



**Home  
Construction  
Regulatory  
Authority**

Home Construction Regulatory Authority  
40 Sheppard Avenue West, Fourth Floor, Suite 400  
Toronto, ON M2N 6K9  
Tel: 416-487-HCRA (4272) Fax: 416-352-7724

# **DISCIPLINE AND APPEALS COMMITTEES**

## **RULES OF PRACTICE**

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## LINKS

*New Home Construction Licensing Act, 2017*  
<https://www.ontario.ca/laws/statute/17n33>

*Code of Ethics and Discipline and Appeals Committees, Ontario Regulation 245/21*  
<https://www.ontario.ca/laws/regulation/210245>

*Statutory Powers Procedure Act*  
<https://www.ontario.ca/laws/statute/90s22>

## **RULE 1 – INTERPRETATION AND APPLICATION**

### **1.01 Definitions**

1.01(1) In these Rules:

“Affidavit” means:

- (a) a statement of facts within the personal knowledge of the person affirming or swearing the Affidavit, except the Affidavit may contain statements of belief if the source of the information and fact of the belief are described, and
- (b) is signed, and affirmed or sworn, before an identified person qualified to commission Affidavits, who will identify and sign all exhibits to the Affidavit

“Allegation Statement” means a document alleging a contravention of the Code of Ethics

“Appellant” means a person who appeals a final Order of the Discipline Committee to the Appeals Committee

“Appeals Committee” means the Appeals Committee of the HCRA and includes as applicable, the Chair, a Panel or a Presiding Member assigned by the Chair

“Book of Authorities” means a collection of case law and statutory law

“Case” means a matter referred to the Committee by the Registrar of the HCRA in an Allegation Statement, and includes all actions, steps, and Proceedings in the Case

“Case Conference” means a pre-Hearing conference before the Committee

“Case Coordinator” means an HCRA employee who administratively supports the Committee

“Chair” means the Chair of the Discipline Committee or the Appeals Committee as applicable or, when designated to act in place of the Chair, the Vice-Chair of the Discipline Committee or Appeals Committee, as applicable

“Code of Ethics” means Part I of Ontario Regulation 245/21 “Code of Ethics and Discipline and Appeals Committees”, and any successor regulation under the NHCLA

“Committee” means collectively, the Discipline Committee and the Appeals Committee, or where applicable, either Committee, and includes where applicable, the Chair, a Panel or a Presiding Member assigned by the Chair

“Consent Order” means a final Order in a Case, based on a request by the Parties that the Case be resolved without a Hearing, including with respect to agreed facts, contraventions of the Code of Ethics, and any agreed fine or educational requirement under the NHCLA, as applicable

“Deliver” means to serve on every other Party, and to file with the Committee Coordinator with proof of Delivery, and “Delivery” and “Delivering” have corresponding meanings

“Direction” means an Order of a procedural nature that may be given by the Committee, Chair, Panel, or Presiding Member, as applicable, and “Direct” has a corresponding meaning

"Discipline Committee" means the Discipline Committee of the HCRA and includes where applicable, the Chair, a Panel, or a Presiding Member assigned by the Chair

"Electronic" means any form of electronic technology that permits all persons to effectively communicate with one another, including by audio or video

"Factum" means a written statement of fact, law, and submissions

"Hearing" means a Proceeding before a Panel of the Discipline Committee that deals with the merits of an Allegation Statement, or a Proceeding before a Panel of the Appeals Committee that deals with the merits of a Notice of Appeal

"Holiday" means:

- (a) Saturday and Sunday,
- (b) any Ontario statutory holiday and Civic Holiday, or
- (c) any other day that HCRA recognizes as a holiday

"HCRA" means the Home Construction Regulatory Authority

"Independent Legal Counsel" means a lawyer engaged to provide advice to the Committee

"Licensee" means a person licensed under the NHCLA, and includes Officers, Directors, Associated Persons, or Interested Persons within the meaning of the NHCLA, of the Licensee

"Motion" is a request to the Committee to make an Order in a Case or Proceeding

"Motion Record" means all Affidavits and other documents that a motion participant intends to rely on for a Motion, other than a Factum and Book of Authorities

"NHCLA" means the *New Home Construction Licensing Act, 2017*, and any successor legislation

"Non-Party Participant" means a person who is not a Party and is permitted to participate in a Case or Proceeding

"Notice of Proceeding" means a notice Delivered by the Committee advising of a Proceeding

"Order" means a decision made by the Committee, Chair, Panel, or Presiding Member assigned by the Chair as applicable, and includes written reasons for the decision, where applicable

"Panel" means a Panel of the Committee assigned by the Chair in respect of a Proceeding

"Party" means a Party as defined in Part II of Ontario Regulation 245/21 "Code of Ethics and Discipline and Appeals Committees", and any successor regulation under the NHCLA

"Presiding Member", means a Committee Member appointed by the Chair to preside in a Case Conference and, as part of a Panel, in a Motion or a Hearing

"Proceeding" means a process in a Case attended by the Parties and includes a Case Conference, Motion, or Hearing

“Record” means the Allegation Statement, Notice of Appeal, Factums, Motion Records, Books of Authorities, written submissions of the Parties, exhibits, recordings made by the Committee of Proceedings, Transcripts, Directions and Orders in a Case, as applicable. A Record is public information unless otherwise stated in these Rules or in law

“Registrar” means the Registrar of the HCRA under the NHCLA

“Regulation” means Part II of Ontario Regulation 245/21 “Code of Ethics and Discipline and Appeals Committees”, and any successor regulation under the NHCLA

“Representative” means a Lawyer, Paralegal, or other person representing a Party in a Case

“Rules” means these Rules of Practice

“Transcript” means a written reproduction of a recording of a Proceeding, including a Motion or Hearing, made by a court reporter or other professional transcriptionist.

## **1.02 General Interpretation**

- 1.02(1) These Rules are made by the Committee, further to Section 25.1 of the *Statutory Powers Procedures Act*. These Rules may be amended by the Committee from time to time. These Rules apply to all Cases, including all Proceedings, before the Committee.
- 1.02(2) These Rules will be broadly interpreted to achieve a just, proportionate, and efficient result in the public interest. Where matters are not covered in these Rules, the Committee may do whatever is necessary and permitted by law to deal with the matter. The Committee may exercise any power under these Rules on its own initiative or at the request of a Party.
- 1.02(3) No Direction, Order, or Proceeding is invalid only because of Committee divergence from these Rules. The Committee may at any time correct a typographical or calculation error, or similar error.
- 1.02(4) The Committee may make Directions and Orders to prevent abuse of process.
- 1.02(5) In calculating time, except where stated to the contrary:
  - (a) where there is a reference to a number of days between two events, they are counted by excluding the day on which the first event happens and including the day on which the second event happens
  - (b) where a period of 7 days or less is required, Holidays will not be counted
  - (c) where a due date falls on a Holiday, the due date is the next day that is not a Holiday
  - (d) any Delivery made after 5:00 p.m. or at any time on a Holiday is deemed to be made on the next day that is not a Holiday.
- 1.02(6) In these Rules, the expression “will” is to be interpreted as an imperative obligation.

