

**HEALTH PROFESSIONS APPEAL AND REVIEW BOARD AND  
HEALTH SERVICES APPEAL AND REVIEW BOARD**

**CONSOLIDATED RULES OF  
PRACTICE AND PROCEDURE**

**EFFECTIVE MAY 1, 2013**

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# RULES OF PRACTICE AND PROCEDURE

## Introduction

These Rules are referred to as *The Health Professions Appeal and Review Board and the Health Services Appeal and Review Board Consolidated Rules of Practice and Procedure* (“the Consolidated Rules” or “the Rules”). The Rules have been adopted by the Boards pursuant to the *Statutory Powers Procedure Act*. The Consolidated Rules govern the practices and procedures of two tribunals that are established under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*:

- The Health Professions Appeal and Review Board
- The Health Services Appeal and Review Board

The Boards have also developed Practice Directions on various subjects addressed in the Rules in order to provide additional information on Board practices and procedures. The Practice Directions can be found at: [www.hparb.on.ca](http://www.hparb.on.ca) and [www.hsarb.on.ca](http://www.hsarb.on.ca)

These Rules apply, with necessary modifications, to all matters currently before the Boards as of May 1, 2013 and to all new applications filed with the Boards after May 1, 2013.

The Health Professions Appeal and Review Board (“HPARB”) conducts hearings and reviews, offered in French and English, and performs the duties that are assigned to it under:

- *Regulated Health Professions Act, 1991* (“*Regulated Health Professions Act*” or “*RHPA*”), which includes, as Schedule 2, the *Health Professions Procedural Code*
- *Drug and Pharmacies Regulation Act*
- *Public Hospitals Act*
- *Veterinarians Act*
- any other Act

As part of its mandate under the *RHPA*, the HPARB conducts complaint reviews, as well as registration reviews and hearings, offered in French and English, for the following regulated health professions:

- Audiology (*Audiology and Speech-Language Pathology Act, 1991*)
- Chiropody (*Chiropody Act, 1991*)
- Chiropractic (*Chiropractic Act, 1991*)
- Dental Hygiene (*Dental Hygiene Act, 1991*)
- Dental Technology (*Dental Technology Act, 1991*)
- Dentistry (*Dentistry Act, 1991*)
- Denturism (*Denturism Act, 1991*)
- Dietetics (*Dietetics Act, 1991*)
- Massage Therapy (*Massage Therapy Act, 1991*)

- Medical Laboratory Technology (*Medical Laboratory Technology Act, 1991*)
- Medical Radiation Technology (*Medical Radiation Technology Act, 1991*)
- Medicine (*Medicine Act, 1991*)
- Midwifery (*Midwifery Act, 1991*)
- Nursing (*Nursing Act, 1991*)
- Occupational Therapy (*Occupational Therapy Act, 1991*)
- Opticianry (*Opticianry Act, 1991*)
- Optometry (*Optometry Act, 1991*)
- Pharmacy (*Pharmacy Act, 1991*)
- Physiotherapy (*Physiotherapy Act, 1991*)
- Psychology (*Psychology Act, 1991*)
- Respiratory Therapy (*Respiratory Therapy Act, 1991*).

Upon proclamation of the relevant sections of the following legislation, the HPARB will also conduct complaint reviews, as well as registration reviews and hearings, for the following health professions:

- Homeopaths (*Homeopathy Act, 2007*)
- Kinesiologists (*Kinesiology Act, 2007*)
- Naturopaths (*Naturopathy Act, 2007*)
- Psychotherapists and Mental Health Therapists (*Psychotherapy Act, 2007*)
- Traditional Chinese Medicine and Acupuncture (*Traditional Chinese Medicine Act, 2006*)

The Health Services Appeal and Review Board (“HSARB”) as established, conducts hearings and reviews, offered in French and English, and performs the duties that are assigned to it under the following Acts:

- *Ambulance Act*
- *Healing Arts Radiation Protection Act*
- *Commitment to the Future of Medicare Act, 2004*
- *Health Facilities Special Orders Act*
- *Health Insurance Act*
- *Health Protection and Promotion Act*
- *Home Care and Community Services Act, 1994*
- *Immunization of School Pupils Act*
- *Independent Health Facilities Act*
- *Laboratory and Specimen Collection Centre Licensing Act*
- *Long-Term Care Homes Act, 2007*
- *Private Hospitals Act*

Administrative services are provided to the HPARB and the HSARB, offered in French or in English, by the Health Boards Secretariat. Information regarding the Boards' processes and practices can be obtained on the Boards' websites at:

HPARB: [www.hparb.on.ca](http://www.hparb.on.ca)

HSARB: [www.hsarb.on.ca](http://www.hsarb.on.ca)

Requests for copies of Rules, Forms and Decisions may be made to the Registrar, in French or English, at the address and telephone numbers below.

The Registrar

Health Services Appeal and Review Board **or** Health Professions Appeal and Review Board

Health Boards Secretariat

151 Bloor St. W., 9<sup>th</sup> Floor

Toronto, ON M5S 1S4

Phone number: 416-327-8512

Toll Free: 1-866-282-2179

Fax number: 416-327-8524

# CONSOLIDATED RULES

The following Rules apply to both Boards, unless specifically stated otherwise.

## Rule 1 – Definitions

1.1 Unless otherwise specified, or unless the context requires otherwise, in these Rules:

“address for delivery” means contact information consisting of a postal address, phone number and, when available, e-mail address;

“Applicant” is a person who initiates a proceeding by making an application to the Board pursuant to the governing legislation;

“application” means the process by which a proceeding is initiated under the governing legislation and includes any request for review or hearing, notice of hearing or appeal, requirement for review or hearing, or appeal to the Board;

“Board” means the Health Professions Appeal and Review Board and/or the Health Services Appeal and Review Board, as the context requires;

“Board member” means a person appointed as a Board member by the Lieutenant Governor in Council;

“case conference” means a telephone or in-person meeting of the parties and is a pre-hearing and pre-review conference as contemplated by section 5.3 of the *Statutory Powers Procedure Act*;

“Chair” means the Board member who is appointed as Chair of the Board by the Lieutenant Governor in Council;

“College” means a College of a regulated health profession or group of regulated health professions established or continued under a Health Profession Act, or the College of Veterinarians of Ontario;

“document” includes data and information stored in an electronic form or stored by means of any device;

"electronic proceeding" means a proceeding held via conference telephone, video, internet or some other form of electronic technology allowing persons to hear or see one another;

