Ontario Land Tribunal

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Tribunal ontarien de l'aménagement du territoire

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

Applicant and Appellant:	Justin and Susan Lepore
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a Tourist Establishment and Accessory Dwelling.
Reference Number:	2023-14
Property Address:	661 Old Highway 7
Municipality/UT:	Papineau-Cameron/Nipissing
OLT Case No.:	OLT-23-001223
OLT Lead Case No.:	OLT-23-001223
OLT Case Name:	Lepore v. Papineau-Cameron (Township)

The Ontario Land Tribunal ("Tribunal") will conduct a **Hearing** by **Video Conference** for this matter.

The event will be held:

AT: 10:00 AM

ON: Thursday, June 20, 2024

AT: https://global.gotomeeting.com/join/979388733
Access Code: 979-388-733

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

The event will be held using GoTo Meetings. The appellant(s), applicant, municipality or approval authority, and those persons who intend to request party or participant status, are asked to log into the video hearing through the link provided above at least **15 minutes** before the start of the event to test their video and audio connections. All persons are expected to access and set-up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at GoToMeeting. A web application is also available: https://app.gotomeeting.com/home.html. A compatible web browser for this service is Chrome.

Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **1-888-299-1889 (Toll Free) or +1 (647) 497-9373.The access code is 979-388-733.**

Event dates are firm – adjournments will not be granted except in the most serious circumstances, and only in accordance with the Tribunal's Rules of Practice and Procedure Rule 17 on adjournments.

This event is conducted under Rule 20 of the Tribunal's Rules. Rule 20.2 sets out how a party may object to the Tribunal conducting this event electronically. Any party, or any person who intends to seek party status, may object to the Tribunal holding this event by video by filing an objection with the Tribunal's Case Coordinator. The objection must be received by the Tribunal **at least 20 days** before the date of the Hearing and must be copied to the other parties. All contact information is included in Schedule A.

If you do not attend the event, the Tribunal may proceed in your absence and you will not be entitled to any further notice of these proceedings.

SUBMISSION REQUIREMENTS

If a person intends to refer to a document at the Hearing that is not in the Tribunal's case file, the document is expected to be pre-filed electronically with the Tribunal **at least 10 days** before the date of the Hearing, unless another filing date is specified in the Tribunal's Rules. All pre-filed documents shall be served on the other parties electronically. All contact information is included in Schedule A.

Submissions larger than **10MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service. Please see Schedule B for further submission requirements.

FURTHER DIRECTIONS

Tribunal proceedings are open to the public and all documents filed in a proceeding will be included in the Tribunal's public file (except those documents that may be deemed confidential in accordance with the Ontario Land Tribunal's Rule 22.1.

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

Please review the Tribunal's Rules for relevant information.

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible by emailing OLT.COORDINATOR@ontario.ca. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance.

Pour recevoir des services en français, veuillez communiquer avec la Tribunal au 1-866-448-2248/(416) 212-6349 ou OLT.COORDINATOR@ontario.ca.

For general information concerning the Tribunal, visit our website at https://olt.gov.on.ca or you may contact the Tribunal's offices at 1-866-448-2248 or local (416) 212-6349.

DATED at Toronto, this 14 day of March, 2024.

Euken Lui
Acting Registrar

SCHEDULE A

Please provide materials electronically to the assigned Tribunal Case Coordinator **Laiba Azhar** at **Laiba.Azhar@ontario.ca.**

On the same day that documents are submitted to the Tribunal, electronic copies are to be submitted to:

Applicant/Appellant	Justin and Susan Lepore	justin.lepore@century21.ca
Applicant Rep.	Marc Kemerer	marc.kemerer@mcmillan.ca
Municipality	Papineau-Cameron	clerk@papineaucameron.ca
Municipality Rep.	Alexandra Whyte	awhyte@LN.Law sferri@LN.law mng@LN.law

SCHEDULE B

INSTRUCTIONS FOR ELECTRONIC PRE-FILING SUBMISSIONS

Submission requirements to organize the video hearing

If a person intends to refer to a document at the video hearing (for clarity, any document that is not in the Tribunal's case file), it is expected to be pre-filed electronically with the Tribunal at **least 10 days** before the date of the video hearing and provided to all parties. The deadline applies unless otherwise specified in the Rules.

Submission emails **under 10MB** in size may be emailed directly to the assigned Tribunal Case Coordinator. Emails **larger than 10MB** must be transferred to the Tribunal's Case Coordinator using an electronic file sharing link/service to avoid sending documents across multiple email parts. Where appropriate, documents are to be submitted in .pdf format.

Naming convention

To assist the Tribunal and the adjudicator during the event, it is important that all submissions are **paginated and labelled appropriately** to clearly identify the content of each document. Where a document contains numerous sections, each section is to be indexed to a table of contents.

Additionally, clearly identify and separately tab the relevant sections that will be relied upon for quicker reference. The entirety of the policy documents (e.g. the PPS, Planning Act, Official Plans, Zoning By-laws, etc.) are not required unless deemed necessary to be presented by the parties or as otherwise directed by the Tribunal.

Parties are asked to adhere to the following naming convention: **case number_party role_ document type_date of hearing event.**

For example: PL123456_Applicant_Notice of Motion_Jan 1, 2020

Please see Rules 7.1 and 7.2 for the standard document submission requirements.

SCHEDULE C

EXCERPT FROM ONTARIO LAND TRIBUNAL'S RULES OF PRACTICE AND PROCEDURE, ON DOCUMENTS, EXHIBITS, FILING, SERVICE, ROLES OF PARTIES, ADJOURNMENTS, CASE MANAGEMENT CONFERENCES AND ELECTRONIC HEARINGS. THE FULL DOCUMENT IS AVAILABLE ON THE TRIBUNAL'S WEBSITE.

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 on letter size paper (8 ½" x 11"), except for large documents such as plans, surveys or maps, and, where bound together with other documents, shall have each page numbered consecutively, throughout the entire text or within tabs, including any graphic content. Wherever possible, an electronic copy of the document must also be filed with the Tribunal, identically numbered as the paper document.

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 may participate fully in the proceeding, and by way of example may:

a. Identify issues raised in a notice 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 Parties The Tribunal may add or substitute a party to a proceeding when that person satisfies any applicable legislative tests necessary to be a party and their interest may be transferred or transmitted to another party to be added or substituted provided their presence is necessary to enable the Tribunal to adjudicate effectively and completely on the issues in the proceeding.

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) or 51(39) of the Planning 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. A non-appellant party has no independent status to continue an appeal should that appeal be withdrawn by an appellant party.

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 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, 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 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.

June 1, 2021