

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 19, 2025

CASE NO(S).:

OLT-25-000270

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: 1153 Queen West Holdings Inc.
Subject: Application to amend the Zoning By-law –
Refusal or neglect to make a decision
Description: Permit the development of a 27-storey
residential/mixed use building with 367
residential units
Reference Number: 24 238364 STE 09 OZ
Property Address: 1149 and 1153 Queen Street W
Municipality/UT: Toronto/Toronto
OLT Case No.: OLT-25-000270
OLT Lead Case No.: OLT-25-000270
OLT Case Name: 1153 Queen West Holdings Inc. v. Toronto
(City)

Heard: November 10, 2025 by video hearing

APPEARANCES:

Parties

1153 Queen West Holdings Inc.

City of Toronto

Counsel

Max Laskin
David Bronskill (*in absentia*)

Sarah Barnett
Daniel Elmadany

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. BOBKA ON
NOVEMBER 10, 2025 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was the second Case Management Conference (“CMC”) for an appeal filed pursuant to s. 34(11) of the *Planning Act* regarding the failure of the City of Toronto (“City”) to make a decision within the required timeframe on an application for a Zoning By-law Amendment to facilitate the development of a 27-storey residential/mixed-use building on the property municipally known as 1149 and 1153 Queen Street West.

[2] At the previous CMC, the Tribunal granted Participant status to the Toronto Standard Condominium Corporation 2210, the West Side Community Council, and Darren Bryan. A request for Participant status was made by the West Queen West Community Post, but consideration of that request was deferred to this second CMC.

PARTICIPANT STATUS REQUEST

[3] Michelle Gay of the West Queen West Community Post attended this CMC. She advised the Tribunal that the group has received an incorporation number and was in the process of confirming the group name, since another organization had already incorporated under a similar name.

[4] Counsel for the Applicant/Appellant expressed no concerns regarding the request for Participant status. Mr. Laskin proposed that, if the Tribunal does grant the request, that the new group name be reflected in the Procedural Order (“PO”). Counsel for the City concurred with this proposal but took no position on the request itself.

[5] Upon consideration, the Tribunal granted Participant status to the group. Following the CMC, Ms. Gay provided the Certificate of Incorporation, which indicates that the corporate name of the group is the WestQueenWest Community Organization.

[6] During the CMC, Tammy Gurvits inquired whether her organization, the Toronto Standard Condominium Corporation 2583, could also be considered for Participant status at this time, as they had not been informed that Participant status was an option. The Tribunal explained that requests for Participant status were to be provided prior to the first CMC, and that Participant status request forms are generally required to be provided to the Tribunal at least 10 days in advance of the first CMC, in order to allow the Parties an opportunity to review and consider the requests. It is noted that, in the previous situation, the organization's Participant status request form had been received on time, and the Tribunal had opted to defer consideration of the request. It is further noted that in the Tribunal Decision issued July 17, 2025, relating to the first CMC, it states that an Affidavit of Service was received, confirming that Notice was properly given for the first CMC. Both Ms. Gurvits and the Toronto Standard Condominium Corporation 2583 were listed in the Affidavit of Service. The Tribunal declined to consider the late request for Participant status.

NEXT STEPS

[7] Prior to the CMC, the Parties submitted a draft PO and Issues List for consideration by the Tribunal. Mr. Laskin advised that, while a 10-day hearing on the merits ("Merit Hearing") had originally been contemplated, after discussion, the Parties now jointly proposed that an eight-day video hearing be set in September 2026. The Parties had already reviewed their shared availability, and those dates were provided to the Tribunal for consideration. The Parties each anticipated calling a witness in the disciplines of land use planning, urban design, transportation, and engineering. When questioned by the Tribunal, Counsel for the Parties confirmed that eight days would provide sufficient time, and that they would continue discussions in the hopes of resolving or scoping the issues.

[8] Upon consideration of the draft PO and the submissions of the Parties, the Tribunal agreed with the proposed path forward and scheduled the eight-day Merit Hearing to commence at **10 a.m.** on **Monday, August 31, 2026**, and to proceed until

Friday, September 11, 2026. For clarity, the Tribunal will not be sitting on **Monday, September 7, 2026** or **Tuesday, September 8, 2026.**

[9] Parties and Participants are asked to log in to the event at least **15 minutes** before it begins to test their video and audio connections:

GoTo Meeting: <https://global.gotomeeting.com/join/660145013>

Access code: 660-145-013

[10] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoTo Meeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[11] Persons who experience technical difficulties accessing the GoTo Meeting application or who only wish to listen to the event can connect to it by calling in to an audio-only telephone line: **+1-647-497-9373** or **(toll-free) +1-888-299-1889**. The access code is: **660-145-013**.

