

# 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. At least ten (10) days prior to a hearing, you are required to file with the Board four (4) copies of all material upon which you intend to rely on and one (1) copy of this material to be filed with the Municipality for public viewing. If you are unable to provide this material prior to the hearing, you may do so at the hearing.
3. If you wish to have service provided in French, please notify our office fifteen (15) days prior to the hearing.
4. On the day of the hearing, the Recording Secretary will ask for the names of persons wishing to make a presentation.
5. 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.
6. 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.
7. A hearing before the Board is separate and distinct from previous council and public hearings on the matter. Discussion and debate are not allowed, this is not a town hall meeting.
8. All presentations and questions are made under oath or affirmation.
9. Council will present its By-law and any other information that Council feels relevant in order for the Board to make its decision.
10. Presenters will have the opportunity to make their presentation.
11. The Board requires all in attendance at the hearing to behave respectfully, to take their turn, and not to interrupt the proceedings. Everyone will be given opportunity to present their case.
12. Once you have made your presentation, the Municipality and Board may question you on your presentation.

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13. The Municipal 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:

**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:

**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**
  - (ii) taxed under the by-law,**
  - (iii) 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.**

14. At the conclusion of the hearing the Chair will adjourn the proceedings. The panel will consider all the evidence and make its decision in accordance with Sections 64 of *The Municipal Board Act* and Section 321(2) of *The Municipal Act* as referenced above. This decision may take some time. A written Order and supporting reasons will be sent to all those who made presentations and/or sent in letters of objection or support.

15. The Board will not accept any information after the hearing has been adjourned.

16. The Board may in its discretion, dispense with, vary or amend these procedures.