

## PRACTICE DIRECTION 4: Preliminary Conferences

- 4.1 OVERVIEW:** The preliminary conference is the first hearing before the Tribunal. It is listed 10-14 days after the lodgement of an appeal and is generally advertised in the public notices section of a newspaper circulating in the municipality of the appeal. The Tribunal lists a directions hearing for at least 45 minutes but some matters may take a longer or shorter period of time depending on complexity.
- 4.2 ATTENDANCE:** As with all listings before the Tribunal, all parties are to attend at the appointed time and date. If you are unable to attend you may make application to vary the hearing date (see *Practice Direction 3.4*). However, if the listing has been advertised your application is very likely to be declined. You may send a representative in your stead (see *Practice Direction 11: Representatives & Witnesses*). A failure to attend a duly convened hearing of the Tribunal may result in your status as a party being revoked or your appeal dismissed (Section 21 of the *Appeal Tribunal Act*).
- 4.3 STATEMENT OF ISSUES OR GROUNDS OF APPEAL:** In the Tribunal's standard correspondence, you will have been directed to revise your Statement of Issues if they do not comply with the guidelines set out in *Practice Direction 2.14*. You must ensure that you have redrafted your Statement of Issues or Grounds of Appeal to submit them at the preliminary conference.
- 4.4 MATTERS THE SUBJECT OF DIRECTIONS:** The following matters will be dealt with at a preliminary conference.
- 4.4.1 **APPLICATIONS TO JOIN:** Applications to join proceedings should be made before the preliminary conference is held (See *Practice Direction 3.5* for information on making an application to join). Applications to join can be made at any time; however, lateness in making an application may be a relevant factor in refusing the application. Directions allowing parties an opportunity to comment on any application to join are set. Short timeframes apply to resolving applications to join.
  - 4.4.2 **GROUNDS OF APPEAL OR STATEMENT OF ISSUES:** (see *Practice Direction 2.14*).
  - 4.4.3 **JURISDICTIONAL ISSUES:** (See *Practice Direction 3.8*)
  - 4.4.4 **ALTERNATE DISPUTE RESOLUTION** (see *Practice Direction 5: Alternate Dispute Resolution*)
  - 4.4.5 **DATES FOR FULL HEARING:** The hearing date is ordinarily set between 6-8 weeks of the preliminary conference to meet the Tribunal's statutory requirement of a 90 day decision time frame. (see *Practice Direction 7 – Hearing Process*)
  - 4.4.6 **PREPARATION AND FILING OF EVIDENCE:** Directions will be issued setting dates for parties to exchange and file all material that is to be used by parties in proving their respective cases at the full hearing (See *Practice Direction 8 – Material & Evidence*)

- 4.4.7 **PROVISION OF INFORMATION AND PAPERS:** The primary decision maker (usually the planning authority) is required to provide to the Tribunal and to all parties a complete set of documents which constitute the original decision making process material. In the event other persons are joined to proceedings, directions will be issued for that same paperwork to be provided to them. The preliminary conference is also an opportunity for parties to request information from other parties. If one party refuses to provide certain information, other parties may apply for a summons for provision of documents (See *Practice Direction 13 – Summonses*).
- 4.4.8 **DRAFT CONDITIONS OF APPROVAL:** The primary decision maker (usually the planning authority) will be required to prepare and submit draft conditions of approval of any planning appeal by the date of the first exchange of evidence between the parties. Alternatively, if a planning authority asserts that it is unable to draft and file conditions of approval, then submissions detailing the basis of the inability to file draft conditions of approval must be submitted on that same date. Those draft conditions or submissions are to be supplied to each other party to the proceedings. Each of the parties may then respond to any of the proposed draft conditions in their response evidence (see Appendix 8C – *Draft Conditions of Approval*).