

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 25, 2024

CASE NO(S).:

OLT-24-000218

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

Grmada Holdings Inc.

Subject:

Request to amend the Official Plan – Failure to adopt the requested amendment

Description:

To permit development of two 60-storey towers containing 1,330 residential units

Reference Number:

Plan 23 141587

Property Address:

7509 and 7529 Yonge Street

Municipality/UT:

Toronto

OLT Case No.:

OLT-24-000218

OLT Lead Case No.:

OLT-24-000218

OLT Case Name:

Grmada Holdings Inc. v. Markham (City)

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

Applicant and Appellant:

Grmada Holdings Inc.

Subject:

Application to amend the Zoning By-law – Refusal or neglect to make a decision

Description:

To permit development of two 60-storey towers containing 1,330 residential units

Reference Number:

Plan 23 141587

Property Address:

7509 and 7529 Yonge Street

Municipality/UT:

Toronto

OLT Case No.:

OLT-24-000219

OLT Lead Case No.:

OLT-24-000218

Heard:

June 21, 2024 by video hearing

APPEARANCES:**Parties****Counsel**

Grmada Holdings Inc.

D. Baker
N. Gunawardana

City of Markham

M. Cheung-Madar

Toronto Region Conservation
AuthorityM. Rutledge
T. Duncan (*in absentia*)**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HARDY AND
A. SNOWDON ON JUNE 21, 2024 AND ORDER OF THE TRIBUNAL**

[1] This Decision arises from the first Case Management Conference (“CMC”) relating to Appeals brought pursuant to s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the refusal of the City of Markham (“City”) to approve Applications to amend the Official Plan and Zoning By-Law respectively. The Appeals have been filed by Grmada Holdings Inc. (“Appellant”) regarding the property located at 7509-7529 Yonge Street, Markham (“Subject Property”).

[2] The Appellant submitted the Applications to facilitate the redevelopment of the Subject Property with a proposed mixed-use development consisting of two 60-storey towers and an eight-storey podium with a total of 1,330 residential units, with at grade retail uses.

NOTICE

[3] The Affidavit of Service, sworn by Marie Wakefield on May 15, 2024, has been marked as **Exhibit 1** on consent of the Parties.

STATUS REQUESTS

[4] In advance of this CMC, the Tribunal was in receipt of one written request for Party status from the Toronto Region Conservation Authority ("TRCA"). Portions of the Subject Property are located within the TRCA's Regulated Area, in proximity to a tributary of the Don River and associated flood plain. TRCA was requesting Party status to assist the Tribunal in ensuring any development would consider natural hazard matters. Upon confirming with TRCA that its involvement would be limited to natural hazard policies, the Tribunal granted Party status to TRCA on consent of all Parties.

[5] Four Participant status requests were received by the Tribunal prior to the CMC. Participant requests were received from:

- Ward One (South) Thornhill Residents Inc.;
- Chi Fai Wong;
- YCC 272; and,
- Thornhill Historical Society.

[6] Participant concerns included:

- The Subject Property is in contrast to the historical character of the Thornhill-Markham Heritage Conservation District;
- Traffic and infrastructure;
- Water drainage and flood plains; and,
- Sewage capacity.

[7] Ward One (South) Thornhill Residents Inc. was directed by the Tribunal to submit a Confirmation of Representation Form ("Form") to allow Brian Fischer and Evelin Ellison to speak on its behalf. The Form was received by the Tribunal on July 9, 2024. The Tribunal granted Participant status to Ward One (South) Thornhill Residents Inc. on consent of all Parties.

[8] The remaining three persons/groups requesting status did not appear at the CMC. Counsel for the Appellant raised concerns that the Notice of CMC requires the appearance of those requesting status, and the Tribunal agreed. Appearances are required by those requesting status to enable the Tribunal and the Parties to make inquiries and seek clarification, if necessary. In this instance, the Tribunal had inquiries that it wished to make of all of those requesting status, and in the absence of Chi Fai Wong, YCC 272, and Thornhill Historical Society, the Tribunal has denied their Participant status requests.

