



## *Local Planning Appeal Tribunal*

### **Procedural Order**

**ISSUE DATE:**

**CASE NO(S).** PL171510  
MM180018

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

Applicant and Appellant: 738489 Ontario Limited  
Subject: Application to amend Zoning By-law No. 438-86 - Refusal or neglect of City of Toronto to make a decision  
Existing Zoning: Reinvestment Area (RA)  
Proposed Zoning: Site Specific (To be determined)  
Purpose: To permit a mixed-use development with retail and commercial uses  
Property Address/Description: 582-590 King Street West, 471 and 473 Adelaide Street West and 115 Portland Street  
Municipality: City of Toronto  
Municipality File No.: 17 215103 STE 20 OZ  
LPAT Case No.: PL171510  
LPAT File No.: PL171510  
LPAT Case Name: 738489 Ontario Limited v. Toronto (City)

**PROCEEDING COMMENCED UNDER** subsection 114(15) of the *City of Toronto Act*, 2006, S.O. 2006, c. 11, Sched. A

Referred by: 738489 Ontario Limited  
Subject: Site Plan  
Property Address/Description: 582-590 King Street West, 471 and 473 Adelaide Street West and 115 Portland Street  
Municipality: City of Toronto  
LPAT Case No.: PL171510  
LPAT File No.: MM180018

1. The Tribunal may vary or add to these rules at any time, either on request or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

### **Organization of the Hearing**

2. The hearing will begin on **May 5, 2020** at 10:00 a.m. at Local Planning Appeal Tribunal, 655 Bay Street, 16th Floor, Toronto, ON M5G 1E5
3. The length of the hearing will be about 20 days.
4. The parties and participants identified at the prehearing conference are listed in **Attachment 1** to this Order.
5. The Issues are set out in the Issues List attached as **Attachment 2**. There will be no changes to this list unless the Tribunal permits, and a party who asks for changes may have costs awarded against it.
6. The order of evidence shall be listed in **Attachment 3** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument.

### **Requirements Before the Hearing**

7. Any person intending to participate in the hearing should provide a telephone number to the Tribunal as soon as possible (preferably before the prehearing conference.) Any such person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address and phone number as soon as possible.
8. On or before **February 5, 2020**, the applicant shall advise the parties of any changes to the submitted plans that it intends to present to the Tribunal and will provide the revised plans, if any, to the parties electronically. The applicant acknowledges that any revisions to the plans after that date without the consent of the parties may be grounds for a request to adjourn the hearing.
9. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal, the other parties and to the Clerk a list of the witnesses and the order in which they will be called. This list must be delivered by ~~March 6,~~ February 14, 2020.
10. Expert witnesses in the same field shall meet and prepare an Agreed Statement of Facts which Agreed Statement of Facts shall be filed with the parties and the Tribunal on or before **March 13, 2020**.

11. ~~10.~~ An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this must be provided as in section 13. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7.04 of the *LPAT's Rules of Practice and Procedure*. If the expert witness has prepared any report(s) that he/she intends to rely on at the hearing, and which did not form part of the submissions made to the City, such report(s) shall be provided to the other parties at the same as the delivery of expert witness statements, as in section 12.

12. ~~11.~~ A witness or participant must provide to the Tribunal and the parties a witness/participant statement on or before **April 3, 2020**, or the witness or participant may not give oral evidence at the hearing.

13. ~~12.~~ Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in section 13.

14. ~~13.~~ On or before **April 3, 2020**, the parties shall provide copies of their witness and expert witness statements to the other parties. A paper copy of any document proposed to be entered into evidence or relied upon shall be provided at the hearing unless ordered otherwise by the presiding Member.

15. ~~14.~~ On or before **April 28, 2020**, the parties shall provide copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.

16. ~~15.~~ Parties may provide to all other parties a written response to any written evidence within 14 days after the evidence is received.

17. ~~16.~~ A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal.

*(see Rule 10 of the Tribunal's Rules with respect to Motions, which requires that the moving party provide copies of the motion to all other parties 15 days before the Tribunal hears the motion.)*

18. ~~17.~~ A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Tribunal at least 7 days before the hearing that the written evidence is not part of their record.

19. ~~18.~~ Documents may be delivered by personal delivery, electronic mail or registered or certified mail, or otherwise as the Tribunal may direct. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

20. ~~19.~~ No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Tribunal's Rule 17 applies to such requests.

