



Technical Standards and Safety Authority

Rules of Practice

**HEARINGS UNDER SUBSECTION 8(1) and APPEALS FILED UNDER SUBSECTION
22.(1) OF THE *TECHNICAL STANDARDS & SAFETY ACT, 2000*, S.O. 2000,
CHAPTER 16**



TABLE OF CONTENT

1.0 General Rules

- A. Definition
- B. Application of Rules
- C. Initiating Proceedings
- D. Tribunal Powers
- E. Defects in Form
- F. Computing Time
- G. Lengthening and Shortening Time Periods
- H. Parties and Other Participants
- I. Representatives
- J. Power to Dismiss Without A Hearing
- K. Communications with The Tribunal

2.0 Procedures before a Hearing

- A. Service of Documents
- B. Filing Documents With the Tribunal
- C. Motions
- D. Notice of Constitutional Questions
- E. Summons to Witness

3.0 Disclosure Rules (Oral and Electronic Hearings)

- A. Particulars
- B. Disclosure Of Documents And Things

4.0 Pre-Hearing Conferences

- A. Direction To Attend
- B. Notice Of A Pre-Hearing Conference
- C. Oral, Written Or Electronic
- D. Settlement Discussions

5.0 Notices of Hearing and Failure to Participate

- A. Notice of A Hearing - Generally
- B. Notice of Oral Hearing
- C. Notice of Written Hearing
- D. Notice of Electronic Hearing
- E. Serving a Notice Of Hearing
- F. Non-Attendance or Non-Participation



6.0 Written Hearings

- A. Written Hearings - General
- B. Continue As Oral or Electronic Hearing
- C. Objections to a Written Hearing
- D. Identification of Evidence
- E. Exchange of Documents Procedure
- F. Oral Examination
- G. Application of Disclosure Rules

7.0 Electronic Hearings

- A. Electronic Hearings - General
- B. Continue as Oral or Written Hearing
- C. Objections to Electronic Hearings
- D. Conditions

8.0 Evidence

- A. Form of Evidence
- B. Hearsay Evidence
- C. Agreed Facts

9.0 Conduct of the Hearing

- A. Combining Proceedings or Hearing Proceedings Together
- B. Recording of Tribunal Proceedings
- C. Court Reporters
- D. Adjournments
- E. Oath or Affirmation
- F. Expert Assistance Sought by Tribunal

10.0 Decisions and Orders

- A. Oral and Written Decisions
- B. Means of Delivering a Decision
- C. Effective Date of Decision or Order

Schedules

- A. "A" Form A-1 – Appeal of Inspector Orders/Seals
- B. "B" Form F-1 – Appeal of the Requirement to Pay Fees
- C. "C" Summons

1. GENERAL RULES

A. Definitions

“appellant” means a person that files an appeal under subsection 22.(1) of the *Technical Standards & Safety Act, 2000*, S.O. 2000, Chapter 16;



“**Director**” means a person appointed by TSSA to be a Director pursuant to subsection 4.(1) of the *Technical Standards & Safety Act, 2000*, S.O. 2000, Chapter 16;

“**Hearings Coordinator**” means an individual assigned to provide administrative assistance and support to the Tribunal;

“**proceeding**” means a hearing requested for a Notice of Proposal under subsection 8(1) or an appeal filed under subsection 22(1) of the *Technical Standards & Safety Act, 2000*, S.O. 2000, Chapter 16;

“**Tribunal**” means the Director that holds the hearing under subsections 8(1) or 22.(3) of the *Technical Standards & Safety Act, 2000*, S.O. 2000, Chapter 16;

“**TSSA**” means the Technical Standards and Safety Authority.

B. Application of Rules

1.1(1) These Rules are made pursuant to section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, Chapter S.22.

