



TRIBUNAL RULES OF PROCEDURE

FOR PROCEEDINGS UNDER THE

Boundaries Act, R.S.O. 1990, c. B.10, as amended (“BA”)

Land Titles Act, R.S.O. 1990, c. L.5, as amended (“LTA”)

Land Registration Reform Act, R.S.O. 1990, c. L.4, as amended (“LRRRA”), and

Registry Act, R.S.O. 1990, c. R.20, as amended (“RA”)

RULE 1: GENERAL MATTERS

1.1. PURPOSE OF THE RULES

- 1.1.1. The purpose of these Rules is to provide a fair, open and accessible process for the parties, to increase the efficiency and timeliness of proceedings and to assist the Tribunal in fulfilling its statutory mandate.
- 1.1.2. These Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits.
- 1.1.3. Authority for the creation of these Rules is provided for under s.25.1 of the *Statutory Powers Procedure Act*, RSO 1990, c. S.22, as amended, (“SPPA”).
- 1.1.4. Any prior Tribunal Rules of Procedure are revoked and replaced by these Rules.

1.2. APPLICATION OF THE RULES

- 1.2.1. These Rules apply to proceedings before the Tribunal relating to,
 - (a) An objection to an application for confirmation of a boundary or boundaries under s.8 (2) of the BA;
 - (b) An application for confirmation of a boundary or boundaries where the Director is not satisfied with the application and the materials filed in support of the application, under s.8 (4) of the BA;
 - (c) An objection to an application for first registration under s.41 of the LTA;
 - (d) An objection to an application for absolute title under s. 46 of the LTA;
 - (e) A caution entered by the Director of Titles under s. 57 of the LTA;
 - (f) A caution entered by a land registrar under s.158 of the LTA;
 - (g) An application for compensation from the Land Titles Assurance Fund under s. 57 of the LTA or s.116 of the RA;

- (h) A proposal to revoke the authorization of an electronic document submitter under s. 23.2 of the LRRRA;
- (i) An application for reinstatement of the authorization of an electronic document submitter under s.23.4 of the LRRRA; and
- (j) Any matter relating to titles of land where the Tribunal is required under the BA, LTA, LRRRA or RA to provide the parties to a proceeding an opportunity for a hearing before making a decision.

1.2.2. These Rules are to be read in conjunction with any applicable Orders of the Director of Titles or the Director of Land Registration, the BA, LTA, LRRRA, RA and the SPPA, and any applicable regulations thereunder. In the case of a conflict between these Rules and the legislation, the legislation prevails.

1.3. DEFECTS IN FORM

1.3.1. No proceeding governed by these Rules is invalid by reason only of a defect or other irregularity in form or by reason of any error not affecting the substantial justice of the matter that is the subject of the proceeding.

1.4. DEFINITIONS

“Act”, “statute” or “legislation” means the BA, LTA, LRRRA, RA and the regulations thereunder, as the case may be;

“days” shall mean calendar days;

“Director of Titles” means the Director of Titles appointed under subsection 9(1) of the LTA, and includes a representative appointed by the Director of Titles under subsections 9(2) and 15(a) of the LTA;

“Director of Land Registration” means the Director of Land Registration appointed under subsection 6(1) of the RA, and includes a representative appointed by the Director of Land Registration under section 8 of the RA;

“electronic hearing” means a hearing held by telephone conference or some other form of electronic technology allowing persons to hear one another;

“hearing” includes, as the case may be, an electronic hearing, an oral hearing, a written hearing, or any combination of same;

“oral hearing” means a hearing where the parties and/or their representatives attend in person before the Tribunal;

“party” means any person specified as a party by or under the statute under which the proceeding arises or, if not so specified, persons entitled by law to be parties to the proceeding;

“person” includes a corporation or an individual, and the heirs, executors, administrators, successors and assigns, or other legal representatives of a person to whom the definition can apply according to law;

“proceeding” means a proceeding that is before the Tribunal, and includes all

steps to and including the disposition of a matter that is before the Tribunal;

“Rules” refers to these Tribunal Rules of Procedure;

“Tribunal” means the Director of Titles or the Director of Land Registration, when exercising a statutory power of decision in respect of a proceeding authorized or required under the BA, LTA, LRRRA or RA, or under any regulations thereto; and

“written hearing” means a hearing held by means of the exchange of documents, whether in written form on paper or by electronic means.