21. ~~20.~~ The Tribunal may conduct mediation on consent of all parties, on consent of those parties who wish to participate in mediation, or if the Tribunal sees fit.

**This Member is not seized.**

**So orders the Tribunal.**

BEFORE:

Name of Member                    )  
  )  
  )  
  )

Date:

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TRIBUNAL REGISTRAR

## ATTACHMENT 1

### LIST OF PARTIES AND PARTICIPANTS

#### **PARTIES:**

##### **738489 Ontario Limited**

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**1572653 Ontario Inc.**

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R. Andrew Biggart

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**Grange Community Association Inc.**

Max Allen

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Toronto, ON M5T 3K8

Tel: 416.593.1238

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**PARTICIPANTS:**

1. Robert Hickman (105 Portland Street)
2. Garment District Neighbourhood Association
3. Dieter Riedel (10 Morrison Street)
4. Martin Kicinski (461 Adelaide St W, Unit 543)
5. Dana Radojevic (461 Adelaide St W, Unit 1017)
6. Kelvin Lo (461 Adelaide St W)

## ATTACHMENT 2

### ISSUES LIST

NOTE: The identification of an issue does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Tribunal at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Tribunal at the hearing will be a matter of evidence and argument at the hearing.

#### City of Toronto

1. Does the Proposal have regard to matters of provincial interest set forth in subsections (d), (f) and (r) of section 2 of the *Planning Act*?
2. Is the proposal consistent with the following policies of the Provincial Policy Statement, 2014:
  - (a) Building Strong and Healthy Communities (1.0)
    - i. Policies 1.1.1(g) and 1.1.3.2(a)(2),
  - (b) Employment
    - i. 1.3.1(d)
  - (c) Long-term Economic Prosperity (1.7)
    - i. Policy 1.7.1(d)
  - (d) Cultural Heritage and Archeology (2.6)
    - i. Policy 2.6.1, 2.6.2, 2.6.3 and 2.6.4
  - (e) Implementation and Interpretation (4.0)
    - i. Policy 4.7
3. Does the proposal conform with the following policies of the Growth Plan for the Greater Golden Horseshoe (2017):
  - (a) Guiding Principles (1.2.1)
  - (b) Where and How to Grow (2.2)
    - i. Policy 2.2.1.4,
  - (c) Cultural Heritage Resources (4.2.7)
    - i. Policy 4.2.7.1 and 4.2.7.3
4. Does the Proposal conform to the following principles of the City of Toronto Official Plan:
  - (a) Downtown: The Heart of Toronto (2.2.1);
  - (b) The Public Realm (3.1.1)
  - (c) Built Form (3.1.2);
  - (d) Heritage Conservation (3.1.5);
  - (e) Parks and Open Spaces (3.2.3)
  - (f) Regeneration Areas (4.7);



- (g) Height and/or Density Incentives (5.1.1);
  - (h) Secondary Plans: Policies for Local Growth Opportunities (5.2.1);
  - (i) Implementation Plans and Strategies for City-Building (5.3.2);
  - (j) Interpretation (5.6); and
  - (k) King-Spadina Secondary Plan (6.16), including the following policies:
    - i. Major Objectives (2.5);
    - ii. Urban Structure and Built Form (3.1, 3.3, 3.5,3.6);
    - iii. Heritage (4.1, 4.2, 4.3); and,
    - iv. Pedestrian Environment (6.1)
    - v. Urban Structure Plan (Map 16-1)
    - vi. Areas of Special Identity (Map 16-2)
5. Does the Proposal meet the intent of the following sections of the King-Spadina Urban Design Guidelines (2006), including:
- (a) Context (2.3, 2.5);
  - (b) The Role of Historic Buildings (3);
  - (c) The Structure Plan (4.3, 4.4, 4.5); and,
  - (d) King Spadina Built Form Guidelines (5.1, 5.2, 5.3, 5.4)
6. Does the Proposal meet the intent of the following provisions of the King-Spadina Official Plan Amendment 2 (implemented by By-law 921-2006), currently under appeal:
- (a) Major Objectives (2.2);
  - (b) Heritage (4.3); and
  - (c) Urban Structure Plan (Map 16-1)
7. Does the Proposal meet the intent of the policy direction in the City Planning staff report entitled "King-Spadina Secondary Plan Update – Draft Policy Direction Report" dated August 21, 2017 and adopted by Toronto and East York Community Council on October 4, 2017, outlining emerging policies to be included in the updated King Spadina Secondary Plan?
8. Does the Proposal meet the intent of the King-Spadina Heritage Conservation District Plan (June 2017), which was adopted by City Council on October 2, 2017 and is under appeal?
9. Does the Proposal meet the intent of the policy direction of the TOCore Downtown Plan Official Plan Amendment 406, as amended, which was adopted by City Council on May 22, 2018?
10. Does the proposal meet the intent of the Tall Building Design Guidelines (May 2013), including the following:
- (a) Fit and Transition in Scale (1.3);
  - (b) Sunlight and sky view;
  - (c) Heritage Properties and Heritage Conservation Districts (1.6)

