

CMRAO Rules of Practice Before the Discipline Committee and Appeals Committee

RULES OF PRACTICE BEFORE THE DISCIPLINE COMMITTEE AND THE APPEALS COMMITTEE

PURPOSE

The principal objective of the *Condominium Management Services Act, 2015, SO 2015, c 28, Sch 2 (“CMSA”)* discipline process is to regulate the practices of condominium managers and management companies in accordance with the Code of Ethics and Discipline and Appeals Committees regulation (*O. Reg. 3/18*) and legislation in order to enhance the integrity of the sector. Regulation of the industry will ensure consumer protection and strengthen the profession, ultimately giving condominium owners confidence in the people and companies who manage their important investment.

The purpose of these Rules is to provide a fair, open and accessible process for parties and other interested persons, to increase the efficiency and timeliness of proceedings and to assist the Discipline Committee and Appeals Committee in fulfilling their mandates.

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RULE 1 - INTERPRETATION AND APPLICATION

1.01 DEFINITIONS

- (1) In these Rules, unless the context requires otherwise, words that are not defined below have the meaning defined in the *Condominium Management Services Act, 2015* or the *Statutory Powers and Procedures Act*:

“Act” means the *Condominium Management Services Act, 2015* and any successor legislation;

“Affidavit” means a document made by a person who states that its contents are true and is confirmed as true by oath, affirmation or such other manner as is recognized under the laws of Ontario;

“Appeals Panel” means a panel of the Appeals Committee appointed under the Act;

“Board of Directors” means the Board of Directors of the Condominium Management Regulatory Authority of Ontario (the “**CMRAO**”);

“Business Day” means a day that is not a Saturday, Sunday or Ontario statutory holiday;

“By-laws” means any by-law of CMRAO from time to time in force or effect;

“Chair” means the chairperson of either the Discipline Committee or the Appeals Committee, depending on the context, who is appointed under the Act;

“CMRAO” means the Condominium Management Regulatory Authority of Ontario which is the administrative authority for the purposes of the Act, as designated under O. Reg. 178/17;

“CMRAO Office” means the office of the CMRAO located at P.O. Box 48087 RPO Davisville, Toronto, ON M4S 3C6;

“Director” means the director appointed pursuant to section 31 of the Act;

“Discipline Panel” means a panel of the Discipline Committee appointed under the Act;

“Discipline Panel Chair” means a chairperson of a Discipline Panel appointed under the Act;

“Document” includes a sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of account, and information recorded or stored by means of any device including an electronic device;

“Electronic Hearing” means a hearing held by telephone conference or similar form of electronic technology allowing persons to communicate with and hear one another simultaneously;

“File” means effective delivery of Documents to the Hearings Officer, consistent with subrule 2.02, together with proof of service;

“Hearing” means Proceedings before a Panel in which the Panel receives evidence and/or submissions regarding the merits of the proceeding, rather than simply an interim or procedural step in the Proceedings;

“Hearings Office” means the office of the Hearings Officer, located at the CMRAO Office;

“Hearings Officer” means the one or more individuals who provide administrative assistance and support for the function of the discipline process;

“Holiday” means Saturday, Sunday, or any Ontario statutory holiday;

“Legal Practitioner” means a lawyer or paralegal authorized under the *Law Society Act* to represent a participant in a Proceeding;

“Licensee” means a condominium management provider or condominium manager who is licensed under this Act;

“Member” means a member of the Appeals Committee or the Discipline Committee appointed under subsection 58(3) of the Act;

“Motion” means a written or oral request made to the Panel by a Party, or person seeking an order from the Panel, in a Proceeding before the Panel;

“Notice of Hearing” means a written notice commencing a hearing before a Panel;

“Oral Hearing” means a hearing at which the parties or their Representatives attend before the Panel in person;

“Panel” means an Appeals Panel or a Discipline Panel;

“Particulars” means facts required to ascertain or clarify the nature of a Party’s allegation and on which that Party is relying, but does not mean the evidence which that Party may use to prove such allegation is true;

“Party” means, in the case of a Discipline Hearing, a licensee who is the subject of the proceeding, the administrative authority and any other person added as a party by the Discipline Committee. In the case of an Appeal Hearing, “Party” means the appellant, the other persons who were parties

to the proceeding before the Discipline Committee, and any other person added as a party by the Appeals Committee.

“Pre-hearing Conference Chair” is the person appointed by the Chair of the Committee to conduct a pre-hearing conference;

“Proceedings” means a discipline or appeal matter that may be heard before a Panel and includes interim or procedural steps;

“Registrar” means the registrar under the Act;

“Respondent” means a person or persons against whom a complaint is made and any person that the Chair or Panel adds as a respondent;

“Regulations” means the regulations made under the Act;

“Representative” means a Legal Practitioner or other person who a Panel is satisfied is authorized under the *Law Society Act* to represent a participant in the Proceedings before the Panel;

“Rules” means these Rules of Practice;

“Service” means the effective delivery of documentation to any person or to the person’s Representative in a manner prescribed by these Rules;

“Written Hearing” means a hearing held by means of the exchange of Documents whether in written form or by electronic means; and

“Vulnerable Witness” means a person providing evidence who appears not to be able to withstand normal Hearing procedures because of age, disability, health or similar reason.

1.02 GENERAL PRINCIPLES

- (1) These Rules shall be liberally construed to secure a just, proportionate, expeditious and cost effective determination of the allegations against a Licensee. These Rules should be interpreted fairly and in a way that promotes justice for the Parties while protecting the public interest and interests of witnesses.
- (2) Where matters are not provided for in these Rules or the *Statutory Powers Procedure Act*, the procedure shall be determined by analogy to them.
- (3) The Discipline Committee or Appeals Committee may issue practice directions from time to time to explain or clarify these Rules.

1.03 APPLICATION OF RULES

- (1) These Rules are made pursuant to s. 25.1 of the *Statutory Powers Procedures Act*.
- (2) These Rules apply to all Proceedings before Panels of the CMRAO Discipline Committee and Appeals Committee.

1.04 CONFLICTS

- (1) Where any of these Rules is in conflict with the Act, Regulations or By-laws, the Act, Regulations or By-laws shall prevail, subject to the provisions of section 32 of the *Statutory Powers Procedure Act*.

1.05 GENERAL RULES OF PRACTICE FOR PROCEEDINGS BEFORE THE DISCIPLINE PANEL OR APPEALS PANEL

- (1) A Panel may exercise any of its powers under these Rules on its own initiative or at the request of a Party.
- (2) A Panel may issue general or specific procedural directions at any time.
 - (a) A Panel may waive compliance with any of these Rules at any time.
 - (b) It is sufficient if there is substantial compliance with a form or notice required by or under these Rules.
- (3) No Proceedings are invalid by reason only of a defect or other irregularity of form.
- (4) If a Party seeks a remedy or order that a Panel cannot fairly grant without submissions from other Parties, the Party seeking the order shall first seek the consent of the other Parties and advise the Panel whether consent was obtained.
- (5) If the Parties consent, the Proceedings may be disposed of by a decision or order of the Panel given without a Hearing.
- (6) All communications with a Panel outside of a hearing, in the absence of the other Parties, shall be made through the Hearings Officer.
- (7) Where a Party is represented by a Representative, the Hearings Officer will communicate with the Party, through the Party's Representative.
- (8) Where a Party is represented by a Representative, service of any Document shall be to the Representative.

