

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5558-13

BEING A BY-LAW to create the Aurora Appeal Tribunal and to establish its Rules of Procedure.

WHEREAS the Council of The Corporation of the Town of Aurora wishes to create the Aurora Appeal Tribunal, which is to be composed of citizens of Aurora appointed by the Council;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act") permits Council to delegate its powers and duties, including the power to hold hearings and make decisions;

AND WHEREAS Section 23.2 of the Act permits Council to delegate its quasi-judicial powers under the Act, such as its powers to regulate business licenses and dog/animal control, to individuals appointed by Council;

AND WHEREAS the creation of the Aurora Appeal Tribunal permits the Town to separate its quasi-judicial functions from its legislative and executive functions;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1 In this by-law, the following words have the following meanings:
- (a) "Animal Control By-law" means and includes By-law Number 4747-05.P (Dog Control and Licensing By-law), as amended or successor thereof, and the Town's Animal Control By-law, as amended or successor thereof;
 - (b) "appellant" means the person appealing a decision of the Town to the Tribunal;
 - (c) "Council" means the Council of The Corporation of the Town of Aurora;
 - (d) "Licensing By-law" means By-law Number 4258-01.P, as amended or successor thereof;
 - (e) "member" means a member of the Tribunal;
 - (f) "Town" means The Corporation of the Town of Aurora; and
 - (g) "Tribunal" means the Aurora Appeal Tribunal.

2. AURORA APPEAL TRIBUNAL

- 2.1 The Aurora Appeal Tribunal is hereby established.
- 2.2 The Tribunal shall conduct the hearings and perform the duties that are assigned to it under this by-law.
- 2.3 The Tribunal shall be composed of not fewer than five (5) individuals who shall be appointed by Council.

2.4 The Tribunal shall meet as often as it decides necessary for the expedient resolution of its case load.

3. RULES OF PROCEDURE

3.1 The Rules of Procedure set out in Schedule "A" shall govern the Tribunal.

4. JURISDICTION

4.1 The Tribunal shall hear appeals of decisions of the Town, which decisions carry a right of appeal to the Tribunal as may be set out in the Licensing By-law or the Animal Control By-law.

5. HOW THE TRIBUNAL IS TO MAKE ITS DECISION

5.1 The Tribunal shall make decisions that further the public interest and are consistent with the purpose and intent of any relevant by-laws.

5.2 The decision of the Tribunal is final and there is no right of further appeal to Council.

6. EXCEPTION

6.1 If a quorum of Tribunal members cannot be convened, nothing prevents Council from convening a Committee of Council to hear a specific appeal arising under section 4.

6.2 The Tribunal has no power to deal with a matter that has been referred to a Committee of Council convened under subsection 6.1.

6.3 A Committee of Council convened under subsection 6.1 has all the powers with respect to that matter that the Tribunal would have under subsection 6.1 and the decision of the Committee of Council shall be final without being required to have its decision ratified by Council.

7. LICENSING BY-LAW APPEALS

7.1 After the hearing of an appeal relating to a license, the Tribunal may make any decision the Town could have made, including any of the following, separately or in combination:

- (a) grant a licence, with or without conditions;
- (b) refuse an application for a license;
- (c) refuse to reinstate a license;
- (d) revoke a license;
- (e) suspend a license; or
- (f) alter, cancel, or impose a term or condition of a license.

8. ANIMAL CONTROL BY-LAW APPEALS

8.1 After the hearing of an appeal regarding an order, designation, or notice issued under the Animal Control By-law, the Tribunal may:

- (a) affirm, vary, or rescind any such order, designation or notice; and
- (b) place additional, vary or substitute with its own, any requirements that were placed upon an animal subject to such order, designation or notice issued under the Animal Control By-law.

9. HEARING PROCEDURE

9.1 An appeal is commenced by the filing of a written notice/request for appeal with the Town Clerk, accompanied by the payment of the fee (if any) within the applicable appeal period set out in the Town's Licensing By-law or Animal Control By-law, calculated according to the Rules of Procedure, after the appellant receives the decision or notice from the Town that is to be appealed, or is deemed to have received the decision, whichever is earlier.

9.2 On receipt of a written request for an appeal hearing from the appellant, the Town Clerk shall schedule a hearing and shall give reasonable notice to the appellant, as set out in the Rules of Procedure.