“Facilitator” means a Board member or other person designated by the Chair to preside over a case conference or mediation conducted under these Rules;

“hearing” means a hearing in any proceeding before the Board as provided for in governing legislation, including in-person, electronic or written hearings, but does not include a review;

“holiday” means any Saturday, Sunday, statutory holiday or other day on which the Board’s offices are closed;

“HPARB” means the Health Professions Appeal and Review Board;

“HSARB” means the Health Services Appeal and Review Board;

"in-person proceeding" means any proceeding at which the parties, or their representatives, attend before the Board in person;

“party” means any person specified as a party by or under the statute under which the proceeding arises or, if not so specified, persons entitled by law to be parties to the proceeding;

“proceeding” includes all processes following receipt of an application to the Board up to and including the final disposition of the matter by the Board. A proceeding includes both a hearing and a review, but does not include a case conference or mediation;

"Registrar" means the Registrar of the Board;

“representative” means a person authorized under the *Law Society Act* to represent a person in a proceeding, including a lawyer or a non-lawyer representative authorized under that *Act*;

“Respondent” means any person who responds to an application or who is identified as such under the applicable legislation;

“review” means a review as provided for in the governing legislation and includes an in-person, electronic or written review, but does not include a hearing;

“written proceeding ” means a proceeding that is held by means of the exchange of documents, whether done in hard copy form or electronically.

## **Rule 2 – General Rules**

### **Application of rules**

- 2.1 These Rules apply to all processes, procedures and proceedings of the Board, unless a Rule specifically states otherwise.
- 2.2 These Rules will be liberally interpreted and applied by the Board to facilitate a fair, open and accessible process and to ensure the fair, proportional and timely resolution of the merits of the proceedings before the Board.
- 2.3 The Rules are to be interpreted and applied as the governing legislation and context require.
- 2.4 If it considers it appropriate in the particular circumstances, the Board may depart from these Rules or may waive or vary any provision of these Rules.
- 2.5 If the Board issues a procedural order that conflicts with these Rules, the order shall prevail over these Rules.

### **Powers of the Board**

- 2.6 The Board may exercise any of its powers under these Rules at the request of a party or on its own initiative, except where the Rules state otherwise.
- 2.7 The Board will determine how a matter will be dealt with and may use procedures other than traditional adjudicative or adversarial procedures where appropriate, including mediation.
- 2.8 The Board may:
  - (a) lengthen or shorten any time limit in these Rules;
  - (b) add or remove a party;
  - (c) allow any filing to be amended;
  - (d) schedule a proceeding, with or without consultation with the parties;
  - (e) direct that a proceeding be expedited;
  - (f) make orders and recommendations regarding the scheduling of proceedings where two or more proceedings involve the same or similar questions of fact, law or policy;
  - (g) determine the location of a proceeding;
  - (h) determine whether an in-person, electronic or written proceeding will be held;
  - (i) convert the form of a proceeding, case conference or mediation at any stage;
  - (j) direct the order in which issues in a proceeding will be considered and determined;



- (k) define and narrow the issues;
- (l) determine and direct the order in which evidence or submissions will be presented;
- (m) on the request of a party or on its own motion, may require any person, including a party, by summons, to give or produce evidence at a proceeding;
- (n) question a witness;
- (o) limit the evidence or submissions on any issue;
- (p) advise when additional evidence, submissions or witnesses may assist the Board;
- (q) make such further orders as are necessary to give effect to an order or direction under these Rules;
- (r) attach terms or conditions to any order or direction;
- (s) make such orders or give such directions as are necessary to prevent abuse of its processes and ensure that the conduct of participants in Board proceedings is courteous and respectful of the Board, Facilitators, parties and others;
- (t) issue Practice Directions to provide further information about Board processes and procedures or to set requirements relating to Board processes, proceedings, case conferences or mediations; and
- (u) take any other action the Board determines is appropriate.

#### **Accommodation of *Human Rights Code*-related needs**

2.9 Parties, representatives and witnesses are entitled to accommodation of *Human Rights Code*-related needs by the Board and should notify the Case Officer as soon as possible if accommodation is required.

2.10 These Rules will be interpreted and applied in a manner that is consistent with the Ontario *Human Rights Code*.

2.11 The Board may make such orders as are required to ensure the accessibility of the Board's processes to persons requiring accommodation.

#### **Language of proceedings**

2.12 Board proceedings may be conducted in English, in French or bilingually.

**Communications with the Board and other parties**

- 2.13 Unless otherwise required by the Board, all written communications with the Board, including email correspondence, must be addressed to the Registrar and the Board may direct the delivery of additional copies to other parties.
- 2.14 A party or a party’s representative must notify the Board, in writing, of any change in the person’s contact information as soon as possible.

**Representatives**

- 2.15 A party may represent himself/herself in a proceeding or be represented by a representative.
- 2.16 The Board does not assign or pay for the costs of retaining a representative.
- 2.17 If a party is represented, the party or his or her representative must notify the Board in writing.
- 2.18 A representative must notify the Board if he or she ceases to represent the party and must provide the Board with the party’s most current contact information.

**Calculation of Time**

- 2.19 Where an order of the Board or a Rule refers to a number of days, the reference is to calendar days.
- 2.20 Where an action is to be done within a specified number of days, the days are counted by excluding the first day and including the last day.
- 2.21 When the time for doing something expires on a holiday, a Saturday or a Sunday, that thing may be done on the next day that is not a holiday. The following chart lists the holidays and other days the Board is not open.

**Holidays and other days the Board is not open**

Saturday		
Sunday		
New Year’s Day	January 1st	Where New Year’s Day falls on a Saturday or Sunday, the Board is not open on the following Monday
Family Day	The third Monday in February	
Good Friday		
Easter Monday		
Victoria Day	The Monday	

	preceding May 25th	
Canada Day	July 1st	Where Canada Day falls on a Saturday or Sunday, the Board is not open on the following Monday
Civic Holiday	The first Monday in August	
Labour Day	The first Monday in September	
Thanksgiving Day	The second Monday in October	
Remembrance Day	November 11th	Where Remembrance Day falls on a Saturday or Sunday, the Board is not open on the following Monday
Christmas Day	December 25th	Where Christmas Day falls on a Saturday or Sunday, the Board is not open on the following Monday and Tuesday
Boxing Day	December 26th	Where Boxing Day falls on a Saturday, the Board is not open on the following Monday
Any day fixed as a holiday by proclamation of the Governor General or Lieutenant Governor		

### Recording proceedings

2.22 Recording a proceeding, case conference or mediation is prohibited, except by a court reporter authorized by the Board.

