

RULES OF THE HEARING – PROPERTY STANDARDS COMMITTEE

Pursuant to section 25.1 of the Statutory Powers Procedure Act

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Relevant Legislation

Building Code Act, 1992, SO 1992, c 23

Statutory Powers Procedure Act, RSO 1990, c S.22

SECTION I – GENERAL

Citation

1. These Rules may be cited as the Township of Guelph/Eramosa Appeals and Property Standard Committee Rules or GET Tribunal Rules.

Headings

2. The headings used in these rules are for reference only.

Definitions

3. In these rules, unless the context requires otherwise:

“appellant” means a person who brings an appeal;

“Chair” means the member of the Committee appointed as chair and which oversees the Order of proceedings;

“Committee Coordinator” or “Secretary” means the Clerk for the Township of Guelph/Eramosa or their designate;

“Committee” means the Township of Guelph/Eramosa Property Standards Committee;

“Exhibit” means a formal piece of evidence provided to the Clerk for the purposes of the hearing and which forms part of the record;

“hearing” means the hearing of an appeal or request for order;

“holiday” means:

- a) Any Saturday or Sunday;
- b) New Year’s Day;
- c) Family Day;
- d) Good Friday;
- e) Easter Monday;
- f) Victoria Day;
- g) Canada Day;

- h) Any civic holiday;
- i) Labour Day;
- j) Thanksgiving Day;
- k) Remembrance Day;
- l) Christmas Day;
- m) Boxing Day; and
- n) Any special holiday proclaimed by the Governor General or the Lieutenant Governor;

and where New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday; and where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays; and where Christmas Day falls on a Friday, the following Monday is a holiday;

"proceeding" means an appeal or hearing to the Property Standards Committee

"respondent" means a person against whom an appeal is brought;

General Principle

- 4. These Rules must be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.

Matters not Covered in Rules

- 5. Where these rules do not cover a matter adequately, the Committee may give directions and make any order that is just, subject to any restrictions or rules prescribed by the *Statutory Powers Procedure Act*.

Substantial Compliance

- 6. Substantial compliance with the requirements respecting the content of forms, notices or documents under these rules is sufficient.

Non-compliance

- 7. If necessary, in the interests of justice or fairness, the Committee may dispense with compliance with any rule, except rules prescribed by the *Statutory Powers Procedure Act* or any other Act applicable to the proceeding.

Courtesy and Respect

8. All persons participating in proceedings before or communicating with the Committee must act in good faith and in a manner that is courteous and respectful of the Committee and other participants in the proceeding.

Orders on Terms

9. When making an order under these rules, the Committee may impose such terms and give such directions as are just and in line with the Township of Guelph/Eramosa Property Standards By-law, as well as any other applicable legislation.

Standards for Documents

10. Documents in a proceeding must be printed, typed, written or reproduced legibly.

Electronic Signatures

11. A document that may or must be signed by a person may be signed with an electronic signature.

SECTION II – FORM OF PROCEEDING

Forms

12. The forms prescribed by these rules must be used where applicable and with such variations as the circumstances require.

Form of Proceeding

13. The Committee may conduct any hearing in writing, electronically, in person, or by a combination of means as it considers appropriate unless a specific form of proceeding is prescribed.
 - a. A written hearing consists of a proceeding in which written submissions are provided and the Committee deliberates based on such submissions.

Objection to a Form of hearing

- b. A written hearing must be held as an electronic or in person hearing if a party satisfies the Committee that there is good reason for not holding a written hearing.
- c. An electronic hearing, except one dealing only with procedural matters, must be held as an in person hearing if a party satisfies the Committee that an electronic hearing is likely to cause the party significant prejudice.
- d. A party who wishes to oppose the proposed form of a hearing or pre-hearing conference must file brief written submissions to the Committee Coordinator

indicating the party's reasons for objecting to the hearing in proposed form of proceeding and the party's preferred form of hearing before the earlier of,

- i. 10 days after the document specifying the proposed method of attendance was served on the party; and
- ii. seven days before the hearing.

Decision on Form of Hearing

14. If written submissions are received in accordance with Rule (13)(a)(b)(c) or (d), the Committee must decide how the hearing will be heard, and the Committee Coordinator must notify the parties of the Committee's decision.

Further Submissions

15. The Committee may decide how the hearing will be held based only on the written submissions of the objecting party, or may request written submissions from any other party before deciding.