### **1.03 Practice Directions and Forms**

- 1.03(1) The Chairs and Vice-Chairs of the Discipline Committee and Appeals Committee may collectively issue Practice Directions, in accordance with the NHCLA, the *Statutory Powers Procedure Act*, and these Rules, to provide further clarification and information about these Rules and Committee practices and procedures. The Chairs and Vice-Chairs of the Discipline Committee and Appeals Committee may collectively amend Practice Directions from time to time.
- 1.03(2) In addition to the Forms set out in these Rules, the Chairs and Vice-Chairs of the Discipline Committee and Appeals Committee may collectively issue Forms in respect of any matter in these Rules including Proceedings. Forms may be designated for use by the Committee, or by Parties. Where a Form is designated for use by Parties, the use of the Form is mandatory unless the Form or Rules indicate otherwise. The Chairs and Vice-Chairs of the Discipline Committee and Appeals Committee may collectively amend Forms from time to time.

## **RULE 2 – PUBLIC ACCESS**

### **2.01 Public Hearing**

- 2.01(1) Except for Case Conferences, Proceedings are public, unless the Committee has ordered that a Case or Proceeding be closed to the public, in accordance with the *Statutory Powers Procedure Act* and these Rules.
- 2.01(2) A Party may Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction that a Case or a Proceeding, in whole or in part, be closed to the public.
- 2.01(3) A Party may Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction that all or part of a document be confidential except with respect to the Committee and the Parties.
- 2.01(4) Before making a decision about a request under this Rule, the Committee will give the Parties the opportunity to make submissions, on such terms as the Committee considers appropriate.
- 2.01(5) The Chair may require a request for Direction under this Rule be brought as a Motion to a Panel appointed by the Chair.
- 2.01(6) In making a decision under this Rule, the Chair or a Panel will consider the nature and extent of the harm that might result if the Case, or Proceeding, or document were made public, and also will consider the public interest in a transparent process.
- 2.01(7) Nothing in this Rule requires the Committee to Direct or Order a Case or a Proceeding be closed to the public or that a document be made confidential.

### **2.02 Requests for Access to the Record**

- 2.02(1) Subject to these Rules the Record is public information unless the Case, Proceeding or document was Directed or Ordered closed to the Public or made confidential.

- 2.02(2) Any person requesting access to the Record will Deliver a written request addressed to the Chair, Delivered to the Case Coordinator.
- 2.02(3) Despite this Rule, a recording of a Proceeding will not be provided to a person requesting access to the Record. The Case Coordinator will refer a person requesting a recording to a professional transcriptionist selected by the Committee. The requesting person will order a Transcript from the transcriptionist at the requesting person's expense. If the person orders a Transcript, the Case Coordinator will provide the recording to the transcriptionist. The Case Coordinator will order a copy of the Transcript at the Committee's expense for its records.

### **RULE 3 – DOCUMENTS**

#### **3.01 Delivery and Contents of Documents**

- 3.01(1) Delivery is deemed to be made to a person at the addresses provided by that person:
- (a) by electronic mail with proof of Delivery on the day of the transmission
  - (b) by registered mail or by courier with proof of Delivery, on the third day after the day of mailing or the third day after the day the document was given to the courier, or
  - (c) by another method as may be Directed or Ordered by the Committee.
- 3.01(2) Despite clause (1), all documents to the Committee will be Delivered to the Case Coordinator by electronic mail to [info@hcraontario.ca](mailto:info@hcraontario.ca), unless otherwise indicated in writing by the Case Coordinator or Directed or Ordered by the Committee.
- 3.01(3) All documents will be legible.
- 3.01(4) All documents sent by electronic mail will be attached to an electronic mail message that includes the sender's name, electronic mail address, telephone number, and the date and time of transmission.

### **RULE 4 – WAIVER OF RULES**

#### **4.01 Methods of Waiving a Rule**

- 4.01(1) A Party may Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction to waive a Rule. Before making a decision, the Chair will give the Parties the opportunity to make written submissions, on such terms as the Chair considers appropriate.
- 4.01(2) A request for Direction from the Chair under this Rule may be Delivered after failure to comply with these Rules has occurred.
- 4.01(3) The Chair may require a request for Direction under this Rule be brought as a Motion to a Panel appointed by the Chair.
- 4.01(4) Where a written request for a waiver cannot practically be made in advance of a Proceeding in accordance with this Rule, a Party may bring a Motion to the Panel at



the Proceeding for an Order waiving a Rule.

4.01(5) Nothing in this Rule requires the Committee to waive a Rule.

4.01(6) Despite this Rule, the Committee may waive a Rule on its own initiative and may before doing so, give notice to the Parties, or may provide the Parties the opportunity to make submissions, on such terms as the Committee considers appropriate.

## **RULE 5 – PANEL COMPOSITION**

### **5.01 Selection**

5.01(1) Subject to Rule 10.01(2) relating to Case Conferences, the Chair will assign a Panel for a Proceeding in accordance with the Regulation and these Rules. The Case Coordinator will Deliver to the Parties notice of the Panel composition in the Notice of Proceeding, or otherwise in writing in advance of the Proceeding.

### **5.02 Objecting to Panel Composition**

5.02(1) A Party may, no later than 5 days after Delivery of notice of Panel composition, Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction that a Committee Member not participate in a Proceeding. Before making a decision, the Chair will give the Parties the opportunity to make written submissions, on such terms as the Chair considers appropriate.

5.02(2) If a Party does not request a Direction in accordance with this Rule, the Party is deemed to not object to the Panel composition. Despite this, the Committee may hear an objection not made in accordance with this Rule if the Committee believes substantial prejudice to a Party may result if the objection is not heard.

5.02(3) The Chair may require a request for Direction under this Rule be brought as a Motion to a Panel appointed by the Chair.