### Notice of Constitutional Question

2.23 Notice of a constitutional question shall be served on the Attorney General of Canada, the Attorney General of Ontario and all other parties, and delivered to the Board in the following circumstances:

- (a) The constitutional validity of an Act of the Parliament of Canada or the Legislature, of a regulation or by-law made under such an Act or of a rule of common law is in question.
- (b) A remedy is claimed under section 24(1) of the *Canadian Charter of Rights and Freedoms* in relation to an act or omission of the Government of Canada or the Government of Ontario.

2.24 A Notice of Constitutional Question Form 1 must be delivered as soon as the circumstances requiring the notice become known and, in any event, at least 15 days before the question is to be argued.

### Limit on Constitutional jurisdiction

- 2.25 Pursuant to section 6(3) of the *Ministry of Health and Long Term Care Appeal and Review Boards Act, 1998*, the HSARB shall not inquire into or make a decision concerning the constitutional validity of a provision of an Act or a regulation.

## Rule 3 – Delivering Documents

### Delivering documents to the Board

- 3.1 When delivering any document to the Board, a party or any other person must include the following information:
- (a) names of the Applicant and Respondent;
  - (b) name of the person delivering the document and, if the person is represented, the name of his/her representative;
  - (c) address for delivery, including the mailing address, telephone number and, if available, email address and fax number of the person delivering the document or his/her representative and of the Respondent; and
  - (d) Board file number, if available.
- 3.2 A document may be delivered to the Board as follows:
- (a) by hand delivery, courier, or regular, registered or certified mail to the offices of the Board at:  
  
The Registrar  
Health Services Appeal and Review Board or Health Professions Appeal and Review Board  
151 Bloor St. W., 9th Floor  
Toronto, ON M5S 1S4;
  - (b) by email at:  
  
The Health Professions Appeal and Review Board: [hparb@ontario.ca](mailto:hparb@ontario.ca)  
The Health Services Appeal and Review Board: [hsarb@ontario.ca](mailto:hsarb@ontario.ca);
  - (c) by fax, but only if the document is less than 20 pages in length or, if longer, with consent of the Board, at: 416-327-8524; or
  - (d) as directed by the Board.
- 3.3 A document sent by mail to the Board is delivered the day it is received by the Board.

- 3.4 Documents received after 5:00 p.m. by fax or email will be deemed to have been received on the next business day.

**Delivering a document to parties**

- 3.5 Documents must be delivered to other parties in one of the following ways:
- (a) hand delivery;
  - (b) regular, registered or certified mail;
  - (c) courier;
  - (d) fax, but only if the document is less than 20 pages in length or, if longer, with consent of the participant(s);
  - (e) email where the person or party receiving the document has consented to email delivery;  
or
  - (f) any other way agreed upon by the parties or directed by the Board or a Facilitator.
- 3.6 When a party has a representative, documents must be delivered to the representative.
- 3.7 Where a document is delivered by a party or sent by the Board, receipt is deemed to have occurred when delivered:
- (a) by mail, on the fifth day after the postmark date;
  - (b) by fax, when the person sending the document receives a fax confirmation receipt, unless the confirmation receipt indicates the document was sent after 5:00 p.m., in which case it is the next business day;
  - (c) by courier, on the second day after it was given to the courier;
  - (d) by email, on the day sent or if sent after 5 p.m., delivery will be deemed to have occurred the next day; or
  - (e) by hand, when given to the party or when left with a person at the party's last known address, with proof of delivery.

**Requirement to provide a document "in writing"**

- 3.8 A requirement to provide a document or communication "in writing" or to provide "written notice" or a "written request" is met if the document, communication or notice is sent by email, unless these Rules provide otherwise.

## **Rule 4 – Starting an Application**

### **Information required in an Application**

- 4.1 An application to the Board must be in writing and include:
- (a) the name of the Applicant;
  - (b) the Applicant’s contact information, including address for the delivery of documents;
  - (c) the email address of the Applicant, if available;
  - (d) the name and contact information of the Applicant’s representative, if the Applicant is represented; and
  - (e) a copy of the decision that is the subject of the application.

### **Time limit for an application to the Board**

- 4.2 An application to the Board must be made within the time set by the governing legislation.
- 4.3 A party requesting an extension of time for an application to be made to the Board must deliver a written request to the Board that explains:
- (a) the reason(s) why the application was not made within the required time;
  - (b) the reason(s) why an extension of the time limit is required;
  - (c) what special circumstances exist that justify the Board granting an extension of the time to bring an application to the Board;
  - (d) any supporting documentation relating to the request to extend the time; and
  - (e) any other factor specified by the governing legislation.
- 4.4 The Board may determine whether to accept an application that is delivered after the time limit set by the governing legislation.

## **Rule 5 – Preliminary Review of an Application**

### **Preliminary review of an application to the Board**

- 5.1 The Board will review an application to ensure:
- (a) that it has been delivered to the Board in the time set by the governing legislation
  - (b) the application complies with the Rules and governing legislation; and
  - (c) the matters are within the jurisdiction of the Board.

### **Incomplete application**

- 5.2 If the Board is of the opinion that an application is incomplete, the Board may request that the Applicant send further information within 30 days of the date of the request, or such other time period as the Board determines is appropriate in the circumstances, subject to governing legislation.
- 5.3 If the Applicant does not provide the requested information within the required time period, the Board may refuse to process the application or dismiss it as abandoned.

### **Refusal or dismissal of an application**

- 5.4 The Board may refuse to accept an application or may dismiss an application without a review or hearing at any time if the matter is frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process.

### **Notification of intention to refuse or dismiss**

- 5.5 If the Board is of the opinion that the application should be refused or dismissed, the Board will notify the Applicant, provide the reasons for its decision, and inform the parties of their right to make written submissions to the Board within the time limits set out in the notice.
- 5.6 The Board will not dismiss a proceeding under this Rule until it has given notice and considered any submissions, if any, made by the parties.
- 5.7 After reviewing a submission made under Rule 5.5, the Board may:
- (a) request more information or additional submissions;
  - (b) accept the application;
  - (c) refuse the application; or
  - (d) dismiss the application.

### **Notifying the Applicant of the Board's decision**

- 5.8 The Board will notify the parties, in writing, of its decision and reasons under Rule 5.7.

## **Rule 6 – Notice of Proceeding**

Rule 6 (Notice of Proceeding) does not apply to registration reviews before the HPARB under the *Regulated Health Professions Act* and reviews before the HSARB under the *Commitment to the Future of Medicare Act*.

