

THE MUNICIPAL BOARD OF MANITOBA

What are the Board's procedures at a hearing?

1. All Board hearings are public. Any person may attend, but only parties and their witnesses are usually entitled to speak to a matter. Prior to the hearing starting, the Recording Secretary will attend the hearing room and ask for the names of all persons appearing with respect to that matter. If you want to speak to a matter you should identify yourself to the Recording Secretary. If you are not sure if you are entitled to speak at the hearing, you should let the Recording Secretary know.
2. At the beginning of the hearing, the Recording Secretary will announce the matter to be heard by the Board.
3. The Chair will then explain the procedure on how the hearing will be conducted. The Chair will indicate the order in which the parties will be heard.
4. If you have any questions about the proceeding, now is the time to ask the Chair for direction or clarification.
5. Each party will be given the opportunity to speak and to present evidence. A party may also call another person to give evidence. All evidence is to be given under oath or affirmation. If you or one of your witnesses intends to present any written evidence, you must have four copies for the Board (one for each Board Member and one for the Recording Secretary) and a copy for every other party. If the matter is an assessment appeal, the Rules require written evidence to be filed in advance (i.e. 21 days prior to the hearing). Failure to comply with the time limits for advance filing will result in that evidence being excluded from the hearing (unless the opposing party consents).

For planning or local improvement matters, the Board also requires the written material to be filed in advance (i.e., 10 days prior to the hearing) and one copy of the written material to be filed with the Municipality.

6. After a person has completed their evidence, any party may question (cross-examine) that witness about their evidence. This is an opportunity to question, not to make statements or to present a party's own evidence.
7. The Board Members may then question a witness about their evidence.
8. After all the evidence has been heard, the parties will have the opportunity to briefly summarize their positions, emphasizing the strengths of their case and the weaknesses of the other party's case. Parties should not try to introduce new evidence at this time.
9. Following the conclusion of the hearing, the Board will consider all the evidence and make its decision. That decision may take some time. After the decision is made, an Order and supporting reasons will be written. In a limited number of matters, the Board's decision takes the form of a Report and Recommendation to the Minister and may not be publicly released.
10. The Board requests that all persons be treated with respect. Parties are to take their turns, and not interrupt another party. Each party has ample opportunity to present their own case and to cross-examine the other party.

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What is The Municipal Board and what can it do?

The Municipal Board is a quasi-judicial tribunal established under *The Municipal Board Act*. That *Act* sets out the general provisions respecting the Board's operations. Other provincial statutes, such as *The Municipal Act*, *The Municipal Assessment Act* and *The Planning Act*, also give the Board jurisdiction to make decisions or recommendations about various matters.

The Board only has the jurisdiction given to it by the statute. If that statute sets a time limit for filing a matter with the Board, failure to file within that time limit will mean the Board no longer has the jurisdiction to hear and decide the matter.

Who comprises the Board?

The Board consists of a Chair, a Vice Chair and part-time Members, all appointed by Order-in-Council. Some Members may sit as Acting Chairs, when required.

The Board Members are from various regions of the Province (urban and rural) and generally have experience in one or more areas of the Board's jurisdiction.

How does the Board operate?

Before making a decision or recommendation, the Board usually conducts a public hearing. Many Board hearings are adversarial in nature, that is, there are two parties who have opposite views on the matter. When required to conduct a public hearing, the Board usually sits as a three person panel: the Chair (or Acting Chair) and two Members.

Hearings are conducted throughout the Province, usually at or close to the area in which the matter arises. Most Winnipeg hearings are held at the Municipal Board Hearing Room at 1144 - 363 Broadway, Winnipeg, Manitoba. Hearings outside Winnipeg are often held in Municipal Offices.

Hearings may vary in length, lasting anywhere from one hour or one day, to one week or more. Most hearings are usually completed in one day or less. The time, date and place of the hearings are set by the Board and a Notice of Hearing, setting out that information, are sent to the parties or published as required.

How are Board hearings conducted?

For Assessment Appeals, the Board has adopted detailed Assessment Appeal Rules. Among other things, those Rules set time limits for advance filing of evidence and should be read in advance. If you are a party to an Assessment Appeal, you should receive a copy of the Rules with your Notice of Hearing. If you do not, you should immediately contact the Board Office.