(2) These Rules apply to all hearings before a Tribunal held under subsections 8(1) or 22.(3) of the *Technical Standards & Safety Act, 2000*, S.O. 2000, Chapter 16;

(3) In these Rules:

- a. "oral hearing" means a hearing involving the parties or their representatives attending in person before the Tribunal;
- b. "electronic hearing" means a hearing held by conference telephone or some other form of electronic technology allowing persons to hear one another;
- c. "written hearing" means a hearing held by means of the exchange of documents.

(4) Where any of these Rules are in conflict with any statute or regulation, the provisions of the statute or regulation shall prevail.

C. Initiating Proceedings

1.2(1) An appeal of an order under clause 21.(1)(a) or an appeal of the affixing of a seal under subsection 18.(4) or clause 21.(1)(b) of the *Technical Standards & Safety Act, 2000* may only be initiated by filing a completed FORM A-1.



- (2) An appeal of the requirement to pay fees under clause 19.(1)(b) of the *Technical Standards & Safety Act, 2000* may only be initiated by filing a completed FORM F-1.
- (3) Notwithstanding Rules 2.1(3) and 2.2(2), appeals may only be filed by the methods set out in sub-Rules 2.1(3)(a), (b), or (d) and shall be directed to the Hearing Coordinator, unless otherwise directed by the Tribunal.
- (4) The grounds for an appeal must be specified in writing before an appeal is heard.

D. Tribunal Powers

- 1.3 The Tribunal may exercise any of its powers under these Rules on its own initiative or at the request of a party.
- 1.4 The Tribunal may issue general or specific procedural directions at any time.
- 1.5 (1) The Tribunal may waive or vary any of these Rules at any time.
- (2) It is sufficient if there is substantial compliance with a form or notice required by or under these Rules.

E. Defects in Form

- 1.6 No proceeding is invalid by reason only of a defect or other irregularity in form.

F. Computing Time

- 1.7 (1) Subject to Rule 1.8, in computing time periods under these Rules or an order of the Tribunal,
 - a. where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens;
 - b. where a period of less than seven days is prescribed, holidays shall not be counted;
 - c. where the time for doing an act under these Rules expires on a holiday, the act may be done on the next day that is not a holiday; and
 - d. where, under these Rules, a document would be deemed to be received or service would be deemed to be effective on a day that is a holiday, it shall be deemed to be received or effective on the next day which is not a holiday.
- (2) "Holiday" means Saturdays, Sundays, any statutory holidays and any day the TSSA offices are closed.



G. Lengthening or Shortening Time Periods

1.8 The Tribunal may, at any time and on such conditions as it considers appropriate, lengthen or shorten the time prescribed for the performance of any obligation under these Rules.

H. Parties and Other Participants

1.9(1) The following persons are parties for the purpose of these Rules:

- a. persons that are parties to the proceeding;
- b. persons otherwise entitled by law to be parties to the proceeding; and
- c. persons who in the opinion of the Tribunal should be added as parties.

(2) The Tribunal may add a party under clause (c) of sub-Rule (1) for all or part of the proceeding, and may make any other order as seems just to minimize prejudice or delay to other parties.

1.10 Any person may, with leave of the Tribunal or at the Tribunal's invitation, participate in all or part of a proceeding on such conditions as the Tribunal considers appropriate.

I. Representatives

1.11 (1) In these Rules, "representative" means legal counsel or agent who is authorized to represent a person in the proceeding.

(2) A representative shall file a written acknowledgement of authorization to act for the person.

(3) Where a person's representative ceases to act for that person in the proceeding, the person and the representative shall promptly notify the Tribunal and other parties.

J. Power to Dismiss a Proceeding Without A Hearing

1.12 If the parties consent, the proceeding may be disposed of by a decision or order of the Tribunal given without a hearing.

K. Communications with The Tribunal

1.13 Except for the filing of documents under Rule 2.2, all communications with the Tribunal in the absence of other parties shall be made through the Hearings Coordinator.

1.14 Where a party is represented by a representative, the Hearings Coordinator may communicate with the party through the representative.