- (d) Base Building (3.1.1); and,
- (e) Middle (3.2)

11. Does the Proposal establish a relationship with the existing and planned context which is in the interest of the public in terms of heritage conservation, streetwall height, density, mass, stepbacks and setbacks.
12. Does the Proposal cause undue adverse impact, including from overlook and privacy, and loss of skyview?
13. Does the Proposal establish an appropriate relationship to the public realm and to abutting properties?
14. Has the Proposal been designed to conserve the cultural heritage values, attributes, and character of the three listed heritage buildings on the site at 582-590 King Street West, 471 Adelaide Street West and 473 Adelaide Street West and to mitigate visual and physical impacts on them?
15. Does the Proposal provide adequate loading?
16. Does the Proposal provide for appropriate vehicular and pedestrian access to the site (including in relation to adjacent streets and neighboring properties)?
17. Would the approval of the proposed Zoning By-law Amendments set an inappropriate precedent?
18. In light of the foregoing issues, does the Proposal represent good heritage conservation, planning and urban design?
19. In the event that the Tribunal allows the appeal in whole or in part, is the provision of facilities, matters and services in return for the increase in height and density pursuant to Section 37 of the *Planning Act* appropriate and, if so, what should they be?
20. In the event the City and the Applicant do not reach agreement in advance of the hearing on appropriate section 37 Planning Act benefits, should such matters be left to be determined at a second phase of the hearing following a decision of the Tribunal on the remainder of the issues?
21. Is the form and content, including regulatory standards, of the proposed draft Zoning By-law Amendments to both the former City of Toronto Zoning By-law 438-86, as amended, and the City-wide Zoning By-law No. 569-2013, appropriate?
22. If the Proposal is approved by the Tribunal in whole or in part, should the Tribunal's final Order on the Zoning By-law Amendment be withheld until the Tribunal has been advised by the City Solicitor:
  - (a) that the proposed Zoning By-law Amendments are in a form satisfactory to the City;

- (b) a Section 37 Agreement has been executed to the satisfaction of the City Solicitor;
- (c) the properties at 582-590 King Street West, 471 Adelaide Street West and 473 Adelaide Street West are designated pursuant to Section 29 of the *Ontario Heritage Act*;
- (d) that the owner obtains approval by City Council and consideration by the Toronto Preservation Board to alter the properties at 582-590 King Street West, 471 Adelaide Street West and 473 Adelaide Street West under Section 33 of the *Ontario Heritage Act*;
- (e) the owner has entered into a Heritage Easement Agreement with the City for the properties at 582-590 King Street West, 471 Adelaide Street West and 473 Adelaide Street West to the satisfaction of the Senior Manager, Heritage Preservation Services, including execution and registration of such agreement to the satisfaction of the City Solicitor;
- (f) the owner has provided a Conservation Plan prepared by a qualified heritage consultant for the properties at 582-590 King Street West, 471 Adelaide Street West and 473 Adelaide Street West to the satisfaction of the Senior Manager, Heritage Preservation Services;
- (g) the owner has withdrawn their appeal(s) of the King-Spadina Heritage Conservation District Plan upon the Tribunal order allowing the appeal in part of the Zoning Amendments, bringing such Bylaws into force, and if not an appellant, but rather a party to such appeals, the owner shall withdraw as a party and not seek any party or participant status on the appeals;
- (h) the owner has addressed all transportation related matters as identified in Part A 1, of the Engineering and Construction Services Memorandum, dated December 21, 2017, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services; and
- (i) the owner has addressed all site servicing matters as noted in Part A 2, of the Engineering and Construction Services Memorandum, dated December 21, 2017, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services.
- (j) The owner has retained a consultant archaeologist, licensed by the Ministry of Tourism, Culture and Sport, under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1- 2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2011 Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport;

