

MISSISSAUGA APPEALS AND PROPERTY STANDARDS COMMITTEE

RULES OF PROCEDURE

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PART I RULES

RULE 1 GENERAL

Citation

1.01 (1) These rules may be cited as the Mississauga Appeals and Property Standards Committee Rules or MAPS Committee Rules.

Headings

(2) The headings used in these rules are for reference only.

Definitions

1.02 In these rules, unless the context requires otherwise,

“appellant” means a person who brings an appeal;

“Chair” means the member of the Committee elected as chair by the Committee or the person acting as chair in the absence of the chair;

“Committee Coordinator” means the City Clerk of the City of Mississauga or their designate;

“Committee” means the Mississauga Appeals and Property Standards Committee;

“document” includes data and information in electronic form;

“hearing” means the hearing of an appeal or request for order;

“holiday” means:

- (a) any Saturday or Sunday;
- (b) New Year's Day;
- (c) Family Day;
- (d) Good Friday;
- (e) Easter Monday;
- (f) Victoria Day;
- (g) Canada Day;
- (h) Civic Holiday;
- (i) Labour Day;
- (j) Thanksgiving Day;
- (k) Remembrance Day;
- (l) Christmas Day;
- (m) Boxing Day; and
- (n) any special holiday proclaimed by the Governor General or the Lieutenant Governor;

and where New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday; and 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;

"proceeding" means an appeal or hearing as defined in rule 18.01;

"respondent" means a person against whom an appeal is brought;

"responding party" means a person against whom a request for order is made;

General Principle

1.03 (1) These rules must be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.

Matters Not Covered in Rules

(2) Where these rules do not cover a matter adequately, the Committee may give directions and make any order that is just, subject to any restrictions or rules prescribed by the *Statutory Powers Procedure Act*.

Substantial Compliance

(3) Substantial compliance with the requirements respecting the content of forms, notices or documents under these rules is sufficient.

Non-Compliance

(4) If necessary in the interests of justice, the Committee may dispense with compliance with any rule, except rules prescribed by the *Statutory Powers Procedure Act* or any other Act applicable to the proceeding.

Courtesy and Respect

1.04 All persons participating in proceedings before or communicating with the Committee must act in good faith and in a manner that is courteous and respectful of the Committee and other participants in the proceeding.

Powers Exercised by Member

1.05 The powers of the Committee under these rules may be exercised by a single member of the Committee, unless otherwise indicated.

Orders on Terms

1.06 When making an order under these rules, the Committee may impose such terms and give such directions as are just.

Standards for Documents

1.07 A document in a proceeding must be printed, typed, written or reproduced legibly.

Electronic Signatures

1.08 A document that may or must be signed by a person may be signed with an electronic signature.

Forms

1.09 The forms prescribed by these rules must be used where applicable and with such variations as the circumstances require.

Form of Proceeding

1.10 (1) The Committee may conduct any appeal in writing, electronically, in person, or by a combination of means as it considers appropriate unless a specific form of proceeding is prescribed.

Objection to Written Hearing

(2) A written hearing must be held as an electronic or in person hearing if a party satisfies the Committee that there is good reason for not holding a written hearing.

Objection to Electronic Hearing

(3) An electronic hearing, except one dealing only with procedural matters, must be held as an in person hearing if a party satisfies the Committee that an electronic hearing is likely to cause the party significant prejudice.

Objection to Form of Hearing

(4) A party who wishes to oppose the proposed form of a hearing or pre-hearing conference must file brief written submissions to the Committee Coordinator indicating the party's reasons for objecting to the hearing in proposed form of proceeding and the party's preferred form of hearing before the earlier of,

- (a) 10 days after the document specifying the proposed method of attendance was served on the party; and
- (b) seven days before the hearing.

Decision

(5) If written submissions are received in accordance with subrule (4), the Committee must decide how the hearing will be heard, and the Committee Coordinator must notify the parties of the Committee's decision.

Further Submissions

(6) The Committee may decide how the hearing will be held based only on the written submissions of the objecting party, or may request written submissions from any other party before deciding.

Hearings to be Public

1.11 (1) An in person hearing must be open to the public except where the Committee is of the opinion that,

- (a) matters involving public security may be disclosed; or

- (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

in which case the Committee may hold the hearing in the absence of the public.

Written Hearings

- (2) In a written hearing, members of the public are entitled to reasonable access to the documents submitted, unless the Committee is of the opinion that clause (1) (a) or (b) applies.

Electronic Hearings

- (3) An electronic hearing must be open to the public unless the Committee is of the opinion that,

- (a) it is not practical to hold the hearing in a manner that is open to the public; or
- (b) clause (1) (a) or (b) applies.

Prohibition on Photographs, Recordings, Dissemination

1.12 (1) No person is permitted to,

- (a) take or attempt to take a photograph, audio or video recording or other record capable of producing or transmitting visual or aural representations by electronic means or otherwise,
 - (i) at a hearing,
 - (ii) of any person entering or leaving the room in which a hearing is to be or has been convened, or
 - (iii) of any person in the building in which a hearing is to be or has been convened if there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing, other than in an area of the building designated by the Committee for the purpose and with the person's consent;
- (b) publish, broadcast, reproduce or otherwise disseminate a photograph, recording or record taken in contravention of clause (a); or

- (c) broadcast, reproduce or otherwise disseminate an audio recording described in clause (2) (b).

Non-application

(2) Subrule (1) does not apply with respect to,

- (a) the unobtrusive making of notes or sketches of events at a hearing by a person;
- (b) the making of an audio recording at a hearing, unobtrusively and in a manner authorized by the Committee, by a representative, a party acting on their own behalf or a journalist, for the sole purpose of supplementing or replacing notes; or
- (c) subject to the authorization of the Committee, any act referred to in subsection (1),
 - (i) if it is required for the presentation of evidence, the making of a record or any other purpose of the hearing,
 - (ii) with the consent of the parties and witnesses, or
 - (iii) in connection with any ceremonial proceeding.

