

FLOOD 2011
BUILDING AND RECOVERY ACTION PLAN APPEALS COMMISSION

801-401 YORK AVENUE, WINNIPEG MB R3C 0P8 • PHONE: 204-945-6895 • FAX: 204-948-3779

Rules of Procedure

Definitions

“Commission” - means the Flood 2011: Building and Recovery Action Plan Appeals Commission appointed under Section 48 of the M.A.S.C. Act.

“Hearing” - means an oral hearing held by Building and Recovery Action Plan Appeals Commission.

“Working Day” – Monday to Friday (8:30 a.m. to 4:30 p.m.) except a day that is a statutory holiday.

“Appellant” – an eligible participant who is appealing a final decision made by the Flood 2011: Building and Recovery Action Plan Program Administrator

“Respondent” – The Program Administrator for the Flood 2011: Building and Recovery Action Plan programs

“Parties” – the Appellant and the Respondent.

Notice of Appeal

A Notice of Appeal must contain:

- a) the name and address of the Appellant(s);
- b) a copy of the Flood 2011: Building and Recovery Action Plan **final** settlement that is subject to appeal;
- c) a statement of the matter being appealed and why you disagree with it; and
- d) the results that are being requested

Hearings open to the public only with consent

Hearings shall not be open to the public, but a panel may allow a hearing to be open to the public with the consent of the Parties.

Hearing Dates

Notice of the scheduled hearing shall be sent to the Appellant and Respondent by “registered” mail.

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Place of Hearing

Hearings shall be held in Winnipeg. The Flood 2011: Appeal Commissioner will consider requests for alternate locations.

Filing Material for Hearing

Any written material to be submitted for consideration at the hearing shall be filed at least 10 working days prior to the hearing to the Flood 2011: Appeals Commission. The Flood 2011: Appeal Commission will then forward copies to both Parties.

Hearing Procedure

All parties to a hearing shall have full opportunity not only to bring forward evidence and present argument, but also to question representatives providing information on behalf of other parties.

The Commission may inspect any premises, which are the subject of a hearing.

Evidence at a hearing shall be taken under oath or affirmation or any other manner that the Commission considers appropriate.

Dismissal for Non-attendance

When Notice of Hearing is given and should the Appellant fail to appear, without just cause at the scheduled date, time and place of the hearing, the Flood 2011: Appeal Commission may dismiss the appeal without conducting a hearing.

Adjournment

The Appeals Commission may adjourn the hearing for such time and upon such terms and conditions as the Appeals Commission considers necessary or advisable.

Postponement

To request a postponement of a hearing, a party may submit such a request with reasons for the request in writing, at least 10 working days before the date of the hearing.

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Decision of Panel

The Panel shall provide a written decision to both parties.

Withdrawals

An Appellant may request a withdrawal of his/her appeal request in writing to the Flood 2011: Appeal Commission with a copy provided to the Flood 2011: Building and Recovery Action Plan Office.

Commission May Vary Rules

The Commission may vary the application of these rules, as the circumstances require.

Ron Bell
Flood 2011 Appeal Commissioner