5.02(4) Nothing in this Rule requires the Committee to accept an objection to a Committee Member participating in a Proceeding.

## **RULE 6 – NOTICE OF PROCEEDING**

### **6.01 Contents of Notice of Proceeding**

6.01(1) Subject to the *Statutory Powers Procedure Act*, the Case Coordinator will Deliver a Notice of Proceeding, identifying the nature of the Proceeding, including the following:

- (a) date and time, the method of proceeding whether Electronic, written, or in-person, and if in-person the location of the Proceeding
- (b) composition of the Panel
- (c) if the Proceeding is a Hearing before the Discipline Committee, details of the duty of the Parties to Deliver disclosure to all other Parties
- (d) if the Proceeding is a Hearing before the Discipline Committee, notice that the Parties must Deliver a copy of the documents that they intend to enter into

evidence at the Hearing to the Case Coordinator at least 5 days before the Hearing starts. Also, that the documents will be provided to the Panel in advance of the Hearing

- (e) procedure for objecting to any of the information in clauses (a) – (d), inclusive
- (f) if the Proceeding is a Hearing before the Appeals Committee, notice that the Record of the Discipline Committee will be provided to the Panel in advance of the Hearing, and
- (g) the right to a Representative.

## **6.02 Objecting to Proceeding Date, Time, Method of Proceeding, or Location**

- 6.02(1) A Party may, no later than 5 days after Delivery of the Notice of Proceeding, Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction to change the date, time, method of proceeding, or location of a Proceeding. Before making a decision, the Chair will give the Parties the opportunity to make written submissions, on such terms as the Chair considers appropriate.
- 6.02(2) If a Party does not request a Direction in accordance with this Rule, the Party is deemed to not object. Despite this, the Committee may hear an objection not made in accordance with this Rule if the Committee believes substantial prejudice to a Party may result if the objection is not heard.
- 6.02(3) The Chair may require a request for Direction under this Rule be brought as a Motion to a Panel appointed by the Chair.
- 6.02(4) Nothing in this Rule requires the Committee to accept an objection to a date, time, method of proceeding, or location of a Proceeding.

## **6.03 Objecting to Documents Delivered to the Panel in Advance**

- 6.03(1) A Party may, no later than 5 days after Delivery of the Notice of Proceeding, Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction that the Panel not be provided with documents in advance of the Hearing. Before making a decision, the Chair will give the Parties the opportunity to make written submissions, on such terms as the Chair considers appropriate.
- 6.03(2) If a Party does not object to the Panel being provided with documents in advance of the Hearing in accordance with this Rule, the Case Coordinator will provide the documents to the Panel without further notice to the Parties.
- 6.03(3) The Chair may require a request for Direction under this Rule be brought as a Motion to a Panel appointed by the Chair.
- 6.03(4) Nothing in this Rule requires the Committee to accept a request that a Panel not be provided with documents in advance of a Hearing.
- 6.03(5) Despite this Rule, the Case Coordinator will provide the Record of the Discipline Committee to a Panel of the Appeals Committee in advance of the appeal Hearing.

## **RULE 7 – DIRECTIONS AND MOTIONS**

### **7.01 Directions**

- 7.01(1) The Committee may issue a Direction without prior notice to the Parties. The Committee may thereafter give the Parties the opportunity to make submissions on such terms as the Committee considers appropriate. Where the Committee gives a Direction without prior notice, the Committee may reconsider the Direction and may confirm, vary, suspend, or cancel the Direction on such terms as the Committee considers appropriate.
- 7.01(2) A Party may make a request for a Direction by Delivering a written request including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties. Before making a decision, the Chair will give the Parties the opportunity to make written submissions on such terms as the Chair considers appropriate.
- 7.01(3) The Chair may require a request for Direction to be brought as a Motion to a Panel appointed by the Chair.

### **7.02 Scheduling Motions**

- 7.02(1) A Party seeking to bring a Motion will obtain available dates and times from the Case Coordinator and will make reasonable efforts to obtain agreement from all other Parties to the dates and times.
- 7.02(2) If a Party seeking to bring a Motion cannot, after making reasonable efforts, obtain agreement to a date and time for the Motion, the Party may make a written request for a Direction, addressed to the Chair, and Delivered to the Case Coordinator and all other Parties, about how to proceed. Before making a decision, the Chair may, in the Chair's discretion, give the Parties the opportunity to make written submissions on such terms as the Chair considers appropriate.
- 7.02(3) A Motion will be made by Notice of Motion in Form 7A – NOTICE OF MOTION. The moving Party will Deliver Notice of Motion together with any Motion Record to the Case Coordinator and to all other Parties at least 10 days before the Motion date. In addition, the moving Party may Deliver a Book of Authorities and a Factum in FORM 17B – FACTUM, in accordance with Rule 17.03, at least 10 days before the Motion date.
- 7.02(4) Responding Parties will Deliver any Motion Record to the Case Coordinator, Moving Party, and to all other Parties at least 3 days before the Motion date. In addition, other responding Parties may Deliver a Book of Authorities and a Factum in FORM 17B – FACTUM, in accordance with Rule 17.03 at least 3 days before the Motion date.
- 7.02(5) Despite these Rules, where advance notice of a Motion is not practical, a Party may request to bring a Motion at a Hearing. The Panel will give the Parties the opportunity to make submissions and may decide to hear the Motion on such terms as the Panel considers appropriate. Nothing in this Rule requires a Panel to agree to hear a Motion.

### **7.03 Evidence on Motions**

- 7.03(1) Evidence will be given by Affidavit unless the Committee Directs or Orders it be given another way, on such terms as the Committee considers appropriate.

- 7.03(2) A Motion participant may not cross-examine a person affirming or swearing an Affidavit without a Direction or Order of the Committee or on consent of the Party that Delivered the Affidavit.

#### **7.04 Motion Panels**

- 7.04(1) The Chair will assign a Panel of one or three Committee Members to hear a Motion. A Panel of three Committee Members will conform to the requirements in the Regulation for Hearing Panels. The Chair may assign the Panel assigned to a Hearing in the Case to hear a Motion.
- 7.04(2) A Party may, as soon as possible upon being notified, Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction that the Motion Panel not include Committee Members assigned to a Hearing Panel in the Case. Before making a decision, the Chair will give the Parties the opportunity to make written submissions on such terms as the Chair considers appropriate.
- 7.05(3) Nothing in this Rule requires the Chair to accept an objection to the composition of a Motion Panel.