Hearings to be Public

16. An in-person hearing must be open to the public except where the Committee is of the opinion that,

- a. matters involving public security may be disclosed; or
- b. intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public,

In which case the Committee may hold the hearing in the absence of the public.

Written Hearings

17. In a written hearing, members of the public are entitled to reasonable access to the documents submitted, unless the Committee is of the opinion that Rule 16 clause (1) (a) or (b) applies.

Electronic Hearings

18. An electronic hearing must be open to the public unless the Committee is of the opinion that,

- a. it is not practical to hold the hearing in a manner that is open to the public; or
- b. clause (a) or (b) of Rule 16 applies.

SECTION III – RECORDING OF HEARING PROCEEDINGS

Prohibition on Photographs, Recordings, Dissemination

19. No person is permitted to,
- a. take or attempt to take a photograph, audio or video recording or other record capable of producing or transmitting visual or oral representations by electronic means or otherwise,
 - i. at a hearing,
 - ii. of any person entering or leaving the room in which a hearing is to be or has been convened, or
 - iii. of any person in the building in which a hearing is to be or has been convened if there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing, other than in an area of the building designated by the Committee for the purpose and with the person's consent;
 - b. publish, broadcast, reproduce or otherwise disseminate a photograph, recording or record taken in contravention of clause (a); or
 - c. broadcast, reproduce or otherwise disseminate an audio recording described in clause (a).

Non-Application

20. Rule 19 does not apply with respect to,
- a. the unobtrusive making of notes or sketches of events at a hearing by a person;
 - b. the making of an audio recording at a hearing, unobtrusively and in a manner authorized by the Committee, by a representative, a party acting on their own behalf or a journalist, for the sole purpose of supplementing or replacing notes; or
 - c. subject to the authorization of the Committee, any act referred to in Rule 19,
 - i. if it is required for the presentation of evidence, the making of a record or any other purpose of the hearing,
 - ii. with the consent of the parties and witnesses, or
 - iii. in connection with any ceremonial proceeding.

SECTION IV – TIME

Computation

21. In determining time periods under these rules or an order, except where a contrary intention appears,
- a. where there is a reference to a number of days between two events, they must be counted by excluding the day on which the first event happens and including the day on which the second event happens, even if they are described as clear days or the words “at least” are used;
 - b. where a period of seven days or less is prescribed, holidays must not be counted;
 - c. where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday; and
 - d. service of a document made after 4 p.m. or at any time on a holiday must be deemed to have been made on the next day that is not a holiday.
22. Where a time of day is mentioned in these rules or in any document in a proceeding, the time referred to must be taken as the time observed locally.

Extension or Abridgement of Time

23. The Committee may extend or abridge any time prescribed by these rules or an order, on such terms as are just.
24. A request for an order extending time may be made before the expiration of the time prescribed.

Exception

25. Rule 24 does not give the Committee authority to extend the deadline for an appeal.

SECTION V – ADJOURNMENTS

Adjournment of Hearing

26. The Committee may, on its own initiative or at the request of a party, where the Committee is satisfied that the adjournment is required to permit an adequate hearing or pre-hearing conference to be held, adjourn a hearing or pre-hearing conference to such time and place, and on such terms, as are fair and just.

Factors to be Considered

27. In deciding whether to grant an adjournment of a hearing or pre-hearing conference, the Committee may consider the following factors:
- a. the sufficiency of the reasons advanced for the request to adjourn;

- b. the timeliness of the request;
- c. the resources of the Committee;
- d. any prejudice to any party;
- e. where any adjournments have been granted previously;
- f. the consent of the parties; or
- g. any other relevant factor.

Written Request

28. A written request for an adjournment must be made in accordance with Rule 9.

Oral Request

29. A party intending to make an oral request for an adjournment at the beginning of a hearing must notify the other parties and the Committee Coordinator of the party's intention to make the request as soon as possible prior to the hearing.

First Adjournment on Consent

30. Where no adjournment has previously been granted, the Committee Coordinator may grant an adjournment of a hearing or pre-hearing conference for a maximum of 60 days if,
- a. all the parties consent to the adjournment in writing, and
 - b. the adjournment request is made to the Committee Coordinator not less than 5 days before the scheduled date of the hearing or pre-hearing conference.

SECTION VI – COMMUNICATIONS WITH COMMITTEE

31. A party or a party's representative must not communicate with the Committee or any member of the Committee about an appeal before the Committee except as permitted by these rules.

