



Ontario College of
Social Workers and
Social Service Workers

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RULES OF PROCEDURE OF THE FITNESS TO PRACTISE COMMITTEE OF THE ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS

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RULE 1 – INTERPRETATION AND APPLICATION

1.01 Definitions

“Act” means the *Social Work and Social Service Work Act, 1998*, as amended from time to time;

“Chair” means the Chair of the full Fitness to Practise Committee or his or her designate;

“College” means the Ontario College of Social Workers and Social Service Workers;

“electronic” or “electronically” with respect to a proceeding means a proceeding held by telephone conference call or some other form of electronic technology allowing persons to communicate with and hear one another;

“Fitness to Practise Committee” means the Fitness to Practise Committee of the College, and includes a panel of the Fitness to Practise Committee;

“Hearing” means the process before the Fitness to Practise Committee referred under subsection 25(2) of the *Act*;

“Hearings Office” means the office of the employee or employees of the College, if any, who are assigned the duty of providing administrative assistance to the Fitness to Practise Committee;

“holiday” has the same meaning as in the *Rules of Civil Procedure, R.R.O. 1990, Regulation 194*, as amended;

“member” means a member of the College who is the subject of a hearing before the Fitness to Practise Committee and includes a former member;

“notice of hearing” means a document issued by the College which contains the allegation of incapacity against a member;

“oral hearing” means a hearing in which the parties or their counsel attend before the Fitness to Practise Committee in person;

“order” means any decision made by the Fitness to Practise Committee or the Chair and includes a direction given by the Fitness to Practise Committee or the Chair;

“party” means a party under subsection 28(2) of the *Act*;

“written hearing” means a hearing held by means of the exchange of documents.

1.02 Interpretations of Rules

1.02(1) These rules shall be liberally construed to secure the just and, where justice for the member would not be compromised, the most expeditious and least expensive determination of all proceedings on their merits.

1.02(2) Where matters are not provided for in these rules, the practice shall be determined by analogy to them.

1.03 Application of Rules

1.03(1) These rules apply to all proceedings before the Fitness to Practise Committee including, with all the necessary modifications, applications for reinstatement or variation made under section 29 of the *Act*.

1.03(2) A panel of the Fitness to Practise Committee may exercise any of its powers under these rules on its own initiative or at the request of a party.

1.03(3) A failure to comply with these rules is an irregularity and does not render a proceeding or a step, document or order in a proceeding a nullity.

1.03(4) In respect of any proceeding before it, a panel may issue procedural directions or orders with respect to the application of the rules.

1.03(5) The Fitness to Practise Committee may, from time to time, issue procedural directions or practice guidelines with respect to the application of the rules generally, as may be appropriate.

1.04 Computation, Extension or Abridgment of Time

1.04(1) In the computation of time under these rules or under an order, except where the contrary intention appears,

- (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;
- (b) where a period of less than seven days is prescribed, holidays shall not be counted; and
- (c) where the time for doing an act under these rules expires on a holiday, the act may be done on the next day that is not a holiday.

1.04(2) Where a time of day is mentioned in these rules, in an order, or in any document in a proceeding, the time referred to shall be taken as the time observed locally.

1.04(3) The Fitness to Practise Committee may extend or abridge any time prescribed by these rules or an order, on such terms or conditions as the Fitness to Practise Committee considers just either before or after the expiration of the time prescribed.

RULE 2 – WAIVER OF A RULE

2.01(1) In respect of any proceeding before it, the Fitness to Practise Committee may waive any provision of these rules at any time:

- (a) on the consent of the parties and, where applicable, motion participants, or
- (b) where it is just and equitable, and/or in the public interest to do so.

2.01(3) A request for waiver of a provision of these rules may be made before or after a failure to comply with these rules has occurred.

2.01(4) The Fitness to Practise Committee may refuse a request for a waiver from a provision of these rules where a party or motion participant does not act on a timely basis.

2.01(5) The Fitness to Practise Committee may waive a provision of these rules on its own initiative if it first gives notice to the parties or motion participants and provides an opportunity for submissions to be made on the proposed waiver.

RULE 3 – SERVICE AND FILING OF DOCUMENTS

3.01 Notice to be in Writing

3.01 Where these rules require a notice to be given, it shall be given in writing.

3.02 Delivery of Documents

3.02 Where these rules require a document to be delivered, it shall be served in accordance with subrule 3.03 and filed in accordance with subrule 3.04.

