



## Here's what you need to know about participating in an Ontario Municipal Board hearing

If you want to be heard in an OMB matter, you may be able to become a *party* or *participant* at the hearing.

### What is a party?

A party is a person or organization that is accepted as a party by the Board. For example, in the case of a zoning by-law passed by a municipality and appealed to the Board, the parties may be the municipality, the applicant (person or organization that applied for the rezoning) and the appellant (person or organization that filed an appeal against the zoning by-law).

For some matters, there are conditions to becoming a party. For instance, some matters under the Planning Act require a party to have made oral or written submissions to council before council made a decision. The Board may also add a party to a matter if there are good reasons for it. If you are unsure whether you may be considered a party, please look at the law related to your matter.

A party's role in the hearing process can include: exchanging documents, presenting evidence, questioning witnesses and making submissions to the Board. A party may also request costs, adjournments or a review of the Board's decision.

If an unincorporated group wishes to become a party, the group must appoint one person to speak for it. The person appointed must accept the responsibilities of a party. A party does not need legal representation though the party may have an agent speak on his/her behalf. A representative, who can be either a lawyer or non-lawyer, must be authorized under the *Law Society Act*. There is an exemption that allows for persons who are not in the business of providing legal services to occasionally provide assistance to a friend or relative for no fee. For information on licensing and exemptions, please refer to the Law Society of Upper Canada's website [www.lsuc.ca](http://www.lsuc.ca).

### How do I ask to be a party?

1. Send your request, in writing, to the Board. Also send a copy of your request to the current parties.
2. Be at the first day of hearings, at the start time. If you are not there, you may be denied party status.
3. At the beginning of the hearing, the Board Member asks if anyone wishes to become a party to the matter. You may stand up and ask to be a party.
4. Give the Board Member your name and address for the record.
5. Explain why you wish to be a party. After explaining your position, the Member will ask if any of the current parties object to you being added as a party.
6. The current parties may agree or disagree to adding you as a party.
7. The Board Member decides if you will be added as a party.

## **What are parties' responsibilities at a hearing?**

### **Generally, parties at the hearing should:**

- describe their point of view on the matter
- submit all necessary documentation as exhibits at the hearing (this includes any maps, case law, document books, etc.)
- present their case using exhibits, witnesses and other evidence
- cross-examine the other parties, witnesses and evidence
- at the end of the hearing, give final arguments or a summary of all their evidence
- follow the procedures set out in a procedural order from a prehearing (these procedures may set out when to appear at a hearing, when to exchange documents with the other parties and other important instructions that are required to be followed before the hearing)

## **What is a participant?**

A participant is a person or organization that participates at a hearing by making a statement to the Board on some or all of the issues on the matter being heard. A participant may attend all or part of the proceedings. There is no requirement for a participant to have made submissions to council before becoming involved in an OMB matter.

When making a statement to the Board, participants must swear (or affirm) to tell the truth. They may be questioned by the Board and parties. Participants generally do not question witnesses and cannot ask for costs, adjournments or request a review of the decision.

A participant may submit a written statement without attending the hearing. However, the Board may not give the written statement the same weight as a statement made in person since participants cannot be questioned about their statement if not present at the hearing.

## **How do I ask to become a Participant?**

1. Be at the first day of the hearing, at the start time. If you are not there, you may be denied participant status.
2. At the beginning of the hearing, the Board Member asks if anyone wishes to become a party or a participant. At that time, you may stand up and ask to be a participant.
3. Give the Board Member your name and address for the record.
4. The Member will set aside time during the hearing for participant statements. Usually statements are scheduled at the end of a hearing. During a longer hearing, the Board may set a different time for participant statements so participants do not have to sit through the entire hearing.

## **What are participants' responsibilities at a hearing?**

### **Generally, participants at the hearing should:**

- Show up on the first day of the hearing at the start time.
- Provide their name and address to the Board.
- Give their statement to the Board. If the hearing has been scheduled for multiple days, the member may set a date when participants provide their statements.

- Follow the procedures set out in a procedural order from a prehearing. These procedures may set out when to appear at a hearing and when to provide participant statements to the parties.

### How else can I participate (if I do not want to become a party or participant)?

OMB hearings are open to the public. Anyone may sit in and watch a hearing to see how the OMB process works or to be informed of what is happening with an OMB matter. In some rare cases, a hearing may be closed to the public, if the Board determines that the matter should be heard in private. Mediation meetings are not open hearings and are only held for the parties involved.

### Where can I get more information?

For further details on parties and participants, refer to the OMB's *Rules of Practice and Procedure*. The Rules are available at [www.omb.gov.on.ca](http://www.omb.gov.on.ca), or by calling (416) 212-6349 or toll free 1-866-448-2248.

### Please Note

The information contained in this information sheet is not intended as a substitute for legal or other advice, and in providing this information, the Ontario Municipal Board (OMB) assumes no responsibility for any errors or omissions in this information sheet, and shall not be liable for any reliance placed on the information in this information sheet. Additional information, including the OMB's *Rules of Practice and Procedure*, is available at [www.omb.gov.on.ca](http://www.omb.gov.on.ca), or by calling (416) 212-6349 or toll free 1-866-448-2248.



The **Environment and Land Tribunals Ontario (ELTO)** includes the Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal, Ontario Municipal Board, Niagara Escarpment Hearing Office and the Office of Consolidated Hearings. The Tribunals operate under specific legislative requirements and share resources and best practices. The Ontario Municipal 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. For more information contact us at:

**Environment and Land Tribunals Ontario**  
 655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
 Telephone: (416) 212-6349 or toll free: 1-866-448-2248  
 Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

ISBN 978-1-4435-8478-4 © Queen's printer for Ontario, 2012  
 Disponible en français: Ce qu'il faut savoir sur la participation aux audiences de la Commission des affaires municipales de l'Ontario.