

**Environment and Land Tribunals  
Ontario**

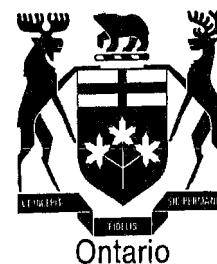
Ontario Municipal Board

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**Tribunaux de l'environnement et de  
l'aménagement du territoire Ontario**

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de l'Ontario

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**PROCEEDING COMMENCED UNDER** subsection 41(4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: Main Street Clock Inc.  
Subject: By-law 2013-51 - Heritage Conservation District Area  
Municipality: Town of Newmarket  
OMB Case No.: MM130083  
OMB File No.: MM130083  
OMB Case Name: Main Street Clock Inc. v. Newmarket (Town)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Main Street Clock Inc.  
Subject: Application amend Zoning By-law No. 2010-40 - Refusal of Application by the Town of Newmarket  
Existing Zoning: Historic Downtown Urban Centre Zone (UC-D1)  
Proposed Zoning: Site specific (to be determined)  
Purpose: To permit  
Property Address/Description: 178,180,184,190 & 194 Main Street  
Municipality: Town of Newmarket  
Municipality File No.: D14 NP 13-19  
OMB Case No.: MM130083  
OMB File No.: PL170048

**NOTICE OF PREHEARING CONFERENCE**

The Ontario Municipal Board will conduct a prehearing conference respecting this matter.

**If you do not attend the prehearing conference, the Ontario Municipal Board may proceed in your absence and you will not be entitled to any further notice of these proceedings.**

**TIME AND PLACE OF PREHEARING CONFERENCE**

A prehearing conference will be held

**at: 10:00 AM**  
**on: Wednesday, May 3, 2017**  
**at: Municipal Offices**  
**Council Chambers**  
**395 Mulock Drive**  
**Newmarket, ON L3Y 4X7**

The Board has set aside **1 day** for this conference.

## **PURPOSE OF PREHEARING CONFERENCE**

The conference will deal with preliminary and procedural matters, including the following:

- **Identification of parties** - these persons have the right to participate throughout by presenting evidence, questioning witnesses, and making final arguments. In order for the Board to determine your status for the hearing, you or your representative should attend the prehearing conference and ask to be added as a party. Groups, whether incorporated or not, who wish to become parties should name a representative. Parties do not need to be represented by lawyers or agents.
- **Identification of participants** - persons who do not wish to participate throughout the hearing may attend the hearing and make a statement to the Board. Such persons should also attend the prehearing conference.
- **Identification of issues.**
- **Possibility of settlement of any or all of the issues** – the panel will explore with the parties whether the case before the Board and the issues in dispute are matters that may benefit from the assistance of a mediation meeting conducted by a Member of the Board. Mediation is a voluntary process of negotiation that encourages all sides in a dispute to get a better understanding of each other's positions and fully explore and consider options for a mutually acceptable settlement of all or some of the issues in dispute. The panel may direct, upon consent of the parties, that some or all of the issues in dispute proceed to mediation. Where mediation is directed, a different Member of the Board would conduct the mediation.
- **Start date of the hearing.**
- **Duration of the hearing.**
- **Directions for prefiling of witness lists, expert witness statements and written evidence.**
- **The hearing of motions.**
- **Such further matters as the Board considers appropriate.**

Everyone present should come prepared to consider specific dates for proceedings in this matter.

## **EVIDENCE**

Evidence or formal statements may also be heard at the prehearing conference in an attempt to settle the matters in dispute. Note that even if no settlement is reached the Board may make a final decision on the evidence it received.

**All parties or their representatives should attend the prehearing conference.**

*Pour recevoir des services en français, veuillez communiquer avec la Division des audiences au (416) 212-6349, au moins 20 jours civils avant la date fixée pour l'audience.*

We are committed to providing accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

DATED at Toronto, this 1st day of March, 2017.

Mary Ann Hunwicks  
Secretary

## ONTARIO MUNICIPAL BOARD RULES ON ADJOURNMENTS

**61. Hearing Dates Fixed** Hearing events will take place on the date set unless the Board agrees to an adjournment.

**62. Requests for Adjournment if All Parties Consent** If all of the parties agree, they may make a written request to adjourn a hearing event. The request must include the reasons, a suggested new date, and the signed consents of all parties. However, the Board may require that the parties attend in person or convene an electronic hearing to request an adjournment, even if all of the parties consent.

**63. Requests for Adjournment Without Consent** If a party objects to an adjournment request, the party requesting the adjournment must bring a motion at least 10 days before the date set for the hearing event. If the reason for an adjournment arises less than 10 days before the date set for the hearing event, the party must give notice of the request to the Board and to the other parties and serve their motion materials as soon as possible. If the Board refuses to consider a late request, any motion for adjournment must be made in person, at the beginning of the hearing event.

**64. Emergencies Only** The Board will grant last minute adjournments only for unavoidable emergencies, such as illnesses, so close to the hearing date that another representative or witnesses cannot be obtained. The Board must be informed of these emergencies as soon as possible.

**65. Powers of the Board upon Adjournment Request** The Board may,

- (a) grant the request;
- (b) grant the request and fix a new date or, where appropriate, the Board will schedule a prehearing conference on the status of the matter;
- (c) grant a shorter adjournment than requested;
- (d) deny the request, even if all parties have consented;
- (e) direct that the hearing proceed as scheduled but with a different witness, or evidence on another issue;
- (f) grant an indefinite adjournment, if the request is made by the applicant or proponent and is accepted by the Board as reasonable and the Board finds no substantial prejudice to the other parties or to the Board's schedule. In this case the applicant or proponent must make a request that the hearing be rescheduled;
- (g) convert the scheduled date to a mediation or prehearing conference; or
- (h) make any other appropriate order.

August 11, 2008