

OLT-21-001728: Three requests for issuance of summons

Kenneth Westhues <kwesthues@uwaterloo.ca>

Mon 11/28/2022 11:10 PM

To: Zwarycz, Tamara (MAG) <Tamara.Zwarycz@ontario.ca>

Cc: Tom Halinski <thalinski@airdberlis.com>; Naomi Mares <nmares@airdberlis.com>; Rocky Vacca <rvacca@sullivan-mahoney.com>

Bcc: Anne Westhues <awesthue@hotmail.com>

📎 1 attachments (240 KB)

AppealSubpHERLOVITCH221128.pdf;

Dear Ms. Zwarycz:

When I first submitted my appeal on 4 October 2021, I included with it the forms for requesting issuance of summons to two people: the Applicant (John Pinter) and the co-owner of the subject property (Alfred D'Souza). I heard nothing from the Tribunal with regard to these requests, and expected that the Tribunal would rule on them at the CMC of 2 September 2022. I therefore sent you two PDFs in mid-August, documents in support of the request for Mr. Pinter, and documents in support of the request for Mr. D'Souza. You acknowledged receipt and said you would add these submissions to the file.

The Tribunal did not rule on these requests at the CMC, but said that now that a hearing date has been set (30 March 2023), "Mr. Westhues is free to follow-up on the status of those requests."

By this email, I wish to renew those requests for issuance of summons to Mr. Pinter and Mr. D'Souza. The Tribunal already has the forms I filled out a year ago, and now also the supporting documents I submitted in August.

If the Tribunal would like me to fill out the forms again and resubmit them, this time inserting the hearing date, I am happy to do that, just let me know, but I hesitate to clutter the case file unnecessarily with duplications.

I want also to request issuance of summons to Alex Herlovitch, who was the Director of Planning for the City of Niagara Falls throughout the process leading up to this appeal, and who was involved at every stage of it. Attached please find the requisite form.

In completing the form, I make reference to yet another PDF I submitted to you in August, "Documents for OLT-21-001728 beyond those submitted by the City to OLT in its Municipal Record." These are the documents about which I want to question Mr. Herlovitch. My first thought was to attach that PDF to the form, and I did so, but the result was a very large file. So again, to avoid duplication, since you already have that PDF, I am submitting herewith only the official Request-for-Summons Form. If you would like me to submit the form with that PDF as an attachment, let me know and I will do so.

Finally, I hereby formally withdraw the request-for-summons form I submitted a year ago for City Councillor Chris Dabrowski. As I explained on the form, the request was only if the Tribunal would like to hear the competing viewpoints of Councillors who voted for and against the by-laws here under appeal. I understand from the CMC that hearing from these elected officials would be irregular.

Please acknowledge receipt of this email and let me know if you have trouble opening the attachment or if I should resubmit the documents I submitted earlier.

Respect and thanks,

Kenneth Westhues
Appellant