- 9.3 A decision by the Tribunal is a statutory power of decision within the meaning of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, which applies to the Tribunal and hearing conducted by the Tribunal with the exception of sections 17.1 (power to award costs), and 18 (requirement to send copies of final decision and order).
- 9.4 If the panel of the Tribunal requires, it may meet privately to inspect the property, to deliberate, or to write a decision or order.
- 9.5 When an appellant who has been given written notice of the hearing does not attend at the appointed time and place, the Tribunal may proceed in his or her absence, and the appellant shall not be entitled to any further notice of the hearing.
- 9.6 Notice of the Tribunal's decision shall be provided as per the Rules of Procedure.

10. LATE AND INSUFFICIENT APPEALS

- 10.1 A person who has the right of appeal under section 4 may bring a motion before the Tribunal to extend the time for filing the appeal, either before or after the expiry of the applicable appeal period.
- 10.2 The Tribunal may extend the time for filing the appeal if it is satisfied that there are apparent grounds for the appeal and a reasonable excuse for the delay or insufficiency of notice.

11. NO LIABILITY

- 11.1 No member of the Tribunal or Council, or any Town employee, is personally liable for anything done by it, or him or her, under authority of this by-law.

12. GENERAL PROVISIONS

- 12.1 This by-law shall be known and may be cited as the "Aurora Appeal Tribunal By-law".
- 12.2 This by-law shall come into full force and effect on the date of final passage hereof.


READ A FIRST AND SECOND TIME THIS 12th DAY OF NOVEMBER, 2013.

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF NOVEMBER, 2013.

Approved as to Form
 By Legal Services
 Signature Naman Ma
 Date: Nov. 8, 2013



 GEOFFREY DAWE, MAYOR



 JOHN D. LEACH, TOWN CLERK

Schedule "A" – BY-LAW NUMBER 5558-13

RULES OF PROCEDURE

To Govern the Proceedings of the Aurora Appeal Tribunal

1. **DEFINITIONS**

1.1 In these Rules, unless the context requires otherwise,

- (a) "Animal Control By-law" means and includes By-law Number 4747-05.P (Dog Control and Licensing By-law), as amended or successor thereof, and the Town's Animal Control By-law, as amended or successor thereof;
- (b) "appellant" means a person appealing a decision of the Town to the Tribunal under the Aurora Appeal Tribunal By-law;
- (c) "file" means to transmit a document to the Town Clerk, except for a notice of appeal, which must be transmitted pursuant to Rule 14;
- (d) "hearing" means a hearing in any proceeding;
- (e) "licensee" means the holder of a license issued pursuant to the provisions of the Licensing By-law;
- (f) "Licensing By-law" means By-law Number 4258-01.P, as amended or successor thereof;
- (g) "motion" means an application for a specific order or decision of the Tribunal made in the course of a proceeding;
- (h) "member" means a member of the Tribunal;
- (i) "proceeding" means a matter brought before the Tribunal under the provisions of the Aurora Appeal Tribunal By-law;
- (j) "Rules" mean the Rules of Procedure of the Aurora Appeal Tribunal and "Rule" refers to sections of these Rules;
- (k) "Tribunal Chair" means the member assigned under Rule 5 to serve as chair of the Tribunal;
- (l) "Tribunal Coordinator" means the person assigned to perform the administrative tasks required by the Tribunal;
- (m) "Tribunal" means the Aurora Appeal Tribunal;
- (n) "Town" means The Corporation of the Town of Aurora; and
- (o) "Town's Case Presenter" means the person designated by the director of the Building & By-law Services Department to present the Town's case and materials to the Tribunal in response to any appeal or motion.

2. **INTERPRETATION**

2.1 These Rules shall receive such fair and liberal interpretation as will best ensure the most expeditious and just determination of every proceeding on its merits.

2.2 Where matters are not provided for in the Rules, the practice shall be determined by the panel of the Tribunal hearing the proceeding.

3. **APPLICATION**

3.1 Hearings of the Tribunal are conducted under the authority of the Aurora Appeal Tribunal By-law.

3.2 These Rules apply to all proceedings of the Tribunal in the exercise of its statutory power of decision, as defined in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended.

4. **SUBSTANTIAL COMPLIANCE**

4.1 Substantial compliance with the Rules is sufficient, and it is not intended that a technical objection based on the Rules should defeat an otherwise just result.