1.5. PROCEDURAL REQUIREMENTS AND WAIVER

- 1.5.1. The Tribunal may with the parties’ consent waive any procedural requirements of the BA, LTA, LRRRA, RA or SPPA.
- 1.5.2. The Tribunal may waive any provision of these Rules where it is of the opinion that it would be appropriate to do so in the circumstances.

1.6. DECISION NOT TO PROCESS DOCUMENTS RELATING TO THE COMMENCEMENT OF A PROCEEDING

- 1.6.1. Upon receiving documents relating to the commencement of a proceeding, the Tribunal may decide not to process the documents if:
 - (a) the documents are incomplete;
 - (b) the documents are received after the time required for commencing the proceeding has elapsed; or
 - (c) there is some other technical defect in the commencement of the proceeding.
- 1.6.2. If the Tribunal has made a decision not to process the documents relating to the commencement of a proceeding, the Tribunal shall give written notice of its decision to the party who commenced the proceeding, and shall set out in the notice the reasons for the decision and the requirements for resuming the processing of the documents.

1.7. DISMISSAL OF A PROCEEDING WITHOUT A HEARING

- 1.7.1. The Tribunal may dismiss a proceeding without a hearing if:
 - (a) the proceeding is frivolous, vexatious or is commenced in bad faith;
 - (b) the proceeding relates to matters that are outside the jurisdiction of the Tribunal; or
 - (c) some aspect of the statutory requirements for bringing the proceeding has not been met.

- 1.7.2. Before dismissing a proceeding under this section, the Tribunal shall give notice of its intention to dismiss the proceeding to all parties to the proceeding, if the proceeding is being dismissed because it relates to matters outside the jurisdiction of the Tribunal, or to the party who commenced the proceeding if it is dismissed for any other reason.
- 1.7.3. The notice of intention to dismiss a proceeding shall set out the reasons for the dismissal and inform the parties of their right to make written submissions to the Tribunal with respect to the dismissal within thirty (30) days of the date of the notice.
- 1.7.4. The Tribunal shall not dismiss the proceeding until it has given notice under 1.7.2 and considered any submissions made within the time allowed under 1.7.3.

1.8. DISPOSITION WITHOUT HEARING

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

RULE 2: REPRESENTATIVES

- 2.1 A party to a proceeding, or a witness at an oral or electronic hearing, may be represented by a person authorized under the *Law Society Act* to practise law or to provide legal services, or by an agent.
- 2.2 A representative of a witness at an oral or electronic hearing may advise the witness, but may take no other part in the hearing without leave of the Tribunal.
- 2.3 Where an oral hearing is closed to the public, the witness's representative is not entitled to be present except when that witness is giving evidence.
- 2.4 The Tribunal may exclude from a hearing any person appearing as a representative of a party or a witness, other than a person authorized under the *Law Society Act* to practise law or to provide legal services, if the Tribunal finds that such person is not competent properly to represent or to advise the party or witness, or does not understand and comply at the hearing with the duties and responsibilities of an advocate or advisor.
- 2.5 If a representative ceases to represent a party, the representative or the party shall promptly notify the Tribunal in writing.

RULE 3: COMMUNICATIONS WITH THE TRIBUNAL

- 3.1 A party who has a representative shall communicate with the Tribunal through the representative. Tribunal staff shall communicate with a represented party only through the party's representative.
- 3.2 A party that communicates with the Tribunal must provide a copy or notice of the

communication to the other parties prior to the Tribunal dealing with the matter.

RULE 4: DISCLOSURE

4.1 DISCLOSURE OF DOCUMENTS

The Tribunal may, at any stage of the proceeding, before all hearings are complete, make orders for:

- (a) the exchange of documents, provided the documents are not subject to a claim of privilege;
- (b) the oral or written examination of a party;
- (c) the exchange of witness statements and reports of expert witnesses;
- (d) the provision of particulars; and
- (e) any other form of disclosure.

