

Highlighted Changes in Amended Rules

The Tribunal amended its *Rules of Practice and Procedure* effective July 15, 2014. The following highlights the changes in the amended *Rules*.

Highlighted changes:

1.	Structure of Rules	The Rules have been reorganized. There are now 10 (instead of 8) parts:	
		Part 1 – General	Part 6 – Disclosure
		Part 2 – Representation, Filing and Delivery of Communications	Part 7 – Amending a Complaint or Response to Complaint
		Part 3 – Starting the Complaint Process	Part 8 – Case Conferences and Applications
		Part 4 – Complaint Process Options	Part 9 – Hearing Process
		Part 5 – Responding to a Complaint	Part 10 – Decisions and Orders
2.	Refocusing and reduction of Rules	<p>The Rules are focused on Tribunal process requirements, with the result that some Rules have been shortened and others have been removed. For instance, the following have been removed from the Rules:</p> <ul style="list-style-type: none"> • Complaint Streams; Enforcement of Settlement Agreements ; Modifying Final Orders; Judicial Review of Tribunal Decisions 	
3.	Public Access to Complaint File and Proceedings	<p>Rule 5 (previously rule 6) maintains the principle of openness respecting hearings and decisions; restricts public access to the complaint file; addresses privacy interests of minors</p>	
4.	Interpreters and Other Accommodations	<p>Rule 6</p>	
5.	Starting the Complaint Process	<p>Notable changes include:</p> <ul style="list-style-type: none"> • Making a complaint: Includes screening and time limit issues (rule 12) • Notice of complaint: Tribunal will notify persons who may be affected by the order sought (rule 13) 	
6	Complaint Process Options	<p>Notable changes include:</p> <ul style="list-style-type: none"> • Settlement meeting: The rules regarding settlement meetings and settlement are now in Part 4 (rules 14-15) • Deferral: Two key changes (rule 16): <ul style="list-style-type: none"> ○ deferral may be considered before a response is required if another proceeding may appropriately deal with the complaint ○ deferral is permitted where it is reasonable and fair in the circumstances (this will include applications to “stay” the process) • Expedited or Alternate Process: rule 17 envisions flexible, alternative processes at the request of parties or on the Tribunal’s own initiative 	

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7.	Dismissal Applications	<p>New form: Form 7.2 – Dismissal Application</p> <p>Rule 19 – The time limit to apply to dismiss a complaint is extended to 70 days after a response is filed and 35 days after new information or circumstances, but an application based on a refusal to accept a reasonable with prejudice settlement offer must be made at least four months before the hearing date</p>
8.	Disclosure	<p>Part 6, Rule 20 – Disclosure obligations follow the filing of a response as follows:</p> <ul style="list-style-type: none">• Complainant disclosure of documents, details of remedy sought and witness lists 30 days after response filed• Respondent disclosure of documents, response to remedy sought and witness lists 70 days after response or with dismissal application <p>Rule 20(1) – Parties also provide a list of documents, identifying any to which privilege attaches</p> <p>Rule 20(3)-(4) – Parties also file a copy of their witness lists and the details of remedy sought/response to details of remedy sought</p> <p>Rule 20(11) – A party may apply to suspend or limit disclosure</p>
9.	Expert evidence	<p>Part 6, Rule 21 – Extends requirement to deliver an expert report or summary of an expert opinion to <i>90 days</i> before the start of a hearing</p>
10.	Amending Complaints	<p>Part 7, Rule 24 – confirms amendments adding details may be made at any time, but amendments adding allegations require an application if:</p> <ul style="list-style-type: none">• the allegation is late-filed• there is an outstanding dismissal application or• the hearing date is less than <i>four</i> months away (increased from two)
11.	Amending Responses	<p>Part 7, Rule 26 – Requires an application if the hearing date is less than <i>four</i> months away (increased from two)</p>
12.	Case conferences	<p>Part 8, Rule 27 – Pre-hearing conferences are now called case conferences</p>
13.	Applications	<p>Part 8, Rule 28</p> <p>New form: Form 7.1 – General Application</p>
14.	Hearing date	<p>Rule 29 – Confirms current process of setting hearing dates if no response is filed, if no dismissal application is filed, or if a dismissal application is denied</p>
15.	Order to Attend Hearing	<p>Rule 30 – Requires parties to complete Form 8 – Order to Attend when making request</p>