
**From:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>

**Sent:** Friday, December 20, 2024 9:31 AM

**To:** M. John Ewart <[jewart@ewartodwyer.com](mailto:jewart@ewartodwyer.com)>

**Subject:** AH-ZBA-009/24 [REDACTED]

Hi John,



Thanks,

Sean

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**

Planner

Township of Algonquin Highlands

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## Sean O'Callaghan

---

**From:** Sean O'Callaghan  
**Sent:** January 23, 2025 3:18 PM  
**To:** Sabrina Richards  
**Subject:** RE: [REDACTED] Property Question

Hi Sabrina,

Council must consider a number of factors when deciding on an application for Zoning By-law amendment, including conformity with the Township Official Plan.

In my staff reports to Council relevant sections of the Official Plan are highlighted for whichever application is under consideration. As with most planning legislation, which would include our Official Plan and Zoning By-law, the language can be at times quite broad, discretionary and open to interpretation. I provide Council with my opinion and interpretation of the policies however Council may interpret it differently.

Happy to discuss further if you have any questions.

Thanks,

Sean

**Sean O'Callaghan**, B.U.R.P.I., MCIP, RPP  
Planner  
Township of Algonquin Highlands  
1123 North Shore Road  
Algonquin Highlands, ON K0M 1S0  
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F: 705-489-3491  
W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>  
**Sent:** January 23, 2025 10:55 AM  
**To:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>  
**Subject:** [REDACTED] Property Question

Hi Sean

I keep hearing this stated about the [REDACTED] Property:  
Section 24 of the Planning Act is very clear: Council lacks the legal authority to pass any by-law that is not in conformity with the Official Plan, regardless of the outcome of any environmental studies.

Is this true?

Sabrina Richards  
Councillor Ward 2  
Algonquin Highlands  
705-489-2429

---

**Fwd: Halls Lake "RU" re-zoning application**

---

**From** Liz Danielsen <ldanielsen@algonquinhighlands.ca>

**Date** Wed 19/02/2025 9:37 AM

**To** Angie Bird <abird@algonquinhighlands.ca>; Sean O'Callaghan <socallaghan@algonquinhighlands.ca>

Good morning..... this is starting to get out of hand with respect to demands....I will need some help before responding....hope to have a few minutes with you after our meeting tomorrow.  
Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]

**Date:** February 18, 2025 at 12:27:32 PM EST

**To:** Liz Danielsen <ldanielsen@algonquinhighlands.ca>, Jennifer Dailloux <jdailloux@algonquinhighlands.ca>, Julia Shortreed <jshortreed@algonquinhighlands.ca>, Lisa Barry <lbarry@algonquinhighlands.ca>, Sabrina Richards <srichards@algonquinhighlands.ca>

**Cc:** [REDACTED]

**Subject: Halls Lake "RU" re-zoning application**

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Dear Mayor Danielson & members of council:

I understand that the requested environmental impact study (EIS) pertaining to the proposed land use change for the Halls Lake property is now in the hands of administration and may soon come before council for decision on this matter.

As it is expected that the EIS will contain information relevant to the potential environmental impact of the change in use and development of land designated as "waterfront" property in the AHT official plan, the Halls & Hawk Lakes Property Owners Association (HHLPOA) is requesting that a public meeting be held in order to communicate the information, assessments and recommendations contained in the EIS, along with providing information about how AHT administration proposes overseeing activities and uses on the property should re-zoning be approved.

The HHLPOA has received many questions regarding the proposed land use change/re-zoning from the community, clearly demonstrating the level of concern



and involvement locally.

Questions received include:

- Why was the protection of the land in the Official Plan disregarded?
- What will be the impact on Halls Lake (specifically, our drinking water & water quality) with the proposed land use change?
- How will we, as property owners, be assured that activities permitted under the new zoning will comply with applicable legislation, regulations and environmental "best practices"?
- Is this a sign that AHT is no longer concerned with environmental protection?

It is clear that effective communication with the public is necessary. We encourage council to schedule a public meeting prior to holding a vote on this matter in order to communicate with ratepayers.

In addition, the HHLPOA is also requesting that a copy of the EIS be provided at least 2 weeks in advance of any meetings of council regarding this matter in order to review & understand the information & recommendations contained in the EIS. Our concern, as always, is to protect and enhance our lands, our waters and our community.

Regards,



F: 705-489-3491

W: [www.algonquinhighlands.ca](http://www.algonquinhighlands.ca)



**From:** Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>

**Sent:** February 19, 2025 9:34 AM

**To:** Sean O'Callaghan <[socallaghan@algonquinhighlands.ca](mailto:socallaghan@algonquinhighlands.ca)>; Angie Bird <[abird@algonquinhighlands.ca](mailto:abird@algonquinhighlands.ca)>

**Subject:** Fwd: Letter to Council - Rezoning Application AH-ZBA-009-24

Hi Sean..... I think I need some help from you in order to respond to this letter.

Liz

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]

**Date:** February 13, 2025 at 8:15:28 PM EST

**To:** Lisa Barry <[lbarry@algonquinhighlands.ca](mailto:lbarry@algonquinhighlands.ca)>, Liz Danielsen <[ldanielsen@algonquinhighlands.ca](mailto:ldanielsen@algonquinhighlands.ca)>, Jennifer Dailloux <[jdailloux@algonquinhighlands.ca](mailto:jdailloux@algonquinhighlands.ca)>, Julia Shortreed <[jshortreed@algonquinhighlands.ca](mailto:jshortreed@algonquinhighlands.ca)>, Sabrina Richards <[srichards@algonquinhighlands.ca](mailto:srichards@algonquinhighlands.ca)>

**Subject:** Letter to Council - Rezoning Application AH-ZBA-009-24

Some people who received this message don't often get email from [REDACTED]

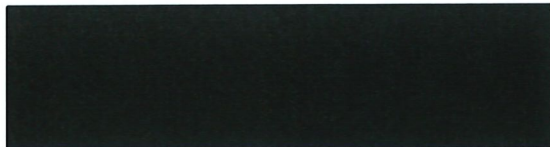
[Learn why this is important](#)

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Good Evening,

Please see the attached documents regarding the rezoning application AH-ZBA-009-24 on Halls Lake.

Thank you.



February 14, 2025

Dear Mayor Danielsen, Deputy Mayor Jennifer Dailloux, Councillor Julia Shortbread, Councillor Lisa Barry, Councillor Sabrina Richards

I am writing to you in regards to the rezoning application AH-ZBA-009-24 on Halls Lake. I realize you have received many emails and letters in regards to the concerns from many of the residents on Halls Lake, detailing a multitude of issues and reasons why this is detrimental to the lake and the surrounding properties.

I want to highlight a few key areas of concern that have not been addressed or answered.

Is the township prepared to hire a bylaw officer who is an expert in MDS and agriculture guidelines including those under the Ontario Small Scale Pig Farming regulations? (See tagging and slaughter). <https://www.ontariopork.on.ca/producers/small> Or, is the township prepared to train existing staff in these regulations? Given the already taxing duties of the Algonquin Highlands bylaw staff how will township and council ensure that all the regulations and compliance are adhered to?

Given that the township was unaware that the zoning was not already RU and no bylaw compliance notices were handed out, how will you ensure that in future AH Bylaws will be properly enforced?

In the absence of a Conservation Authority how will council be able to ensure that Halls Lake and the lakes it feeds into along the Trent-Waterway are protected from potential environmental damages as a result of farming activity within the waterfront exclusion zone of 150 metres of Halls Lake?

We have been told by The Highlander news organization that the applicant completed an EIS before the end of January and that it is in his favour.

If an Environmental Impact Study was already completed between September 5th and now (February 2025), then the assessment did not cover the spring when the winter runoff occurs. Therefore, not all the information for a proper assessment would have been completed.

We have also been told by Mayor Danielsen and Planner Sean O'Callaghan that the decision could come as early as the end of March. With the information that the EIS was complete one of our group went to your offices to inquire and were informed by Mr O'Callaghan that the EIS has not yet been submitted to the township.

In the Official Plan 4.2.5.5.7 it states that Council shall consult with the Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry as part of the development approval process for development applications on lakes listed in Section 4.2.5.5.6 to determine the appropriateness of the development proposed, and the need for the



proponent to undertake an environmental impact study. Halls Lake, is one of the lakes listed in 4.2.5.5.6. Have both Ministry's been consulted?

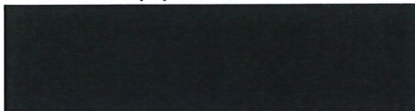
We have now consulted several planners and have been told without question that under the Planning Act this proposed change in zoning from SR2 to RU is considered a new development and not a change in use.

If the RU designation is rejected by council, we understand that the applicant has indicated he will go to the Ontario Land Tribunal. You should be aware, our Land Tribunal expert has informed us that should the applicant do so, we can also attend, participate through statements and send a party to the hearing to share all of our findings and evidence. This would allow us to call in experts and cross examine witnesses. (See attached OLT Rules of Practice and Procedure)

We are aware of the concern by the township and council that a hearing at the OLT would be costly to the township. However, we are also aware of at least two circumstances where the township went to the OLT and sent Mr O'Callaghan (a paid staff member) with no legal counsel. If a hearing were called, we have it on good authority that it would not be a long case therefore any legal obligations to the township would not be overly taxing.

As a group of concerned citizens of Algonquin Highlands we kindly request that you take the time to carefully review each of these important points and concerns before making any decisions, and we look forward to your response addressing the concerns we have raised.

Sincerely yours,

A solid black rectangular box used to redact the signature and name of the sender.

# **ONTARIO LAND TRIBUNAL**

## **RULES OF PRACTICE AND PROCEDURE**

**Made under subsection 13(1) of the *Ontario Land Tribunal Act, 2021***

**Effective:  
December 2, 2024**

**ONTARIO LAND TRIBUNAL**  
**RULES OF PRACTICE AND PROCEDURE**

made under subsection 13(1) of the *Ontario Land Tribunal Act, 2021*

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## PREFACE

The Ontario Land Tribunal ("Tribunal" or "OLT") adjudicates or mediates matters related to land use planning, environmental and heritage protection, land valuation, mining and other matters. The Tribunal is established by section 2 of the [Ontario Land Tribunal Act, 2021](#) [S.O. 2021, c. 4, Sched. 6] ("OLT Act").