2. PROCEDURES BEFORE A HEARING

A. Service of Documents

2.1(1) In these Rules, "service" of any document means the effective delivery to the person or representative.

(2) For the purpose of Rule 2.1, "person" means anyone required to be served under these Rules.

(3) Subject to sub-Rule 1.2(3), service may be given by delivering the document:

- a. by personal delivery;
- b. by regular, registered or certified mail to the last known address of the person;
- c. by fax to the last known fax number of the person;
- d. by courier, including Priority Post, to the last known address of the person; or
- e. by any other means authorized or permitted by the Tribunal.

(4) Service is deemed to be effective, when delivered:

- a. by personal delivery before 5:00 p.m., on the day of delivery, and after that time, on the next day;
- b. by registered mail, on the third day after the day of mailing;
- c. by fax, on the day after it was sent;
- d. by courier, on the second day after the document was given to the courier; or
- e. by any means authorized or permitted by the Tribunal, on the date specified by the Tribunal in its direction.

(5) Sub-Rule (4) does not apply where a person who acts in good faith does not, through absence, accident, illness or other causes beyond the person's control, receive the notice until later or at all.

(6) A document that is served or filed by fax must include a cover page with sufficient information to identify the sender, recipient, number of pages sent, date and time of transmission and a telephone number to call in case of transmission problems.

B. Filing Documents with the Tribunal

2.2(1) In these Rules, "filing" of any document means the effective delivery to the Tribunal in accordance with these Rules and its receipt by the Tribunal.

(2) Subject to sub-Rule 1.2(3), documents may be filed by any of the methods of delivery set out in sub-Rule 2.1(3) and shall be directed to the Hearings Coordinator, unless otherwise directed by the Tribunal.

(3) Documents are deemed to be filed as of the date they are received by the Tribunal.



(4) A person who serves or files a document shall include with it a statement of the person's address, telephone number and the file number of the proceeding to which the document relates.

C. Motions

2.3(1) "Motion" means a request for the Tribunal's ruling or decision on a particular issue at any stage within a proceeding or intended proceeding.

(2) A party may bring a motion at the hearing or before the hearing by arrangement with the Hearings Coordinator.

(3) The Tribunal may direct that the motion will be dealt with in writing or by any other means and may direct the procedure to be followed and set applicable time limits.

(4) A notice of motion does not need to be in any particular form, but shall set out the grounds for the motion and the relief requested, and shall be accompanied by any evidence to be relied upon.

(5) The notice shall be served on the other parties to the proceeding.

(6) A party who wishes to respond to a motion shall serve and file a response before the Tribunal deals with the motion.

D. Notice of Constitutional Questions

2.4 (1) Where a party intends to raise a question about the constitutional validity or applicability of legislation, a regulation or by-law made under legislation, or a rule of common law, or where a party claims a remedy under subsection 24(1) of the Canadian Charter of Rights and Freedoms, notice of a constitutional question shall be served on the other parties and the Tribunal as soon as the circumstances requiring notice become known and, in any event, at least 15 days before the question is to be argued.

(2) Where the Attorneys General of Canada and Ontario are entitled to notice, they are entitled to adduce evidence and make submissions to the Tribunal regarding the constitutional question.

(3) Notice shall be substantially in the same form as Form 4F under the Rules of Civil Procedure.

E. Summons to Witness

2.5 A party to a proceeding may request a summons to a witness from the Tribunal upon disclosing the name and address of the witness to be summonsed.

2.6 A summons to a witness shall be signed by the Director.



2.7 Service of a summons on a witness is the responsibility of the party who obtained the summons.

2.8 The party who obtained the summons shall pay the witness' fees and allowances in accordance with Tariff A under the Rules of Civil Procedure.

3. DISCLOSURE RULES (ORAL AND ELECTRONIC HEARINGS)

A. Particulars

3.1 At any time in a proceeding, the Tribunal may order any party to file such particulars as the Tribunal considers necessary for a full and satisfactory understanding of the issues in the proceeding.