5. TRIBUNAL CHAIR

- 5.1 At its first meeting, the members of the Tribunal shall decide who is to be the Tribunal Chair. The Tribunal Chair will preside over hearings of the Tribunal and give direction to staff respecting any of the Tribunal's administrative duties.
- 5.2 At any meeting subsequent to the first meeting, the members of the Tribunal may elect to replace any current Tribunal Chair with a different member of the Tribunal.

6. PROCEDURAL ORDERS

- 6.1 In any proceeding, the Tribunal may issue procedural orders to govern the conduct of the proceeding.
- 6.2 The Tribunal may, at any time during a proceeding, amend any procedural order.
- 6.3 If circumstances of the proceedings so require, the Tribunal may vary or waive compliance with all or part of any Rule, at any time by making a procedural order.
- 6.4 A procedural order shall prevail over any provision of the Rules to the extent that the provision is inconsistent with the procedural order.
- 6.5 Subject to any procedural order issued by the Tribunal, the parties to a proceeding may, on consent, waive any of the provisions of the Rules.
- 6.6 A party seeking a waiver of any of the provisions of the Rules shall do so on a timely basis.

7. FAILURE TO COMPLY

- 7.1 Where a party to a proceeding has not complied in full with any Rule or procedural order, the Tribunal may,
 - (a) adjourn the proceeding until it is satisfied that such Rule or order is complied with, or
 - (b) take any other step as it considers just and reasonable.
- 7.2 No proceeding is invalid by reason only of a procedural defect or irregularity.

8. TIME

- 8.1 Under these Rules, "holiday" means,
 - (a) any Saturday or Sunday;
 - (b) New Year's Day;
 - (c) Family Day;
 - (d) Good Friday;
 - (e) Victoria Day;
 - (f) Canada Day;
 - (g) Civic Holiday;
 - (h) Labour Day;
 - (i) Thanksgiving Day;
 - (j) Christmas Day;
 - (k) Boxing Day; and
 - (l) any day on which the Town Hall offices are closed.
- 8.2 In the computation of time under the Rules or a procedural order, except where a contrary intention appears,
 - (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;

- (b) where the time for doing an act under the Rules or under an order expires on a holiday, the act may be done on the next day that is not a holiday; and
- (c) service of a document made after 5:00 p.m. or at any time on a holiday shall be deemed to have been made on the next day that is not a holiday.

8.3 Where a time of day is mentioned in the Rules or in any document or order in a proceeding, the time referred to shall be the time observed locally in the Town.

8.4 The Tribunal may extend or abridge any time prescribed in the Rules or established by a procedural order during a proceeding, on such terms as are just.

9. SERVICE OF DOCUMENTS

9.1 The Tribunal may require any party or the Tribunal Coordinator to cause the service of any document on any party in any of the following ways, or using any combination thereof:

- (a) by personal service by delivering the document to the person;
- (b) by regular or registered mail to the person's last known address;
- (c) by courier to the person's last known address;
- (d) by fax transmission at the person's last known fax transmission number;
- (e) by e-mail at the person's last known e-mail address; or
- (f) as directed by the Tribunal.

9.2 Documents transmitted by personal service or by courier are deemed to be served on the day that they are given to the recipient.

9.3 If a document is sent by regular or registered mail, it is deemed to be served five (5) days after mailing.

9.4 If a document is sent by fax transmission or e-mail, it is deemed to be served on the day of transmission, unless service is made after 5:00 p.m. in which case it is deemed to be served on the next day that is not a holiday.

9.5 The Tribunal may direct the Tribunal Coordinator or any other party to take steps to confirm that service has been effective.

9.6 The Rules regarding deeming of receipt date for fax transmission or email do not apply to the filing of the notice of appeal with the Town Clerk as such a document must be filed pursuant to Rule 14.

10. FILING AND FAXING

10.1 Filing of any document by any party to a hearing (i.e. transmitting it to the Town Clerk) may be effected by personal delivery, by ordinary or registered mail, by fax transmission, by courier or otherwise as the Tribunal may order.

10.2 A document that is more than twenty (20) pages may not be served by fax on other parties unless prior consent from the intended recipient is obtained.

10.3 Where a document is filed with the Town Clerk, the date of the receipt stamp on the document shall be deemed to be the date of the filing, unless the Tribunal orders otherwise.

10.4 Where the Tribunal Coordinator has no record of the receipt of a document alleged to have been filed with the Town Clerk, the document shall be deemed not to have been filed, unless the Tribunal orders otherwise.