3.03 Service of Documents

3.03(1) All documents required to be served under these rules may be served by:

- (a) personal delivery to the person to be served of a copy of the notice or document ;
- (b) sending a copy of the notice or document by mail to the person to be served at the last address for that person in the records of the College;
- (c) sending a copy of the notice or document by courier to the person to be served at the last address for that person in the records of the College;
- (d) sending a copy of the notice or document by facsimile transmission to the person to be served at the most recent telephone number for facsimile transmission known to the College;

- (e) electronically to the e-mail address of the party or the counsel or agent of the party, if the recipient has consented in advance to service by e-mail; or
- (f) where the person to be served is represented by a lawyer, sending a copy of the notice or document by mail, courier or facsimile transmission to the person's lawyer

unless otherwise provided in these rules or otherwise directed by the Fitness to Practise Committee.

3.03 (2) Service is deemed to be effective, when delivered:

- (a) by personal delivery, on the day of delivery;
- (b) by mail, on the fifth day after the day of mailing;
- (c) by courier, on the earlier of the date on the delivery receipt or the second day after it was sent;
- (d) by facsimile transmission or electronically, on the day it was sent, unless:
 - (i) that day is a holiday, in which case the copy shall be deemed to be received on the next day that is not a holiday; or
 - (ii) the document was sent after 5:00 p.m., in which case the copy shall be deemed to be received on the next day that is not a holiday.

3.03(3) Where a document has been served in a manner other than one set out in subrule 3.03(1), a panel may make an order validating service where the panel is satisfied that

- (a) the document came to the notice of the person being served; or
- (b) the document was served in such a manner that it would have come to the notice of the person served, except for the person's own attempts to evade service.

3.03(4) The Fitness to Practise Committee may make an order dispensing with service of a document on a person, other than a document whose purpose is to provide notice of a hearing, where the Fitness to Practise Committee is satisfied that all reasonable efforts have been made to serve the document on the person, and that it is necessary in the interest of justice to dispense with service.

3.03 (5) This rule shall, for purposes of serving documents relating to a proceeding, be deemed to be a by-law respecting service and shall apply to serving documents

relating to a proceeding, notwithstanding the provisions of By-law No. 1 of the College, as amended.

3.04 Filing of Documents

3.04(1) All documents to be filed with the Fitness to Practise Committee in advance of a hearing shall be filed, with proof of service, at the College.

3.04(2) Any document may be filed at the College (a) by leaving it with a person at the Hearings Office; (b) by mailing it or by sending it by courier to the offices of the College, 250 Bloor Street East, Suite 1000, Toronto, Ontario M4W 1E6, (c) if it is less than 10 pages, by facsimile, to (416) 972-1512; or (d) where the Chair of the Fitness to Practise Committee or a panel consents, by e-mail.

3.04(3) Any document filed in the Hearings Office shall be clearly marked "Attention: Hearings Office".

3.04(4) A document shall not be considered filed until it is actually received by the Hearings Office.

3.04(5) A party or, where relevant, a motion participant can confirm whether a document has been filed by telephoning the Hearings Office.

RULE 4 – MOTIONS

4.01 Initiating Motions

4.01(1) A motion shall be initiated by the delivery of a notice of motion, unless the nature of the motion or the circumstances make the delivery of a notice of motion impractical.

4.01(2) A notice of motion shall;

- (a) identify the moving party;
- (b) set out the time and place for the hearing of the motion;
- (c) set out the manner in which the motion is requested to be heard;
- (d) state the precise relief sought;
- (e) specify the grounds to be argued, including a reference to any statutory provision or rule, if any, to be relied on;
- (f) list the affidavits and any other materials to be used at the hearing of the motion;
- (g) identify the name, address and telephone number of the moving party (or the moving party's lawyer) and the other motion participants (or their lawyers).

4.01(3) A notice of motion may be in Form 1A.

4.01(4) Unless otherwise directed by the Fitness to Practise Committee:

- (a) a person bringing a motion shall serve on all other parties and file the notice of motion, the documentary evidence to be relied upon, and any written submissions at least ten (10) days before the motion is to be heard; and
- (b) the responding party and any other motion participants who intend to rely on any documentary evidence and/or written submissions in respect of the motion shall serve on the other parties and file with the Hearings Office their materials at least five (5) days before the motion is to be heard.

