

# METROLINX ADMINISTRATIVE FEE DISPUTE RESOLUTION PROCESS

## RULES OF PRACTICE

### Overview

The *Metrolinx Act, 2006*, gives Metrolinx (“**Metrolinx**”) the authority to establish a system of administrative fees to ensure compliance with certain of its By-Laws, including those that govern the payment of fees by passengers. In order to ensure that disputes regarding the payment of administrative fees are dealt with in a fair, expeditious and cost-effective manner, Metrolinx has developed an Administrative Fee Dispute Resolution Process and created a series of rules (the “**Rules**”) to govern that process.<sup>1</sup>

Any person who receives a written ticket alleging a contravention of a provision of Metrolinx By-Law No. 7 (a “**Notice of Violation**”) may request a review of the administrative fee by a Screening Officer (herein referred to as a “**Review and Resolution Officer**”).

A Review and Resolution Officer appointed by Metrolinx<sup>2</sup> conducts reviews of administrative fees in an expeditious and cost effective manner while ensuring procedural fairness and equity. Reviews by a Review and Resolution Officer may be conducted in person, in writing, or electronically. A Review and Resolution Officer’s powers include canceling, affirming, varying or extending the time to pay the administrative fee.

A person who receives notice of the Review and Resolution Officer’s decision and is not satisfied with the outcome of that decision may request a review of the Review and Resolution Officer’s decision by a Hearing Officer. A Hearing Officer is an independent and impartial third-party adjudicator appointed by Metrolinx to conduct hearings and adjudicate disputes regarding administrative fees.<sup>3</sup> The Hearing Officer’s powers include amending, varying, cancelling, reducing, or extending the time for payment of the administrative fee. The *Statutory Powers and Procedures Act, R.S.O. 1990* applies to a review by a Hearing Officer.

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<sup>1</sup> These Rules have been created in accordance with the *Metrolinx Act, 2006*, O. Reg 282/10, Metrolinx By-Law No. 7, and the *Statutory Powers Procedure Act, R.S.O. 1990* (the “SPPA”), s. 25.1.

<sup>2</sup> The Review and Resolution Officer is appointed by Metrolinx pursuant to O.Reg 282/10 s. 8(1)(3).

<sup>3</sup> The Hearing Officer is appointed by Metrolinx pursuant to O.Reg 282/10 s. 8(1)(5).

Metrolinx's administrative fee system is subject to Metrolinx's corporate policies and procedures, including those relating to conflicts of interest, financial management and reporting and the filing and processing of complaints by the public.

### **Interpretation of the Rules**

The Rules set out in this document appear in **bold** type face. The comments provided in *italics* are intended to assist the parties in understanding the application of the Rules to Metrolinx's Administrative Fee Dispute Resolution Process.

Capitalized terms used in these Rules have the meanings given to them in the "Definitions" section.

Questions regarding Metrolinx's Administrative Fee Dispute Resolution Process and the related Rules may be directed to the Compliance Services Office at 416-869-3600, extension 7180 or at [complianceservices@gotransit.com](mailto:complianceservices@gotransit.com).

Customer complaints can be addressed to GO Customer Service by calling 416-869-3200 or by submitting an online form at [www.gotransit.com](http://www.gotransit.com).

# METROLINX ADMINISTRATIVE FEE DISPUTE RESOLUTION PROCESS: RULES OF PRACTICE

## DEFINITIONS

**“Adjournment”** means a Hearing Officer’s decision to pause or postpone the completion of a Hearing that has already commenced;

**“Administrative Fee System”** means the system of administrative fees that Metrolinx has designed in order to ensure compliance with certain of its By-Laws, including those that govern the payment of fees by passengers;

**“Applicant”** means the individual that is named in the Notice of Violation, or any person acting as a representative for that person.

