



Rules of Procedure for Director’s Hearings of Notices of Proposal

EFFECTIVE April 21, 2026

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A. Background

Every person is required to obtain an authorization in accordance with the *Technical Standards and Safety Act, 2000* (the "Act") and its regulations before carrying out the activities referred to in the regulations or before operating or otherwise dealing with a thing referred to in the regulations as requiring an authorization. "Authorization" is defined under section 3 of the Act as follows:

- "authorization" means any form of authorization under this Act and includes,
- (a) with respect to a person, a certificate, identification, licence or registration, and
 - (b) with respect to a thing, an approval, certificate, licence, permit or registration.

Notwithstanding an applicant's entitlement to an authorization, pursuant to section 6(7) of the Act, a Director may refuse to grant, suspend, revoke or refuse to renew an authorization if the Director has reason to believe that one or several of the grounds found in section 6(7) of the Act apply to an applicant or authorization holder.

If the Director has a reasonable belief that one of the section 6(7) grounds applies to an applicant or authorization holder warranting the Director's refusal to grant, suspension of, revocation of or refusal to renew an authorization, the Director must first serve a Notice of Proposal (NOP) to that effect, together with written reasons, on the applicant or authorization holder.

The applicant or authorization holder has the right to apply for a hearing before the Director to dispute the proposed action contained in the NOP. To exercise this right, the applicant or authorization holder must request a hearing within 15 days after being served with the NOP, failing which the Director may carry out the proposed action stated in the NOP.

In addition, pursuant to section 9(1) of the Act, the Director may provisionally suspend or refuse to renew an authorization without a hearing where the carrying out of the operations is, in the director's opinion, an immediate threat to public safety, by serving the authorization holder with a NOP.

These Rules of Procedure for Director's Hearings apply to persons disputing an NOP and provide guidance and predictability to assist all participants in this process.

The Director is authorized by TSSA and the legislation to consider and decide whether to uphold the action proposed in the Notice of Proposal. The Hearing can be in a written or oral format.

An applicant or authorization holder who is not satisfied with the Director's decision following a Hearing has the right to appeal that decision to the Divisional Court. The limitation period for filing a notice of appeal with the Court is 30 days after receiving the Director's decision.



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B. Interpretation and Scope

Purpose and Authority

- 1.1 These Rules set out rules and procedures applicable to a Director's Hearing and are made pursuant to section 25.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

Definitions

- 1.2 In these rules,

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

"**Applicant**" means the applicant for an authorization or the holder of an authorization requesting a Director's Hearing to dispute a Notice of Proposal.

"**Business Day**" means a day when TSSA head office is open for business (either in person or remotely), and does not include Saturday, Sunday or statutory holidays.

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

"**Hearing**" means a hearing pursuant to section 8(3) or 9(3) of the Act adjudicated by the Director related to an NOP, and may be in writing, in person, by telephone, electronic or any other way that allows the parties to participate in the hearing, at the discretion of the Director.

"**Hearings Coordinator**" means an individual assigned to provide administrative assistance and support to the Director.

"**Motion**" means a request by a Party for the Director's ruling or decision on a particular procedural issue at any stage within a proceeding or intended proceeding.

"**Notice of Proposal**" means the notice made by the Director under sections 7(1) or 9(1) of the Act to inform the Applicant that the Director intends to refuse, suspend, revoke, or impose restrictions, limitations or conditions on an authorization.

"**Parties**" means the Applicant and TSSA in its capacity as respondent in a Director's Hearing.

"**Representative**" means a lawyer, paralegal or agent authorized to represent a person in the proceeding.

"**Rules**" means these Rules of Procedure for Director's Hearings of Notices of Proposals.

"**SPPA**" means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.



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Application

1.3 (1) These Rules apply to all Hearings before the Director.

