



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

Web Site: olt.gov.on.ca

REQUEST FOR ISSUANCE OF A SUMMONS TO WITNESS FORM

The completed form must be returned to the Ontario Land Tribunal (OLT) by email or mail. The OLT’s Rules of Practice and Procedure require that a summons be served no later than **5** days before the time for attendance. Please ensure that your request is filed with the OLT in sufficient time for it to be considered in advance of the attendance date. A form must be completed for each person you are requesting approval to summons.

If your request is approved, you will be provided with a summons and instructions for service.

Please refer to Rule 13.1 and 13.2 of the OLT’s [Rules of Practice and Procedure](#) for more information.

Request by (Party or Representative)

Last Name:

First Name:

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):

Email Address:

Daytime Telephone Number: ext.

Alternative Telephone Number:

904-792-4940 until 15 Apr
2023, then 289-783-1077

Mailing Address:

Unit Number:

Street Number:

Street Name:

5419 River Road

P.O. Box:

City/Town:

Niagara Falls

Province:

Ontario

Country:

Canada

Postal Code:

L2E 3H1

Hearing Information

Hearing Date: (dd/mm/yyyy)

30 March 2023

Hearing Time:

10:00 AM

Witness for Whom a Summons is Being Requested

Name of Witness:

Title:

Mailing Address:

Unit Number: Street Number:

Street Name:

P.O. Box:

City/Town:

Province:

Country: Postal Code:

Witness Information

Was the witness listed in a Procedural Order? Yes No

Note the relationship of the person to the matter before the OLT, the issues and the evidence that the person is to address and explain the relevance of that

evidence to the issues before the OLT. Detailed information must be provided.

(If the OLT is not satisfied from the information provided that the evidence to be provided by the person is relevant to the issues before the OLT or admissible, the summons shall not issue.)

Mr. Herlovitch was Director of Planning for the City of Niagara Falls at all material times pertaining to the matter of this appeal: from the beginning of the Applicant's illegal commercial use of the subject property for tourist accommodation in May 2017, all the way to Council's legalization of that use as a vacation rental in August 2021. Mr. Herlovitch was involved at every step of the process. He opposed the Application to legalize the subject property for commercial use as a satellite of the inn at 5359 River Road, but supported the Revised Application to legalize it for commercial use as a vacation rental.

Attached to this request is the compilation I submitted to the Tribunal on 15 August 2021, "Documents for OLT-21-001728 beyond those submitted by the City to OLT in its Municipal Record." Mr. Herlovitch was the sender or a recipient of all or nearly all of the documents in that compilation. Each is directly related to an issue on the agreed upon Issues List submitted to the Tribunal by the City on 25 November 2022. It is through Mr. Herlovitch's testimony that I intend to introduce each of these documents into evidence at the hearing.

Mr. Herlovitch has since retired from the City of Niagara Falls and is now Director of Planning for Fort Erie. I had a friendly meeting with him in Fort Erie on 29 September. I sent him beforehand copies of the text of the by-laws under appeal, my statement to OLT of my reasons for appeal, and the document compilation noted above. We agreed that because he recommended in favour of the by-laws in their final form, it is appropriate that I request he be summoned to testify in support of my position.

Municipal Reference Number(s):

City File AM-2019-022

For all appeal types, please outline the nature of the appeal and the reasons for the appeal:

The appeal is to overturn By-laws Nos. 2021-95 and 2021-96, which would legalize the vacation rental at 5411 River Road.

The reasons for the appeal are summarized on the Appeal Form (A1).

Documents that Witness is Required to Bring

In preparation for our meeting on 29 September 2022, I sent Mr. Herlovitch the documents on which I intend to question him. He may, of course, bring along additional documents. My goal is that the Tribunal have all relevant information about this matter, so that it may render a sound decision.

Declaration

Name of Requestor:

Signature of Requestor:

Date (yyyy/mm/dd):

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

OLT OFFICE USE ONLY

Approved

By:

Date:

Request further Information

By:

Date:

Motion Required

By:

Date: