

# THE MUNICIPAL BOARD OF MANITOBA

## ***Procedure at Airport Vicinity Protection Area (“AVPA”) Referral Hearings under section 270(1) of The City of Winnipeg Charter***

1. The Municipal Board (the “Board”) is an “Independent Body” appointed by Order-in-Council and hearings before the Board are open to the public.
2. The hearing before the Board is a *de novo* or fresh hearing. It is separate and distinct from previous public hearings on the matter. It is not a debate or town hall meeting.
3. Prior to the hearing of the referral each of the parties, the City of Winnipeg, Objector, and Applicant must, at such time or times as determined by the Board:
  - (a) serve one (1) copy of the written materials it intends to rely upon on each of the other parties as follows:
    - one (1) copy to the City of Winnipeg
    - one (1) copy to the Objector (Municipality or Board of a Planning District adjacent to area; Government of Canada or Government of Manitoba)
    - one (1) copy to the Applicant,and
  - (b) file four (4) copies of the written materials with the Board.
4. The City of Winnipeg must make available, at a place and during hours specified in the Board notice of hearing, a copy of any proposed by-law in respect of which the hearing is to be conducted, together with any document or materials filed in regards to the proposed by-law that is in the possession of the City, and must permit any person to inspect and to make copies of it for a prescribed fee.
5. Any person who wishes to make a written and/or oral presentation to the Board must do so by filing with the Board a completed Public Presenter Form (attached) in advance of the hearing. The filing deadline will be set out in the Public Notice.
6. Prior to and on the day of the hearing, the Recording Secretary will confirm the names and contact information of the Presenters wishing to make a presentation.
7. If you wish to have service provided in French, please notify our office fifteen (15) days prior to the hearing.
8. The hearing will begin with the Recording Secretary announcing the matter to be heard. Hearings are recorded but transcripts are not prepared. You may contact the office for further information.

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9. Although a quorum of the Board is two, the Board typically sits as a panel of three, one of whom acts as the Chair. The Chair will introduce the panel members and explain how the hearing will proceed. Questions about the proceedings may be asked at this time.
10. All evidence given at the hearing will be given under oath or affirmation.
11. The Board requires all in attendance at the hearing to conduct themselves in a respectful manner, to take their turn, and not to interrupt the proceedings.
12. Each of the following parties, the City of Winnipeg/Objector/Applicant, will have an opportunity to make a presentation and call witnesses. The other parties will have an opportunity to cross-examine the evidence presented. The Board may also question a party or witness on the evidence presented.
13. The Board will then hear presentations from the Presenters. Once a presentation is complete, the Board or a party may question a Presenter on their presentation.
14. A Presenter may ask a question of a party through the Chair.
15. The Board reserves the right to set reasonable time limits on all presentations or questions, and may limit presentations or questions where the Board is satisfied that the matter has already been adequately addressed at the hearing.
16. Following the completion of all presentations and questions, each party will have an opportunity to present closing submissions.
17. The Board, in dealing with the referral, must look at its duty which is set out in *The City of Winnipeg Charter*, as follows:

## Recommendations by hearing body

**280(1)** Where a hearing body conducts a hearing under this Part for the purpose of making a recommendation to council respecting a proposed by-law or an application, the hearing body must, within 30 days after completing the hearing, or such further time as council may allow, prepare and submit to council a report containing

- (a) a summary of the submissions made at the hearing;
- (b) the recommendation of the body that council approve, reject, or approve with conditions, the proposed by-law or application;
- (c) the reasons for the recommendation; and
- (d) such other information as council may require.

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18. At the conclusion of the hearing, the Chair will adjourn the proceedings. The panel will consider all of the evidence and, within 30 days after completing the hearing or such further time as council (City of Winnipeg) may allow, submit its report and recommendation to council that council either reject the proposed By-law or approve the proposed By-law, with or without conditions. Copies of the Board's report are not available to the public. Council will make the final decision on the proposed By-law.
19. The Board will not accept any information or evidence after the hearing has been adjourned.
20. The Board has final discretion in the manner in which the hearing is conducted. The Board may in its discretion dispense with, vary or amend these procedures.

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## Public Presenter Form

### Applicant Information

Contact Person:

*Last*

*First*

*Middle*

Organization Name (if applicable):

Presenter Name(s):

Address:

*Street Address*

*Apartment/Unit #*

City:

Province:

Postal Code:

Email:

Phone Number:

Preferred method of contact:  Email  Phone

### Presentation Information

Proceeding Before the Board:

If you are making a presentation to the Board, please check one or more of the following boxes, as applicable:  Written Presentation  Oral Presentation  Both Written and Oral Presentation

All Presenters: Please check one of the boxes and specify below your interest in presenting in this proceeding:  Support  Object

**Written Presentations:** Please *briefly* specify the reason(s) for your support or objection regarding the subject matter of the proceeding and provide any relevant information that supports or explains your views. Please attach your written presentation to this Public Presenter Form.

**Oral Presentations** will be limited to 5 minutes. This time limit also applies to a presenter who decides to read the written presentation that has been previously submitted to the Board.

**For Oral Presentations, do you intend to present in English or French?**

English  French

**Do you require any accommodation(s) to present?**  Yes  No

If yes, please explain the nature of the accommodation you will require:

**Please note:** The Board reserves the right to set time limits for presentations and submissions. Additionally, the Board *will not* accept any information or evidence *after* the hearing has been adjourned. The Board may disallow presentations that do not comply with the rules set out in the applicable hearing procedures, or are not relevant to the scope of the hearing.

Please submit the completed Public Presenter Form with attached written presentation, as applicable, to the Manitoba Municipal Board via email, mail, or fax, ten (10) days prior to the hearing.

**If you require additional assistance, please contact our office.**