

Modernizing the Planning System in Manitoba:

The role of the
Municipal Board in
planning appeals

Background

On May 20, 2021, Bill 37, The Planning Amendment and City of Winnipeg Charter Amendment Act was passed in the Manitoba Legislative Assembly.

The Act delivers on Manitoba's commitment to modernize planning and permitting processes and reduce red tape on development, while balancing the public interest. The new legislation introduces a number of changes to improve efficiency, transparency and accountability of planning and permitting, while also enhancing opportunities for economic growth across the province. The Act is expected to come into effect upon proclamation along with the publication of associated regulations.

Manitoba Municipal Relations is committed to prompt implementation and values the input of stakeholders, to help implement changes. The goal is to create an efficient appeals system that provides all parties with clear, transparent and accountable processes, and timely results.

Purpose

The purpose of this paper is to inform stakeholders (municipalities, planning districts, the development community and the public) of current appeal processes related to planning, and to seek input from stakeholders on what an efficient appeals system that delivers timely results would look like to them.

1. About the Municipal Board

a) Quasi-judicial Administrative Tribunal

The Municipal Board (the Board) is a quasi-judicial administrative tribunal. It performs executive functions through the processing of municipal finance and borrowing by-laws. It also performs judicial functions through the adjudication of hearings on various appeals and applications, including planning and land use matters. As a quasi-judicial tribunal, the Board is not strictly bound by formal Court Rules of Procedure, although they are used by the Board as a guide in determining the admissibility, relevance, and reliability of evidence that has been presented. Board members adjudicate matters similar to judges in that they hear and receive evidence, interpret and apply the law to the evidence, and draw conclusions and make findings after consideration and analysis of the facts and law presented.

The Municipal Board Act expressly gives the Board powers of a Court of Queen's Bench judge in certain matters, including with respect to the attendance and examination of witnesses, production and inspection of documents, payment of costs and enforcement of its orders.

As a quasi-judicial administrative tribunal, the Board is also bound by the principles of natural justice and duty of fairness. This ensures that parties have an opportunity to be heard, through a fair, open and transparent process, and have their case decided by an unbiased decision-maker.

The Municipal Board is an independent tribunal, functioning at arm's length from government. Board members are not influenced, or subject to direction, by any Minister, member of the Legislative Assembly, or government official in carrying out their duties.

b) Role and Mandate

The Municipal Board is one of the longest standing provincial administrative tribunals in Manitoba. It was originally part of the Municipal and Public Utilities Board and was established as a single board in the late 1950s. The Board's duties and responsibilities have evolved over time. The Board carries out its duties and service to municipalities, other stakeholders and the public at-large, in a fair, transparent and professional manner. The Municipal Board practice is to provide written decisions with supportive reasons and analysis, consistent review of, and updates to, its policies and procedures. The Board is also committed to providing documents in both official languages, keeping its website up-to-date and responding to all public and stakeholder enquiries in a timely and comprehensive manner.

The Municipal Board has a very broad and extensive mandate and the Board's roles and responsibilities are derived from legislation. This includes The Municipal Board Act, and many other Acts of the Legislature. A full list can be found in Appendix 1.

Specific Board functions include assessment appeals (The Municipal Assessment Act), municipal finance applications (The Municipal Act), planning and land use (The Planning Act, The City of Winnipeg Charter) and water rights appeals (The Water Rights Act). Other matters under the Board's jurisdiction include dissolutions, annexations, or amalgamations of municipalities; formation of municipalities and local urban districts; establishment, elimination and changes to ward boundaries; and, building restriction caveats.

The Chair, Vice Chair and Secretary/Chief Administrative Officer hold regular meetings with the Board's Acting Chairs to provide legal and administrative updates, share experiences from hearings and to address other matters with a commitment to ongoing improvement of operations and communication with stakeholders.

c) Role of Courts

Unless legislation provides otherwise, a party can seek leave to appeal a final Decision or Order of the Municipal Board to the Manitoba Court of Appeal, on matters of law or jurisdiction. The appeal must be initiated no later than 30 days after the date of the Board's Order. Appeals to the courts are rare since most Board planning decisions are final and binding on the parties.

2. Current Board Formation and Composition

a) Mission and Goals

The Municipal Board Act establishes the Municipal Board, and lays out its organization, procedure and powers. Section 15(2) of The Municipal Board Act states: "The board shall sit at such times and places within the province as the chairman may designate; and it shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of business."