RULE 2 TIME

Computation

2.01 (1) In the computation of time under these rules or an order, except where a contrary intention appears,

- (a) where there is a reference to a number of days between two events, they must be counted by excluding the day on which the first event happens and including the day on which the second event happens, even if they are described as clear days or the words “at least” are used;
- (b) where a period of seven days or less is prescribed, holidays must not be counted;
- (c) where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday; and
- (d) service of a document made after 4 p.m. or at any time on a holiday must be deemed to have been made on the next day that is not a holiday.

(2) Where a time of day is mentioned in these rules or in any document in a proceeding, the time referred to must be taken as the time observed locally.

Extension or Abridgement of Time

2.02 (1) The Committee may extend or abridge any time prescribed by these rules or an order, on such terms as are just.

(2) A request for an order extending time may be made before or after the expiration of the time prescribed.

Exception

(3) Subrule (2) does not give the Committee authority to extend the deadline for an appeal.

RULE 3 ADJOURNMENTS

Adjournment of Hearing

3.01 (1) The Committee may, on its own initiative or at the request of a party where the Committee is satisfied that the adjournment is required to permit an adequate hearing or pre-hearing conference to be held, adjourn a hearing or pre-hearing conference to such time and place, and on such terms, as are just.

Factors

(2) In deciding whether to grant an adjournment of a hearing or pre-hearing conference, the Committee may consider the following factors:

1. the sufficiency of the reasons advanced for the request to adjourn;
2. the timeliness of the request;
3. the resources of the Committee;
4. any prejudice to any party;
5. whether any adjournments have been granted previously;
6. the consent of the parties; or
7. any other relevant factor.

Written Request

(3) A written request for an adjournment must be made in accordance with Rule 10.

Oral Request

(4) A party intending to make an oral request for an adjournment at the beginning of a hearing must notify the other parties and the Committee Coordinator of the party's intention to make the request as soon as possible prior to the hearing.

First Adjournment on Consent

3.02 Where no adjournment has previously been granted, the Committee Coordinator may grant an adjournment of a hearing or pre-hearing conference for a maximum of 60 days if,

- (a) all the parties consent to the adjournment in writing, and
- (b) the adjournment request is made to the Committee Coordinator not less than 5 days before the scheduled date of the hearing or pre-hearing conference.

RULE 4 COMMUNICATING WITH COMMITTEE

4.01 A party or a party's representative must not communicate with the Committee or any member of the Committee about an appeal before the Committee except as permitted by these rules.

RULE 5 FILING DOCUMENTS WITH COMMITTEE

Methods of Filing

5.01 (1) Any document may be filed with the Committee,

- (a) by mail or registered mail to:

City of Mississauga
Office of the City Clerk
Attn: Mississauga Appeals and Property Standards Committee
300 City Centre Drive, 2nd Floor
Mississauga ON L5B 3C1

or

- (b) by personal service at:

City of Mississauga
Office of the City Clerk
Attn: Mississauga Appeals and Property Standards Committee
Civic Centre, 2nd Floor
300 City Centre Drive

Mississauga ON L5B 3C1

or

- (c) by e-mail to the e-mail address of the Committee Coordinator specified on the website of the Committee.

Date of Filing by Mail

- (2) Where a document is filed by mail, the date of the filing stamp of the Office of the City Clerk on the document must be deemed to be the date of its filing, unless the Committee orders otherwise.

Date of Filing by E-mail

- (3) A document that is filed by e-mail is considered to have been filed on the date indicated by the Committee Coordinator in a responding e-mail.

RULE 6 SERVICE OF DOCUMENTS

Service on Representative

6.01 Any document that is required to be served must be served on the party's representative if a party is represented by a representative and service on a party's representative is deemed to be service on the party.

Methods of Service

6.02 Any document that is required to be served may be served,

- (a) by e-mail to the e-mail address for service provided by the party or their representative, and service by e-mail is effective on the date the e-mail is sent, except if it sent between 4 p.m. and midnight, in which case it is deemed to be effective on the following day;
- (b) by mail or registered mail to the last address for service provided by the party or, if no such address has been provided, to the party's last known address, and service is effective on the fifth day after the document is mailed;
- (c) by courier to the last address for service provided by the party or, if no such address has been provided, to the party's last known address, and service is effective on the second day after the courier is given the document;
- (d) by personal service,
 - (i) on an individual, by leaving a copy of the document with them;

- (ii) on a corporation, by leaving a copy of the document with an officer, a director or another person authorized to act on behalf of the corporation, or a person at any place of business of the corporation who appears to be in control or management of the place of business;
 - (iii) on a partnership, by leaving a copy of the document with any one or more of the partners, or a person at the principal place of business of the partnership who appears to be in control or management of the place of business;
 - (iv) on a sole proprietorship, by leaving a copy of the document with the sole proprietor, or a person at the principal place of business of the sole proprietorship who appears to be in control or management of the place of business; or
- (e) by alternative to personal service, on an individual, if an attempt is made to effect personal service at an individual's place of residence and for any reason personal service cannot be effected, the document may be served by leaving a copy in a sealed envelope addressed to the individual at the place of residence with anyone who appears to be an adult member of the same household.

Proof of Service

6.03 (1) Where proof of service is required by these rules, service of a document may be proved by a statement that contains,

- (a) the title of the document served;
- (b) the date of service, and if by email, the time of service;
- (c) the manner of service in accordance with rule 6.02;
- (d) the name of the person who served the document; and
- (e) the name of the person to whom the document was served.

E-mail Filing

(2) The statement required by subrule (1) may be contained in the body of the email attaching the document to be filed with the Committee or in a separate document.