### **RULE 8 – NON-PARTY PARTICIPATION**

#### **8.01 Requests by Non-Parties to Participate in a Case**

- 8.01(1) A person who is not a Party to Case may bring a Motion to the Committee for an Order to be designated as a Non-Party Participant, in accordance with the Rule for Motions, which applies with necessary modifications, subject to this Rule.
- 8.01(2) The Notice of Motion will explain the extent of participation requested. The person bringing the motion will file a Factum in FORM 17B – FACTUM in accordance with Rule 17.03, at least 10 days before the Motion date.
- 8.01(3) In considering whether to designate a Non-Party Participant, the Committee may consider the issues in the Case or Proceeding, whether the person bringing the motion will be directly affected by the outcome of the Case or Proceeding, if the person bringing the motion will make a useful contribution different from the Parties, any delay, any prejudice to the Parties, and any other matter the Committee considers relevant.
- 8.01(4) The Committee may designate a Non-Party Participant on such terms as the Committee considers appropriate. If the Committee designates a Non-Party Participant, these Rules in respect of Parties apply to the Non-Party Participant with necessary modifications, subject to this Rule. A Non-Party Participant cannot make a request for Directions, bring a Motion after becoming a Non-Party Participant, attend a Case Conference, or appeal to the Appeals Committee.
- 8.01(5) Nothing in these Rules requires the Committee to accept a request to designate a Non-Party Participant.

## **RULE 9 – ELECTRONIC, WRITTEN AND IN-PERSON PROCEEDINGS**

### **9.01 Electronic Proceedings, Exceptions**

- 9.01(1) All Proceedings will be held Electronically by videoconference, except in accordance with this Rule.
- 9.01(2) The Committee may Direct or Order all or part of a Proceeding to be heard in-person if the Committee believes that not doing so will cause significant prejudice to a Party. Before making a decision, the Committee will give the Parties the opportunity to make submissions on such terms as the Committee considers appropriate.
- 9.01(3) The Committee may Direct or Order all or part of a Proceeding, or the testimony of a witness, be provided Electronically without video, if the Committee believes that not doing so will cause significant prejudice to a Party, and that doing so will not prevent a fair and full understanding of the evidence. Before making a decision, the Committee will give the Parties the opportunity to make submissions on such terms as the Committee considers appropriate.
- 9.01(4) The Committee may Direct or Order that all or part of a Proceeding, including submissions by the Parties, be held in writing. Before making a decision, the Committee will consider whether the Proceeding is ongoing and what remains to be done before completion, whether any facts are in dispute or credibility is an issue, and whether doing so will cause significant prejudice to a Party.
- 9.01(5) The Committee will Direct or Order a Proceeding to be held electronically by videoconference and make any Direction or Order in clauses (2) – (4) inclusive, that is necessary to accommodate a disability.
- 9.01(6) At least 5 days before an Electronic Proceeding is to start, the Parties will provide the Case Coordinator with their contact information for the Proceeding.

## **RULE 10 – CASE CONFERENCES**

### **10.01 Mandatory Case Conferences**

- 10.01(1) The Case Coordinator will schedule a Case Conference following Delivery of an Allegation Statement to the Committee and to the Licensee. Participation of the Parties at a Case Conference is mandatory.
- 10.01(2) The Chair will assign one Committee Member to be Presiding Member at a Case Conference. The Presiding Member will not participate in a Hearing of the Case at either the Discipline or Appeals Committees unless the Parties consent in writing.
- 10.01(3) The Case Coordinator will, after consulting with the Presiding Member, and the Parties if practical, schedule a date and time for the Case Conference and will Deliver to the Parties a Notice of Proceeding for the Case Conference.
- 10.01(4) A Case Conference that has started may be continued at another date or time, on such terms as the Presiding Member considers appropriate.

## **10.02 Procedure at Case Conferences**

10.02(1) The Presiding Member will discuss with the Parties on a without prejudice basis:

- (a) resolution of issues including any Code of Ethics contraventions that may be admitted
- (b) facts or evidence that may be admitted or agreed upon
- (c) any fine or educational requirement under the NHCLA that may be agreed upon
- (d) the advisability of resolving the Case without a Hearing, and
- (e) any other subject that may assist in a just and expeditious result.

10.02(2) In addition to clause (1) the Presiding Member will discuss with the Parties:

- (a) contact information for Electronic and written Hearings
- (b) scheduling of any Motions
- (c) evidence at the Hearing, including expert evidence, and evidence by Affidavit
- (d) witnesses to be Summoned, including confirmation of their availability
- (e) content of and Delivery of disclosure
- (f) dates by which any actions in respect of a Proceeding will be taken
- (g) scheduling of Proceedings, including time estimates, and
- (h) any other subject that may assist in a just and expeditious result.

## **10.03 Case Conference Reports and Orders**

10.03(1) Discussions in a Case Conference made solely for the purpose of settlement and not including agreements and undertakings made by a Party are confidential and without prejudice unless the Parties agree otherwise.

10.03(2) Any information disclosed at a Case Conference is not public information, except in accordance with these Rules or unless the Parties agree otherwise.

10.03(3) After a Case Conference is completed, the Presiding Member will prepare a Case Conference Report and Order setting out any agreement made by the Parties, any undertaking given by a Party, and all Orders made by the Presiding Member. The Case Coordinator will Deliver the Case Conference Report and Order to the Parties.

10.03(4) A Case Conference Report and Order forms part of the Record at the Discipline Committee. The Case Conference Report and Order will not refer to or describe any settlement discussions other than any resulting agreements or undertakings.

## **RULE 11 – SUMMONS**

### **11.01 Obtaining a Summons**

11.01(1) A Party seeking to require a person to attend a Proceeding as a witness will as soon as possible Deliver a written request for a Summons, addressed to the Chair and Delivered to the Case Coordinator.

- 11.01(2) A Summons will be in Form 11A – SUMMONS. If signed by the Chair, the Case Coordinator will Deliver the Summons to the requesting Party.
- 11.01(3) The requesting Party is responsible to serve the Summons on the witness by personal service in accordance with Section 12 of the *Statutory Powers Procedure Act*. The requesting Party is responsible to pay the witness the attendance fees payable under the Ontario Rules of Civil Procedure to witnesses at the Superior Court of Justice.
- 11.01(4) Nothing in this Rule requires the Chair to accept a request to issue a Summons. The Chair may Direct a Party to Deliver written reasons for the request. Before a Chair refuses to issue a Summons, the Chair will give the Parties the opportunity to make written submissions on such terms as the Chair considers appropriate.
- 11.01(5) Despite this Rule, no Party will request a summons for a Hearing before the Appeals Committee without first obtaining an Order of the Committee under these Rules for evidence on Appeals.