3.2 If the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party or Tribunal making such allegations shall provide reasonable particulars of any allegations prior to the hearing.

B. Disclosure of Documents and Things

3.3 The Tribunal may at any stage of the proceeding order a party to disclose to any other party the existence of all documents and things that the party will refer to or enter as evidence at the hearing.

3.4 If the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party or Tribunal making such allegations shall disclose to the party against whom the allegations are made all evidence in the party's or Tribunal's possession or control.

4. PRE-HEARING CONFERENCES

A. Direction to Attend

4.1 The Tribunal may direct the parties or their representatives to attend one or more pre-hearing conferences for the purpose of considering any matter including:

- a. identification of parties and other interested persons and the scope of their participation at the hearing;
- b. issues relating to disclosure and the exchange of information;
- c. identification and simplification of issues;
- d. identification of preliminary motions;
- e. procedural issues including the dates by which any steps in the proceeding are to be taken or begun, the estimated duration of the hearing and the date that the hearing will begin;
- f. identification of facts or evidence that may be agreed upon;
- g. settlement of any or all of the issues; and



- h. any other matter that may assist in the just and most expeditious disposition of the proceeding.

B. Notice of a Pre-Hearing Conference

4.2 (1) Unless otherwise ordered, written notice of a pre-hearing conference shall be given by the Tribunal to the parties and to such other persons as the Tribunal considers necessary.

- (2) The notice shall include:
 - a. the time, place and purpose of the pre-hearing conference;
 - b. whether parties are required to exchange or file documents or pre-hearing submissions and, if so, the issues to be addressed and the date when the documents or submissions are required; and
 - c. whether parties are required to attend in person, and,
 - i. if so, that they may have a representative at the pre-hearing conference, or
 - ii. if not, that their representative must be given authority to make agreements and give undertakings on their behalf respecting the matters to be addressed at the pre-hearing conference.

C. Oral, Written or Electronic Conferences

4.3 A pre-hearing conference may be held in person, in writing or electronically.

D. Settlement Discussions

4.4 The Tribunal may direct the parties to attempt to settle any ground for relief requested in a proceeding.

4.5 An agreement to settle any or all of the grounds for relief binds the parties to the agreement unless otherwise ordered by the Tribunal.

5. NOTICES OF HEARING AND FAILURE TO PARTICIPATE

A. Notice of a Hearing - General

5.1 (1) Unless otherwise ordered, written notice of a hearing shall be given by the Tribunal to the parties and to such other persons as the Tribunal considers necessary.

- (2) All notices of hearing shall include:
 - a. a reference to the statutory authority under which the hearing is to be held; and
 - b. a statement of the purpose of the hearing.

(3) The Tribunal may include in a notice of hearing any other information or directions it considers necessary for the proper conduct of the hearing.



B. Notice of Oral Hearing

5.2 For an oral hearing, in addition to the requirements of sub-Rule 5.1(2), the notice of hearing shall include:

- a. a statement of the time and place of the hearing; and
- b. a statement that if the party notified does not attend at the hearing, the Tribunal may proceed in that party's absence and the party will not be entitled to any further notice in the proceeding.

C. Notice of Written Hearing

5.3 For a written hearing, in addition to the requirements of sub-Rule 5.1(2), the notice of hearing shall include:

- a. a statement of the time of the hearing, which is provided by setting out the time periods during which parties are to serve and file documents for the written hearing;
- b. a statement that the party notified may object to the hearing being held as a written hearing by filing an objection after receiving notice of the written hearing;
- c. a statement that if the party notified neither objects to the hearing being a written hearing, in the manner set out in paragraph (c), nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding; and

D. Notice of Electronic Hearing

5.4 For an electronic hearing, in addition to the requirements of sub-Rule 5.1(2), the notice of hearing shall include:

- a. a statement of the time of the hearing, and details about the manner in which the hearing will be held;
- b. a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;
- c. if paragraph (b) does not apply, a statement that the party notified may, by satisfying the Tribunal that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the Tribunal to hold the hearing as an oral hearing, and an indication of the procedure to be followed for that purpose; and
- d. a statement that if the party notified neither follows the procedure set out in paragraph (c) for objections to an electronic hearing, if applicable, nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding.