These Rules are made under subsection 13(1) of the OLT Act to enable the Tribunal to exercise its authority as authorized by legislation or prescribed by regulation.

**The Rules are to be read in conjunction with the relevant statutory and regulatory requirements.**

## PART I

### RULE 1 GENERAL MATTERS

#### 1.1 Authority and Application

**Authority:** These Rules are made under the authority of subsection 13(1) of the *OLT Act*.

**Application:** These Rules apply to all matters and proceedings before the Tribunal unless otherwise specified.

These Rules are divided into two Parts:

Part I applies to all matters and proceedings before the Tribunal.

Part II applies to and is specific to those Tribunal proceedings commenced under the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended ("*Expropriations Act*"). The Rules in Part II do not apply to any other proceedings before the Tribunal.

**In the Event of a Conflict:** Subsection 12(3) of the *OLT Act* provides that, despite section 32 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("*SPPA*"), the *OLT Act*, the regulations made thereunder and these Rules prevail over any provisions of the *SPPA* with which they conflict.

**Effective Date:** These Rules take effect on June 1, 2021 and apply to any matter or proceeding before the Tribunal, except as otherwise provided.

## 1.2 Definitions of terms in these Rules:

*"affidavit"* means a written statement made under oath or affirmation that is confined to facts or other evidence the deponent could give if testifying as a witness before the Tribunal that is substantially in the form set out in Rule 4D of the *Rules of Civil Procedure*;

*"Alternate Chair"* means the Vice-Chair appointed and designated by the Lieutenant Governor in Council as the Alternate Chair of the Tribunal under subsection 3(3) of the *OLT Act* to perform the duties of the Chair if the Chair is unable to act.

*"appellant"* means a person who initiates and brings an appeal to the Tribunal;

*"applicant"* means a person who makes an application to the Tribunal and includes a person requesting a matter be referred to the Tribunal. The term "applicant appellant" may also be used to describe an applicant when that person brings an appeal to the Tribunal;

*"Case management conference"* ("CMC") means a hearing event convened prior to the hearing on the merits of the appeal;

*"Chair"* means the person appointed and designated by the Lieutenant Governor in Council as Chair of the Tribunal under subsection 3(2) of the *OLT Act* to have general supervision and direction over the conduct of the affairs of the Tribunal;

*"document"* means written and visual material and includes written and visual evidence;

*"electronic hearing"* means a hearing event held by teleconference, videoconference or some other form of electronic technology allowing the parties, participants, and the Tribunal to hear or hear and see one another or their representatives, or any witnesses throughout the hearing event;

*"file"* means to send, deliver or transmit to the Registrar or to send, deliver or transmit to the proper authority for receiving appeals, and requires that the appeal material is either deemed to be or has actually been received by the Tribunal or authority;

*"forms"* means those forms published by the Tribunal, the forms referenced in the Index to these Rules, or if not published, those forms in the *Rules of Civil Procedure*, with necessary modifications;



*"hearing event"* means a procedure held by the Tribunal at any stage of a proceeding and includes a motion, case management conference and hearing, whether these are held in the form of an in person hearing, electronic hearing or written hearing, and does not include a cross-examination on an affidavit not held before the Tribunal;

*"holiday"* means a Saturday or Sunday or other days that the Tribunal offices are closed, such as the statutory holidays of New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any special holiday proclaimed by the Governor General or the Lieutenant Governor in Council. Where New Year's Day, Canada Day or Remembrance Day fall on a Saturday or Sunday, the following Monday is a holiday. Where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and where Christmas Day falls on a Friday, the following Monday is a holiday;

*"in person hearing"* means a hearing event at which the parties or their counsel or representative(s) attend before the presiding Tribunal Member(s) in person;

*"mediation"* means the intervention into a disputed matter or matters before the Tribunal by a Tribunal Member, or a Mediator approved by the Chair to facilitate discussion and negotiations among the parties and assist them in developing a mutually acceptable settlement of all or part of the dispute, all of which is conducted on a confidential basis;

*"Member"* means a person appointed by the Lieutenant Governor in Council as a Member of the Tribunal under subsection 3(1) of the *OLT Act*;

*"motion"* means the formal method for a party to request that the Tribunal make a decision or issue an order at any stage in a proceeding or an intended proceeding;

*"moving party"* means the person who brings or makes a motion;

*"municipal record"* means the material required to be filed by the Municipal Clerk or approval authority with the Tribunal as prescribed and directed by statute or by regulation, or by these Rules;

*"participant"* means a person who is not a party to a proceeding and is only permitted to make or file a written statement to the Tribunal upon such terms as the Tribunal may determine in respect of the proceeding;

*"party"* means a person entitled by the statute under which the proceeding arises to be a party to the proceeding and includes those persons whom the Tribunal accepts or adds as parties on such terms as the Tribunal may determine;

*"person"* means an individual or a corporation and includes the entities included within the meaning of a person in the *SPPA* and any other relevant legislation;

*"proceeding"* means any matter, procedure, appeal, referral or application before the Tribunal and this includes matters which may be initiated by the Tribunal;

*"Registrar"* or *"Secretary"* means the individual appointed by the Tribunal to issue orders, when authorized, of the Tribunal and to receive service of material filed with the Tribunal;

*"representative"* means a person authorized under the *Law Society Act*, R.S.O. 1990, c. L.8, as amended, or its By-Laws to represent a person in a proceeding before the Tribunal, and this includes legal counsel or the individuals that are authorized to provide legal services;

*"respondent"* or *"responding party"* means a person, other than the Registrar, who is served with an initiating document in a case before the Tribunal, such as a notice of motion;

*"Rules of Civil Procedure"* means R.R.O 1990, Reg. 194, as amended, which are the Rules in effect for the Superior Court of Justice and the Court of Appeal, made under the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;

*"settlement conference"* means a discussion held in a proceeding amongst the parties or their representatives and the Tribunal to attempt to resolve all or part of a matter by discussion or mediation and includes a mediation session;

*"submission form"* means a form provided by the Tribunal for the filing of appeals, referrals or applications;

*"Tribunal"* means the Ontario Land Tribunal, abbreviated as the OLT, established by section 2 of the *OLT Act*;

*"Vice-Chair"* means a person appointed and designated by the Lieutenant Governor in Council as a Vice-Chair of the Tribunal under subsection 3(2) of the *OLT Act*;



*“visual evidence”* means images or images with sound intended to be introduced into evidence at a hearing event and includes computer-generated images, photographs, maps, videos, plans, drawings, surveys, models and overlays;

*“written evidence”* means material introduced into evidence at a hearing event and includes reports, letters, correspondence, notices, memoranda, forms, agreements, emails, charts, graphs, books of account, and any other written communication recorded or stored by means of any device; and

*“written hearing”* means a hearing event held by means of the exchange of documents whether in hardcopy form or by electronic means.

**1.3 Interpretation of the Rules** These Rules shall be liberally interpreted to offer the best opportunity for a fair, just, expeditious and cost-effective resolution of the merits of the proceedings.

**1.4 Matters Not Dealt with in the Rules** The Tribunal may at any time in a proceeding before it make orders and direct practices and procedures that offer the best opportunity for a fair, just, expeditious and cost-effective resolution of the merits of the proceeding and may exercise any of its powers under the *OLT Act*, the *SPPA*, or other applicable legislation. If these Rules do not provide for a matter of procedure, the Tribunal may adopt or follow the procedures set out in the *Rules of Civil Procedure* where appropriate and do whatever is necessary to adjudicate effectively and completely to resolve the merits of any dispute on any matter. If the Tribunal does not provide for a particular form, then the Tribunal may adopt, or modify the applicable form in the *Rules of Civil Procedure* to apply to any proceeding before the Tribunal.

**1.5 Technical Objections** Substantial compliance with the requirements of these Rules is sufficient and technical non-compliance shall be deemed to be an irregularity and does not render a proceeding or a step, decision or order in that proceeding a nullity.

**1.6 Tribunal May Exempt from Rules** The Tribunal may grant all necessary exceptions from these Rules or from any procedural order, or grant other relief as it considers necessary and appropriate, to ensure that the real questions in issue are determined in a fair, just, expeditious and cost-effective manner.

**1.7 Failure to Comply with Rules** The Tribunal expects compliance with these Rules and adherence to Tribunal orders arising from the application of these Rules by all parties and participants. If a party or participant to any proceeding has not complied



with a requirement of these Rules or a Tribunal order, such as a procedural order and any requirement included therein, then the Tribunal has the discretion to determine the consequences of non-compliance and may grant necessary relief or exercise any of its powers authorized by legislation or regulation.

## **RULE 2**

### **GENERAL POWERS OF THE CHAIR**

**2.1 Duties of the Chair** The Chair of the Tribunal has general supervision and direction over the affairs of the Tribunal, including the scheduling of hearing events and the assignment of Members to hearing events conducted by the Tribunal.

**2.2 Alternate Chair** If the Chair is unable to act, the Alternate Chair shall perform the duties of the Chair and has all the powers of the Chair for the purpose.

## **RULE 3**

### **TIME**

**3.1 Computation of Time** When computing time under these Rules or in a Tribunal Order, a day shall mean a calendar day and when the time for doing anything under these Rules falls on a holiday, the time is extended to include the next day that the Tribunal is open for business. When there is reference to two events, the time between the two events is computed by excluding the day on which the first event occurs and including the day on which the second event occurs.

**3.2 Extension or Reduction of Time** The Tribunal may extend or reduce any time required in these Rules or in a Tribunal order, with any terms or conditions, unless a statute or regulation provides otherwise. The Tribunal cannot extend a time period to file an appeal prescribed in a statute. A request for a change in time requirements established in a proceeding may be made by bringing a motion, or the Tribunal may change a time requirement on its own initiative, with or without notice or a hearing event, either before or after the time period expires.

**3.3 Conducting a Proceeding if a Party is Absent** The Tribunal will not proceed for at least 30 minutes after the commencement time given in the Notice for an in person hearing event if a party of record or that party's representative has not yet appeared, unless prior notice has been given to the Tribunal that the person will not attend at the scheduled time.

The Tribunal will not commence an electronic hearing event for a period of 15 minutes after it is scheduled to begin should a party of record or that party's representative not be linked to the proceeding.

The Tribunal may start the hearing event after waiting for the requisite time period for that format of hearing event.

