

**Environment and Land Tribunals
Ontario**

Ontario Municipal Board

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
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**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

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de L'Ontario

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IN THE MATTER OF section 14 of the *Development Charges Act*, 1997, S.O. 1997, c.
27

Appellant: Sifton Properties Ltd.
Subject: Development Charges By-law No. 09-4498
Municipality: Town of Ingersoll
OMB Case No.: DC090067
OMB File No.: DC090067

RECEIVED

APR 15 2010

TOWN OF INGERSOLL
CLERK/TREASURER

APPOINTMENT FOR PREHEARING CONFÉRENCE BY TELECONFERENCE

The Ontario Municipal Board will conduct a Prehearing Conference respecting this matter.

This hearing will be held:

at: 9:00 am
on: Friday, May 7, 2010

The following individuals are scheduled to participate in the teleconference call at the above mentioned time:

- A.R. Patton, solicitor for the Town of Ingersoll
- B.R. Card, solicitor for Sifton Properties Ltd.

The individuals noted above shall call **(416) 212-0400**** or Toll Free **1(866) 355-2663** on the assigned date at the correct time. When prompted, enter the **code 6251#** and you will be connected to the call. If assistance is required at any time, press '0' for the operator. Cellular telephones are not permitted to be used for the call. It is the responsibility of the persons participating in the call to ensure that they are properly connected to the call and at the correct time.

Only the persons listed above and/or their representatives/clients are permitted to participate in the call. If there are any additional individuals, not noted above, who should be connected to this call, please inform the Board as soon as possible so that proper notification can be given.

If you do not take part and are not represented at this hearing, the Board may proceed in your absence and you will not be entitled to any further notice of the proceedings. Please note that this matter is a hearing and the presentation of evidence will be required.

Hearing dates are firm - adjournments will not be granted except in the most serious circumstances, and only in accordance with the Board's Rules on Adjournments.

In the event the decision is reserved, persons taking part in the hearing and wishing a copy of the decision may request a copy from the presiding Board member or, in writing, from the Board. Such decision will be mailed to you when available.

PURPOSE OF PREHEARING CONFERENCE

The conference will deal with preliminary and procedural matters, including the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Board to determine your status for the hearing, you or your representative should participate in the prehearing conference and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers.
- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and make a statement to the Board. Such persons should also participate in the prehearing conference.
- **Identification of issues.**
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for pre-filing of witness lists, expert witness statements and written evidence.**
- **Possibility of settlement of any or all of the issues.**
- **The hearing of motions.**
- **Such further matters as the Board considers appropriate.**

Everyone participating should be prepared to consider specific dates for proceedings in this matter.

EVIDENCE

Evidence or formal statements may also be heard at the prehearing conference in an attempt to settle the matters in dispute. Note that even if no settlement is reached the Board may make a final decision on the evidence it has received.

All parties or their representatives should participate in the prehearing conference.

Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.

****Charges incurred for international calls will be the responsibility of the caller.**

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

DATED at Toronto, this 14TH day of April, 2010.

PATRICK HENNESSY

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APPOINTMENT FOR HEARING

The Ontario Municipal Board hereby appoints:

TOWN OF INGERSOLL
CLERK/TREASURER

at: 10:30 am
on: Monday, December 6, 2010
**at: Council Chambers, Municipal Buidling (Ingersoll), 130 Oxford Street,
Ingersoll, Ontario**

for the commencement of the hearing of this appeal.

The Board has set aside **ten (10) days** for this hearing.

All parties and participants should attend at the start of the hearing at the time and date indicated, irrespective of the number of days scheduled. Hearing dates are firm - adjournments will not be granted except in the most serious circumstances, and only in accordance with the Board's Rules on Adjournments.

If you do not attend and are not represented at this hearing, the Board may proceed in your absence and you will not be entitled to any further notice of the proceedings.

In the event the decision is reserved, persons taking part in the hearing and wishing a copy of the decision may request a copy from the presiding Board member or, in writing, from the Board. Such decision will be mailed to you when available.

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DATED at Toronto, this 14TH day of April, 2010.

PATRICK HENNESSY
SECRETARY

ONTARIO MUNICIPAL BOARD RULES ON ADJOURNMENTS

- 61. Hearing Dates Fixed** Hearing events will take place on the date set unless the Board agrees to an adjournment.
- 62. Requests for Adjournment if All Parties Consent** If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the signed consents of all parties. However, the Board may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent.
- 63. Requests for Adjournment Without Consent** If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 10 days before the date set for the hearing event. If the reason for an adjournment arises less than 10 days before the date set for the hearing event, the party must give notice of the request to the Board and to the other parties and serve their motion materials as soon as possible. If the Board refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.
- 64. Emergencies Only** The Board will grant last minute adjournments only for unavoidable emergencies, such as illnesses, so close to the hearing date that another representative or witnesses cannot be obtained. The Board must be informed of these emergencies as soon as possible.
- 65. Powers of the Board upon Adjournment Request** The Board may,
- (a) grant the request;
 - (b) grant the request and fix a new date or, where appropriate, the Board will schedule a prehearing conference on the status of the matter;
 - (c) grant a shorter adjournment than requested;
 - (d) deny the request, even if all parties have consented;
 - (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
 - (f) grant an indefinite adjournment, if the request is made by the applicant or proponent and is accepted by the Board as reasonable and the Board finds no substantial prejudice to the other parties or to the Board's schedule. In this case the applicant or proponent must make a request that the hearing be rescheduled;
 - (g) convert the scheduled date to a mediation or prehearing conference; or
 - (h) make any other appropriate order.

August 11, 2008