- (9) Where a Party is to attend before a Panel and fails to do so, the Panel will recess for at least fifteen (15) minutes prior to making any decision as to whether or not to proceed with the hearing in the absence of that Party.
- (10) A Panel may at any time correct a typographical error, error of calculation, or other similar error made in its decision or order without prior notice to the Parties.
- (11) A Panel may make such orders or give such directions in Proceedings before it, as it considers proper, to prevent abuse of its processes.
- (12) Where these Rules require a notice to be given, it shall be given in writing
- (13) Where these Rules require a document to be delivered, it shall be served in accordance with subrule 2.01 and filed in accordance with subrule 2.02.
- (14) Where these Rules require a document to be filed with the CMRAO, the document shall be filed in triplicate at a minimum, unless advised by the Hearings Office that more copies are required.

RULE 2 - SERVICE AND FILING

2.01 SERVICE

- (1) Unless specified otherwise by these Rules, all documents required to be served under these Rules may be served by:
 - (a) personal delivery to the person to be served of a copy of the notice or document;
 - (b) sending a copy of the notice or document by mail to the person to be served at the last address for that person in the records of the Registrar of the CMRAO;
 - (c) sending a copy of the notice or document by courier to the person to be served at the last address for that person in the records of the Registrar of the CMRAO;
 - (d) sending a copy of the notice or document by facsimile transmission to the person to be served at the most recent telephone number for facsimile transmission known to the Registrar of the CMRAO; but only if the document is less than 30 pages in length, or with consent of the person being served;
 - (e) sending a copy of the notice or document electronically to the e-mail address of the party or the counsel or agent of the party, if the recipient has consented in advance to service by e-mail; or

- (f) where the person to be served is represented by a Representative, sending a copy of the notice or document by mail, courier or facsimile transmission to the person's Representative unless otherwise provided in these rules or otherwise directed by the Discipline Committee.
- (2) Service of a Document is deemed to be effective:
 - (a) by regular, registered or certified mail on the third (3rd) day following the day of mailing, subject to section 73(2) of the Act;
 - (b) by courier, including Priority Post, on the second (2nd) day following the day the Document was given to the courier;
 - (c) by fax or electronic mail on the day following the transmission, and only if the sender receives a confirmation of successful transmission;
 - (d) by personal service, on the day of Service; or
 - (e) by such other methods as permitted or directed by a Panel;
 - (3) If it is impractical to give Service in accordance with subrule 2.01 a Panel may give such directions for substituted Service as it considers appropriate or, where necessary, may dispense with Service.

2.02 FILING OF DOCUMENTS

- (1) All documents to be filed with the Discipline Committee in advance of a hearing shall be filed, with proof of service, in the Hearings Office.
- (2) Any document may be filed in the Hearings Office
 - (a) by leaving it with a person at the Hearings Office;
 - (b) by mailing it or by sending it by courier to the Hearings Office; or
 - (c) by email to hearingoffice@cmrao.ca.
- (3) Any document filed in the Hearings Office shall be clearly marked "Attention: Hearings Office".
- (4) A document shall not be considered filed until it is actually received by the Hearings Office.
- (5) A person who Serves or Files a Document shall include with it a statement of the person's address, telephone number and the name of the Proceedings to which the Document relates.

- (6) A party or, where relevant, a motion participant can confirm whether a document has been filed by telephoning the Hearings Office.

2.03 COMPUTING TIME

- (1) Subject to an order of the Panel, in computing time periods under these Rules,
 - (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;
 - (b) Service of a Document made after 4:00 p.m. or at any time on a Holiday shall be deemed to have been made on the next day that is not a Holiday;
 - (c) where a period of less than seven (7) days is required, Holidays shall not be counted;
 - (d) where the time for doing an act under these Rules expires on a Holiday, the act may be done on the next day that is not a Holiday; and
 - (e) where under these Rules, a Document would be deemed to be received or Service would be deemed to be effective on a day that is a Holiday, it shall be deemed to be received or effective on the next day which is not a Holiday.
- (2) A Panel may, at any time and on such conditions as it considers appropriate, lengthen or shorten the time required for the performance of any obligation under these Rules.

2.04 DISPOSITION WITHOUT A HEARING - CONSENT

- (1) The below subsection applies only to Proceedings before Panels of the CMRAO Discipline Committee.
- (2) For greater clarity, Parties may not consent to a disposition without a hearing before Panels of the CMRAO Appeals Committee.
- (3) Where the Parties consent to the disposition of all or part of a matter without a Hearing, the Parties shall serve and file with the Hearings Office the proposed disposition in writing and a written waiver of the requirement for a Hearing (under section 4.1 of the *Statutory Powers Procedure Act*) and a full Panel (under section 4.2.1 of the *Statutory Powers Procedure Act*), together with any written submissions to the Chair, care of the Hearings Officer.

- (4) Where, in the opinion of the Chair, the proposed disposition appears to be in the public interest and consistent with the *Act* and regulations, the Chair may accept and sign the proposed disposition and provide an order.
- (5) Where the Chair has concerns as to whether the proposed disposition is in the public interest or is consistent with the *Act* and regulations, the Chair shall assign a Panel to consider it along with any written submissions of the Parties.
- (6) The Chair or a Panel shall not alter or amend a disposition without a Hearing unless the Parties consent.
- (7) Nothing in this Rule prevents a Panel from accepting a joint submission from the Parties at a Hearing.

RULE 3 - NOTICE OF HEARING

3.01 HEARING NOTICES

- (1) A matter that is directed to proceed by way of a Hearing before a Discipline Panel shall be commenced by a Notice of Hearing issued by the Registrar and shall include Particulars of the conduct at issue.
- (2) The Hearings Officer shall notify the Parties to a Hearing by Serving a Notice of Hearing upon the Parties, in accordance with subrule 2.01 at least forty-five (45) days prior to the Hearing.
- (3) Notice of Hearing generally shall include:
 - (a) a reference to the statutory authority under which the Hearing is to be held;
 - (b) information required by the *Statutory Powers Procedure Act* to be included in the Notice of Hearing including any information required for holding all or part of the Proceedings electronically or in writing; and
 - (c) a statement of the purpose of the Hearing.
- (4) A Notice of Hearing may include any other information or directions that are considered necessary for the proper conduct of the Hearing.
- (5) All Hearings are to be held at the CMRAO Office, unless otherwise ordered by the Panel.
- (6) All Hearings shall be conducted orally unless the Chair or a Panel concludes that an Electronic or Written Hearing is appropriate in the particular circumstances.