4.2 DISCLOSURE WHEN CHARACTER, CONDUCT OR COMPETENCE QUESTIONED

Where the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

RULE 5: PRE-HEARING MATTERS

5.1 PRE-HEARING CONFERENCES

- 5.1.1 The Tribunal may direct the parties to participate in one or more pre-hearing conferences, which may deal with the following issues:
 - (a) identifying parties and witnesses, and the scope of their participation in the hearing;
 - (b) determining the date, time, length and location of the hearing;
 - (c) determining whether the hearing will be conducted orally, electronically or in writing, or any combination of same;
 - (d) hearing preliminary motions;
 - (e) addressing procedural issues;
 - (f) identifying, defining and simplifying issues;
 - (g) arranging for the exchange among parties and for the filing with the Tribunal of documents relevant to the proceeding;
 - (h) establishing facts or evidence that may be agreed on; and
 - (i) any other matters that may assist in the just and expeditious disposition of the

proceeding.

- 5.1.2 A Tribunal member who presides at a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the proceeding, including adding parties.
- 5.1.3 A pre-hearing conference may be held electronically and the Rules pertaining to electronic hearings will apply, with necessary modifications.

5.2 NOTICE OF PRE-HEARING CONFERENCE

- 5.2.1 The Tribunal shall send a notice of pre-hearing conference to all parties to the hearing, unless a party waives this requirement.
- 5.2.2 The notice of pre-hearing conference shall be sent by mail or electronically at least ten (10) days prior to the pre-hearing conference or within such other period as the Tribunal may determine is fair in the circumstances.

5.3 AUTHORITY OF REPRESENTATIVE

A party's representative should only attend a pre-hearing conference without the party if the representative has the authority on behalf of the party to make procedural agreements and to commit to take actions respecting the matters to be addressed.

RULE 6: HEARING PROCEDURES

6.1 COMBINING PROCEEDINGS

- 6.1.1 If two or more proceedings before a particular Tribunal involve the same or similar questions of fact, law or policy, that Tribunal may,
- (a) combine the proceedings or any part of them, with the consent of the parties;
 - (b) hear the proceedings at the same time, with the consent of the parties;
 - (c) hear the proceedings one immediately after the other; or
 - (d) stay one or more of the proceedings until after the determination of another one of them.
- 6.1.2 Proceedings shall not be combined or heard at the same time if the Tribunal is of the opinion that a matter within one proceeding that involves public security or is of an intimate financial or personal nature, may be disclosed in the other proceeding(s).

6.2 SEPARATION OF COMBINED PROCEEDINGS

Where two or more proceedings, or any part of them, have been combined, and combining the proceedings has unduly complicated or delayed the proceedings

or caused prejudice to a party, or for any other reason which the Tribunal considers to be reasonable, the Tribunal may order that the proceedings are no longer combined and that the proceedings will continue separately.

6.3 TYPES OF HEARINGS

- 6.3.1 Except for a hearing relating to the Director of Land Registration's proposal to revoke the authorization of an electronic document submitter, a hearing may be conducted in its entirety as a written, oral or electronic hearing or the Tribunal may hold any combination of oral, written or electronic hearing, and the notice of hearing will be worded accordingly.
- 6.3.2 A hearing relating to the Director of Land Registration's proposal to revoke the authorization of an electronic document submitter shall be a written hearing unless the Director of Land Registration or the electronic document submitter requires that the hearing be an oral hearing.

6.4 FACTORS TO CONSIDER FOR DETERMINING TYPE OF HEARING

In deciding whether to conduct an oral, written or electronic hearing the Tribunal may consider any relevant factors including:

- (a) the suitability of conducting a written or oral hearing considering the subject matter of the hearing;
- (b) whether the evidence is appropriate for a written, electronic or oral hearing, including whether credibility is an issue;
- (c) the extent to which facts are in dispute;
- (d) the convenience of the parties, including any anticipated prejudice to a party;
- (e) the avoidance of unnecessary delay;
- (f) whether all the participants in an electronic hearing will be able to hear each other;
- (g) the fulfillment of the Tribunal's statutory mandate; and
- (h) any other possible effects on the fairness of the proceedings.