#### **RULE 4 REPRESENTATIVES**

**4.1 Appearance in Person or by an Authorized Representative** A party or participant may attend a proceeding in person and/or with their representative. Representatives who are not legal counsel or licensed paralegals must file the Representative of a Party – Commencement of Authorization Form. If authorization of the representative changes, the person or the representative shall immediately notify the Tribunal and the other parties and provide particulars of any new representative.

**4.2 Notices of Proceedings Provided to Representatives** Any notice given in the manner set out in these Rules to a representative is deemed to be effective notice to the party or participant for whom the representative acts.

#### **RULE 5 INITIATING PROCEEDINGS - GENERAL**

**5.1 Form of Application, Appeal or Referral** Unless a statute or these Rules provide for other methods, or the Tribunal directs otherwise, when proceedings are initiated by filing an application, appeal or referral directly with the Tribunal, the application, appeal or referral must be provided in electronic format as approved by the Tribunal and must:

- a. be addressed to the Registrar;
- b. provide the applicant/appellant/referrer's name, telephone number(s), e-mail address, postal address and postal code;
- c. state the statutory origin or authority and nature of the matter, adequately detailed reasons upon which the matter is being brought before the Tribunal, and the order requested;

- d. state how and when the applicant/appellant/referrer participated in the process of the application while it was before the council of the municipality or approval authority (where appropriate);
- e. include any applicable fee charged;
- f. inform the Tribunal of a request to assign a bilingual Member if the applicant/appellant/referrer wishes the proceeding to be conducted wholly or partly in French;
- g. be signed by the applicant/appellant/referrer or their representative;
- h. include any documentation as required by the Tribunal in the relevant appeal form; and
- i. ensure that electronic documents are in portable document format (PDF) with searchable text and tabbed electronic bookmarks.

**5.2 Appeal or Submission Forms** Where a matter is to be appealed or referred or an application is made and the Tribunal has prescribed a submission or appeal form on its website, that form should be obtained, completed and filed as directed on the form. Any information included on the form filed with the Tribunal is accessible by the public unless otherwise directed by the Tribunal.

**5.3 Where No Fee Paid** Unless the Tribunal directs otherwise, the Tribunal will not consider a matter or schedule a hearing event unless any applicable fee charged has been paid.

**5.4 Forwarding of the Record of the Municipality or Approval Authority** When an appeal is filed with a municipality or an approval authority and the municipality or approval authority is required to forward the record of the appeal to the Tribunal, the municipality or approval authority shall forward the record using the Tribunal's e-file system, unless the Tribunal directs otherwise.

**5.5 Content of the Record of the Municipality or Approval Authority** The content of the record set out in Rule 5.4 shall include, and not be limited to, all prescribed information and material including all written submissions either received or considered, or documents and reports prepared or filed, in relation to the decision, refusal or non-decision that has been appealed.

In addition, the municipality shall provide an affidavit from an employee with a summary of the oral submissions which were received from the public at the statutory public meeting, if applicable, relating to the planning matter that is the subject of the appeal and any other document referenced in the submission form set out in Rule 5.2. The



municipal record shall include, where available, the video and audio record of each public session at which oral submissions were made to the council/approval authority regarding the application, together with a list of the names of the persons who made the submissions, a summary of the nature of each submission and the time on the recording where the submission begins.

**5.6 Dispute Over Statutory Requirements to Appeal** Where applicable, a Municipal Clerk or approval authority whose decision or non-decision is the subject of the matter shall forward the record to the Registrar if there is a dispute as to whether an appeal, or purported appeal, of a decision or non-decision satisfies any applicable legislative requirements. The Tribunal shall determine the applicable legislative requirements necessary for a person to qualify as an appellant and decide if the matter in dispute is a proper appeal. The Tribunal may direct the Municipal Clerk or relevant approval authority to supplement the information provided should the Tribunal determine certain information is necessary for it to determine the extent of its jurisdiction over the matter in dispute.

**5.7 Hearing Event Format** The Tribunal may hold an in person, electronic or written hearing event, unless the format for the event is otherwise prescribed by legislation or regulation.

## **RULE 6 NOTICES**

**6.1 Notices** Any notice required by these Rules or a Tribunal order shall be given in writing in the form, manner and with such notice period as directed by the Tribunal.

**6.2 Notice of Hearing Event** The Tribunal may direct a party to give notice of a hearing event to any person or persons and may direct the method of providing the notice. The party that gave notice shall file an affidavit of service with the Tribunal within 14 days after providing notice to confirm that the Tribunal's direction was properly carried out.

**6.3 Hearing Event Venue or Electronic Hearing Format** The Tribunal shall set the time, date, format and may direct that the sitting of a hearing event before it be convened at a suitable meeting facility or by designated electronic hearing format.

## **RULE 7**

### **DOCUMENTS, EXHIBITS, FILING, SERVICE**

**7.1 Form of Documents** Unless otherwise directed by the Tribunal, every document filed or introduced by a party or participant in a proceeding before the Tribunal shall be legible and prepared electronically and shall have each page numbered consecutively, throughout the entire text or within tabs, including any graphic content. When a document is directed to be provided as a paper document, the paper document shall be identically numbered as the electronic copy and shall be prepared on letter size paper (8 ½" x 11"), except for large documents such as plans, surveys or maps.

**7.2 Other Exhibits** Large graphic or other such types of visual evidence should not be glued to foam or other boards. They shall be on paper and be removed from the boards following the hearing event, and folded to 8 ½" x 11". Three-dimensional models must be photographed and the photographs must be introduced with the model. Visual evidence must be reviewed by the other parties before the hearing event or by an earlier date if set out in a procedural order.

**7.3 Copies of Documents for Parties and the Municipal Clerk** A party who intends to introduce a document as evidence at a hearing event shall provide a copy of the document to all the parties at the beginning of the proceeding or by an earlier date if that is required by the terms of a procedural order or otherwise directed by the Tribunal. If the document is an official plan, those parts of the plan to be referred to at the hearing event should be distributed to the parties, and a copy of the entire plan must be made available to the Tribunal Member(s). If the Tribunal orders that the Municipal Clerk keep copies of documents for public inspection, they do not need to be certified copies, unless a party objects that they are not authentic copies.

**7.4 Prefiling of Witness Statements and Reports** If the hearing is expected to last more than 5 days, the Tribunal may require that parties calling expert or professional witnesses serve on the other parties any expert witness statements and reports prepared for the hearing, at least 30 days in advance of the commencement of the hearing, unless otherwise directed by the Tribunal. The Tribunal may in its discretion, or at the request of a party, also make this prefiling order for hearings expected to last fewer than 5 days. The expert witness statement must contain:

- a. an executed acknowledgment of expert's duty form (attached to these Rules) and the expert's qualifications;
- b. the issues the expert will address, their opinions on these issues, the reasons that support their opinions and their conclusions; and



- c. a list of the reports or documents, 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 served on all parties when so directed by the Tribunal.

**7.5 Duty of the Expert Witness** It is the duty of every expert engaged by or on behalf of a party who is to provide opinion evidence at a proceeding under these Rules to acknowledge, either prior to (by signing the acknowledgment form attached to the Rules) or at the proceeding, that they are to:

- a. provide opinion evidence that is fair, objective and non-partisan;
- b. provide opinion evidence that is related only to the matters that are within the expert's area of expertise;
- c. provide such additional assistance as the Tribunal may reasonably require to determine a matter in issue;
- d. not to seek or receive assistance or communication from any third party, except technical support, while giving oral evidence in examination in chief, while under cross-examination, or while in reply; and
- e. acknowledge that these duties prevail over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.

**7.6 Other Witnesses** The Tribunal may also require that a witness who is not presenting expert evidence provide a witness statement. A witness statement should contain:

- a. a short written outline of the person's background experience and interest in the matter;
- b. a list of the issues that they will discuss; and
- c. a list of reports or materials that they will rely on at the hearing.

The Tribunal may decline to allow the witness to testify if this statement is required by the Tribunal and has not been provided to the other parties.

**7.7 Participant Statements** A person who wishes to participate in a proceeding as a participant, shall file a written participant statement that sets out their position on the appeal and issues of the proceeding, together with an explanation of their reasons in



support of their position. A participant may only make submissions to the Tribunal in writing unless otherwise provided for by an Act or regulation.

**7.8 Amendment of Documents** Documents filed with the Tribunal can only be amended with the consent of the parties or by order of the Tribunal. The Tribunal may require that the person requesting an amendment do so by way of a motion under Rule 10.

**7.9 Copies of Tribunal Documents** A person may examine any document, including electronic documents, filed with the Tribunal and copy it after paying the Tribunal's fee, unless a statute, a Court Order, an order of the Tribunal or these Rules provide otherwise.

**7.10 Return of Exhibits** Exhibits of all types introduced at a hearing will be kept for 180 days after the Tribunal decision issues. The person introducing an exhibit may ask for its return after this time, and it may be given back if the Tribunal agrees. If no such request is made, the exhibit becomes the property of the Tribunal and may be archived.

**7.11 Service by Personal Service or Electronic Service** Where any document is required to be served or filed, including the one commencing a proceeding or a motion or providing notice, it shall be served by personal service, registered mail or electronically (unless a statute or the Tribunal 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, to that party directly, where that party has provided an address for service and/or an e-mail address;
- c. where that party is a corporation and is not represented, to the corporation directly, to the attention of an individual with apparent authority to receive the document;
- d. where served on or filed with a local board or commission, or any department, ministry or agency of the federal, provincial or municipal government, to an individual with apparent authority to receive the document; or
- e. where served on or filed with the Tribunal, to the Registrar, or the assigned administrative staff.

Subject to Rule 7.12, if a document is served by e-mail, then service is effective on the date of service.

**7.12 If Served Electronically After 4:30 p.m.** Any document served electronically after 4:30 p.m. is deemed to have been served on the next business day.

**7.13 Proof of Electronic Service** A confirmation printout received by the sender is proof of the full transmission and receipt of the electronic service.

## **RULE 8**

### **ROLE AND OBLIGATIONS OF A PARTY**

**8.1 Role and Obligations of a Party** Subject to Rule 8.2 below, a person conferred party status to a proceeding before the Tribunal shall participate fully in the proceeding, and by way of example may:

- a. Identify issues arising from a notice(s) of appeal for the approval of the Tribunal;
- b. Bring or respond to any motion in the proceeding;
- c. Receive copies of all documents and supporting information exchanged, relied upon or filed in connection with any hearing event conducted in the proceeding;
- d. Present opening and closing submissions at the hearing;
- e. Present and examine witnesses and cross-examine witnesses not of like interest;
- f. Claim costs or be subject to a costs award when ordered by the Tribunal; and
- g. Request a review of the Tribunal's decision or order as set out in Rule 25.