**“Business Day”** means a day that Metrolinx’s Compliance Services Office is open to the public for the filing of documents and the conduct of business;

**“By-Law No. 7”** means Metrolinx By-Law No. 7 available online at:  
[http://www.gostransit.com/public/en/aboutus/policies\\_legal.aspx](http://www.gostransit.com/public/en/aboutus/policies_legal.aspx);

**“Compliance Services Office”** means the department within Metrolinx that is responsible for implementing and managing Metrolinx’s administrative fee program;

**“Electronic Hearing”** means a hearing conducted by telephone;

**“Exceptional Circumstances”** means circumstances relating to matters of an unexpected or urgent nature that arise suddenly. For example, an unforeseen medical emergency or illness;

**“Ex Parte Decision”** means a decision made in the absence of the party concerned;

**“Hearing”** means a hearing where an Applicant may have his/her dispute about an administrative fee owing on a Notice of Violation adjudicated by a Hearing Officer;

**“Hearing Officer”** means an independent and impartial third-party adjudicator appointed by Metrolinx to conduct hearings and adjudicate disputes regarding administrative fees;

**“Hearing Request Form”** means the document that initiates the process of a Hearing to challenge the decision of a Review and Resolution Officer about an administrative fee;

**“Metrolinx”** means the corporation Metrolinx established under the *Metrolinx Act, 2006*;

**“Notice of Hearing”** means a document which sets out the date, time and location of a Hearing;

**“Notice of Violation”** means a written ticket issued to an individual or an owner of a vehicle alleging a contravention of a provision of By-law No. 7;

**“Rescheduling”** involves the cancellation of a scheduled Hearing by the Compliance Services Office staff and the scheduling of a new Hearing date.

**“Review and Resolution Officer”** has the same meaning as Screening Officer. It means an employee of Metrolinx who, upon request, conducts a review of administrative fees owing on a Notice of Violation;

**“Rules”** means this set of rules created by Metrolinx to govern its Administrative Fee Dispute Resolution Process in accordance with Section 25.1 of the SPPA<sup>4</sup>;

**“Screening Officer”** is the term used within By-Law No. 7 of the *Metrolinx Act, 2006*, and has the same meaning as Review and Resolution Officer. See “Review and Resolution Officer” above;

**“SPPA”** or **“Statutory Powers and Procedures Act”** means the *Statutory Powers and Procedures Act, R.S.O. 1990*.

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<sup>4</sup> The Rules have been created in accordance with the *Metrolinx Act, 2006*, O. Reg 282/10, Metrolinx By-Law No. 7, and SPPA, s. 25.1

**RULE 1**  
**GENERAL RULES**

**1.1 The Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of disputes arising out of Metrolinx's Administrative Fee Program.<sup>5</sup>**

**1.2 Where a procedural matter is not provided for in the Rules, it shall be determined by the presiding Hearing Officer.**

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<sup>5</sup> SPPA, s. 2.

## RULE 2

### COMPUTATION OF TIME

2.1 For the purpose of measuring time periods under these Rules, the following shall apply:

(i) the time between two events is computed by excluding the day on which the first event occurs and including the day on which the second event occurs (*please see the “Comments” section below for an example of how to compute time periods for the purpose of these Rules*);

(ii) holidays and weekends shall be included when counting days;

(iii) if a notice or a document is required to be filed with the Compliance Services Office on a particular day, the notice or document must be received no later than 4:00 p.m. local Toronto time if delivered by mail or in person, and no later than 11:59 p.m. if delivered by fax or email;

(iv) if the time limit for filing a notice or a document falls on a day that is not a Business Day, the notice or document shall be filed on the next Business Day.

