

Application of amended *Rules of Practice and Procedure*

July 15, 2014

The Tribunal is issuing amended *Rules of Practice and Procedure* effective July 15, 2014. The amended *Rules* will apply to all complaints as of the effective date, with the following exceptions:

Disclosure Time Limits

The time for disclosure has changed under the amended *Rules*. Under rule 20:

- a complainant's disclosure is due 35 days following the filing of a response to the complaint (rule 20(6))
- a respondent's disclosure is due 70 days following the filing of a response to the complaint or with an application to dismiss a complaint (rule 20(7))

The time for disclosure in rule 20 does not apply to complaints where a response to complaint has been filed before July 15, 2014. For these complaints, the disclosure dates will be the dates already set by the Tribunal (which are subject to change by agreement of the parties) or that will be set by the Tribunal.

Application to Dismiss Complaint without a Hearing

The time limits for filing an application to dismiss a complaint without a hearing have changed under the amended *Rules*:

- Under rule 19(2), an application must be filed within 70 days of filing a response to the complaint
- Under rule 19(3), a respondent must apply within 35 days from the date on which the new information or circumstances that form the basis of the application come to the respondent's attention.
- Under rule 19(4), a respondent must apply at least four months before the date set for the hearing if the basis for the dismissal application is the complainant's refusal to accept a reasonable with prejudice offer to settle the complaint.

The time limit under rule 19(2) does not apply to complaints where a response to complaint has been filed before July 15, 2014. For these complaints, the time limit will be the time limit already set by the Tribunal.

Rules 19(3) and (4) will apply to all complaints.

Amendments to Complaints and Complaint Responses before the Hearing

Rules 24(4)(c) and rule 26(2) of the amended *Rules* provide that an application is required to amend a complaint or response to a complaint if the hearing is less than four months from the date the amendment is filed. This is a change from two months.

In cases where the hearing is between two and four months from the effective date of the amended *Rules*, amendments may be made within one month of the effective date of the amended *Rules*.

Disclosure of Expert Evidence

The time for disclosure has changed under the amended *Rules*. Under rule 21(1) a participant must deliver an expert report or summary of an expert opinion no later than 90 days (instead of 60) before the start of the hearing.

In cases where the hearing is between 60 days and 90 days from the effective date of the amended *Rules*, the 60 day requirement will apply.

Any Other Issues

Any other issues respecting transition to the amended *Rules* should be brought to the Registrar's attention.

Bernd Walter
Chair