

**Environment and Land Tribunals
Ontario**

Local Planning Appeal Tribunal

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Website: www.elto.gov.on.ca

**Tribunaux de l'environnement et de
l'aménagement du territoire Ontario**

Tribunal d'appel de l'aménagement
local

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PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: CRAFT Acquisitions Corp. and P.I.T.S. Development Inc.
Appellant: Canadian National Railway Company and TTR Co. Ltd.
Subject: Proposed Official Plan Amendment No. OPA 395
Municipality: City of Toronto
LPAT Case No.: PL180210
LPAT File No.: PL180210
LPAT Case Name: Canadian National Railway Company v. Toronto (City)

NOTICE OF CASE MANAGEMENT CONFERENCE

The Local Planning Appeal Tribunal ("Tribunal") will conduct a case management conference for this matter.

This case management conference will be held

AT: 10:00 AM
ON: September 19, 2018
AT: Local Planning Appeal Tribunal 655 Bay Street, 16th Floor Toronto, ON M5G 1E5

The Tribunal has set aside **3 days** for this conference.

THE CASE MANAGEMENT CONFERENCE

The *Local Planning Appeal Tribunal Act, 2017* requires the Tribunal to conduct a case management conference after it has received a valid notice of appeal of the matter identified in the title of proceedings (above). The Appellant(s), the municipality and approval authority are expected to participate in the case management conference. Persons other than the appellant, municipality or approval authority, who wish to participate in the case management conference, are required, by section 40 and 41 of the *Local Planning Appeal Tribunal Act, 2017*, to pre-file a written submission.

IF YOU ARE NOT THE APPELLANT(S), MUNICIPALITY OR APPROVAL AUTHORITY IN THIS PROCEEDING, YOU MAY ONLY PARTICIPATE IN THE CASE MANAGEMENT CONFERENCE IF YOU FILE A WRITTEN SUBMISSION WITH THE TRIBUNAL REGISTRAR NO LATER THAN AUGUST 20, 2018, WHICH IS 30 DAYS BEFORE THE DATE OF THE CASE MANAGEMENT CONFERENCE.

A COPY OF YOUR WRITTEN SUBMISSION IS TO BE PROVIDED TO THE APPELLANT(S), MUNICIPALITY OR APPROVAL AUTHORITY (SEE CONTACT INFORMATION: ADDRESS, PHONE NUMBER, AND EMAIL IN SCHEDULE A ATTACHED).

THE PRE-FILING REQUIREMENTS FOR PERSONS WHO WISH TO PARTICIPATE IN THE CASE MANAGEMENT CONFERENCE

A) THE CONTENT OF THE WRITTEN SUBMISSION

A person other than the appellant(s), the municipality or approval authority who wishes to participate in an appeal initiated under subsections 17(24), 17(36), 17(40), 22(7), 34 (11), 34(19) or 51(34) of the *Planning Act* must file a written submission with the Tribunal Registrar. The submission must explain the nature of their interest in the matter and how their participation will assist the Tribunal in resolving the issues raised in the appeal. The submission is to explain whether any decision or non-decision of the municipality or approval authority, which is the subject of the appeal before the Tribunal:

- Is inconsistent with a Provincial Policy Statement,
- Fails to conform with a provincial plan, or
- Fails to conform with an applicable official plan.

B) FILING REQUIREMENTS FOR THE WRITTEN SUBMISSION

- The written submission (containing the content above) must be emailed to the assigned Tribunal Case Coordinator, [insert name, email], **at least 30 days** before the date of the case management conference.
- A copy of the written submission shall be provided to the municipality and to the approval authority whose decision or failure to make a decision is appealed on the same day as it is emailed to the Tribunal: **at least 30 days** before the date of the case management conference.

- A copy of the written submission must also be provided to the Appellant(s).
- A certificate of service, in the form available on the Tribunal's website, shall be filed with the Tribunal Case Coordinator to confirm service of the written submission on the municipality and the approval authority.

NOTE: THE TRIBUNAL MAY NOT EXTEND THE TIME PERIOD TO FILE THE WRITTEN SUBMISSION

THE CASE MANAGEMENT CONFERENCE

The Tribunal shall determine, from among the persons that have provided written submissions, whether that person may participate in the case management conference, and the terms upon which a person is allowed to participate.

A Tribunal may also appoint one person, who filed a written submission to represent a class of persons, as either a party or participant at the case management conference and at any hearing, or any other hearing event, that may be directed by the Tribunal.

At the case management conference, the Tribunal shall discuss opportunities for settlement, including the possible use of mediation or other dispute resolution techniques.

Please see the extract of Rule 26.20 of the LPAT Rules of Practice and Procedure attached to this notice for further details of the matters the Tribunal will discuss at the Case Management Conference.

FURTHER DIRECTIONS

The Tribunal shall issue a disposition following the Case Management Conference that will set out the directions of the Tribunal. A copy of this decision can be obtained from the Tribunal's website by reference to the above case number.

A person who is not granted party or participant status by the Tribunal at the case management conference is not permitted to participate in any further hearing event that is convened by the Tribunal for this appeal.

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.

We are committed to providing accessible 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. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

DATED at Toronto, this 25th day of June, 2018

Mary Ann Hunwicks
Registrar

EXTRACTS OF LOCAL PLANNING APPEAL TRIBUNAL RULES ON ADJOURNMENTS

17.01 Hearing Dates Fixed Hearing events will take place on the date set unless the Tribunal agrees to an adjournment. Adjournments will not be allowed that may prevent the Tribunal from completing and disposing of its proceedings within any applicable prescribed time period.

17.02 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 written consents of all parties. However, the Tribunal may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent. The consenting parties are expected to present submissions to the Tribunal on the application of any prescribed time period to dispose of the proceeding.

17.03 Requests for Adjournment without Consent If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 15 days before the date set for the hearing event. If the reason for an adjournment arises less than 15 days before the date set for the hearing event, the party must give notice of the request to the Tribunal and to the other parties and serve their motion materials as soon as possible. If the Tribunal refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

17.04 Emergencies Only The Tribunal will grant last minute adjournments only for unavoidable emergencies, such as illnesses so close to the hearing date that another representative or witness cannot be obtained. The Tribunal must be informed of these emergencies as soon as possible.

17.05 Powers of the Tribunal upon Adjournment Request The Tribunal may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Tribunal will schedule a prehearing or case management 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 a party and is accepted by the Tribunal as reasonable and the Tribunal finds no substantial prejudice to the other parties or to the Tribunal's schedule. In this case a party must make a request, or the Tribunal on its own initiative may direct, that the hearing be rescheduled or resumed as the case may be;
- (g) convert the scheduled date to a mediation or prehearing or case management conference;
- (h) issue a Notice of Postponement or a Notice of Resumption; or
- (i) make any other appropriate order.

April 3, 2018