

1. General Rules

1.1 Application

- (1) These Rules apply to all proceedings before the Animal Care Review Board.

1.2 Definitions

- (1) In these Rules,
 - a) “Act” means the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O.36, as amended;
 - b) “Board” means the Animal Care Review Board;
 - c) “electronic hearing” means a hearing or a part of a hearing held by conference telephone or some other form of electronic technology allowing persons to communicate with one another;
 - d) “oral hearing” means a hearing or a part of a hearing involving the parties or their representatives attending in person before the Board;
 - e) “SPPA” means the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S. 22, as amended;
 - f) “written hearing” means a hearing or a part of a hearing held by means of the exchange of documents.

1.3 General Powers of the Board

- (1) The Board may exercise any of its powers under these Rules on its own initiative or at the request of a party.
- (2) The Board may issue general or specific procedural or practice directions at any time.
- (3) The Board may make interim orders or decisions, and may impose conditions which the Board considers appropriate.
- (4) The Board may waive or vary any of these Rules at any time in circumstances that the Board considers just and appropriate.
- (5) Where matters are not covered by these Rules, the practice or procedure will be decided by the Board as the Board considers just.

1.4 Conflict

- (1) Where any of these Rules is in conflict with the SPPA or the Act, the provisions of the SPPA or the Act shall prevail.

1.5 Defects in Form

- (1) No proceeding is invalid by reason only of a defect or other irregularity in form.
- (2) It is sufficient if there is substantial compliance with any form or notice required by or under these Rules.

2. Particulars

2.1 (1) An owner or custodian of an animal who requests an appeal of an order, the return of their animal, or the revocation of an order pursuant to subsections 17 (1) or (2) of the Act shall provide written notice to the Chair of the Board by providing the Board with a written statement containing:

- a) the name, telephone number and address of the person requesting the relief from the Board;
 - b) a copy of the specific order or orders in issue which the person wishes to appeal or have revoked by the Board;
 - c) the reason for the request for the relief from the Board; and
 - d) the remedy requested from the Board.
- (2) At any time in a proceeding the Board may order any party to provide to any other party and the Board such further particulars, information or documents as the Board considers necessary to enable the other party or the Board to obtain a full and satisfactory understanding of the subject matter and/or issues in the proceeding before the Board.

3. Disclosure

3.1 Documentation

- (1) Upon receipt of a Notice of Hearing both parties must immediately provide the other party with any documentation, information or things that they intend to rely upon at the hearing of the matter before the Board.
- (2) The Board may at any stage of the proceeding order a party to disclose to any other party or the Board any documentation, information or things that the party will refer to or enter as evidence at the hearing, and may impose any conditions, including time limits, that it considers appropriate.
- (3) If a party fails to comply with the provisions of this Rule, the party may not refer to the documentation, information or things or enter the documentation, information or things in evidence at the hearing without the consent of the Board,

which consent may be on such terms and conditions as the Board considers appropriate.

3.2 Witness Statements

- (1) Upon receipt of a Notice of Hearing both parties must immediately provide the other party with a list of any witnesses they intend to call at the hearing of the matter before the Board, including witness statements signed by the witness or a brief statement of the substance of the evidence that the witness will give at the hearing.
- (2) The Board may at any stage of the proceeding order a party to disclose to any other party or the Board the witnesses that party intends to call at a hearing before the Board, a witness statement signed by the witness and/or a brief statement of the substance of the evidence that witness will give at the hearing before the Board, and may impose any conditions it considers appropriate.
- (3) If a party fails to comply with this Rule, the party may not be permitted to call the person as a witness without the consent of the Board, which consent may be on such terms and conditions as the Board considers appropriate.
- (4) If both parties consent, either party may file a witness statement signed by the witness with the Board as evidence, without the necessity of calling that witness to give oral evidence before the Board.

3.3 Expert Reports

- (1) If either party intends to call an expert witness to give evidence at the hearing, the party intending to call the expert witness must provide the other party with a written report signed by the expert witness which shall contain the name and address of the expert, a statement of his or her qualifications, experience and the substance of the evidence that will be given by the expert at the hearing.
- (2) The Board may at any stage of the proceeding make orders for the exchange of reports of expert witnesses and may impose any conditions it considers appropriate.
- (3) If a party fails to comply with this Rule, the party may not be permitted to call the expert witness to give evidence at the hearing without the consent of the Board which consent may be on such terms and conditions as the Board considers appropriate.
- (4) If both parties consent, either party may file an expert report signed by the expert witness with the Board as evidence, without the necessity of calling that witness to give oral evidence before the Board.

