

## Discipline Committee:

### Policy on Preliminary Matters and Motions

NAME OF POLICY	Policy on Preliminary Matters and Motions		
APPLICABLE SECTIONS OF THE ACT, BY-LAWS AND REGULATIONS and/or PURPOSE	CPATA Act ss. 55-56; Policy on Pre-Hearing Conferences		
RESPONSIBILITY	Manager of Professional Responsibility		
APPROVED BY	EFFECTIVE	REVIEWED	REVISED
Discipline Committee	2022-12-12	Insert Date	Insert Date

#### 1. Purpose

The purpose of this policy is to provide guidance and clarity to the Discipline Committee/Panel, based on its authority under the Act and Regulations, regarding the process for hearing motions on preliminary matters.

In the event of a conflict between this policy and the Act, the Act prevails.

#### 2. Bringing a motion

- 2.1 A party may make a motion to address any preliminary matters, including, but not limited to, issues related to the disclosure of documents, matters related to confidentiality and/or privilege, or a request to stay the proceedings.
- 2.2 A party may make a motion during the course of the proceedings to address any matters that may have arisen, including, but not limited to, points of law, jurisdictional issues, or issues with respect to tendering certain evidence.

### 3. Timing

- 3.1 A party to the proceeding may bring a notice of motion prior to the Pre-Hearing Conference (PHC); at any time prior to the commencement of the proceedings; or at the commencement of the proceedings, subject to this policy.
- 3.2 Parties shall endeavour to bring any motions on preliminary matters forward at the earliest opportunity.
- 3.3 In the interests of expediting the proceedings, it is preferred that parties bring a notice of motion prior to or at the PHC, however, if a preliminary matter arises after the PHC, parties shall bring a motion forward as soon as possible.
  - 3.3.1 The PHC Chair shall, in their sole discretion, determine whether a date(s) will be scheduled to hear the motion in advance of the hearing or whether the motion will be heard at the commencement of the proceedings.
- 3.4 If a party brings a notice of motion after the PHC and/or at the commencement of the proceedings that could have been brought at the PHC, the party will be expected to provide a reasonable explanation to the Panel as to why the notice of motion was not served in advance of or at the PHC or prior to the commencement of the proceedings.
- 3.5 The form of the notice of motion to address any preliminary matter is not prescribed, however, the notice of motion must include, at minimum, the issue(s), redress sought and any supporting documentation the party wishes to rely on.

### 4. Notice

- 4.1 The notice of motion and any supporting documentation must be provided to all parties and the Discipline Panel. To provide the motion to all parties and the Discipline Panel, the party making the motion shall either:
  - 4.1.1 post it to the digital platform assigned for the hearing and advise the Discipline Proceedings Coordinator (DPC) via email that a motion has been made and posted; or
  - 4.1.2 email or call the DPC to advise that they wish to make a motion and request the DPC provide instructions for how they may do so.

## 5. Procedure

- 5.1 Any hearing of a motion(s) will be public unless the Panel determines otherwise.