- (k) Should the archaeological assessment process continue beyond a Stage 1-2 assessment, any recommendations for Stage 3-4 mitigation strategies must be reviewed and approved by Heritage Preservation Services prior to commencement of the site mitigation;
  - (l) The consultant archaeologist shall submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk. All archaeological assessment reports will be submitted to the City of Toronto for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport; and
  - (m) No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Tourism, Culture and Sport (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
23. If the Proposal is approved by the Tribunal in whole or in part, should the Tribunal's final Order on the Site Plan Control application be withheld until the Tribunal has been advised by the City Solicitor:
- (a) that the pre-approval conditions of Site Plan have been satisfied; and
  - (b) The owner has provided an Interpretation Plan and a Lighting Plan for the properties at 582-590 King Street West, 471 Adelaide Street West and 473 Adelaide Street West to the satisfaction of the Senior Manager, Heritage Preservation Services;

### **TSCC 2376**

1. Does the proposed development and Zoning By-law Amendment have regard to matters of provincial interest set forth in section 2 of the Planning Act, including in particular subsections (d), (f) and (r)?
2. Is the proposed development and Zoning By-law Amendment consistent with the Provincial Policy Statement (2014) pursuant to Section 3 of the Planning Act, including but not limited to:
  - (a) Building Strong and healthy Communities: 1.1.1(g) and 1.1.3.2 (a);
  - (b) Cultural Heritage and Archaeology: 2.6; and
  - (c) Implementation: 4.7?
3. Does the proposed development and Zoning By-law Amendment conform with the policies of the Growth Plan for the Greater Golden Horseshoe (2017), including but not limited to the following:

- (a) Guiding Principles: 1.2.1;
  - (b) Where and How to Grow: 2.2.1.4, 2.2.2.5; and
  - (c) Cultural heritage Resources: 4.2.7?
4. Does the proposed development and Zoning By-law Amendment conform to the City of Toronto Official Plan, including but not limited to the following sections:
- (a) Structuring Growth in the City: 2.2;
  - (b) Downtown: The Heart of Toronto: 2.2.1;
  - (c) Built Form: 3.1.2;
  - (d) Built Form - Tall Buildings: 3.1.3;
  - (e) Heritage Conservations: 3.1.5;
  - (f) Community Services and Facilities: 3.2.2;
  - (g) Parks and Open Spaces: 3.2.3;
  - (h) Regeneration Areas: 4.7;
  - (i) Height and/or Density Incentives: 5.1.1;
  - (j) Secondary Plans: Policies for Local Growth Opportunities: 5.2.1;
  - (k) Implementation Plans and Strategies for City-Building: 5.3.2; and
  - (l) Interpretation: 5.6?
5. Does the proposed development and Zoning By-law Amendment conform to the King-Spadina Secondary Plan (Chapter 6.16 of the Official Plan), including, but not limited to the following policies:
- (a) Major Objectives: 2.3, 2.5;
  - (b) Urban Structure and Built Form: 3.2, 3.3, 3.5, and 3.6; and
  - (c) Heritage: 4.1 and 4.3?
6. Does the proposed development and Zoning By-law Amendment respond to the King-Spadina Official Plan Amendment 2 (implemented by By-law 921-2006), currently under appeal, including, but not limited to, the following sections:
- (a) Major Objectives: 2.5;
  - (b) Urban Structure and Built Form: 3.2 and 3.6; and
  - (c) Heritage: 4.1 and 4.3?
7. Does the proposed development and Zoning By-law Amendment maintain the intent of the policy directions in the City Planning staff report entitled "King-Spadina Secondary Plan Update – Draft Policy Direction Report" dated August 21, 2017 and adopted by Toronto and East York Community Council on October 4, 2017, outlining emerging policies to be included in the updated King Spadina Secondary Plan?
8. Does the Proposal maintain the intent of the King-Spadina Urban Design Guidelines (2006), including, but not limited to, the following sections:
- (a) Major Context: 2.3 and 2.5;