### **Setting a time and place for a proceeding**

- 6.1 The Registrar or the Board shall appoint a time and place for the proceeding.
- 6.2 A proceeding may be conducted in-person, electronically, or in writing or any combination of in-person, electronic or written proceeding.

### **Notice of proceeding**

- 6.3 The Board shall provide written notice to the parties for a proceeding that will be conducted as an in-person or electronic proceeding.
- 6.4 Despite Rule 6.3, if it is impractical to give notice to each party in writing, the Board may give notice of the proceeding to the parties by other means determined by the Board.
- 6.5 The notice of proceeding shall include a reference to the statutory authority under which the proceeding will be held.
- 6.6 The Board may include in the notice any other information it considers necessary for the proper conduct of a proceeding.

### **Notice of an in-person or electronic proceeding**

- 6.7 The notice of an in-person or electronic proceeding shall include:
  - (a) a statement of the date, time and place for the proceeding and details about the manner in which the proceeding will be held, including information such as telephone numbers and conference entry codes necessary for accessing an electronic proceeding;
  - (b) a statement that if the party, his or her agent, counsel or representative does not participate in the proceeding in accordance with the notice, the Board may proceed without the party's participation;
  - (c) a statement that the only purpose of the proceeding is to deal with procedural matters, if that is the case; and
  - (d) any other information the Board considers advisable.

### **Notice of written proceedings**

- 6.8 The Board may issue a notice of a written proceeding, but is not required to do so.



- 6.9 Where the Board has decided or the parties have agreed to proceed by way of written proceeding, the Board may conduct the proceeding without further notice to the parties.

## **Rule 7 – Case Conferences**

### **Case conferences**

- 7.1 The Board may require the parties to attend a case conference.
- 7.2 At a case conference, the Board may direct the parties to consider and discuss one or more of the following, and may make orders or directions about:
- (a) identifying, clarifying and narrowing the issues;
  - (b) documents to be disclosed, including any written reports, and the method and timing of disclosure;
  - (c) identification of potential motions;
  - (d) facts, information, or evidence that may be agreed upon;
  - (e) production of lists of witnesses for hearings, including expert witnesses, and summaries of the anticipated evidence of witnesses;
  - (f) any matters related to the scheduling of the proceedings;
  - (g) special requirements or accommodations, such as interpreters or a requirement for French language proceedings;
  - (h) settlement or Board-assisted mediation of proceedings, of any or all of the issues; or
  - (i) any other matter relevant to the conduct of the proceeding.
- 7.3 Any representative attending a case conference must have the authority to make agreements and give undertakings respecting the issues to be addressed.

### **Confidentiality**

- 7.4 A case conference shall be held in the absence of the public unless the Board directs that it be open to the public.
- 7.5 The case conference is confidential and is held on a “without prejudice” basis. Statements made by the parties at the case conference cannot be used in the proceeding or any future proceedings and cannot be relied upon by any of the parties other than during the case conference.

### **Who may preside at a case conference**

- 7.6 The Chair or Registrar of the Board may designate a Facilitator to preside at the case conference.
- 7.7 A Board member who presides at a case conference at which the parties attempt to settle issues or who has provided to the parties his or her opinion on the merits of the proceedings, shall not preside at the proceeding unless the parties consent.

### **Orders**

- 7.8 A member of the Board who presides at a case conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the proceeding. Such orders shall be deemed to be orders of the Board.
- 7.9 If the parties come to an agreement at a case conference regarding procedural steps in a proceeding, the Board may convert such agreement into a Consent Order of the Board. A Board member may draft a Consent Order arising from an agreement at a case conference.
- 7.10 If a Board member drafts a Consent Order which is procedural in nature, the Board member is not precluded from hearing the application.

## **Rule 8 – Mediation**

Rule 8 (Mediation) does not apply to complaint reviews and registration reviews before the HPARB under the *Regulated Health Professions Act* and reviews before the HSARB under the *Commitment to the Future of Medicare Act*.

### **Commencing mediation**

- 8.1 Mediation may be held for the purpose of attempting to reach a settlement or to simplify, narrow or resolve issues.
- 8.2 The Board may recommend that the parties participate in a mediation.
- 8.3 The Board must not conduct a mediation unless all parties consent.
- 8.4 The Board will select the mediator.
- 8.5 The mediator will not preside or participate at a proceeding of the matter without the written consent of all parties.
- 8.6 The Board will notify the parties, in writing, of the scheduled date of the mediation.
- 8.7 A person attending a mediation on behalf of a party must have authority to resolve and reach agreement on all issues.

### **Confidentiality**

8.8 Mediations are confidential and conducted on a “without prejudice” basis.

### **Failure to attend a mediation**

8.9 If a party fails to attend a mediation, the Board may:

- (a) direct the matter into another process without providing notice to that party; or
- (b) continue with a new process in the absence of that party.

### **Consent orders**

8.10 On the request of the parties to a proceeding, the Board may make a consent order if it is satisfied that the order is consistent with its enabling Act.

8.11 If the Board declines to make a consent order under Rule 8.10, it must provide the parties with reasons for doing so.

## **Rule 9 – Motions**

### **Motions**

9.1 The Board may at any time:

- (a) rule upon the Board’s jurisdiction;
- (b) give directions concerning Board procedures; or
- (c) make an order for any other purpose which the Board considers necessary to carry out its functions.

### **Procedure to bring a Motion**

9.2 Where a party intends to bring a motion, the party shall obtain directions from the Board regarding the time limits for the delivery of motion materials and whether the motion will be conducted in-person, electronically or in writing.

9.3 A party bringing a motion shall deliver a Notice in writing that provides the following:

- (a) the relief sought and the basis for bringing the motion, the documentary or other evidence relied upon in support of the motion, including any statutory provision or Rule to be relied on;
- (b) a clear and concise statement of the relevant facts pertaining to the matters to be determined by the Board; and
- (c) all submissions and case law.

- 9.4 A party responding to a motion shall deliver the following within the time set by the Board:
- (a) the documentary or other evidence relied upon in response to the motion, including any statutory provision or Rule to be relied on;
  - (b) a clear and concise statement of the relevant facts pertaining to the matters to be determined by the Board; and
  - (c) all submissions and case law.

#### **Motions for dismissal**

- 9.5 A party bringing a motion to dismiss a proceeding shall specify the basis for the motion, which may include that the matter is frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process.