RULE 7 PARTIES AND REPRESENTATIVES

Parties

7.01 The parties to an appeal must be,

- (a) as appellant, the person or persons to whom the order or notice of decision under appeal was issued;
- (b) as respondent, The Corporation of the City of Mississauga, as represented by the manager or officer who made the decision or gave the order under appeal; and
- (c) any other party entitled by statute or by-law to be parties to the appeal.

Representatives

7.02 (1) A party may be self-represented, or represented by a lawyer or a paralegal.

(2) A party may be represented by an individual other than a lawyer or a paralegal if the individual is authorized under the *Law Society Act* and its regulations and by-laws to do so and if the party files a signed authorization of representative (Form 7).

RULE 8 NOTICE OF APPEAL

Commencement

8.01 (1) An appeal to the Committee must be commenced by filing a notice of appeal (Form 8A or 8B) with the Committee by one of the methods specified in subrule 5.01(1) and paying the required fee.

(2) The notice of appeal must state,

- (a) the statutory or by-law provision that authorizes the commencement of the appeal;
- (b) a brief description of the nature of the order or decision under appeal including the municipal address to which it relates, if any, the date of the order, the compliance date, if any, and the appeal deadline date;
- (c) the remedy or relief sought;
- (d) the reasons for the appeal; and,
- (e) a list of documents or other evidence, including witness evidence, to be relied upon at the hearing of the appeal.

Decision Not to Schedule Appeal

8.02 (1) Subject to subrule (2), upon receiving a notice of appeal, the Committee Coordinator may decide not to schedule a hearing of the appeal if,

- (a) the notice of appeal does not contain the information required by subrule 8.01(2);
- (b) the notice of appeal was filed after the deadline to commence an appeal;
- (c) the fee required is not paid; or
- (d) there is some other defect with the notice of appeal or requirements to commence an appeal.

Notice of Decision

(2) The Committee Coordinator must give notice of its decision under subrule (1) to the party who filed a notice of appeal, which notice must state,

- (a) the reasons for the decision;
- (b) the requirements to resume the processing and scheduling of the hearing of the appeal;
- (c) the deadline for complying with clause (b); and
- (d) that if the requirements set out in the notice are not met within the deadline, that no hearing will be scheduled and the decision under appeal will be final.

Requirements to Resume Appeal

Notice of Appeal Incomplete

8.03 (1) Where a party receives notice under subrule 8.02(2) on the grounds that the notice of appeal does not contain all of the information required by subrule 8.01(2), the party must file an amended notice of appeal that contains all of the information required within 20 days service of the notice.

No Fee Paid

(2) Where a party receives notice under subrule 8.02(2) on the grounds that the fee required is not paid, the party must file proof of payment of the applicable fee within 20 days of service of the notice.

No Hearing to be Scheduled

(3) If the requirements set out in the notice provided under subrule 8.02(2) are not met within the deadline set out in the notice, the Committee Coordinator must give notice to the party who filed a notice of appeal that no hearing will be scheduled and the decision under appeal is final.

Hearing to be Scheduled

(4) If the requirements set out in the notice provided under subrule 8.02(2) are met within the deadline set out in the notice, the Committee Coordinator must schedule a hearing of the appeal.

Late Notice of Appeal

8.04 Where the Committee Coordinator decides not to schedule a hearing of the appeal on the grounds that the notice of appeal was filed after the deadline to commence an appeal, the Committee Coordinator must give notice to the party who filed a notice of appeal that no hearing will be scheduled and the decision under appeal is final.

RULE 9 DISMISSAL OF PROCEEDING WITHOUT A HEARING**Frivolous, Vexatious or Bad Faith**

9.01 (1) The Committee may dismiss a proceeding without a hearing if the proceeding is frivolous, vexatious or is commenced in bad faith.

Notice

(2) Before dismissing a proceeding under this rule, the Committee must give notice of its intention to dismiss the proceeding to the party who commenced the proceeding, which notice must,

- (a) describe the reasons for the dismissal of the proceeding; and
- (b) advise the party of their right to make written submissions to the Committee with respect to the dismissal within the time specified in the notice.

Right to Make Submissions

(3) A party who receives a notice under subrule (2) may make written submissions to the Committee with respect to the dismissal within 14 days of service of the notice.

Dismissal

(4) The Committee must not dismiss an appeal under this rule until it has given notice under subrule (2) and considered any submissions made under subrule (3).

RULE 10 REQUEST FOR ORDER DURING APPEAL

Request for Order

10.01 (1) A party may request that the Committee make an order at any time during an appeal by oral submission in the course of the hearing or by written request.

Request for Order Form and Service

(2) Where a request is made in writing, it must be served on all parties and any person or organization who may have an interest in the request, and filed with the Committee with proof of service.

Requirements

10.02 (1) A request for order (Form 10A) must:

- (a) describe the order requested;
- (b) contain reasons for the request, including any facts relied on and submissions in support of the request;
- (c) where the order requested is for production of a document(s), a copy of the party's written request for the document(s) and the responding party's response, if any, must be attached to the Form 10A;
- (d) include the documents relied on in support of the request, if any;
- (e) indicate whether the requesting party wishes the Committee to deal with the matter in writing, in person, or electronically; and,
- (f) indicate whether the consent of another party has been obtained as to any term of the order sought or as to the manner in which the request should be dealt with.

(2) If the requesting party wants the request for order to be dealt with on an urgent basis, it must provide supporting reasons.

Response to Request for Order

10.03 (1) Unless the Committee directs otherwise, parties responding to the written request for order, must serve a response to request for order (Form 10B) on all other parties and file it with the Committee with proof of service no later than 14 days after the request for order was served.

Requirements

(2) The response to request for order must include:

- (a) the responding party's position on the order(s) requested and the whether the request for order should be dealt with in writing, in person, or electronically;
- (b) identify which facts in the request for order are accepted and which are disputed. Where the order requested is for production of documents the responding party must attach the written response to the request, if any;
- (c) reasons and any submissions in support of the responding party's position;
- (d) any additional facts relied on by the responding party; and,
- (e) include any documents not included in the request for order upon which the responding party intends to rely.