Filing Documents with Committee

32. Any document may be filed with the Committee,
- a. By mail or registered mail, or personal service to:

Township of Guelph/Eramosa

Attn: Clerk/Director of Legislative Services

8348 Wellington Rd 124

Rockwood, ON N0B 2K0;

or

b. By email to:

clerks@get.on.ca

Date of Filing by Mail

33. Where a document is filed by mail, the date of the filing stamp of the Clerk's office on the document must be deemed to be the date of its filing, unless the Committee orders otherwise.

Date of Filing by E-mail

34. A document that is filed by e-mail is considered to have been filed on the date indicated by the Committee Coordinator in a responding e-mail.

SECTION VII – SERVICE OF DOCUMENTS

Service on Representative

35. Any document that is required to be served must be served on the party's representative if a party has a representative. Service to a party's representative is deemed to be service on the party themselves.

Methods of Service

36. Any document that is required to be served may be served,
- a. by e-mail to the e-mail address for service provided by the party or their representative, and service by e-mail is effective on the date the e-mail is sent, except if it is sent between 4:30 p.m. and midnight, in which case it is deemed to be effective on the following day;
 - b. by mail or registered mail to the last address for service provided by the party or, if no such address has been provided, to the party's last known address, and service is effective on the fifth day after the document is mailed;
 - c. by courier to the last address for service provided by the party or, if no such address has been provided, to the party's last known address, and service is effective on the second day after the courier is given the document;
 - d. by personal service,
 - i. on an individual, by leaving a copy of the document with them;

- ii. on a corporation, by leaving a copy of the document with an officer, a director or another person authorized to act on behalf of the corporation, or a person at any place of business of the corporation who appears to be in control or management of the place of business;
- iii. on a partnership, by leaving a copy of the document with any one or more of the partners, or a person at the principal place of business of the partnership who appears to be in control or management of the place of business;
- iv. on a sole proprietorship, by leaving a copy of the document with the sole proprietor, or a person at the principal place of business of the sole proprietorship who appears to be in control or management of the place of business; or
- e. by alternative to personal service, on an individual, if an attempt is made to effect personal service at an individual's place of residence and for any reason personal service cannot be effected, the document may be served by leaving a copy in a sealed envelope addressed to the individual at the place of residence with anyone who appears to be an adult member of the same household.

Proof of Service

37. Where proof of service is required by these rules or other evidentiary rules, service of a document may be proved by a statement that contains,
- a. the title of the document served;
 - b. the date of service, and if by email, the time of service;
 - c. the manner of service in accordance with Rule 36;
 - d. the name of the person who served the document; and
 - e. the name of the person to whom the document was served.

E-mail Filing

38. The statement required by Rule 37 may be contained in the body of the email attaching the document to be filed with the Committee or in a separate document.

SECTION VIII – PARTIES AND REPRESENTATIVES

Parties

39. The parties to an appeal must be,
- a. as appellant, the person or persons to whom the order or notice of decision under appeal was issued;

- b. as respondent, The Corporation of the Township of Guelph/Eramosa, as represented by the Director or officer who made the decision or gave the order under appeal; and
- c. any other party entitled by statute or by-law to be parties to the appeal.

Representatives

- 40. A party may be self-represented, or represented by a lawyer or a paralegal.
- 41. A party may be represented by an individual other than a lawyer or a paralegal if the individual is authorized under the Law Society Act and its regulations and by-laws to do so and if the party files a signed authorization of representative.

SECTION IX – NOTICE OF APPEAL

- 42. An appeal to the Committee must be commenced by filing a Notice of Appeal in the form prescribed by the Township with the Committee by one of the methods specified in Rule 32 and paying the required fee.
- 43. The Notice of Appeal must state:
 - a. the statutory or by-law provision that authorizes the commencement of the appeal
 - b. brief description of the nature of the order or decision under appeal including the municipal address to which it relates, if any, the date of the order, the compliance date, if any, and the appeal deadline date;
 - c. the remedy or relief sought;
 - d. the reasons for the appeal; and,
 - e. a list of documents or other evidence, including witness evidence, to be relied upon at the hearing of the appeal (if known).

Decision Not to Schedule Appeal

- 44. Subject to Rule 45, upon receiving a Notice of Appeal, the Committee Coordinator may decide not to schedule a hearing of the appeal if,
 - a. the Notice of Appeal does not contain the information required by Rule 43;
 - b. the Notice of Appeal was filed after the deadline to commence an appeal;
 - c. the fee required is not paid; or
 - d. there is some other defect with the Notice of Appeal or requirements to commence an appeal.