## **Rule 10 – Adjournments and Postponements**

#### **Adjournments**

- 10.1 A proceeding may be adjourned by the Board on its own motion or at the request of a party if the Board is satisfied that the adjournment is advisable.
- 10.2 In considering whether a proceeding should be adjourned, the Board may consider the following factors including:
- (a) the reason for the adjournment;
  - (b) whether the adjournment would cause unreasonable delay;
  - (c) the history of the matter;
  - (d) whether the other party consents to the adjournment;
  - (e) the impact of refusing the adjournment on the parties;
  - (f) the impact of granting the adjournment on the parties; or
  - (g) the public interest.

#### **Postponing a proceeding**

- 10.3 Subject to any statutory time limits, the Board may defer proceeding with an application on its own initiative or at the request of a party on terms it determines are appropriate.
- 10.4 Where the Board intends to defer proceeding with an application under this Rule, it will first give the parties notice of its intention to consider a postponement and an opportunity to make submissions.

## **Rule 11 – Abandonment**

Rule 11 (Abandonment) does not apply to complaint reviews before the HPARB under the *Regulated Health Professions Act*.

### **Deemed Abandonment**

- 11.1 The Board may deem that an applicant has abandoned a proceeding if:
- (a) the Applicant cannot be contacted despite reasonable efforts by the Board; or
  - (b) the Applicant fails to diligently pursue the application.

### **Notification of intention to dismiss for abandonment**

- 11.2 If the Board is of the opinion that the application should be dismissed under this Rule, the Board will notify the Applicant and provide the basis for its decision.
- 11.3 If the Applicant does not contact the Board within 30 days of receipt of the Board's notice under this Rule, the Board may deem the application abandoned and dismiss the application.

## **Rule 12 - Withdrawals**

### **Withdrawing an application**

- 12.1 An Applicant may withdraw his or her application by providing confirmation of his or her decision to withdraw to the Board in a format as directed by the Board.
- 12.2 In the case of complaint reviews before the HPARB under the *Regulated Health Professions Act*, the Board must confirm the Respondent's consent to the withdrawal before withdrawing the application.

## **Rule 13 – Public Access to Proceedings and Documents**

### **Access to proceedings**

- 13.1 Unless otherwise decided by the Board, proceedings are open to the public.
- 13.2 A party may request at any time prior to or during a proceeding that the public be excluded.

### **Public access to documents**

- 13.3 The right of access to a document, record or part of a document or record held by the Board is subject to the Board's obligations under the *Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act, 2004*, any other applicable legislative requirements, or any privilege at law.

## **Rule 14 - Documents to be Relied upon in a Review**

For clarity, Rule 14 applies to reviews before the HSARB under the *Commitment to the Future of Medicare Act* and complaint and registration reviews before the HPARB under the *Regulated Health Professions Act*. Rule 14 does not apply to hearings before the HSARB and hearings by the HPARB under the *Public Hospitals Act* and the *Regulated Health Professions Act*.

- 14.1 Subject to the Board's disclosure practices, every party to a review shall receive a copy of all documents that any other party to the review intends to rely upon in the review in advance of the date set for the review.
- 14.2 A party wishing to rely upon documents not already disclosed to a party or to the Board shall deliver a copy of the documents to the other party and the Board, as directed by the Board or a Facilitator.

## **Rule 15 – Hearings**

Rule 15 – Hearings applies only to hearings before the HSARB and hearings by the HPARB under the *Regulated Health Professions Act* and the *Public Hospitals Act* ("PHA Appeals"). This Rule does not apply to reviews by the HSARB under the *Commitment to the Future of Medicare Act, 2004* or to complaint reviews or registration reviews by the HPARB under the *Regulated Health Professions Act*.

### **Rule 15.1 – Applicant's Application**

#### **Applicant's application**

- 15.1.1 An Applicant may deliver an application for a hearing to the Board. The application must comply with any timelines or other requirements under the governing legislation.

## **Rule 15.2 – Applicant’s Grounds for Hearing**

15.2.1 Within 30 days of delivering the application, the Applicant shall deliver a copy of the Applicant’s Grounds for Hearing to the Respondent and to the Board.

15.2.2 The Applicant’s Grounds for Hearing shall contain:

- (a) a copy of the decision that is the subject of the hearing;
- (b) a statement of the Applicant’s position and the reasons for it;
- (c) the remedy, order or decision requested; and
- (d) any additional documents that the Applicant intends to rely on at the hearing.

## **Rule 15.3 – Respondent’s Grounds of Response**

### **Respondent’s Grounds of Response**

15.3.1 The Respondent shall, within 30 days of the date it received the Applicant’s Grounds for Hearing, deliver a copy of the Respondent’s Grounds of Response to the Applicant and to the Board.

15.3.2 The Respondent’s Grounds of Response shall include:

- (a) an answer or response to the Applicant’s Grounds for Hearing, including a statement of the issues that the Respondent intends to argue at the hearing;
- (b) the address for delivery of documents to the Respondent, if different from the address set out in the Applicant’s application;
- (c) the email address of the Respondent, if available;
- (d) the Board file number, if available;
- (e) in the case of a *PHA* Appeal, a copy of the hospital and medical staff by-laws; and
- (f) any additional documents that the Respondent intends to rely on at the hearing.

## **Rule 15.4 – Failure to Deliver within Timelines**

### **Failure to deliver Applicant’s Grounds for Hearing or Respondent’s Grounds of Response within timelines**

15.4.1 If the Applicant’s Grounds for Hearing or the Respondent’s Grounds of Response are not delivered to the other party and the Board within the applicable time limit, the Board may take any action it considers appropriate, including:

- (a) extending the time for delivering the Applicant's Grounds for Hearing or the Respondent's Grounds of Response;
- (b) applying case management processes as described in Rule 7;
- (c) setting a date for the hearing; or
- (d) any other action the Board deems appropriate in the circumstances.

## **Rule 15.5 – Disclosure**

### **Disclosure**

15.5.1 In addition to the Applicant's Grounds for Hearing and the Respondent's Grounds of Response, unless the Board or a Facilitator orders or directs otherwise, every party must deliver to the other party and to the Board, no later than 15 days before the date of the hearing:

- (a) a copy of any documents the party intends to rely upon at the hearing;
- (b) any witness statements or reports (see Rule 15.6 for witness statements and for expert witness statements and reports);
- (c) any case law the party intends to rely on at the hearing; and
- (d) any other materials the party intends to rely on at the hearing, including a written submission, a factum, a book of authorities or an agreed statement of facts.