**8.2 Power of Tribunal to Add or Substitute a Party** The Tribunal may add a party to a proceeding when that person satisfies applicable legislative tests necessary to be a party and the Tribunal has reasonable grounds to do so, provided that the person's presence is necessary to enable the Tribunal to adjudicate effectively and completely.

The Tribunal may substitute a party and transfer another party's interest to the substituted party when the Tribunal has reasonable grounds to do so.

**8.3 Non-Appellant Party** A party to a proceeding before the Tribunal which arises under any of subsections 17(24) or (36), 34(19), 37(17), 42(4.9) or 51(39) of the *Planning Act* or section 14 of the *Development Charges Act* who is not an appellant of the municipal decision or enactment may not raise or introduce a new issue in the proceeding. The non-appellant party may only participate in these appeals of municipal decisions by sheltering under an issue raised in an appeal by an appellant party and may participate fully in the proceeding to the extent that the issue remains in dispute.

**8.4 Common Interest Class** Where the Tribunal is of the opinion that more than one party is of common interest with another party or other parties, the Tribunal may, on its

own initiative or on the request of any party, appoint a person of that class of parties to represent the class in the proceeding.

## **RULE 9 DISCOVERY**

**9.1 Order for Discovery** The Tribunal may make an order for discovery for a party to obtain necessary information from another party. Such an order will be made only on motion and only if the party has requested information and it has been refused or no answer has been received. The notice of motion shall be accompanied by an affidavit, which sets out the efforts made to obtain the desired information and the reasons that demonstrate that the information sought is both necessary and relevant to the disposition of the issues in the proceeding. The Tribunal may order:

- a. any person to provide an affidavit containing a list of relevant documents in the possession of the person;
- b. the delivery of relevant documents;
- c. an examination or cross-examination of any person or party;
- d. an examination for discovery by written questions;
- e. the inspection and testing of property;
- f. the examination of a witness before the commencement of a proceeding (under the *Rules of Civil Procedure*);
- g. any other form of discovery; and
- h. that conditions be imposed concerning the timing and scope of discovery.

**9.2 Rules of Civil Procedure Apply to Proceedings Following Order for Discovery** If an order for discovery is obtained, then any production obligations continue to apply in the course of the proceeding with respect to the production of materials and documents subsequently obtained.

## **RULE 10 MOTIONS**

**10.1 Notice of Motion** A motion brought before the commencement of a hearing event shall be made by notice of motion.

**10.2 Date for Motion** A moving party shall obtain from the assigned administrative staff a motion date if the motion is to be heard in person or by electronic hearing. A



person may request, or the Tribunal may order, that the motion be heard in person or by electronic hearing.

**10.3 Motion in Writing** A party bringing a motion before the commencement of a hearing event may request a motion be held in writing, or the Tribunal may make its own determination that the motion be held in writing, in which case the Tribunal will notify the moving party and all other parties. The moving party shall serve a notice of written motion within 15 days of receipt of this notice. Parties wishing to respond to a written motion shall serve a response within 7 days of the date of the moving party's notice of written motion. A moving party may reply to a response within 3 days of the date of the written response.

**10.4 Content of Motion Material** The notice of motion to be heard in person, electronically, or in writing shall:

- a. state the day, time and location of the hearing of the motion;
- b. state the precise relief sought;
- c. state the grounds to be argued, including a reference to any statutory provision or Rule to be relied on;
- d. be accompanied by an affidavit setting out a brief and clear statement of the facts upon which the moving party will rely, including exhibits of any documentary evidence to be used at the hearing of the motion; and
- e. state the names and addresses of the responding parties or their representatives and all persons to whom the notice of motion is to be given.

**10.5 Service of the Notice of Motion** A notice of motion and all supporting material, as set out in Rule 10.4, shall be served at least 15 days before the date of the motion to be held in person or by electronic hearing unless the Tribunal orders otherwise. A notice of motion shall be served on all parties, on any other person as directed by the Tribunal, and on the Registrar. An affidavit of service shall be filed with the Tribunal prior to or at the hearing of the motion.

**10.6 The Notice of Response to Motion** A responding party shall serve a notice of response that:

- a. states the response to be made, including a reference to any statutory provision or Rule to be relied on; and

- b. be accompanied by an affidavit setting out a brief and clear statement of the facts upon which the responding party will rely, including exhibits of any documentary evidence to be used at the hearing of the motion.

**10.7 Service of the Notice of Response to Motion** The notice of response to motion and all supporting material as set out in Rule 10.6 shall be served no later than 7 days before the date of the motion to be held in person or by electronic hearing unless the Tribunal orders otherwise. The notice of response shall be served on all parties, on any other person as directed by the Tribunal, and on the Registrar. An affidavit of service shall be filed with the Tribunal prior to or at the hearing of the motion.

**10.8 Reply Submission** A moving party may serve a reply submission, 3 days prior to the commencement of the hearing of the motion.

**10.9 Oral Submissions** All the parties to a motion which is heard in person or by electronic hearing may make oral submissions.

**10.10 Motions Made at Hearing Events** A motion may be made at an in person or electronic hearing event with leave of and in accordance with any procedures ordered by the presiding Tribunal Member.

**10.11 Tribunal May Initiate a Motion** The Tribunal may, at any time in a proceeding, initiate a motion to inquire into any matter or question of law in relation to its jurisdiction, and may determine the parties to that motion and issue directions necessary to inquire into the matter.

## **RULE 11 CONSTITUTIONAL QUESTIONS**

**11.1 Constitutional Questions** Where a party intends to raise a question about the constitutional validity or applicability of a matter before the Tribunal, or where the party claims a remedy under subsection 24(1) of the *Canadian Charter of Rights and Freedoms*, notice of a constitutional question shall be served and filed on the other parties to the proceeding, the Attorney General of Canada and the Attorney General of Ontario with proof of service, as soon as the issues requiring notice are known and, in any event, at least 15 days before the question is argued. The notice referred to shall be in substantially the same form as required under the *Rules of Civil Procedure* for a notice of constitutional question.

## **RULE 12 SETTLEMENT**

**12.1 Procedure for Settlement** The Tribunal may hold a hearing on the terms of a settlement if the parties in the proceeding agree to a settlement. The Tribunal may issue any directions to the parties necessary to ensure compliance with all statutory requirements, or to assist the Tribunal, prior to convening the settlement hearing. If all statutory requirements and the public interest are satisfied, the Tribunal may issue an order determining the appeal.

## **RULE 13 COMPELLING ATTENDANCE OF WITNESSES BY SUMMONS**

**13.1 Who May Summons a Witness** A party who wishes to compel the appearance before the Tribunal of a person in Ontario who has not agreed to appear as a witness for that party may serve a summons on that person for that person to attend any hearing event before the Tribunal to:

- a. give relevant and admissible evidence under oath or affirmation; or
- b. produce any relevant and admissible documents or things.

**13.2 How to Obtain a Summons** A party who wishes to summons a witness shall make a request in writing to the Registrar.

**13.3 When a Summons Will Issue** A party requesting a summons must set out in its request to the Tribunal the issues and the evidence that a witness is to address, the relevance of that evidence, and why the summons is required. If that information is not contained in the request for summons, the summons shall not be issued. If the requisite information is contained in the request for summons and the Tribunal is satisfied that the evidence to be given by the witness named in the request for summons is relevant to the issue(s) before the Tribunal, is necessary and is admissible, the summons shall be signed and issued by the Registrar.

**13.4 When a Summons Requires a Motion** If the Tribunal is not satisfied from the information in the request for summons that the evidence to be given by the named witness is relevant to the issues before the Tribunal, necessary or admissible, the summons shall not issue. The party requesting the summons may then:



- a. submit a further request for summons, with more details in respect of the nature of the evidence to be given by the proposed witness and the relevance, necessity and admissibility of that evidence; or
- b. bring a motion in accordance with these Rules seeking an order of the Tribunal for the issuance of the summons.

The Tribunal Member hearing the motion shall determine whether the summons shall issue, based on a determination of the necessity of the evidence to be given by the proposed witness, the relevance of the evidence to the matter before the Tribunal, and the admissibility of the evidence.

**13.5 Application to Quash a Summons** Despite the issuance of a summons, any person who has been served with a summons issued by the Tribunal may apply to quash the summons by notice of motion in accordance with these Rules.

**13.6 Summons Without a Named Witness** A summons may be issued by the Tribunal without the witness' name identified thereon if a sufficient case has been made to the Tribunal as to the need for the summons or the urgency of the matter. A party seeking such a summons shall do so by notice of motion in accordance with these Rules.

**13.7 Serving the Summons** Except in the event that it is impossible or impractical to do so, a summons must be served on the witness by personal service, no later than 5 days before the time for attendance. At the same time, the same attendance money to be paid as for attendance before the Superior Court of Justice shall be paid or offered to the witness.

**13.8 Attendance of the Witness** Once the summons is served on a witness, the witness shall attend the in person or electronic hearing before the Tribunal at a time and place stated in the summons (or as otherwise arranged with the person serving the summons), and shall bring with them all documents and things within their possession as required by the terms of the summons unless otherwise directed by the Tribunal.

## **RULE 14**

### **LANGUAGE OF PROCEEDINGS**

**14.1 Use of English and French** The Tribunal may conduct a hearing event in English or French or partly in English and partly in French.

**14.2 Where French is Used** A person who wishes a hearing event to be conducted wholly or partly in French or who wishes to give evidence or make submissions in French must notify the Registrar no later than 25 days before the hearing event.

**14.3 Documents in English or French** Where written evidence or a submission is provided in either English or French, the Tribunal may order that the person presenting such evidence or submissions also provide it in the other language if the Tribunal considers it necessary for the fair determination of the matter.

**14.4 Where an Interpreter is Required** If an interpreter is required for a witness whose language is not English or French, the party calling the witness must provide the interpreter and demonstrate the qualification of the interpreter to faithfully conduct the translation.