## **RULE 12 – DISCLOSURE**

### **12.01 Expert Evidence**

- 12.01(1) In addition to the disclosure requirements in the Regulation and the *Statutory Powers Procedure Act*, a Party who intends to call an expert witness at a Hearing will Deliver to all other Parties a written report, signed by the expert, including the following information:
- (a) The expert's name and contact information
  - (b) The expert's qualifications in their area of expertise, and
  - (c) The expert's opinion and reasons for the opinion, including:
    - 1. a description of any factual assumptions on which the opinion is based
    - 2. a description of any research conducted by the expert for the opinion, and
    - 3. any document relied on or produced by the expert for the opinion.
  - (d) An Acknowledgement of Expert's Duty Form in FORM 12A signed by the expert.
- 12.01(2) A Party intending to challenge an expert's qualifications will Deliver a Notice of Motion to the Case Coordinator and all other Parties, as soon as possible and at least 10 days before the Hearing is to start, in accordance with the Rule for Motions.

### **12.02 Ongoing Disclosure Obligations**

- 12.02(1) The disclosure obligations in the Regulation and *Statutory Powers Procedure Act* continue to apply throughout a Case and Proceeding.

## **RULE 13 – CONSENT ORDERS**

### **13.01 Requests for Consent Orders**

- 13.01(1) At any time during a Case, the Parties may request a Consent Order.

- 13.01(2) Where the Parties request a Consent Order, the Parties will Deliver to the Committee the terms of the request in writing, together with any written submissions, including:
- (a) the nature of the Order the Parties request from the Committee
  - (b) all facts admitted by the Licensee or agreed by the Parties
  - (c) all Code of Ethics contraventions admitted by the Licensee
  - (d) any legal issues agreed upon, and
  - (e) the fine or educational requirements under the NHCLA agreed upon.
- 13.01(3) The Parties will make a request for a Consent Order as follows:
- (a) at a Case Conference, to the Presiding Member, to be forwarded to the Chair
  - (b) before the start of a Hearing, other than at a Case Conference, Delivered to the Case Coordinator addressed to the Chair, or
  - (c) at the start of a Hearing or during a Hearing and before a final Order, to the Hearing Panel, or Delivered to the Case Coordinator, addressed to the Panel.
- 13.01(4) A Party may Deliver a request for a Consent Order on behalf of the Parties if copied in writing to the Parties.
- 13.01(5) Where the Committee believes the proposed Consent Order is consistent with the mandate of the HCRA under the NHCLA, the Committee will issue a Consent Order incorporating the contents of the request including:
- (a) the nature of the Order
  - (b) facts admitted by the Licensee or agreed by the Parties and accepted
  - (c) Code of Ethics contraventions admitted by the Licensee and accepted
  - (d) any legal issues agreed upon and accepted, and
  - (e) the fine or educational requirements under the NHCLA agreed upon and accepted.
- 13.01(6) A Consent Order is public information.
- 13.01(7) Where a request for a Consent Order is made to the Chair and the Chair has concerns the proposed Consent Order may not be consistent with the mandate of the HCRA under the NHCLA, the Chair will assign a Panel to hear submissions from the Parties.
- 13.01(8) Where a request for a Consent Order is made to a Hearing Panel and the Panel has concerns the proposed Consent Order may not be consistent with the mandate of the HCRA under the NHCLA, or where the Chair assigned the Panel under clause (7), the Panel will hear submissions from the Parties.
- 13.01(9) The Chair will not alter or amend the requested contents of a Consent Order. A Panel, having Heard the submissions of the Parties, may amend the requested contents of a Consent Order if the Parties agree. If a Panel rejects a requested Consent Order, the Committee will schedule a Hearing, or the Hearing will continue, as applicable.
- 13.01(10) Nothing in these Rules prevents the Parties from making agreements at any time about



facts, contraventions of the Code of Ethics, legal issues, a fine or educational requirement under the NHCLA, or partially resolving a Case, including where the Parties proceed to a Hearing about remaining disputed facts or issues on the basis of any such agreements.

- 13.01(11) Nothing in these Rules prevents the Registrar from withdrawing the referral to the Committee of an Allegation Statement at any time during a Case, including where the Registrar takes or proposes to take other administrative or enforcement action in respect of the subject matter of a Case. This includes where the Parties agree to a resolution of a Case without a Hearing and without seeking a Consent Order.

## **RULE 14 – EVIDENCE AT A HEARING BY AFFIDAVIT**

### **14.01 Procedure Before and at Hearings**

- 14.01(1) A Party that intends to present the evidence of a witness at a Hearing by Affidavit, will Deliver written notice, including the Affidavit, addressed to the Committee and Delivered to the Case Coordinator and all other Parties, as soon as possible and at least 30 days before the start of the Hearing. Notice may also be given at a Case Conference.
- 14.01(2) A Party may, no later than 5 days after being notified in accordance with clause (1), Deliver written notice, addressed to the Committee and Delivered to the Case Coordinator and all other Parties, that the notifying Party intends to cross-examine the witness at the Hearing.
- 14.01(3) Where a Party Delivers notice of intention to cross-examine in accordance with clause (2), the Party who Delivered the Affidavit will immediately Deliver a written request for a Summons, addressed to the Chair and Delivered to the Case Coordinator, in accordance with these Rules for Summons. If the Chair issues a Summons, the Party who Delivered the Affidavit will arrange for personal service of the Summons on the witness in accordance with Section 12 of the *Statutory Powers Procedure Act* and these Rules for Summons.
- 14.01(4) Where a Party Delivers notice of intention to cross-examine in accordance with clause (2), the Affidavit will be entered into evidence at the Hearing. At the Hearing, the Party that Delivered the Affidavit may briefly examine the witness on such terms as the Panel considers appropriate. All other Parties may cross-examine the witness about all matters relevant to their evidence, including where not specifically dealt with in the Affidavit. The Party who Delivered the Affidavit may re-examine the witness about new issues raised in the cross-examination.
- 14.01(5) A Party may, no later than 5 days after Notice in clause (1) is delivered, Deliver a Notice of Motion to exclude the Affidavit or any part of it from being entered as evidence, in accordance with the Rule for Motions, which applies subject to this Rule.
- 14.01(6) Where a Party Delivers a Notice of Motion in accordance with clause (5), the Chair will assign a Panel to hear the Motion that does not include Committee Members assigned to the Hearing Panel.
- 14.01(7) A Party that does not provide notice in accordance with clause (2) or bring a Motion in

accordance with clause (5) is deemed to accept the admissibility of the evidence, including in Affidavit form.