The Municipal Board has a well-defined role, mission statement and goals, outlined in its annual reports and listed in Appendix 2, that define the core responsibilities of the Board. The mission of the Board, "To deal with matters that come before the Board in a fair, impartial and timely manner," would remain consistent with the expanded responsibilities that are anticipated as part of the modernization of planning processes in Manitoba.

b) Structure

The Municipal Board is comprised of a Chair, Vice Chair, and part-time members. All Board members, excluding the Vice Chair, are appointed by the Province through Order-in-Council. There are presently eleven members, including the Chair and Vice-Chair, on the Municipal Board and there is no upper limit on the number of Board members that can sit on the Board. Members represent various regions within Manitoba.

Although two members constitute a quorum, for Board hearings the Board usually sits as a panel of three with a Chair/Acting Chair and two members. The Municipal Board is also supported by administrative staff, including a General Secretary, an Administrative Officer, and Administrative Secretaries.

c) Board Membership

Municipal Board members are selected based on their experience, knowledge, and background, and have a clear understanding of all applicable legislation pertaining to planning and land use to be able to fulfill their duties and responsibilities. Board members are professionals from all across urban and rural Manitoba, including lawyers, engineers, and planners, as well as former municipal councillors, mayors, and CAOs. A full list of current board members and their profiles can be found in Appendix 3.

3. Processes at the Municipal Board

a) General Rules

All hearings and investigations conducted by the Municipal Board are governed by rules adopted by the board. Hearing procedures published on the Board's [website](#) lay out the timing for exchange and filing of materials, order of presentations, swearing in or affirmation of witnesses, cross-examination of witnesses, questioning by the Board, timing for issuing a Decision/Order, and statutory rights, if any, to appeal.

Municipal Board hearings are transparent and open to the public. Board hearings are *de novo*, which means that the Board hears a matter fresh for the first time, and must make its decision based only on the evidence and information that is presented to it at the hearing. Board hearings are not public discussions, debates or town hall meetings. All hearings are recorded.

b) Participation

On planning matters, the legislation dictates who may participate on planning appeals. The Board may hear from the applicable local planning authority (Municipalities, Planning Districts, Planning Commissions), the appellant (Owner or Authorized Agent), provincial

departments and agencies, experts (appraisers, engineers, planners), legal counsel, as well as members of the public who wish to make a representation on matters to be considered by the Board. The level of public interest and participation varies depending on the subject matter before the Board.

c) Board Orders

Following a Board hearing, Board members must come to a unified written decision in the form of a Board Order, with supportive analysis and reasons. Before an Order is issued, the Board will meet as many times as necessary to reach consensus. Timelines to issue an Order may vary by legislation. The legislation determines whether the Board's decisions are binding. All the detailed Board Orders are available for inspection and copying.

The Board is not always the final decision-maker; in some cases, the legislation requires the Board to produce a report and recommendation to the Minister who then makes the final decision (e.g., development plan by-law amendments).

d) Types of Municipal Board Appeals and Hearings

i. Assessment appeals

The Municipal Board hears property and business assessment appeals from decisions of a municipal board of revision, including the City of Winnipeg Board of Revision. The landowner or assessor can appeal the Board of Revision decision on the amount of the assessed value or classification of property. Case management conferences, in which parties try to find resolution on the issues without going to a hearing, have greatly expedited the assessment appeals process since being introduced in 2018.

A flow chart outlining steps in an assessment appeal is shown in Appendix 4.

ii. Municipal finance hearings

There are a number of municipal finance by-laws that must be approved by the Municipal Board before a municipality can give the by-law third reading. These include proposed borrowing by-laws to refinance, redeem or restructure existing debt, to pay for local improvements or special services, to lease or purchase capital property, or to issue debentures. Proposed local improvement and special service by-laws must also be approved by the Board and a public hearing must be held if the number of objections filed with the Board meet the minimum threshold as set in The Municipal Act. The Board may issue an Order to approve the by-law, with or without conditions, refuse to approve it, or amend it as prescribed in the legislation. The Board's Order is issued within one to two weeks of receiving the proposed by-law from the municipal finance officer.

iii. Planning appeals and hearings

The Municipal Board follows the applicable planning legislation to carry out its jurisdiction over planning and land use matters. The legislation sets out the Board's obligations regarding notices of hearing as well as the scope and timing of Board decisions. The Planning Amendment and City of Winnipeg Charter Amendment Act mandates that the Board must conduct a hearing within 120 days of the date that an appeal notice is received, and must issue its Order within 60 days of the date that a hearing is concluded.

