

ATTACHMENT 1

42.2 - INFORMATION

**Rule 28 of the Toronto Local
Appeal Body's Rules of Practice and
Procedure**

28. COSTS

Who May Request an order for Costs

- 28.1 Only a Party or a Person who has brought a Motion in the Proceeding may seek an award of costs.
- 28.2 A request for costs may be made at any stage in a Proceeding but in all cases shall be made no later than 30 Days after a written decision is issued by the TLAB.

Member Seized to Consider Costs Order

- 28.3 The Member who conducts or conducted the Proceeding in which a request for costs is made shall make the decision regarding costs.

Submissions Respecting Costs

- 28.4 Notwithstanding Rule 17.4 all submissions for a request for costs shall be made by written Motion and Served on all Parties and Filed with the TLAB, unless a Party satisfies the TLAB that to do so is likely to cause the Party significant prejudice.
- 28.5 Submissions for a request for costs shall address:
- a) the reasons for the request and the amount requested;
 - b) an estimate of any extra preparation or Hearing time, and a breakdown of all associated rates, fees and disbursements, caused by the conduct alleged to attract costs and specifically any of those matters outlined in Rule 28.6;
 - c) copies of supporting invoices for expenses claimed or an Affidavit of a Person responsible for payment of those expenses verifying the expenses were properly incurred; and
 - d) attach an Affidavit in which the Party swears the costs claimed were incurred directly and necessarily.

Considerations for Costs Award

- 28.6 Notwithstanding the TLAB's broad jurisdiction to award costs the TLAB is committed to an approach to awarding costs that does not act as a deterrent to Persons contemplating becoming a Party or continuing to be a Party to a Proceeding. In determining whether to award costs against a Party the TLAB may consider the following:
- a) whether a Party failed to attend a Proceeding or to send a Representative when properly given notice, without giving the TLAB notice;
 - b) whether a Party failed to co-operate with others or the TLAB, changed a

- position without notice or introduced an issue or evidence not previously disclosed;
- c) whether a Party failed to act in a timely manner;
 - d) whether a Party failed to comply with the TLAB's Rules or procedural orders;
 - e) whether a Party caused unnecessary adjournments, delays or failed to adequately prepare for a Proceeding;
 - f) whether a Party failed to present evidence, continued to deal with irrelevant issues, or a Party asked questions or acted in a manner that the TLAB determined to be improper;
 - g) whether a Party failed to make reasonable efforts to combine submissions with another Party with similar or identical issues;
 - h) whether a Party acted disrespectfully or maligned the character of another Party or Participant; or
 - i) whether a Party presented false or misleading evidence.

Threshold relating to Costs

- 28.7 In all cases a Member shall not order costs unless the Member is satisfied that the Party against whom costs are claimed has engaged in conduct, or a course of conduct, which is unreasonable, frivolous, vexatious or in bad faith.

Interest on Award of Costs

- 28.8 Costs bear interest at the same rate as provided in the Courts of Justice Act.

ATTACHMENT 2

42.3 - INFORMATION
Toronto Local Appeal Body
Notice of Hearing (Form 2)



Court Services
Toronto Local Appeal Body

Toronto Local Appeal Body
40 Orchard View Boulevard, Suite 253
Toronto, Ontario M4R 1B9

Tel: 416-392-4697
Email: tlab@toronto.ca
Web: www.toronto.ca/tlab

TORONTO LOCAL APPEAL BODY
NOTICE OF HEARING
Pursuant to Rule 10.1 (Form 2)

HEARING DATE:

PROCEEDINGS COMMENCED UNDER section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant(s):

Applicant(s):

Property Address/Description:

Committee of Adjustment File
Number(s):

TLAB Case File Number(s):

The Toronto Local Appeal Body has set aside one (1) day for this hearing.

All parties and participants should attend at the start of the hearing at the time and date indicated, irrespective of the time allotted. Hearing dates are firm - adjournments will not be granted except in accordance with the Rules.

Hearings will ordinarily be held by Oral Hearing; however, TLAB by Notice or by its Rules may provide that a proceeding may be by way of an Electronic Hearing or a Written Hearing. Hearings may be postponed due to the uncertainty created by Public Health concerns and the usability of Facilities.

The TLAB encourages Parties to conduct mediation if the TLAB is satisfied there is good reason to believe one or more of the issues in dispute may be resolved through Mediation. Mediation is a more effective and less costly approach than the hearing process, and allows parties to address issues in a collaborative manner and in a less formal environment. Mediation conducted by the TLAB shall be held no later than 15 Days before the Hearing. See Rule 20.

Settlements are encouraged by the TLAB at any time in the process and Parties who arrive at a settlement are required to Serve the terms of the proposed Settlement on all Parties and Participants and File same with the TLAB at the earliest possible date (see Rule 19) and are strongly encouraged to do so prior to the scheduled 'return-to' Hearing date.

IT IS IMPORTANT THAT YOU REGULARLY REVIEW THE PLANS AND MATERIALS IN THE APPEAL FILE.

Please visit the Toronto Local Appeal Body website at www.toronto.ca/tlab regularly for updates to materials filed. As per *Practice Direction 3: Document Referencing*, please refer to the [Common Document Base](#) for the Toronto Local Appeal Body List of Public Documents.

OBJECTION TO AN ELECTRONIC HEARING: Pursuant to Rule 24.3 of the Toronto Local Appeal Body's Rules of Practice and Procedure, "A Party who objects to an Electronic Hearing shall bring a Motion within 5 Days of service of the notice of Electronic Hearing."

