

THE MUNICIPAL BOARD OF MANITOBA

Procedure at Local Improvement or Special Services By-law Hearings

1. The Board is an “Independent Body” appointed by Order-in-Council and hearings before the Board are open to the public.
2. The hearing before the Board is a *de novo* or fresh hearing. It is separate and distinct from previous council and public hearings on the matter. It is not a debate or town hall meeting.
3. The Municipality must, at least ten (10) working days prior to the hearing, file with the Board four (4) copies of the written materials upon which it intends to rely on. One (1) copy of the said written materials are to be made available for public viewing at the offices of the Municipality.
4. Any person who wishes to make a representation on the proposed By-law, may make an oral and/or written submission to the Board. It is recommended that four (4) copies of any written submission be filed with the Board and that one (1) copy be provided to the Municipality at least ten (10) working days prior to the hearing, failing which copies of written submissions must be provided to the Board and the Municipality at the hearing.
5. If you wish to have service provided in French, please notify our office fifteen (15) days prior to the hearing.
6. On the day of the hearing, the Recording Secretary will ask for and confirm the names of persons wishing to make a representation.
7. The hearing will begin with the Recording Secretary announcing the matter to be heard. Hearings are recorded but transcripts are not prepared. You may contact the office for further information.
8. Although a quorum of the Board is two, the Board typically sits as a panel of three, one of whom acts as the Chair. The Chair will introduce the panel members and explain how the hearing will proceed. Questions about the proceedings may be asked at this time.
9. All evidence given at the hearing will be given under oath or affirmation.
10. The Board requires all in attendance at the hearing to conduct themselves in a respectful manner, to take their turn, and not to interrupt the proceedings.
11. The Municipality will present the proposed By-law and any other information that it considers relevant in order for the Board to make its decision. The Board may question the Municipality on its presentation.

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12. The Board will hear submissions from any person who wishes to make a representation on the proposed By-law. The Municipality and Board may question the person on his or her submission.
13. The Board reserves the right to set time limits on presentations and submissions.
14. Following the completion of all presentations, the Municipality will have an opportunity to present closing submissions.
15. The Board, in dealing with a proposed By-law, must look at its duty which is set out in Section 64 of *The Municipal Board Act* which reads:

Duty of Board

- 64** In dealing with an application the board shall consider
- (a) the nature of the work, undertaking, or object proposed;
 - (b) the necessity or expediency thereof;
 - (c) the financial position of the local authority; and
 - (d) any other relevant matters;
- and may refuse the application or require the local authority to vary the application, or may grant the application in whole or in part, or subject to conditions.

The Board must also proceed pursuant to Section 321(2) of *The Municipal Act* which reads:

Municipal Board Decision

321(2) The Municipal Board must consider each proposed by-law submitted to it under subsection 320(4) and by written order

- (a) approve the by-law as submitted, with or without conditions;
- (b) refuse to approve the by-law; or
- (c) require that the by-law be amended in one or more of the following ways:
 - (i) subject to subsection(3), by adding or removing one or more businesses or properties to or from the businesses or properties to be taxed under the by-law,
 - (ii) by changing
 - (A) the amount or rate of tax, or
 - (B) the method of calculating the tax,to be levied in respect of one or more businesses or properties.

16. At the conclusion of the hearing the Chair will adjourn the proceedings. The panel will consider all of the evidence and make its decision. A copy of the written Order and Decision, with supporting reasons, will be sent to the Municipality and to every person who made a representation at the hearing and/or sent letters of objection or support.
17. The Board will not accept any information or evidence after the hearing has been adjourned.

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18. The Board has final discretion in the manner in which the hearing is conducted. The Board may in its discretion dispense with, vary or amend these procedures.