The Planning Act

Regional Plan Amendments

Upon proclamation of the Planning Amendment and City of Winnipeg Charter Amendment Act, after a regional board makes a decision on its regional plan by-law or amendment, before third reading of the by-law, the regional board must submit the by-law to the Minister for approval. Before the Minister makes a decision on the by-law, the Minister may refer the by-law to the Municipal Board regarding any objections that have been filed with the Minister, together with any specific questions or issues raised by the Minister. The Board holds a hearing on the referral, and produces a report and recommendation to the Minister. The Minister reviews the report and may reject the by-law, or approve the by-law, with or without conditions.

Development Plan Amendments

After the planning authority makes a decision on the development plan by-law or amendment, before third reading of the by-law, the planning authority must submit the by-law to the Minister for approval. Before the Minister makes a decision on the by-law, the Minister may refer the by-law to the Municipal Board regarding any objections that have been filed with the Minister, together with any specific questions or issues raised by the Minister. The Board holds a hearing on the referral, and produces a report and recommendation to the Minister. The report and recommendation must be made within 30 days after the hearing has concluded. The Minister reviews the report and may reject the by-law, or approve the by-law, with or without conditions.

Secondary Plan Amendments

Upon proclamation of The Planning Amendment and City of Winnipeg Charter Amendment Act, the proponent may appeal a rejection or specific conditions of approval, or if the planning authority fails to make a decision within 150 days of submitting an application.

After the planning authority holds their public hearing, and before third reading of the by-law, where there are sufficient objections referred to the Board as set out in the legislation, the Municipal Board must hold a hearing. In making its Order, the Board may confirm or

refuse to confirm any part of the by-law that was subject of the objections. The Board may also direct the planning authority to alter the by-law or impose terms and conditions. The Order must be made within 60 days after the hearing has concluded. The Order is final and not subject to appeal.

Zoning By-law Amendments

Similar to secondary plan amendments, after the planning authority holds their public hearing, and before third reading of the by-law, where there are sufficient objections referred to the Board as set out in the legislation, the Municipal Board must hold a hearing. In making its Order, the Board may confirm or refuse to confirm any part of the by-law that was subject of the objections. The Board may also direct the planning authority to alter the by-law or impose terms and conditions. The Order must be made within 60 days after the hearing has concluded. The Order is final and not subject to appeal.

Upon proclamation of The Planning Amendment and City of Winnipeg Charter Amendment Act, the proponent may also appeal a rejection or specific conditions of approval, or if the planning authority fails to make a decision within 150 days of submitting an application.

Subdivision Appeals

After the approving authority (typically the Planning District) makes a decision to either reject the application or approve the application with conditions, the Applicant can appeal the decision to the Municipal Board. The Board then holds a hearing, and can either reject the application or approve the application, subject to any conditions as prescribed in the legislation that it considers appropriate. The Board Order must be made within 30 days for applications outside of Winnipeg and 60 days for applications in Winnipeg after the hearing has concluded. The Order is not final and is subject to appeal.

Upon proclamation of The Planning Amendment and City of Winnipeg Charter Amendment Act, the proponent may also bring the matter to the Municipal Board if Council fails to make a decision within 90 days after an application is received outside of Winnipeg and 150 days of after an application is submitted in Winnipeg. If the subdivision approval is delegated to a designated employee, the proponent may appeal to the Board if 60 days have passed without a decision.

Conditional Use Appeals - Aggregate Quarries, Large-Scale Livestock Operations

After the planning authority (municipality or planning district) makes a decision to either reject the application or approve the application with conditions, the Applicant can appeal the decision to the Municipal Board. The Board then holds a hearing, and can either reject the application, or approve the application, subject to any conditions as prescribed in the legislation that it considers appropriate. The Order must be made within 30 days after the hearing has concluded. The Order is final and not subject to appeal. This section does not apply to Winnipeg.

Development Permit

Under The Planning Amendment and City of Winnipeg Charter Amendment Act, a proponent may appeal a development permit decision. In addition, the matter may also be brought to the Board if the 60 day timeline/service standard is missed.

