



Town of Aurora Aurora Appeal Tribunal Hearing Minutes

Date:	Monday, July 6, 2020
Time and Location:	6 p.m., Video Conference
Committee Members:	Tom Plamondon (Chair), Clarence Lui (Vice Chair), Michele Boyer, Steven D'Angeli, Daniel Lajeunesse
Members Absent:	None
Other Attendees:	Lindsay Clarke, Supervisor, Animal Services, By-law Services (Town's Case Presenter), Bethany Coleman, Animal Services Officer, By-law Services (Town's Case Presenter); Patricia Calderon, Appellant; Samantha Yew, Deputy Town Clerk

This meeting was held electronically as per Section 20.1 of the Town's Procedure By law No. 6228-19, as amended, due to the COVID-19 State of Emergency.

1. Call to Order

The Chair called the hearing to order at 6:12 p.m.

2. Declarations of Interest

None

3. Adjournments/Withdrawals (Added section)

1. 36 Victoria Street – Notice to Muzzle – Animal Services By-law No. 6197-19

The Vice Chair provided a brief overview of the Pre-meeting Conference held on June 26, 2020, noting that there was an attempt to resolve outstanding issues.

The Committee requested clarification from regarding the ownership of the dog as the Notice to Muzzle was issued to another person. The Appellant confirmed that she is the owner of the dog.

Town Staff requested an adjournment of the appeal for 36 Victoria Street to a later date as there is a pending trial that has the same disclosure. The Town stated that they are seeking an opinion from the Town Solicitor regarding the release of the disclosure to the appellant, and any potential impacts release may have on the trial.

The Appellant, Town Staff, and Committee Members discussed means of obtaining evidence and potential hearing dates.

The Tribunal recessed the hearing to deliberate the matter at 6:55 p.m. and reconvened the hearing at 7:22 p.m.

Moved by Clarence Lui

Seconded by Steven D'Angeli

That the Tribunal grants the adjournment of the hearing to Thursday, July 30, 2020, at 6:30 p.m., on a pre-emptory basis to both parties, and issues the following procedural order pursuant to Rule 6 for the conduct of the hearing:

The Tribunal orders as follows:

1. Any request to summons pursuant to Rule 20.3 and subsections 12(1) and (2) of the *Statutory Powers Procedure Act* is to be made in writing for consideration by the Tribunal by no later than 5:00 p.m. on Wednesday, July 8, 2020, which request shall include, but is not limited to, the following information:
 - a. The name, address and phone number of the person requesting the summons;
 - b. The name, address and phone number of the proposed witness whom the summons is being requested;
 - c. The relationship of the person to be summoned to the matter before the Tribunal;
 - d. The issues and the evidence that the person is to address;
 - e. The relevance of that evidence to the issues before the Tribunal;
 - f. The specific attempts made by the party to secure the evidence, including documents and items, from the proposed witness; and

- g. A specific list of documents and items that the proposed witness to be summoned shall bring to the hearing; and
2. All witness statements and documents, including any and all correspondence, records, reports, photographs and video recordings, upon which the appellant and the Town intend to rely for the hearing shall be disclosed to the other party by no later than 5:00 p.m. on Thursday, July 23, 2020; and
3. The hearing will be conducted by video conference via Zoom. The Town will provide details of the videoconferencing process in advance of the hearing; and
4. All materials referred to in paragraph 2, above, are to be uploaded to a drop box hosted by Kiteworks for access by the appellant, the Town, and the Tribunal; and
5. All documents shall be labelled and named in a manner that identifies them clearly for the Tribunal so that it is not necessary to open the document to understand the contents of the document; and
6. Documents uploaded shall be made available with “view” permission only, and not “edit” permission; and
7. Documents used for the presentation of the evidence at the public hearing could have the personal private information of third parties redacted in order to preserve the privacy of the third parties; and
8. All documents for the Tribunal shall be provided in an unredacted form; and
9. The appellant and the Town are encouraged to undertake efforts and identify for the Tribunal all facts upon which they agree for the purpose of the hearing, and to submit a joint document in numeral paragraphs entitled “Statement of Agreed Facts” to the Tribunal at the opening of the hearing; and
10. The link to the drop box site on Kiteworks is to be provided to the Tribunal by no later than July 28, 2020.

Carried

4. Appeals for Consideration

None

6. Adjournment

Moved by Daniel Lajeunesse
Seconded by Michele Boyer

That the hearing be adjourned at 7:32 p.m.

Carried