#### Comments:

Many Rules prescribe time periods for the filing of documents, notices, etc. For example, Rule 4 provides that if an Applicant would like to request a review of a decision made by a Review and Resolution Officer, the Applicant has **fifteen (15) days** from the date on which they receive notice of the Review and Resolution Officer’s decision to file a Hearing Request Form with the Compliance Services Office. If the Applicant received notice of the Review and Resolution Officer’s decision on January 3<sup>rd</sup> (first event), the Applicant would have to submit the Hearing Request Form no later than January 18<sup>th</sup> (second event) by 4:00 p.m. if submitting the form by mail or in person, or by 11:59 p.m. if submitting the form by fax or email. If January 18<sup>th</sup> was not a Business Day, the form would be due on the next regular Business Day.

## **RULE 3**

### **LANGUAGE SERVICES, ACCESSIBILITY**

- 3.1 If an Applicant wishes to participate in a Hearing in the French language or any language other than English, or if the Applicant requires accessible services or accommodation in order to participate in the Hearing, the Applicant shall notify the Compliance Services Office at least seven (7) days in advance of the scheduled Hearing.**

Comments:

*Metrolinx is committed to ensuring that its services are as accessible as possible to all Applicants. Upon receipt of a written request from an Applicant requiring language services, accessible services or any other accommodation, Metrolinx will make every reasonable effort to accommodate the Applicant. There are no extra costs involved with the provision of these services.*

## RULE 4

### REQUESTING A HEARING

- 4.1 A person who receives notice of the Review and Resolution Officer's decision may request a review of that decision by a Hearing Officer by filing a Hearing Request Form within fifteen (15) days of receiving notice of the Review and Resolution Officer's decision.<sup>6</sup>**

Comments:

*Where an Applicant is dissatisfied with the decision of a Review and Resolution Officer, an Applicant may request a Hearing to review the Review and Resolution Officer's decision by submitting a Hearing Request Form to the Compliance Services Office. A Hearing Request Form will be made available to the Applicant upon a decision from a Review and Resolution Officer and must be submitted by fax, email or in person no later than **fifteen (15) days** after receiving notice of the Review and Resolution Officer's decision. Following receipt of a completed Hearing Request Form, a Notice of Hearing will be sent to the Applicant by regular mail and email (if an email address is provided), in accordance with Rule 5.*

*If an Applicant wishes to submit a Hearing Request Form and more than 15 days (but less than 30 days) have passed since the Applicant received notice of the Review and Resolution Officer's decision, the Applicant must file a Motion to Extend the Time to File a Hearing Request Form in accordance with Rule 10 (Extension of Time).*

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<sup>6</sup> Metrolinx By-Law No. 7.

## RULE 5

### SCHEDULING A HEARING

**5.1 Once a Hearing Request Form has been completed and filed with the Compliance Services Office within the time frame specified in Rule 4, a Hearing will be scheduled and the Applicant will be provided with at least fifteen (15) days written notice of the date, time and location of the Hearing.<sup>7</sup>**

Comments:

*Hearing dates are based on the availability of the Prosecutor, the Hearing Officer and the Metrolinx enforcement officer who issued the Notice of Violation.*

*Hearings are generally held on Wednesdays and last for approximately 15 minutes, depending on the specific case. Applicants are assigned to an hourly tier (i.e. 10:00 a.m., 11:00 a.m., 12:00 p.m., and 1:00 p.m.). Parties are expected to arrive on time for their scheduled Hearings. Metrolinx attempts to schedule only a small number of matters per hourly tier in order to minimize waiting time for Applicants on their Hearing date. Metrolinx makes all reasonable efforts to coordinate a mutually acceptable Hearing date for the parties. If you need to reschedule a Hearing date, please refer to Rule 6 (Rescheduling a Hearing).*

*Hearings are currently held at the Licence Appeal Tribunal located at:*

*Licence Appeal Tribunal  
20 Dundas Street West, 5<sup>th</sup> Floor  
Toronto, Ontario M5G 2C2*

*For directions or accessibility information about the Licence Appeal Tribunal, please contact the Compliance Services Office at 416-869-3600, extension 7180.*

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<sup>7</sup> Metrolinx By-Law No. 2.7.

