

**Additional Written Submissions of The Muslim Association of St. Albert
Procedural Fairness Objection to Late Evidence**

The Owner/Applicant objects, on procedural fairness grounds, to the Appellant's attempt to submit additional evidence after having completed its oral evidence before the Board.

Subdivision and Development Appeal Boards conduct their hearings on the expectation that parties will present their full evidentiary case during the evidentiary phase of the hearing. Once a party has completed its oral evidence, their evidentiary record is ordinarily treated as closed, subject only to express direction from the Board or exceptional circumstances required by fairness.

In this case, the Appellant has completed its oral evidence. There is no statutory or procedural entitlement to supplement the evidentiary record after closing one's case. The hearing process does not permit a party to repair gaps or weaknesses in its case after it has closed its evidence. Allowing such supplementation would undermine the orderly conduct of SDAB hearings and create unfairness to responding parties who relied on the evidentiary record as presented.

The Owner/Applicant further submits that the Appellant is seeking to take advantage of an adjournment that was necessitated by the Appellant's own presentation of new and unanticipated material during its oral submissions. Permitting the Appellant to use that adjournment as an opportunity to advance additional written submissions would allow the Appellant to benefit from procedural circumstances arising from its own conduct, to the further prejudice of other parties, and would create an unfair incentive for piecemeal and inefficient presentation of evidence before the Board.

To the extent the Appellant suggests that the material is merely clarification, the Owner/Applicant submits that the material introduces new facts, data, opinion, and technical information. Such material is evidence regardless of how it is labeled and cannot properly be introduced through submissions.

The Appellant has not demonstrated that: (a) the evidence did not exist or could not reasonably have been presented during its oral evidence; (b) the evidence arose from an unforeseen issue that the Appellant could not reasonably have anticipated; or (c) the Board requested the information. In the absence of such circumstances, fairness weighs strongly against admitting the late evidence.

The Owner/Applicant respectfully requests that the Board:

- (a) decline to admit the proposed late evidence; and
- (b) confirm that the Appellant's evidentiary record is closed, subject only to any evidence or clarification expressly requested by the Board itself.

The Owner/Applicant further reserves the right to make additional oral submissions on this procedural issue at the hearing, particularly in light of the timing of receipt of the Appellant's written submissions and the constraints imposed by the deadline for written responses.