### **Number of copies**

15.5.2 A party must provide the Board with the number of copies specified by the Board when delivering or submitting any document or other material.

## **Rule 15.6 – Witnesses**

### **Witness statements**

15.6.1 The Board or a Facilitator may require the parties to deliver witness statements to the other party and to the Board at least 15 days before the date of the hearing, unless the Board specifies another date.

15.6.2 Unless the Board directs otherwise, each witness statement shall include, where applicable:

- (a) the name, address and telephone number of the witness;
- (b) whether the evidence will be factual evidence or, if the witness is qualified, expert evidence;



- (c) whether or not the witness has an interest in the hearing (e.g., a financial, personal or other interest) and, if so, the nature of the interest;
- (d) the date of the statement; and
- (e) the signature of the witness.

**Expert witness statements or reports**

- 15.6.3 Unless the Board orders or directs otherwise, every party must deliver to the other party and to the Board, no later than 40 days before the date of the hearing, any expert witness statements or reports.
- 15.6.4 In the event a party intends to present expert witness evidence, in addition to any requirements under 15.6.2, the expert witness statement shall include:
- (a) a resume of the witness' qualifications;
  - (b) a signed Form 2;
  - (c) a summary of the opinions, conclusions and recommendations of the witness; and
  - (d) reference to those portions of other documents which form an important part of the opinions, conclusions and recommendations of the witness.
- 15.6.5 A party who intends to call an expert witness to respond to the expert witness of the other party must, at least 15 days before the hearing, deliver a copy of the report to the other party and the Board, in compliance with this Rule.

**Failure to provide witness statements**

- 15.6.6 If a party fails to comply with the Board's rules in respect of witnesses and disclosure, the party may not call the person as a witness without the consent of the Board, which may be on any terms and conditions set by the Board.

**Witnesses**

- 15.6.7 The Board may require that a witness give testimony under oath or affirmation.
- 15.6.8 Subject to any directions of the Board, a party may:
- (a) call persons as witnesses and ask them questions;
  - (b) submit written reports, statements, documents or recordings of any kind; and
  - (c) ask questions of any persons called as witnesses by another party.
- 15.6.9 The Board may limit further examination or cross examination of a witness if it is satisfied that the examination or cross examination has been sufficient to disclose fully and fairly all matters relevant to the issue in the hearing.

### **Requiring attendance of a witness**

15.6.10 A party may request that the Board issue an order for a summons requiring a person to give evidence or produce documents and things specified by the Board at the hearing.

15.6.11 A party shall include in their written request to the Board the following information:

- (a) the name of the witness and his or her address for service;
- (b) a brief summary of the evidence to be given by the witness;
- (c) an explanation of why the evidence of the witness would be relevant and necessary;
- (d) details of any documents or things which the person should be required to bring to the hearing; and
- (e) why the summons is required.

15.6.12 After considering the requesting party's explanation, the Chair or designate may choose not to issue a summons and refer the matter to the panel conducting the hearing for consideration.

15.6.13 Where a summons has been issued before the hearing, the panel conducting the hearing may decide that the summons should be cancelled or varied or, if the witness is present, that they may be excused from the remainder of the hearing.

15.6.14 A witness who is subject to a summons may object to the summons by applying to the Board to have it cancelled or varied. The application may be made to the Chair prior to the hearing or to the panel during the hearing. If the Board is satisfied that the evidence sought from the witness is not relevant or is protected by privilege at law, or if the witness is not able to supply the evidence sought, the Board may cancel or vary the summons.

15.6.15 A party who receives a Board order under this Rule may prepare and serve a summons in the form established by the Board, requiring a person:

- (a) to attend an in-person or electronic hearing to give evidence on oath or affirmation or in any other manner that is admissible and relevant to an issue in the hearing; or
- (b) to produce for the Board, that party or another party a document or other thing in the person's possession or control that is admissible and relevant to an issue in the hearing.

15.6.16 If the Board issues the order requested under this Rule, the party requesting the order must, at least 15 days before the hearing, deliver a copy of the order to:

- (a) the person whose attendance is required by the order; and
- (b) all other parties.

15.6.17 The Board may require any person, including a party, by summons:

- (a) to attend an in-person or electronic hearing to give evidence on oath or affirmation or in any other manner; or
- (b) to produce for the Board or a party a document or other thing in the person's possession or control, as specified by the Board.

#### **Witness panels**

15.6.18 The Board may receive evidence from panels of witnesses composed of two or more persons if all parties have had an opportunity to make submissions in that regard.

## **Rule 15.7 – Recording Evidence**

### **Recording evidence**

15.7.1 The oral evidence taken before the Board at a hearing shall be recorded and form part of the official record of proceeding.

15.7.2 If a party requires a copy of a transcript, the party may contact the Board for the name of the court reporter. The party is responsible for ordering the transcript from the court reporter and payment of any applicable fees.

## **Rule 15.8 – Costs**

### **Ability to order costs**

15.8.1 The HSARB, except in the case of reviews under the *Commitment to the Future of Medicare Act*, and the HPARB, in the case of hearings under the *Public Hospitals Act* and registration hearings under the *Regulated Health Professions Act*, may make an order that costs be awarded to either party in accordance with these Rules.

### **When costs may be ordered**

15.8.2 Where the Board finds that a party has acted unreasonably, frivolously, vexatiously or in bad faith, the Board may order that party to pay the costs of another party.

### **Request for costs and submissions regarding costs**

15.8.3 A request for costs by a party shall be made in writing to the Board before the end of the hearing.

15.8.4 The party requesting costs shall state the grounds for the request and the amount being requested. Supporting invoices or receipts for the expenses being claimed must be filed with the Board within 5 days after the end of the hearing and served on all parties.

**Unreasonable, frivolous, vexatious or bad faith conduct**

15.8.5 For the purposes of this Rule, “unreasonable, frivolous, vexatious or bad faith conduct” may include, but is not limited to:

- (a) failing to attend a hearing, case conference or mediation, or to send a representative when properly served with a notice;
- (b) failing to cooperate with other parties during the proceedings;
- (c) failing to comply with a procedural order or direction of the Board;
- (d) continuing to deal with issues which the Board has determined are irrelevant;
- (e) continuing to ask questions which are unduly repetitive or that the Board has determined are irrelevant;
- (f) addressing the other parties and/or the Board rudely or disrespectfully, or acting in a disorderly manner;
- (g) unreasonably maligning or slurring the character of a person;
- (h) asking for adjournments or delays without justification;
- (i) failing to prepare adequately for a proceeding;
- (j) taking unnecessary steps in a proceeding;
- (k) initiating a proceeding frivolously, vexatiously, or in bad faith;
- (l) calling a witness that the party knows will give false or misleading evidence; or
- (m) knowingly presenting false or misleading evidence.