Notice of Decision to Not Schedule Appeal

45. The Committee Coordinator must give notice of its decision under Rule 44 to the party who filed a notice of appeal, which notice must state,
- a. the reasons for the decision;
 - b. the requirements to be fulfilled in order to resume the processing and scheduling of the hearing of the appeal;
 - c. the deadline for complying with clause (b); and
 - d. that if the requirements set out in the notice are not met within the deadline, that no hearing will be scheduled and the decision under appeal will be final.

Requirements to Resume Appeal

46. **Notice Incomplete** – Where a party receives notice under Rule 44 on the grounds that the notice of appeal does not contain all of the information required by Rule 43, the party must file an amended notice of appeal that contains all of the information required within 20 days service of the notice.
47. **No Fee Paid** – Where a party receives notice under Rule 44 on the grounds that the fee required is not paid, the party must file proof of payment of the applicable fee within 20 days of service of the notice.
48. **No Hearing to be Scheduled** – If the requirements set out in the notice provided under Rule 44 are not met within the deadline set out in the notice, the Committee Coordinator must give notice to the party who filed a notice of appeal that no hearing will be scheduled and the decision under appeal is final.
49. **Hearing to be Scheduled** – If the requirements set out in the notice provided under Rule 43 are met within the deadline set out in the notice, the Committee Coordinator must schedule a hearing of the appeal.

Late Notice of Appeal

50. Where the Committee Coordinator decides not to schedule a hearing of the appeal on the grounds that the notice of appeal was filed after the deadline to commence an appeal, the Committee Coordinator must give notice to the party who filed a notice of appeal that no hearing will be scheduled and the decision under appeal is final.

SECTION X – DISMISSAL OF PROCEEDING WITHOUT A HEARING

Frivolous, Vexatious or Bad Faith

51. The Committee may dismiss a proceeding without a hearing if the proceeding is frivolous, vexatious or is commenced in bad faith.

- a. This is done by Order of the Committee and must be unanimously passed.
52. Before dismissing a proceeding under this rule, the Committee must give notice of its intention to dismiss the proceeding to the party who commenced the proceeding, which notice must,
- a. describe the reasons for the dismissal of the proceeding; and
 - b. advise the party of their right to make written submissions to the Committee with respect to the dismissal within the time specified in the notice.

Right to Make Submissions

53. A party who receives a notice under Rule 52 may make written submissions to the Committee with respect to the dismissal within 14 days of service of the notice.

Dismissal

54. The Committee must not dismiss an appeal under Section X until it has given notice under Rule 52 and considered any submissions made under Rule 53.

SECTION XI – REQUEST FOR ORDER DURING APPEAL

Request for Order

55. A party, as described by Rule 39, may request that the Committee make an order at any time during an appeal by oral submission in the course of the hearing or by written request.
56. The Committee may make Orders for the following:
- a. For the production of documents (Rule 72);
 - b. The exchange of documents;
 - c. For the payment of costs associated with the hearing;
 - d. The oral or written examination of a party (see Rule 97);
 - e. The exchange of witness statements and reports of expert witnesses;
 - f. The provision of particulars; or
 - g. Any other form of disclosure.

Request for Order Form and Service

57. Where a request is made in writing, it must be served on all parties and any person or organization who may have an interest in the request, and filed with the Committee with proof of service.
58. A request for order must:

- a. describe the order requested;
- b. contain reasons for the request, including any facts relied on and submissions in support of the request;
- c. where the order requested is for production of a document(s), a copy of the party's written request for the document(s) and the responding party's response, if any, must be attached;
- d. include the documents relied on in support of the request, if any;
- e. indicate whether the requesting party wishes the Committee to deal with the matter in writing, in person, or electronically; and,
- f. indicate whether the consent of another party has been obtained as to any term of the order sought or as to the manner in which the request should be dealt with.

59. If the requesting party wants the request for order to be dealt with on an urgent basis, it must provide supporting reasons.

Response for Request for Order

60. Unless the Committee directs otherwise, parties responding to the written request for order, must serve a response to request for order on all other parties and file it with the Committee with proof of service no later than 14 days after the request for order was served.