[12] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the event to ensure that they are properly connected at the correct time. Questions prior to the event may be directed to the Tribunal's Case Coordinator.

[13] The Parties were also directed to provide the revised PO for consideration on or before **Friday, November 14, 2025**. The Tribunal has received, reviewed, and approved the revised PO, included as **Schedule A**.

ORDER

[14] **THE TRIBUNAL ORDERS** that:

- a) Participant status is granted to the WestQueenWest Community Organization;
- b) The eight-day Merit Hearing is scheduled as detailed in paragraph [8]; and
- c) The Procedural Order, included as **Schedule A** to this Order, is approved and will govern the proceedings.

[15] The Member is not seized but may be available for case management, should the Tribunal's calendar permit.

"S. Bobka"

S. BOBKA
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

SCHEDULE A**Ontario Land Tribunal**

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PROCEDURAL ORDER

1. The Tribunal may vary or add to the directions in this Procedural Order at any time by an oral ruling or by another written order, either on the Parties' request or its own motion.

Organization of the Hearing

2. The hearing will begin on August 31, 2026 at 10:00 a.m. as directed in the Tribunal's Decision and Order. The Tribunal will not sit on September 7 or 8, 2026.
3. The length of the hearing is eight (8) days. The Parties are expected to cooperate to reduce the length of the hearing by eliminating redundant evidence and attempting to reach settlements on issues, where possible. The procedural order deadlines are generally found in **Attachment 1**.
4. The Parties and Participants identified at the Case Management Conference are set out in **Attachment 2**.

5. The issues are set out in the Issues List attached as **Attachment 3**. The Parties will attempt to resolve the issues prior to the hearing on the merits of the appeal. There will be no changes to the Issues List unless the Tribunal permits, and a Party who asks for changes may have costs awarded against it.
6. The order of evidence shall be as set out in **Attachment 4** to this Order. The Tribunal may limit the amount of time allocated for opening statements, evidence in chief (including the qualification of witnesses), cross-examination, evidence in reply and final argument. The length of written argument, if any, may be limited either on the Parties' consent, subject to the Tribunal's approval, or by Order of the Tribunal.
7. Any person intending to participate in the hearing shall provide a mailing address, email address and a telephone number to the Tribunal as soon as possible. Any person who retains a representative must advise the other Parties and the Tribunal of the representative's name, address, email address and the phone number as soon as possible.
8. Any person who intends to participate in the hearing, including Parties, counsel and witnesses, is expected to review the Tribunal's [Video Hearing Guide](#), available on the Tribunal's website.

Requirements Before the Hearing

9. If the applicant intends to seek approval of a revised proposal at the hearing, the applicant shall provide copies of the revised proposal, including all revised plans, drawings, proposed instruments, updated supporting documents and reports, to the other Parties **on or before Friday, March 27, 2026** (ninety-one (91) days before Expert Witness Statements as in Section 15). The applicant acknowledges that any revisions to the proposal after that date without the consent of the Parties may be grounds for a request to adjourn the hearing.
10. A Party who intends to call witnesses, whether by summons or not, shall provide to the Tribunal and the other Parties a list of the witnesses, the expert witness(es)' curriculum vitae and Acknowledgement of Expert Duty form(s), and the order in which the witnesses will be called. This list must be delivered at least **on or before May 4, 2026** (one hundred and nineteen (119) calendar days before the hearing). For expert witnesses, a Party is to identify the area of expertise in which the witness is proposed to be qualified. Any challenges to the witness, including qualifications of a witness to give opinion evidence in the area of expertise proposed shall be made by motion in accordance with the Tribunal's Rules and notice of same must be served on the other Parties (**on or before Friday, May 22, 2026**).

