



Rules of Practice for Appeals to the Director of Inspector’s Orders, Seals and Fees

EFFECTIVE June, 2026

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1. GENERAL

A. Definitions

In these rules, the following terms have the following meanings:

"**appellant**" means a person who files an appeal under section 22(1) of the TSS Act;

"**Director**" means a person appointed by TSSA to be a Director pursuant to section 4(1) of the TSS Act;

"**Hearings Coordinator**" means an individual assigned to provide administrative assistance and support to the Tribunal;

"**proceeding**" means an appeal filed under section 22(1) of the TSS Act;

"**Tribunal**" means the Director that presides over the hearing under section 22(3) of the TSS Act; and

"**TSS Act**" means the *Technical Standards & Safety Act, 2000*, S.O. 2000, c. 16, as amended.

B. Application of Rules

1.1. These rules are made pursuant to section 25.1 of the *Statutory Powers Procedure Act*.

1.2. These rules apply to all hearings before a Tribunal held under section 22(3) of the TSS Act

1.3. In these rules:

(a) "oral hearing" means a hearing involving the parties or their representatives attending in person before the Tribunal;

(b) "electronic hearing" means a hearing held virtually or otherwise electronically allowing participants to communicate synchronously; and

(c) "written hearing" means a hearing held by means of the exchange of documents.

1.4. Where any of these rules are in conflict with any statute or regulation, the provisions of the statute or regulation shall prevail.

C. Initiating Proceedings

1.5. An appeal of an order under section 21(1)(a), or of the affixing of a seal under section 18(4) or section 21(1)(b), or of the requirement to pay fees under clause 19(1)(b), each of the TSS Act, shall be initiated by completing the designated form posted on the TSSA website and submitting it to TSSA in the manner indicated in the form.



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- 1.6. The grounds for an appeal must be adequately specified in writing before an appeal is heard.

D. Tribunal Powers

- 1.7. The Tribunal may exercise any of its powers under these rules on its own initiative or at the request of a party.
- 1.8. The Tribunal may issue general or specific procedural directions at any time.
- 1.9. The Tribunal may waive or vary any of these rules at any time as necessary to ensure the just and expeditious resolution of an appeal.

E. Defects in Form

- 1.10. It is sufficient if there is substantial compliance with a form or notice required by or under these rules.
- 1.11. No proceeding is invalid by reason only of a defect or other irregularity in form.

F. Computation of Time

- 1.12. The computation of time periods under these rules or an order of the Tribunal shall be in accordance with the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F.
- 1.13. The Tribunal may, at any time and on such conditions as it considers appropriate, lengthen or shorten the time prescribed for the performance of any obligation under these rules.

G. Parties and Other Participants

- 1.14. The following persons are parties for the purpose of these rules:
 - (a) persons that are parties to the proceeding;
 - (b) persons otherwise entitled by law to be parties to the proceeding; and
 - (c) persons who in the opinion of the Tribunal should be added as parties.
- 1.15. The Tribunal may add a party for all or part of the proceeding, and may make any other order as seems just to minimize prejudice or delay to other parties.
- 1.16. Any person may, with leave of the Tribunal or at the Tribunal's invitation, participate in all or part of a proceeding on such conditions as the Tribunal considers appropriate.



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H. Representatives

- 1.17. In these rules, "representative" means lawyer, paralegal or agent who is authorized to represent a party in the proceeding.
- 1.18. A representative shall file a written acknowledgement of authorization to act for the party.
- 1.19. Where a party's representative ceases to act for that person in the proceeding, the party and the representative shall promptly notify the Tribunal and other parties.

I. Power to Dismiss a Proceeding Without a Hearing

- 1.20. If the parties consent, the proceeding may be disposed of by a decision or order of the Tribunal given without a hearing.

J. Communications with The Tribunal

- 1.21. Except for the filing of documents, all communications with the Tribunal in the absence of other parties shall be made through the Hearings Coordinator.
- 1.22. Where a party is represented by a representative, the Hearings Coordinator may communicate with the party through the representative.