Hearing by Single Member in Writing

10.04 (1) A written request for order must be heard in writing by a single member of the Committee assigned by the Chair, unless the Chair directs otherwise.

Objection

(2) For clarity, subrule 1.10(4) applies to a party who wishes to object to the form of the written request for order.

Hearing to be Scheduled

(3) Where directed to do so, the Committee Coordinator must set a hearing date for the hearing of the request for order.

RULE 11 PRE-HEARING CONFERENCE

Pre-Hearing Conference

11.01 (1) The Committee may at any time, on their own initiative or at a party's request made to the Committee Coordinator, direct that a pre-hearing conference be held with respect to any pending hearing.

Request for Pre-Hearing Conference

(2) A request for a pre-hearing conference by a party may be made by email to the Committee Coordinator, with copies to the other parties.

Conduct of Pre-Hearing Conference

(3) A pre-hearing conference will be conducted by a single member of the Committee assigned by the Chair.

Attendance

(4) The representatives for the parties, if any, must appear at the pre-hearing conference and, unless the member orders otherwise, the parties must also participate.

Settlement Authority

(5) A party who requires another person's approval before agreeing to matters related to the hearing must, before the pre-hearing conference, arrange to have ready telephone or other immediate communication to the other person throughout the conference.

Purposes of Pre-Hearing Conference

(6) The purposes of a pre-hearing conference are to consider,

- (a) the settlement of any or all of the issues;
- (b) the simplification of the issues;
- (c) facts or evidence that may be agreed upon;
- (d) the dates by which any steps in the proceeding are to be taken or begun;
- (e) any other matter that may assist in the just and most expeditious disposition of the hearing.

Member Not on Hearing Panel

(7) A member conducting a pre-hearing conference at which the parties attempt to settle the issues in the proceeding must not preside at a subsequent hearing in the proceeding, unless the parties consent.

Presumptive Form of Hearing

(8) A pre-hearing conference must be conducted by phone or video conference unless the member conducting the pre-hearing conference directs otherwise.

Objection

(9) For clarity, subrule 1.10(4) applies to a party who wishes to object to the form of the pre-hearing conference.

Orders at Pre-Hearing Conference

11.02 (1) A member conducting the pre-hearing conference may make such orders as the member considers necessary or advisable with respect to the conduct of the proceeding, including adding parties or making disclosure orders under subrule 14.01(1).

(2) If the parties agree to resolve all of the issues in the appeal, the member conducting the pre-hearing conference shall direct the hearing date to be vacated.

Memorandum

11.03 (1) At the end of a pre-hearing conference, a member conducting a pre-hearing conference must prepare a memorandum summarizing,

- (a) the issues remaining in dispute;
- (b) the matters agreed on by the parties;
- (c) any evidentiary matters that are considered relevant; and
- (d) information relating to the scheduling of the remaining steps in the proceeding.

(2) The memorandum must be filed with the Committee Coordinator, who must give a copy to the hearing panel.

Further Disclosure Restricted

(3) The matters discussed at a pre-hearing conference must not be disclosed to others, including the hearing panel, until after the proceeding has been finally disposed of, except as disclosed in the memorandum under subrule (2).

RULE 12 WITHDRAWAL OF PROCEEDING

Withdrawal of Appeal

12.01 An appellant may withdraw an appeal by advising all parties and the Committee Coordinator of their intention to do so in writing at any time prior to the hearing of the appeal.

Withdrawal of Request for Order

12.02 A party making a request for order may withdraw the request for order by advising all parties and the Committee Coordinator of their intention to do so in writing at any time prior to the hearing of the request for order.

RULE 13 NOTICE OF HEARING

Committee Coordinator Fixes Date and Serves Notice

13.01 (1) The Committee Coordinator must fix a date for the hearing of an appeal and serve a notice of hearing on each party if an appeal has been commenced in accordance with rule 8.01 and the Committee Coordinator has not decided not to schedule a hearing in accordance with rule 8.02.

Same, Request for Order

(2) Where the Committee directs that a request for order will be heard electronically or in person under subrule 10.04(1), the Committee Coordinator must fix a date for the hearing of the request for order and serve a notice of hearing on each party and any other person as directed by the Committee.

(3) The notice of hearing must include,

- (a) a statement of the time, place and purpose of the hearing;
- (b) the statutory authority under which the hearing will be held;
- (c) a statement that if the party notified does not attend at an in person hearing or participate in an electronic hearing as the case may be, the Committee may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding;
- (d) a statement that if a party objects to a hearing in writing or electronic hearing, as the case may be, the objection must be made in accordance with rule 1.10(4);

Manner of Service

(4) The notice of hearing must be served by mail or email.

RULE 14 DISCLOSURE

Disclosure Orders

14.01 (1) Subject to any Act or regulation that applies to the proceeding, the Committee may, at any stage of the proceeding, make orders for,

- (a) the exchange of documents;
- (b) the oral or written examination of a party;
- (c) the exchange of witness statements and reports of expert witnesses;

(d) the provision of particulars;

(e) any other form of disclosure.

Exception, Privileged Information

(2) Subsection (1) does not authorize the making of an order requiring disclosure of privileged information.

Mandatory Disclosure of Documents By Appellant

14.02 (1) The appellant must serve on every party and file, with proof of service, every document the appellant intends to rely upon at the hearing of the appeal at least 20 days in advance of the hearing.

Mandatory Disclosure of Documents By Respondent

(2) The respondent and any other party must serve on every party and file, with proof of service, every document the respondent intends to rely upon at the hearing of the appeal that is not contained in the documents served and filed by the appellant at least 10 days in advance of the hearing.

Document Book

(3) Documents required by this rule to be served and filed may be compiled in document book with consecutively numbered pages that includes a table of contents describing each document.

Joint Document Book

(4) The parties may cooperate to prepare and file a joint document book containing all of the documents to be relied upon by any party.