Development Agreement

Upon proclamation of The Planning Amendment and City of Winnipeg Charter Amendment Act, terms and conditions of a development agreement that has been required as a condition of amending a zoning by-law, making a variance order or approving a conditional use may be appealed. In addition, the matter may also be brought to the Board if 90 days have passed without establishment of the agreement.

4. Current Local Level Processes

a) Framework For Planning and Appeals at The Local Level

The Manitoba government, through The Planning Act and The City of Winnipeg Charter, sets the legislative framework for provincial and local land use planning in Manitoba. The Provincial Land Use Policies set out the Province's interest in land use planning. These policies guide local and provincial authorities in preparing land use plans and making land use and development decisions.

Local planning districts and municipalities are the local planning authorities responsible for the development of land and resources in their designated planning areas. Using the Provincial Planning Regulation as a framework, these local authorities prepare development plans to chart future land use and development activity for their communities. Local authorities pass zoning by-laws that regulate activities identified in the development plan. These plans also guide and regulate decisions like the subdivision of land, the local provision of infrastructure, or other public services.

Legislation and regulations lay out a number of different types of appeal processes, depending on location within the province, and the type of planning decision being appealed.

b) General Description of Scope and Process

The Planning Act lays out responsibilities for planning at the local level as follows:

- The council of a municipality is responsible for the adoption, administration and enforcement of the development plan by-law, zoning by-law and all other by-laws respecting land use and development for the municipality.

- When a planning district is established, its board is responsible for the adoption, administration and enforcement of the development plan by-law for the entire district; as well as the administration and enforcement of:
 - o the zoning by-laws of its member municipalities, or the district’s own zoning by-law if it has adopted a district-wide zoning by-law;
 - o any secondary plan by-law in force in the district;
 - o the building by-laws of its member municipalities; and
 - o the by-laws of its member municipalities dealing with minimum standards of maintenance and occupancy of buildings.
- The Planning Amendment and City of Winnipeg Charter Amendment Act provides for the establishment and operation of planning regions in Manitoba. A Regional Board is responsible for the adoption, administration and enforcement of:
 - o a regional plan;
 - o municipal planning and building by-laws of its respective member municipalities.
- When a planning commission is established by the board of a planning district that has adopted a district-wide zoning by-law, and the council of a municipality that has adopted a zoning by-law, its board is responsible for holding hearings and issuing decisions respecting applications for both variances and conditional uses that have been referred to it.

Appeals of planning commission decisions are heard by the planning district board or council that established the commission, with some exceptions; a decision made by a planning commission on certain conditional use applications (e.g., large-scale livestock operations and aggregate quarries) can go directly on appeal to the Municipal Board.

There are significant differences in how planning decisions are made, and how they may be appealed, across the province. One such example, is the approval and appeal of conditional use applications:

- In the City of Winnipeg, certain conditional use applications are reviewed and approved by the Board of Adjustment, and appeals of conditional use decisions are handled by an appeals committee.
- In the City of Brandon, conditional use applications are reviewed and approved by the Planning Commission, and appeals of conditional use decisions are handled by city council.

- In most rural municipalities, conditional use applications are approved by the council, and there is no mechanism for appeals – except for aggregate quarry or large-scale livestock operation conditional uses, which are appealed at the Municipal Board.

None of these appeal processes are slated to change as a result of Bill 37.

Currently, all planning appeals for the City of Winnipeg occur at the local level. Once proclaimed, changes under The Planning Amendment and City of Winnipeg Charter Amendment Act will give the public in Winnipeg the ability to formally challenge decisions on zoning by-law amendments and secondary plan amendments at the Municipal Board, as the public outside of Winnipeg already has that entitlement.

c) Who Can Participate

The Planning Act and The City of Winnipeg Charter already have in place a number of opportunities for public participation in local level planning decisions. Appeals may hear from municipalities, development applicants, the development community, and the public. All Manitobans have a stake in land use planning, to ensure that future generations inherit healthy, sustainable communities. The planning process allows them to have a say in the land use and development of their communities.

5. Intent of the Planning Act and Charter as it Relates to Appeal Processes

The Planning Amendment and City of Winnipeg Charter Amendment Act introduces more fairness into the planning system. All parties involved in planning appeals (planning authorities, development applicants, the development community including commercial and residential builders, and the public) can expect to see clear, efficient, accountable and transparent appeals processes and results.

