



# Tribunals Ontario

## Licence Appeal Tribunal

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[tribunalsontario.ca/lat](http://tribunalsontario.ca/lat)

## Information Sheet – Driver’s Licences – Medical Suspensions and Downgrades

(Disponible en français)

### Introduction

This information sheet discusses appeals of driver's licence suspensions and downgrades that can be heard by the Licence Appeal Tribunal (the Tribunal). It will help you file an appeal with the Tribunal and prepare for a hearing.

The Tribunal makes independent adjudicative decisions based on the facts and the law, and is not related to the Ministry of Transportation.

### My driver’s licence has been suspended. Can I appeal to the Licence Appeal Tribunal?

This information sheet is only about suspensions made under section 47(1) of the [Highway Traffic Act](#) (the Act), and downgrades made under section 32(5)(b)(i).

In Ontario, the law requires doctors to send the Ministry of Transportation (the Ministry) a report naming any patient who has a medical condition that may make it dangerous for the patient to operate a motor vehicle. If the Ministry of Transportation received a report about you and suspended or downgraded your licence, they will have sent you a notice or letter informing you of the suspension or downgrade.

This letter may say that you will get your licence back after you send the Ministry a satisfactory medical report. It also may say that you could get your licence back after a period of symptom-free time has passed.

In addition, if your licence is suspended under section 47(1) of the Act or suspended under section 32(5)(b)(i), the letter you received from the Ministry will state that you have the right to appeal the Ministry’s decision to the Tribunal. Information about medical standards for Ontario drivers can be found in [Ontario Regulation 340/94](#).

### Can the Tribunal tell me why my driver’s licence was suspended (or downgraded)?

No – the Tribunal does not have access to Ministry of Transportation records. Until you appeal a decision to suspend or downgrade your licence, the Tribunal knows nothing about you, your driver’s licence, or any medical information the Ministry may have in their files. After you appeal, we will have the documents you send us and a copy of the documents the Ministry sends to you in response to your appeal.

You can get more information about your driver's licence suspension or downgrade from the Ministry of Transportation by calling their Medical Review Section at 416-235-1773 or 1-800-268-1481 (inside Ontario only).

If your driver's licence is suspended or downgraded for any other reason, or you are not sure why it is suspended or downgraded, you can call the Ministry's Driver Control Section at 416-235-1086 or 1-800-303-4993 (inside Ontario only).

### **What does the Ministry of Transportation's Medical Review Section do? Why did they suspend my driver's licence?**

The Ministry of Transportation's Medical Review Section has a [website](#) which provides a great deal of information about what they do and what they consider when deciding whether or not a driver's licence should be suspended. This includes the [basic medical standards](#) all drivers must meet. This also includes information about their [Medical Advisory Committee](#) and a link to the website of the [Canadian Council of Motor Transport Administrators \(CCMTA\)](#), which publishes a regularly updated report used by the Ministry of Transportation and consulted by the Tribunal, called "[Medical Standards for Drivers – Determining Medical Fitness to Operate a Motor Vehicle](#)."

### **What must I show to win my appeal?**

In most cases, the best evidence will be reports from doctors or other medical professionals. When you appeal, it is actually the Ministry that is required to prove that your licence should remain suspended or downgraded. You should know that they have at least one report they can enter as evidence – this is the medical report which resulted in the suspension or downgrade of your licence. To argue against the report in the Ministry's files you may wish to file a medical report that makes different findings.

In an appeal, the Ministry is required to prove two things:

- 1) that you have either a mental, emotional, nervous or physical condition or disability, or an addiction to the use of alcohol or a drug; and,
- 2) that this condition, disability or addiction is likely to significantly interfere with your ability to drive safely.

The legal test for your appeal is all about the reported condition, disability or addiction, and how that affects your ability to drive a motor vehicle safely. Your evidence must be relevant to that legal test. Other evidence, such as how much you need your licence for work, or other reasons, will not help you in your appeal because that evidence does not say anything about the reported condition or whether your condition is likely to affect your ability to drive safely.

## **When will my hearing take place, and when do I have to provide the Ministry with the medical reports I wish to use in my hearing?**

Unless you ask for a later date, the Tribunal will schedule a hearing to take place no later than 30 days after receiving your complete appeal. Information about what is needed for an appeal to be considered complete is in the Tribunal's [Notice of Appeal for a suspension](#) and [Notice of Appeal for a downgrade](#). The Tribunal will assign one or more members to hear the appeal. This will include a member who is a legally qualified medical practitioner.

Our [Rules of Practice](#) require that you send all the medical reports you intend to use for your appeal to the Ministry of Transportation at least 20 days before the hearing. Since there is no deadline for appealing your suspension or downgrade, it may be better for you to compile all the reports you need before you file. If you send in reports less than 20 days before the scheduled hearing date, the Ministry may ask the Tribunal to adjourn the hearing to a later date, which could be weeks later than the first date set by the Tribunal.

If the Ministry of Transportation looks at new medical reports you send to support your appeal and reinstates your licence before the Tribunal hearing takes place, the Tribunal will cancel the hearing and close your file. Please note that the Tribunal will not refund your appeal filing fee.

Please refer to the Tribunal's [Information Sheets](#) and [website](#) for more about [calling evidence](#), [presenting your case](#), [providing disclosure](#) and what to expect at a Tribunal hearing.

## **Other Questions**

*Who reported that I have a medical condition?*

The Tribunal does not know the name of the medical professional who made that report unless you appeal. The Ministry will include a copy of the report in their submissions.

*I want the fact that I was suspended removed from the records of the Ministry of Transportation. I also want the Tribunal to investigate the doctor who reported me. How can I get the Tribunal to do this?*

The Tribunal's powers are only to consider your appeal of a medical suspension or downgrade. If you win, the Tribunal can order the Ministry of Transportation to set aside the suspension or downgrade of your driver's licence. The Tribunal cannot order the Ministry to do anything else, and does not have the authority to investigate doctors.

## Important Points

- The Tribunal does not have information about any driver's licence until an appeal is filed. Once an appeal is filed, the Tribunal will have the same information as the person filing the appeal.
- The Tribunal can hear appeals of suspensions and downgrades of driver's licences that were made on medical grounds under sections 47(1) and 32(5)(b)(i) of the *Highway Traffic Act*.
- The Tribunal makes its decision after considering the medical information and any other relevant evidence that is presented by the Appellant and the Ministry of Transportation.
- The [Highway Traffic Act](#) and [Ontario Regulation 340/94](#) are two important pieces of legislation that set out what the Tribunal can consider.
- The publication [Determining Driver Fitness in Canada](#) has helpful information about medical standards.

## Other Sources of Useful Information

The Tribunal's website at [tribunalsontario.ca/lat](http://tribunalsontario.ca/lat) has Information Sheets, Rules of Practice, Practice Directions, FAQs and other useful information.

This information sheet is intended to provide general information to Appellants and other parties. It is not legal advice. To obtain legal advice, you should consult a person licensed by the [Law Society of Upper Canada](http://www.lsuc.on.ca) ([www.lsuc.on.ca](http://www.lsuc.on.ca)).

This Information Sheet may be found online at [tribunalsontario.ca/lat](http://tribunalsontario.ca/lat).