61. The response to request for order must include:

- a. the responding party's position on the order(s) requested and the whether the request for order should be dealt with in writing, in person, or electronically;
- b. identify which facts in the request for order are accepted and which are disputed. Where the order requested is for production of documents the responding party must attach the written response to the request, if any;
- c. reasons and any submissions in support of the responding party's position;
- d. any additional facts relied on by the responding party; and,
- e. include any documents not included in the request for order upon which the responding party intends to rely.

Hearing by Committee in Writing

62. A written request for order shall be heard in writing by all Members of the Committee unless otherwise directed.

Objection

63. For clarity, Rule 13 applies to a party who wishes to object to the form of the written request for order.

Hearing to be Scheduled

64. Where directed to do so, the Committee Coordinator must set a hearing date for the hearing of the request for order.
65. Rule 64 only applies where written requests are not possible or where the Committee decides against the conduct of a written hearing of the request for order.

SECTION XII – WITHDRAWAL OF PROCEEDING

Withdrawal of Appeal

66. An appellant may withdraw an appeal by advising all parties and the Committee Coordinator of their intention to do so in writing at any time prior to the hearing of the appeal.

Withdrawal of Request for Order

67. A party making a request for order may withdraw the request for order by advising all parties and the Committee Coordinator of their intention to do so in writing at any time prior to the hearing of the request for order.

SECTION XIII – NOTICE OF HEARING

Committee Coordinator Fixes Date and Serves Notice

68. The Committee Coordinator must fix a date for the hearing of an appeal and serve a notice of hearing on each party if an appeal has been commenced in accordance with Rule 43 and the Committee Coordinator has not decided not to schedule a hearing in accordance with Rule 44.

Same, Request for Order

69. Where the Committee directs that a request for order will be heard electronically or in person under Rule 55, the Committee Coordinator must fix a date for the hearing of the request for order and serve a notice of hearing on each party and any other person as directed by the Committee.

Contents of Notice

70. The Notice of Hearing must include:
- a. a statement of the time, place and purpose of the hearing;
 - b. the statutory authority under which the hearing will be held;

- c. a statement that if the party notified does not attend at an in person hearing or participate in an electronic hearing as the case may be, the Committee may proceed in the party's absence and the party will not be entitled to any further notice in the proceeding; and
- d. a statement that if a party objects to a hearing in writing or electronic hearing, as the case may be, the objection must be made in accordance with Rule 14.

Manner of Service

71. The notice of hearing must be served by mail or email.

SECTION XIV – DISCLOSURE

Disclosure Orders

72. Subject to any Act or regulation that applies to the proceeding, the Committee may, at any stage of the proceeding, make orders for,
- a. the exchange of documents;
 - b. the oral or written examination of a party;
 - c. the exchange of witness statements and reports of expert witnesses;
 - d. the provision of particulars;
 - e. any other form of disclosure.

Exception, Privileged Information

73. Rule 72 does not authorize the making of an order requiring disclosure of privileged information.

Mandatory Disclosure of Documents by Appellant

74. If requested by another party, the appellant must serve on every party and file, with proof of service, every document the appellant intends to rely upon at the hearing of the appeal at least 14 days in advance of the hearing.

Mandatory Disclosure of Documents by Respondent

75. If requested by another party, The respondent and any other party must serve on every party and file, with proof of service, every document the respondent intends to rely upon at the hearing of the appeal that is not contained in the documents served and filed by the appellant at least 14 days in advance of the hearing.

Record of Hearing

76. Documents required under Section XIV to be served and filed may be compiled in a document book for each party's evidence that includes a table of contents describing each document.
- a. Each document will be referred to as an Exhibit for the purposes of the hearing.
 - b. Each Exhibit will be numbered chronologically in a manner prescribed by the Committee Coordinator or their designate from time to time for the efficient organization of the evidence.

Copies

77. If a party intends to rely on paper copies of documents at the hearing of the appeal, the party must file 3 copies of the documents to be provided to the hearing panel in addition to the copies of the documents served to the other parties and the copy filed with the Committee Coordinator under Rule 75.

Electronic Copies

78. For clarity, it is not necessary to serve or file paper copies of electronic documents that have been served and filed in accordance with this rule.

SECTION XV – HEARING

Hearing Panel for Appeal

79. The hearing of an appeal will be heard by a panel of three members of the Committee.

Expiry of Term

80. If the term of office of a member of the Committee who has participated in a hearing expires before a decision is given, the term must be deemed to continue, but only for the purpose of participating in the decision and for no other purpose.