## **RULE 15 – CONDUCT OF PROCEEDINGS**

### **15.01 Recording of Proceedings**

- 15.01(1) Except for Case Conferences, the Committee will cause all Electronic and in-person Proceedings, including Motions and Hearings, to be Electronically recorded. The recording will be part of the Record and will be the only source for transcripts.
- 15.01(2) Any other recording of a Proceeding must only be done in accordance with section 29 of the *Statutory Powers Procedure Act*.

### **15.02 Electronic Proceedings**

- 15.02(1) The Committee may require the Parties, Representatives, witnesses, or other participants to be audible or visible, or both, to other participants only while speaking or being questioned or spoken to by other participants.
- 15.02(2) The Committee may require that all persons attending the Proceeding not a Party, Representative, witness, or other participant, not be audible and visible to participants or other attendees, unless requested by the Committee.

### **15.03 Vulnerable Witnesses**

- 15.03(1) The Committee may Order that a Licensee personally conducting cross-examination of a witness not be visible to the witness while conducting the cross-examination, if the Committee decides the Order is necessary to obtain full and candid testimony.
- 15.03(2) The Committee may Order that a Licensee not personally conduct cross-examination of a witness if the Committee decides the Order is necessary to obtain full and candid testimony.
- 15.03(3) Where a witness testifies in-person, the Committee may Order that a support person be permitted to be present near the witness while testifying, on such terms as the Committee considers appropriate.

### **15.04 Excluding Witnesses**

- 15.04(1) A Panel may Order a witness be excluded from a Proceeding except when giving evidence.
- 15.04(2) An Order under clause (1) will not be made in respect of a Party or a witness whose presence is required to instruct a Representative, but the Panel may require that witness to give evidence before other witnesses called by that Party.
- 15.04(3) Where an Order under clause (1) is made, no person will communicate or permit communication to an excluded witness about any evidence at the Proceeding heard in the absence of the witness, until after the Proceeding is ended.

## **15.05 Notice of Constitutional Question**

- 15.05(1) Where a Party intends to raise a question about the constitutional validity or application of legislation, or a rule of law, or claim a remedy under the Canadian Charter of Rights and Freedoms, the Party will Deliver a Notice of Motion setting out the particulars of the constitutional question, any Motion Record, and a Factum in FORM 17B – FACTUM in accordance with Rule 17.03, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, and to the Attorneys General of Canada and Ontario. Notice of Motion together with any Motion Record and Factum will be Delivered as soon as possible and at least 30 days before the Motion at which the constitutional question is proposed to be heard.
- 15.05(2) The Chair will assign a Panel to hear the Motion about the constitutional question in accordance with these Rules for Motions.
- 15.05(3) The Case Coordinator will deliver to the Attorneys General of Canada and Ontario advance notification of any Proceeding at which a constitutional question is to be heard. The Attorneys General of Canada and Ontario are entitled to submit evidence and to make submissions to the Committee about the constitutional question.

## **15.06 Translators**

- 15.06(1) Where a Party requires a translator for the Party or for the Party's witness, including for any language including sign language, the Party will as soon as possible notify the Committee in writing, addressed to the Chair and Delivered to the Case Coordinator and all other Parties. Notice may also be given by a Party at a Case Conference.
- 15.06(2) The notice in Clause (1) will identify the language of translation. On receiving Notice, the Committee will arrange for the attendance of a professional translator at all Proceedings in the Case to which the notice relates, at the Committee's expense.

## **15.07 Delay, Failure to Attend**

- 15.07(1) Where a Party has not taken any necessary action in respect of a Proceeding in a timely way, the Committee may Deliver to the Party a Direction to take action required by the Committee by a due date set by the Committee and on any terms the Committee considers appropriate, failing which the Committee may make an Order in respect of the Proceeding or Case, including a final Order disposing of the Proceeding or Case as applicable. The Direction will also include notice of the process set out in clause (2) for requesting an extension of a due date. The Committee will also Deliver the Direction to all other Parties for their information.
- 15.07(2) The Party to whom a Direction is made under clause (1) may, no later than 5 days after the Direction is Delivered, Deliver a request in writing including reasons, addressed to the Committee, and Delivered to the Case Coordinator and all other Parties, for a Direction to extend a due date.
- 15.07(3) If the Party does not comply with a Direction under clause (1) or request a Direction in accordance with clause (2), the Committee may make an Order in respect of the Proceeding or Case, including a final Order disposing of the Proceeding or Case as applicable.

- 15.07(4) If the Party makes a request for a Direction in accordance with clause (2), the Committee will decide whether to Direct or Order an extension of time on such terms as the Committee considers appropriate. Before making a decision, the Committee will give all other Parties the opportunity to make submissions on such terms as the Committee considers appropriate.
- 15.07(5) The Chair may require a request for Direction under clause (2) be brought as a Motion to a Panel appointed by the Chair.
- 15.07(6) Nothing in this Rule requires the Committee to Direct or Order an extension of time.
- 15.07(7) Where a Party fails to attend a Proceeding the Committee may proceed in the absence of the Party. If the Proceeding was initiated by the Party that failed to attend, the Committee may dismiss the Proceeding or Case as applicable.

## **RULE 16 – COSTS**

### **16.01 When Costs May Be Ordered**

- 16.01(1) The Committee may Order a Party to pay all or part of another Party's costs in accordance with Section 17.1 of the *Statutory Powers Procedure Act*, where the conduct of the Party has been unreasonable, frivolous, vexatious, or in bad faith.

### **16.02 Amount of Costs**

- 16.02(1) The amount of costs may be the reasonable disbursements, expenses, and Representative fees of the Party in respect of the Case
- 16.02(2) The Committee may order that a Party receive a portion of the costs in clause (1).
- 16.02(3) In these Rules, Representative fees include deemed fees for in-house counsel.
- 16.02(4) Before Ordering costs, the Committee will give the Parties the opportunity to make submissions about whether costs should be awarded and the amount, on such terms as the Committee considers appropriate.
- 16.02(5) Where a request for costs includes amounts that are challenged, they may be proven by an Affidavit attaching as an exhibit a copy of an invoice or receipt.

