



Community Care and Assisted Living Appeal Board

PREPARING FOR A WRITTEN HEARING

This is an information document designed to assist you in preparing for your written hearing before the Board. It is not intended as a substitute for the *Community Care and Assisted Living Act* or its Regulations, or the *Administrative Tribunals Act*.

Parties are free to discuss their case and try to resolve the matter on their own before the hearing. The Board encourages parties, wherever possible, to communicate directly with one another throughout the process in an effort to resolve some or all of the issues before the hearing starts.

If you are the Appellant (the person or organization bringing the appeal), you have what is known as “the burden of proof” in the appeal. This means that to be successful in your appeal, you must prove to the satisfaction of the panel hearing your appeal that the decision under appeal was not justified.

If you are the Respondent in an appeal, you are expected to provide evidence that supports the original decision. If you believe there are problems with the appeal (for example, no decision has been made which can be appealed or the Appellant does not have standing to bring an appeal) you should bring your concerns to the attention of the Board as soon as possible before the hearing.

The only information the Board will consider in an appeal is the information that the parties present to it through the pre-hearing documents and the submissions and written evidence submitted for the written hearing. Therefore, everything that you think is relevant to the case should be given to the Board and the other party as soon as possible before or during the submission process for the written appeal hearing.

How do I Prepare for the Hearing?

1. Think about what you really want from this case. Make sure you know what it is you want the Board to decide in your favor. It is useful to start by making a list of what you want out of the appeal.
2. You need to have a clear understanding of the issues to be decided in the appeal and then concentrate on gathering the information you need to build a strong and convincing case to present to the Board.
3. Everything you want the Board to know about the case should be included in your submissions. This includes all evidence such as documents, reports, letters and affidavit evidence or written statements from your witnesses. Parties should not assume that someone else will provide the evidence, or that the Board will already



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know something. Your submissions should then explain how this evidence proves your points and supports your grounds for appeal and the issues to be decided.

4. Evidence is whatever you will use at the written hearing to prove your case. There are several kinds of evidence, including:
 - a) documentary evidence: documents, such as licensing records, letters, reports, etc. are presented by the parties before the written hearing;
 - b) photographs: photographs are sometimes used as evidence if the person who took them can properly identify them and additional copies are provided to the Board and the other party; and
 - c) affidavits: a witness makes a sworn (i.e. using a Notary Public) statement of their evidence in writing that is presented to the Board during the submissions process leading up to the written hearing.

Try to break your case down into each of its elements and decide what evidence you will use to prove each one.

Written Hearing Preparation Checklist

- Review the notice of appeal and any other relevant documents.
- List what remedies you want from the Board.
- List the points you need to prove to win the appeal.
- Consider how you will prove each one.
- Gather the documents you need and organize them in logical order.
- Contact any witnesses you decide are necessary.
- Have your witnesses prepare their witness statements or affidavits.
- Prepare your written submissions, referring to the evidence you are relying on to support each submission.
- Provide your evidence and written submissions to the Board within the timelines set out for the written hearing submissions process.

Deciding the Appeal

The panel hearing your appeal will read and review all the material provided by the parties up to the close of written submissions. Then the panel will meet to consider their decision.

At any time during the submissions process, the panel may seek clarification on any of the materials or documents or ask specific questions to be answered by the parties. The panel may direct that the parties answer specific questions in their written submissions or by



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way of a separate written reply. If the panel determines that they need to have direct input from the parties on a particular issue in the appeal, the panel may arrange a telephone conference call for that purpose.

Written reasons for the panel's decision will be provided to the parties as soon as practicable after the written hearing. After the parties receive the written reasons for the decision, the Board will post a copy of the written reasons on its website.