Interpretation

- 1.4 (1) These Rules should be read and understood together with the Act and its regulations and the SPPA, and construed specifically in accordance with section 2 of the SPPA to secure the just, most expeditious, and cost-effective determination of every proceeding on its merits.
- (2) Where any of these Rules conflict with any statute or regulation, the provisions of the statute or regulation shall prevail.
- (3) Where matters are not provided for in these Rules, the practice shall be determined by the SPPA, and where not provided for in the SPPA, the practice shall be provided for by analogy to the Rules.
- (4) In applying these Rules, the Director shall make orders and give directions that are proportionate to the purposes of the Act, and the importance and complexity of the issues.

Computation of Time

- 1.5 In the computation of time under these Rules or an order,
- (a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;
- (b) where a period of days is prescribed, all weekends shall be included, but statutory holidays shall not;
- (c) where the time for doing an act expires on a statutory holiday, the act may be done on the next day that is not a statutory holiday.

In force date

1.6 These Rules apply immediately to all Hearings, even if commenced before these Rules came into effect, but the Director may make Orders or other directions to ensure that any transition from older rules or procedures does not cause unfairness to the Parties or any unnecessary delays.



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C. Applications for Hearings

Application for Director's Hearing – Timing

2.1 The Applicant must deliver to the Director an application for Director's Hearing no later than 15 days after receiving the Director's Notice of Proposal, pursuant to section 8(1) or 9(2) of the Act.

Extension of Time

2.2 The Director may extend the time allowed for making the Application for Director's Hearing if there are reasonable grounds for the extension and apparent grounds supporting the Application, pursuant to section 8(4) or 9(3) of the Act.

Application for Director's Hearing – Content

2.3 The Application for Director's Hearing must include:

- a. the Applicant's reasons for challenging the Notice of Proposal;
- b. any supporting documents or evidence;
- c. the Applicant's arguments to support the decision that the Applicant wants the Director to make; and
- e. any fee required for the Director's Hearing.

Delivery of Application for Director's Hearing – Format

2.4 If the Application for Director's Hearing is delivered with a paper copy and not electronically, the Applicant must deliver three copies.

Notice of Appearance or Director's Hearing

2.5 After receiving an Application for Director's Hearing, the Director will deliver to the Parties an Appearance Notice or Notice of Director's Hearing pursuant to Rule 6.

Opportunity to Comply

2.6 The Notice of Director's Hearing shall give the Applicant a reasonable opportunity to show or to achieve, before the Hearing, compliance with all lawful requirements for receiving, keeping or renewing the authorization, pursuant to section 10(1) of the Act.



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D. Procedures Before a Hearing

Service of Documents

- 3.1 (1) In these Rules, "delivery" of any document means the effective transmission to the person or representative in accordance with this section.
- (2) For the purpose of Rule 4.1, "person" means anyone to whom delivery is required under these Rules.
- (3) Delivery of documents shall be made electronically by email.
- a. For delivery to the authorization holder, electronic delivery shall be made to the email registered for the TSSA;
- b. For delivery to the TSSA, electronic delivery shall be made to the email indicated in the NOP.
- (4) Each party has an obligation to provide confirmation of receipt immediately upon receipt of an email from the other party within 24 hours.
- (5) Where confirmation of receipt is not provided, delivery may be made by:
- c. personal delivery;
- d. registered or certified mail to the last known address of the person;
- e. courier, including Priority Post, to the last known address of the person; or
- f. any other means authorized or permitted by the Director.
- (6) Delivery 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 that is not a statutory holiday;
- b. by registered mail, on the third day after the day of mailing;
- c. by email, on the day that confirmation of receipt is provided;
- 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 Director, on the date specified by the Director in his/her direction.



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- (7) Rule 3.1(4) does not apply where a person who acts in good faith does not, through absence, accident, illness or other causes beyond the person's control, receive the notice until later or at all.