Copies

(5) If a party intends to rely on paper copies of documents at the hearing of the appeal, the party must file 3 copies of the documents to be provided to the hearing panel in addition to the copies of the documents served on other the other parties and the copy filed with the Committee Coordinator under subrule (1).

Electronic Copies

(6) For clarity, it is not necessary to serve or file paper copies of electronic documents that have been served and filed in accordance with this rule.

RULE 15 HEARING

Hearing Panel for Appeal

15.01 (1) The hearing of an appeal will be heard by a panel of three members of the Committee assigned by the Chair.

Hearing Panel for Request for Order

(2) Where the Chair directs a Request for Order be heard other than in writing, the hearing of the request for order will be heard by a single member of the Committee.

Expiry of Term

(3) If the term of office of a member of the Committee who has participated in a hearing expires before a decision is given, the term must be deemed to continue, but only for the purpose of participating in the decision and for no other purpose.

Incapacity of Member

(4) If a member of the Committee who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining member or members may complete the hearing and give a decision.

RULE 16 EVIDENCE AT HEARING

Consequences of Failure to Disclose

16.01 (1) Where the Committee has made an order for disclosure with respect to a witness' testimony under subrule 14.01(1), and a party fails to comply with the order, the witness may not testify at the hearing, except with the consent of the Committee.

Same

(2) Where the Committee has made an order for disclosure of documents under subrule 14.01(1), and a party fails to comply with the order, or fails to disclose documents in accordance with rule 14.02, the documents that were not properly disclosed may not be admitted as evidence at the hearing, except with the consent of the Committee.

Expert Witnesses

(3) An expert witness may not testify with respect to an issue at a hearing, except with the consent of the Committee, unless the substance of his or her testimony with respect to that issue is set out in a written report containing the following information:

1. The expert's name, address, telephone number, email address and area of expertise.

2. The expert's qualifications within the relevant area of expertise.
 3. The substance of the expert's proposed evidence, including a list of all the documents to which the expert will refer.
- (4) An expert report required by subrule (3) must be served in accordance with rule 14.02 or as otherwise ordered.

Evidence Admissible only with Consent

16.02 If evidence is admissible only with the consent of the Committee under rule 16.01, the Committee may grant consent if the party responsible for the applicable failure satisfies the Committee that,

- (a) there is a reasonable explanation for the failure; and
- (b) granting the consent would not,
 - (i) cause prejudice to the opposing party that could not be compensated for with an adjournment, or
 - (ii) cause undue delay in the conduct of the hearing.

What is Admissible in Evidence at a Hearing

16.03 (1) Subject to subrules (2) and (3), the Committee may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject-matter of the proceeding and may act on such evidence, but the Committee may exclude anything unduly repetitious.

What is Inadmissible in Evidence at a Hearing

- (2) Nothing is admissible in evidence at a hearing,
- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - (b) that is inadmissible by the statute under which the proceeding arises or any other statute.

Conflicts

(3) Nothing in subrule (1) overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.

Copies

(4) Where the Committee is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Photocopies

(5) Where a document has been filed in evidence at a hearing, the Committee may, or the person producing it or entitled to it may with the consent of the Committee, cause the document to be photocopied and the Committee may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the Committee.

Certified Copy Admissible in Evidence

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a copy thereof by a member of the Committee, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Document Book as Evidence

16.04 The hearing panel may admit as evidence a document book prepared and filed in accordance with subrule 14.02(3) or 14.02(4) unless a party objects to the admissibility of part or all of the contents of the document book.

Notice of Facts and Opinions

16.05 The Committee may, in making its decision in any proceeding,

- (a) take notice of facts that may be judicially noticed; and
- (b) take notice of any generally recognized scientific or technical facts, information or opinions within its scientific or specialized knowledge.

Summonses

16.06 (1) The Committee may require any person, including a party, by summons,

- (a) to give evidence on oath or affirmation at an in person or electronic hearing; and

- (b) to produce in evidence at an in person or electronic hearing documents and things specified by the Committee,

relevant to the subject-matter of the proceeding and admissible at a hearing.

Form of Summons

- (2) A summons issued under subsection (1) must be in the form prescribed by the *Statutory Powers Procedure Act* and must be signed by the Chair.

Service of Summons

- (3) The summons must be served personally on the person summoned no later than two days before the date of the hearing.

Fees and Allowances

- (4) The person summoned is entitled to receive the same fees or allowances for attending at or otherwise participating in the hearing as are paid to a person summoned to attend before the Superior Court of Justice.

Request for Summons

16.07 A party may request that the Committee issue a summons at a pre-hearing conference or at any time by request to the Committee Coordinator.

RULE 17 HEARING PROCEDURE

Failure to Attend

17.01 (1) Where a party has been properly notified of a hearing and fails to attend or participate in the hearing as directed, the Committee may,

- (a) adjourn the hearing after considering the factors set out in subrule 3.01(2); or
- (b) proceed in the party's absence.

Appellant Failure to Attend

- (2) Where the appellant does not attend or participate in a hearing, and the hearing panel decides not to adjourn the hearing, the hearing panel must dismiss the appeal, and the respondent must not be required to call any evidence, unless the Committee determines that the Notice of Appeal raises an error or other issue on the face of the decision or order under appeal that requires a response by the respondent.

Order of Presentation

17.02 (1) At the hearing of an appeal, the order of presentation must be regulated as follows, unless the hearing panel directs otherwise:

1. The respondent may make an opening address only for the purpose of introducing the order or decision under appeal.
2. The appellant may make an opening address.
3. The respondent may make an opening address.
4. The appellant may call evidence.
5. When the appellant's evidence is concluded, the respondent may call evidence.
6. When the respondent's evidence is concluded, the respondent may then make a closing address, followed by the closing address of the appellant.
7. Where the respondent calls no evidence after the conclusion of the appellant's evidence, the appellant may make a closing address, followed by the closing address of the respondent.