3.02 ORAL HEARING

- (1) For an Oral Hearing, in addition to the requirements of subrule 3.01, the Notice of Hearing shall include:
 - (a) a statement of the date, time, and place of the Hearing; and
 - (b) a statement that if a Party does not attend at the Hearing, the Panel may proceed in the Party's absence and the Party will not be entitled to any further notice of the Proceedings.

3.03 WRITTEN HEARING

- (1) Subject to subsections 5.1(2) and (2.1) of the *Statutory Powers Procedure Act*, the Chair or Panel may order all or part of a hearing, including a motion, to proceed as a written hearing.
- (2) For a Written Hearing, in addition to the requirements of subrule 3.01, the Chair or Panel shall issue an order and/or an amended Notice of Hearing which shall include:
 - (a) a statement of the dates and time periods during which Parties are to Serve and File Documents for the Written Hearing;
 - (b) a statement that Parties will be required to exchange Documents with other Parties and will have an opportunity to make submissions; and
 - (c) a statement that the Parties will be obliged to provide with their final submissions a list of the Documents that they are relying on to support their positions and copies of those Documents if the Panel does not already have them in accordance with rule 1.05(14).

3.04 ELECTRONIC HEARING

- (1) The Chair or Panel may order all or part of a hearing, including a motion, as an electronic hearing.
- (2) In determining whether to hold all or part of a hearing as an electronic hearing, the Chair or Panel shall consider:
 - (a) in cases where oral evidence is to be heard and a party objects, whether there is significant prejudice to the objecting party;
 - (b) in all cases, whether the panel's ability to hold a fair and adequate hearing will be prejudiced;
 - (c) whether any obligation to hold the hearing in public can be met; and

- (d) in all cases other than where the only purpose of the hearing is to deal with procedural matters, whether the reasons for requesting an electronic hearing outweigh the desirability that members who are the subject of discipline proceedings should attend discipline hearings in person.
- (3) For an Electronic Hearing, in addition to the requirements of subrule 3.01 the Chair or Panel shall issue and order and/or an amended Notice of Hearing which shall include:
- (a) a statement of the time of the Hearing, and details about the manner in which the Hearing will be held;
 - (b) a statement that the only purpose of the Hearing is to deal with procedural matters, if that is the case;
 - (c) if clause (b) does not apply, a statement that the Party may, by satisfying a Panel that holding the Hearing as an Electronic Hearing is likely to cause the Party significant prejudice, require a Panel to hold the Hearing as an Oral Hearing, and an indication of the procedure to be followed for that purpose; and
 - (d) a statement that if the Party neither follows the procedure set out in clause (c) for objections to an Electronic Hearing, if applicable, nor participates in the Hearing in accordance with the Notice of Hearing, the Panel may proceed without the Party's participation and the Party will not be entitled to any further notice of the Proceedings.
- (4) At least forty-eight (48) hours before an Electronic Hearing is scheduled to commence, every person participating in the Electronic Hearing shall give notice to the Hearings Officer of the telephone number, location and other coordinates, if applicable, where he/she can be reached for the Electronic Hearing.
- (5) Every person participating in the Electronic Hearing shall ensure that he or she can be reached at the telephone number or other coordinates provided to the Hearings Officer at least fifteen (15) minutes before the Electronic Hearing is scheduled to commence.
- (6) Unless otherwise provided in these Rules, every person participating in the Electronic Hearing shall serve and file every Document in accordance with Rule 1.05(14), with sequentially numbered pages, that he or she intends to rely upon at least three (3) Business days before the Electronic Hearing.

3.05 WHEN TO HOLD A WRITTEN OR ELECTRONIC HEARING

- (1) In deciding whether to hold a Written or Electronic Hearing, subject to the provisions of sections 5.1 and 5.2 of the *Statutory Powers Procedure Act*, the Chair or a Panel may consider any relevant factors, including:
 - (a) the suitability of a Written or Electronic Hearing format considering the subject matter of the Hearing, including the extent to which the matters are in dispute;
 - (b) whether the nature of evidence is appropriate for a Written or Electronic Hearing, including whether credibility is an issue and the extent to which the facts are in dispute;
 - (c) the extent to which the matters in dispute are questions of law;
 - (d) the convenience of the Parties;
 - (e) the cost, efficiency and timeliness of Proceedings;
 - (f) avoidance of unnecessary length or delay;
 - (g) ensuring a fair and understandable process;
 - (h) the desirability or necessity of public participation in or public access to the discipline process; or
 - (i) any other consideration affecting the fulfillment of the Panel's mandate.
- (2) When ordering that a matter proceed by Written or Electronic Hearing, the Chair or a Panel shall do so on terms which are just.
- (3) A Party requesting an Electronic or Written Hearing shall do so by Motion.

3.06 NON-ATTENDANCE OR NON-PARTICIPATION

- (1) Where a Notice of Hearing has been served on any Party in accordance with these Rules and any applicable legislation, and the Party does not attend at or participate in the Hearing as specified in the Notice of Hearing, a Panel may proceed in their absence or without their participation and that Party is not entitled to any further notice of the Proceedings.

3.07 REGISTRAR'S STATEMENT

- (1) A statement in writing purportedly signed by the Registrar indicating the date on which the facts upon which the complaint is based first came to his or her knowledge shall, in the absence of credible evidence to the contrary,

be considered proof of that date for the purposes of section 23 of Ontario Regulation 3/18.

RULE 4 - PUBLIC ACCESS

4.01 GENERAL RULE

- (1) Hearings shall be open to the public except where a Panel is of the opinion that they ought to be closed, pursuant to the Act and the *Statutory Powers Procedure Act*.
- (2) Notwithstanding Rule 4.01, the Discipline Committee may order that one or more witnesses be excluded from the hearing until called to give evidence.
- (3) An order under subrule 4.02(1) may not be made in respect of a party to the proceeding or a witness whose presence is required to instruct counsel, but the Discipline Committee may require any such witness to give evidence before the other witnesses are called to give evidence on behalf of that party.
- (4) Where an order is made excluding one or more witnesses from the hearing, no person shall communicate or permit the communication to an excluded witness of any evidence given during the witness' absence from the hearing until after the witness has been called and has given evidence.
- (5) Subject to subrule 10.02(2), on the motion of a Party, an order may be made by the Panel that a Hearing or a part of a Hearing in a Proceeding shall be held in the absence of the public where,
 - (a) matters involving public security may be disclosed;
 - (b) it is necessary to maintain the confidentiality of a privileged document or communication;
 - (c) intimate financial or personal matters or other matters may be disclosed 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; or
 - (d) in the case of a Hearing or a part of a Hearing that is to be held as an electronic hearing, it is not practical to hold the hearing or the part of the hearing in a manner that is open to the public.
- (6) Where a Hearing or a part of a Hearing is held in the absence of the public, unless otherwise ordered by the Panel, the hearing may be attended by,