6.5 NOTICE OF HEARING

- 6.5.1 The parties, and any other person specified under the relevant legislation, shall receive notice of the hearing, within the time for notice as specified by the applicable legislation or, if not so specified, with a reasonable time before the hearing.
- 6.5.2 The notice of hearing shall be served on the party or person to be served in the manner specified in the applicable legislation.
- 6.5.3 Where the Tribunal is of the opinion that because the parties to any

proceeding before it are so numerous or for any other reason, it is impracticable to give notice of the hearing individually to the parties or persons entitled to receive notice, the Tribunal may instead cause reasonable notice of the hearing to be given to such parties or person by public advertisement or otherwise as the Tribunal may direct.

6.5.4 All notices of hearing shall include:

- (a) a reference to the statutory authority under which the hearing is to be held;
- (b) a statement of the purpose of the hearing;
- (c) a statement that where the party notified does not object to a written or electronic hearing or does not attend at or participate in an oral, written or electronic hearing, as the case may be, the Tribunal may proceed in that party's absence and the party will not be entitled to any further notice in the proceedings;
- (d) where the hearing is in relation to a proceeding involving allegations of fraudulent instruments, or an application for compensation from the Land Titles Assurance Fund, a statement that whether or not the party attends the hearing, information provided during the hearing may be used by the Director of Land Registration for the purpose of determining whether to continue the authorization of anyone who has access to the electronic land registration system as an electronic document submitter, in accordance with the LRRRA; and
- (e) any other information or directions the Tribunal considers necessary for the proper conduct of the hearing.

6.5.5 For an oral hearing, in addition to the requirements in 6.5.4, the notice of hearing shall include a statement of the date, time and place of the hearing.

6.5.6 For a written hearing, in addition to the requirements of 6.5.4, the notice of hearing shall include:

- (a) a statement of the date and time of the hearing, which is provided by setting out the time period during which parties are required to serve and file documents for the written hearing;
- (b) a statement that all parties are entitled to receive every document that the Tribunal receives in the proceeding; and
- (c) a statement that the hearing shall not be held as a written hearing if a party satisfies the Tribunal that there is good reason for not holding a written hearing, in which case the Tribunal shall hold the hearing as an electronic or oral hearing, and an indication of the procedure to be followed for that purpose.

6.5.7 For an electronic hearing, in addition to the requirements of 6.5.4, the notice of hearing shall include:

- (a) a statement of the date and 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; and
- (c) if (b) does not apply, a statement that the hearing will not proceed as an electronic hearing if a party satisfies the Tribunal that an electronic hearing is likely to cause the party significant prejudice, in which case the hearing shall be held as an oral hearing, and the process to be followed for that purpose.

6.6 OBJECTIONS TO WRITTEN AND ELECTRONIC HEARINGS

- 6.6.1 A party to whom a notice of hearing is sent that objects to a written hearing or an electronic hearing must do so in writing with reasons for the objection.
- 6.6.2 The Tribunal shall not hold a hearing as a written hearing if the objecting party satisfies the Tribunal that there is good reason for not doing so.
- 6.6.3 The Tribunal shall not hold a hearing as an electronic hearing if the objecting party satisfies the Tribunal that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.
- 6.6.4 A party cannot object to a written hearing or an electronic hearing if the only purpose of the hearing is to deal with procedural matters.

RULE 7: SUMMONS

- 7.1 The Tribunal may summon any person, including a party,
 - (a) to attend an oral or electronic hearing and give evidence on oath or affirmation; and
 - (b) to produce in evidence at an oral, written or electronic hearing documents and things specified by the Tribunal,relevant to the subject-matter of the proceeding and admissible at a hearing.
- 7.2 A summons issued under 7.1 shall be in the form prescribed under the SPPA, and shall be signed by the Tribunal.
- 7.3 A party who wishes to summon a witness shall advise the Tribunal of the name and address of the witness to be summoned and the details of any documents or other things to be summoned with the witness, and the Tribunal shall prepare and issue the summons.
- 7.4 A summons shall be personally served on the person summoned. It is the responsibility of the party that requested the summons to ensure that it is served and to pay to the person summoned, at the time of service, 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 Superior Court of Justice.