Incapacity of Member

81. If a member of the Committee who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining member or members may complete the hearing and give a decision.

SECTION XVI – EVIDENCE AT HEARING

Consequences of Failure to Disclose

82. Where the Committee has made an order for disclosure with respect to a witness' testimony under Rule 86, and a party fails to comply with the order, the witness may not testify at the hearing, except with the consent of the Committee.

Same

83. Where the Committee has made an order for disclosure of documents under Rule 86, and a party fails to comply with the order, or fails to disclose documents in accordance with Rule 89, the documents that were not properly disclosed may not be admitted as evidence at the hearing, except with the consent of the Committee.

Expert Witness

84. An expert witness may not testify with respect to an issue at a hearing, except with the consent of the Committee, unless the substance of his or her testimony with respect to that issue is set out in a written report containing the following information:

- a. The expert's name, address, telephone number, email address and area of expertise;
- b. The expert's qualifications within the relevant area of expertise; and
- c. The substance of the expert's proposed evidence, including a list of all the documents to which the expert will refer.

85. Rule 84 does not include the establishment of the witness as an expert during the course of the hearing, subject to the satisfaction of the Committee that the requirements set out in Rule 84 are met.

86. An expert report required by Rule 84 must be served in accordance with Rule 75 or as otherwise ordered.

Evidence Admissible only with Consent

87. If evidence is admissible only with the consent of the Committee under Section XII, the Committee may grant consent if the party responsible for the applicable failure satisfies the Committee that,

- a. there is a reasonable explanation for the failure; and
- b. granting the consent would not,
 - i. cause prejudice to the opposing party that could not be compensated for with an adjournment, or
 - ii. cause undue delay in the conduct of the hearing.

What is Admissible in Evidence at a Hearing

88. Subject to Rules 89 and 90, the Committee may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court,
- a. any oral testimony; and
 - b. any document or other thing

Relevant to the subject matter of the proceeding and may act on such evidence, but the Committee may exclude anything unduly repetitious.

What is Inadmissible in Evidence at a Hearing

89. Nothing is admissible in evidence at a hearing,
- a. that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - b. that is inadmissible by the statute under which the proceeding arises or any other statute.

Conflicts

90. Nothing in Rule 88 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.

Copies

91. Where the Committee is satisfied as to its authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Photocopies

92. Where a document has been filed in evidence at a hearing, the Committee may, or the person producing it or entitled to it may with the consent of the Committee, cause the document to be photocopied and the Committee may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by a member of the Committee.

Certified Copy Admissible in Evidence

93. A document intending to be a copy of a document filed in evidence at a hearing, certified to be a copy thereof by a member of the Committee, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

Pre-Submitted Evidence

94. The hearing panel will admit as evidence all disclosure provided prior to hearing in accordance with Rules 74 & 75, unless a party objects to the admissibility of any part of the contents of the submissions.
95. If an objection is heard as it pertains to Rule 94, the Committee shall determine whether the part of the pre-submitted evidence is to be permitted.

Notice of Facts and Opinions

96. The Committee may, in making its decision in any proceeding,
 - a. take notice of facts that may be judicially noticed; and
 - b. take notice of any generally recognized scientific or technical facts, information or opinions within its scientific or specialized knowledge.

Summonses

97. The Committee may require any person, including a party, by summons,
 - a. to give evidence on oath or affirmation at an in person or electronic hearing; and
 - b. to produce in evidence at an in person or electronic hearing documents and things specified by the Committee,

Relevant to the subject-matter of the proceeding and admissible at a hearing.

Form of Summons

98. A summons issued under Rule 97 must be in the form prescribed by the *Statutory Powers Procedure Act* and shall be signed by the Chair of the hearing and Committee Coordinator.

Service of Summons

99. The summons must be served personally on the person summoned no later than two days before the date of the hearing.

Fees and Allowances

100. The person summoned is entitled to receive the same fees or allowances for attending at or otherwise participating in the hearing as are paid to a person summoned to attend before the Superior Court of Justice.

Request for Summons

101. A party may request that the Committee issue a summons at a pre-hearing conference or at any time by request to the Committee Coordinator.

SECTION XVII – HEARING PROCEDURE

Failure to Attend

102. Where a party has been properly notified of a hearing and fails to attend or participate in the hearing as directed, the Committee may,
- a. adjourn the hearing after considering the factors set out in Rule 26; or
 - b. proceed in the party's absence.

