

# THE MUNICIPAL BOARD OF MANITOBA

## *Procedure at Subdivision 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, all parties are required to file any written material that will be relied upon as follows:
  - four (4) copies to the Board,
  - one (1) copy to the Applicant,
  - one (1) copy to Municipal Government/Approving Authority,
  - one (1) copy to the Planning District if applicable, and
  - one (1) copy to the Municipality.

It is in your best interest to file material as noted, however, 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. This is not a town hall meeting. Discussion and debate are not allowed.
8. All presentations and questions are made under oath.
9. The Board will hear presentations as follows:
  - the Approving Authority/Municipal Government/Planning District
  - Government Departments and the Municipality
  - Applicant
10. 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.

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11. Once you have made your presentation, the Board may question you on your presentation.
12. The Municipal Board, in dealing with the proposed subdivision, must look at its duty which is set out in *The Planning Act*, which states:

Section 123 states:

## **Restriction on approvals**

**123** A subdivision of land must not be approved unless

- (a) the land that is proposed to be subdivided is suitable for the purpose for which the subdivision is intended; and
- (b) the proposed subdivision conforms with
  - (i) the development plan by-law and zoning by-law,
  - (ii) any secondary plan by-law, and
  - (iii) the regulations under section 146.

**131(1)** Subject to section 123 (restrictions on approval), the Municipal Board must make an order

- (a) rejecting the proposed subdivision; or
- (b) approving the proposed subdivision, subject to any conditions described in section 135 that it considers appropriate.

The Subdivision may also be approved subject to one or more conditions under Section 135 of *The Planning Act*.

13. At the conclusion of the hearing the Chair will adjourn the proceedings. The panel will consider all the evidence and make its decision within 30 days after the hearing. A written Order and supporting reasons will be sent to all those who made presentations.
14. The Board will not accept any information after the hearing has been adjourned.
15. The Board may in its discretion, dispense with, vary or amend these procedures.