

THE MUNICIPAL BOARD OF MANITOBA

Procedure at Municipal Board Hearings re: Proposed Annexation (Municipality is Proponent)

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, meetings or consultations on the matter. It is not a debate or town hall meeting.
3. The Proponent Municipality must, at least ten (10) working days prior to the hearing, file with the Board four (4) hard copies of the written materials it is relying on with respect to the Proposed Annexation. One (1) copy of the said written materials is to be made available for public viewing at the offices of the Proponent Municipality.
4. Any person who wishes to make a representation on the Proposed Annexation 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 Proponent 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 Proponent 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.

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11. The Proponent Municipality will make its presentation with respect to the Proposed Annexation. The Board may question the Proponent Municipality on its presentation.
12. The Board will hear submissions from any person in support of, or objecting to, the Proposed Annexation and wishes to make a representation on the matter. The Proponent Municipality and Board may question the person on their submission.
13. The Board reserves the right to set time limits on presentations and submissions.
14. Following the completion of all presentations, the Proponent Municipality will have an opportunity to present closing submissions.
15. The Board, in dealing with a Proposed Annexation, must look at its duties and powers in making a decision on the matter which is set out in Section 39(1) of *The Municipal Act* which reads:

Duties and powers in making decision

39(1) In deciding whether to recommend an amalgamation or annexation application, The Municipal Board

- (a) must consider the application in relation to the principles, standards and criteria established under clause 7(b) on the amalgamation of municipalities or the annexation of land from municipalities;
- (b) must consider the evidence and submissions made at any public hearing the Board holds;
- (c) may investigate, analyse and make findings of fact about the amalgamation or annexation and its potential effect on each affected municipality and local authority and on the residents and property owners of the proposed municipality or area proposed to be annexed;
- (d) in the case of an annexation, may consider the viability, including the financial viability, of the municipality from which the land is annexed continuing to operate as a separate entity;
- (e) may request a person, municipality, local authority or the minister to conduct such studies and seek such advice to support their position as the Board considers appropriate;
- (f) in the case of an amalgamation, may request the minister to hold a vote or may require any one or more of the municipalities that are proposed to be amalgamated to hold a vote of the persons who would be voters of the municipality proposed to be formed;

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- (g) in the case of an annexation, may request the minister to hold a vote or may require a municipality to hold a vote of those persons who are voters of the area of the municipality proposed to be annexed or a vote of those persons who are voters of the municipality in which the area proposed to be annexed is located;
 - (h) may consider the results of a vote; and
 - (i) may do any other thing that the Board considers advisable.
16. The Board must also proceed pursuant to Sections 40(1), 40(2) and 40(3) of *The Municipal Act*, which reads as follows:

Report of Municipal Board

40(1) The Municipal Board must prepare a written report of its findings, its recommendations and the reasons for the recommendations and send the report to the minister.

Content of report

- 40(2)** A report by The Municipal Board to the minister
- (a) must include a summary of the matters considered or actions taken under section 39;
 - (b) must set out a recommendation as to whether the proposed municipality should be formed or the land should be annexed by the municipality and the reasons for the recommendation;
 - (c) if the Board recommends the formation of the proposed municipality, must set out
 - (i) the status of the proposed municipality as an urban or rural municipality, its name and a description of its boundaries, and
 - (ii) any terms, conditions and other things the Board considers necessary or desirable to implement the formation; and
 - (d) if the Board recommends the annexation of land from the municipality, must set out
 - (i) a description of the land, and
 - (ii) any terms, conditions and other things the Board considers necessary or desirable to implement the annexation.

Notice of report

40(3) The Municipal Board must without delay

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- (a) give a copy of its report to the proponent and any person to whom the proponent is required to give a copy of the proposal under section 36;
 - (b) notify every affected municipality that it must make a copy of the report available for inspection at the municipal office on request; and
 - (c) notify each person who filed an objection to, or who in writing indicated support for, the application that a copy of the report is available for inspection on request at the municipal office of every affected municipality.
17. At the conclusion of the hearing the Chair will adjourn the proceedings. The panel will consider all of the evidence and make its decision. In accordance with Section 40 of *The Municipal Act*, the Board will prepare a written Report and Recommendations.
18. The Board will provide a copy of the Report and Recommendations to the Proponent Municipality, the Minister and every Municipality and Local Authority that could be affected by the Proposed Annexation.
19. Every affected Municipality must make a copy of the Report and Recommendations available for inspection at the municipal office on request for a reasonable period after receipt of the Report and Recommendations.
20. Every person who made a representation at the hearing and/or sent letters of objection or support may inspect a copy of the Report and Recommendations as outlined in above (18) or may obtain a copy of the Report and Recommendations from the chief administrative officer of the affected Municipality for a fee set by the council of the affected Municipality.
21. The Board will not accept any information or evidence after the hearing has been adjourned.
22. 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.