2. PROCEDURES BEFORE A HEARING

A. Service of Documents

- 2.1. In these rules, "service" of any document means the effective delivery to the person or representative.
- 2.2. For the purpose of rule 2.1, "person" means anyone required to be served under these rules.
- 2.3. Subject to rules regarding the filing of appeals, service may be given by delivering a document:
 - (a) by personal delivery;
 - (b) by regular or registered mail to the last known address of the person;
 - (c) by email to the email address of record of the person;
 - (d) by courier, including Priority Post, to the last known address of the person; or



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(e) by any other means authorized or permitted by the Tribunal.

2.4. Service is deemed to be effective, when delivered:

(a) by personal delivery before 5:00 p.m., on the day of delivery, and after that time, on the next day;

(b) by registered mail, on the third day after the day of mailing;

(c) by email on the day it was sent;

(d) by courier, on the second day after the document was given to the courier; or

(e) by any means authorized or permitted by the Tribunal, on the date specified by the Tribunal in its direction.

B. Filing Documents with the Tribunal

2.5. In these rules, "filing" of any document means the effective delivery to the Tribunal in accordance with these rules and its receipt by the Tribunal.

2.6. Subject to rules regarding the filing of the appeal, documents may be filed by any of the methods of delivery set out in rule 2.3 and shall be directed to the Hearings Coordinator unless otherwise directed by the Tribunal.

2.7. Documents are deemed to be filed as of the date they are received by the Tribunal.

2.8. A person who serves or files a document shall include with it the person's address, email, telephone number and the file number, if any, of the proceeding to which the document relates.

C. Motions

2.9. "Motion" means a request for the Tribunal's ruling or decision on a procedural issue at any stage within a proceeding or intended proceeding.

2.10. A party may bring a motion at the hearing or before the hearing by arrangement with the Hearings Coordinator.

2.11. The Tribunal may direct that the motion will be dealt with in writing or by any other means and may direct the procedure to be followed and set applicable time limits.



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- 2.12. A notice of motion shall be filed with the Tribunal by the party bringing a motion. The notice of motion does not need to be in any particular form but shall set out the grounds for the motion and the relief requested and shall be accompanied by any evidence to be relied upon.
- 2.13. The notice shall be served on the other parties to the proceeding.
- 2.14. A party who wishes to provide a response in writing to a motion shall serve and file the response before the Tribunal deals with the motion.

D. Notice of Constitutional Questions

- 2.15. Where a party intends to raise a question about the constitutional validity or applicability of legislation, a regulation or rule made under legislation, or a rule of common law, or where a party claims a remedy under subsection 24(1) of the *Canadian Charter of Rights and Freedoms*, notice of a constitutional question shall be served on the other parties and the Tribunal as soon as the circumstances requiring notice become known and, in any event, at least 15 days before the question is to be argued.
- 2.16. Where the Attorneys General of Canada and Ontario are entitled to notice, they are entitled to adduce evidence and make submissions to the Tribunal regarding the constitutional question.
- 2.17. A notice of constitutional question shall be substantially in the same form as applicable form under the Rules of Civil Procedure.

E. Summons to Witness

- 2.18. A party to a proceeding may request a summons to a witness from the Tribunal upon disclosing the name and address of the witness to be summonsed.
- 2.19. A summons to a witness shall be signed by the Director.
- 2.20. Service of a summons on a witness is the responsibility of the party who obtained the summons.
- 2.21. The party who obtained the summons shall pay the witness' fees and allowances in accordance with Tariff A under the Rules of Civil Procedure.



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3. DISCLOSURE

A. Particulars

- 3.1. At any time in a proceeding, the Tribunal may order any party to file such particulars as the Tribunal considers necessary for a full and satisfactory understanding of the issues in the proceeding.
- 3.2. If the character, conduct or competence of a party is an issue in a proceeding, the party making such allegations shall provide reasonable particulars of any allegations prior to the hearing.