Once fully implemented, the Act will allow applicants to appeal decisions to the Municipal Board on secondary plan by-law amendments, zoning by-law amendments, subdivisions, including minor subdivisions, as well as on development permits and development agreements. Appeals will also include decisions made by the City of Winnipeg on these matters, as well as missed timelines by the City of Winnipeg or planning authority in handling these matters.

Through a variety of processes already established by municipal councils, citizens across Manitoba have had the ability to receive notice and participate in public review of items before councils. The Act enhances these individual processes by providing a single province-wide appeal process to be used only when existing municipal processes are unable to meet the needs of citizens, landowners and development applicants.

In the case of appeals that do reach the Municipal Board, modernized planning appeals processes will be developed to ensure smooth and timely resolutions.

The new planning legislation complements existing authority of Manitoba municipalities to create, administer and enforce their own development plans, zoning and other bylaws respecting land use and development in their municipality. If municipalities undertake effective and timely decision-making processes, with up-to-date development plans and zoning bylaws, fewer appeals could result. However, if local decision-making is not transparent, if development plans and zoning by-laws are unclear, or if municipal officials are unable or unwilling to explain their outcomes to applicants, the appeals process will ensure a fair and unbiased decision is ultimately made by the Municipal Board.

The Act requires that planning authorities provide written reasons for rejections or denials of development proposals to support a consistent, transparent, and accountable decision-making process that is based on compliance with by-law policies, standards and criteria (i.e. by-laws) and supported by sound technical information. The Manitoba government will be working with municipalities and planning districts to provide training and support around standards for documenting written reasons for decisions that limit any administrative burden while enhancing accountability and decision-making.

Modernizing Manitoba's planning system will strengthen trust and confidence in the process among all parties involved. It will create a solid framework for economic growth by creating a mechanism for ensuring that development decisions are timely and consistent across Manitoba. Planning appeals are fundamental to open and fair planning systems, and are necessary for upholding transparent and accountable planning decisions.

Next Steps

To accommodate the changes that The Planning Amendment and City of Winnipeg Charter Amendment Act enables with respect to planning appeals, there are a number of planned next steps. These include:

1. Seeking input of stakeholders on what an efficient appeals system that delivers timely results would look like to them, to guide the province in its implementation.

Manitoba Municipal Relations is seeking stakeholder input via an online survey, available on the EngageMB portal, posing a series of questions to learn about stakeholder experience in the planning appeal process and how government may improve the process.

2. Developing new processes for planning appeals to be handled by the Municipal Board.

Manitoba Municipal Relations has engaged a consultant to develop a set of formal rules, policies, and procedures for the Municipal Board when dealing with planning appeals. This work will take into account the legislative changes made to The Planning Act and the City of

Winnipeg Charter, as well as stakeholder feedback. The consultant's work will include:

- Updated board processes and formal procedures for planning appeals, including a new appeals management process that builds upon lessons learned from the case management process for assessment appeals introduced in 2018.
- Establishing procedures to enhance capability and capacity of the Board to handle tightened timelines.
- Guidelines for assigning costs where there have been unreasonable delays.
- Reviewing Board membership levels and administrative support to align with service delivery expectations.

3. Developing updated guidance documents on The Planning Act and processes.

Manitoba Municipal Relations has also engaged a consultant to develop a new Planning Handbook that will provide practical value-added guidance to municipalities and planning districts on The Planning Act using plain language to ensure a common interpretation and application of the Act. The handbook will include discussions, reviews and examples, where appropriate, of each section of the Act as well as highlighting all significant changes and amendments since 2005. This includes for example, but are not limited to:

- Timelines and service standards for all key planning processes.
- Appeal provisions, and changes to new timelines for planning appeals.
- Planning and development application approval processes.
- Conditional Use Processes for intensive livestock operations and aggregate operations.

4. Offering training materials for boards, councils, administration, and potential applicants.

As part of their work, the consultants responsible for both the updated Municipal Board processes and the new Planning Handbook will produce training materials for Board members and staff, municipalities, relevant stakeholders, appellants and defendants, and the general public. These training materials may include but are not limited to:

- Web-based materials and training modules/manuals.
- General guidance for appellants and the public.
- Training workshops for municipal officials and planning authorities, either on new processes, or on the handbook.