- (b) The Role of Historic Buildings: 3;
  - (c) The Structure Plan: 4.3, 4.4, and 4.5; and,
  - (d) King-Spadina Built Form Guidelines: 5.1, 5.2, 5.3, and 5.4?
9. Does the proposed development and Zoning By-law Amendment meet the intent of the Tall Building Design Guidelines (May 2013), including, but not limited to the following:
- (a) Fit and Transition in Scale: 1.3;
  - (b) Sunlight and Skyview: 1.4;
  - (c) Heritage Properties and Heritage Conservation Districts: 1.6;
  - (d) Base Building: 3.1.1; and
  - (e) Middle: 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5?
10. Does the proposed development and Zoning By-law Amendment maintain the policy direction of the TOCore Downtown Plan Official Plan Amendment 406, as amended, which was adopted by City Council on May 22, 2018?
11. Does the proposed development and Zoning By-law Amendment maintain the intent of the King-Spadina Heritage Conservation District Plan (June 2017), which was adopted by City Council on October 2, 2017 and is under appeal?
12. Does the proposed development and Zoning By-law Amendment adequately limit impacts from overlook, privacy, loss of skyview and shadows?
13. Does the proposed development and Zoning By-law Amendment establish an appropriate built form relationship to its existing and planned context?
14. Does the proposed development and Zoning By-law Amendment provide adequate loading facilities?
15. Does the proposed development and Zoning By-law Amendment provide for appropriate vehicular and pedestrian access to the site (including in relation to adjacent streets and neighbouring properties)?
16. Has the proposed development been designed to conserve the cultural heritage values, attributes, and character of the two listed heritage buildings on the site at 582-590 King Street West, 471 Adelaide Street West and 473 Adelaide Street West to mitigate visual and physical impacts on them?
17. Does the proposed zoning by-law amendment incorporate appropriate zoning standards, including height, setbacks, step backs, and separation distances from existing or potential development on adjacent lands?
18. Does the Proposal represent good planning and is it in the public interest?

**1572653 Ontario Inc.**

1. Is the proposal in conformity with the Official Plan and associated guidelines vis-à-vis its relationship with 600 King Street West?
2. Is the site organization and built form proposed appropriate in its relationship to 600 King Street West, including setbacks, building mass / scale and stepbacks?
3. Should a comprehensive development plan be considered for the subject lands and 600 King Street West?

**Grange Community Association**

1. In the absence of any in-force Provincial or Municipal policy with respect to light, skyview and privacy in this situation, does the proposal create undue adverse impacts on the residents in the abutting property to the east (Fashion House)?
2. Based on the submitted architectural drawings dated August 9, 2017, does the proposal's elimination of the existing one-story building at 471 Adelaide Street West respect the *wise-use of cultural heritage resources* requirement of Section 4.2.7.2 of the Growth Plan for the Greater Golden Horseshoe, 2017?

### **ATTACHMENT 3**

#### **ORDER OF EVIDENCE**

1. 738489 Ontario Limited
2. C Squared Properties 580 King Inc.
3. City of Toronto
4. TSCC 2376
5. 1572654 Ontario Inc.
6. Grange Community Association



## ATTACHMENT TO SAMPLE PROCEDURAL ORDER

### Purpose of the Procedural Order and Meaning of Terms

The Tribunal recommends that the parties **meet to discuss this sample Order before the prehearing conference** to try to identify the issues and the process that they want the Tribunal to order following the conference. The Tribunal will hear the parties' comments about the contents of the Order at the conference.

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Local Planning Appeal Tribunal, and the Tribunal's Rules, from the Tribunal Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-327-6800, or from the Tribunal website at \_\_\_\_\_.

### Meaning of terms used in the Procedural Order:

**Party** is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

**NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Tribunal to permit this.

**Participant** is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Tribunal on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Tribunal will set the time for hearing this statement. **NOTE** that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Tribunal will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

**Written and Visual Evidence:** **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

**Witness Statements:** A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An **expert witness statement** should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness'

opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.

### **Additional Information**

**Summons:** A party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the parties. (See Rule 13 on the summons procedure.) If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

**The order of examination of witnesses:** is usually direct examination, cross-examination and re-examination in the following way:

direct examination by the party presenting the witness;

direct examination by any party of similar interest, in the manner determined by the Tribunal;

cross-examination by parties of opposite interest;

re-examination by the party presenting the witness; or

another order of examination mutually agreed among the parties or directed by the Tribunal.

34612825.2

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Document comparison by Workshare Compare on July-05-19 3:43:46 PM

Input:	
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Description	#34612825v3<CM> - PL171510 - Draft Procedural Order (590 King St W)
Rendering set	standard

Legend:	
<a href="#">Insertion</a>	
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<a href="#">Moved to</a>	
Style change	
Format change	
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Deleted cell	
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Split/Merged cell	
Padding cell	

Statistics:	
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Insertions	4
Deletions	13
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	17