E. Serving a Notice of Hearing

5.5 Unless otherwise ordered, notice of hearing is sufficiently given if served under Rule 2.1.

F. Non-Attendance or Non-Participation

5.6 (1) Where notice of an oral hearing has been given to any party in accordance with these Rules and any applicable legislation, and the party does not attend at the hearing, the Tribunal may proceed in their absence and that party is not entitled to any further notice in the proceedings.

(2) Where notice of a written hearing has been given to a party in accordance with these Rules and any applicable legislation, and the party neither objects to a written hearing in the manner set out in the notice, nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.

(3) Where notice of an electronic hearing has been given to a party in accordance with these Rules and any applicable legislation, and the party neither objects to an electronic hearing in the manner set out in the notice, if applicable, nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.

6. WRITTEN HEARINGS

A. Written Hearings - General

6.1 (1) The Tribunal may conduct a written hearing, unless a party satisfies the Tribunal that there is a good reason for not doing so.

B. Continue as Oral or Electronic Hearing

6.2 (1) Whenever appropriate, the Tribunal may continue a written hearing as:

- a. an oral hearing; or
- b. as an electronic hearing, after considering any objection made under Rule 7.3.

(2) If the Tribunal decides to convert a written hearing into an oral or electronic hearing or to start the hearing again as an oral or electronic hearing, it shall notify the parties of its decision or order and the procedures set down in the Rules for such a hearing will apply.

C. Objections to a Written Hearing

6.3 (1) A party may serve and file an objection to the hearing being held as a written hearing after receiving notice of the written hearing.



(2) If a party satisfies the Tribunal that there is a good reason for not holding a written hearing, the Tribunal shall notify the parties of the objection and give a notice of an oral or electronic hearing.

D. Identification of Evidence

6.4 The party providing the evidence shall clearly show their name on a covering document.

E. Exchange of Documents Procedure- Applicable to Appeal under TSS Act section 22 only

6.5 (1) The TSSA shall serve the appellant and file with the Tribunal a Statement of Position after receiving notice of the written hearing.

(2) If the appellant or other party wish to respond, they shall do so by serving the TSSA and filing with the Tribunal a response after receiving the TSSA's Statement of Position.

(3) A response shall:

- a. be accompanied by the evidence that explains or supports the response;
- b. set out the party's submissions; and
- c. set out any remedy or decision requested.

(4) The TSSA may reply to a response by serving the appellant and filing with the Tribunal a reply after receiving a response from any other party.

(5) The reply shall:

- a. set out the TSSA's position with respect to the response; and
- b. be accompanied by the reply evidence, if any, that explains or supports the reply.

F. Oral Examination

6.6 In a written hearing, there shall be no oral examination unless ordered by the Tribunal, and the Tribunal may impose conditions it considers appropriate.

G. Application of Disclosure Rules

6.7 Rule 3 does not apply to a written hearing.

7. ELECTRONIC HEARINGS

A. Electronic Hearings - General

7.1 In deciding whether to hold an electronic hearing, the Tribunal may consider any relevant factors, including:



- a. the suitability of the electronic technology for the subject matter of the hearing;
- b. whether the nature of the evidence is appropriate for an electronic hearing, including whether credibility is in issue and the extent to which facts are in dispute;
- c. the extent to which the matters in dispute are questions of law;
- d. the convenience of the parties;
- e. the cost, efficiency and timeliness of proceedings;
- f. avoidance of unnecessary length or delay;
- g. ensuring a fair and understandable process;
- h. the desirability or necessity of public participation or public access to the Tribunal's process; and
- i. fulfillment of the TSSA's statutory mandate.