4.02 Evidence on Motions

4.02(1) Evidence on a motion shall be given by affidavit, unless the Fitness to Practise Committee directs that it be given in some other form or unless otherwise provided by law.

4.02(2) All affidavits used on a motion shall,

- (a) be confined to the statement of facts within the personal knowledge of the deponent, except that the affidavit may contain statements of the deponent's information and belief, if the source of the information and the fact of the belief are specified in the affidavit;
- (b) be signed by the deponent and sworn or affirmed before a person authorized to administer oaths or affirmations, which person shall also mark all exhibits as such to the affidavit; and
- (c) be served and filed in accordance with subrule 4.01(4).

4.02(3) A motion participant may not cross-examine the deponent of an affidavit filed by another motion participant unless the Fitness to Practise Committee directs otherwise.

4.02(4) The Fitness to Practise Committee shall not direct that the deponent of an affidavit be cross-examined unless the interests of the case require otherwise.

4.02(5) Subrules 4.02(3) and (4) do not prevent a deponent from being cross-examined on the contents of an affidavit during the hearing of the allegation(s) itself.

4.03 Assigning a Motion Panel

4.03 The Chair may, in accordance with sections 4.2(1) and 4.2.1 of the *SPPA*, assign a panel of one member of the Fitness to Practise Committee to hear a motion.

4.04 Manner of Hearing for Motions

4.04 A motion in a proceeding shall be heard orally unless the Fitness to Practise Committee directs that the motion be heard electronically or in writing in accordance with subrules 7.01 or 8.01.

RULE 5 – CASE CONFERENCES

5.01 The Fitness to Practise Committee may direct the parties to participate in a case conference.

5.02 If the Fitness to Practise Committee makes a direction for a case conference in accordance with subrule 5.01, the Chair or another member of the Fitness to Practise Committee designated by the Chair shall act as the case conference officer.

5.03 If the Fitness to Practise Committee makes a direction for a case conference in accordance with subrule 5.01, the case conference will be conducted in person, unless both agree that a telephone case conference is appropriate or if the case conference officer directs otherwise.

5.04 The subject matter to be considered at a case conference may include any of the following:

- (a) whether the parties can arrive at a resolution of the matter or of any issues raised in the matter;
- (b) whether the issues can be simplified;
- (c) the advisability of attempting other forms of resolution of the matter;
- (d) procedural issues, including the timing and estimated duration of the hearing on the merits, and the use and scheduling of expert witnesses; and
- (e) any other matter that may assist in the just and expeditious disposition of the matter.

RULE 6 – DISCLOSURE AND PRODUCTION

6.01 Documentary Disclosure

6.01(1) The parties shall make such disclosure as is required by law and may make such additional disclosure as will assist to make the case conference and the hearing effective and fair.

6.01(2) In addition to the disclosure required under rule 6.01(1), each party to a proceeding shall deliver to every other party (a) a list of, and (b) if not previously produced,

copies of, all documents and things that the party intends to produce or enter as evidence at the hearing on the merits, as follows:

- (a) in the case of the College, as soon as is reasonably practicable after the notice of hearing is served; and
- (b) in the case of any other party, as soon as is reasonably practicable after disclosure by the College under this rule, but in any case at least ten (10) days before the commencement of the hearing on the merits.

6.01(3) A party who does not disclose a document or thing in compliance with subrule 6.01(2) may not refer to the document or thing or introduce it in evidence at the hearing on the merits without leave of the panel, which may be on any conditions that the panel considers just.

6.01(4) Any person who receives disclosure relating to a proceeding before the Fitness to Practise Committee, whether under these rules or otherwise, shall:

- (a) only use the information for the purposes of the proceeding and not for any other purposes; and
- (b) ensure that any other person to whom he or she gives the information undertakes to restrict the use of the information as sent out in 6.01(4)(a).

6.02 Expert Evidence

6.02(1) A party who proposes to lead the evidence of an expert at a hearing shall (a) inform the other parties of the intent to call an expert, the expert's name, and the issue(s) on which the expert's opinion will be tendered; and (b) serve on every other party, at least ten (10) days before the hearing, a copy of the expert's written report or, if there is no written report, a written summary of the evidence.