- (a) subject to any order excluding witnesses under subrule 4.02, a witness the nature of whose testimony gave rise to the order that the hearing or the part of the hearing be held in the absence of the public;
 - (b) the Parties and their Representatives;
 - (c) the non-party participants who have been permitted to participate in the Hearing or the part of the Hearing and their Representatives; and
 - (d) such other persons as the panel considers appropriate.
- (7) Subject to subrule 4.01(8), where a Hearing or a part of a Hearing is held in the absence of the public, no person shall disclose, except to his, her or its Representative or to another person who attends at or participates in the Hearing or the part of the Hearing that is held in the absence of the public,
- (a) any information disclosed in the Hearing or the part of the Hearing that is held in the absence of the public; and
 - (b) if and as specified by the panel, the Panel's reasons for a decision or an order arising from the Hearing or the part of the Hearing that is held in the absence of the public, other than the panel's reasons for an order that a subsequent Hearing or a part of the subsequent Hearing be held in the absence of the public.
- (8) On the motion of a person, an order may be made permitting a person to disclose any information mentioned in subrule 4.01(7)
- (9) On the motion of a Party, or on a Panel's own motion, if any of the clauses in 4.01(6) apply, an order may be made prohibiting a person who attends at or participates in a Hearing or a part of a Hearing that is open to the public from disclosing, except to his, her or its representative or to another person who attends at or participates in the Hearing or the part of the Hearing, any information disclosed in the Hearing or the part of the Hearing.
- (10) If an order is made in respect of any matter dealt with in this Rule, on the motion of a person, the Panel may at any time review all or a part of the order and may confirm, vary, suspend or cancel the order.

4.02 NOTICE

- (1) The Hearings Officer shall give public notice of Proceedings that are open to the public including, where practical, by posting a notice on the website of CMRAO.
- (2) Despite subrule 4.02(1), the Hearings Officer shall not give public notice of a pre-hearing conference or other Proceedings that are closed to the public unless directed to do so by a Panel.

4.03 ACCESS TO HEARING RECORD BY THE PUBLIC

- (1) This Rule applies to Hearings that are open to the public.
- (2) Subject to subrule 4.03(4), if a member of the public wishes to have access to all or part of the record of the Panel, he or she shall bring a Motion to the Panel upon notice to the Parties, and such Motion shall be made, considered and decided in writing by the Panel or, if the Hearing is completed or the Panel is otherwise unable to deal with the issue expeditiously, the Chair.
- (3) In considering a Motion under this Rule, the Panel or the Chair shall balance the privacy interests of those identified in the record with the interest in public access to the disciplinary process.
- (4) The Hearings Officer shall charge the fee authorized for the provision of access to or copies of the record.

4.04 CONDUCT OF OBSERVERS

- (1) No person shall:
 - (a) take or attempt to take a photograph, motion picture, audio or video recording or other record capable of producing visual or audio representations by any means at a Proceeding, or
 - (b) publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio or video recording or other record taken in contravention of clause (a).
- (2) Subrule 4.04(1) does not apply to:
 - (a) a person unobtrusively making handwritten or typewritten notes or sketches at a Proceeding; or
 - (b) a disabled person using a device to compensate for a disability, provided the Panel has approved the use of the specific device on any terms that it considers appropriate to the circumstances.
- (3) No person shall interfere with or disrupt the Proceedings including by making a noise, signaling or the use of gestures or by communicating with any hearing Participant about the Proceedings during the Hearing or during any break in the Hearing.

RULE 5 - INTERPRETERS

5.01 INTERPRETERS FOR OTHER LANGUAGES

- (1) If a Party requires an interpreter in a language other than English or French, the Party shall notify the Hearings Officer, and provide an interpreter at their own expense.
- (2) If a witness requires an interpreter in a language other than English or French, the Party calling the witness shall notify the Hearings Officer, and provide an interpreter at their own expense.
- (3) An interpreter shall be competent and independent and shall swear or affirm that they will interpret accurately.
- (4) If a Party or a witness for a Party requires an interpreter for the English or French language, or a recognized sign language interpreter or note-taker, the Party shall notify the Hearings Officer and the Panel will provide an interpreter at its own expense.
- (5) A Party shall make a notification under this Rule by the earlier of five (5) days from issuance of notice of hearing by the applicable Discipline or Appeals Committee pursuant to s. 26 of Ontario Regulation 3/18 under the Act or as soon as it becomes aware of the need for an interpreter.

RULE 6 – TRANSCRIPTS

6.01 TRANSCRIPTS OF HEARINGS

- (1) The Discipline Committee shall cause every Oral and Electronic Hearing to be recorded by a reporting service to permit the production of a transcript of the Hearing.
- (2) A person wishing to have a copy of the transcript of a Hearing shall order it from the reporting service that recorded the hearing.
- (3) The costs of acquiring a transcript of a Hearing shall be borne solely by the person wishing to have a copy of the transcript of the Hearing.
- (4) The first Party to obtain a transcript of a Hearing shall file a copy of the transcript with the Hearings Officer.

RULE 7 – DISCLOSURE

7.01 DISCLOSURE OF DOCUMENTS OR THINGS GENERALLY

- (1) The Parties shall make such disclosure as is required by law and may make such additional disclosure as will assist to make any pre-hearing conference and the Hearing effective and fair.
- (2) Except for the written report of an expert witness, to which other Rules herein apply, all Parties to a Hearing shall disclose to all other Parties:
 - (a) a list of witnesses whom the Party may call to give evidence at the Hearing and a brief description of each witness' anticipated testimony;
 - (b) In the case of oral evidence of an expert, the identity of the expert and a copy of a written report signed by the expert containing the substance of the expert's anticipated oral evidence;
 - (c) the existence of every Document and thing that the Party will refer to or tender as evidence at the Hearing and shall provide a copy of such Documents to the other Parties;
 - (d) In the case of evidence that is not oral, written or documentary evidence, a written description of the evidence; and
 - (e) disclose and make available for inspection by every other Party all things, other than Documents, that the Party will refer to or tender as evidence at the Hearing.
- (3) The CMRAO shall disclose any evidence or information it is required to disclose under Rule 7.01 at least thirty (30) days before the Hearing. Any other party shall disclose any evidence or information it is required to disclose under Rule 7.01 at least fifteen (15) days before the Hearing.
- (4) A Panel may at any stage of the Proceedings order a Party to disclose to any other Party any relevant Document or thing, other than privileged information, and may impose any conditions it considers appropriate.