Representatives

(2) Where a party is represented, the right to address the hearing panel, examine witnesses and otherwise call evidence must be exercised by the party's representative.

Oath or Affirmation

17.03 (1) A witness called to give testimony at an in person or electronic hearing must take an oath or make an affirmation, and the members of the Committee have the authority to administer the oath or affirmation

Examination of Witness

(2) A witness called to give testimony at an in person or electronic hearing may be,

- (a) examined by non-leading questions, except on non-contentious or background issues, by the party who called or summonsed the witness;
- (b) cross-examined by the party who did not call the witness;
- (c) examined in reply to issues raised on cross-examination that were not and ought not to have been anticipated by the party to called or summonsed the witness; and

(d) questioned by the hearing panel.

Leading Questions on Direct Examination

(3) Where a witness appears unwilling or unable to give responsive answers, the hearing panel may permit the party calling the witness to examine him or her by means of leading questions.

Witness Legal Representative

(4) A witness called to give testimony at an in person or electronic hearing is entitled to be advised by a legal representative as to their rights, but such legal representative may take no other part in the hearing without the consent of the hearing panel.

(5) Where an in person hearing is closed to the public, the witness's legal representative is not entitled to be present except when that witness is giving evidence.

Verbatim Recording

17.04 (1) Notwithstanding rule 1.12, a party may arrange for the attendance of a qualified verbatim reporter at the party's own expense for the purpose of recording all testimony and submissions during a hearing.

Partial Recording

(2) The hearing panel may provide consent for a qualified verbatim reporter to record only part of a hearing if it satisfied that doing so would not result in prejudice to any party.

Transcript Ordered by Party

(3) Where a party orders a transcript of part or all of a recording of a hearing made by a qualified verbatim reporter in accordance with this rule, the party must notify the Committee Coordinator and all other parties that the transcript has been ordered.

Transcript Provided to Committee

(4) If requested by the Committee, the party who first orders a transcript of part or all of a recording of a hearing must provide a copy to the Committee Coordinator at the party's expense within three days of receipt of the transcript.

Transcript Ordered by Committee

(5) Where the Committee orders a transcript of part or all of a recording of a hearing made by a qualified verbatim reporter, the Committee Coordinator must notify the parties that the transcript has been ordered, but is not obligated to provide a copy of the transcript to any party.

Majority Decision

17.05 (1) The decision of a majority of the members of the hearing panel is the Committee's decision.

Reserved Decision

(2) The hearing panel may reserve its decision following a hearing.

Decision in Writing

(3) The hearing panel must give its final decision and order, if any, in any proceeding in writing signed by each of the members of the hearing panel.

Reasons

(4) The Committee must give reasons for a final decision in writing if requested by a party during the hearing, and may give reasons in writing in any event.

Dissent

(5) A member of the hearing panel may give dissenting reasons if reasons are given by the majority of the hearing panel.

Notice of Decision

17.06 The Committee Coordinator must serve each party who participated in the hearing, or the party's representative, a copy of the Committee's final decision or order, including the reasons if any have been given, by mail or e-mail.

Record of Hearing

17.07 (1) Following a hearing, the Committee Coordinator must compile a record of proceeding which must include,

- (a) the notice of appeal;
- (b) the notice of any hearing;
- (c) any interlocutory orders made by the Committee;
- (d) all documentary evidence filed with the Committee, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceeding;
- (e) the transcript, if any, of the oral evidence given at the hearing; and

- (f) the decision of the Committee and the reasons therefor, where reasons have been given.

(2) Any recording made pursuant to 17.04 is deemed not to be part of the record of proceeding.

SPECIFIC PROCEEDINGS RULE 18 COMMITTEE OF REVISION

Definitions

18.01 In this rule,

“hearing” means a hearing required by s. 21(1) of the Regulation;

“objection” means an objection filed in accordance with s. 21(3) of the Regulation;

“proposed revision” means a proposed revision filed in accordance with s. 21(4) of the Regulation;

“Regulation” means the Local Improvement Charges - Priority Lien Status Regulation, O. Reg. 586/06 under the *Municipal Act, 2001*;

Hearing

18.02 (1) Where the City of Mississauga is required to hold a hearing, the Committee Coordinator must set a date and time for the hearing, and must give notice of the hearing as required by the Regulation.

(1) Rule 5 applies to documents, objections or proposed revisions filed under the Regulation.

Committee of Revision

(2) Where an objection or proposed revision is filed and a hearing is required to be heard by the committee of revision under the Regulation, the Chair must appoint three or five members of the Committee to preside over the hearing as the committee of revision.

Qualifications

(3) The members of the Committee appointed to sit as the committee of revision must have the qualifications required by the Regulations, if any.

PART II FORMS

List of Forms referred to in Rules

Form	Title	Rule
7	Authorization of Representative	7.02(2)
8A	Notice of Appeal – Property Standards Order	8.01
8B	Notice of Appeal – Other	8.01
10A	Request for Order	10.02
10B	Response to Request for Order	10.03

Form 7 Authorization of Representative

MISSISSAUGA APPEALS AND PROPERTY STANDARDS COMMITTEE

IN THE MATTER OF:

(name)

Appellant

and

The Corporation of the City of Mississauga, as represented by *(name of person who issued order or made decision under appeal)*