B. Disclosure of Documents and Things

- 3.3. The Tribunal may at any stage of the proceeding order a party to disclose to any other party the existence of all documents and things that the party will refer to or enter as evidence at the hearing.
- 3.4. If the character, conduct or competence of a party is an issue in a proceeding, the party or Tribunal making such allegations shall disclose to the party against whom the allegations are made all evidence in the party's possession or control.

4. PRE-HEARING CONFERENCES

A. Direction to Attend

- 4.1. The Tribunal may direct the parties or their representatives to attend one or more pre-hearing conferences for the purpose of considering any matter including:
 - (a) identification of parties and other interested persons and the scope of their participation at the hearing;
 - (b) issues relating to disclosure and the exchange of information;
 - (c) identification and simplification of issues;
 - (d) identification of preliminary motions;
 - (e) procedural issues including the dates by which any steps in the proceeding are to be taken or begun, the estimated duration of the hearing and the date that the hearing will begin;



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- (f) identification of facts or evidence that may be agreed upon;
- (g) resolution of any or all of the issues; and
- (h) any other matter that may assist in the just and most expeditious disposition of the proceeding.

B. Notice of a Pre-Hearing Conference

- 4.2. Unless otherwise ordered, written notice of a pre-hearing conference shall be given by the Tribunal to the parties and to such other persons as the Tribunal considers necessary.
- 4.3. The notice shall include:
 - (a) the time, place and purpose of the pre-hearing conference;
 - (b) whether parties are required to exchange or file documents or pre-hearing submissions and, if so, the issues to be addressed and the date when the documents or submissions are required; and
 - (c) whether parties are required to attend in person, and,
 - (i) if so, that they may have a representative at the pre-hearing conference, or
 - (ii) if not, that their representative must be given authority to make agreements and give undertakings on their behalf respecting the matters to be addressed at the pre-hearing conference.

C. Oral, Written or Electronic Conferences

- 4.4. A pre-hearing conference may be held in person, in writing or electronically.

D. Settlement Discussions

- 4.5. The Tribunal may direct the parties to attempt to settle any ground for relief requested in a proceeding.
- 4.6. An agreement to settle any or all of the grounds for relief binds the parties to the agreement unless otherwise ordered by the Tribunal.



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5. NOTICE OF HEARING

A. Notice of a Hearing – General

- 5.1. Unless otherwise ordered, written notice of a hearing shall be given by the Tribunal to the parties and to such other persons as the Tribunal considers necessary.
- 5.2. All notices of hearing shall include:
- (a) a reference to the statutory authority under which the hearing is to be held; and
 - (b) a statement of the purpose of the hearing.
- 5.3. The Tribunal may include in a notice of hearing any other information or directions it considers necessary for the proper conduct of the hearing.

B. Notice of Oral Hearing

- 5.4. For an oral hearing, the notice of hearing shall include:
- (a) a statement of the time and place of the hearing; and
 - (b) a statement that if the party notified does not attend at the hearing, the Tribunal may proceed in that party's absence and the party will not be entitled to any further notice in the proceeding.

C. Notice of Written Hearing

- 5.5. For a written hearing, the notice of hearing shall include:
- (a) a statement of the time of the hearing, which is provided by setting out the time periods during which parties are to serve and file documents for the written hearing;
 - (b) a statement that the party notified may object to the hearing being held as a written hearing by filing an objection after receiving notice of the written hearing; and
 - (c) a statement that if the party notified neither objects to the hearing being a written hearing, in the manner set out in paragraph (c), nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding.



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D. Notice of Electronic Hearing

- 5.6. For an electronic hearing, the notice of hearing shall include:
- (a) a statement of the time of the hearing, and details about the manner in which the hearing will be held;
 - (b) a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;
 - (c) if paragraph (b) does not apply, a statement that the party notified may, by satisfying the Tribunal that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the Tribunal to hold the hearing as an oral hearing, and an indication of the procedure to be followed for that purpose; and
 - (d) a statement that if the party notified neither follows the procedure set out in paragraph (c) for objections to an electronic hearing, if applicable, nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding.