- 7.5 Where a person has been summoned as a witness at a hearing and, without lawful excuse,
- (a) does not attend the hearing;
 - (b) attends the hearing but refuses to
 - (i) take an oath or make an affirmation;
 - (ii) produce any document or thing in his or her power or control as required by the Tribunal; or
 - (iii) answer any questions to which the Tribunal requires an answer; or
 - (c) does any other thing that would have been in contempt of a court of law,
- the Tribunal may state a case to the Divisional Court setting out the facts, and that court may inquire into the matter and after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he or she had been guilty of contempt of the court.
- 7.6 Rule 7.5 also applies to a person who has objected to a hearing being held as a written hearing and fails to participate, without lawful excuse, or a party that fails without lawful excuse to attend a pre-hearing conference when so directed by the Tribunal.

RULE 8: SUBMISSIONS AT A HEARING

8.1 EXAMINATION OF WITNESSES

- 8.1.1 A party to the proceeding in an oral or electronic hearing before the Tribunal may:
- (a) be questioned by the Tribunal and other parties;
 - (b) call and examine witnesses at the hearing;
 - (c) cross-examine other parties and witnesses; and
 - (d) present evidence and make submissions, including final argument.
- 8.1.2 Where a hearing is held relating to the confirmation of boundaries under the BA, oral evidence shall be recorded and, at the request of a party to the hearing, a copy of the recording shall be furnished to the party upon payment of the required fee.

8.2 WITNESS PANELS

A Tribunal may receive evidence from a panel of witnesses composed of two or more persons, if the parties have first had an opportunity to make submissions in that regard.

8.3 PROTECTION FOR WITNESSES

A witness at an oral or electronic hearing shall be deemed to have objected to answering any question asked of him or her upon the ground that the answer may tend to criminate him or her or may tend to establish his or her liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against the witness in any trial or other proceeding against him or her thereafter taking place, other than a prosecution for perjury in giving such evidence at the hearing.

8.4 EXCLUSION OF WITNESSES

- 8.4.1 The Tribunal may order that a witness be excluded from the hearing until called to give evidence. An order for exclusion will not generally be made against a party to the proceeding.
- 8.4.2 Where an oral or electronic hearing is held, a witness that is not a party to a proceeding is entitled to be advised by a representative as to his or her rights, but such representative may take no other part in the hearing without leave of the Tribunal.
- 8.4.3 Where an oral hearing is closed to the public, the witness's representative is not entitled to be present except when that witness is giving evidence.

RULE 9: HEARING DOCUMENTS

- 9.1 Requests for Review, Notices, or any other documents relating to a proceeding may be filed with the Tribunal by delivery to its office by any of the following methods:
 - (a) in person;
 - (b) by electronic or facsimile transmission;
 - (c) by mail or registered mail;
 - (d) by courier; or
 - (e) by any other means that may be permitted by the Tribunal from time to time.
- 9.2 All communications with the Tribunal, including any documents relating to a proceeding that are filed with the Tribunal, must be copied to all parties to the proceeding.

RULE 10: ADJOURNMENTS

10.1 RULE ON ADJOURNMENTS

A hearing may be adjourned from time to time by the 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.

10.2 FACTORS TO CONSIDER FOR ADJOURNMENT

When a party requests an adjournment, the Tribunal may consider any relevant factors, including:

- (a) the reason for the adjournment request;
- (b) the extent to which prejudice will be suffered by the party requesting the adjournment, if the adjournment is refused;
- (c) the extent to which any other party will suffer prejudice if the adjournment is granted;
- (d) the extent to which the party requesting the adjournment gave advance notice to other parties and to the Tribunal of its request for an adjournment;
- (e) the consent of other parties to the request for adjournment;
- (f) whether the party requesting the adjournment previously consented to the hearing or pre-hearing proceeding on the scheduled date;
- (g) the length of adjournment;
- (h) previous delays including the number and length of previous adjournments granted at the request of or with the consent of the party now requesting an adjournment;
- (i) the public interest in the efficient and timely conduct of proceedings; and
- (j) any other possible effects on the fairness of the proceedings.