## **RULE 17 – ADDITIONAL RULES SPECIFIC TO APPEALS**

### **17.01 Procedure on Appeals**

- 17.01(1) An appeal will be commenced by Delivering a complete Notice of Appeal as required by the Regulation, in FORM 17A – NOTICE OF APPEAL (hereafter, "Notice of Appeal"), and by paying any appeal fee set by the HCRA under the Regulation (hereafter, "appeal fee"), if applicable, in accordance with the deadline set out in the Regulation.
- 17.01(2) An Appellant will, as soon as possible after Delivering the Notice of Appeal, order a Transcript of the Discipline Hearing by making a request to the Case Coordinator. The Case Coordinator will refer the Appellant to a professional transcriptionist selected by the Committee. The Appellant will order the Transcript at the Appellant's expense. The

Appellant will order 5 copies of the Transcript for Delivery to the Committee, and sufficient additional copies to be able to Deliver 1 copy to all other Parties in the Case. No later than 5 days after completion of the Transcript, the Appellant will Deliver the copies to the Committee and all other Parties.

- 17.01(3) If the Appellant intends to refer to any Proceeding in the Case other than the Hearing, the Appellant will order a Transcript of that Proceeding in accordance with the procedure in clause (2).
- 17.01(4) An Appellant will not cancel an order for a Transcript unless the Appellant has first withdrawn the Appeal in writing, addressed to the Chair and Delivered to the Case Coordinator and all other Parties.
- 17.01(5) An Appellant may Deliver, together with the Notice of Appeal, a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction that a Transcript is not required. Before making a decision, the Chair will give the Parties the opportunity to make written submissions on such terms as the Chair considers appropriate.
- 17.01(6) Nothing in this Rule requires the Committee to accept that a Transcript is not required for an appeal.
- 17.01(7) On Delivery of the Transcripts by the Appellant to the Committee, or upon issuing a Direction that a Transcript is not required, the Chair will assign a Panel for the Hearing in accordance with the Regulation. The Chair will not assign a Committee Member who participated in the Case as a Member of the Discipline Committee.
- 17.01(8) The Case Coordinator will provide a copy of the Record of the Discipline Committee to the Panel, to Independent Legal Counsel, and to the Parties, in advance of the Hearing.

## **17.02 Evidence on Appeals**

- 17.02(1) Subject to these Rules, the evidence at the Hearing will consist of the Record of the Discipline Committee and nothing else.
- 17.02(2) Despite clause (1) a Party to an appeal may bring a Motion to the Panel assigned to the Hearing to introduce additional or new evidence at the Hearing. The Panel will not permit additional or new evidence unless the additional or new evidence:
  - (a) is apparently credible
  - (b) would probably affect the result, and
  - (c) could not reasonably have been obtained at the time of the Discipline Hearing.

## **17.03 Factums**

- 17.03(1) Unless the Committee Orders otherwise, Factums are not required for an Appeal.
- 17.03(2) Where the Committee Orders the Parties to file Factums, or a Party decides to file a Factum, the following rules apply:
  - (a) Factums will be in FORM 17B – FACTUM

- (b) Factums will not exceed 10 pages in length, excluding any schedules, unless the Committee Directs or Orders otherwise
- (c) an Appellant's Factum will be Delivered to the Case Coordinator and all other Parties at least 30 days before the Hearing date, and
- (d) a responding Party's Factum will be Delivered to the Case Coordinator and all other Parties at least 10 days before the Hearing date.

#### **17.04 Appeals Not Pursued**

- 17.04(1) Where a person seeking to appeal does not Deliver a complete Notice of Appeal together with appeal fee if applicable, by the due date in the Regulation, the Committee will not process the Notice of Appeal. The Committee will Deliver to the person seeking to appeal written notice of the process set out in clause (2) for requesting an extension of the due date to appeal. The Committee will also Deliver the notice to all other Parties for their information.
- 17.04(2) A person seeking to appeal may, no later than 5 days after the notice in clause (1) is Delivered, Deliver a request in writing including reasons, addressed to the Chair and Delivered to the Case Coordinator and all other Parties, for a Direction to extend the time to appeal. Before making a decision, the Chair will give the Parties the opportunity to make written submissions, on such terms as the Chair considers appropriate.
- 17.04(3) The Chair may require a request for Direction under this Rule be brought as a Motion to a Panel appointed by the Chair.
- 17.04(4) The Committee will not make a Direction or Order extending the time to appeal unless the person seeking to appeal demonstrates on a balance of probabilities that a substantial injustice will occur if the extension is not granted. In considering a request to extend the time to appeal, the Committee may consider the following factors:
  - (a) whether the person had a genuine intent to appeal before the due date
  - (b) whether there is a reasonable explanation that the failure to appeal was due to circumstances beyond the person's control
  - (c) the length of the delay
  - (d) the merits of the appeal issues
  - (e) the public interest in the efficient functioning of the Committees.
- 17.04(5) Nothing in this Rule requires the Committee to accept a request to extend the time to appeal.
- 17.04(6) Where a Party has not taken any necessary action in respect of an Appeal in a timely way, the Committee may Deliver to the Party a Direction to take action required by the Committee by a due date set by the Committee and on any terms the Committee considers appropriate, failing which the Committee may make an Order in respect of the appeal, including an Order dismissing the appeal. The Direction will also include notice of the process set out in clause (7) requesting an extension of a due date. The Committee will also Deliver the Direction to all other Parties for their information.
- 17.04(7) The Party to whom a Direction is made under clause (6) may, no later than 5 days after

the Direction is Delivered, Deliver a request in writing including reasons, addressed to the Committee, and Delivered to the Case Coordinator and all other Parties, for a Direction to extend a due date.

- 17.04(8) If the Party does not comply with a Direction under clause (6) or request a Direction in accordance with clause (7), the Committee may make an Order in respect of the appeal including an Order dismissing the appeal.
- 17.04(9) If the Party makes a request for a Direction in accordance with clause (7), the Committee will decide whether to Direct or Order an extension of time on such terms as the Committee considers appropriate. Before making a decision, the Committee will give all other Parties the opportunity to make submissions on such terms as the Committee considers appropriate.