OPPORTUNITIES FOR SETTLEMENT / MEDIATION

[9] The Parties jointly advised the Tribunal that they would seek instructions regarding settlement discussions and/or mediation following the finalization of the Issues List ("IL") and are not requesting Tribunal assisted mediation at this time.

DRAFT PROCEDURAL ORDER AND ISSUES LIST

[10] Prior to the commencement of the CMC, the Appellant submitted a draft Procedural Order ("PO"). The City requested until **Wednesday, July 3, 2024** to finalize the PO and IL, and Counsel for TRCA agreed with the proposed deadline.

[11] On July 4, 2024, the Tribunal was made aware that the Parties were unable to agree on the wording of paragraph 9 in the PO. The Tribunal directed the Parties to provide written submissions outlining their preferred wording and reasoning for such wording.

[12] Following receipt and consideration of the Parties' positions on the wording of paragraph 9, the Tribunal made a determination, and the wording contained in paragraph 9 of the PO attached as Schedule A to this Decision shall govern the proceedings. The Tribunal acknowledges the merits of the preferences put forward by all Parties but would remind the Parties that the deliberate inclusion of the word "may" in paragraph 9 of the PO leaves any adjournment request at the discretion of the Tribunal.

Further, leading up to a hearing event or at the commencement of a hearing, it is not uncommon for the Tribunal to be advised by the Parties that issues have been resolved or scoped through revisions to a proposal and may no longer be in contention, providing that the Tribunal concurs.

[13] On July 16, 2024, a revised PO and IL was submitted to the Tribunal incorporating the Tribunal's direction regarding paragraph 9. The revised PO and IL attached as Schedule A have been reviewed and approved by the Tribunal and will govern the pre-hearing procedural requirements and the hearing of the Appeals.

SCHEDULING

[14] The Tribunal advised the Parties that if they desire a second CMC prior to the Merit Hearing, one can be requested through the Case Coordinator.

[15] A 10-day Merit Hearing for OLT-24-000218 is scheduled to commence on **Monday, May 26, 2025**, at **10 a.m.** by video hearing. Parties are asked to log into the Merit Hearing at least **15 minutes** before the start of the event to test their video and audio connections:

GoTo Meeting: <https://global.gotomeeting.com/join/442599157>

Access Code: 442-599-157

[16] Parties and observers are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html) or a web application is available: <https://app.gotomeeting.com/home.html>.

[17] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling

into an audio-only telephone line: **+1 (647) 497-9391 or (Toll-Free) 1-888-455-1389.**
The **access code** is **the same as the access code noted above.**

[18] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the Merit Hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[19] No further appearances are scheduled prior to the Merit Hearing.

ORDER

[20] The case management directives set out above are so ordered.

[21] No further notice is required.

[22] The Panel is not seized, however, will remain available for case management, subject to the Tribunal's calendar.

"C. Hardy"

C. HARDY
VICE-CHAIR

"A. Snowdon"

A. SNOWDON
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

SCHEDULE A**Ontario Land Tribunal**

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CASE NO(S): OLT-24-000218

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Property Address:	7509 and 7529 Yonge Street
Municipality/UT:	Toronto
OLT Case No.:	OLT-24-000219
OLT Lead Case No.:	OLT-24-000218

PROCEDURAL ORDER

1. The Tribunal may vary or add to the directions in this procedural order at any time by an oral ruling or by another written order, either on the parties' request or its own motion.

Organization of the Hearing

2. The video hearing will begin on **May 26, 2025**, at 10:00 a.m. Log in details to be provided by the Tribunal.
3. The parties' initial estimation for the length of the hearing is **ten (10)** days. The parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues where possible. The procedural order deadlines are generally found in **Attachment 1**.
4. The parties and participants identified at the case management conference are set out in **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.
5. The issues are set out in the Issues List attached as **Attachment 3**. With the exception of the resolution of issues or modifications as contemplated in paragraph 9, 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 as set out in **Attachment 4** 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. The length of written argument, if any, may be limited either on the parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
7. Any person intending to participate in the hearing should provide a mailing address, email address and a telephone number to the Tribunal as soon as possible. Any person who will be retaining a representative should advise the other parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.
8. Any person who intends to participate in the hearing, including parties, counsel and witnesses, is expected to review the Tribunal's [Video Hearing Guide](#), available on the Tribunal's website.