4. Adjournments

- 4.1 (1) A hearing may be adjourned from time to time by the Board of its own motion or where it is shown to the satisfaction of the Board that the adjournment is required to permit an adequate hearing to be held.
- (2) Upon receiving notification of a hearing date by Notice of Hearing or otherwise, any party wishing for the hearing date to be adjourned must advise the Board in writing immediately and must set out the reasons for the request for the adjournment.
- (3) When an adjournment is requested, the Board may consider any relevant factors, including, but not limited to:
- 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 the Board of its request for an adjournment;
 - e) the consent of other parties to the request;
 - f) whether the requesting party previously consented to the hearing proceeding on the scheduled date;
 - g) the length of the adjournment;
 - h) 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; and
 - i) the public interest in the efficient and timely conduct of proceedings.
- (4) In granting an adjournment, the Board may impose such conditions as it considers appropriate.

5. Electronic and Written Hearings

5.1 Electronic Hearings

- (1) The Board may hold an electronic hearing for the purpose of deciding procedural matters before the Board.
- (2) The Board may impose any conditions for an electronic hearing that it considers appropriate.

- (3) The Board may continue an electronic hearing for the purpose of deciding procedural matters as an oral hearing or as a written hearing, whenever the Board considers it appropriate to do so.
- (4) A party who objects to a hearing being held as an electronic hearing shall notify the Board and any other party in writing immediately upon being notified of the electronic hearing and shall state the reason for their objection, including whether holding the hearing as an electronic hearing is likely to cause the party significant prejudice.
- (5) If the Board receives an objection it may
 - a) accept the objection, cancel the electronic hearing and schedule either an oral hearing or a written hearing; or,
 - b) if the Board is satisfied that an electronic hearing will cause no significant prejudice, it may reject the objection, without inviting a response from the other party and proceed with the electronic hearing; or
 - c) provide other parties with the opportunity to respond to the objection and then, after considering the objection and any responses to the objection from other parties, either proceed with the electronic hearing, or cancel the electronic hearing and schedule an oral or written hearing to decide the procedural matter.

5.2 Written hearings

- (1) The Board may conduct a written hearing for the purpose of deciding procedural matters before the Board.
- (2) The Board may impose any conditions for a written hearing that it considers appropriate.
- (3) The Board may continue a written hearing for the purpose of deciding procedural matters as an oral hearing or as an electronic hearing, whenever the Board considers it appropriate to do so.
- (4) A party who objects to a hearing being held as a written hearing shall notify the Board and any other party in writing immediately upon being notified of the written hearing and shall state why there is good reason for not holding the hearing as a written hearing.
- (5) If the Board receives an objection it may
 - a) accept the objection, cancel the written hearing and schedule either an oral hearing or an electronic hearing; or,
 - b) reject the objection, without inviting a response from the other party and proceed with the written hearing; or

- c) provide other parties with the opportunity to respond to the objection and then, after considering the objection and any responses to the objection from other parties, either proceed with the written hearing, or cancel the written hearing and schedule an oral or an electronic hearing to decide the procedural matter.

6. Consequences of Non-Attendance at a Hearing

6.1 (1) Where notice of an oral hearing has been given to a party to a proceeding in accordance with the Act and these Rules and the party does not attend at the hearing, the Board may proceed in the absence of the party, the party may not be entitled to any further notice in the proceeding and in consequence, the appeal may be dismissed.

(2) Where notice of an electronic hearing has been given to a party to a proceeding in accordance with these Rules and the party neither acts under Rule 5.1 (4) nor participates in the hearing in accordance with the notice, the Board may proceed without the party's participation and the party may not be entitled to any further notice in the proceeding.

(3) Where notice of a written hearing has been given to a party to a proceeding in accordance with these Rules and the party neither acts under Rule 5.2 (4) nor participates in the hearing in accordance with the notice, the Board may proceed without the party's participation and the party may not be entitled to any further notice in the proceeding.

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