



GUIDE FOR REGISTRATION HEARINGS AT PROFESSIONAL ENGINEERS ONTARIO

The Registration Hearing process is triggered when a Notice of Proposal to Refuse to Issue a Licence is issued by the Registrar **and** the Applicant files a request for a hearing before the Registration Committee.

Notice of Proposal

Where the Registrar proposes to refuse to issue a licence, the Registrar must notify the Applicant along with written reasons. This also applies to cases where the Registrar proposes to refuse to issue, to suspend or to revoke a temporary, provisional or limited licence, or a certificate of authorization. The Registrar's notification takes the form of a Notice of Proposal (NOP).

Registration Hearing

When an applicant receives an NOP from the Registrar, he or she is entitled to a hearing by the Registration Committee. A hearing is a quasi-judicial proceeding held before a panel of at least three members of the Committee. Hearings are open to the public.

A Registration hearing is not an appeal and is not a review of the decision made by the Registrar.

A hearing is a fresh opportunity for an applicant to present evidence in support of his or her application. The Applicant bears the onus of satisfying the Registration Panel, on reasonable grounds, that he or she meets the requirements of the Act and the Regulations for the purpose of issuance of a licence.

The Applicant and the Registrar are parties to the proceedings before the Registration Committee.

Other participants may include:

- lawyer/paralegal for the Registrar
- lawyer/paralegal for the Applicant
- Witnesses for either party

Requesting a Hearing

A [Request for Hearing Form](#) must be mailed or delivered to the Registration Committee not later than 30 days after the NOP is served on the Applicant.

Where a hearing is requested within 30 days, the Registrar will not carry out the proposed action until after a hearing has been held and the Registration Committee has rendered its decision.

If a request for a hearing is not received within 30 days, the Registrar may carry out the action stated in the NOP, as authorized by the *Professional Engineers Act*.

The Chair of the Registration Committee will confirm receipt of the request and send the parties a Statement of Readiness form. The form must be completed, exchanged between the parties and filed with the Chair of the Registration Committee.

Pre-Hearing Conference

The Chair will schedule a Pre-Hearing Conference and send a Notice of Pre-Hearing to the parties indicating time, date and location.

The Pre-Hearing Conference is intended to:

- identify and possibly narrow the issues
- advise/discuss the disclosure obligations
- advise of the hearing framework and procedures

Notice of Hearing

If a hearing is requested, a notice of hearing will be sent to the parties advising of the date, time and location. Hearings are held at PEO's office.

If a party cannot attend on the scheduled hearing date, a new date may be requested by filing a motion in writing with the Chair of the Registration Committee. The motion must include reasons for the request. The moving party must also provide a copy of the motion to the other party.

The authority to grant adjournments rests with the Chair of the Registration Committee prior to the hearing, or the Registration Committee Panel at the hearing.

Withdrawal of Request for a Hearing

If the Applicant no longer wishes to proceed with a hearing, the applicant should provide written notification to the Chair of the Registration Committee and the Registrar prior to the date of the hearing.

At the Hearing

The onus is on the Applicant to present his/her position with all supporting information relevant to the case.

The applicant may:

- give sworn evidence, by testifying on own behalf
- call upon other witnesses to give evidence
- present relevant design documents, plans, letters and other documents

The Applicant must bring the original (if available), and 7 copies of any documents the Applicant intends to enter as exhibits at the hearing.

Failure to attend a Hearing

If a party does not appear at the hearing, the hearing may proceed and a decision may be rendered in the absence of that party.

Witnesses

The parties are responsible for arranging the attendance of their witnesses.

A party may request that the Chair of the Registration Committee issue a Summons to Witness by delivering a [Request for Summons Form](#) to the Chair of the Registration Committee at least **10 days before the hearing date**.

A summons is a written document that the party must serve personally upon the witnesses to ensure their attendance at the hearing. The party requesting the Summons is responsible for arranging to have

the Summons served upon their witnesses.

Once it is issued, the summons may be picked up at the Office of the Chair of the Registration Committee in person or delivered to the requesting party by courier. The issued summons will not be delivered by mail.

Note: Each summoned witness must be paid for attendance and costs as prescribed under the *Courts of Justice Act*.

Interpreters

PEO will provide a French language interpreter if required by the applicant. However, the Applicant must advise the Chair at least **10 business days in advance of the hearing** that a French language interpreter is required. If the Applicant requires an interpreter for any other language, the Applicant must arrange for the hiring of the interpreter at his/her own expense.

The Hearing Process

- Opening Statements by the parties
- Motions
- Evidence
- Submissions on law
- Closing Statements by the parties
- Deliberations by panel
- Decision

The Registration Committee's Decision

The Registration Committee Panel will provide its final decision and reasons in writing. A copy of the Registration Committee's written decision will be mailed to the parties.

Appeals

A party to proceedings before the Registration Committee may appeal the Registration Committee's decision to the Divisional Court. Appeals may be made on questions of law and/or fact.

Change of Information

The Parties must notify the Chair of the Registration Committee immediately of any changes in their contact information.

Inquires about the Hearing Process

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Registration Committee's webpage: http://www.peo.on.ca/index.php/ci_id/2261/la_id/1.htm

Relevant Legislation and Rules

Professional Engineers Act | *Ontario Regulation 941* | *Statutory Powers Procedure Act* | *Rules of Procedure of the Registration Committee*.