Requirements Before the Hearing

9. The applicant has appealed with respect to the proposal that was submitted to the City and refused by the City in March 2024. If the applicant intends to seek approval of a revised proposal at the hearing or intends to rely on any new or revised reports, the applicant shall advise of the revised proposal and provide copies of all revised plans, drawings, proposed planning instruments and all updated documents and reports to the other Parties on or before **November 15, 2024**. The applicant acknowledges that the parties may revise the issues list to delete, modify or add issues that may arise as a result of such revisions. Other than for changes to the proposal which may arise from the expert witness meetings, the applicant acknowledges that any revisions to the proposal or supporting documentation after November 15, 2024, without the consent of the Parties may be grounds for a request to adjourn the hearing.
10. A party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before **December 13, 2024**, and in accordance with paragraph 23 below. A party who intends to call an expert witness must include a copy of the witness' Curriculum Vitae and the area of expertise in which the witness is prepared to be qualified.
11. Expert witnesses in the same field shall have a meeting on or before **January 24, 2025**, and use best efforts to try to resolve or reduce the issues for the hearing. Following the experts' meeting the parties must prepare and file a Statement of Agreed Facts and Issues with the Tribunal's Case Co-ordinator on or before **February 14, 2025**.
12. 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 paragraph 14 below. 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.
13. 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 paragraph 14 below. A party who intends to call a witness who is not an expert must file a brief outline of the witness' evidence, as in paragraph 14 below.

14. On or before **March 7, 2025**, the parties shall provide copies of their witness statements, including expert witness statements, and/or brief outlines (if any), to the other parties and to the Tribunal's Case Co-ordinator and in accordance with paragraph 23 below.
15. On or before **March 7, 2025**, a participant shall provide copies of their written participant statement to the other parties in accordance with paragraph 23 below. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
16. On or before **April 4, 2025**, the parties shall confirm with the Tribunal if all the reserved hearing dates are still required.
17. On or before **May 2, 2025**, the parties shall provide copies of their visual evidence to all of the other parties in accordance with paragraph 23 below. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
18. On or before **April 4, 2025**, Parties may provide to all other parties and the Tribunal's Case Co-ordinator a written response to any written evidence in accordance with paragraph 23 below.
19. The parties shall cooperate to prepare a joint document book which shall be shared with the Tribunal's Case Co-ordinator on or before **May 2, 2025**.
20. 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.
21. A party who provides written evidence of a witness 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.
22. The parties shall prepare and file a preliminary [hearing plan](#) with the Tribunal on or before **May 2, 2025** with a proposed schedule for the hearing that identifies, as a minimum, the parties participating in the hearing, the preliminary matters (if any to be addressed), the anticipated order of evidence, the date each witness is expected to attend, the anticipated length of time for evidence to be presented by each witness in chief, cross-examination and re-examination (if any) and the expected length of time for final submissions. The parties are expected to ensure that the hearing proceeds

in an efficient manner and in accordance with the hearing plan. The Tribunal may, at its discretion, change or alter the hearing plan at any time in the court of the hearing.

23. All filings shall be submitted electronically to the Tribunal, the Parties and Participants (if any). If requested, the Tribunal will be provided with a hard copy of documents and materials in advance of the hearing event as soon as practicable. Electronic copies may be filed by email, an electronic file sharing service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by Tribunal's Rule 7. All documents to be filed with the Tribunal shall be organized, tabbed and digitally searchable and such materials will be filed in accordance with directions contained in the Tribunal's [Video Hearing Guide](#), or as may be amended. Section 23 applies regardless if the hearing event is in person or electronic.
24. 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.
25. The purpose of this Procedural Order and the meaning of the terms used in this Procedural Order are set out in **Attachment 5**.

This Member is [not] seized.

So orders the Tribunal.