15.8.6 The Board is not bound to award costs if one or more of the examples of unreasonable, frivolous, vexatious or bad faith conduct occurs.

**Eligible expenses and rates**

15.8.7 In the table below, the Board has established maximum levels for legal and consulting fees and other disbursements. Parties should not assume they will recover all of their disbursements or receive full indemnification for legal or consulting fees through a costs award. The Board may make adjustments based on the criteria outlined in these Rules. Based on the circumstances of each case, the Board will determine the scope of the costs and whether the commencement date for work billed may precede the date of the notice of the proceeding. Costs for preparing

and presenting the costs application itself are available only where the party's costs claim is reasonable. Eligible expenses include:

<b>Legal Fees</b>	<b>Maximum Rates</b>
Senior Counsel (>10 yrs. experience)	\$ 290/hr.
Intermediate Counsel (5-10 yrs. experience)	\$ 230/hr.
Junior Counsel (<5 yrs. experience)	\$ 170/hr.
Paralegal or Articling Student	\$ 100/hr.
<b>Consulting Fees</b>	
Senior Consultant (>10 yrs. experience)	\$ 290/hr.
Intermediate Consultant (5-10 yrs. experience)	\$ 230/hr.
Junior Consultant (<5 yrs. experience)	\$ 170/hr.

<b>Disbursements</b>	<b>Current Maximum Rates</b>
Travel by Automobile	40.00¢/km for southern Ontario 41.00¢/km for northern Ontario
Meals	\$40.00/day
Photocopies/facsimile	25¢/copy

15.8.8 The claimable fees and disbursements are based on current rates and updated rates are available from the Board. The cost of hotel accommodation (if the proceeding lasts more than one day) and meals will normally be allowed when the claimant is located more than 99 kilometres from the site of the proceeding. Reasonable claims for public transit, taxi or airport limousine travel are acceptable. Reimbursements for air and rail travel and reasonable compensation for travel time will be considered when the claimant is located more than 99 kilometres from the site of the proceeding and the attendance of the claimant is necessary.

15.8.9 Unless ordered otherwise, awards of costs shall bear interest in the same manner as those made under section 129 of the *Courts of Justice Act*.

15.8.10 Costs may be claimed only for the additional proceeding time resulting from the unreasonable conduct of a party.

15.8.11 In deciding the amount of a cost award, the Board may also take into consideration the party's ability to pay and the seriousness of the misconduct.

15.8.12 Parties may also claim costs for economic loss resulting from the unreasonable conduct of another party.

## **Rule 16 – Decisions**

### **General**

16.1 A decision of the Board (except an interim decision or a ruling on procedural or other similar matters) will be made in writing and may include reasons for the decision.

16.2 The decision will be effective on the date it is issued unless otherwise specified in the decision.

16.3 All written decisions concluding a proceeding before the Board will be made available to the public, in accordance with the Board's statutory obligations and any Board Practice Directions.

### **Corrections**

16.4 After rendering a decision or order, the Board may at any time correct a typographical error, an error of calculation, an omission or any other similar error in its decision without prior notice to the parties. The Board shall notify the parties of its correction to the decision or order.

### **Power to reconsider a decision of the Board**

16.5 The Board, on its own motion or at the request of a party to a proceeding, may reconsider any decision made by it and may confirm, amend or revoke it. The Board may do so at any time if it considers it advisable to do so.

- 16.6 No request for reconsideration will be considered where it is filed more than 20 days after the date of the Board's decision, except with permission of the Board.
- 16.7 No reconsideration by the Board on its own motion of any decision or order shall operate as a stay of the decision or order under reconsideration, unless otherwise ordered by the Board.

## **Rule 17 – Appeals from Board Decisions**

### **Appeals from Board decisions**

- 17.1 A party to a Board proceeding may request a judicial review or appeal from the Board's decision or order to the Divisional Court in accordance with the applicable legislation and the Rules of that Court.
- 17.2 A party appealing a decision or order of the Board or filing an application for judicial review, shall deliver a copy of the notice of appeal or notice of application for judicial review with the Board at the time the notice of appeal or judicial review application is filed with the court.

## **Complaint Reviews (HPARB)**

### **Application of the Rules**

Unless expressly stated otherwise, the Rules apply to all complaint review proceedings before the HPARB under the *Regulated Health Professions Act*.

For clarity, the following Rules do not apply to complaint reviews:

- Rule 8            Mediation
- Rule 11          Abandonment
- Rule 15          Hearings

## **Registration Reviews (HPARB)**

### **Application of the Rules**

Unless expressly stated otherwise, the Rules apply to all registration review proceedings before the HPARB under the *Regulated Health Professions Act*.

For clarity, the following Rules do not apply to registration reviews:

- Rule 6 Notice of Proceeding
- Rule 8 Mediation
- Rule 15 Hearings

## Registration Hearings (HPARB)

### Application of the Rules

Unless expressly stated otherwise, the Rules apply to all registration hearings before the HPARB under the *Regulated Health Professions Act*.

For clarity, the following Rules do not apply to registration hearings:

- Rule 14 Documents to be relied upon in a review

## Public Hospitals Act Hearings (HPARB)

### Application of the Rules

Unless expressly stated otherwise, the Rules apply to all proceedings of the HPARB under the *Public Hospitals Act*.

For clarity, the following Rules do not apply to proceedings under the *Public Hospitals Act*:

- Rule 14 Documents to be relied upon in a review

## HSARB Hearings

### Application of the Rules

Unless expressly stated otherwise, the Rules apply to all proceedings of the HSARB relating to hearings under the following Acts:

- *Ambulance Act*
- *Healing Arts Radiation Protection Act*
- *Health Facilities Special Orders Act*
- *Health Insurance Act*
- *Health Protection and Promotion Act*
- *Home Care and Community Services Act, 1994*



- *Immunization of School Pupils Act*
- *Independent Health Facilities Act*
- *Laboratory and Specimen Collection Centre Licensing Act*
- *Long-Term Care Homes Act, 2007*
- *Private Hospitals Act*

For clarity, the following Rules do not apply in relation to HSARB hearings:

- Rule 14 Documents to be relied upon in a review

## ***Commitment to the Future of Medicare Act Reviews (HSARB)***

### **Application of the Rules**

Unless expressly stated otherwise, the Rules apply to all review proceedings before the HSARB under the *Commitment to the Future of Medicare Act (CFMA)*.

