



Tribunals Ontario

Licence Appeal Tribunal

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tribunalsontario.ca/lat

Information Sheet - Disclosure

(Disponible en français)

Introduction

This information sheet describes how to disclose the documents and witness information that you intend to present as evidence at a hearing before the Licence Appeal Tribunal.

What is disclosure?

Disclosure is a process by which the parties to an appeal give each other the documents, things and expert reports they will use at the hearing.

Why do parties have to make disclosure?

The purpose of disclosure is to avoid a party being taken by surprise at a hearing but also to encourage settlement. By sharing documents, each party can review the other's documents before the hearing begins and prepare a response. The Tribunal's Rules of Practice require disclosure by the parties.

How do I make disclosure?

Make a copy of the documents and things and send them to the other party. If you only have a few pages (less than 30), you may fax them. The Tribunal's Rules of Practice require the documents to be numbered consecutively.

When do I have to make disclosure to the other party or party(ies)?

No later than 10 days before the hearing. For certain *Highway Traffic Act* cases (i.e., medical suspensions and downgrades appeals, administrative driver licence suspension appeals and vehicle impoundment cases), you should send your Notice of Appeal, documents and things to the Tribunal and to the other party all at the same time.

What if I have additional documents after I make disclosure?

Send copies of the additional materials to the other party(ies) as soon as you can.

Do I have to bring all my documents to the pre-hearing?

Bring all documents that are available and important to your case to the pre-hearing. This will help the Tribunal conduct a more effective pre-hearing. It is easier to discuss settlement at the pre-hearing if you bring all your documents such as invoices, photographs, and any expert reports.

Do I have to bring my own documents to the hearing?

If it is an oral (in person) hearing, bring your own documents and an extra set(s) to use as exhibits and for the Tribunal to read. If it is an electronic (teleconference) hearing, send copies of your documents to the Tribunal 10 days before the hearing.

What happens if I come to the pre-hearing and have not made disclosure?

The Tribunal will order you to make the appropriate disclosure and may schedule another pre-hearing. The Tribunal may also impose other conditions as allowed for in the Tribunal's Rules of Practice.

What happens if I come to the hearing with a document that I did not disclose and I want to present it to the Tribunal?

The Tribunal has the discretion not to admit any document or thing into the evidence. If you fail to disclose the document, the Tribunal may decide not to allow you to rely on the document at the hearing.

How do I disclose a thing that is so big it cannot be reproduced or there is only one of it, such as a piece of concrete?

Talk to the other party(ies) about arranging for them to see the thing you want to disclose. If you and the other party cannot work it out, contact the Tribunal for assistance.

What do I do with the evidence the other party(ies) discloses to me?

Read the documents and things and relate them to your own documents. Decide if there are other documents that you have or can get from others that may help the Tribunal decide in your favour. For example, if the other party produces a photograph, and you do not think it is a fair representation, get your own photograph of the same item. Remember to bring all the documents and things disclosed by the other party to the pre-hearing and hearing.

Important Points

- Collect all the documents and things that you and your witnesses will use to present your case. Number the documents consecutively.
- Make your disclosure as soon as you put your documents together and respect the 10 day disclosure requirement in the Tribunal's Rules of Practice.
- Remember the Tribunal must come to a decision about the appeal based on the information in the evidence.
- If the document is not an exhibit, a party cannot rely on the statements in it to prove something they consider necessary to their case.
- At a hearing, the Tribunal may decide that documents not previously disclosed cannot be entered as evidence.

Other Sources of Useful Information

The Tribunal's website at 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 (www.lsuc.on.ca).