11. Expert witnesses in the same discipline(s) shall have at least one meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts shall prepare a list of any agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the Parties and the Tribunal **on or before Friday, June 12, 2026**, if agreement is reached.
12. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing, and the curriculum vitae and Acknowledgment of Expert Duty Form previously provided as in Section 9. Copies must be provided as in Section 15. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Tribunal may refuse to hear the expert's testimony. For greater certainty, each expert witness statement must comply with the minimum content requirements specified in Rule 7 of the Tribunal's *Rules of Practice and Procedure*. If the expert witness has prepared any report(s) that they intend to rely on at the hearing, and which did not form part of the submissions made to the City, such report(s) shall be provided to the other Parties at the same time as the delivery of expert witness statements, as in Section 15.
13. **On or before Friday, June 26, 2026** (sixty-six (66) calendar days prior to the scheduled commencement of the hearing), a witness or participant must provide to the Tribunal and the Parties a witness statement (full disclosure including reports) or participant statement, respectively, or the witness may not give oral evidence at the hearing. A participant cannot present oral submissions at the hearing on the content of their written statement, unless ordered by the Tribunal.
14. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the Party calling them must file a brief outline of the expert's evidence, as in Section 15.
15. **On or before Friday, June 26, 2026** (sixty-six (66) calendar days prior to the scheduled commencement of the hearing), the Parties shall provide copies of their expert witness statements (full disclosure including reports) to the other Parties.
16. **On or before Friday, July 17, 2026** (forty-five (45) calendar days prior to the scheduled commencement of the hearing), the Parties may provide to all other Parties a written response to any written evidence.
17. **On or before Wednesday, July 22, 2026** (forty (40) calendar days prior to the scheduled commencement of the hearing), the Parties shall advise the Tribunal of whether any hearings dates scheduled for this matter may be released from the Tribunal's calendar. This request may only be made on consent of all of the Parties.

If no hearing dates are intended to be released from the Tribunal's calendar, no Party is required to advise the Tribunal anything further in that regard.

18. **On or before Wednesday, August 5, 2026** (twenty-six (26) calendar days prior to the scheduled commencement of the hearing), the Parties shall provide copies of their visual evidence to all of the other Parties. The Tribunal and all Parties shall be notified if a model will be used, and all Parties must have a reasonable opportunity to view it before the scheduled commencement of the hearing.
19. A person wishing to change written evidence, including witness statements, must make a written motion to the Tribunal. Such a motion shall be in accordance with the Tribunal's Rule 10, which requires that the moving Party provide copies of the motion to all other Parties **at least 15 days** before the Tribunal hears the motion.
20. A Party who provides a witness' written evidence to the other Parties must have the witness attend the hearing to give oral evidence, unless the Party notifies the Tribunal **at least 7 days** before the hearing that the written evidence is not part of their record.
21. **On or before Wednesday, August 5, 2026** (twenty-six (26) days before the commencement of the hearing), the Parties shall prepare and file a detailed hearing work plan that identifies the following, at a minimum: the identified Parties participating in the Hearing Event, preliminary matters (if any to be addressed), the date a witness is intended to attend the Tribunal, the identified witness name/expertise, and the approximate time allotted for Examination in Chief, Cross Examination and any re-examination (if any) (the "**Hearing Plan**"). The Hearing Plan should be adhered to guide the Hearing Event to the best ability of all the Parties, and any and all witnesses shall be available on the identified date(s), unless otherwise directed by the Tribunal. The Tribunal may, at its discretion, change or alter the Hearing Plan throughout the Hearing Event.
22. The Parties shall prepare a Joint Document Book **on or before Tuesday, August 11, 2026** (20 days before the hearing is scheduled to commence), and which, if requested by the Tribunal, one (1) hard copy will be filed with the Tribunal as soon as practicable in advance of the Hearing. All Parties must be served with the Joint Document Book in paper or an accessible electronic format in accordance with Section 23.
23. All filing of documents and materials shall be electronic to the Tribunal, the Parties and Participants (if any). The Tribunal will be provided a hard copy of documents and materials in advance of the hearing event as soon as practicable, should it request same. Electronic copies may be filed by email, an electronic file sharing

service for documents that exceed 10MB in size, or as otherwise directed by the Tribunal. The delivery of documents by email shall be governed by the Rule 7. All documents to be filed with the Tribunal shall be organized, tabbed and digitally searchable and such materials will be filed in accordance with directions contained in the Tribunal's Video Hearing Guide. Section 23 applies regardless if the hearing event is in-person or electronic.

24. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness or as permitted by Section 9. The Tribunal's Rule 17 applies to such requests.
25. The Tribunal may conduct mediation on consent of all Parties, on consent of those Parties who wish to participate in mediation, or if the Tribunal sees fit.
26. The purpose of this Procedural Order and the meaning of the terms used in this Procedural Order are set out in Attachment 5.

This Member is not seized.

So orders the Tribunal.