## **RULE 15 SCREENING**

**15.1 Administrative Screening** The Tribunal shall conduct administrative screening of matters initiated with the Tribunal to identify whether:

- a. the matter has been submitted to the Tribunal within the statutory filing period;
- b. the matter has been submitted to the Tribunal in accordance with any statutory requirements; and
- c. the matter has been initiated in accordance with the provisions of any applicable Rule.

Where the Tribunal finds that the documents filed to initiate the proceeding are incomplete, filed without the required fee, or are otherwise not in compliance with these Rules, the Tribunal may decide not to process the documents. The Tribunal shall notify the party who has commenced the proceeding of the deficiency, and, if applicable, shall provide the party with a date by which they may respond to the deficiency.

**15.2 Additional Materials Requested shall be Filed** If the Tribunal notifies the person seeking to appeal, pursuant to Rule 15.1, that the information submitted is incomplete, then the person seeking to appeal shall provide a copy of the supplementary information to all other parties and to the Tribunal.

**15.3 Completed Matter Deemed Filed on Original Date** If the defect set out in a notice sent out under Rule 15.1 is resolved to the satisfaction of the Tribunal, then the

matter is deemed to have been properly filed on the day it was first received rather than the day the further required information was received.

**15.4 Dismissal of Proceeding without a Hearing** The Tribunal may, on the motion of any party or on its own initiative, dismiss a proceeding without a hearing:

- a. if the party who brought the proceeding has not paid any fee required to be paid under the *OLT Act*;
- b. if the party who brought the proceeding has not responded to a request by the Tribunal for further information within the time specified by the Tribunal;
- c. if the Tribunal is of the opinion that the proceeding has no reasonable prospect of success;
- d. in any circumstance listed in subsection 4.6 (1) of the *SPPA*, including where:
  - i. the initiating matter is frivolous, vexatious or is commenced in bad faith;
  - ii. the initiating matter deals with matters that are outside the jurisdiction of the Tribunal; or
  - iii. some aspect of the statutory requirements for bringing the proceeding has not been met; or
- e. in any circumstance provided for under any Act.

Before dismissing a matter, the Tribunal shall provide appropriate notice of the intended dismissal to the party who has initiated the proceeding and any appropriate statutory parties to the proceeding. All parties who receive such notice may make written submissions on the dismissal as directed in the notice.

## **RULE 16 CONSOLIDATION**

**16.1 Consolidating Proceedings or Hearing Matters Together** The Tribunal may order that two or more proceedings or any part of them, be consolidated, heard at the same time, or heard one after the other, or stay or adjourn any matter until the determination of any other matter, subject to any applicable statutory or regulatory restrictions.

**16.2 Effect of Consolidating Proceedings** When two or more proceedings are consolidated,

- a. statutory procedural requirements for any of the original separate proceedings apply, where appropriate, to the consolidated proceeding;



- b. parties to each of the original separate proceedings are parties to the consolidated proceeding; and
- c. evidence to be presented in each of the separate proceedings is evidence in the consolidated proceeding.

**16.3 Effect of Hearing Matters Together** When two or more proceedings are heard together, or one after the other, but not consolidated,

- a. statutory requirements for each proceeding apply only to that particular proceeding and not to the others;
- b. parties to the hearing are parties to their individual proceedings only and not parties to the other proceedings; and
- c. unless otherwise ordered by the Tribunal, evidence in the hearing is evidence in each proceeding to which it could apply.

**16.4 Tribunal May Reverse Decision for Consolidated Proceedings** The Tribunal may separate consolidated proceedings or matters heard together at any time if it finds that the proceedings have become unduly complicated, delayed or repetitive or a party is unduly prejudiced.

## **RULE 17**

### **ADJOURNMENTS**

**17.1 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.

**17.2 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 wherein the Tribunal will consider its powers under Rule 17.5, 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.

**17.3 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.

**17.4 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.

**17.5 Powers of 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 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 Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule and the Tribunal concludes the request is reasonable for the determination of the issues in dispute. 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 case management conference; and
- h. make any other appropriate order.

## **RULE 18**

### **MEDIATION**

**18.1 Mediation** is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative assistance of a Mediator, they attempt to negotiate a consensual resolution of the appeal or any of the issues raised and disputed by the parties to the proceeding.

**18.2 Mediation Requests** A party or parties may request that the Tribunal conduct a mediation of any issue raised in a proceeding. Prior to the Tribunal granting this



request, the Chair or designate, or alternatively, a Mediator approved by the Chair, will conduct a mediation assessment to determine whether the issue or proceeding is suitable for mediation. If the Chair, designate, or approved Mediator determines that mediation should proceed, then the Tribunal will convene a mediation, with the participation and consent of two or more of the parties. The Tribunal shall set the date of the mediation and direct how notice of the mediation will be given. Where it is determined that mediation is not appropriate, the Tribunal shall notify the parties.

**18.3 Mediation Participation and Attendance** A mediation directed and convened by the Tribunal shall include the municipality or approval authority whose decision or non-decision is the subject of the appeal and the appellant(s) as determined by the Tribunal. In appropriate circumstances, a person who is not a party may participate in a mediation with the permission of the Tribunal and the consent of the mediating parties, subject to terms established by the Tribunal for doing so.

**18.4 Procedure at a Mediation** Where the Tribunal convenes a mediation, it will appoint a Member of the Tribunal, or alternatively, a Mediator approved by both the Chair and the Ministry of the Attorney General, who may use any appropriate dispute resolution technique to help the parties voluntarily resolve the appeal or any issue(s) relating to it.

**18.5 Member May Not Preside** A Tribunal Member who conducts a mediation in which one or more of the issues have not been resolved may not preside at any hearing event of those unresolved issues.

**18.6 Mediation or Settlement Discussions Confidential** Mediation is a confidential process, meaning any information or documents prepared for or exchanged during the mediation, any suggestion or proposal for resolving the appeal or issues relating to it, and any offer to settle made during a mediation shall remain confidential and cannot be placed in the Tribunal's file nor disclosed in evidence in the same or any other proceeding(s). A Tribunal Member's notes of a mediation are also confidential and shall not be released to any person or admitted into evidence in any proceeding. A Tribunal Member who mediates a matter shall not be called as a witness in any proceeding to give evidence or produce documents regarding the mediation discussions.

**18.7 Authority to Make Decisions** Each party is required to have in attendance at the mediation an individual (or individuals) having the authority to make binding decisions or an individual (or individuals) with the requisite seniority, title, and authority



to provide recommendations to a decision making body who in turn has the authority to make binding decisions.

## **RULE 19**

### **CASE MANAGEMENT CONFERENCES**

**19.1 Case Management Conference** At the request of a party, on its own initiative or as may be required by legislation or regulation, the Tribunal may direct parties to participate in a case management conference conducted by a Member of the Tribunal, which can include settlement conferences, motions or preliminary hearing matters, such as to:

- a. identify the parties and participants;
- b. determine the issues raised by the appeal;
- c. narrow the issues in dispute;
- d. identify facts or evidence the parties may agree upon or on which the Tribunal may make a binding decision;
- e. obtain admissions that may simplify the hearing, which may include the examination of persons by the Tribunal as part of the conference;
- f. provide directions for exchange of witness lists, witness statements, expert witness statements and reports, for meetings of experts including to address the disclosure of information such as the disclosure of the information that was not provided to the municipality before council or the approval authority made its decision that is the subject of the appeal, and for further disclosure where necessary;
- g. provide directions to the parties to file a hearing plan to outline how the hearing will proceed, the order of witnesses, or the anticipated time for submissions to ensure the Tribunal sets aside sufficient time in its hearing calendar to dispose of the issues;
- h. discuss opportunities for settlement, including possible use of mediation or other dispute resolution processes;
- i. fix a date, place and format for the hearing and estimate its length, and encourage the parties to agree upon the dates for any procedural steps;
- j. discuss issues of confidentiality, including any need to hold a part of the hearing in the absence of the public or to seal documents;
- k. address the production and cost sharing of joint document books; and
- l. deal with any other matter that may assist in a fair, just, expeditious and cost-effective resolution of the issues.

**19.2 Sample Procedural Order and Meeting Before Case Management**

**Conference** Where the parties are known before the case management conference, they are expected to discuss the matters set out in Rule 19.1 and present a draft procedural order to the Tribunal for its approval. Sample procedural orders are listed in the Index to these Rules.

**19.3 Serving Notice of a Conference** The Tribunal will determine the notice requirements for a case management conference and any directions to serve a notice of case management conference that provides the time, place and format of the conference. The directions may include a notice to all persons or authorities entitled by legislation or regulation. The person, municipality or approval authority who is issued the direction must serve this notice on those persons entitled to notice of the conference and provide an affidavit to the Tribunal, at or prior to the conference, to prove service of the notice.

**19.4 Tribunal Member Presides** The Tribunal's Chair will assign at least one Member of the Tribunal to conduct the conference.

**19.5 Public Attendance at a Case Management Conference** A case management conference held in person will be open to the public. A case management conference held by electronic hearing will be open to the public where practical. Despite the general principle of public open sessions, where circumstances prevail that may require confidentiality, in the discretion of the presiding Tribunal Member, part or all of the conference may be conducted *in camera*.

**19.6 Conversion from One Procedure to Another** The Tribunal Member may, at any time, conduct a procedural discussion, initiate a motion, inquire into a preliminary matter, or convert the conference into a hearing. The Tribunal will state in the notice of a case management 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 or submissions may be heard. Even if no settlement is reached, the Tribunal may proceed to make a final decision on any evidence received during the conference.

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

**19.8 Tribunal Order Following** The Tribunal Member conducting the case management 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.

**19.9 Hearing Member Bound** The Tribunal Member conducting the hearing or any subsequent hearing event is bound by the order resulting from the case management conference unless that Member is satisfied that there is good reason to vary the order.

**19.10 Methods of Holding Hearing Events** The Tribunal may direct in an order following a conference that hearing events in a proceeding be held by a combination of written, electronic or in person hearing events.

## **RULE 20 ELECTRONIC HEARINGS**

**20.1 Hearing Events by Teleconference or Videoconference** The Tribunal may hold a hearing event by electronic hearing, such as by teleconference or videoconference, for the determination of any issue in the proceeding. Where the Tribunal directs that a hearing event be held by electronic hearing, the Tribunal may direct a party to make the necessary arrangements and to give notice of those arrangements to the Tribunal and other parties.