7.02 DISCLOSURE OF WRITTEN REPORTS OF EXPERT WITNESSES

- (1) Where a Party intends to call an expert witness or rely on or refer to the written statement or report of an expert witness at a Hearing, the Chair of the Pre-hearing Conference Chair may direct that such Party shall serve and file with proof of service, on every other Party and the Hearings Officer, not less than forty (40) days before the Hearing, a written report, signed by the expert, setting out the following:

- (a) The expert's name, address and area of expertise.
 - (b) The expert's qualifications, inclusive of employment and educational experiences in his or her area of expertise.
 - (c) The instructions provided to the expert in relation to the proceeding.
 - (d) The nature of the opinion(s) being sought and each issue in the proceeding to which an opinion relates.
 - (e) The expert's opinion respecting each issue and, where there is a range of opinions given, a summary of the range and the reasons for the expert's own opinion within that range.
 - (f) The expert's reasons for his or her opinion, including:
 - i. a description of the factual assumptions on which the opinion is based;
 - ii. a description of any research conducted by the expert that led him or her to form the opinion; and
 - iii. a list of every document, if any, relied on by the expert in forming the opinion.
 - (g) An Acknowledgement of Expert's Duty using Appendix A – Expert Duty Form signed by the expert.
- (2) If the other Party wishes to call an expert witness in response, that Party shall, not less than fifteen (15) days before the Hearing, deliver to the other Parties a report signed by the expert and containing the information setout in subrule 7.02(1).
- (3) Notwithstanding subrule 7.02(2), the responding Party may bring a motion no later than thirty (30) days before the Hearing date for additional time to deliver a responding expert report and the Chair or the Panel may grant such additional time upon such terms and conditions as are just.
- (4) No expert witness may testify, except with leave of the Chair or the Panel, unless subrule 7.02 has been complied with.

7.03 DUTY OF EXPERT

- (1) It is the duty of every expert engaged by or on behalf of a Party to provide evidence in relation to a Discipline Committee Hearing:
- (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 the expert's area of expertise; and
 - (c) to provide such additional assistance as the Discipline Committee may reasonably require to determine a matter in issue.
- (2) The duty in subrule 7.03(1) prevails over any obligation owed by the expert to the Party by whom or on whose behalf he or she is engaged.
 - (3) Any expert who gives evidence at a Hearing shall certify, either in writing or during oral evidence that he or she acknowledges and understands the duty described in subrule 7.03(1).

7.04 DISCLOSURE OF PARTICULARS (ORAL AND ELECTRONIC HEARINGS)

- (1) At any time in a Proceeding, a Panel may order any Party to File such Particulars as the Panel considers necessary for a full and satisfactory understanding of the issues in the Proceedings.
- (2) If the good character, propriety of conduct or competence of a Party is an issue in a Proceeding, the Party making such allegations shall provide reasonable Particulars of any allegations prior to the Hearing.
- (3) At any time in a Proceeding, a Panel, after providing Parties with an opportunity to make submissions, may order that Particulars be amended in accordance with the evidence entered at the Hearing.

7.05 FAILURE TO DISCLOSE

- (1) If a Party fails to comply with the provisions of this Rule, the Party may not refer to the Document or thing or enter the Document or thing in evidence at the Hearing without the consent of a Panel which may be on such conditions as the Panel considers appropriate.

7.06 PRODUCTION OF DOCUMENTS FROM A THIRD PARTY

- (1) A summons for the production of Documents from a third party that are not in the possession of a Party shall not require the production of any Documents before the commencement of the Hearing.
- (2) A Motion relating to the production of Documents from a third party shall not be heard until the commencement of the Hearing.
- (3) The Notice of a Motion relating to the production of Documents from a third party shall be Served on the person possessing the Documents and on any other person with a significant interest, including a privacy interest, in the Documents.

RULE 8 - PRE-HEARING CONFERENCES

8.01 INITIATING PRE-HEARING CONFERENCES

- (1) A pre-hearing conference shall be held where the Parties all agree, or the Chair or a Panel so directs.
- (2) Once a pre-hearing conference has been requested or directed, full participation is mandatory for all Parties unless the Chair or a Panel directs otherwise.
- (3) The Chair shall designate a person who is not a member of the Panel to act as the Pre-hearing Conference Chair.
- (4) The Hearings Officer shall schedule a date for the pre-hearing conference to be held and shall notify the Parties of the date.
- (5) The Representatives of the Parties attending a pre-hearing conference shall either have authority to make decisions on the matters to be discussed or shall be readily able to obtain instructions on them.
- (6) The Pre-hearing Conference Chair may direct a pre-hearing conference to be held electronically.

8.02 PROCEDURE AT PRE-HEARING CONFERENCES

- (1) At the pre-hearing conference, the Pre-hearing Conference Chair shall discuss the following with the Parties on a without prejudice basis:
 - (a) whether any or all of the issues can be settled;
 - (b) whether the issues can be simplified;
 - (c) whether there are any agreed facts; and
 - (d) the advisability of attempting other forms of resolution of the matter.
- (2) After the discussion referred to in subrule 8.02(1), the Pre-hearing Conference Chair shall discuss with the Parties and then may give directions about the following:
 - (a) the scheduling of any Motions that can be heard before the Hearing;
 - (b) the content and timing of service of any additional disclosure;
 - (c) the service and form of any additional Documents to be used at the Hearing and whether the Documents can appropriately be reviewed by the Panel before the commencement of the Hearing;

- (d) the service of written arguments and books of authorities and whether these can appropriately be reviewed by the Panel before the commencement of the Hearing;
 - (e) the scheduling of the Hearing;
 - (f) the scheduling of any Motions;
 - (g) when the witnesses to be called at the Hearing must be available to testify; and
 - (h) any other matter that may assist in the just and most expeditious disposition of the Proceedings.
- (3) If a Party becomes aware of additional circumstances that would materially affect the conduct of the Hearing before the commencement of the Hearing, the Party shall immediately serve and file a written notice of the circumstances and the Pre-hearing Conference Chair may schedule a supplementary pre-hearing conference.
- (4) The provisions of this Rule apply to further or supplementary pre-hearing conferences with necessary modifications.

8.03 RESOLUTIONS AT A PRE-HEARING CONFERENCE

- (1) Any resolution as to agreed facts, a determination as to whether a Licensee failed to comply with the Code of Ethics or the terms of a final order does not become final until it is accepted and an order is given by a Panel.

8.04 CASE MANAGEMENT ORDERS

- (1) The Pre-hearing Conference Chair may make orders as to the timing and nature of procedural steps that must be taken by the Parties to ensure that the Hearing is fair and expeditious.

8.05 MOTIONS AT THE PRE-HEARING CONFERENCE

- (1) A Party may bring a Motion to be heard at the pre-hearing conference in accordance with these Rules.
- (2) The Pre-hearing Conference Chair may decline to hear a Motion if the Pre-hearing Conference Chair believes it may be inappropriate for him or her to hear it.