6.02(2) A party who fails to comply with subrule 6.02(1) may not call the expert as a witness or file the expert's report without leave of the Fitness to Practise Committee, which may be on any conditions that the panel considers just.

6.02(3) It is the duty of every expert engaged by or on behalf of a party to provide evidence in relation to a Fitness to Practise hearing:

- (a) to provide opinion evidence that is fair, objective and non-partisan;
- (b) to provide opinion evidence that is related only to matters that are within the expert's area of expertise; and
- (c) to provide such additional assistance as the Fitness to Practise Committee may reasonably require to determine a matter in issue.

6.02(4) The duty in subrule 6.02(3) prevails over any obligation owed by the expert to the party by whom or on whose behalf the expert is engaged.

6.03 Production of Documents

6.03(1) A motion relating to the production of documents from a third party by summons as describe in subrule 6.03(2), including motions to which the provisions of the *Mental Health Act*, RSO 1990, c M.7 may apply, shall be brought in accordance with rule 4 and shall be heard by the panel that hears the allegations against the member. The motion shall be heard after the notice of hearing has been filed as an exhibit in the hearing and after the member has entered a plea. The motion shall be heard at least forty-five (45) days in advance of the hearing of any evidence regarding the allegations set out in the notice of hearing, unless the Fitness to Practise Committee orders otherwise.

6.03(2) A party seeking production of documents in the possession of a third party shall submit to the Hearings Office a summons to witness for signature by the Chair.

6.03(3) A summons to witness for the production of documents that are not in the possession of a party shall not require the production of any documents before the commencement of the hearing and shall be delivered at least forty-eight (48) hours before the time fixed for the hearing of the motion.

6.03(4) A notice of a motion and motion record relating to the production of documents from a third party as described in subrule 6.03(1) shall be served on the person in possession or control of the documents and on any other person with a significant interest in the documents, including a privacy interest.

6.04(5) Affidavits of service confirming delivery of the summons to witness as described in subrule 6.04(3), and the notice of motion and motion record as described in subrule 6.04 (4) shall be filed at the hearing of the motion.

RULE 7 – ELECTRONIC HEARINGS

7.01 Initiating an Electronic Hearing

7.01(1) Pursuant to s. 5.2 of the *Statutory Powers Procedure Act*, the Fitness to Practise Committee may hold all or part of a hearing as an electronic hearing, unless a party objects and satisfies the Fitness to Practise Committee that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

7.01(2) For the purpose of this rule, a hearing includes a case conference, a motion, a fitness to practise hearing, a hearing to vary an existing order, and a hearing to seek a re-instatement of a certificate of registration.

7.01(3) A party requesting an electronic hearing shall give notice of the request to all other parties and the Fitness to Practise Committee shall provide an opportunity to the parties to make submissions on the issue.

7.02 Procedure on Electronic Hearings

7.02(1) If any part of a hearing is conducted electronically, all parties are entitled to receive every document that the Fitness to Practise Committee receives. For the purpose of this subrule, “document” includes a sound recording, videotape, film, photograph, chart, graph, map or other information recorded or stored by means of any device.

7.02(2) Unless otherwise provided in the rules, every person participating in the hearing shall deliver every document to every other party and to the Hearings Office, in sequentially numbered pages, he or she intends to rely upon at least 3 days before the hearing.

7.02(3) If the electronic proceeding is to take place by telephone conference call, at least 48 hours before an electronic proceeding is scheduled to commence, every person participating in the proceeding shall give notice to the Hearings Office of the telephone number where he or she can be reached for the proceeding.

7.02(4) If the electronic proceeding is to take place by videoconference or electronic technology other than telephone conference call, every person participating in the proceeding shall coordinate with each other and with the Hearings Office at least 48 hours before the electronic proceeding is scheduled to commence regarding the technology to be used for the electronic proceeding, and the means by which the person participating in the proceeding shall be contacted to join the electronic proceeding.

7.02(5) Every person participating in the proceeding shall ensure that, beginning at least five minutes before the proceeding is scheduled to commence, he or she can be reached at the telephone number provided to the Hearings Office in accordance with rule 7.02(3) if the proceeding is by telephone conference call, and at the contact details provided to the Hearings Office in accordance with rule 7.02(4) if the electronic proceeding is by videoconference or other electronic technology other than telephone conference call.