**20.2 Objection to the Electronic Format** A party who objects to a hearing event being held as an electronic hearing shall notify the Tribunal and all other parties of its objection within the time period specified in the notice of the electronic hearing. The objecting party shall set out the reasons why the electronic hearing is likely to cause the objecting party significant prejudice.

**20.3 Response to Notice of Objection** The Tribunal may request a written response from other parties to the objection of an electronic hearing within a time period set out by the Tribunal.

**20.4 Procedure When Objection is Received** If the Tribunal receives an objection to hold a hearing event by electronic hearing, it may:

- a. accept the objection, cancel the electronic hearing, and schedule an in person or written hearing; or



- b. if the Tribunal is satisfied, after considering any responding submissions that no significant prejudice will result to a party, then the Tribunal will reject the objection and proceed with the electronic hearing.

**20.5 Directions for the Electronic Hearing** The Tribunal may direct the arrangements for the electronic hearing or designate an approved location for videoconference to protect the integrity of the hearing process, including the security and confidentiality of evidence as necessary.

**20.6 Videoconferences** The Tribunal shall pre-approve all arrangements for conducting a hearing event by videoconference, including the pre-filing and exchange of motion materials, documents, written submissions or any visual and written evidence, and the locations for the conference. Any information, statement or material intended to be filed as an exhibit at a videoconference shall be pre-filed with the Tribunal and provided to all parties in accordance with the Tribunal's directions or procedural order for conducting a hearing event by videoconference.

**20.7 The View of the Camera** A party's representative or a witness in a videoconference shall be in view of the camera, with minimal visual obstructions, in the course of their presentations or submissions to the Tribunal. Where a witness is being examined or cross-examined, there shall be a view of the witness, counsel protecting the witness, and the person conducting the examination or cross-examination. Any document that may be referred to by parties or their witnesses shall be visible and legible to the Tribunal and all other parties to the conference, either by the camera or by referring to a copy of the document exchanged in accordance with the Tribunal's directions.

## **RULE 21 WRITTEN HEARINGS**

**21.1 Power to Hold Hearing Events by Written Submissions** The Tribunal may conduct the whole or any part of a hearing event in writing, unless a party satisfies the Tribunal that there is good reason for not doing so. Notice of a written hearing will be sent only to the known parties and participants.

**21.2 How to Object** A party who objects to a written hearing shall file and provide a copy of a written objection to the other parties, setting out details of its claim that a written hearing will result in significant prejudice and shall do so within the specified time period.

**21.3 Procedure for Exchange of Documents in Written Hearings** If no notice of objection is received,

- a. the moving party shall provide to the Tribunal and the other parties copies of its affidavit(s) and submissions within 30 days after the date of the Tribunal's notice of the written hearing, except for settlements under Rule 12. The submissions shall include the reasons for the proceeding, the order requested, any law or authorities relied on and an analysis as to how the law and authorities inform the issues in dispute. The affidavit shall include the facts relied on and the evidence supporting the facts;
- b. the other parties wishing to respond to the submissions shall do so by copy to all parties and the Tribunal within 20 days of the date that the applicant's affidavit and submissions were served. The responding submissions shall include an affidavit of the facts and the evidence relied upon and state if that party has any submissions or evidence on any of the issues raised, if this is the case, and set out the order requested, any law or authorities relied on and an analysis as to how the law and authorities inform the issues in dispute; and
- c. the moving party may reply to the other parties' responses, with a copy to the Tribunal, within 10 days after the date for service of the responses, and the reply shall be limited to any new evidence or issues in the responses that the moving party could not have addressed at the outset of their case.

**21.4 Requirement that Evidence be Sworn or Affirmed** Evidence in a written hearing must be by affidavit, and any documents filed shall be attached to an affidavit of a person having personal knowledge of the document. The Tribunal may permit evidence to be filed in a different form or in electronic form as approved by the Tribunal upon request of a party.

## **RULE 22 CONDUCT OF PROCEEDINGS**

**22.1 Hearings to be Public** All Tribunal hearing events will be open to the public except where the presiding Tribunal Member determines that the hearing event is to be heard in private, such as a mediation or the exceptions to a public hearing set out in relevant legislation or regulation, such as subsection 9(1) of the *SPPA*.



**22.2 Confidentiality Orders** The Tribunal may order that any document filed in a proceeding be treated as confidential and not be disclosed to the public where the Tribunal is of the opinion that:

- a. matters involving public security may be disclosed; or
- b. the document contains information regarding intimate financial or personal matters or other matters that are of such a nature that the public interest or the interest of the person affected outweighs the desirability of adhering to the principle that documents filed in a proceeding be available to the public.

**22.3 Procedure at a Hearing** The Tribunal may, by order, establish and direct the procedure at a hearing event, unless an Act provides differently, in order to ensure the issues in dispute are disposed of in the most fair, just, expeditious and cost-effective manner.

**22.4 Site Visit** If the Tribunal determines that a site visit would be of benefit in obtaining a fair understanding of any evidence which is the subject of the proceeding, the Tribunal may conduct a site visit on such terms as the presiding Tribunal Member establishes to facilitate and to govern the conduct of the site visit and the participation of the parties to the proceeding in the visit.

**22.5 Photographic, Audio or Video Recording** No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing audio or visual representations by electronic means, or otherwise, at any proceedings of the Tribunal otherwise open to the public, unless the presiding Tribunal Member authorizes the recording. The following conditions must be satisfied by the person making the request:

- a. the Tribunal Member determines that the proceedings will not be disrupted or delayed if approval is given;
- b. the Tribunal Member determines that the approval will not result in any prejudice to any party to the proceedings;
- c. the equipment must be of a type approved by the Tribunal and be placed in locations approved by the Tribunal Member so as to be unobtrusive; and
- d. a photograph or visual recording may only take place in such a manner that will not disrupt or interrupt the proceedings.

**22.6 Submissions to a Request** The Tribunal Member shall afford the parties to the proceeding an opportunity to make submissions to the Tribunal on any of the items set out in Rule 22.5 and respond to those submissions. The Tribunal may impose



conditions on any approval necessary to ensure the items in Rule 22.5 are satisfactorily addressed.

**22.7 Withdrawal of Approval** The Tribunal may withdraw permission to record temporarily or permanently if the conditions in Rule 22.5 or as ordered by the Tribunal are not met, or if the Tribunal in the circumstances cannot conduct a full and fair hearing.

**22.8 Verbatim Reporters** With the prior consent of the Tribunal, any party may arrange at their own expense, for the attendance of a qualified verbatim reporter, for the purpose of recording testimony and submissions during a hearing event. In considering whether to provide consent, the presiding Tribunal Member will consider, among other matters, the conditions under Rule 22.5.

**22.9 Transcripts** If a party orders a transcript or partial transcript of the hearing event, the party must notify the Tribunal, and the other parties to the proceedings that it has done so, and the Tribunal shall receive a copy free of charge. The party must furnish the copy of the transcript to the Tribunal within three days of the date of the party's receipt of the transcript. The Tribunal may also at its own initiative and on notice to the parties, order a transcript or partial transcript from the qualified verbatim reporter without furnishing a copy of the transcript to the parties and direct a party or all parties to pay the cost of the transcript. The Tribunal will advise the parties that it has ordered the transcript and where the Tribunal orders a partial transcript, the Tribunal shall notify the parties as to the part of the transcript the Tribunal has ordered.

**22.10 Communications with presiding Member** No individual shall communicate about any proceeding with the presiding Tribunal Member outside of Tribunal proceedings, directly or indirectly, unless the Tribunal directs otherwise.

## **RULE 23 COSTS**

**23.1 Who May Request an Order for Costs** Only a party may ask for an award of costs at the end of a hearing event. If the request for costs is not made before the Tribunal renders its decision at the end of the hearing event, the party must notify the Tribunal and the party from whom costs are sought within 30 days after the written decision is issued that the party will be seeking costs, against whom the costs are sought, and an indication of the approximate amount of costs being sought.

**23.2 Costs Requests Will be Considered by Written Motion** All cost requests shall be considered and disposed of by the Tribunal in writing unless a party satisfies the Tribunal that consideration of the request in writing is likely to cause the party significant prejudice.

**23.3 Disposition of Request Where Request Made Before Issuance of Written Decision** If the request for costs is made before the end of the hearing event and prior to a decision, the Tribunal may direct that the request be considered at a later date in the manner determined by the Tribunal.

**23.4 Disposition of Request Where Request Made After Issuance of Decision** Subject to the party satisfying the requirements in Rule 23.1 for submission of a request, and Rule 23.2 for an in person or electronic motion, the Tribunal may direct the party or parties requesting costs to:

- a. attend before the Tribunal, on notice to the party or parties against whom costs are sought, on a date fixed by the Tribunal, and make oral submissions with respect to the application for costs provided that the party or parties against whom costs are sought shall also be permitted to make oral submissions with respect to the application for costs; or
- b. within 35 days of the Tribunal's direction, serve upon each party against whom costs are sought, and file with the Tribunal documentation which shall include, subject to any other documentation ordered by the Tribunal:
  - i. the reasons for the request and the amount requested;
  - ii. an estimate of any extra preparation or hearing time caused by the conduct alleged to attract costs;
  - iii. copies of supporting invoices for expenses claimed or an affidavit of a person responsible for payment of those expenses verifying that the expenses were properly incurred; and
  - iv. an affidavit verifying that the costs claimed were incurred directly and necessarily for the time period in question; or
- c. within 35 days of the Tribunal's direction, serve and file a notice of motion for costs in accordance with Rule 10. A motion for costs shall only proceed as an in person or electronic hearing, if a party satisfies the requirements in Rule 23.2, and the notice of motion must contain the following information:
  - i. the reasons for the request and the amount requested;



- ii. an estimate of any extra preparation or hearing time caused by the conduct alleged to attract costs;
- iii. copies of supporting invoices for expenses claimed or an affidavit of a person responsible for payment of those expenses verifying that the expenses were properly incurred; and
- iv. an affidavit verifying that the costs claimed were incurred directly and necessarily for the time period in question.

**23.5 Response by Other Party** Where the Tribunal directs a proceeding in writing in accordance with Rule 23.2, the party or parties against whom the request for costs is made shall, within 15 days of service of the documentation from the party requesting costs, provide a written response to the Tribunal and the other parties to whom the request for costs is made.

**23.6 Reply by Party Seeking Costs** Where the Tribunal directs a proceeding in writing in accordance with Rule 23.2, the party requesting costs may provide to the Tribunal and other parties to whom the request for costs relates a reply to a written response, within 10 days of the service of the response.

