

## **BACKGROUND AND INTRODUCTION TO THE RULES OF PRACTICE AND PROCEDURE OF THE TORONTO LOCAL APPEAL BODY**

The development of the Toronto Local Appeal Body's Draft Rules of Practice and Procedure ("the Rules") has been an exciting, engaging and intense exercise. The result, however, is a set of robust Rules which give answer to several new and emerging issues facing tribunals in the 21<sup>st</sup> century, such as the need to move to paperless processes and the need to provide parties with Rules which clearly articulate definitive timelines, duties and expectations.

### *A Paperless World*

One of the most striking features of the Rules is their incorporation of a set of tools which will enable the Toronto Local Appeal Body to be entirely paperless. From the launching of an appeal to the exchange of documents and presentation of evidence, the Rules contemplate and provide for an entirely electronic process. Twentieth century conventions, such as affidavits of service, are rendered obsolete in a world where parties exchanging documents can simply "carbon copy" the Local Appeal Body on the exchange, and these Rules reflect, support and encourage the use of 21<sup>st</sup> century technologies, conventions and efficiencies.

### *Definitive Timelines, Obligations and Expectations*

A number of guiding philosophical principles were kept in mind during the drafting of the Toronto Local Appeal Body's Rules. Three which stand out, and which provided scope for the formulation of the overall arch of the resulting process, are that hearings should be timely, efficient and achieve meaningful finality for all persons involved.

For instance, dates for the disclosure of documents and witness statements are known in advance and measured from the date the Notice of Appeal is provided to potential parties and participants. The Rules similarly require parties to bring motions within a defined and specific period for motions, after which motions are (except in the most exceptional of circumstances) not permitted.

### *The Overall Result*

The reader will recognize elements in the Toronto Local Appeal Body's Rules drawn from a broad range of rules of practice and procedure utilized across the province of Ontario. Pains have been taken to ensure these Rules incorporate some of the best practices in use today, while at the same time make adjustment for known issues and deficiencies in existing rules, the emergence of new technologies, and, the reification of the timeless principles of justice, fairness, efficiency and economy. The overall result is a set of Rules which will hopefully serve the citizens of the City of Toronto, and the members of this Local Appeal Body, for years to come.