## RULE 6

### RESCHEDULING A HEARING

*For the purposes of this Rule, rescheduling is defined as follows:*

**Rescheduling** involves the cancellation of a scheduled Hearing by the Compliance Services Office staff and the scheduling of a new Hearing date.

**6.1 The Applicant may request that a scheduled Hearing be rescheduled by contacting Compliance Services Office at least seven (7) days before the scheduled Hearing date, provided that the Hearing has not been previously Adjourned. See also Rule 7 (Rescheduling a Previously Adjourned Hearing).**

Comments:

*An Applicant may request the rescheduling of a Hearing by filing a request with the Compliance Services Office at least seven (7) days prior to the scheduled Hearing date set out on the Notice of Hearing. The request must be in writing and it must contain (i) the reasons why the Hearing needs to be rescheduled and (ii) which Wednesdays the Applicant would propose rescheduling the Hearing during the next two months. If the request is granted, the parties will receive a new Notice of Hearing with the rescheduled Hearing date.*

*For information on rescheduling a Hearing that has been previously adjourned, please refer to Rule 7 (Rescheduling a Previously Adjourned Hearing).*

**6.2 Metrolinx has the authority to cancel and reschedule Hearings in its discretion.**

Comments:

*In certain circumstances, Metrolinx may be required to cancel and reschedule a Hearing. In the event that Metrolinx cancels or reschedules a Hearing, it will make all reasonable efforts to notify the Applicant as soon as possible.*

## RULE 7

### RESCHEDULING A PREVIOUSLY ADJOURNED HEARING

*For the purposes of this Rule, adjourning is defined as follows:*

**Adjourning** involves the Hearing Officer's decision to pause or postpone the completion of a Hearing that has already commenced.

**7.1 Other than in Exceptional Circumstances, Metrolinx will not grant a request to reschedule a Hearing that has been previously Adjourned unless the requesting party obtains the consent of the other party and files a request to reschedule the Hearing with the Compliance Services Office at least three (3) full Business Days before the scheduled Hearing.**

*Comments:*

*Where a Hearing has previously been Adjourned, the party wishing to reschedule the Hearing must first obtain the written consent of the other party and then file a request to reschedule with the Compliance Services Office. For example, an Applicant wishing to reschedule a Hearing that has been previously Adjourned would have to obtain the consent of the Metrolinx prosecutor first and then file a request with Compliance Services Office at least three (3) days before the Hearing is scheduled.*

*If the other party opposes the request for rescheduling, the requesting party must attend the scheduled Hearing and request an adjournment from the Hearing Officer. If the request for an adjournment is granted, the Hearing Officer may impose conditions on the adjournment, such as making the return date of the Hearing mandatory.*

## **RULE 8**

### **WITHDRAWING A HEARING REQUEST**

**8.1 An Applicant who wishes to withdraw his/her Hearing request shall promptly notify the Compliance Services Office.**

Comments:

*An Applicant wishing to withdraw a Hearing Request Form that has been previously submitted can do so prior to the scheduled Hearing by notifying the Compliance Services Office as soon as possible, in writing or by sending an email to [complianceservices@gotransit.com](mailto:complianceservices@gotransit.com) or a fax to 416-360-4218.*

*In the event that a Hearing Request Form is withdrawn, the administrative fee becomes due and payable immediately.*

## **RULE 9**

### **WHERE AN APPLICANT DOES NOT ATTEND A SCHEDULED HEARING**

- 9.1 If an Applicant has received a Notice of Hearing and does not attend the scheduled Hearing (or request that the Hearing date be rescheduled within the time frame established in Rule 6), the Hearing Officer shall affirm the administrative fee in the Applicant's absence without a Hearing.<sup>8</sup>**

Comments:

*If an Applicant fails to appear at the Hearing on the date specified on the Notice of Hearing, a Hearing Officer shall deem the application as abandoned and affirm the administrative fee as set out on the Notice of Violation.*