RULE 9 - CONSTITUTIONAL QUESTIONS

9.01 NOTICE OF CONSTITUTIONAL QUESTION

- (1) Where a Party intends to raise a question about the constitutional validity or constitutional applicability of an Act, a Regulation or By-law made under an Act, or a Rule of common law or to claim a remedy under subsection 24(1) of the *Canadian Charter of Rights and Freedoms*, notice of a constitutional question shall be Served on the other Parties and the Attorneys General of Canada and Ontario, if applicable, and File with the Hearings Officer as soon as the circumstances requiring notice become known and in any event, at least fifteen (15) days before the question is to be argued before the Panel and the Party shall be required to bring a Motion on the constitutional question.
- (2) Where the Attorneys General of Canada and Ontario are entitled to notice under this Rule, the Attorneys General of Canada and Ontario are entitled to adduce evidence and make submissions to the Panel regarding the constitutional question.
- (3) Where the Attorneys General of Canada and Ontario are entitled to notice, they are entitled to notice of any appeal in respect of the constitutional questions.

RULE 10 - MOTIONS

10.01 PROCEDURE FOR MOTIONS

- (1) Notice is required for any Motion unless the Chair or a Panel directs otherwise.
- (2) A request to have a Motion heard by a Panel composed of members who will not sit on the Panel presiding over the Hearing must be brought to the attention of the Hearings Officer at the time the Party files his or her Notice of Motion.
- (3) Where a Party intends to bring a Motion before a Panel at the Hearing, a written notice of motion, together with the evidence in support of the motion, shall be served on all Parties and Filed with the Hearings Officer at least fifteen (15) business days before the day the Motion is to be heard.
- (4) Except when a Motion is to be argued at a scheduled Hearing date, the Party bringing the Motion shall obtain an appointment from the Hearings Officer for the hearing of the Motion.

- (5) The Chair or a Panel may direct that the Motion will be dealt with in writing or electronically or by any other means and may direct the procedure to be followed and set applicable time limits.
- (6) The Notice of Motion shall be as set out in Appendix B – Notice of Motion and shall set out the grounds for the Motion and the relief requested, and shall be accompanied by any evidence to be relied upon, which evidence shall be in Affidavit form unless the Chair or a Panel directs otherwise.
- (7) A Party who wishes to respond to a Motion shall serve and file a response, at least five (5) days before a Panel deals with the Motion, accompanied by any responding evidence to be relied upon, which evidence shall be in Affidavit form unless the Panel directs otherwise.
- (8) Each Party to a Motion shall not exceed one (1) hour, including reply, to make submissions on a motion heard orally or electronically, except with the permission of the Chair or the Panel.
- (9) This Rule applies with necessary modifications to any person who is not a Party who is making or otherwise responding to a Motion.
- (10) The successful Party to a Motion, or the Party directed to do so by the Chair or the Panel, unless the Motion is heard at the Hearing, shall prepare a draft order for signature by the Panel.

10.02 LIMITATIONS ON BRINGING A MOTION IN ADVANCE OF THE HEARING

- (1) Subject to subrule 10.02(2) and to the discretion of the Chair or a Panel, only Motions which are procedural may be brought by a Party in advance of the Hearing. This may include Motions 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 additional details about the allegations;
 - (e) a Party to provide a list disclosing all relevant Documents and things in the possession or control of the Party;
 - (f) the ability of a party to view Documents;
 - (g) any other form of disclosure;
 - (h) adjourning the Hearing; and
 - (i) waiving a Rule.

- (2) A Motion with respect to the following matters must be heard at the Hearing:
 - (a) the exclusion of the public from all or part of a Hearing;
 - (b) the exclusion of the witnesses from the Hearing;
 - (c) constitutional issues;
 - (d) orders respecting the accommodation of witnesses; and
 - (e) any matter that a Panel hearing a Motion adjourns to the Panel presiding over the Hearing.

RULE 11 - ADJOURNMENTS

11.01 CONSIDERATIONS FOR ADJOURNMENTS

- (1) A Hearing may be adjourned from time to time by a Panel of its own Motion or where it is shown to the satisfaction of the Chair or a Panel that the adjournment is required to permit an adequate Hearing to be held.
- (2) Adjournment requests shall be made in a timely manner so as to minimize inconvenience to the Parties and the Panel.
- (3) When an adjournment is requested, the Chair or a Panel may consider any relevant factors, including:
 - (a) the reason for the request;
 - (b) the extent to which prejudice will be suffered if the adjournment is refused;
 - (c) the extent to which any other Party will suffer prejudice if the adjournment is granted;
 - (d) the extent to which the requesting Party gave advance notice to other Parties and to a Panel of its request for an adjournment;
 - (e) the timing of the request or motion for the adjournment;
 - (f) the position of other Parties to the request;
 - (g) whether the requesting Party previously consented to the Hearing going ahead on the scheduled date;
 - (h) the length of the proposed adjournment;

- (i) previous delays including the number and length of previous adjournments granted at the request of or with the consent of the Party now requesting an adjournment;
 - (j) the costs of an adjournment; and
 - (k) the public interest in the efficient and timely conduct of Proceedings.
- (4) Except in extraordinary circumstances, the Chair or a Panel may refuse an adjournment where:
- (a) the Hearing date was scheduled peremptory against the Party requesting the adjournment; or
 - (b) the only ground for the adjournment is that the Party unreasonably delayed retaining a Representative.
- (5) In granting an adjournment, the Chair or a Panel may impose such conditions as it considers appropriate.

RULE 12 - SUMMONSES

12.01 REQUESTING SUMMONSES

- (1) A Party wishing to obtain a summons shall provide the name and address of the witness, as soon as practicable, to the Hearings Officer who may provide a summons signed by the Chair of the Discipline or Appeals Committee.
- (2) No Party shall request a summons for a Hearing before the Appeals Panel without first obtaining the permission of the Appeals Panel.
- (3) The summons shall be in accordance with Appendix D – Summons.

RULE 13 - VULNERABLE WITNESSES

13.01 VULNERABLE WITNESSES

- (1) A Panel may order that a support person be permitted to be present and to sit near a Vulnerable Witness while testifying and may issue directions regarding the conduct of the support person during the testimony of the witness.
- (2) A Panel may order that a Vulnerable Witness testify outside the Hearing room and/or behind a screen or other device that would allow the Vulnerable Witness not to see a Party if the Panel is of the opinion that the exclusion is necessary to obtain a full and candid account of the matter.

- (3) A Panel shall not make an order under subrule 13.01(2) unless arrangements are made for the Parties, the Panel and Legal Practitioner for the Parties to watch the testimony of the Vulnerable Witness by means of closed-circuit television or otherwise and each Party is permitted to communicate with his or her Legal Practitioner while watching the testimony.
- (4) A Panel may order that a Party not personally conduct the cross- examination of a Vulnerable Witness if the Panel is of the opinion that the order is necessary to obtain a full and candid account of the vulnerable witness's testimony.

