

Superior Court of Justice

(Name of court)

at 245 Windsor Avenue, Windsor, Ontario, N9A 1J2

(Municipality)

Endorsement Sheet

Plaintiff(s): WINDSOR HOUSING PROVIDERS INC. Present
Counsel: Steven Pickard Present
 Duty Counsel

Defendant(s): CITY OF WINDSOR Present
Counsel: Sharon Strosberg Present
 Duty Counsel

MAY 16, 2023

Heard by Zoom videoconference.

S. Pickard, for applicant

S. Strosberg, for respondent

- [1] By notice of application issued April 24, 2023, the applicant commenced this proceeding, seeking, *inter alia*, an order quashing the City of Windsor's By-law 14-2023, which establishes a licensing program for the regulation of residential rental housing. The applicant also sought an interim order that "nothing shall be done under the By-law until the within application is disposed of pursuant to section 273(4) of the *Municipal Act, 2001*."
- [2] By letter dated April 21, 2023, Mr. Pickard, counsel for the applicant, wrote to Madam Justice Pomerance, Local Administrative Judge for Windsor, seeking "the Court's assistance in procuring a return date on a semi-urgent basis to deal with the narrow issue of a stay of the By-law pending a ruling on its legality." Mr. Pickard advised the court that "the provisions of the By-law come into force on June 1, 2023."
- [3] In her triage endorsement of April 21, 2023, Pomerance J. ordered that: "This should be brought on a regular motions day, at which time a timetable can be set for the various steps in the process."
- [4] The matter was made returnable today. In his confirmation notice for today's attendance, Mr. Pickard advised that the applicant is seeking:
1. A temporary stay under sec. 273(4) of the *Municipal Act, 2001* until such time that the Court can hold a full hearing whether to continue the stay under sec 273(4); and
 2. An adjournment of the balance of the application to a special appointment.

- [5] For the reasons expressed during the hearing, I am of the view that the relief sought by the applicant today is inconsistent with the triage endorsement of Pomerance J.
- [6] Nowhere in her triage endorsement did Pomerance J. hold that the applicant's request for a hearing date to argue the interlocutory stay/injunction presented an urgent or even "semi-urgent" issue that was to be argued on May 16th. There is no finding of urgency made in the triage endorsement. The triage endorsement simply directed the matter to proceed to Motion Court to set a timetable.
- [7] I would also note that, contrary to counsel's representation that the provisions of the impugned By-law will come into effect on June 1, 2023, the By-law came into force on February 13, 2023.
- [8] Counsel are agreed that the applicant's motion for an interlocutory injunction/stay will require a ½ day special appointment.
- [9] The motion was then stood down to permit counsel to contact Trial Coordination to inquire about available dates.
- [10] I am advised by Trial Coordination that the first available date for the hearing of a ½ day special appointment is the week of November 27, 2023. The matter would be placed on the running list for that week and would be no. 2 on that running list.
- [11] Counsel are confident that they will be able to agree upon an appropriate timetable.
- [12] Order to go that:
- a. The motion for the interlocutory injunction/stay requires a special appointment (½ day) and is placed on the running list for the week commencing November 27, 2023, without prejudice to the applicant's right to make inquiries of the Regional Office and request that the Regional Senior Judge direct that the matter be heard on an earlier date.
 - b. On or before Tuesday, May 23, 2023, at 4:00 p.m., the parties shall file their consent timetable for the hearing of the special appointment, to be directed to me for review and approval. If counsel encounter difficulties, I may be spoken to.
 - c. Costs of today's attendance, it now being 3:40 p.m., are reserved to the motion judge hearing the special appointment.



J. PAUL R. HOWARD
SCJ JUSTICE