- 9.2 Where an Applicant fails to attend a scheduled Hearing, a Hearing Officer shall impose a non-attendance fee of \$30.<sup>9</sup>**

Comments:

*Where an Applicant fails to appear at the Hearing on the date specified on the Notice of Hearing, a Hearing Officer shall impose a non-attendance fee of \$30 in addition to affirming the administrative fee described in Rule 9.1. Failure to pay any outstanding fees may result in further legal proceedings and collection efforts.*

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<sup>8</sup> Metrolinx By-Law No. 7; SPPA, s. 7.

<sup>9</sup> Metrolinx By-Law No. 7.

## RULE 10

### EXTENSION OF TIME

**10.1 If an Applicant would like to request a Hearing and more than fifteen (15) but less than thirty (30) days have passed since the Applicant received notice of the Review and Resolutions Officer's decision, the Applicant may request an extension of time to file a Hearing Request Form by filing a Motion to Extend the Time to File a Hearing Request Form.**

Comments:

*To request a Hearing more than fifteen (15) but less than thirty (30) days after receiving notice of the Review and Resolution Officer's decision, an Applicant must complete and file a Motion to Extend the Time to File a Hearing Request Form explaining the reasons why the Hearing Request Form was not filed in accordance with the time frame set out in Rule 4. A Hearing will then be scheduled and the parties will appear before a Hearing Officer for the motion to be heard.*

*An extension of time is not granted automatically. The Hearing Officer will consider only the reasons relating to the request for an extension of time and will not consider the merits of the matter that is the subject of the request.*

*If the Motion to Extend the Time to File a Hearing Request Form is granted, (i) the Hearing Request Form shall be deemed to have been received on the date that the Motion is granted, (ii) a new Hearing date shall be set and a Notice of Hearing sent to the Applicant, and (iii) all enforcement mechanisms associated with the administrative fee will be suspended until the Hearing takes place.<sup>10</sup>*

*To obtain a Motion to Extend the Time to File a Hearing Request Form, an Applicant may contact Compliance Services Office at 416-869-3600, extension 7180 or at [complianceservices@gotransit.com](mailto:complianceservices@gotransit.com). Note that it is not possible to file a Motion to Extend the Time to File a Hearing Request Form if more than thirty (30) days have passed since the Applicant received notice of the Review and Resolution Officer's decision.*

**10.2 Where a Hearing Officer has denied an Applicant's Motion to Extend the Time to File a Hearing Request Form, no subsequent request from the same Applicant to extend the same time requirement will be considered**

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<sup>10</sup> O. Reg 282/10 Section 8(9).

**and the administrative fee owing on the Notice of Violation will become due and payable immediately.**

## RULE 11

### MOTION TO SET ASIDE AN EX-PARTE DECISION

**11.1 Where an administrative fee owing on a Notice of Violation was affirmed by a Hearing Officer in the Applicant's absence (or the absence of his or her representative, if applicable), an Applicant may file a motion to set aside an Ex Parte Decision<sup>11</sup> within fifteen (15) days of receiving notice of the Hearing Officer's decision.**

Comments:

*This Rule addresses the situation where an Applicant wishes to have his/her matter re-heard because the Applicant failed to appear at a Hearing and a Hearing Officer affirmed the administrative fee owing on a Notice of Violation in the absence of the Applicant.*

*An Applicant must complete a Motion to Set Aside an Ex Parte Decision and file it with the Compliance Services Office within fifteen (15) days of receiving notice of the Hearing Officer's decision. This motion must contain the reasons why the Applicant did not attend the original Hearing date and the reasons why the Applicant believes the decision of the Hearing Officer should be set aside and a new Hearing date set. An Applicant may request that the motion be heard electronically as opposed to in person. Please refer to Rule 13 - Electronic Hearings.*