**23.7 Member Seized to Consider Costs Order** The Tribunal Member who conducted the hearing event on the merits shall make the decision on the request for costs. If that Member is, for any reason, unable to hear or deal with the request, the Chair will direct another Member of the Tribunal to hear the motion.

**23.8 Period Eligible for Costs Order** The Tribunal may make a costs award for conduct at any time during a proceeding.

**23.9 Circumstances in Which Costs Order May be Made** The Tribunal may only order costs against a party if the conduct or course of conduct of a party has been unreasonable, frivolous or vexatious or if the party has acted in bad faith. Unreasonable, frivolous, vexatious or bad faith conduct can include, but is not limited to:

- a. failing to attend a hearing event or failing to send a representative when properly given notice, without contacting the Tribunal;
- b. failing to give notice without adequate explanation, lack of co-operation with other parties during the proceedings, changing a position without notice to the parties, or introducing an issue or evidence not previously mentioned or included in a procedural order;
- c. failing to act in a timely manner or failing to comply with a procedural order or direction of the Tribunal where the result is undue prejudice or delay;



- d. a course of conduct necessitating unnecessary adjournments or delays or failing to prepare adequately for hearing events;
- e. failing to present evidence, continuing to deal with issues, asking questions or taking steps that the Tribunal has determined to be improper;
- f. failing to make reasonable efforts to combine submissions with parties of similar interest;
- g. acting disrespectfully or maligning the character of another party;
- h. knowingly presenting false or misleading evidence; or
- i. breaching a confidentiality requirement of a mediation, settlement conference or of a decision of the Tribunal in the hearing of the merits.

The Tribunal is not bound to order costs when any of these examples occur as the Tribunal will consider the seriousness of the misconduct.

**23.10 Powers of Tribunal** The Tribunal may deny or grant the application for costs or award a different amount and fix the costs of and incidental to the proceeding and direct payment be made by a certain date by order.

**23.11 Interest on Award** Awards of costs may bear interest in the same manner as those made under section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

## **RULE 24**

### **TRIBUNAL DECISIONS AND ORDERS**

**24.1 Issuing a Tribunal Decision or Order** The Tribunal order may be contained in the decision and issued as a decision and order of the Tribunal. Where the order issues separately from the written decision, the Registrar is authorized to and will issue the appropriate order as directed by the Tribunal.

**24.2 A Condition Imposed in a Tribunal Decision** If a temporal condition is imposed in a Tribunal decision, it shall be satisfied by the date set by the Tribunal unless the Tribunal determines that the specified time may be extended. If a date is not set by the Tribunal, the condition shall be satisfied within a reasonable time. If the condition is not so satisfied, the Tribunal has the discretion to reopen the hearing event from which the decision issued upon notice to the parties to that proceeding.

**24.3 Effective Date of Tribunal Decision** A Tribunal decision or order is effective on the date that the decision or order is issued by electronic means or in hardcopy, unless the decision or order states otherwise.

## **CORRECTING MINOR ERRORS IN DECISIONS AND ORDERS**

**24.4 Correcting Minor Errors** The Tribunal may at any time and without prior notice to the parties correct a technical or typographical error, error in calculation or similar minor error made in a decision or order. There is no fee if a party requests this type of correction.

**24.5 Processing Request as a Review Request** If a party requests a correction or clarification that the Tribunal finds is a request for a substantive change in the decision or order, the Tribunal shall treat it as a request for review under section 23 of the *OLT Act* and Rule 25.

## **RULE 25**

### **REVIEW OF A TRIBUNAL DECISION OR ORDER**

**25.1 Tribunal's Powers on Review** When exercising its powers pursuant to section 23 of the *OLT Act*, unless specifically excluded by legislation, Rules 25.2 to 25.11 shall govern.

**25.2 Request for Review of Tribunal Decision** The Chair shall consider a person's request for a review of a decision, approval, or order if the person files the request in electronic format as directed by the Tribunal, with the information set out in Rule 25.3. The Chair may further direct that two hardcopies of the request be filed. A request for review does not stay the effect of the original decision, approval or order unless the Chair so orders

**25.3 Contents of a Request** A party making a request for review shall file notice of such request with the Chair within 30 days of the date of the Tribunal's written decision and copy the request and all supporting material to all other parties. Such notice shall include:

- a. the requestor's full name, address, telephone number and e-mail address;
- b. the full name, address, telephone number and e-mail address of the requestor's representative (if any);
- c. the requestor's or representative's signature;
- d. the reasons for the request;
- e. the desired result of the review (such as a change or alteration to the decision or a rehearing of the proceeding);
- f. any documents that support the request, including copies of any new evidence that was unavailable at the hearing;;
- g. an affidavit stating the facts relied upon in support of the request;



- h. a statement as to whether the requestor has or will submit an application for or judicial review or seek to appeal to the court; and
- i. the filing fee (cheque or money order payable to the Minister of Finance) charged under section 11 of the *OLT Act* or other applicable legislation.

**25.4 Initial Screening of the Request** The Tribunal will not consider a request for review if:

- a. the request does not include the information required by Rule 25.3;
- b. the request is made by a non-party;
- c. the request is not filed within 30 days of the date of the Tribunal's written decision unless the Chair determines that there is a valid and well-founded reason to extend this time; or
- d. it is a second request by the same party raising the same or similar issues.

**25.5 Filing and Serving a Response to a Request for Review** Parties shall not respond to a request for review until and unless directed by the Tribunal. The Tribunal may require any or all other parties to provide, by a specific date, a response to the request. The Tribunal may identify the issues to address in the response. The response to a request for review shall include the reasons for the response, any supporting documents, and an affidavit stating the facts relied upon in the response. The response shall be served on the other parties and filed with the Chair.

**25.6 Power of the Chair to Dispose of the Request** Subject to Rule 25.7, the Chair may exercise their discretion to:

- a. dismiss the request for review, in which case, the decision, approval or order remains in force and effect;
- b. order an in person, electronic or written motion for review before the Tribunal to consider the request and submissions as directed in Rule 25.5; or
- c. grant the request for review, in whole or in part.

The parties will be notified by the Tribunal in the event the Chair directs a motion or rehearing of the proceeding. A different Member or panel of the Tribunal may be assigned by the Chair to conduct the motion for review or the rehearing.

**25.7 The Exercise of the Chair's Discretion** The Chair may exercise their discretion and grant a request and order a rehearing of the proceeding only if the Chair is satisfied that the request for review raises a convincing and compelling case that the Tribunal:



- a. acted outside its jurisdiction;
- b. violated the rules of natural justice or procedural fairness, including those against bias;
- c. made an error of law or fact such that the Tribunal would likely have reached a different decision;
- d. heard false or misleading evidence from a party or witness, which was discovered only after the hearing and would have affected the result; or
- e. should consider evidence which was not available at the time of the hearing, but that is credible and could have affected the result.

**25.8 The Motion to Review** A Tribunal Member or panel assigned by the Chair to conduct a motion to review may, after receiving submissions from the parties, order a rehearing of all or part of the proceeding only if satisfied that the request raises a convincing and compelling case in respect of one or more of the issues set out in clauses a) to e), inclusive, of Rule 25.7. Should the Tribunal Member or panel that conducts the motion determine that the requestor has not satisfied this requirement, then the request shall be dismissed and the decision, approval or order that is the subject of the request shall remain in force and effect.

**25.9 Procedure on Motion** The Tribunal's Rules on Motions generally apply to a motion to review unless the Tribunal directs otherwise.

**25.10 The Review Hearing** The Tribunal Member or panel that conducts the review hearing shall rehear the appeal or application, in whole or in part, as either directed by the Chair or the decision arising from the motion to review, and may review, confirm, rescind, change, alter or vary any decision, approval or order made by the Tribunal.

**25.11 The Chair May Initiate a Request** The Chair may initiate a Request for Review and exercise their discretion under Rule 25.7 upon notice with reasons to all parties to a proceeding and within a reasonable time after that Tribunal decision, approval or order is made.

## PART II

### RULE 26 EXPROPRIATION PROCEEDINGS

**26.1 Application of Rule** This Rule applies to Tribunal proceedings under the *Expropriations Act*.

**26.2 Application of Part I of the Rules** Part I of the Rules applies with necessary modifications.

**26.3 The Rules of Civil Procedure** Subject to the Tribunal's discretion under Rules 1.4 and 1.6, the *Rules of Civil Procedure* apply to Tribunal proceedings under the *Expropriations Act* where these Rules do not provide for a matter of procedure.

**26.4 Additional Definitions** The following definitions are applicable to proceedings under Part II:

"Act" means the *Expropriations Act*, R.S.O. 1990, c. E.26, as amended;

"Application" means an application to determine compensation under the Act;

"claim" means a claim for compensation under the Act;

"claimant" means an owner as defined in the Act;

"expropriation costs" means costs under section 32 of the Act;

"Expropriation Mediation Request" means a request to the Tribunal from the claimant or respondent to mediate a dispute over the compensation payable under the Act;

"pleadings" mean the Application, the Statement of Claim, and/or the Reply; and

"respondent" means an expropriating authority or a statutory authority as defined in the Act.

### Mediation

**26.5 Request to Mediate** A claimant or a respondent may file with the Registrar an Expropriation Mediation Request Form at any stage of a proceeding under the Act, including both before and/or after the service of pleadings. The claimant or respondent filing the Expropriation Mediation Request Form shall serve the form on all other parties on the same day of filing.

**26.6 Parties to Confer** The Tribunal may, at any stage of a proceeding under the Act, direct the parties to discuss participating in mediation for the purpose of resolving all or part of a claim. Rule 18 shall apply with necessary modifications.

**26.7 Tribunal Direction** The Tribunal will give notice to the parties of any direction under Rule 26.6 requiring the parties to discuss participating in mediation. Within 15 days of receipt of a Notice issued by the Tribunal under this Rule, the parties shall file with the Tribunal written submissions regarding:

- a. the proposed scheduling of a mediation; and/or
- b. the reasons why the party believes that holding a mediation would be unlikely to result in the resolution of all or part of the claim.

Upon consideration of the parties' submissions, the Tribunal may direct the parties to participate in mediation pursuant to Rule 18, schedule a case management conference under Rule 19, or order otherwise as the Tribunal deems appropriate. The Tribunal's direction with respect to mediation under Rules 26.6 and 26.7 is final and not subject to review under Rule 25 or section 23 of the OLT Act.