E. Serving a Notice of Hearing

- 5.7. Unless otherwise ordered, notice of hearing is sufficiently given if served under Rule 2.3.

F. Non-Attendance or Non-Participation

- 5.8. Where notice of an oral hearing has been given to any party in accordance with these rules and any applicable legislation, and the party does not attend at the hearing, the Tribunal may proceed in their absence and that party is not entitled to any further notice in the proceedings.
- 5.9. Where notice of a written hearing has been given to a party in accordance with these rules and any applicable legislation, and the party neither objects to a written hearing in the manner set out in the notice, nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.
- 5.10. Where notice of an electronic hearing has been given to a party in accordance with these rules and any applicable legislation, and the party neither objects to an electronic hearing in the manner set out in the notice, if applicable, nor participates in the hearing in accordance with the notice, the Tribunal may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.



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6. WRITTEN HEARINGS

A. Written Hearings – General

6.1. The Tribunal may conduct a written hearing, unless a party satisfies the Tribunal that there is a good reason for not doing so.

B. Continue as Oral or Electronic Hearing

6.2. Where appropriate, the Tribunal may continue a written hearing as:

(a) an oral hearing; or

(b) as an electronic hearing, after considering any objection made under rule 7.3.

6.3. If the Tribunal decides to convert a written hearing into an oral or electronic hearing or to start the hearing again as an oral or electronic hearing, it shall notify the parties of its decision or order and the procedures set down in the rules for such a hearing will apply.

C. Objections to a Written Hearing

6.4. A party may serve and file an objection to the hearing being held as a written hearing after receiving notice of the written hearing.

6.5. If a party satisfies the Tribunal that there is a good reason for not holding a written hearing, the Tribunal shall notify the parties of the objection and give a notice of an oral or electronic hearing.

D. Identification of Evidence

6.6. Any party filing evidence with the Tribunal or serving evidence on the other parties in a written hearing, shall clearly show their name on a covering document attached to the evidence.

E. Exchange of Documents Procedure

6.7. TSSA shall serve the appellant and file with the Tribunal a Statement of Position after receiving notice of the written hearing.

6.8. If the appellant or any other party wish to respond, they shall do so by serving the TSSA and filing with the Tribunal a Response after receiving the TSSA's Statement of Position.



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- 6.9. A Response shall:
- (a) be accompanied by the evidence that explains or supports the Response;
 - (b) set out the party's submissions; and
 - (c) set out any remedy or decision requested.
- 6.10. The TSSA may reply to a Response by serving the other parties and filing with the Tribunal a Reply.
- 6.11. The Reply shall:
- (a) set out the TSSA's position with respect to the Response; and
 - (b) be accompanied by Reply evidence, if any, that explains or supports the Reply.

F. Oral Examination

- 6.12. In a written hearing, there shall be no oral examination unless ordered by the Tribunal, and the Tribunal may impose conditions it considers appropriate.

7. ELECTRONIC HEARINGS

A. Electronic Hearings – General

- 7.1. In deciding whether to hold an electronic hearing, the Tribunal may consider any relevant factors, including:
- (a) the suitability of the electronic technology for the subject matter of the hearing;
 - (b) whether the nature of the evidence is appropriate for an electronic hearing, including whether credibility is in issue and the extent to which facts are in dispute;
 - (c) the extent to which the matters in dispute are questions of law;
 - (d) the convenience of the parties;
 - (e) the cost, efficiency and timeliness of proceedings;
 - (f) avoidance of unnecessary length or delay;
 - (g) ensuring a fair and understandable process;



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- (h) the desirability or necessity of public participation or public access to the Tribunal's process; and
- (i) fulfillment of the TSSA's statutory mandate.

