

## **THE MUNICIPAL BOARD OF MANITOBA**

### **Procedures for Registered Grocery Store or Supermarket Property Control Referrals pursuant to Section 152.3(3) of *The Real Property Act* for hearings under Part IV.I of *The Municipal Board Act***

1. The Municipal Board (the “Board”) is an independent, quasi-judicial administrative tribunal comprised of members appointed by Order-in-Council.
2. Hearings before the Board are open to the public.

#### ***Pre-Hearing Conference***

3. At any time prior to the hearing of the referral (the “Referral Hearing”), the Board may direct the parties to attend one or more pre-hearing conferences for the purpose of dealing with any matter the Board considers necessary to address in advance of the Referral Hearing, including assisting the parties in resolving the matter without holding a hearing.
4. The Board will give notice of the pre-hearing conference to each party and may require notice of a pre-hearing conference to be given by the Minister of Public Service Delivery (the “Minister”) to any other person whom the Board considers has an interest in the referral.
5. A pre-hearing conference may be conducted by one or more members of the Board.
6. The pre-hearing conference may be held in person or electronically.

#### ***Production of Documents and Submissions for the Referral Hearing***

7. Prior to the Referral Hearing, each of the parties, the Minister, the holder of the registered grocery store or supermarket property control (the “Holder”), and any other interested persons who have been granted standing by the Board (“Interested Party”) must, at such time or times as determined by the Board:

(a) serve one (1) printed copy of the written materials it intends to rely upon on each of the other parties; and

(b) file four (4) printed copies of the written materials with the Board.

The Board may also require that electronic copies of any written materials be filed with the Board. Parties shall ensure that any electronic copies are identical to the corresponding printed copies. In the event of any inconsistency between the electronic and printed versions, the printed version filed with the Board shall prevail and be deemed the official record.

8. The Minister shall make available all written submissions for the Referral Hearing at a government office for public viewing and notify the Board of the location where the submissions may be inspected.

### ***Referral Hearing Procedures***

9. If you wish to have service provided in French, please notify the Board office fifteen (15) days prior to the hearing.
10. The hearing will begin with the Hearing Officer announcing the matter to be heard. Hearings are recorded but transcripts are not prepared. You may contact the office for further information.
11. 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.
12. All evidence given at the hearing will be given under oath or affirmation.
13. 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.
14. Each of the following parties, the Minister/Holder/Interested Party (as applicable), will have an opportunity to make a presentation on the issue referred to the Board and call witnesses. The other parties will have an opportunity to cross-examine the evidence presented. The Board may also question a party or witness on the evidence presented.
15. The Board reserves the right to set reasonable time limits for all presentations or submissions.
16. Following the completion of all presentations, each party will have an opportunity to present closing submissions.
17. The Board, in dealing with the referral, must look at its duty which is set out in The Municipal Board Act, as follows:

#### **Board must hold hearing**

**104.3(1)** The board must hold a hearing to determine whether a grocery store or supermarket property control, whether registered or unregistered, is contrary to the public interest and must not preserve the property control unless it is clearly in the public interest to do so.

#### **Board must consider factors**

**104.3(2)** The board must consider whether

(a) the restrictions imposed by the grocery store or supermarket property control, such as geographic constraints, time period, scope and subject matter, are reasonable in the circumstances; and

(b) the effect of the restrictions imposed by the grocery store or supermarket property control results in or contributes to a lack of access to grocery stores or supermarkets serving the community in the surrounding area.

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### **Board decision**

**104.3(4)** If the board determines that the grocery store or supermarket property control is contrary to the public interest, the board must

(a) order the variation, cancellation or substitution, in whole or in part, of the property control; and

(b) order the discharge, removal or amendment of any instrument or caveat recording the property control.

### **No compensation**

**104.4** An order made under this Part must not include compensation for the holder of the registered or unregistered grocery store or supermarket property control or any other person.

18. 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 Minister/Holder/Interested Parties (as applicable).
19. The Board will not accept any information or evidence after the hearing has been adjourned.
20. 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.

*Effective: August 26, 2026*