11. EXHIBITS

11.1 All parties to a hearing, including any solicitors and agents, shall bring to the hearing a sufficient number of copies of documents, including any photographs or pictures, for the Tribunal members, the Tribunal Coordinator, counsel to the Tribunal and the other parties.

11.2 Any photographs, pictures or other illustrations being provided by a party to the Tribunal or any other party shall be clear.

12. FORMAT OF DOCUMENTATION

12.1 Every written document in a proceeding shall be on 8½ by 11 inch paper and the text shall be printed, typed written or reproduced legibly with spaces between the lines (where practicable on both sides of each page) or in such alternate format as may be directed by the Tribunal or Tribunal Chair in order to accommodate the needs of the Tribunal and parties to the hearing.

13. CONTENT OF NOTICE OF APPEAL

13.1 Where an appellant requests a hearing before the Tribunal, the notice of appeal shall be in writing to the Town Clerk and shall include:

- (a) an identification of the appellant and any other party;
- (b) the addresses, telephone numbers and, where available, facsimile number for each person identified in clause (a), and their agents, if any;
- (c) the name, address, and telephone number of any agent, representative, or lawyer representing the appellant;
- (d) if special services or accommodation are required, including translation services or services for the visually or hearing impaired, a statement describing such a request; and
- (e) the required fee.

14. NOTICE OF APPEAL

14.1 In this Rule, the last day of the applicable appeal period after the deemed date of service of the decision that is being appealed is called the "appeal deadline".

14.2 An appeal is commenced by the delivery or transmitting of a notice of appeal to the Town Clerk by:

- (a) personally delivering it to a person in the Town Clerk's Office;
- (b) registered mail;
- (c) ordinary mail; or
- (d) courier.

A notice of appeal is ineffectual to create a right to a hearing unless it is received by the Town Clerk on or before the appeal deadline. A notice of appeal cannot be delivered by fax transmission or email.

14.3 If a notice of appeal is received after the appeal deadline, the Tribunal Coordinator shall refuse the notice of appeal and advise the sender by registered mail that:

- (a) the appeal is denied based on the late filing; and
- (b) the decision under appeal is final and binding.

14.4 A person wishing to bring a motion to extend the time for filing an appeal shall make a written request (the "Request"), supported by reasons, to the Tribunal Coordinator.

14.5 The Tribunal Coordinator may then schedule a time for the hearing of the motion and shall forward a copy of the Request to the Tribunal members, the Town's Manager of By-law Services, and counsel for the Tribunal.

14.6 The person making the Request has a right to attend the motion and further explain the particulars of the request to the Tribunal.

14.7 The Town's Case Presenter or any other Town staff assigned to a Request, the Tribunal members or any other party deemed appropriate by the Tribunal shall have the right to ask questions of the person bringing a motion for extension of time and to make submissions and present evidence in relation to such a motion.

15. DISCLOSURE

15.1 The Tribunal may, at any stage in a proceeding, make such order as it considers just and necessary for:

- (a) the exchange of documents;
- (b) the exchange of witness statements;
- (c) the provision of particulars; and
- (d) any other form of disclosure.

16. PLANNING THE HEARING

- 16.1 Upon receipt of a notice of appeal that is received in compliance with Rule 14 or where it is otherwise authorized by the Tribunal, the Town Clerk, in consultation with the Tribunal Coordinator, will process the appeal by scheduling a hearing for the next available hearing date. If a party to the hearing advises the Tribunal Coordinator of unavailability for that date, the Tribunal Coordinator, in consultation with the Tribunal Chair, may reschedule for a later hearing date. In the event of repeated unavailability of any party, the Tribunal Coordinator may proceed to set a hearing date, despite the inconvenience to any party. A hearing shall not be rescheduled by the Tribunal Coordinator if a request is made within five (5) days of the scheduled hearing date.
- 16.2 If a request to reschedule is made less than five (5) days within the date of the scheduled hearing, the hearing can only be rescheduled with an adjournment order of the Tribunal or Tribunal Chair.
- 16.3 The Tribunal Coordinator shall set the time and place of a hearing.
- 16.4 The Tribunal may have a standard standing hearing date each month, on a basis to be determined by the Tribunal. If no appeals are submitted by 12:00 p.m. on the day that is two weeks prior to the standing hearing date, the Tribunal meeting for that month is deemed to be cancelled.
- 16.5 If the Tribunal Coordinator receives a withdrawal of appeal prior to the hearing date, notice of cancellation of the hearing shall be sent to all persons who received notice of the hearing.
- 16.6 The Tribunal Coordinator shall prepare an agenda package for each appeal consisting of:
- (a) the schedule of all appeals to be heard on that day;
 - (b) the notice of each hearing;
 - (c) the decision of the Town that is under appeal;
 - (d) the letter of appeal;
 - (e) any related information or documents, such as reports or correspondence, if any, that are to be used at the hearing; and
 - (f) an extract of any relevant portion of the by-law in question.

