

## Acknowledgement of receipt, thanks, and comments re CMC decision, OLT-21-001728

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Dear Ms. Zwarycz:

This is to acknowledge with thanks receipt of the "Memorandum of oral decision delivered by M. A. Sills on September 2, 2022 and order of the tribunal." I thank the tribunal in particular for (1) having ordered a two-day hearing to commence on 30 March 2023; and (2) having granted Participant status to John Garrett, Debra Jackson-Jones and Linda Manson.

### Three witnesses to be called for brief testimony

Ms. Sills misunderstood my request for direction about how to enter documents into evidence at the merit hearing. I was not asking to be coached. I was asking for information about standard OLT procedures that I had been unable to find in the *Rules of Practice and Procedure*. From her and Mr. Halinski's conflicting responses at the CMC, I conclude that the OLT procedures with regard to entering documents into evidence are not standard, but depend on the discretion of the presiding tribunal member.

On 29 September, I had a friendly meeting with Alex Herlovitch, retired Director of Planning for the City of Niagara Falls. It is my intention to call Mr. Herlovitch, as well as Mr. Pinter and Mr. D'Souza, to give brief oral testimony at the hearing. I plan to resubmit the official Request for Summons forms, updated to include date and time of hearing, within the next couple of weeks.

### Inaccuracies in title of proceedings

The Memorandum of oral decision makes no mention of the serious problem drawn to your attention on 23 August by Richard Xue, owner of 11409433 Canada Inc., that his company was incorrectly listed as an Applicant in the title of proceedings, that his company has in fact nothing to do with these proceedings. By email of 1 September

2022, you informed Mr. Xue and all parties that you had appropriately amended the title of proceedings, listing Mr. Pinter as the sole applicant and vacation rental as the description.

At the CMC, Ms. Sills appeared not to have been informed of this change. I myself drew your email to her attention, and both Mr. Xue and his attorney, Mr. Ciglen, were in attendance. And now, in the memorandum of oral decision, Ms. Sills makes no mention of this matter and reverts to the factually inaccurate title of proceedings, listing Mr. Xue's company as an applicant and using the description, "satellite tourist accommodations."

### **Inaccuracy in the first paragraph**

Whichever tribunal member presides at the merit hearing, whether Ms. Sills or somebody else, he or she will be unable to deliver a fair and sound decision unless accurately informed of the basic facts of the case. Ms. Sills states in the first paragraph of the memorandum of oral decision that the subject property, 5411 River Road, is owned by John Pinter's company, 1907782 Ontario Inc., but this is false. Mr. Pinter owns 5427 River Road, another residential property he is trying to convert to commercial use as tourist accommodation, but he only rents 5411 River Road, which is owned by Markham residents Alfred and Collette D'Souza. It is of fundamental importance that the tribunal gets the basic facts straight about this appeal.

Respect, thanks, and kind regards to Ms. Sills, to you, to the other parties, and to all concerned.

Kenneth Westhues  
Appellant