TO VIEW PLANS AND MATERIALS IN THE APPLICATION FILE, please visit the Toronto Local Appeal Body website at www.toronto.ca/tlab.

MAKING YOUR VIEWS KNOWN

The notice has been provided to you, as required by the Planning Act, to ensure that, as an interested person, you may make your views known by filing your submissions in accordance with the Rules respecting:

- **Applicant Disclosure** as per Rule 11 (Form 3) **DUE** no later than
- **Notice of Intention** to be a Party as per Rule 12 (Form 4) **DUE** no later than or
- **Notice of Intention** to be a Participant as per Rule 13 (Form 4) **DUE** no later than
- **Document Disclosure** as per Rule 16 **DUE** no later than
- **Witness Statement** as per Rule 16.4 (Form 12) **DUE** no later than
- **Response to Witness Statement** as per Rule 16.5 (Form 19) **DUE** no later than
- **Reply to Response to Witness Statement** as per Rule 16.5 (Form 20) **DUE** no later than
- **Participant Statement** as per Rule 16.5 (Form 13) **DUE** no later than
- **Expert Witness Statement** as per Rule 16.6 (Form 14) **DUE** no later than
- **Response to Expert Witness Statement** as per Rule 16.9 (Form 21) **DUE** no later than
- **Reply to Response to Expert Witness Statement** as per Rule 16.10 (Form 22) **DUE** no later than
- **Notice of Motion** as per Rule 17 (Form 7) **DUE** no later than

Information you choose to disclose to the Toronto Local Appeal Body will become part of the public record. Use of prescribed forms are mandatory.

If you do not attend the public hearing, or express your views in writing, the Toronto Local Appeal Body may proceed and make a decision in your absence, and may authorize changes to the proposal, matter, or grant the relief requested.

In the event the decision is reserved, persons taking part in the hearing and wishing a copy of the decision may request it by emailing the Toronto Local Appeal Body office at tlab@toronto.ca. Such decision will be emailed to

you when available. Also, the decision when available will be publically posted on the Toronto Local Appeal Body's website at www.toronto.ca/tlab.

The Toronto Local Appeal Body is committed to providing accessible services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessible needs, please contact the Accessibility Coordinator listed below as soon as possible. If you have specific accommodation needs, please identify those in advance and any assistance you may require in the event of an emergency evacuation.

DATE ISSUED

Tribunal Secretary

For more information on accessibility options, please contact

Accessibility Coordinator: Court Services Staff

Accessibility Coordinator Telephone Number: 416-392-4697

Accessibility Coordinator Email: tribunalaccess@toronto.ca

ATTACHMENT 3

42.3 - INFORMATION

**Rule 24 of the Toronto Local
Appeal Body's Rules of Practice and
Procedure**

24. HEARINGS

Form of Hearing

24.1 The [TLAB](#) may hold an Oral Hearing, Electronic Hearing or Written Hearing.

Hearing to be Oral

24.2 Unless the TLAB directs or these Rules provide otherwise, Hearings shall be by Oral Hearing.

Objection to an Electronic Hearing

24.3 A Party who objects to an Electronic Hearing shall bring a Motion no later than 5 Days after the due date for Service of the Notice of Intention to be a Party or Participant.

Factors Considered for Holding Electronic Hearing

24.4 The [TLAB](#) may consider any relevant factors in deciding to hold an Electronic Hearing, including:

- a) the convenience to the Parties and the [TLAB](#);
- b) the likelihood of the process being less costly, faster and more efficient;
- c) whether it is a fair and accessible process for the Parties;
- d) the desirability or necessity of public participation in, or public access to, the [TLAB](#)'s process;
- e) whether the evidence or issues are suitable for an Electronic Hearing;
- f) whether credibility may be an issue or the extent to which facts are in dispute;
or
- g) whether an Electronic Hearing is likely to cause significant prejudice to any Party or Participant.

Objection to a Written Hearing

24.5 A Party who objects to a Written Hearing shall bring a Motion within 5 Days of Service of the notice of Written Hearing.

Factors Considered for Holding a Written Hearing

24.6 The [TLAB](#) may consider any relevant factors in deciding to hold a Written Hearing, including:

- a) the convenience to the Parties and the [TLAB](#);
- b) the likelihood of the process being less costly, faster and more efficient;
- c) whether it is a fair and accessible process for the Parties;
- d) the desirability or necessity of public participation in or public access to the [TLAB](#)'s process;
- e) whether the evidence or legal issues are suitable for a Written Hearing;
- f) whether credibility may be an issue or the extent to which facts are in dispute;
or
- g) whether a Written Hearing is likely to cause significant prejudice to any Party or Participant.

Procedure for Exchange of Documents in Written Hearing

- 24.7 If a Hearing proceeds as a Written Hearing the Appellant shall Serve on all Parties and Participants and File with the TLAB all evidence and submissions within 30 Days after the TLAB's notice of Written Hearing is Served.
- 24.8 Parties and Participants who need to respond to the Appellant's submissions shall Serve on all Parties and Participants and File with the TLAB all responding submissions and evidence within 20 Days of Service of the Appellant's submissions.
- 24.9 If the Appellant needs to reply to the other Parties' and Participants' submissions the Appellant shall Serve and File a copy of the reply with the TLAB within 10 Days of receipt of the responding submissions. The reply shall be limited to any new evidence and new submissions in the responses.
- 24.10 Following the expiry of the time for any reply submissions the TLAB shall make its decision.

Evidence in a Written Hearing must be by Affidavit

- 24.11 Evidence in a Written Hearing must be by way of Affidavit and any Documents and relevant portions of public Documents to be relied on shall be attached to the Affidavit.