5. A review of the Municipal Board Tariff of Fees regulation to amend the fee structure to reflect the recent changes made, as well as to bring fees up to date.

More information on this review will be made available in the future.

Appendices

Appendix 1 – List of Acts under which the Manitoba Municipal Board has defined duties and responsibilities

The Municipal Board Act

The Municipal Assessment Act

The Planning Act

The Municipal Act

The City of Winnipeg Charter

The Water Rights Act

The Public Libraries Act

The Special Surveys Act

The Heritage Resources Act

The Real Property Act

The Expropriation Act

The Highway Traffic Act

The Health Services Insurance Act

The Regional Waste Management Authorities Act

The Water Resources Administration Act

The Public Schools Act

The Watershed Districts Act

Appendix 2 – Role, Mission and Goals of the Manitoba Municipal Board

Role

Section 15(2) of The Municipal Board Act states: “The board shall sit at such times and places within the province as the chairman may designate; and it shall conduct its proceedings in such manner as may seem to it most convenient for the speedy and effectual dispatch of business.”

Mission Statement

To deal with matters that come before the Board in a fair, impartial and timely manner.

Goals

- To process appeals, applications and referrals as expeditiously as possible.
- To conduct hearings in accordance with legislative procedures and natural justice for all parties involved.
- To render readable, reliable and quality decisions in a timely manner.
- To communicate with the general public on the role of the Board and the appeal process.
- To review and update Board policies and procedures to ensure service is provided in a timely manner and in accordance with the applicable legislation.
- To review and update administrative procedures.

Appendix 3 – Current Municipal Board Members

Jeff Bereza – Chair: (Portage la Prairie) is national director of sales with Nexus BioAg. He has an over 20-year career in agriculture and served as a business development manager, strategic accounts manager and sales manager for a variety of companies. On the Municipal Board since 2016, Mr. Bereza has also served as a councillor for Portage la Prairie. He served as a member of the Portage la Prairie and district Planning Committee, member of the Board of Revision and a member of the Central Plains Economic Development Board.

Diane Stasiuk - Vice Chair: Diane M. Stasiuk B.Sc., LL.B. began her role as Vice Chair of the Manitoba Municipal Board in May 2019. Diane received her Bachelor of Laws degree at the University of Manitoba in 1992 and completed her articles thereafter in Toronto at Thomson Rogers, a full-service litigation firm. Diane received her call to the Ontario Bar in 1994 and to the Manitoba Bar in 1997. In 1997, Diane began roles within the Government of Manitoba's Executive Council, initially as a Senior Policy Analyst and then as Director of Policy Management Secretariat. Prior to her role at the Municipal Board, Diane managed a busy law practice for over 18 years at D'Arcy & Deacon LLP, serving individual, provincial Crown, and corporate clients in a variety of practice areas including real estate, wills and estates, corporate and commercial transactions, and litigating files encompassing these vast practice areas. During her years in private practice, Diane also served as a City Councillor and Deputy Mayor for the City of Portage la Prairie. She also served as the Vice Chair of the Manitoba Land Value Appraisal Commission.

Brenda Loewen – Member: (Winnipeg) is the Secretary of the Municipal Board, Land Value Appraisal Commission and the Disaster Assistance Appeal Board for the Government of Manitoba. She holds a Business Administration and Management Diploma from Red River College, a Business Information System Diploma from Herzing College, and completed level 1 in accounting/economics with the Certified General Accountants Association of Manitoba.

Margaret Bonekamp (bil) – Member: (St. Georges) is a senior member service representative with Caisse Financial Group. Former chief administrative officer for the Town of Powerview- Pine Falls and the RM of Alexander. She is the secretary-treasurer for the Pine Falls District Health Care Foundation. She has also served as President and other various positions for the Manitoba Municipal Administrators Association. Ms. Bonekamp holds a certificate in Municipal Administration from the University of Manitoba.

Rick Borotsik – Member: (Brandon) is the former mayor of Brandon. He has been involved with the community bids for the World Curling Championship, the Scott Tournament of Hearts, the 1997 Canada Summer Games and the development of the River Bank Discovery Centre. He has also served on the Brandon and Area Planning District Board, the Brandon Economic Development Board and Director of the Federation of Canadian Municipalities. Mr. Borotsik holds a Bachelor of Arts degree from Brandon University.