ATTACHMENT 1

SUMMARY OF KEY DATES

<u>Date</u>	<u>Hearing Event</u>
November 15, 2024	Last date to provide details of revised proposal and copies of all revised plans, drawings and reports
December 13, 2024	Exchange of List of Witnesses
January 24, 2025	Expert Witness Meeting
February 14, 2025	Filing of Statement(s) of Agreed Facts and Issues
March 7, 2025	Exchange of Witness Statements and experts reports, participant statements (if any), and summoned witness outlines (if any)
April 4, 2025	Exchange of Reply Witness Statements (if any)
April 4, 2025	Confirmation to Tribunal if all reserved hearing dates are still required
May 2, 2025	Exchange of Visual Evidence
May 2, 2025	Filing of Joint Document Book
May 2, 2025	Filing of Hearing Plan
May 26, 2025	Hearing Commences

ATTACHMENT 2**PARTIES****PARTIES****1. Grmada Holdings Inc.**

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Narmada Gunawardana

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2. City of Markham

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Maggie Cheung-Madar

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3. Toronto and Region Conservation Authority

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Matthew Rutledge

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PARTICIPANTS

1. Ward One (South) Thornhill Residents Inc.

Brian Fischer

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Evelin Ellison

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evelin@thornhillwardone.com

ATTACHMENT 3 ISSUES LIST

The identification of an issue on this Issues List does not constitute an acknowledgement by the OLT or any party that such issue, or the manner in which the issue is expressed, is either appropriate or relevant to the determination of the OLT at the hearing. The extent to which these issues are appropriate or relevant will be a matter of evidence and argument at the hearing.

ISSUES LIST OF THE CITY OF MARKHAM

1. Does the proposed development have appropriate regard for the matters of provincial interest set out in Section 2 of the *Planning Act*, including subsections (f), (h), (i), (j), (m), (p), (r)?
2. Is the proposed development consistent with the Provincial Policy Statement (2020) as required by Section 3(5) of the *Planning Act*, including but not limited to sections 1.1.1, 1.1.3, 1.2.1, 1.4.1, 1.4.3, 1.6.6, 1.6.8, and 3.1?
3. Does the proposed development conform to and not conflict with the Growth Plan for the Greater Golden Horseshoe (2020), as required by Section 3(5) of the *Planning Act*, including but not limited to sections policies 2.2.1.1, 2.2.1.3, 2.2.1.4, 2.2.2.2, 2.2.4.9.a, 2.2.4.11, 2.2.6.1.a, and 2.2.6.b?
4. Does the proposed development conform to the 2022 York Region Official Plan, including but not limited to sections:
 - a. 2.3.41, 2.3.43 – Foundation for Complete Communities;
 - b. 3.5.1, 3.5.2, 3.5.3 – Managing Hazards;
 - c. 4.4.1, 4.4.5, 4.4.10, 4.4.11, 4.4.17, 4.4.19, 4.4.21, 4.4.24, 4.4.25, and 4.4.42 – An Urbanizing Region - Intensification
 - d. 6.2.3, 6.3.3, 6.4.3, 6.5.7 – Servicing our communities;

5. Does the proposed development conform to and have appropriate regard for the 2014 City of Markham Official Plan, including but not limited to the following sections:
 - a. 2.2.2.1, 2.2.2.3, 2.2.2.4, 2.4.3, and 2.4.9;
 - b. 3.4.1, 3.4.1.1;
 - c. 4.1.1.1, 4.1.2.4, 4.1.3.1, 4.2.1.1, 4.2.3.1, 4.3.1.1, 4.3.1.4;
 - d. 6.1.8.2, 6.1.8.4, 6.1.8.5, and 6.1.8.10;
 - e. 8.1.5, 8.3.4, 8.3.4.1, 8.3.4.4, and 8.3.4.5 e);
 - e. 9.18.14.1, 9.18.14.3, 9.18.14.4, 9.18.14.5, 9.18.14.6 - Thornhill; and
 - f. 10.1.2.1, 10.1.2.2, 10.1.2.4, 10.1.2.5, 10.1.2.8, 10.1.4.
6. Is the proposed development compatible and appropriate in terms of the following: height, density, scale, massing and built form, setbacks, transition, and siting of the proposed building, given the established residential communities surrounding the subject lands, anticipated development in the area, and future planned development in the area?
7. Are the community amenities, including parks, amenity space, libraries, schools, recreational facilities appropriately located and adequate in size for the amount of density proposed? Is there an opportunity or a need for an off-site public park?
8. Does the proposed development incorporate the existing Farmer's Market as an integral component of the redevelopment proposal?
9. Does the proposed development include an appropriate amount of affordable housing?
10. Is it premature or good planning to approve the proposed development until:
 - a. A Concept Development Application is submitted to the satisfaction of the TRCA to determine development limits; and
 - b. Confirmation that the proposed development can be appropriately serviced in terms of water, wastewater and stormwater management infrastructure capacity and allocation and that this infrastructure and capacity can be evenly and appropriately distributed for the entire Yonge Street Corridor Secondary plan area; and
 - c. A comprehensive block plan is complete; and

