



# Community Care and Assisted Living Appeal Board

## ATTENDING AN ORAL HEARING

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An oral hearing of the appeal gives the participants an opportunity to present the evidence and submissions to the Board in person. An oral hearing may be conducted by video-conference, as an in-person hearing, or a combination of both. The parties will have an opportunity to discuss and make submissions, usually at the Appeal Management Conference, before the Board decides how the hearing should proceed.

If the appeal proceeds by video-conference in whole or in part, parties should also read and follow [Practice Directive #3, titled "Electronic Hearing Practice and Procedure"](#). Practice Directive #3 is located under the "Rules and Practice Directives" tab on the Board's website.

A complete and well-prepared Statement of Points is an important step in a complete and well-prepared presentation at the oral hearing. Please refer to the separate ["Statement of Points and Additional Documents" Information Sheet](#).

Hearings are open to the public and members of the public are welcome to attend, unless the Board determines that all or part of the hearing should be closed. Participation in the appeal, however, is restricted to the participants and any witnesses. A court reporter may be present to keep a record of the hearing.

The degree of formality of a hearing may vary depending on the composition of the panel hearing the appeal, the nature of the parties and the subject matter of the appeal. While the hearing process is not identical for all appeals, it will generally proceed as follows:

- If more than one Board member is hearing the appeal, one of them will be the presiding Board member who chairs the hearing. The chair of the panel is addressed as "Chair" followed by their surname. Surnames should be used when addressing or referring to the other panel members or parties.
- The chair of the panel will call the hearing to order, introduce the matter under appeal and the Board members who are hearing the appeal, and deal with any preliminary matters such as time limits, breaks, questions, etc. The chair will then invite the participants in attendance to introduce themselves for the record.
- The appellant and then the respondent may each make a brief oral statement (an "opening statement") about their case that outlines the issues and evidence they intend to focus on, any witnesses to be called, and the decision they want the Board to make. This is optional and the parties may choose not to present opening statements.



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- The appellant and respondent, in turn, will present their evidence (including their own testimony and calling any additional witnesses). Witnesses may be asked to swear or affirm that the testimony they give will be true. Following the testimony of each witness (including the parties), other participants may question the witness. This is sometimes followed by questions from the hearing panel then, exceptionally, by more questions from the participants about new matters that have been raised. After any questions by the hearing panel, the person calling the witness will have the opportunity to ask any further 'questions arising'.

**Note:** The hearing panel may, at its discretion, require witnesses to leave the hearing room and wait until they are called in individually to give their evidence.

- After the presentation of evidence, the appellant and respondent, in turn, will make their closing submissions and again outline the decision they are asking the Board to make. The Board may require or permit the parties to follow up with written submissions delivered after the close of the oral hearing.
- The chair of the panel will then close the hearing, the participants will leave the hearing room, and the panel will convene alone to discuss the appeal and deliberate on its decision.
- After an oral hearing is completed, the panel may find that it needs further information to decide the appeal. If the panel requests additional information from one or more of the participants, all participants will have an opportunity to respond to that information.
- The Board may issue its decision on the appeal orally at the close of the oral hearing. More frequently, the Board's decision will be issued later in writing, as soon as practicable after the oral hearing. After the participants receive the written decision, the Board will post a copy of the written decision on its website.