Hazel Borys – Member: (Winnipeg) is the President and CEO of Placemakers LLC in the United States and Placemakers Inc in Canada. Ms. Borys has served as a member with the Winnipeg Foundation Board of Governance, the Transect Council, and as a Co-Chair of the Winnipeg Art Gallery Ball and Art in Bloom. Ms. Borys holds a Masters in Business Administration and a Bachelor of Electrical Engineering both from Ohio State University.

Chris Goertzen – Member: (Steinbach) is the owner of Main Bread/Butter Company, a partner of MBB Co-Owners Group, secretary to River Trail Development Corporation and President of 6881417 Manitoba Incorporated. He is the former President of the Association of Manitoba Municipalities. Mr. Goertzen is the Director/Chair of Governance and Human Relations for the Bethesda Foundation, Director/Chair of Governance and Member Relations with Steinbach Credit Union, and was a member of the Municipal Employees' Pension Board.

Tammy Harper (bil.) – Member: (Winnipeg) is a civil engineering instructor with Red River College. She serves as the President of Gateway Recreation Centre, and as a Board Member to the Canadian Commission of Building and Fire Codes and the Manitoba Building Officials Association. Ms. Harper holds a Bachelor of Arts from the University of Winnipeg, a Masters in Education Administration from the University of Manitoba and is certified in adult education through Red River College.

Amit Kapoor (vm) – Member: (Winnipeg) is the owner/operator of two McDonald's locations in Winnipeg. He previously owned other businesses in Ontario including coffee shops and a hotel. Mr. Kapoor has an MBA in marketing from the University of Lincolnshire and Humberside a Bachelor of Engineering from the Ramiah College of Technology.

Steven Lupky – Member: (Winnipeg) is an Acting Chair of the Municipal Board for the Government of Manitoba. He is the director of physical damage for Manitoba Public Insurance, Director of the Community Futures Manitoba Board of Directors, Director of CIM/Chartered Manager Canada Board of Directors, and a member of the Community Futures East Interlake Board of Directors. Mr. Lupky holds a Bachelor of Arts in Economics, is certified in Management/Administration from the University of Manitoba, Advanced Management/Leadership/Strategy from Asper School of Business Executive Education, and Project Management Fundamentals from Red River College, and holds a Human Resource Management Diploma from the University of Winnipeg.

Dan McInnis – Member: (Headingley) is the President of Acumen2 Inc. Mr. McInnis serves as a board member with the Jubilee Fund. He has previously served as a board member for Sustainable Building Manitoba, the Brenda Leipsic Dog Park Inc., and the Manitoba Eco-Network. Mr. McInnis holds a Bachelor of Science in Civil Engineering from the University of Manitoba and a Civil Technology Diploma from Red River Community College.

John (Hugh) McMorrow (bil) – Member: (Winnipeg) is a management consultant with McMorrow & Associates Management Consultants. He is a former Board Member of the Versatech Charitable Foundation and Versatech Industries. Mr. McMorrow holds a Master of Business Administration from the University of Western Ontario and a Bachelor of Arts in Economics from the University of Western Ontario.

George Orle Q.C – Member: (Winnipeg) is a partner with Wood Orle Litigation Law Offices where he represents clients in the Court of Queen’s Bench of Manitoba to the Supreme Court of Canada. He is a member of the Municipal Board and Efficiency Board both with the Government of Manitoba. In 2012, he was the recipient of the Pro Bono Award from the Public Interest Law Centre/Manitoba Bar Association. Mr. Orle was called to the bar in 1977 and appointed to the Queen’s Counsel in 1988.

Tom Raine (bil) – Member: (Winnipeg) now retired, was the chief administrative officer for the municipal office in Sanford for the RM of Macdonald for over 38 years. Mr. Raine has been a member of the Municipal Board since 2016.

Dr. Barry Todd – Member: (Winnipeg) now retired, is a former Deputy Minister with Manitoba Agriculture food and Rural Initiatives. He served as a member on the Canadian Seed Growers Association, Manitoba Habitat Heritage Corporation, Carman Community Foundation, Canadian Agricultural Research Council and Manitoba Institute of Agrologists. He was awarded the Queen Elizabeth II Diamond Jubilee Medal in 2013. Dr. Todd holds a Ph.D. and a Bachelor of Science in Agriculture from the University of Manitoba.

Appendix 4 – Process for Municipal Board Assessment Appeals

