



SECTION: Procedures - Hearings

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Records of Proceedings for Appeal Purposes

Any party to a proceeding before the Commission under sections 79, 89 or 90 of the Act, may appeal to Divisional Court from the Commission's decision pursuant to section 91 of the Act. The Registrar is responsible for providing a certified copy of the proceedings record of the Commission to the Court.

Subsection 91(2) of the *PBA* states:

"91(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the prescribed fee, the Commission shall furnish the party with a certified copy of the record of the proceeding, including the documents received in evidence and the decision or order appealed from."

Upon receipt of such a request for a certified copy of the record of the proceeding, the Registrar arranges for photocopying copies of the record in accordance with the P500-002. Alternatively, the party desiring to appeal to the Divisional Court may obtain a certified copy of the record from the Divisional Court after the record is filed by the Registrar.

Upon receipt of a Notice of Appeal of a decision, the Registrar files the record of the Commission with the Court within 30 days.

Section 20 of the *Statutory Powers Procedure Act* states:

"A tribunal shall compile a record of any proceeding in which a hearing has been held which shall include,

- a) any application, complaint, reference or other documents, if any, by which the proceeding was commenced;
- b) the notice of any hearing;
- c) any interlocutory orders made by the tribunal;

- d) all documentary evidence filed with the tribunal, subject to any limitation expressly imposed by any other Act on the extent to or the purposes for which any such documents may be used in evidence in any proceeding;
- e) the transcript, if any, of the oral evidence given at the hearing; and
- f) the decision of the tribunal and the reasons therefor, where reasons have been given."

The Registrar organizes the documents which form the record of the hearing and labels all documents clearly. A letter to the court itemizes each document contained in the record. The Registrar prepares and signs a certificate of the Commission certifying that the complete record is attached and has been compiled in accordance with section 20 of the *Statutory Powers Procedure Act*.

The Registrar arranges for delivery of the record to the court and informs the party appealing the decision and all parties to the hearing in writing that the record has been transmitted to the Court.

After an appeal is disposed of, the Registrar ensures that the record is retrieved from the court to the storage on-site.