



Tribunals Ontario

Licence Appeal Tribunal

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tribunalsontario.ca/lat

Information Sheet - Presenting Your Case

Introduction

This information sheet describes what happens in a hearing when you present your case to the Tribunal. Once you know how to present your case, you can make sure you have the witnesses, documents and things you need to support your case.

What do I use to prove my case?

As the appellant, you must present your appeal through evidence consisting of witnesses, documents or things.

Who presents their evidence first at a hearing?

In some cases, the appellant must go first. In others, the appellant goes after the respondent (that is, the agency, board, registrar or ministry whose decision, order or proposal is being appealed).

How do I present my case?

Here is a step-by-step outline of how to present your case:

1. **Opening statement:** Make an opening statement with a brief summary of what your appeal is about and the grounds of your appeal.
2. **Calling evidence:** Present your evidence to the Tribunal. Remember your evidence may be witnesses, documents or things (for more information, see the [Calling Evidence Information Sheet](#)). Make sure you present your documents as you call your witnesses so the Tribunal will accept the documents as exhibits. For example, if you want to present a letter as an exhibit, you should call as a witness the author or the recipient of the letter. You should then have your witness identify the letter.
3. **Cross-examination:** When a witness is called to testify, he or she is first asked questions by you or your legal representative. The other party will then ask your witness questions (cross-examination). You then have the right to ask (re-examine) your witness further questions about anything raised in the cross-examination. At that time, you can ask questions only about matters you did not deal with when you first examined your witness because the issue was raised in the cross examination.. The panel member may also ask questions.
4. **Closing statement:** After all parties have called their evidence, you will make a closing statement. This is your opportunity to tell the Tribunal what decision it should make. You should point out how the evidence supports the grounds of your appeal and the decision you want the Tribunal to make.

Why are documents and things marked as exhibits?

Marking the documents and things as exhibits helps the Tribunal and the parties keep track of the evidence and avoid confusion. It also creates a record of what the Tribunal considered at the hearing. If a document or thing is not accepted by the Tribunal as evidence, then it will not be marked as an exhibit, and the Tribunal will not use it in deciding your appeal. The record of exhibits will also be needed if the Tribunal's decision is appealed to the Divisional Court.

How does the Tribunal use the information from evidence, such as witnesses, documents and things?

The Tribunal uses the evidence to make its decision about your appeal. You need to provide enough information in your evidence to convince the Tribunal of the reasons for your appeal. The Tribunal makes findings of fact based on a balance of probabilities – this means that the Tribunal considers the evidence from all parties and then decides if it more likely than not that this event happened or that this fact is true. If you are making a claim against a compensation fund, you need to bring information on the damages you have suffered. This information might include invoices, estimates, cancelled cheques, etc. that show how much you have lost.

Important Points

- Whether you are the first or second (or third) party to speak, it is a good idea to have your evidence ready at the start of the hearing.
- Remember that the party who first called evidence goes first in closing statements and has the right to respond after the other party speaks.
- See the Disclosure Information Sheet for important information about when and how you must provide the other party or parties with copies of your documents before the hearing. For the hearing, you may still wish to bring some copies of documents that you have already provided to the other parties or to the Tribunal.
- Be sure to keep your own list of the exhibits presented at a hearing.
- If you have a claim, you must prove that you are entitled by the statute or regulation to be paid that claim and also prove the amount that you should receive.
- See the [Calling Evidence Information Sheet](#) for important information about how to present your documents or evidence and call your witnesses.

The Tribunal must come to a decision about the appeal based on the evidence that is heard or received by it at the hearing.

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 does not constitute legal advice. If you wish 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).

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