10.3 DENIAL OF ADJOURNMENT

The Tribunal may refuse an adjournment where:

- (a) the adjournment was requested too close to the scheduled hearing date;
- (b) the Tribunal is not satisfied that the adjournment is necessary;
- (c) the only ground for the adjournment is that the party unreasonably delayed retaining a representative;
- (d) the party consented to the original hearing date;
- (e) the adjournment would negatively affect the fairness of the proceedings; or
- (f) the Tribunal is of the opinion that it would be inappropriate to grant the adjournment in the circumstances.

10.4 CONDITIONS OF ADJOURNMENT

In granting an adjournment the Tribunal may impose such conditions as it

considers appropriate, including, but not limited to the awarding of costs.

RULE 11: PUBLIC ACCESS TO HEARINGS

11.1 HEARINGS OPEN TO PUBLIC

- 11.1.1 An oral or electronic hearing shall be open to the public except where the Tribunal is of the opinion that
- (a) matters involving public security may be disclosed;
 - (b) intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or
 - (c) in the case of an electronic hearing, it is not practical to hold the hearing in a manner that is open to the public.
- 11.1.2 In a written hearing, members of the public are entitled to reasonable access to the documents submitted, unless the Tribunal is of the opinion that Rule 11.1.1 (a) or (b) applies.

11.2 CONDITIONS ON PUBLIC ACCESS

The Tribunal may impose such conditions as it considers appropriate for the conduct of that part of a hearing that is closed to the public.

11.3 CONDUCT OF CLOSED HEARING

- 11.3.1 Unless otherwise ordered by the Tribunal, where part of an oral or electronic hearing is closed to the public, it may be attended by:
- (a) parties and their representatives;
 - (b) witnesses and their representatives when they are testifying in the case of an oral hearing;
 - (c) Tribunal staff; and
 - (d) such other persons as the Tribunal considers appropriate.
- 11.3.2 Exhibits, documents, submissions and Tribunal orders relating to that part of the hearing that is closed to the public shall be marked confidential and kept separate from the public record. Access to that material shall be made available only by order of the Tribunal or as otherwise authorized by law.

RULE 12: SPECIAL NEEDS

Parties should notify the Tribunal as early as possible of any special needs which

they or their witnesses might have, such as physical disabilities, hearing impairment and sight impairment; or if they require a translator.

RULE 13: EVIDENCE

- 13.1 Subject to Rules 13.2 and 13.3, the Tribunal may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in a court, any oral testimony and any other document or other thing that is relevant to the subject matter of the proceeding.
- 13.2 Nothing in 13.1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceeding.
- 13.3 Nothing is admissible in evidence at a hearing that would be inadmissible in a court by reason of any privilege under the law of evidence, or that is inadmissible by the statute under which the proceeding arises or any other statute.
- 13.4 The Tribunal may receive and act on any facts agreed on by the parties without proof or evidence.
- 13.5 The Tribunal may treat previously admitted evidence as if it had been admitted in a proceeding before the Tribunal, if the parties to the proceeding consent.
- 13.6 For the purposes of 13.5, “previously admitted evidence” means evidence that was admitted, before the hearing of the proceeding referred to, in any other proceeding before a court or Tribunal, whether in or outside of Ontario.
- 13.7 The Tribunal may take notice of facts that may be judicially noticed, and may take notice of any generally recognized facts, information or opinions within its specialized knowledge.
- 13.8 For hearings relating to an objection to an application under the BA, the oral evidence taken before the Director shall be recorded and, at the request of a party to the hearing, a copy of the recoding shall be furnished to the party upon payment of the required fee.

RULE 14: DECISIONS AND ORDERS

14.1 INTERIM DECISIONS AND ORDERS

- 14.1.1 The Tribunal may make interim decisions and orders.
- 14.1.2 The Tribunal may impose conditions on an interim decision or order.
- 14.1.3 An interim decision or order need not be accompanied by reasons.

14.2 ORAL AND WRITTEN DECISIONS

- 14.2.1 The Tribunal may reserve its decision or may indicate its decision orally at the

end of the hearing.