B. Continue as Oral or Written Hearing

7.2 The Tribunal may continue an electronic hearing as an oral hearing whenever the Tribunal considers it appropriate, or as a written hearing with the consent of the parties.

C. Objections to Electronic Hearings

7.3(1) A party who objects to a hearing being held as an electronic hearing shall notify the Tribunal and all other parties of its objection in writing after receiving notice of the electronic hearing.

(2) The Tribunal shall not hold an electronic hearing if a party satisfies it that holding an electronic hearing rather than an oral hearing is likely to cause significant prejudice to the party.

D. Conditions

7.4 The Tribunal may impose any conditions for an electronic hearing it considers appropriate, including:

- a. specifying who will set up the electronic hearing; or
- b. requiring that a party requesting an electronic hearing pay all or part of the cost of providing the facilities necessary for the electronic hearing.

8. EVIDENCE

A. Form of Evidence

8.1 The Tribunal may direct the form in which evidence shall be filed.

B. Hearsay Evidence

8.2 At a hearing a Tribunal may admit any evidence, including hearsay, relevant to the subject-matter of the proceeding.



C. Agreed Facts

8.3 The Tribunal may receive and act on any facts agreed on by the parties without proof or evidence.

9. CONDUCT OF THE HEARING

A. Combining Proceedings Or Hearing Proceedings Together

9.1 If two or more proceedings before the Tribunal involve the same or similar questions of fact, law or policy, the Tribunal may, with the consent of the parties, combine the proceedings or any part of them or hear the proceedings at the same time.

9.2 Where the Tribunal combines or hears together two or more proceedings it may do so subject to conditions it considers appropriate.

9.3 Where two or more proceedings are combined evidence presented in each proceeding is evidence in the combined proceeding.

B. Recording of Tribunal Proceedings

9.4 No person shall make a visual or audio recording of any part of the Tribunal proceeding unless authorized by the Tribunal.

9.5 A request for authorization shall be made to the Tribunal prior to the commencement of the hearing day.

9.6 The Tribunal may authorize the recording of the proceeding subject to such conditions as the Tribunal considers appropriate.

C. Court Reporters

9.7 The Tribunal may arrange for the recording of the proceedings by a qualified verbatim reporter.

D. Adjournments

9.8 A hearing may be adjourned from time to time by a Tribunal of its own motion or where it is shown to the satisfaction of the Tribunal that the adjournment is required to permit an adequate hearing to be held.

9.9 In granting an adjournment, the Tribunal may impose such conditions as it considers appropriate.



E. Oath or Affirmation

9.10 Oral examination of witnesses shall be conducted under oath or affirmation that their evidence will be true.

F. Expert Assistance Sought By the Tribunal

9.11 The Tribunal may request a person having professional, technical or other knowledge to assist the Tribunal in respect of any matter before it.

10. DECISIONS AND ORDERS

A. Oral and Written Decisions

10.1 (1) The Tribunal may reserve its decision or order or may indicate its decision orally at the end of the hearing.

(2) Despite sub-Rule (1), the Tribunal shall issue a written final decision or order, which shall be the official decision or order of the Tribunal.

(3) If there is a discrepancy between an oral and written decision or order, the written one shall prevail.

(4) If a decision or order requires clarification, a party may apply to the Tribunal for direction on notice to the other parties.

(5) Nothing in this Rule prevents a Tribunal from changing an interim decision in its final decision or order.

(6) If requested by any party, the Tribunal shall issue written reasons for its decision or order.

B. Means of Sending A Decision

10.2 (1) The Tribunal shall send to all parties who participated in the proceedings, or their representatives, a copy of its final decision or order.

(2) The Tribunal may send its decision or order using any method permitted by Rule 2.1.

