



Niagara Escarpment Hearing Office

Case No.: 00-145

Niagara Escarpment Plan Review Procedural Order Number 1, as amended

In the matter of a Hearing before the Niagara Escarpment Hearing Office concerning the Review of the Niagara Escarpment Plan under the *Niagara Escarpment Planning and Development Act*, initiated on June 15, 1999 by the Honourable John C. Snobelen, Minister of Natural Resources.

Before: Knox M. Henry Hearing Officer (Panel Chair)
David A.B. Pearson Hearing Officer

Dated this 1st day of March, 2001.

Amended Procedural Order Number 1

CONTENTS OF THIS PROCEDURAL ORDER

This is an order of the Hearing Officers, amending the original Procedural Order Number 1 dated January 15, 2001, that sets:

- (1) the dates and times of the written and oral parts of the Hearing;
- (2) the topics for the Hearing as established by the Terms of Reference;
- (3) the process for establishing the Rules of Procedure that the Hearing will follow;
- (4) the process for filing written submissions;
- (5) the process for asking and answering questions based on the written submissions;
- (6) the process for establishing the order of oral presentations at the Hearing;
- (7) the process for filing written final summaries; and
- (8) verbatim reporting.

1. DATES AND TIMES OF THE HEARING

1.1 The written part of the Hearing will commence on April 16, 2001, when written materials may be filed with the Hearing Office.

1.2 Generally, the oral part of the Hearing will be conducted as daily sessions, five days a week, from 9:00 a.m. to 5:00 p.m., beginning on July 16, 2001, through August 10, 2001.

The four-week time frame allocated for the Hearing may – at the discretion of the Hearing Officers – be expanded, if required, to include part of the weeks of August 13 to August 17, 2001 and August 20 to August 24, 2001.

Time will be provided to the Niagara Escarpment Commission (“NEC”) at the commencement of the oral Hearing at each of the different locations in order to allow the NEC to make a presentation regarding the proposed amendments and the justification therefore.

Time will be provided in the evening sessions for presentations by Participants who, because of exceptional circumstances, cannot attend daytime sessions.

Persons wishing to make an evening presentation must provide the Hearing Office with detailed written reasons why they cannot attend a daytime session.

A limited amount of time will be given at the oral Hearing at each of the different locations in order to allow the Participants at those sessions to pose oral questions to the NEC regarding proposed amendments.

- 1.3 The Hearing will begin on **Monday, July 16, 2001 at 9:00 a.m. in Orangeville.**
- 1.4 The length of the Hearing in Orangeville will be about 5 days. Schedule “A” is a list of the hearing days and includes evening sessions in Orangeville scheduled for **Tuesday, July 17, 2001 and Thursday, July 19, 2001 at 7:00 pm.** specifically for hearing presentations from Participants who cannot attend daytime sessions.
- 1.5 The Hearing will continue on **Monday, July 23, 2001 at 9:00 a.m. in St. Catharines.**
- 1.6 The length of the Hearing in St. Catharines will be about 5 days. Schedule “A” is a list of the hearing days and includes evening sessions in St. Catharines scheduled for **Tuesday, July 24, 2001 and Thursday, July 26, 2001 at 7:00 pm.** specifically for hearing presentations from Participants who cannot attend daytime sessions.
- 1.7 The Hearing will continue on **Monday, July 30, 2001 at 9:00 a.m. in Owen Sound.**
- 1.8 The length of the Hearing in Owen Sound will be about 5 days. Schedule “A” is a list of the hearing days and includes evening sessions in Owen Sound scheduled for **Tuesday, July 31, 2001 and Thursday, August 2, 2001 at 7:00 pm.** specifically for hearing presentations from Participants who cannot attend daytime sessions.
- 1.9 The Hearing will continue on **Tuesday, August 7, 2001 at 9:00 a.m. in Milton.**
- 1.10 The length of the Hearing in Milton will be about 4 days. Schedule “A” is a list of the hearing days and includes evening sessions in Milton scheduled for **Tuesday, August 7, 2001 and Thursday, August 9, 2001 at 7:00 pm.** specifically for hearing presentations from Participants who cannot attend daytime sessions.