B. Continue as Oral or Written Hearing

7.2. The Tribunal may continue an electronic hearing as an oral hearing whenever the Tribunal considers it appropriate, or as a written hearing with the consent of the parties.

C. Objections to Electronic Hearings

7.3. A party who objects to a hearing being held as an electronic hearing shall notify the Tribunal and all other parties of its objection in writing as soon as possible after receiving notice of the electronic hearing.

7.4. The Tribunal shall not hold an electronic hearing if a party satisfies it that holding an electronic hearing rather than an oral hearing is likely to cause significant prejudice to the party.

D. Conditions

7.5. The Tribunal may impose any conditions for an electronic hearing it considers appropriate, including:

- (a) specifying who will set up the electronic hearing; or
- (b) requiring that a party requesting an electronic hearing pay all or part of the cost of providing the facilities necessary for the electronic hearing.

8. EVIDENCE

A. Form of Evidence

8.1. The Tribunal may direct the form in which evidence shall be filed.

B. Hearsay Evidence

8.2. At a hearing a Tribunal may admit any evidence, including hearsay, relevant to the subject-matter of the proceeding.



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C. Agreed Facts

- 8.3. The Tribunal may receive and act on any facts agreed on by the parties without proof or evidence.

9. CONDUCT OF THE HEARING

A. Combining Proceedings or Hearing Proceedings Together

- 9.1. If two or more proceedings before the Tribunal involve the same or similar questions of fact, law or policy, the Tribunal may, with the consent of the parties, combine the proceedings or any part of them or hear the proceedings at the same time.
- 9.2. Where the Tribunal combines or hears together two or more proceedings it may do so subject to conditions it considers appropriate.
- 9.3. Where two or more proceedings are combined, evidence presented in each proceeding is evidence in the combined proceeding.

B. Recording of Tribunal Proceedings

- 9.4. No person shall make a visual or audio recording of any part of the Tribunal proceeding unless authorized by the Tribunal.
- 9.5. A request for authorization shall be made to the Tribunal prior to the commencement of the hearing day.
- 9.6. The Tribunal may authorize the recording of the proceeding subject to such conditions as the Tribunal considers appropriate.

C. Court Reporters

- 9.7. The Tribunal may arrange for the recording of the proceedings by a qualified court reporter.

D. Adjournments

- 9.8. A hearing may be adjourned from time to time by a Tribunal of its own motion or where it is shown to the satisfaction of the Tribunal that the adjournment is required to permit an adequate hearing to be held.



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9.9. In granting an adjournment, the Tribunal may impose such conditions as it considers appropriate.

E. Oath or Affirmation

9.10. Oral examination of witnesses shall be conducted under oath or affirmation that their evidence will be true.

F. Expert Assistance Sought by the Tribunal

9.11. The Tribunal may request a person having professional, technical or other knowledge to assist the Tribunal in respect of any matter before it.

10. DECISIONS AND ORDERS

A. Oral and Written Decisions

10.1. The Tribunal may reserve its decision or order or may indicate its decision orally at the end of the hearing.

10.2. Despite rule 10(1), the Tribunal shall issue a written final decision or order, which shall be the official decision or order of the Tribunal.

10.3. If there is a discrepancy between an oral and written decision or order, the written one shall prevail.

10.4. If a decision or order requires clarification, a party may apply to the Tribunal for direction on notice to the other parties.

10.5. Nothing in this rule prevents a Tribunal from changing an interim decision in its final decision or order.

10.6. If requested by any party within a reasonable time, the Tribunal shall issue written reasons for its decision or order.

B. Means of Sending a Decision

10.7. The Tribunal shall send to all parties who participated in the proceedings, or their representatives, a copy of its final decision or order.

10.8. The Tribunal may send its decision or order using any method permitted by rules regarding service of documents.



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C. Effective Date of Decision or Order

- 10.9. A Tribunal decision or order is effective from the date of the written decision or order unless the Tribunal directs otherwise.