Respondent

Appeal pursuant to *(select appropriate by-law from list and delete the rest)*

s. 15.3(1) of the *Building Code Act*, 1992 and s. 6(1)(c) of the Property Standards By-law 0654-1998

s. 14(1) of the Adult Entertainment Establishment Licensing By-law 0507-2005

s. 37 of the Animal Care and Control By-law 0098-2004

s. 14(1) of the Business Licensing By-law 0001-2006

s. 43(1) of the Ice Cream Truck Vendors By-law 0523-2004

s. 27 of the Medical Marihuana Licensing By-law 0057-2015

s. 24 of the Methadone Licensing By-law 0166-2014

s. 25(1) of the Outside Fireworks Vendors Licensing By-law 0340-2001

s. 14.1(1) of the Public Vehicle Licensing By-law 0420-2004

- s. 10(1) of the Residential Rental Accommodation Licensing By-law 0172-2010
- s. 22(1) of the Short Term Rental Accommodation Licensing By-law 0289-2020
- s. 22(1) of the Swimming Pool Enclosure By-law 0191-2011
- s. 11(1) of the Tow Truck Licensing By-law 0521-2004
- s. 22(1) of the Vehicle Licensing By-law 0520-2004
- s. 14(1) of the Vendors By-law 0522-2004
- A ban from City Facilities

AUTHORIZATION OF REPRESENTATIVE

THE APPELLANT IS REPRESENTED by an individual other than a lawyer or paralegal who is authorized by the *Law Society Act* or a Law Society by-law to do so because the individual is:

(choose applicable exemption)

- ☐ An employee of the appellant
- ☐ An employee of a legal aid clinic or not-for-profit organization established for the purposes of providing legal services
- ☐ A friend or neighbour of the appellant who provides legal services for free
- ☐ A family member of the appellant who provides legal services for free
- ☐ A member of Provincial Parliament or his or her designated staff who provides legal services to a constituent
- ☐ A Certified Human Resources Professional
- ☐ A person who is acting in the normal course of carrying on a profession or occupation governed by another Act of the Legislature, or an Act of Parliament, that regulates specifically the activities of persons engaged in that profession or occupation.
- ☐ An Aboriginal courtworker
- ☐ A student-at-law or law student under the supervision of a lawyer
- ☐ Other: *(provide details)*

(If the appellant is an individual)

I / we, *(insert name of party)*, the appellant(s), authorize *(insert name of representative)* to act as my/our representative for the purposes of this appeal to the Mississauga Appeals and Property Standards Committee.

(If the appellant is a corporation)

I, *(insert name of officer/director of corporation)*, am the *(insert title of officer/director of corporation)* of the appellant corporation, and I, on behalf of the appellant corporation, authorize *(insert name of representative)* to act as the representative of the appellant corporation for the purposes of this appeal to the Mississauga Appeals and Property Standards Committee.

Signed
on:

Date

Name: *(insert name of individual providing authorization for representative)*

Date:

(Name, address, telephone number, and email address of appellant or appellant's representative, and LSO number, if applicable)

TO: Mississauga Appeals and
Property Standards Committee
City of Mississauga
300 City Centre Drive
Mississauga ON L5B 3C1

martha.cameron@mississauga.ca

Form 8A Notice of Appeal – Property Standards Order**MISSISSAUGA APPEALS AND PROPERTY STANDARDS COMMITTEE**

IN THE MATTER OF:

(name)

Appellant

and

The Corporation of the City of Mississauga, as represented by *(name of person who issued order or made decision under appeal)*

Respondent

Appeal pursuant to s. 15.3(1) of the *Building Code Act, 1992* and s. 6(1)(c) of the Property Standards By-law 0654-1998

NOTICE OF APPEAL

THE APPELLANT APPEALS to the Committee from the following Property Standards Order:

Municipal Address of
Property subject to the
Property Standards Order:

Date Order Issued:

Compliance Date:

Appeal Deadline Date:

THE APPELLANT ASKS the Committee to:

☐ extend the compliance date to: _____

☐ Confirm, modify or rescind the Property Standards Order by: _____

(state precisely how you want the Property Standards Order to be changed)

THE REASONS FOR APPEAL are:

(state the reasons for needing an extension of time and/or reasons for disagreeing with the Property Standards Order)

THE FOLLOWING SUPPORTING EVIDENCE will be used at the hearing of the appeal:

(list the documents and witnesses you are relying on)

Date: (Name, address, telephone number, and email address of appellant or appellant's representative, and LSO number, if applicable)

TO: Mississauga Appeals and
Property Standards Committee
City of Mississauga
300 City Centre Drive
Mississauga ON L5B 3C1

Form 8B Notice of Appeal – Other

MISSISSAUGA APPEALS AND PROPERTY STANDARDS COMMITTEE

IN THE MATTER OF:

(name)

Appellant

and

The Corporation of the City of Mississauga, as represented by *(name of person who issued order or made decision under appeal)*

Respondent

Appeal pursuant to

(select appropriate by-law from list and delete the rest)

- s. 14(1) of the Adult Entertainment Establishment Licensing By-law 0507-2005
- s. 37 of the Animal Care and Control By-law 0098-2004
- s. 14(1) of the Business Licensing By-law 0001-2006
- s. 43(1) of the Ice Cream Truck Vendors By-law 0523-2004
- s. 27 of the Medical Marihuana Licensing By-law 0057-2015
- s. 24 of the Methadone Licensing By-law 0166-2014
- s. 25(1) of the Outside Fireworks Vendors Licensing By-law 0340-2001
- s. 14.1(1) of the Public Vehicle Licensing By-law 0420-2004
- s. 10(1) of the Residential Rental Accommodation Licensing By-law 0172-2010
- s. 22(1) of the Short Term Rental Accommodation Licensing By-law 0289-2020
- s. 22(1) of the Swimming Pool Enclosure By-law 0191-2011
- s. 11(1) of the Tow Truck Licensing By-law 0521-2004
- s. 22(1) of the Vehicle Licensing By-law 0520-2004
- s. 14(1) of the Vendors By-law 0522-2004
- A ban from City Facilities

NOTICE OF APPEAL

THE APPELLANT APPEALS to the Committee from the following order or decision:

Nature of Order or
Decision:

Municipal Address (if the
Order or Decision relates
to a particular property):

Date Order Issued:

Compliance Date (if
applicable):

Appeal Deadline Date:

THE APPELLANT ASKS the Committee to:

(state precisely how you want the order or decision to be changed)