2. THE TOPICS FOR THE HEARING

2.1 In accordance with the Terms of Reference released on December 21, 2000, by the Honourable John C. Snobelen, Minister of Natural Resources, the topics to be considered at the Hearing are:

- Estate Wineries;
- Rural Tourism;
- Signage;
- Environmental Monitoring;
- Intensive Recreational Development in Escarpment Parks and the Status of Land Trusts.

The following items are either to include changes to the Plan maps and text that are factually in error, or to update the Plan or maps to reflect changes that have occurred subsequent to approval of the current Niagara Escarpment Plan:

- Production of new Plan Maps (reprint GIS 1:50,000 Plan maps only);
- Plan Errata; and
- Plan Text.

3. THE PROCESS FOR ESTABLISHING THE RULES OF PROCEDURE FOR THE HEARING

3.1 Rules of Procedure

Attached to the original Procedural Order Number 1, dated January 15, 2001, were proposed Rules of Procedure, including proposed Procedural Directions and a proposed Guideline.

Persons who wished to comment on the proposed Rules of Procedure, proposed Procedural Directions and the proposed Guideline did so before February 15, 2001, by sending their written comments to the Registrar, Niagara Escarpment Hearing Office, 2300 Yonge Street, Suite 1201, P.O. Box 2382, Toronto, ON M4P 1E4, or by e-mail to NEHOStaff@oeb.gov.on.ca, or by fax to: 416-314-4506.

On March 1, 2001, or shortly thereafter, the Hearing Officers will issue Procedural Order Number 2 that will adopt Rules of Procedure, Procedural Directions and the Guideline, as they deem appropriate for the conduct of the Hearing.

4. THE PROCESS FOR FILING WRITTEN SUBMISSIONS

4.1 Written Submissions

In accordance with the Terms of Reference, the Hearing will consist in large part of written submissions filed by persons wishing to present their comments relevant to the issues set out in paragraph 2.1, above.

Accordingly, the Hearing Officers will issue Procedural Order Number 2 that will set the schedule for filing written submissions. The timeframe for filing written submissions will be from April 16, 2001 until June 1, 2001. **The Hearing Officers strongly encourage early filing** of submissions.

All written submissions must conform with the Procedural Directions. The written submissions will be posted on the website as soon as possible after receipt.

5. THE PROCEDURE FOR ASKING AND ANSWERING WRITTEN QUESTIONS OF PARTICIPANTS WHO HAVE FILED WRITTEN SUBMISSIONS WITH THE HEARING OFFICE

5.1 Any person may ask a question, in writing, of Participants who have made a written submission. Questions asked may be filed with the Hearing Office from the time a written submission is posted on the website until June 29, 2001. Questions filed will be posted on the website. **Note: It is the responsibility of all Participants to monitor the website to view questions asked of them.**

5.2 Participants who have filed a written submission are required to answer any questions regarding their submission. Participants answering a question asked of them, must file their response with the Hearing Office no later than July 11, 2001.

- 5.3 Participants will not be obliged to answer questions that the Hearing Officers deem to be frivolous and vexatious. The Hearing Officers may make this determination on their own motion, or Participants being questioned about their written submission may request this exemption from the Hearing Officers. Participants requesting this exemption should complete the *Form For Requesting An Exemption From The Requirement To Answer Questions Re: Written Submission*.
- 5.4 All questions asked and answers provided must conform with the Procedural Directions. The questions asked and the answers will be posted on the website as soon as possible after receipt.

6. THE PROCESS FOR ESTABLISHING THE ORDER OF PRESENTATION AT THE HEARING

6.1 Order of Presentation

Once the written submissions are received, which will be by June 1, 2001, the Hearing Officers will issue Procedural Order Number 3 that will set the order of oral presentations by the NEC and other Participants during the Hearing days to be held in Orangeville, St. Catharines, Owen Sound, and Milton.

It is anticipated that Procedural Order Number 3 will be issued on June 15, 2001, or shortly thereafter.

