

# MINUTES



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## MISSISSAUGA APPEAL TRIBUNAL

THE CORPORATION OF THE CITY OF MISSISSAUGA

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**TUESDAY, NOVEMBER 18, 2008 – 9:30 A.M.**

COMMITTEE ROOM C, SECOND FLOOR  
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

### MEMBERS PRESENT:

Lynda Ross, Citizen Member (Chair)  
Roderick Chung, Citizen Member  
Leonard Lyn, Citizen Member  
David Brown, Citizen Member

MEMBERS ABSENT: Rafiq Rokerya, Citizen Member (Vice-Chair)

STAFF PRESENT: Jessica Reid, Legislative Coordinator, Office of the City Clerk  
Marcia Taggart, Legal Counsel, Legal Services Division

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MISSISSAUGA APPEAL TRIBUNAL NOVEMBER 18, 2008

CALL TO ORDER

INTRODUCTIONS

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST

MATTERS CONSIDERED

1. Administrative Matters
2. Business Arising Out of Prior Meetings
3. Other Business

DATE OF NEXT MEETING

ADJOURNMENT

CALL TO ORDER – 9:34 a.m.

INTRODUCTIONS

All Members and staff persons present introduced themselves.

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST - Nil

MATTERS CONSIDERED

1. ADMINISTRATIVE MATTERS:

1.1 Confirmation / Additions to the Agenda of this Meeting

The agenda prepared for this meeting was confirmed and no items of business were added.

Approved  
MG.09

1.2 Minutes of Previous Meeting – September 17, 2008

Citizen Member David Brown moved that the Minutes of the September 17, 2008 meeting be adopted as presented. The motion was seconded by Citizen Member Leonard Lyn. The motion was voted upon and carried.

Adopted  
MG.09

2. BUSINESS ARISING OUT OF PRIOR MEETINGS:

2.1 Hearing Procedures

Tribunal held its first Hearing on October 28, 2008 and reviewed its Hearing procedures.

The Members discussed the balance between allowing the parties to tell their story and the Hearing process and the majority felt that the October 28, 2008 Hearing was well balanced.

Marcia Taggart, Legal Counsel suggested that holding the Hearings in a larger space may allow for the Tribunal to retire less often and accelerate the Hearing process. The Tribunal agreed and requested that the Tribunal Coordinator look into reserving a larger space for Hearings.

Ms. Taggart explained that the Prosecution Division was concerned with parties filing witness statements with the Tribunal. Ms. Taggart suggested that exchanging witness statements and not filing them with the Tribunal allows the parties to know what to expect, and yet is unbiased to the parties. Chair Lynda Ross indicated that she is concerned with not accepting filed witness statements in that it could be problematic for the Tribunal to implement strict Rules about witness statements. Citizen Member Leonard Lyn indicated that there would be no need to file a witness statement for a witness that will attend the Hearing. Mr. Brown concurred and added that the Tribunal will determine what is admissible and the weight that it will be given. Ms. Taggart noted that this approach will take up a considerable amount of time at the beginning of a Hearing, and perhaps the Tribunal might speak to its legal counsel to see if she has any suggestions.

Mr. Lyn suggested that the Tribunal encourage witnesses giving evidence in person, and secondly by way of affidavit which would be filed with the party's documents brief. Mr. Brown moved that the Tribunal Coordinator be requested to create a practice direction for compiling a documents brief and affidavit. The motion was voted upon and carried.

Direction (David Brown)  
MG.09

3. OTHER BUSINESS - Nil

DATE OF NEXT MEETING(S)

Standard Hearing Date: January 27, 2009

ADJOURNMENT – 10:23 a.m.