RULE 14 - EVIDENCE BY AGREEMENT

- (1) The Panel may receive, orally or in writing, a statement of facts that are agreed upon by the Parties as evidence of those facts
- (2) A Party may present, and a Panel may receive, the evidence of any of the Party's witnesses in the form of an Affidavit that has been sworn or affirmed by the witness.

RULE 15 - EVIDENCE BY AFFIDAVIT

- (1) Where a Party presents the evidence of a witness in the form of an Affidavit:
 - (a) the Party may examine the witness in chief for not more than 10 minutes, or such other time as the panel may direct;
 - (b) each opposing Party may cross-examine the witness; and
 - (c) if the witness is cross-examined, the Party who filed the Affidavit may re-examine the witness.
- (2) Where a Party intends to present the evidence of a witness in Affidavit form, the Party shall serve copies of the Affidavit on all other parties at least ten (10) days before the commencement of the hearing, and file the original affidavit with the Discipline Committee.
- (3) Where an opposing Party is served with an Affidavit of a witness, the opposing Party shall, at least five (5) days prior to the commencement of the Hearing, notify the Party who served the Affidavit as to whether or not the adverse Party intends to cross-examine the witness at the Hearing.
- (4) If no opposing Party gives notice in accordance with subrule 15(3) that the opposing Party intends to cross-examine a witness whose evidence is to be presented by Affidavit, the witness's attendance at the hearing is not required, unless the Panel orders otherwise.

- (5) A Panel may make an order striking evidence that is presented in Affidavit form and is inadmissible, and may give consequential directions, including permitting the filing of a replacement Affidavit containing admissible evidence, on terms that are just.

RULE 16 - COSTS

16.01 ENTITLEMENT TO COSTS

- (1) The Panel hearing a matter, on its own initiative or upon the request of a Party, may make an order at any stage as to costs payable by one Party to another Party if the conduct or course of conduct of a Party has been unreasonable, frivolous or vexatious or a Party has acted in bad faith.
- (2) Requests for costs shall be made, as set out in Appendix E – Notice of Motion for Costs, unless a Party satisfies the Panel that to do so is likely to cause the party significant prejudice.
- (3) Unless the Panel otherwise permits, a request for costs must be delivered to all other Parties and the Hearings Officer by the requesting party as soon as the circumstances requiring the notice become known and, in any event, at least within thirty (30) days of the issuance of the decision or order for which costs are requested and fifteen (15) days before the request for costs is to be argued.

16.02 AMOUNT OF COSTS

- (1) The amount of costs that may be ordered include the following:
 - (a) the actual reasonable disbursements or expenses, excluding a Legal Practitioner's fees, of the Party related to the Proceedings; and
 - (b) an amount representing legal fees of the Party paid by the Party to the Party's Legal Practitioner.
- (2) A Panel may order that a Party receive a proportion of the amount of costs described in this Rule.
- (3) A Panel may fix costs after providing an opportunity for written or oral submissions on the amount.
- (4) In this Rule, legal fees include deemed fees for in-house Legal Practitioners.
- (5) In this Rule, Hearing days include Motions and pre-hearing conferences and similar matters.

- (6) Where the request for costs includes disbursements or expenses and they are challenged, they may be proved by an Affidavit attaching a copy of any invoice or receipt.

RULE 17 - APPEAL PROCESS

17.01 APPEAL PROCESS

- (1) Any Party to a Hearing conducted by the CMRAO Discipline Panel may appeal the final order of a Discipline Panel to an Appeals Panel in accordance with section 31 of Ontario Regulation 3/18 and Appendix F – Notice of Appeal.
- (2) The Hearings Officer shall hold the record of the Hearing before the Discipline Panel on behalf of the Appeals Panel under subsection 31(3) of Ontario Regulation 3/18.
- (3) The appeal shall proceed solely on the basis of the transcript of the evidence led before the Discipline Panel and the exhibits Filed. No additional or fresh evidence may be used on the appeal unless an order is obtained from the Appeals Panel. The Appeals Panel shall not grant an order permitting additional or fresh evidence unless the additional or fresh evidence:
 - (a) is apparently credible;
 - (b) if admitted it would probably have an important influence on the result; and
 - (c) it could not have been obtained by reasonable diligence at the time of the original Hearing.
- (4) The Party appealing is obliged, at its own expense, to serve and file one copy to each Party and five (5) copies to the Hearings Officer of the transcript of the Proceedings before the Discipline Panel and an appeal record, including the notice of appeal and all Documents filed as exhibits before the Discipline Panel unless the other Party agrees that some of these Documents are not necessary for the appeal.
- (5) The Chair of the Appeals Committee may direct the Hearings Officer not process an appeal where:
 - (a) the Documents are incomplete;
 - (b) the Documents are received after the time required for commencing the appeal has elapsed;
 - (c) the fee required for commencing the appeal is not paid; or

- (d) there is some other technical defect in the commencement of the appeal including a failure to provide proof of ordering the transcript of the Hearing before the Discipline Panel,

and in those circumstances the appeal shall not be deemed to have been commenced.

- (6) Where the Chair of the Appeals Committee makes a decision under subrule 17.01(5), he or she shall give the Party seeking to commence an appeal notice of the reasons for the decision and of the requirements for resuming the processing of the Documents.
- (7) In accordance with section 25 of the *Statutory Powers Procedure Act*, implementation of the decision of the Discipline Panel shall be stayed pending determination by the Appeals Panel unless an Appeals Panel orders otherwise.
- (8) The Parties to the appeal shall be given the opportunity to appear before the Appeals Panel to make submissions on the matter.
- (9) To the extent applicable and by way of analogy, if necessary, the Rules of Practice before Discipline Panels shall apply to Hearings before the Appeals Panel.
- (10) The Appeals Panel may make any order permitted under the Act.
- (11) The Appeals Panel shall report to the Parties its decision in writing accompanied by necessary reasons for the decision.

APPENDIX A - ACKNOWLEDGEMENT OF EXPERT'S DUTY

File No. _____

DISCIPLINE COMMITTEE [*or Appeals Committee*] OF THE
CONDOMINIUM MANAGEMENT REGULATORY AUTHORITY OF ONTARIO

B E T W E E N :

REGISTRAR UNDER THE *CONDOMINIUM MANAGEMENT SERVICES ACT, 2015*

- and -

[*NAME OF LICENSEE(S)*]

ACKNOWLEDGEMENT OF EXPERT'S DUTY

I [*Identify Party*] of [*city*] in the province of [*name of province*] **ACKNOWLEDGE:** that I have read subrule 7.03 and understand my duty to the [*Discipline or Appeals*] Committee.