Appellant Failure to Attend

103. Where the appellant does not attend or participate in a hearing, and the hearing panel decides not to adjourn the hearing, the hearing panel must dismiss the appeal, and the respondent must not be required to call any evidence, unless the Committee determines that the Notice of Appeal raises an error or other issue on the face of the decision or order under appeal that requires a response by the respondent.

Order of Presentation

104. At the hearing of an appeal, the order of presentation must be regulated as follows, unless the hearing panel directs otherwise:
- a. Respondent Introduces Case
 - b. Appellant may ask questions to the Respondent or their evidence
 - c. Appellant Introduces Case
 - d. Respondent may ask questions to the Appellant or their evidence
 - e. Additional Questions from Committee
 - f. Final Arguments by Respondent
 - g. Final Arguments by Appellant

Representatives

105. Where a party is represented, the right to address the hearing panel, examine witnesses and otherwise call evidence must be exercised by the party's representative.

Oath or Affirmation

106. A witness called to give testimony at an in person or electronic hearing must take an oath or make an affirmation, and the members of the Committee have the authority to administer the oath or affirmation.

Examination of Witness

107. A witness called to give testimony at an in person or electronic hearing may be,

- a. examined by non-leading questions, except on non-contentious or background issues, by the party who called or summonsed the witness;
- b. cross-examined by the party who did not call the witness;
- c. examined in reply to issues raised on cross-examination that were not and ought not to have been anticipated by the party to called or summonsed the witness; and
- d. questioned by the hearing panel.

Leading Questions on Direct Examination

108. Where a witness appears unwilling or unable to give responsive answers, the hearing panel may permit the party calling the witness to examine him or her by means of leading questions.

Witness Legal Representative

109. A witness called to give testimony at an in person or electronic hearing is entitled to be advised by a legal representative as to their rights, but such legal representative may take no other part in the hearing without the consent of the hearing panel.
110. Where an in-person hearing is closed to the public, the witness's legal representative is not entitled to be present except when that witness is giving evidence.

Verbatim Recording

111. Notwithstanding Rule 19, a party may arrange for the attendance of a qualified verbatim reporter at the party's own expense for the purpose of recording all testimony and submissions during a hearing.

Partial Recording

112. The hearing panel may provide consent for a qualified verbatim reporter to record only part of a hearing if it satisfied that doing so would not result in prejudice to any party.

Transcript Ordered by Party

113. Where a party orders a transcript of part or all of a recording of a hearing made by a qualified verbatim reporter in accordance with Rules 111 & 112, the party must notify the Committee Coordinator and all other parties that the transcript has been ordered.

Transcript Provided to Committee

114. If requested by the Committee, the party who first orders a transcript of part or all of a recording of a hearing must provide a copy to the Committee Coordinator at the party's expense within three days of receipt of the transcript.

Transcript Ordered by Committee

115. Where the Committee orders a transcript of part or all of a recording of a hearing made by a qualified verbatim reporter, the Committee Coordinator must notify the parties that the transcript has been ordered, but is not obligated to provide a copy of the transcript to any party.

Majority Decision

116. The decision of a majority of the members of the hearing panel is the Committee's decision.

Reserved Decision

117. The hearing panel may reserve its decision following a hearing, and shall provide a timeline as soon as one is available for when the decision will be delivered.

Decision in Writing

118. The hearing panel must give its final decision and order, if any, in any proceeding in writing signed by each of the members of the hearing panel.

Reasons

119. The Committee must give reasons for a final decision in writing if requested by a party during the hearing, and may give reasons in writing in any event.

Dissent

120. A member of the hearing panel may give dissenting reasons at the Committee's discretion if reasons are given by the majority of the hearing panel.

Notice of Decision

121. The Committee Coordinator must serve each party who participated in the hearing, or the party's representative, a copy of the Committee's final decision or order, including the reasons if any have been given, by mail or e-mail.

Record of Hearing

122. Following a hearing, the Committee Coordinator must compile a record of proceeding which must include,
 - a. the notice of appeal;
 - b. the notice of any hearing;
 - c. any interlocutory orders made by the Committee;
 - d. all documentary evidence filed with the Committee, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceeding;
 - e. the transcript, if any, of the oral evidence given at the hearing; and
 - f. the decision of the Committee and the reasons therefore, where reasons have been given.
123. Any recording made pursuant to Rule 111 is deemed not to be part of the record of proceeding.