



## **Here's what you need to know about Motions**

Motions are a type of hearing event that allows you to ask the Board to make an order on a matter before or during the hearing process. At the motion, you will be asked to give reasons for your request. Some samples of types of motion hearings include requesting:

- An adjournment;
- Someone provide documents;
- Directions on a procedure that applies to the case.

### **What is the process of requesting a motion?**

**Step 1.** Send the OMB a letter describing your request.

**Step 2.** Wait for the OMB to make a decision on your request. It may:

- Turn it down;
- Advise you of appropriate options;
- Schedule a date for you to make submissions on the motion;

**Step 3.** If your request for a motion date is granted, the OMB will advise you of the date, time and location of the motion hearing.

**Step 4.** Once you receive a date from the Board, you must send to other parties involved:

- A copy of the Notice of Motion;
- A brief and clear sworn statement (an affidavit) of the issues and facts that support your request;
- A statement about what you want the Board to order;
- Copies of any documents that will be used at the motion.

### **Where will the motion hearing be held?**

Motion hearings are usually held in person, in or near the city or town that the matter takes place. Sometimes, the OMB hears a motion by telephone or video conference. In deciding what kind of hearing to hold, the OMB may look at:

- How many parties are involved;
- If the parties have been notified about the motion;
- How long the motion is expected to last;
- If evidence can be presented over the phone.

### **When do I deliver a Notice of Motion?**

For a hearing in person or by telephone conference, you must deliver the Notice of Motion along with relevant documents to all parties *and* the OMB Secretary at least 10 days before the hearing of the motion.

You will have to file a sworn statement that this was done, before or at the hearing of an oral motion, or within 20 days of the Notice of Motion for a written hearing.



## Can a party respond to a Notice of Motion?

A party can respond to a Notice of Motion. The responding party must deliver a Notice of Response to the Board if it intends to:

1. Use different reasons or documents;
2. Use a sworn statement as evidence;
3. Ask permission for a witness to provide oral evidence at an oral hearing.

Parties must deliver a Notice of Response at least two days before the motion. The party must also file a sworn statement that this was done, before or at the hearing of the motion.

## Can a motion be made at the beginning of a hearing?

The OMB will only hear new motions during hearings if the need for the motion arises out of events or new evidence at the hearing.

## Where can I find more information?

For information about motions and Affidavit of Service, refer to the OMB's *Rules of Practice and Procedure* (Rules 34-43). They are available at [www.omb.gov.on.ca](http://www.omb.gov.on.ca), or by calling (416) 326-6800 or toll free 1-866-887-8820.

## Please Note

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The **Ontario Municipal Board** is an independent adjudicative tribunal established under statute by the Province of Ontario. The Board hears appeals and applications on a wide range of municipal and land-related matters including official plans, zoning by-laws, subdivision plans, consents and minor variances, land compensation, development charges, ward boundaries, and aggregate resources. The Board operates under many different pieces of legislation, including the Planning Act.

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