- 14.2.2 Despite subsection 14.1.1, the Tribunal shall issue a written final decision, which shall be the official decision of the Tribunal.
- 14.2.3 The Tribunal may or may not issue written reasons with its decision, but shall provide written reasons when requested by a party.
- 14.2.4 If there is a discrepancy between an oral and written decision, the written decision shall prevail.
- 14.2.5 A Tribunal that makes a decision that includes an order for the payment of money shall set out in the order the principal sum, and if interest is payable, the rate of interest and the date from which it is to be calculated.

14.3 EFFECTIVE DATE OF DECISION OR ORDER

A Tribunal decision or order is effective from the date on which it was signed or such other date as may be specified in the decision or order.

14.4 NOTICE OF A DECISION OR ORDER

- 14.4.1 The Tribunal shall send each party who participated in the proceeding, or the party's representative, if any, a copy of its final decision or order, including the reasons if any have been given,
- (a) by mail or registered mail;
 - (b) by electronic transmission;
 - (c) by facsimile transmission; or
 - (d) by some other method that allows proof of receipt.
- 14.4.2 If the copy of the decision or order is sent by mail or registered mail, it shall be sent to the party's most recent address known to the Tribunal and, if not returned, shall be deemed to have been received by the party on the seventh day after the day it is mailed.
- 14.4.3 If the copy of the decision or order is sent by electronic transmission or by facsimile transmission, it shall be deemed to be received on the first business day after it was sent.
- 14.4.4 If the copy of the decision or order is sent by a method referred to in 14.4.1 (d), it shall be deemed to be received on the date contained in the proof of receipt.

RULE 15: CORRECTION OF ERRORS

A Tribunal may at any time correct a typographical error, error of calculation or similar error made in its decision or order.

RULE 16: ENFORCEMENT OF ORDERS

- 16.1 A certified copy of the Tribunal's decision or order in a proceeding may be filed in the Superior Court of Justice by the Tribunal or by a party and on filing shall be deemed to be an order of that court and is enforceable as such.
- 16.2 A party who files the Tribunal's decision or order with the court shall notify the Tribunal within 10 days after the filing.

RULE 17: PUBLICATION OF DECISIONS

- 17.1 The Tribunal may publish its decisions and orders on the Government of Ontario website.

RULE 18: COSTS OF PROCEEDINGS

- 18.1 The Tribunal may order a party to pay all or part of another party's costs in a proceeding, where the conduct or course of conduct of the party that is ordered to pay has been unreasonable, frivolous or vexatious or the party has acted in bad faith.
- 18.2 The Tribunal may order a party to pay all or part of another party's costs in a proceeding in circumstances other than those set out in 18.1, if the Tribunal makes the order in accordance with the provisions of the BA or LTA.
- 18.3 The amount of costs to be ordered is in the discretion of the Tribunal.

RULE 19: TRIBUNAL'S CONTROL OF ITS PROCESS

- 19.1 Notwithstanding anything set out in these Rules the Tribunal may,
- (a) for the purpose of determining its own procedures and practices, make orders with respect to the procedures and practices that apply in any particular proceeding; and
 - (b) to prevent abuse of its processes, make such orders or give such directions in proceedings before it as it considers proper.

RULE 20: APPEALS

- 20.1 A party to a proceeding under s.8 of the BA may appeal the Tribunal's decision to the Divisional Court, pursuant to s.12 of the BA.
- 20.2 A party to a proceeding under the LTA may appeal the Tribunal's decision or order to the Superior Court of Justice within 30 days of the date of the decision or order, pursuant to s.26 of the LTA.
- 20.3 A party to a proceeding relating to the Director of Land Registration's proposal to revoke the authorization of an electronic document submitter may appeal the

Tribunal's decision to the Divisional Court, pursuant to s.23.2(1) of the LRRA.

- 20.4 An appeal from a decision of the Tribunal to a court operates as a stay in the matter unless:
- (a) Another Act or regulation that applies to the proceeding expressly provides to the contrary; or
 - (b) The Tribunal or the court or other appellate body orders otherwise.
- 20.5 An application for judicial review under the *Judicial Review Procedure Act*, or the bringing of proceedings specified in s.2(1) of that Act is not an appeal within the meaning of this Rule.