The agenda package is to be sent to: the Tribunal members, the Town's Manager of By-law Services, counsel for the Tribunal, the person who has filed the appeal, any other parties to the appeal and other parties directed by the Tribunal or the Tribunal Chair.

- 16.7 Hearings pursuant to this by-law shall be scheduled to take place in the Aurora Town Hall Chambers or, if the Aurora Town Hall Chambers are not available or not an appropriate venue for a specific hearing, in another place that is determined by the Tribunal Coordinator.
- 16.8 Once a date has been set for a hearing, it may not be adjourned except by order of the Tribunal or Tribunal Chair, except if an appeal is rescheduled by the Tribunal Coordinator as set out in Rule 16.1 or withdrawn as set out in Rule 16.5.

17. CONFLICT OF INTEREST

- 17.1 The Tribunal is subject to the *Municipal Conflict of Interest Act*. Reference shall be made to that Act as to what constitutes an indirect pecuniary interest. The pecuniary interest, direct or indirect, of a parent or the spouse, same-sex partner or any child of the Tribunal member shall, if known to the member, be deemed to be also the pecuniary interest of the member.

18. PRE-HEARING

- 18.1 The Tribunal or the Tribunal Chair may, at the request of a party or on its own initiative, direct that a pre-hearing conference be held in any proceeding and that the parties participate in the conference.
- 18.2 The purpose of the pre-hearing conference will be to:
- (a) exchange information between the parties, including disclosure of particulars, physical or documentary evidence, lists of witnesses and witness statements;
 - (b) narrow or simplify any issues of law and fact;
 - (c) identify agreed upon facts, evidence or law;
 - (d) provide notice of any preliminary motions;
 - (e) establish dates by which any steps in the proceeding are to be started or completed;
 - (f) determine the estimated duration of the hearing;
 - (g) determine any other matter that may assist in the just and expeditious disposition of the proceeding; and
 - (h) mediate any or all of the outstanding issues in dispute.
- 18.3 A pre-hearing conference may be conducted in person, in writing, or by telephone conference call at the discretion of the Tribunal, or Tribunal Chair if applicable, or as may be agreed upon by the parties.
- 18.4 The Tribunal Chair may designate any member to preside at the pre-hearing conference.
- 18.5 Quorum for a pre-hearing conference may be reduced to one member of the Tribunal at the discretion of the Tribunal Chair.
- 18.6 At the conclusion of the pre-hearing conference, the parties or their representatives may sign a memorandum setting out the results of the pre-hearing conference to be given to the Tribunal to form the basis of a consent order.

19. NOTICE OF HEARING

- 19.1 The Tribunal Coordinator shall give at least five (5) days' written notice prior to commencement of any hearing or pre-hearing. The notice shall be provided in the manner prescribed under Rule 9.1.

20. SUMMONSES

- 20.1 The Tribunal may require any person, including a party, by summons to attend at the hearing to give evidence on oath or affirmation.
- 20.2 A summons shall be in the form prescribed by Regulation 116/95 of the *Statutory Powers Procedure Act*, as amended or successor thereto.
- 20.3 To obtain a summons, a party must satisfy the Tribunal that the evidence of the person to be summonsed is relevant and necessary to the issues in dispute at the hearing.
- 20.4 The summons shall be personally served by a provincial offences officer or any other person over the age of eighteen (18) years. Service shall be proven by a written affidavit.
- 20.5 The person summonsed is entitled to receive the same fees and travel allowances as set out in Tariff A (Lawyers Fees and Disbursements) of the Rules of Civil Procedure from the person requesting the appearance.

21. HEARING QUORUM

- 21.1 Quorum for a hearing is three (3) members of the Tribunal.
- 21.2 The decision of the majority of the hearing panel shall constitute the Tribunal's decision.
- 21.3 In the event of a tie, where four (4) members are sitting on the panel, the appeal shall be deemed to be rejected by the Tribunal and the decision that is

under appeal shall be deemed to have been upheld by the Tribunal.