- a. I have been retained by [*name of party*] to give evidence in the above noted hearing before the Condominium Management Regulatory Authority Discipline or Appeals Committee.
- b. I acknowledge that it is my duty to provide opinion evidence that is fair, objective and non-partisan.
- c. I acknowledge that it is my duty to provide opinion evidence that is related only to the matters within my area of expertise.
- d. I acknowledge that it is my duty to provide such additional assistance as the Committee may reasonably require to determine the matters in issue.
- e. I acknowledge that these duties prevail over any obligation which I may owe to the party that retained me or the party's representatives.

[*Date*]

[Signature of Expert]

[*Name, address, telephone and facsimile numbers of appealing
Party's Representative / agent or appealing Party*]

APPENDIX B - NOTICE OF MOTION

File No. _____

DISCIPLINE COMMITTEE [*or Appeals Committee*] OF THE
CONDOMINIUM MANAGEMENT REGULATORY AUTHORITY OF ONTARIO

B E T W E E N :

REGISTRAR UNDER THE *CONDOMINIUM MANAGEMENT SERVICES ACT, 2015*

- and -

[*NAME OF LICENSEE(S)*]

NOTICE OF MOTION

THE [*IDENTIFY MOVING PARTY*] WILL make a Motion to the Discipline Committee [*or Appeals Committee as the case may be*] of CMRAO on [*day*], [*date*], at [*time*], or as soon after that time as the Motion can be heard, at *** [*or at a place to be determined by the Hearings Officer*].

THE MOTION IS FOR [*state here the precise relief sought*].

THE GROUNDS FOR THE MOTION ARE [*specify the grounds to be argued, including a reference to any statutory provision or Rule to be relied on*].

THE FOLLOWING DOCUMENTARY EVIDENCE WILL be used at the hearing of the Motion: [*list the Affidavits to be relied on*].

[*Date*]

[*Name, address, telephone and facsimile numbers of moving Motion Party's Representative / agent or moving Party*]

TO: [*Name, address, telephone and facsimile numbers of responding Motion Party's Representative / agent or responding Party*]

APPENDIX C - REQUEST FOR ADJOURNMENT

File No. _____

Rule 11 of the Rules of Practice before the Discipline and Appeals Committee explains the Rules for the adjournment of a proceeding. The request must include the reasons and alternate dates. You must also seek the signed consent of the opposing party. The committee may require the parties attend in person to argue for an adjournment, even if all parties consent.

Please complete the sections below and submit to the Hearings Coordinator:

Proceeding:

Pre-Hearing Hearing Motion Scheduled Date

Reasons for the request to adjourn (attach additional sheets as necessary):

(If the request is made on medical grounds, the CMRAO may request a dated and legible medical certificate with reasons)

I have contacted the other parties to this matter and they:

Consent Do not consent to the adjournment

Alternate dates parties are available:

*If all parties consent to this adjournment, provide three dates within the next 90 days that all parties are available to attend. If all parties do not consent, provide dates in the next 90 days, you (the requestor) are available to attend.

Signature of Requestor:

_____ Print Name: _____

Date: _____

Signature of Consenting Party

_____ Print Name: _____

Date: _____

APPENDIX D - SUMMONS

File No. _____

DISCIPLINE COMMITTEE [*or Appeals Committee*] OF THE
CONDOMINIUM MANAGEMENT REGULATORY AUTHORITY OF ONTARIO

B E T W E E N :

REGISTRAR UNDER THE *CONDOMINIUM MANAGEMENT SERVICES ACT, 2015*

- and -

[*NAME OF LICENSEE(S)*]

SUMMONS

TO:
Name:
Address:

YOU ARE REQUIRED TO ATTEND TO GIVE EVIDENCE at the hearing of this proceeding on _____, _____, 20____, at ____ a.m., at _____, and to remain until your attendance is no longer required.

YOU ARE REQUIRED TO BRING WITH YOU and produce at the hearing all relevant documents and things including the following documents and things:

IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS THIS SUMMONS REQUIRES, THE ONTARIO SUPERIOR COURT OF JUSTICE MAY ORDER THAT A WARRANT FOR YOUR ARREST BE ISSUED, OR THAT YOU BE PUNISHED IN THE SAME WAY AS FOR CONTEMPT OF THAT COURT.

Date: _____

THE DISCIPLINE COMMITTEE
[OR APPEALS COMMITTEE] OF THE
CONDOMINIUM MANAGEMENT
REGULATORY AUTHORITY OF
ONTARIO

This summons issued upon the request of:

*[insert name and address of
lawyer / agent requesting the summons]*

Chair

NOTE: You are entitled to be paid 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 Ontario Superior Court of Justice.

APPENDIX E - NOTICE OF MOTION FOR COSTS

File No. _____

DISCIPLINE COMMITTEE *[or Appeals Committee]* OF THE CONDOMINIUM
MANAGEMENT REGULATORY AUTHORITY OF ONTARIO

B E T W E E N :

REGISTRAR UNDER THE CONDOMINIUM MANAGEMENT SERVICES ACT, 2015

- and -

[NAME OF LICENSEE(S)]

NOTICE OF MOTION FOR COSTS

THE *[IDENTIFY MOVING PARTY]* WILL make a Motion for Costs to the Discipline Committee *[or Appeals Committee as the case may be]* of CMRAO on *[day]*, *[date]*, at *[time]*, or as soon after that time as this Motion can be heard, at *** *[or at a place to be determined by the Hearings Officer]*.

THE GROUNDS FOR THE MOTION ARE *[specify the grounds to be argued, including a reference to any statutory provision or Rule to be relied on]*.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL be used at the hearing of the Motion: *[list the Affidavits to be relied on]*.

[Date]

[Name, address, telephone and facsimile numbers of moving Motion Party's Representative / agent or moving Party]

TO: *[Name, address, telephone and facsimile numbers of responding Motion Party's Representative / agent or responding Party]*

APPENDIX F - NOTICE OF APPEAL

File No. _____

APPEALS COMMITTEE OF THE CONDOMINIUM MANAGEMENT REGULATORY
AUTHORITY OF ONTARIO

B E T W E E N :

REGISTRAR UNDER THE *CONDOMINIUM MANAGEMENT SERVICES ACT, 2015*

- and -

[NAME OF LICENSEE(S)]

NOTICE OF APPEAL

THE [identify Party] APPEALS to the Appeals Committee from the final Order of the Discipline Committee dated [insert date]. The responding Party is [insert name of other Party(ies) at the discipline hearing].

THE GROUNDS OF THE APPEAL are as follows:

1. [set out grounds in numbered paragraphs]

THE RELIEF SOUGHT is as follows:

1. [set out exactly what Order you want the Appeals Committee to make]

[Date]

[Name, address, telephone and facsimile numbers of appealing Party's Representative / agent or appealing Party]

TO: [Name, address, telephone and facsimile numbers of responding Motion Party's Representative / agent or responding Party]