**26.8 Termination of Mediation by a Party** Upon notice to the Tribunal, the claimant or respondent may terminate a mediation and proceed to resolve the dispute over the compensation payable under the Act by filing the applicable pleadings within the relevant statutory claim period.

**26.9 Termination of Mediation by the Tribunal** The Tribunal may terminate the mediation upon notice to the claimant and respondent at any time and for any reason, including failure of the claimant or respondent to comply with a Tribunal direction.

**26.10 Tribunal Direction following Termination of Mediation** Following the termination of mediation, the Tribunal may issue any directions to the parties as the Tribunal deems appropriate, including requiring the filing of applicable pleadings, scheduling a case management conference under Rule 19, establishing the terms of a procedural order and scheduling dates for a hearing of the Application.

## **Pleadings**

**26.11 Application and Statement of Claim by Claimant** A claimant seeking compensation shall serve a combined Application and Statement of Claim on the respondent and shall file with the Tribunal proof of service within 10 days of the date of service. The Application and Statement of Claim must be filed in electronic form (pursuant to Rule 5) and set out:



- a. the amount claimed;
- b. the basis upon which the amount is calculated; and
- c. the facts in support of each element of compensation claimed.

**26.12 Reply to Application and Statement of Claim** The respondent shall serve a Reply on the claimant within 20 days after service of the Application and Statement of Claim. Within 10 days of the date of service, the respondent shall file with the Tribunal a copy of the Reply in electronic form along with proof of service on the claimant.

**26.13 Application by Respondent** Where a claimant has not served an Application and a Statement of Claim under Rule 26.11, the respondent may serve an Application on the claimant. Within 10 days of the date of service, the respondent shall file with the Tribunal a copy of the Application in electronic form (pursuant to Rule 5) along with proof of service on the claimant.

**26.14 Service of Statement of Claim** Where an Application has been served by the respondent, the claimant shall have 20 days to serve a Statement of Claim, unless a different time period is directed by the Tribunal. Within 10 days of the date of service, the claimant shall file with the Tribunal a copy of the Statement of Claim in electronic form along with proof of service on the respondent. The Tribunal will not schedule the hearing of the Application until the claimant has filed with the Tribunal and served on the respondent a Statement of Claim within the time required by the Tribunal, unless the Tribunal determines otherwise.

**26.15 Service of Reply to Statement of Claim** Where a claimant has served a Statement of Claim under Rule 26.14, the respondent shall serve a Reply within 20 days after being served with the Statement of Claim. Within 10 days of the date of service, the respondent shall file with the Tribunal a copy of the Reply in electronic form along with proof of service on the claimant.

**26.16 Denial to be Raised in Reply** Where a respondent denies that a claimant is entitled to any compensation on the grounds:

- a. that the claimant has no interest in the land expropriated or injuriously affected;
- b. that no compensation is payable with respect to the interest of the claimant in such land; or
- c. that the claim is barred by a provision in the Act or any statute,

It must raise such denial in its Reply, setting out the relevant facts and statutory provisions relied on. If this is not done, the respondent may not make such denial at the hearing of the Application, unless otherwise permitted by the Tribunal.

**26.17 Forms** An offer of compensation and acceptance of an offer of compensation made under section 25 of the Act may be in the Forms in R.R.O. 1990, Regulation 363. An acceptance may be served upon the person named in the offer of compensation to receive it.

**26.18 General Rule for Service of Documents** Service of documents may be made, in addition to the methods set out in subsection 1(2) of the Act:

- a. in the case of His Majesty the King in right of the Province of Ontario, in the manner set out in section 15 of the *Crown Liability and Proceedings Act, 2019*, S.O. 2019, c. 7, Sched. 17, as amended; and
- b. in the case of a municipal or other corporation, partnership or individual, on the persons prescribed by the *Rules of Civil Procedure*.

### **Expropriation Costs under Section 32 of the Act**

**26.19 Application of Rules on Expropriation Costs** Rules 26.19 to 26.26 apply to expropriation costs under section 32 of the Act only and are separate and apart from a request for costs on the basis of conduct under Rule 23. A request for expropriation costs may be brought by a claimant or respondent following:

- a. the hearing of an Application by the Tribunal; or
- b. the settlement of compensation and damages under the Act where the quantum of expropriation costs payable is yet to be determined.

**26.20 Expropriation Costs Will be Considered in Writing** A request for expropriation costs shall be considered and disposed of by the Tribunal in writing unless a party satisfies the Tribunal by written objection that a written format is likely to cause the party significant prejudice.

**26.21 Request by Claimant for Expropriation Costs** A claimant may file with the Registrar a request for expropriation costs. The claimant shall serve the request on the respondent on the same day of filing.

**26.22 Request by Respondent to Determine Expropriation Costs** Where a claimant has not requested expropriation costs under Rule 26.21, the respondent may file with the Registrar a request to determine expropriation costs. The respondent shall serve the request on the claimant on the same day of filing.

**26.23 Supporting Documents** A claimant shall serve on the respondent and shall file with the Tribunal supporting documents including a bill of costs containing time dockets for all counsel and experts with amounts totalled, and copies of all disbursement and



applicable expense receipts. Where the claimant initiates a request under Rule 26.21, the claimant shall serve and file supporting documents on the same day of filing the request. Where the respondent initiates a request under Rule 26.22, the claimant shall serve and file supporting documents within 15 days of service of the request.

**26.24 Response on Expropriation Costs** Within 15 days of service of the supporting documents under Rule 26.23, the respondent shall serve on the claimant and file with the Tribunal a written response.

**26.25 Reply on Expropriation Costs** Within 10 days of the service of the response under Rule 26.24, the claimant may serve on the respondent and file with the Tribunal a written reply.

**26.26 Member Seized** The Tribunal Member who conducted the hearing of the Application shall make the decision on the expropriation costs. If that Member is unable to hear the request for any reason, the Chair will direct another Member of the Tribunal to hear the request. Where a request for expropriation costs is made pursuant to Rule 26.19(b) following a settlement, any Member of the Tribunal may hear the request.

## **Examinations**

**26.27 Examination of Representative by Opposing Party** A person appointed under section 37 of the Act to represent an owner of land may be examined or cross-examined by an opposing party in the place of the owner.

**26.28 Examinations for Discovery** No Tribunal order is required for examinations for discovery or documents. Appraisal reports to be relied upon by either party shall be served at least 15 days prior to examinations for discovery, unless the Tribunal orders otherwise. The *Rules of Civil Procedure* apply to examinations for discovery.

## **Hearing Events**

**26.29 Case Management Conference** The Tribunal may, on its own initiative or at the request of the claimant or respondent, direct the parties to attend a case management conference. Rule 19 applies with necessary modifications.

**26.30 Time for Hearing** The Tribunal may schedule the hearing of the Application upon receipt of the notice of readiness for hearing, signed by or on behalf of all parties; or by an order following an in person or electronic motion or a case management conference.



**26.31 Motions Heard in Other Locations** If the owner of land located outside of the City of Toronto consents, in person motions may be heard at the Tribunal's offices in Toronto, or in any municipality reasonably close to where the lands are located.

**26.32 Notice of Hearing** The Registrar will mail a notice of the time and place for the hearing of the Application to the respondent.

**26.33 Service of Notice of Hearing** Upon receipt of the Notice of Hearing, the respondent shall, at least 20 days before the hearing, serve a copy of the notice of hearing upon all registered owners, and also upon any person known to the respondent to be an owner as defined in the Act, or who is claiming to be entitled to any part of the compensation which may be awarded at a hearing of the Application under the Act.

**26.34 Verbatim Reporter** The expropriating authority shall arrange, at the expense of the expropriating authority, for the attendance of a qualified verbatim reporter to record, in writing, all oral evidence submitted before the Tribunal.

**26.35 Filing of Documents** At the commencement of a hearing of the Application, the respondent shall file a copy of the certificate of approval of expropriation under the Act, the plan of the expropriated land and proof of its registration in accordance with section 9 of the Act, where applicable; and an affidavit proving service of the notice of hearing under Rule 26.33 and that the persons served are all the persons required to be served.

### **Settlement**

**26.36 Settlement Offer** If an offer to settle is made and it is not dealt with in the Act, the *Rules of Civil Procedure* may apply, subject to the Tribunal's discretion under Rules 1.4 and 1.6.

**26.37 Acceptance of Settlement Offer** The parties shall notify the Tribunal in writing within 30 days following a party's acceptance of an offer of settlement made by the other party. Upon the payment of compensation due under such settlement, and subject to the determination of costs and interest under the Act, the matter before the Tribunal shall be closed subject to any directions or orders from the Tribunal.

### **Expropriation Order**

**26.38 Form of Expropriation Order** An order issued under this part shall be in the form of an order pursuant to R.R.O. 1990, Regulation 363.

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**RE: Letter to Council - Rezoning Application AH-ZBA-009-24**

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From Sean O'Callaghan <socallaghan@algonquinhighlands.ca>

Date Fri 21/02/2025 9:45 AM

To Liz Danielsen <ldanielsen@algonquinhighlands.ca>; Angie Bird <abird@algonquinhighlands.ca>

Hi Liz,

As discussed yesterday here is a draft response I have prepared for your consideration.

Happy to discuss further if you have any questions.

Thanks,

Sean

Hi Ms. [REDACTED]

Thank you for your letter of February 14<sup>th</sup> 2025. Council and staff have heard the concerns raised by the public regarding the proposed Zoning By-law amendment. Council deferred making a decision on the application at the September 5<sup>th</sup> 2024 public meeting and requested the applicant provide an Environmental Impact Study completed by a qualified professional.

Staff are now in receipt of that study and additional information which is currently being reviewed. This information will be made available to the public in advance of the meeting of Council to consider the application. This meeting date has yet to be set. Once a meeting date has been scheduled there will be additional public notice provided. I encourage you to subscribe to the Township News and Notices on the Township website:

<https://www.algonquinhighlands.ca/subscribe/>

Rest assured that all due diligence will be followed with respect to this application. I can also assure you that we want to make the best decision for everyone involved, and most particularly when it comes to the health of the lake.

**Sean O'Callaghan, B.U.R.Pl., MCIP, RPP**

Planner

Township of Algonquin Highlands

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