**FORM 7A – NOTICE OF MOTION**

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Committee File No. \_\_\_\_\_

DISCIPLINE COMMITTEE *[or Appeals Committee]* OF THE  
HOME CONSTRUCTION REGULATORY AUTHORITY

BETWEEN:

HOME CONSTRUCTION REGULATORY AUTHORITY

- and -

*[NAME OF LICENSEE]*

**NOTICE OF MOTION**

**THE *[IDENTIFY MOVING MOTION PARTICIPANT]* WILL** make a Motion to the Discipline Committee *[or Appeals Committee as the case may be]* of the Home Construction Regulatory Authority on *[day]*, *[date]*, at *[time]*, or as soon after that time as the Motion can be heard. The Motion will be heard Electronically under the Rules of Practice *[unless a Direction or Order has been obtained to hear it in person]*. The details for participating in the Motion are as follows: *[insert details]*. If you do not participate in the Motion in accordance with this notice, the Discipline Committee *[or Appeals Committee]* may proceed without you and you will not be entitled to any further notice in the Proceeding.

**THE MOTION IS FOR** *[state here the precise relief sought]*.

**THE GROUNDS FOR THE MOTION ARE** *[specify the grounds to be argued, including a reference to any statutory provision or Rule to be relied on]*.

**THE FOLLOWING DOCUMENTARY EVIDENCE WILL** be used at the Hearing of the Motion: *[list the Affidavits or other documentary evidence to be relied on]*.

*[Date]*

*[Name, address, telephone number and  
email address of moving Motion  
Participant's Representative or moving  
Motion Participant]*

TO: *[Name, address, telephone number  
and email address of responding  
Motion Participant's Representative  
or responding Motion Participant]*



**FORM 11A – SUMMONS**

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Committee File No. \_\_\_\_\_

DISCIPLINE COMMITTEE *[or Appeals Committee]* OF THE  
HOME CONSTRUCTION REGULATORY AUTHORITY

BETWEEN:

HOME CONSTRUCTION REGULATORY AUTHORITY

- and -

*[NAME OF LICENSEE]*

**SUMMONS**

TO: *[insert witness name address, email address and telephone number]*

**YOU ARE REQUIRED TO ATTEND TO GIVE EVIDENCE** at the Proceeding described below,  
and to remain in attendance until your attendance is no longer required:

**PROCEEDING TITLE:**

**DATE:**

**TIME:**

**METHOD of PROCEEDING (electronic or in-person):**

**HEARING LOCATION (if applicable):**

**YOU ARE REQUIRED TO BRING WITH YOU** and produce at the Hearing the following  
documents and things:

**IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS THIS SUMMONS REQUIRES,  
THE ONTARIO SUPERIOR COURT OF JUSTICE 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.**

You are entitled to be paid the same fees or allowances for attending at or otherwise participating  
in the Hearing as are paid to a person summoned to attend before the Ontario Superior Court  
of Justice.

DATE:

THE DISCIPLINE COMMITTEE  
[OR APPEALS COMMITTEE] OF  
THE HOME CONSTRUCTION  
REGULATORY AUTHORITY

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Chair

This Summons is issued at the request of:

*[insert the name of Party and the name,  
address, telephone number and email  
address of the Party's Representative  
requesting the Summons or, if not  
represented, the name, address, telephone  
number and email address of the Party  
requesting the Summons]*

**FORM 12A – ACKNOWLEDGEMENT OF EXPERT’S DUTY**

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Committee File No. \_\_\_\_\_

DISCIPLINE COMMITTEE OF THE  
HOME CONSTRUCTION REGULATORY AUTHORITY

BETWEEN:

HOME CONSTRUCTION REGULATORY AUTHORITY

- and -

[NAME OF LICENSEE]

**ACKNOWLEDGEMENT OF EXPERT’S DUTY**

I [name of Expert] of [City] in the province of [name of province] ACKNOWLEDGE:

1. I have been retained by [name of party] to give evidence in the above-noted Proceeding before the Discipline Committee of the Home Construction Regulatory Authority.
2. I acknowledge that it is my duty to provide opinion evidence that is fair, objective and neutral.
3. I acknowledge that it is my duty to provide opinion evidence that is related only to matters within my area of expertise.
4. I acknowledge that it is my duty to provide such additional assistance as the Committee may reasonably require to determine the matters in issue.
5. I acknowledge that these duties prevail over any obligation which I may owe to the party that retained me or the party’s representatives.

[Date]

\_\_\_\_\_  
[Signature of Expert]

**FORM 17A – NOTICE OF APPEAL**

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Committee File No. \_\_\_\_\_

APPEALS COMMITTEE OF THE  
HOME CONSTRUCTION REGULATORY AUTHORITY

BETWEEN:

HOME CONSTRUCTION REGULATORY AUTHORITY

- and -

[NAME OF LICENSEE]

**NOTICE OF APPEAL**

**THE [identify Party] APPEALS** to the Appeals Committee from the final Order of the Discipline Committee dated [insert date]. The responding Party is [insert name of other Party at the Discipline Hearing].

**THE GROUNDS OF THE APPEAL** are as follows:

1. [set out grounds in numbered paragraphs]

**THE RELIEF SOUGHT** is as follows:

1. [set out what Order you want the Appeals Committee to make]

[Date]

[Name, address, telephone number and  
email address of Appellants' Representative  
or Appellant]

TO: [Name, address, telephone number  
and email address of Respondent's  
Representative or Respondent]

**FORM 17B – FACTUM**

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Committee File No. \_\_\_\_\_

APPEALS COMMITTEE OF THE  
HOME CONSTRUCTION REGULATORY AUTHORITY

BETWEEN:

HOME CONSTRUCTION REGULATORY AUTHORITY

- and -

[NAME OF LICENSEE]

**FACTUM OF [PARTY]**

**Part One – Overview of the Case**

*[A brief description, in consecutively numbered paragraphs, identifying and describing the Party filing the Factum, and a description of the reason for the appeal]*

**Part Two – Summary of Facts**

*[A brief description, in consecutively numbered paragraphs, describing the relevant facts, and any references to the Record of the Discipline Committee, including in an Exhibit or Transcript, identified by page, paragraph, and line, as applicable]*

[E.g. Transcript, Day 1, p. 108, Lines 4-9 Exhibit 1, Tab 4, p. 2]

**Part Three – Issues and the Law**

*[In consecutively numbered paragraphs, a statement of each issue relevant to the appeal, followed by a statement of the applicable law and any legal authorities, such as a prior case or decision, supporting those statements]*

**Part Four – Order Sought**

The *[identify Party]* respectfully requests that the Appeals Committee make the following Order:  
[Describe exactly what Order the Party wants the Appeals Committee to make]

Respectfully submitted,

[Date]

*[Name, address, telephone number and  
email address of Party's Representative or  
Party]*

TO: *[Name, address, telephone number  
and email address of other Party's  
Representative or other Party]*