THE REASONS FOR APPEAL are:

(state the reasons for disagreeing with the decision or order)

THE FOLLOWING SUPPORTING EVIDENCE will be used at the hearing of the motion:

(list the documents and witnesses you are relying on)

Date: (Name, address, telephone number, and
email address of appellant or appellant's
representative, and LSO number, if
applicable)

TO: Mississauga Appeals and
Property Standards Committee
City of Mississauga
300 City Centre Drive
Mississauga ON L5B 3C1

Form 10A Request for Order

MISSISSAUGA APPEALS AND PROPERTY STANDARDS COMMITTEE

IN THE MATTER OF:

(name)

Appellant

and

The Corporation of the City of Mississauga, as represented by *(name of person who issued order or made decision under appeal)*

Respondent

Appeal pursuant to *(select appropriate by-law from list and delete the rest)*

s. 15.3(1) of the *Building Code Act, 1992* and s. 6(1)(c) of the Property Standards By-law 0654-1998

s. 14(1) of the Adult Entertainment Establishment Licensing By-law 0507-2005

s. 37 of the Animal Care and Control By-law 0098-2004

s. 14(1) of the Business Licensing By-law 0001-2006

s. 43(1) of the Ice Cream Truck Vendors By-law 0523-2004

s. 27 of the Medical Marihuana Licensing By-law 0057-2015

s. 24 of the Methadone Licensing By-law 0166-2014

s. 25(1) of the Outside Fireworks Vendors Licensing By-law 0340-2001

s. 14.1(1) of the Public Vehicle Licensing By-law 0420-2004

s. 10(1) of the Residential Rental Accommodation Licensing By-law 0172-2010

s. 22(1) of the Short Term Rental Accommodation Licensing By-law 0289-2020

s. 22(1) of the Swimming Pool Enclosure By-law 0191-2011

s. 11(1) of the Tow Truck Licensing By-law 0521-2004

s. 22(1) of the Vehicle Licensing By-law 0520-2004

s. 14(1) of the Vendors By-law 0522-2004

A ban from City Facilities

REQUEST FOR ORDER

THE (APPELLANT/RESPONDENT), (INSERT PARTY NAME), REQUESTS THE FOLLOWING ORDER FROM THE COMMITTEE:

(state precisely what order you are asking the Committee for)

THE REASONS FOR REQUESTING THE ORDER ARE:

(state why you are asking for the order, including any statutory provisions or rules you are relying on)

THE FOLLOWING SUPPORTING EVIDENCE IS SUBMITTED IN SUPPORT OF THE REQUEST FOR ORDER:

(list the evidence you are relying on)

The requesting party proposes this request for order be heard,

(choose one of the following)

☐ in writing

☐ by videoconference

☐ by teleconference

☐ in person

Date:

(Name, address, telephone number, and email address of appellant or appellant's representative, and LSO number, if applicable)

TO: Mississauga Appeals and Property
Standards Committee
City of Mississauga
300 City Centre Drive

Mississauga ON L5B 3C1

martha.cameron@mississauga.ca

AND (Name, address, telephone number, and
TO: email address of responding party or
responding party's representative)

Form 10B Response to Request for Order**MISSISSAUGA APPEALS AND PROPERTY STANDARDS COMMITTEE**

IN THE MATTER OF:

(name)

Appellant

and

The Corporation of the City of Mississauga, as represented by *(name of person who issued order or made decision under appeal)*

Respondent

Appeal pursuant to *(select appropriate by-law from list and delete the rest)*

s. 15.3(1) of the *Building Code Act, 1992* and s. 6(1)(c) of the Property Standards By-law 0654-1998

s. 14(1) of the Adult Entertainment Establishment Licensing By-law 0507-2005

s. 37 of the Animal Care and Control By-law 0098-2004

s. 14(1) of the Business Licensing By-law 0001-2006

s. 43(1) of the Ice Cream Truck Vendors By-law 0523-2004

s. 27 of the Medical Marihuana Licensing By-law 0057-2015

s. 24 of the Methadone Licensing By-law 0166-2014

s. 25(1) of the Outside Fireworks Vendors Licensing By-law 0340-2001

s. 14.1(1) of the Public Vehicle Licensing By-law 0420-2004

s. 10(1) of the Residential Rental Accommodation Licensing By-law 0172-2010

s. 22(1) of the Short Term Rental Accommodation Licensing By-law 0289-2020

s. 22(1) of the Swimming Pool Enclosure By-law 0191-2011

s. 11(1) of the Tow Truck Licensing By-law 0521-2004

s. 22(1) of the Vehicle Licensing By-law 0520-2004

s. 14(1) of the Vendors By-law 0522-2004

A ban from City Facilities

RESPONSE TO REQUEST FOR ORDER

THE (APPELLANT/RESPONDENT) (INSERT PARTY NAME) OPPOSES the request for order made by (appellant/respondent) (insert party name) dated (date of Request for Order) for the following reasons:

(state why you oppose the order being made by the Committee, including any statutory provisions or rules you are relying on)

THE FOLLOWING SUPPORTING EVIDENCE IS SUBMITTED IN SUPPORT OF THE RESPONSE TO REQUEST FOR ORDER:

(list the evidence you are relying on)

THE RESPONDING PARTY ☐ does not oppose the proposed method of hearing of the Request for Order.

OR

THE RESPONDING PARTY proposes this request for order be heard,

(choose one of the following)

☐ in writing

☐ by videoconference

☐ by teleconference

☐ in person

for the following reasons:

(state reasons)

Date:

(Name, address, telephone number, and email address of responding party or

responding party's
representative)

TO: Mississauga Appeals and Property Standards
Committee
City of Mississauga
300 City Centre Drive
Mississauga ON L5B 3C1

martha.cameron@mississauga.ca

AND (Name, address, telephone number, and email
TO: address of appellant or appellant's
representative, and LSO number, if applicable)