

\_\_\_\_\_ Board  
Practice Directive No. \_\_\_\_\_  
**USUAL TIMELINES FOR COMPLETION OF  
PROCEDURAL STEPS AND ISSUING DECISIONS**

\_\_\_\_\_ **BOARD**

Tribunal Address  
Contact Information

{Date}

<p><b>Practice Directive No. _____</b></p> <p><b>USUAL TIMELINES FOR COMPLETION OF PROCEDURAL STEPS AND ISSUING DECISIONS</b></p>
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**Purpose** This Practice Directive sets out the usual time periods for completing an application to the \_\_\_\_\_ Board (the Board) and for the various procedural steps within an application. It also sets out the usual time period for release of a final decision and reasons after the Board completes a hearing of the application.

**Application** This Practice Directive applies to all applications before the Board, although not all of the potential steps described in this directive will apply to a particular application.

The Board will make its best efforts to comply with the spirit and intent of this Practice Directive. However, in accordance with subsection 12 (2) of the *Administrative Tribunals Act* (ATA), the Board is not bound by this Practice Directive in the exercise of its powers or the performance of its duties.

**Background** Section 12 of the ATA provides as follows:

- (1) The tribunal must issue practice directives respecting
  - (a) the usual time period for completing an application and for completing the procedural steps within an application, and
  - (b) the usual time period within which the tribunal's final decision and reasons are to be released after the hearing of the application is completed.
- (2) The tribunal is not bound by its practice directives in the exercise of its powers or the performance of its duties.
- (3) Practice directives issued under subsection (1) must be consistent with this Act and with the tribunal's enabling Act, the regulations made under those Acts and any rules of practice and procedure made by the tribunal.
- (4) The tribunal must make accessible to the public any practice directives made under this section.

## Details

### ***1. Acknowledging receipt of an application***

The Board will acknowledge it has received an application by sending the applicant a written confirmation<sup>1</sup>, within \_\_\_ business days after receiving the application. That confirmation will be sent to the applicant by ordinary mail, fax or email to the location, number, or address set out on the application.

The confirmation of receipt may also set out any requirements for the applicant to notify other persons about the application.

### ***2. Notifying the other parties of receipt of an application***

Where the application sets out the names and addresses of the other parties to an application, the Board will advise the other parties it has received an application by sending the other parties a written confirmation and a copy of the application, within \_\_\_ business days after receiving the application. That confirmation will be sent by ordinary mail, fax or email to the other parties' location(s), number(s), or address(es) as set out on the application.

### ***3. Determining whether all preliminary filing requirements have been met***

The Board will review the application to determine if it appears to have been filed within any time limits and if it appears to meet any other filing conditions or requirements, within \_\_\_ days after receiving the application.

### ***4. Notice of defect in an application***

If the application appears to not be filed within any time limit or to meet any other filing condition or requirement, the Board will send a written notice<sup>2</sup> to the applicant within \_\_\_ days of its review.

The notice will be sent by ordinary mail, fax or email to the location, number, or address set out on the application. A copy of the notice will also be sent to any other parties set out in the application.

The notice may also set out any steps the applicant may be able or required to take to properly complete the application, and any

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<sup>1</sup> A confirmation of receipt does not mean that the Tribunal accepts that the application is filed within time, or that it meets any or all conditions or requirements for the application to be accepted as properly filed. It is up to the applicant to make sure that the application is fully and properly completed before any filing deadline.

<sup>2</sup> If the Tribunal does not send a notice, that does not mean that a party or the Tribunal cannot later raise a failure to comply with any time limit for filing or any other filing conditions or requirements, or that the Tribunal cannot later refuse to hear the application because of a failure to meet a time limit or any other filing condition or requirement.

time limit for that to be done.

**5. Applications that do not require a public hearing**

If there are no apparent defects in the application and a notice is not sent under paragraph 4 above, or if the applicant takes the steps required to properly complete the application before the deadline, the Board will assess whether the application is routine in nature and whether a public hearing is required. If the Board determines that a public hearing is not required, it will typically render its decision on the application within \_\_\_ days of the date the Board received the application or the date the applicant took the steps required to properly complete it.

If the Board determines that a public hearing is not required, but that further information is needed to make a decision, the Board will request that information and may take up to \_\_\_ additional days to complete the decision, subject to timely receipt of the additional information.

**6. Setting a case management conference**

For more complex applications where a public hearing is required, the Board will set a time and date for a (telephone) case management conference, within \_\_\_ days of acknowledging receipt of the application. Notice of the case management conference will be given to the parties by telephone, fax, email or ordinary mail at the number, address or location set out on the application, or as the parties may advise.

Depending on how many parties are involved or how complex the issues in an application are, additional case management conferences may be required, and will usually be set for within \_\_\_ days of the most recent case management conference.

**7. Parties to submit summaries of the evidence and submissions, prior to the first case management conference**

Unless the Board sets different requirements for an application, all parties are required to send to the Board and to any other parties:

- a brief written statement of what the party intends to submit to the Board about the application,
- a list of the names of any persons the party may ask to give evidence to the Board,
- a brief written statement of what they expect that person will have to say about the application, and
- copies of any documents they may be referring to at the hearing,

at least \_\_\_\_ days before the first pre-hearing conference.

**8. Dispute Resolution**

The Board will consider whether a dispute resolution process may be undertaken, and, no later than \_\_\_\_ days before any hearing date (or “no more than \_\_\_\_ days after the application is received”), set the date for a dispute resolution process to be conducted. Notice will be sent to the parties by ordinary mail, fax or email to the location(s), number(s), or address(es) set out on the application or as the parties may advise.

**9. Hearing to be scheduled**

The Board will make its best efforts to set a date for hearing the application and issue notices of hearing within \_\_\_\_ days of the application being filed or within \_\_\_\_ days after the last case management conference. The Board will decide if the hearing will be in person, by telephone or in writing, and will advise all parties of when, where and how the party can participate in the hearing, at least \_\_\_\_ days before the hearing. Notice will be sent to the parties by ordinary mail, fax or email to the location(s), number(s), or address(es) set out on the application, or as the parties may advise.

**10. Final Decision to be made and sent**

The Board will make its best efforts to make its final decision in writing and give reasons for the decision, within \_\_\_\_ days after the hearing is completed. Notice of the decision will be sent to each party within \_\_\_\_ days of the decision being made, by ordinary mail, fax or email to the location, number, or address set out on the application or as the parties may advise.

**Relevant  
Legislation,  
Regulations,  
Rules**

*Administrative Tribunals Act*, section 12  
\_\_\_\_\_  
\_\_\_\_\_ Act, sections \_\_\_\_\_  
\_\_\_\_\_ Board Rules, Rules \_\_\_\_\_

**Effective Date**

This Practice Directive is effective as of {date}.

{Name}  
Chair  
{name of tribunal} Board