*Should a Hearing Officer grant the Motion to Set Aside an Ex-Parte Decision, a new Hearing will be scheduled.*

*If a Hearing Officer denies the motion, the decision of the Hearing Officer from the original scheduled Hearing remains, including the assessment of the non-attendance fee, if applicable, and a new Hearing will not be granted.*

*To obtain a Motion to Set Aside an Ex Parte Decision Form, an Applicant may contact Compliance Services Office at 416-869-3600, extension 7180 or at [complianceservices@gotransit.com](mailto:complianceservices@gotransit.com).*

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<sup>11</sup> An "Ex Parte Decision" means a decision made in the absence of the party.

**RULE 12**  
**DISCLOSURE**

**12.1 Where an Applicant wishes to obtain disclosure from Metrolinx in respect of his/her Hearing before the Hearing date, the Applicant or his/her representative shall submit a written request for disclosure at least seven (7) days in advance of their scheduled Hearing.**

Comments:

*Metrolinx's practice is to provide Applicants with disclosure on the Hearing date before the commencement of their Hearing. If an Applicant wishes to receive disclosure in advance of the Hearing date, they may request disclosure from the prosecutor by sending an email to [disclosure-request@gotransit.com](mailto:disclosure-request@gotransit.com).*

*Applicants should note that if they have been previously fined for an alleged contravention of a Metrolinx By-law, this information may be used as evidence at the Hearing by the Metrolinx prosecutor.*

*A Hearing Officer is authorized to make an order or issue a direction requiring disclosure from any party in order to ensure a fair Hearing.<sup>12</sup>*

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<sup>12</sup> SPPA, s. 5.4.

## RULE 13

### ELECTRONIC HEARINGS

**13.1 Where a party wishes to have their Hearing conducted by telephone, they shall make a request in writing to the Compliance Services Office and each request will be assessed on an individual basis.<sup>13</sup>**

Comments:

*Electronic Hearings (hearings conducted by telephone) offer an inexpensive and efficient means of dealing with certain procedural issues (such as Motions to Set Aside an Ex-parte Decision, Motions to Extend Time to File a Hearing Request Form and adjournment requests). Metrolinx has the sole discretion to determine which cases are appropriate for Electronic Hearings.*

*If Metrolinx has determined that an Electronic Hearing is appropriate for a hearing that involves anything other than procedural matters, a party may request an oral hearing if they feel that they will be prejudiced by the Electronic Hearing process.<sup>14</sup>*

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<sup>13</sup> SPPA, Section 5.2

<sup>14</sup> SPPA, Section 6(5)(c).

## **RULE 14**

### **WITNESS TO ATTEND A HEARING**

- 14.1 Any party to a proceeding may call upon witnesses. Where a party wishes to call witnesses, the party is solely responsible for making the necessary arrangements for their witnesses to attend the Hearing at their own expense.**

## RULE 15

### CLOSING HEARINGS TO THE PUBLIC

**15.1 Hearings shall be generally open to the public. If a party wishes that their Hearing be closed to the public, they shall provide Metrolinx with a request for a closed Hearing describing the reasons why a closed Hearing is requested at least seven (7) days prior to the scheduled Hearing.<sup>15</sup>**

Comments:

*All Hearings will be open to the public unless otherwise ordered by the Hearing Officer. In rare circumstances, such as a case where medical evidence will be introduced at a Hearing, a Hearing Officer may make an order that the Hearing be closed to the public. If an Applicant requires that a Hearing be closed, Metrolinx must be provided with prior notice in order to make necessary arrangements.*

*Note that while Hearings are open to the public, the contents of an Applicant's file are kept confidential in accordance with Metrolinx's Privacy Policy and subject to the disclosure provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990 c.F.31. Metrolinx's Privacy Policy is available online at: <http://www.metrolinx.com/en/docs/pdf/Metrolinx%20Privacy%20Policy.pdf>.*

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<sup>15</sup> SPPA, Section 9.