- 21.4 Any Tribunal members that arrive after quorum is achieved and a hearing commenced will not be entitled to take part in such a hearing or the decision regarding any such a hearing.

22. THE HEARING

- 22.1 The hearing shall be held in person, unless otherwise ordered by the Tribunal.
- 22.2 The hearing cannot commence until quorum, as described under Rule 21, is achieved. If quorum is not achieved within thirty (30) minutes of the scheduled start time, the hearing shall be rescheduled to the next date pursuant to Rule 16 as if it were the first notice of the hearing and a notice shall be sent to all parties pursuant to Rule 19.
- 22.3 The Tribunal Chair shall serve as a "hearing chair" during the hearing. When the Tribunal Chair is unable to attend a hearing or where the Tribunal decides to appoint a member other than the Tribunal Chair to oversee the hearing, those members present to conduct the hearing shall select amongst themselves the member who will serve as the hearing chair.
- 22.4 An in person proceeding shall be conducted as follows, unless the Tribunal orders otherwise:
- (a) the hearing chair will call the hearing to order and may advise the appellant of the hearing procedure;
 - (b) the Tribunal Coordinator, or a person designated by the Tribunal, will swear or affirm the witnesses;
 - (c) a lawyer of the Town's Legal Services Department who is not privy to the case of either party may be present as counsel to the Tribunal to assist and give legal advice to the Tribunal hearing the case. However, counsel to the Tribunal does not have power to decide the appeal, which rests with the Tribunal;
 - (d) the hearing process is informal, but the *Statutory Powers Procedure Act* applies;
 - (e) the Town's agent should be called "Town's Case Presenter" and not a "prosecutor";
 - (f) the Town's Case Presenter may make an opening address and, subject to clause (g), shall then adduce evidence;
 - (g) an appellant may make an opening address immediately after the opening address of Town's Case Presenter and before the Town's Case Presenter adduces any evidence;
 - (h) when the evidence being called on behalf of the Town's Case Presenter is concluded, the appellant may make an opening address, unless he or she has already done so pursuant to clause (g), and may then adduce his or her evidence;
 - (i) when the presentation of the evidence of the appellant is concluded, the Town's Case presenter may adduce any proper reply evidence;
 - (j) after all of the evidence has been adduced by all parties to the proceeding, the Town's Case Presenter may make a closing address, followed by the closing address of the appellant, if he or she decides to do so;
 - (k) the process for each witness to give testimony is: evidence in chief, cross-examination and reply, if any;
 - (l) each member of the Tribunal may ask questions of the witness at any time;
 - (m) the Tribunal may recall a witness for the purpose of clarifying a point that has arisen since the witness has concluded his or her main presentation;
 - (n) the hearing chair shall ensure that there is no undue harassment or embarrassment of the witness as he or she is giving evidence and may

disallow a question put to the witness that is vexatious or irrelevant to any matter that may be properly inquired into at the proceeding;

- (o) where a witness appears unwilling or unable to give answers to the questions being posed, the hearing chair may permit the party calling the witness to examine him or her by means of leading questions; and
- (p) these Rules, except for Rule 21 relating to quorum, are subject to change by the Tribunal, if the Tribunal finds that there is a more fair way of proceeding.

23. DECISION

- 23.1 The panel of members that heard an appeal will attempt to make a written decision no later than fifteen (15) business days after the hearing is completed.
- 23.2 Once a decision is rendered by the Tribunal regarding an appeal, the Tribunal Coordinator shall ensure that the presiding members of the hearing sign a copy of such a decision.
- 23.3 The Tribunal Coordinator will send a copy of the Notice of Decision to:
 - (a) the members of the Tribunal;
 - (b) the parties to the hearing;
 - (c) the counsel to the Tribunal;
 - (d) the Manager of Town's By-law Services; and
 - (e) any other person that the Tribunal directs.

24. COSTS

- 24.1 The Tribunal does not have the power to award costs of the proceedings to a party.

25. MINOR ERRORS

- 25.1 The Tribunal may at any time and without prior notice to the parties, correct a typographical or any other minor error, clarify an ambiguity or misstatement or revise an incidental matter contained in a written decision or order.
- 25.2 In the case of any correction or revision to a decision or order that has been served on any party, the Tribunal Coordinator shall serve such corrected or revised decision or order on all parties in the same manner as service of the original decision or order.