C. Effective Date of Decision or Order

10.3 A Tribunal decision or order is effective from the date of the written decision or order unless the Tribunal directs otherwise.



SCHEDULE A

FORM A-1

Technical Standards and Safety Act, 2000

APPEAL OF INSPECTOR ORDERS/SEALS

An appeal pursuant to subsection 22.(1) of the Technical Standards and Safety Act, 2000 must be made in writing and filed with the Director within 90 days of the inspector having issued Orders or affixed Seals. File your signed original appeal with:

Hearings Coordinator
Technical Standards and Safety Authority
345 Carlingview Drive
Toronto, ON, M9W 6N9
Phone: (416) 734-3548

Please read Information Bulletin No. 1 - APPEAL OF INSPECTOR ORDERS/SEALS, BEFORE completing this form.

THE APPELLANT

Name (Company/Individual):

Contact Person:

Address:

TSSA Client No (if any):

Telephone:

Fax:

E-mail Address:



Name of your representative (if any):

Address:

Telephone:

Fax:

E-mail Address:

The Inspector is also a Responding Party to the appeal. Your appeal must include a copy of the Inspector's Order(s) (Inspection Report).

Name of Inspector:

Program Area: Fuels []
 Elevating Devices []
 Amusement Devices
 Boilers and Pressure Vessels []
 Operating Engineers []
 Upholstered & Stuffed Articles []

Inspection Report Number:

Date of Order/Seals (Inspection Report):

Orders Appealed:



OTHER AFFECTED PARTIES

Please provide names, addresses, telephone, fax numbers and e-mail addresses of any other persons or companies that may be affected by this appeal. (Attach additional pages if necessary.)

STATEMENT OF FACTS AND ISSUES

Describe the circumstances which resulted in the Inspector's Order/Seal. Indicate what happened, when and where it happened, and who was involved. (Attach additional pages if necessary.)

REASONS/GROUNDS FOR YOUR APPEAL

Outline your reasons for appealing the Order/Seal. If the Inspector indicated you were in noncompliance with our Regulations, why do you feel you were in compliance with the Regulations he has stated? Why do you think the Inspector was wrong? What is the result that you are seeking? (Attach additional pages if necessary.)

Date _____ Signature _____



IMPORTANT NOTE

YOU MUST FILE WITH THE HEARINGS COORDINATOR ONE SIGNED ORIGINAL OF THIS APPEAL. APPEALS MAY ONLY BE FILED BY HAND DELIVERY, REGISTERED MAIL OR COURIER.

IF THE INFORMATION CONTAINED IN THIS FORM IS INCOMPLETE, THE DIRECTOR MAY NOT BE ABLE TO PROCESS YOUR APPEAL.

PLEASE NOTIFY THE HEARING COORDINATOR IMMEDIATELY OF ANY CHANGE IN YOUR ADDRESS, PHONE OR FAX NUMBERS. IF YOU FAIL TO NOTIFY THE HEARING COORDINATOR OF ANY CHANGES, CORRESPONDENCE SENT TO YOUR LAST KNOWN ADDRESS MAY BE DEEMED TO BE REASONABLE NOTICE TO YOU AND THE APPEAL MAY PROCEED IN YOUR ABSENCE.



SCHEDULE B

FORM F-1

Technical Standards and Safety Act, 2000

APPEAL OF THE REQUIREMENT TO PAY FEES

An appeal pursuant to subsection 22.(1) of the *Technical Standards and Safety Act, 2000* must be made in writing and filed with the Director within 90 days of the invoice date. File your signed original appeal with:

Hearings Coordinator
Technical Standards and Safety Authority
345 Carlingview Drive
Toronto, ON, M9W 6N9
Phone: (416) 734-3548

Please read Information Bulletin No. 2 - APPEAL OF THE REQUIREMENT TO PAY FEES, BEFORE completing this form.