For clarity, the following Rules do not apply to *CFMA* reviews:

- Rule 6 Notice of Proceeding
- Rule 8 Mediation
- Rule 15 Hearings

## Guide to Application of the Consolidated Rules

The Consolidated Rules apply to all proceedings before the HPARB and the HSARB. Where a specific Rule does not apply to a particular type of Board proceeding, the Rules will specifically state this. For ease of reference, the following table provides a list of the Rules that do NOT apply in the case of each type of proceeding conducted by the HPARB and the HSARB.

<b>Type of Proceedings</b>	<b>Legislation</b>	<b>Rules that do NOT apply</b>
Complaint Reviews	<ul style="list-style-type: none"> <li>• <i>Regulated Health Professions Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Rule 8 – Mediation</li> <li>• Rule 11 - Abandonment</li> <li>• Rule 15 – Hearings</li> </ul>
Registration Reviews	<ul style="list-style-type: none"> <li>• <i>Regulated Health Professions Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Rule 6 – Notice of Proceeding</li> <li>• Rule 8 – Mediation</li> <li>• Rule 15 – Hearings</li> </ul>
Registration Hearings	<ul style="list-style-type: none"> <li>• <i>Regulated Health Professions Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Rule 14 – Documents to be relied upon in a review</li> </ul>
<i>Public Hospitals Act</i> Hearings	<ul style="list-style-type: none"> <li>• <i>Public Hospitals Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Rule 14 – Documents to be relied upon in a review</li> </ul>
HSARB Hearings	<ul style="list-style-type: none"> <li>• <i>Ambulance Act</i></li> <li>• <i>Healing Arts Radiation Protection Act</i></li> <li>• <i>Health Facilities Special Orders Act</i></li> <li>• <i>Health Insurance Act</i></li> <li>• <i>Health Protection and Promotion Act</i></li> <li>• <i>Home Care and Community Services Act, 1994</i></li> <li>• <i>Immunization of School Pupils Act</i></li> <li>• <i>Independent Health Facilities Act</i></li> <li>• <i>Laboratory and Specimen Collection Centre Licensing Act</i></li> <li>• <i>Long-Term Care Homes Act, 2007</i></li> <li>• <i>Private Hospitals Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Rule 14 – Documents to be relied upon in a review</li> </ul>
CFMA Reviews	<ul style="list-style-type: none"> <li>• <i>Commitment to the Future of Medicare Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Rule 6 – Notice of Proceeding</li> <li>• Rule 8 – Mediation</li> <li>• Rule 15 – Hearings</li> </ul>



**Form 1  
Notice of Constitutional Question**

Before the Health Professions Appeal and Review Board

Between:

**APPLICANT**

-and-

**RESPONDING PARTY**

The ..... intends to question the constitutional validity (or applicability) of (*identify the legislative provision or common law rule*),

or to claim a remedy under subsection 24(1) of the *Canadian Charter of Rights and Freedoms* in relation to an act or omission of the Government of Ontario (or Canada).

If known, date and place of hearing: .....

The following are the material facts giving rise to the constitutional question: .....  
(*Set out concisely the material facts that relate to the constitutional question. Where appropriate, attach pleadings or reasons for decision.*)

The following is the legal basis for the constitutional question: .....  
(*Set out concisely the legal basis for each question, identifying the nature of the constitutional principles to be argued.*)

.....  
*Date*

.....  
*Signature for the Responding Party/ Intervener*

This notice must be delivered as soon as the circumstances requiring the notice become known and, in any event, at least 15 days before the question is to be argued, unless the Board orders otherwise. *See Rules 2.23 to 2.25 of the Health Professions Appeal and Review Board and the Health Services Appeal and Review Board Consolidated Rules of Practice and Procedure.*



**CERTIFICATE OF DELIVERY**

I certify that a completed copy of the Notice of Constitutional Question was delivered to:

- the Attorney General of Ontario,
- the Attorney General of Canada, and
- any other affected party named in the application or in a response filed by another party, as follows:

**The Attorney General of Ontario**

Constitutional Law Branch  
4th Floor  
720 Bay Street  
Toronto, Ontario M5G 2K1

Fax: (416) 326-4015

Name and title of person to whom documents were delivered: .....

The documents were delivered by:

- facsimile transmission, or
- hand delivery on (Date) at (Time) a.m./p.m. ....
- The documents were given to (Name of Courier) on, (Date) and I was advised that they would be delivered not later than (Date) ,at (Time) a.m./ p.m. ....

**The Attorney General of Canada**

Suite 3400, Exchange Tower  
Box 36, First Canadian Place  
Toronto, Ontario M5X 1K6  
Fax: (416) 952-0298

(or)

Justice Building  
239 Wellington Street  
Ottawa, Ontario K1A 0H8  
Fax: (613) 954-1920

Name and title of person to whom documents were delivered: .....

The documents were delivered by:

- facsimile transmission, or
- hand delivery on (Date) at (Time) a.m./p.m. ....
- The documents were given to (Name of Courier) on, (Date) and I was advised that they would be delivered not later than (Date) ,at (Time) a.m./ p.m. ....



**Other affected party(ies)**

**Party 1:**

Name and address

Name and title of person to whom documents were delivered: .....

The documents were delivered by:

- facsimile transmission, or
- hand delivery on (Date) at (Time) a.m./p.m. ....
- The documents were given to (Name of Courier) on, (Date) and I was advised that they would be delivered not later than (Date) ,at (Time) a.m./ p.m. ....

Name: .....

Title: .....

Date: .....



## Form 2 Acknowledgement of Expert's Duty

- Health Services Appeal and Review Board (HSARB)  
 Health Professions Appeal and Review Board (HPARB)

File No:	
Case Name:	

1. My name is ..... (*name*). I live at ..... (*city*),  
in the province of ..... (*name of province*).
2. I have been engaged by or on behalf of ..... (*name of party/parties*) to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - (a) to provide opinion evidence that is fair, objective and non-partisan;
  - (b) to provide opinion evidence that is related only to matters that are within my area of expertise;  
and
  - (c) to provide such additional assistance as the ..... (*HSARB or HPARB*) may reasonably require to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

.....  
*Date*

.....  
*Signature*

**NOTE:** This form must be attached to any report signed by the expert and provided for the purposes of Rule 15.6.4(b) of the Health Professions Appeal and Review Board and Health Services Appeal and Review Board *Consolidated Rules of Practice and Procedure*.