ATTACHMENT 1**SUMMARY OF DATES**

DATE	EVENT
March 27, 2026 (91 days before Witness Statement Date)	Last date to provide copies of revised proposal, including all revised plans and drawings (if any)
May 4, 2026 (119 days prior to hearing)	Exchange of witness lists (names, disciplines and order to be called)
May 22, 2026 (101 days prior to hearing)	Last date to challenge identification of expert witness
June 12, 2026 (80 days prior to hearing)	Agreed Statement of Facts
June 26, 2026 (66 days prior to hearing)	Exchange of Witness Statements, summoned witness outlines, Expert Reports and Participant Statements
July 17, 2026 (45 days prior to hearing)	Exchange of Reply Witness Statements (if any)
July 22, 2026 (40 days prior to hearing)	Parties to Advise Tribunal if any hearing dates are to be released from the hearing calendar (if any)
August 5, 2026 (26 days prior to hearing)	Exchange of visual evidence (if any)
August 5, 2026 (26 days prior to hearing)	Final Hearing Plan filed with the Tribunal
August 11, 2026 (20 days prior to hearing)	Finalize Joint Document Book
August 31, 2026	Hearing commences

**ATTACHMENT 2
PARTIES/PARTICIPANTS**

Parties

1. 1153 Queen West Holdings Inc.

David Bronskill
(416) 597-4299
dbronskill@goodmans.ca

2. City of Toronto

Daniel Elmadany/Sarah Barnett
(416) 397-5709/(416) 397-2358
daniel.elmadany@toronto.ca; sarah.barnett@toronto.ca

Participants

1. Bryan, Darren

(416) 419-4071
im.libydo@gmail.com

2. Toronto Standard Condominium Corporation 2210 (The Bohemian Embassy)

c/o Karen Beitel
(647) 897-7514
karen.beitel@gmail.com

3. WestQueenWest Community Organization

c/o Michelle Gay/Jordan Ash
(416) 992-8035
michellegay15@gmail.com / jordan.ash@gmail.com

4. West Side Community Council

c/o Ric Amis
(416) 822-0182
me@ricamis.com

ATTACHMENT 3 ISSUES LIST

City of Toronto

Planning Act

1. Does the proposed Zoning By-law Amendment have appropriate regard for matters of provincial interest set forth in Section 2 of the *Planning Act*, including 2(h), (j), and (r)?
2. Would approval of the proposed Zoning By-law Amendment and proposed development by the Tribunal have regard to the decision of City Council and the information and material that City Council considered in making its decision as required by Section 2.1 of the *Planning Act*?

City of Toronto Official Plan

3. Does the proposed development conform to the policies of the City of Toronto Official Plan, including, but not limited to, the following sections:
 - a. 2.2.: Structuring Growth in the City: Integrating Land Use and Transportation;
 - b. 3.1.1 The Public Realm;
 - c. 3.1.3 Built Form;
 - d. 3.1.4 Built Form- Building Types;
 - e. 3.2.1 Housing;
 - f. 4.5 Mixed Use Areas;
 - g. 4.7 Regeneration Areas;
 - h. 5.3.1 and 5.3.2 Implementation.
4. Does the proposed Zoning By-law Amendment and proposed development conform with Chapter 6, Section 14 of the Official Plan, being the Garrison Common North Secondary Plan, including, but not limited to the policies related to 2.1 Major Objectives?
5. Does the proposed development conform with Chapter 7, Site and Area Specific Policy 566 of the Official Plan, including policies 2.2, 3.1,3.5, 3.8, 5.0, 6.2, 6.5, 7.1?

Guidelines

6. Does the proposed development meet the intent and purpose of the following City guidelines:
 - a. The Mid-Rise Building Design Guidelines;
 - b. The Tall Building Design Guidelines (2023);

- c. The Growing Up: Planning for Children in New Vertical Communities, Urban Design Guidelines (2020);
- d. The Retail Design Manual (2020);
- e. The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings (2019);
- f. The Streetscape Manual User Guide (2019);
- g. The Complete Streets Guidelines (2017)?

Public Realm and Built Form

- 7. Is the development's proposed height and massing, including setbacks, stepbacks, scale, density and design appropriate, in particular:
 - a. Does the proposed height and massing provide for an appropriate scale that fits with the existing main street (Queen Street West) character and planned context?
 - b. Does the proposed development provide appropriate transition in height and scale to the surrounding area?
- 8. Does the proposed development:
 - a. Contribute to an adequate and well-designed public realm;
 - b. Provide access to direct sunlight and daylight on the public realm; and
 - c. Maintain open views of the sky from the public realm?

Amenity Space

- 9. Does the proposed development provide the appropriate allocation of amenity space?

Housing

- 10. Does the proposed development conform to the policies of the City's Official Plan's to require developments to provide a full range of housing options which include form, tenure, and affordability?