RULE 8 – WRITTEN HEARINGS

8.01 Initiating a Written hearing

8.01(1) In the case of a hearing whose only purpose is to deal with procedural matters, the Fitness to Practise Committee may direct that all or part of a hearing be heard in writing.

8.01(2) In the case of a hearing to deal with matters other than procedural matters, the Fitness to Practise Committee may direct that all or part of a hearing be heard in writing, on consent of the parties, or after giving the parties an opportunity to make submissions, unless the Fitness to Practise Committee is satisfied that there is a good reason not to do so.

8.01(3) Where the Fitness to Practise Committee orders that all or part of a hearing be held in writing and a notice of a written hearing has not previously been given, the College shall give notice of the written hearing in accordance with section 6 of the *SPPA* unless the parties waive the requirement.

8.02 Procedure on Written Hearings

8.02 Where the Fitness to Practise Committee holds all or part of a hearing in writing, the Fitness to Practise Committee may give direction to the parties as to:

- (a) dates for service and filing of written materials;
- (b) the categories of information that must be included in the written materials; and/or
- (c) any other aspect of the procedure for exchanging and filing written materials.

RULE 9 – ADJOURNMENTS

9.01 Requests for adjournment of a hearing or a pre-hearing conference date shall be made at the earliest opportunity that the party or counsel making the request becomes aware that an adjournment is required. A party seeking an adjournment shall attempt to obtain the consent of the other parties before bringing a request before the Fitness to Practise Committee.

9.02 Requests for adjournment of a hearing or case conference date in advance of the hearing or case conference date shall:

- (a) be set out in writing;
- (b) be directed to the attention of the Chair of the Fitness to Practise Committee or his/her designate;
- (c) be copied to all parties or counsel involved in the hearing or pre-hearing conference; and
- (d) set out the extenuating circumstances which necessitate an adjournment.

9.03 Unless Fitness to Practise Committee directs otherwise, requests for adjournment of a hearing date shall be heard and decided by the chair of the panel and shall be heard in writing, or, on the request of a party, electronically.

RULE 10 – PROCEDURE DURING THE HEARING

10.01 Vulnerable Witnesses

10.01(1) The Fitness to Practise Committee may order that a support person be permitted to be present and to sit near a vulnerable witness while the witness is testifying on terms that the Fitness to Practise Committee considers just and appropriate, and may issue directions regarding the conduct of the support person during the testimony of the witness.

10.01(2) The Fitness to Practise Committee may order that a vulnerable witness testify outside the hearing room or behind a screen or other device that would allow the vulnerable witness not to see the member if the Fitness to Practise Committee is of the opinion that the exclusion is necessary to obtain a full and candid account of the matter.

10.01(3) The Fitness to Practise Committee shall not make an order under subrule 10.01(2) unless arrangements are made for the member, the Fitness to Practise Committee and counsel for the parties to watch the testimony of the vulnerable witness by means of closed-circuit television or otherwise and the member is permitted to communicate with counsel while watching the testimony.

10.01(4) The Fitness to Practise Committee may order that a member not personally conduct the cross-examination of a vulnerable witness if the Fitness to Practise Committee is of the opinion that such an order is necessary to obtain a full and candid account of the vulnerable witness's testimony.

10.01(5) Where the Fitness to Practise Committee makes an order under subrule 10.01(4), it may appoint counsel for the purpose of conducting the cross-examination.

10.02 Evidence by Agreement

10.02 A panel may receive, orally or in writing, a statement of facts that are agreed upon by the parties as evidence of those facts.

10.03 Evidence by Affidavit

10.03(1) A party may present, and a panel may receive, the evidence of any of the party's witnesses in the form of an affidavit that has been sworn or affirmed by the witness.

10.03(2) Where a party presents the evidence of a witness in the form of an affidavit:

- (a) the party may examine the witness for not more than 10 minutes, or such other time as the panel may direct;
- (b) each opposing party may cross-examine the witness; and
- (c) if the witness is cross-examined, the party who filed the affidavit may re-examine the witness.

10.03(3) Where a party intends to present the evidence of a witness in affidavit form, the party shall serve copies of the affidavit on all other parties at least ten (10) days before the commencement of the hearing, and file the original affidavit with the Fitness to Practise Committee.