- d. A revised Transportation Impact Assessment Study has been received to the satisfaction of the City; and
 - e. Where applicable, third parties' comments, including those required by Metrolinx, York Region, and/or City of Vaughan, have been addressed satisfactorily.
11. Is it appropriate to apply a holding provision to the Zoning By-law Amendment to address:
- a. servicing infrastructure including appropriate water and sanitary sewage capacity and allocation; and
 - b. transportation improvements to support mid-block connections to provide access opportunities for all travel modes for the properties which have only Yonge Street frontage. Such connections may include but not limited to: north-south connection(s) between Elgin Street and Clark Avenue (i.e. rear laneway access) for development blocks as alternatives to Yonge Street access or east-west connections between Yonge Street and Dudley Avenue.
12. Does the proposed development represent good planning and is it in the public interest?
13. If the requested Official Plan Amendment and Zoning By-law Amendment applications are approved by the Tribunal, should the Tribunal's final Order be withheld until the Tribunal has been advised by the City that:
- a. The proposed Official Plan Amendment and Zoning By-law Amendment are in forms satisfactory to the City; and
 - b. The appellant has provided additional studies and/or reports to satisfy matters as set out in Issue #10 above and the appellant has entered into any agreements required to secure any required upgrades or improvements to the existing municipal infrastructure should they be required, all to the satisfaction of the City; and
 - c. The City is satisfied with the form and tenure of proposed affordable housing and has entered into any agreements required to secure affordable housing with the appellant.

ISSUES LIST OF THE TRCA

1. Would a decision permitting redesignation and development of lands have regard to matters of provincial interest, as set out in Section of the Planning Act, including subsections 2 (h), (m), (o) and (p)?
2. Are the proposed development, Official Plan Amendment and Zoning By-law Amendment consistent with the Provincial Policy Statement, 2020, including policies 1.1.1c), 1.1.3.4, 1.2.1f), 3.1.1 (b) ,3.1.2 (c), 3.1.2 (d) and 3.1.7?
3. Do the proposed development, Official Plan Amendment and Zoning Bylaw Amendment conform with Section 3.4.1 of the City of Markham Official Plan policies dated April 9, 2018?
4. Do the proposed development, Official Plan Amendment and Zoning By-law Amendment have appropriate regard for the policies contained in the 2014 Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority, including policies 7.3.1.3, 7.4.1, 7.4.2, 7.4.3, 8.4.5, 8.4.8., 8.4.9, 8.4.10, 8.4.11 and 8.4.13?
5. Do the proposed development, Official Plan Amendment and Zoning Bylaw Amendment conform with Section 3.5 Natural Hazards of the York Region Official Plan (Consolidated June 2023)?

ATTACHMENT 4
ORDER OF EVIDENCE

1. Grmada Holdings Inc.
2. City of Markham
3. Toronto and Region Conservation Authority
4. Grmada Holdings Inc., in reply

ATTACHMENT 5

Purpose of the Procedural Order and Meaning of Terms

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 authorization 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 Case Management 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 written statement to the Tribunal on all or some of the issues in the hearing in accordance with Rule 7.7 of the Tribunal's Rules of Practice and Procedure.

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.

Written and Visual Evidence:

Written evidence includes all written material, reports, studies, documents, letters and witness statements which a Party 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 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 the witness 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 the expert's (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, relied upon, if any, which the participant will provide to the Tribunal for consideration of the written statement 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.