

TRIBUNAL

Practice Direction April 6, 2018

Application for Hearing in Writing

1. This direction applies to a hearing on facts and determination or disciplinary action on a citation.
2. A party may apply to the President or designate to conduct a hearing on written materials only and without an oral hearing (“hearing in writing”).
3. An application will only be considered when the respondent consents to the hearing in writing.
4. An application must be accompanied by all documents to be considered in the hearing in writing, including:
 - (a) the citation;
 - (b) all proposed exhibits, including affidavit evidence;
 - (c) submissions of the parties;
 - (d) any application under Rule 5-8(2) for non-disclosure of information, including submissions of the parties on the application;
 - (e) all authorities referred to.
5. The President or designate will appoint a hearing panel to consider the application.
6. The hearing panel will consider the application and accompanying documentation and exercise a discretion to grant or refuse the application. In either case, the hearing panel is seized of the matter.

7. If the hearing panel grants the application, it will proceed to decide the matter in a hearing in writing. Exhibits submitted, if admissible, will be marked as such for the purposes of Rule 5-9.
8. If the hearing panel refuses the application, the panel will provide reasons in writing, the Hearing Administrator will provide the parties with dates available to the panel, and a date will be set for an oral hearing under Rule 4-32.

Craig A.B. Ferris, QC

President's Designate