10.03(4) Where an opposing party is served with an affidavit of a witness, the opposing party shall, at least five (5) days prior to the commencement of the hearing, notify the party who served the affidavit as to whether or not the adverse party intends to cross-examine the witness at the hearing.

10.03(5) If no opposing party gives notice in accordance with subrule 10.03(4) that the opposing party intends to cross-examine a witness whose evidence is to be presented by affidavit, the witness's attendance at the hearing is not required, unless the panel orders otherwise.

10.03(6) A panel may make an order striking evidence that is presented in affidavit form and is inadmissible, and may give consequential directions, including permitting the filing of a replacement affidavit containing admissible evidence, on terms that are just.

10.04 Oral and Written Argument

10.04(1) The Fitness to Practise Committee may place reasonable limits on the length of oral submissions.

10.04(2) The Fitness to Practise Committee may, after hearing submissions, order the parties to submit written arguments on some or all of the issues at the hearing and may give directions as to the form and timing of such written arguments.

RULE 11 – GIVING NOTICE OF FINAL DECISION

11.01(1) The Fitness to Practise Committee may send each party and any other person who is entitled to receive same under the *Act*, a copy of its final decision or order, including the reasons, in accordance with any of the methods of service set out in rule 3.03, in which case the final decision or order, including the reasons, shall be deemed to be received in accordance with the applicable provisions of rule 3.03.

11.01(2) This rule shall, for purposes of giving notice of decisions of the Fitness to Practise Committee, be deemed to be a By-law respecting service and shall apply to giving notice of decisions of the Fitness to Practise Committee, notwithstanding the provisions of By-law No. 1 of the College, as amended.

RULE 12 – REINSTATEMENT AND VARIATION APPLICATIONS

12.01(1) This rule applies to applications for reinstatement or variation made under section 29 of the *Act*, as modified by subsection 29(14) of the *Act*.

12.01(2) A written application for reinstatement or variation under subsection 29(1) or (2) of the *Act* shall specify the relief sought, state the grounds for the application and list the oral evidence to be relied upon in support of the application.

12.01(3) The Hearings Office shall schedule a reinstatement or variation application for a hearing upon receipt of the written application referred to in subrule 12.01(2). The Fitness to Practise Committee may direct that all or part of a reinstatement or variation application be heard in writing, on consent of the parties, or after giving the parties an opportunity to make submissions and if the Fitness to Practise Committee is satisfied that the application may be determined fully and fairly in the absence of an oral hearing, without prejudice to any party.

12.01(4) When a reinstatement or variation application has been scheduled, the Fitness to Practise Committee shall serve a notice of hearing on the parties.

12.01(5) Unless the Fitness to Practise Committee directs otherwise, the person making an application for reinstatement or variation shall deliver copies of the record of the original hearing and the record of any previous applications for reinstatement or variation, copies of the transcript of the original hearing and any previous applications for reinstatement or variation (whether or not the transcript has previously been ordered), and copies of any document the person will introduce.

FORM 1A – NOTICE OF MOTION

[General Heading]

NOTICE OF MOTION

THE [IDENTIFY MOVING PARTY] WILL make a motion to the Fitness to Practise Committee of the Ontario College of Social Workers and Social Service Workers on [day], [date], at [time], or as soon after that time as the motion can be heard, [insert address or that the matter will be heard orally, electronically or in writing], Toronto, Ontario. [Choose one of the following if the motion is to be heard electronically: “This motion deals only with procedural matters.” or “If a party satisfies the Fitness to Practise Committee on a motion brought under rule 7.01 of the Rules that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, the party may require the Fitness to Practise Committee to hold the “hearing” of this motion as an oral hearing”]. If you do not participate in the hearing in accordance with this notice, the Fitness to Practise Committee may proceed without you and you will not be entitled to any further notice in the proceeding.

THE MOTION IS FOR [state here the precise relief sought].

THE GROUNDS FOR THE MOTION ARE [specify the grounds to be argued, including a reference to any statutory provision or rule to be relied on].

THE FOLLOWING DOCUMENTARY EVIDENCE WILL be used at the hearing of the motion: [list the affidavit or other documentary evidence to be relied upon].

[Date]

[Name, address, telephone and facsimile number of moving motion participant’s lawyer or moving motion participant]

TO: [Name, address, telephone and Facsimile number of responding motion Participant’s lawyer or responding Motion participant]