THE APPELLANT

Name (Company/Individual):

Contact Person:

Address:

TSSA Client No (if any):

Telephone:

Fax:

E-mail Address:



Name of your representative (if any):

Address:

Telephone:

Fax:

E-mail Address:

The Technical Standards and Safety Authority (the “TSSA”) is the Responding Party to the appeal. **Your appeal must include a copy of the Invoice for the fees and all other documentation that you want the Director to consider in this appeal.**

Program Area: Fuels []
 Elevating Devices []
 Amusement Devices
 Boilers and Pressure Vessels []
 Operating Engineers []
 Upholstered & Stuffed Articles []

Inspector/Engineer Name Responsible for Fee:

Invoice Number:

Invoice Date:

Inspection Report Number (if any):

Date of Inspection, Investigation or Audit (Inspection Report):



STATEMENT OF FACTS AND ISSUES

Describe the circumstances which resulted in the Fees. Indicate what happened, when and where it happened, and who was involved. (Attach additional pages if necessary.)

REASONS/GROUNDS FOR YOUR APPEAL

Outline your reasons for appealing the Fees. Why do you think that you are not responsible for the Fees? Why do you think the TSSA was wrong to charge the Fees? What is the result that you are seeking? (Attach additional pages if necessary.)

Date _____

Signature _____



IMPORTANT NOTE

YOU MUST FILE WITH THE HEARINGS COORDINATOR ONE SIGNED ORIGINAL OF THIS APPEAL. APPEALS MAY ONLY BE FILED BY HAND DELIVERY, REGISTERED MAIL OR COURIER.

IF THE INFORMATION CONTAINED IN THIS FORM IS INCOMPLETE, THE DIRECTOR MAY NOT BE ABLE TO PROCESS YOUR APPEAL.

PLEASE NOTIFY THE HEARING COORDINATOR IMMEDIATELY OF ANY CHANGE IN YOUR ADDRESS, PHONE OR FAX NUMBERS. IF YOU FAIL TO NOTIFY THE HEARING COORDINATOR OF ANY CHANGES, CORRESPONDENCE SENT TO YOUR LAST KNOWN ADDRESS MAY BE DEEMED TO BE REASONABLE NOTICE TO YOU AND THE APPEAL MAY PROCEED IN YOUR ABSENCE.



SCHEDULE C

SUMMONS

**(NAME OF ACT UNDER WHICH PROCEEDING ARISES)
SUMMONS TO A WITNESS BEFORE (NAME OF TRIBUNAL)**

TO: (name and address of witness)

(For oral hearing)

YOU ARE REQUIRED TO ATTEND TO GIVE EVIDENCE at the hearing of this proceeding on (day) (date), at (time), at (place), and to remain until your attendance is no longer required.

YOU ARE REQUIRED TO BRING WITH YOU and produce at the hearing the following documents and things: (Set out the nature and date of each document and give sufficient particulars to identify each document and thing.)

IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS THIS SUMMONS REQUIRES, THE ONTARIO COURT (GENERAL DIVISION) MAY ORDER THAT A WARRANT FOR YOUR ARREST BE ISSUED, OR THAT YOU BE PUNISHED IN THE SAME WAY AS FOR CONTEMP OF THAT COURT.

(For electronic hearing)

YOU ARE REQUIRED TO PARTICIPATE IN AN ELECTRONIC HEARING on (day), (date), at (time), in the following manner: (Give sufficient particulars to enable witness to participate.)

IF YOU FAIL TO PARTICIPATE IN THE HEARING IN ACCORDANCE WITH THE SUMMONS, THE ONTARIO COURT (GENERAL DIVISION) MAY ORDER THAT A WARRANT FOR YOUR ARREST BE ISSUED, OR THAT YOU BE PUNISHED IN THE SAME WAY AS FOR CONTEMPT OF THAT COURT

Date _____ (Name of tribunal)

(Signature by or on behalf of tribunal)