## RULE 16

### RECORDING OF PROCEEDINGS

- 16.1 Metrolinx may, in its sole discretion, choose to audio record Hearings. Any such recording will become part of the Applicant's file.<sup>16</sup>**
- 16.2 No person shall make a visual or audio recording of any part of the proceeding unless authorized by the Hearing Officer before or at the beginning of the Hearing.**
- 16.3 Any person requesting a copy of an audio recording made by Metrolinx will be required to submit a written request to the Metrolinx Freedom of Information Coordinator, in accordance with section 24(1) of the *Freedom of Information and Protection of Privacy Act, R.S.O. 1990 c.F.31* (FIPPA). According to the requirements of FIPPA, a \$5.00 application fee must accompany all request forms.**

*Comments:*

*This Rule applies to parties, their agents or other persons.*

*Metrolinx's audio recording of the Hearing becomes part of an Applicant's file and is kept confidential in accordance with Metrolinx's Privacy Policy, subject to the disclosure provisions of FIPPA. Metrolinx's Privacy Policy is available online at:  
<http://www.metrolinx.com/en/docs/pdf/Metrolinx%20Privacy%20Policy.pdf>.*

*Any requests for copies of audio recordings made by Metrolinx must be submitted in writing to the Metrolinx Freedom of Information Coordinator at the following address:*

Metrolinx  
Attn: Freedom of Information Coordinator  
20 Bay Street, Suite 600  
Toronto, ON M5J 2W3

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<sup>16</sup> SPPA, Section 9.2 and Section 20.

## **RULE 17**

### **REPRESENTATIVES ACTING AS ADVOCATES AND WITNESSES IN THE SAME PROCEEDING**

**17.1 Subject to the discretion of the Hearing Officer, the Metrolinx prosecutor or any person representing an Applicant may act as both an advocate and a witness in the same Hearing.**

Comments:

*The Law Society of Upper Canada's Rules of Professional Conduct provide that a lawyer or paralegal shall not appear as both an advocate and a witness in the same proceeding unless the matter is purely formal or uncontested or the rules of practice allow for a lawyer or paralegal to be both an advocate and a witness.*

*Given the relatively minor nature of Metrolinx's administrative fees, Applicants do not generally hire a lawyer or paralegal to represent them at Hearings. As a result, Metrolinx's Rules of Practice allow Metrolinx prosecutors and persons representing Applicants to serve as both witnesses and advocates in the same proceeding.*

## **RULE 18**

### **ORDERS AND REASONS**

- 18.1 The decision of the Hearing Officer is final and not subject to appeal within Metrolinx's administrative fee system. Metrolinx shall send a written copy of the Hearing Officer's Decision to the Applicant by ordinary mail to the last known address on file.<sup>17</sup>**

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<sup>17</sup> SPPA, s. 17; O. Reg. 282/10, s. 8(5); Metrolinx By-Law No. 7, s. 2.16. Note that an Applicant may request that a court review the decision of a Hearing Officer by making an application for judicial review under the *Judicial Review Procedures Act*.

**RULE 19**  
**REPRESENTATIVES**

**19.1 An Applicant who wishes to have another person to speak on their behalf or perform any other action on their behalf relating to a Hearing must contact the Compliance Services Office at least 24 hours prior to their scheduled Hearing.**

*Comments:*

*Applicants are free to have another person (i.e. a friend, a family member or a legal representative) attend the Hearing or communicate with Metrolinx on their behalf provided they give prior notice to the Compliance Services Office as set out above.*

**19.2 The Hearing Officer may exclude from a Hearing anyone, other than a person who is licensed under the *Law Society Act*, from appearing as a representative if the Hearing Officer finds that the person is not competent properly to represent or advise the person for whom he or she appears, or does not understand and comply with the duties and responsibilities of a representative.<sup>18</sup>**

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<sup>18</sup> SPPA, s. 23(3).