7. THE PROCESS FOR SUBMITTING WRITTEN FINAL SUMMARIES OF POSITION

- 7.1 A participant may, within seven days of the conclusion of the oral part of the Hearing, file a brief (3000 words or less) written summary of their final position.
- 7.2 All brief written final summaries of position must conform with the Procedural Directions. The final summaries of position, if provided, will be posted on the website as soon as possible after receipt.

8. VERBATIM REPORTING OF THE HEARING

- 8.1 The Hearing Office will not be arranging for verbatim reporting of the proceedings.

- 8.2 Any person may arrange for the attendance of a qualified verbatim reporter at his or her own expense, provided that a person who orders a transcript or electronic copy of the proceedings shall also provide, at their expense, an electronic copy to the Hearing Office to become a part of the public record.

Knox M. Henry
Hearing Officer (Panel Chair)

David A.B. Pearson
Hearing Officer

Schedule "A" - Scheduled Hearing Days

Schedule “A”

Scheduled Hearing Days

Orangeville

Location: Committee Room Lower Level
Town of Orangeville Municipal Offices
87 Broadway
Orangeville, ON

Monday, July 16, 2001	9:00 a.m. until 4:30 p.m.
Tuesday, July 17, 2001	9:00 a.m. until 4:30 p.m.
Wednesday, July 18, 2001	9:00 a.m. until 4:30 p.m.
Thursday, July 19, 2001	9:00 a.m. until 4:30 p.m.
Friday, July 20, 2001	9:00 a.m. until 4:30 p.m.

Evening Sessions

Location: Dufferin Room
Tony Rose Memorial Sports Centre
40 Fead Street
Orangeville, ON

Tuesday, July 17, 2001	7:00 p.m. until 10:00 p.m.
Thursday, July 19, 2001	7:00 p.m. until 10:00 p.m.

St. Catharines

Location: Council Chambers
City of St. Catharines
City Hall
50 Church Street
St. Catharines, ON

Monday, July 23, 2001	9:00 a.m. until 2:45 p.m.
Tuesday, July 24, 2001	9:00 a.m. until 5:00 p.m.
Wednesday, July 25, 2001	9:00 a.m. until 5:00 p.m.
Thursday, July 26, 2001	9:00 a.m. until 5:00 p.m.
Friday, July 27, 2001	9:00 a.m. until 5:00 p.m.

Evening Sessions

Location: Committee Room 1
City of St. Catharines
City Hall
(address as noted above)

Tuesday, July 24, 2001 7:00 p.m. until 10:00 p.m.
Thursday, July 26, 2001 7:00 p.m. until 10:00 p.m.

Owen Sound

Location: Sound Room
Lumley Bayshore Community Centre
1900 3rd Avenue East
Owen Sound, ON

Monday, July 30, 2001 9:00 a.m. until 5:00 p.m.
Tuesday, July 31, 2001 9:00 a.m. until 5:00 p.m.
Wednesday, August 1, 2001 9:00 a.m. until 5:00 p.m.
Thursday, August 2, 2001 9:00 a.m. until 5:00 p.m.
Friday, August 3, 2001 9:00 a.m. until 5:00 p.m.

Evening Sessions

Location: (address as noted above)

Tuesday, July 31, 2001 7:00 p.m. until 10:00 p.m.
Thursday, August 2, 2001 7:00 p.m. until 10:00 p.m.

Milton

Location: Council Chambers
Town of Milton
Town Hall
43 Brown Street
Milton, ON

Tuesday, August 7, 2001 9:00 a.m. until 4:30 p.m.
Wednesday, August 8, 2001 9:00 a.m. until 4:30 p.m.
Thursday, August 9, 2001 9:00 a.m. until 4:30 p.m.
Friday, August 10, 2001 9:00 a.m. until 4:30 p.m.

Evening Sessions

Location: Hugh Foster Hall
53 Brown Street
Milton, ON

Tuesday, August 7, 2001 7:00 p.m. until 10:00 p.m.

Location: Council Chamber
Town of Milton
Town Hall
43 Brown Street
Milton, ON

Thursday, August 9, 2001 7:00 p.m. until 10:00 p.m.