Loading Space

- 11. Does the proposed development appropriately accommodate a Type G loading space, including staging and clearance requirements to access the required loading space in accordance with Zoning By-law 569-2013?

Municipal Servicing

- 12. Has the proposed development and Zoning By-law Amendment demonstrated that there is sufficient water, wastewater and sanitary services available to service the

proposed development, taking into account existing, planned and proposed development within the applicable water, wastewater or sanitary servicing distribution network?

13. If not, should a holding (“H”) symbol be imposed on any Zoning By-law Amendment for the lands until such time as sufficient water, wastewater and/or sanitary services can be made available to service the proposed development, including any required improvements and/or upgrades to municipal infrastructure?

Public Interest and Good Planning

14. Is the proposed Zoning By-law Amendment good planning and in the public interest?
15. Is the proposed Zoning By-law Amendment good urban design and in the public interest?

Implementation

16. If the requested Zoning By-law Amendment is approved by the Tribunal, in whole or in part, should the Tribunal's final order be withheld until it has been advised by the City Solicitor that:
 - a. the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;
 - b. The owner has, at its sole cost and expense,
 - i. Submitted a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development (the “**Engineering Reports**”) that demonstrate that municipal water, sanitary, and storm sewer systems can support the proposed development and identify whether upgrades and/or improvements of the existing municipal infrastructure are required, all to the satisfaction of the Director, Engineering Review, Development Review;
 - ii. Secured the design and provided financial securities in respect of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Director, Engineering Review, Development Review in consultation with the General Manager, Toronto Water, should it be determined that

improvements or upgrades are required to support the development, according to the Engineering Reports accepted by the Director, Engineering Review, Development Review;

- iii. Ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;
- iv. Obtained City Council approval of the Rental Housing Demolition Application (file No. 24 238689 STE 09 RH) under Chapter 667 of the Toronto Municipal Code, pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of the existing rental dwelling units and the owner has entered into, and registered on title to the lands, an agreement pursuant to Section 111 of the City of Toronto Act, 2006, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing related matters, including tenant relocation assistance, necessary to implement City Council's decision;
- v. Provided an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit on the lands at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- vi. provided any necessary studies to the satisfaction of the Executive Director, Development Review, and implemented any necessary mitigation measures in the Zoning By-law Amendment, to the satisfaction of the Executive Director, Development Review?

**ATTACHMENT 4
ORDER OF EVIDENCE**

1. 1153 Queen West Holdings Inc.
2. City of Toronto
3. 1153 Queen West Holdings Inc., in reply (if any)

Attachment 5

Meaning of terms used in the Procedural Order:

Party is an individual or corporation permitted by the Tribunal to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other Parties, and making submissions on all of the evidence. If an unincorporated group wishes to become a Party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a Party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorization from the Party.

NOTE that a person who wishes to become a Party before or at the hearing, and who did not request this at the Case Management Conference, must ask the Tribunal to permit this.

Participant is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a written statement that sets out their position on the appeal and issues of the proceeding, together with an explanation of their reasons in support of their position to the Tribunal in accordance with Rule 7.7 of the Tribunal's Rules of Practice and Procedure.

NOTE that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as Parties can.

Written and Visual Evidence:

Written evidence includes all written material, reports, studies, documents, letters and witness statements which a Party intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.

Visual evidence includes photographs, maps, videos, models, and overlays which a Party intends to present as evidence at the hearing.

Witness Statements:

A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which the witness will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing.

An **expert witness statement** should include the expert's (1) name and address, (2) an executed acknowledgement of experts duty form and expert's qualifications, (3) a list of the issues the expert will address, (4) their expert's opinions on these issues, the reasons that support their opinions and their conclusions; and (5) a list of reports that the witness will rely on at the hearing.

A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the Participant will address and a short outline of the evidence on those issues; and a list of reports, relied upon, if any, which the Participant will provide to the Tribunal for consideration of the written statement at the hearing.

Additional Information:

Summons: A Party must ask a Tribunal Member or the senior staff of the Tribunal to issue a summons. This request must be made before the time that the list of witnesses is provided to the Tribunal and the Parties (see Rule 13 on the summons procedure). If the Tribunal requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Tribunal is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.

The order of examination of witnesses: is usually direct examination, cross-examination and re-examination in the following way:

- direct examination by the Party presenting the witness;
- direct examination by any Party of similar interest, in the manner determined by the Tribunal;
- cross-examination by Parties of opposite interest;
- re-examination by the Party presenting the witness; or
- another order of examination mutually agreed among the Parties or directed by the Tribunal.