



## Appeal Hearing Procedures

*Note: The purpose of this document is to outline the procedure that will be followed on the day of the appeal hearing. If a pre-hearing conference has been scheduled for your appeal, then the appeal panel chair will go over this document with you at that time and answer any questions you may have. Otherwise, the appeal panel chair will go over the appeal procedure at the beginning of the appeal hearing.*

### **Hearing Forum:**

1.0 The Appeal Hearing shall take place over a video conference facility. The details of this Hearing will be provided to everyone via email. A telephone number shall also be provided to all parties in case of technology issues. The video hearing may be recorded for the purposes of the preservation of the record.

### **Attendance and Introductions:**

1.1 If a party does not appear within 15 minutes after the scheduled start time of the Hearing, the hearing may proceed. The Appeal Panel will issue a decision based on any and all evidence submitted up to and including the Hearing.

1.2 The Chair shall introduce all members of the Appeal Panel and the parties, including their legal representatives or agents, and inform the parties of the hearing procedures.

1.3 Each of the Appeal Panel members shall confirm that they have no bias.

### **Order of Presentations – Appellant, Executive Director and Witnesses:**

1.4 The Appeal Panel will address relevant preliminary matters that have come to light after the pre-hearing conference. Matters already determined at the pre-hearing conference will not be reconsidered.

1.5 The Appeal shall proceed in the following order with the following time limits:

- The Appellant presents evidence and argument to support their Appeal. The Appellant has 30 minutes to present any evidence and argument relating to its case;
- The Appeal Panel may ask questions of the Appellant after the Appellant has completed the presentation;
- The Executive Director presents their evidence. The Executive Director may have 30 minutes to present any evidence relating to its case;
- The Appeal Panel may ask questions of the Executive Director after the Executive Director have completed the presentation;
- The Appellant has 15 minutes to provide a rebuttal to the evidence as well as any argument it wishes to make to sum up its position;
- The Executive Director has 15 minutes to make any argument it wishes to sum up its position;
- The Appellant has 5 minutes to respond to the argument of the City Representative; and
- The Appeal Panel may then ask any final questions about the evidence or argument of either party.

1.6 The Appeal Panel may also hear from any other witness called to testify by either party. The Appeal Panel may determine that the testimony of a witness shall form part of the time provided to each party or a witness may be given additional time to speak.

1.7 Cross-examination of the other party or the witnesses by either the Executive Director or the Appellant is not permitted.

1.8 In the event that either party wishes additional time to make their presentation, they can request the Appeal Panel to provide additional time. The Appeal Panel shall provide a reasonable addition to the time when a party has additional evidence or argument that could not have been presented in the allotted time. In making this decision, the Appeal Panel may take into account whether a party was prepared for the hearing, has presented relevant evidence in an efficient manner, and whether a party is repeating themselves.

### **Conduct of the Parties, Questions and Breaks:**

1.9 The parties must treat each other respectfully. Disorderly conduct or abusive or otherwise inappropriate language or behaviours will not be permitted.

1.10 If a party has any questions or objections during the hearing, they should be directed to the Appeal Panel rather than to the other party.

1.11 The Appeal Panel may determine that a break or adjournment is necessary and may meet in private at any time to discuss the appeal or to consider a question, objection or request raised during the hearing.

1.12 A party may request a brief break.

**New Evidence:**

1.13 A party shall not raise new evidence that was not exchanged prior to the hearing either verbally or in documentary form. In exceptional circumstances, a party may submit new evidence if the Appeal Panel determines that there are valid reasons for why the new evidence could not have been exchanged prior to the hearing.

**Hearing Adjournment:**

1.14 After hearing the information, the Appeal Panel will adjourn the Hearing. The Appeal Panel will deliberate in private and provide written reasons within seven (7) days of the Hearing. Copies of the reasons are sent to all parties, including the Commission.

1.15 While rare, it is possible that during deliberations the Appeal Panel may decide that it requires additional information from a Party or witness. In the event that this occurs, the Appeal Panel will contact all parties to inform them of this fact and ensure that this information is gathered in a way that is fair to all parties involved.