Filing Documents with the Director

- 3.2(1) In these Rules, "filing" of any document means the effective delivery to the Director in accordance with these Rules and its receipt by the Director.
- (2) Documents shall be filed electronically by email to the Hearings Coordinator, unless otherwise directed by the Director. The Hearings Coordinator shall provide confirmation of receipt of documents within 24 hours.
- (3) Documents are deemed to be filed as of the date they are received by the Director.
- (4) A person who serves or files a document shall include with it a statement of the person's address, email, telephone number, email and the name (and file number, if any) of the proceeding to which the document relates.

Motions

- 3.3(1) A party may bring a motion at the Hearing or before the Hearing by arrangement with the Hearings Coordinator.
- (2) The Director 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.
- (3) A 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.
- (4) The notice shall be served on the other Parties to the proceeding.
- (5) A Party who wishes to respond to a motion shall serve and file a response before the Director deals with the motion.

Notice of Constitutional Questions

- 3.4 (1) Where a party intends to raise a question about the constitutional validity or applicability of legislation, a regulation or by-law 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 Director as soon as the circumstances requiring notice become known and, in any event, at least 15 days before the question is to be argued.



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- (2) Where the Attorneys General of Canada and Ontario are entitled to notice, they are entitled to adduce evidence and make submissions to the Director regarding the constitutional question.
- (3) Notice shall be substantially in the same form as Form 4F under the Rules of Civil Procedure.

E. Disclosure

Particulars

- 4.1 (1) At any time in a proceeding, the Director may order any party to file such particulars as the Director considers necessary for a full and satisfactory understanding of the issues in the proceeding.
- (2) If the good 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.

Disclosure of Documents and Things

- 4.2 (1) Upon request and before a Hearing is scheduled, TSSA shall provide the evidence upon which the NOP was issued to the Applicant. TSSA has a continuing ongoing obligation to provide to the Applicant any evidence which comes into its possession that is relevant to the Hearing.
- (2) The Director 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) If the good character, conduct or competence of a party is an issue in a proceeding, the party making such allegations shall disclose to the party against whom the allegations are made all evidence in the party's possession or control.

F. Pre-Hearing Conferences

Direction to Attend

- 5.1 The Director 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;



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- 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;
- f. identification of facts or evidence that may be agreed upon;
- g. settlement 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.

Notice of a Pre-Hearing Conference

5.2 (1) Unless otherwise ordered, written notice of a pre-Hearing conference shall be given by the Director to the parties and to such other persons as the Director considers necessary.

(2) 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.

Oral or Written Conferences

5.3 A Pre-Hearing conference may be held in person, in writing or by telephone, electronically or any other way that allows the parties to participate in the pre-Hearing conference simultaneously and instantaneously.



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Settlement Discussions

- 5.4 (1) The Parties shall have settlement discussions before the pre-Hearing conference is scheduled and shall attempt to limit the scope of the matter. The Director may direct the parties to attempt to settle any ground for relief requested in a proceeding.
- (2) An agreement to settle any or all of the grounds for relief binds the parties to the agreement unless otherwise ordered by the Director.

G. Notices of Appearance or Hearing and Failure to Participate

Notice of an Appearance or Hearing - General

- 6.1 (1) Unless otherwise ordered, written notice of an appearance or Hearing shall be given by the Director to the parties and to such other persons as the Director considers necessary.
- (2) All notices shall include a statement of the purpose of the appearance or Hearing.
- (3) The Director may include in a notice any other information or directions the Director considers necessary for the proper conduct of the Hearing or appearance.

Notice of Oral Appearance or Hearing

- 6.2 For an oral appearance or Hearing, in addition to the requirements of Rule 6.1 (2), the notice of Hearing shall include:
- a. a statement of the time and details about the manner in which the appearance or Hearing will be held;
 - b. a statement that if the party notified does not attend at the appearance or Hearing, the Director may proceed in that party's absence and the party will not be entitled to any further notice in the proceeding.

Notice of Written Appearance or Hearing

- 6.3 For a written appearance or Hearing, in addition to the requirements of Rule 6.1 (2), the notice of appearance or Hearing shall include:
- a. a statement of the time of the appearance or Hearing, along with the time periods during which parties are to serve and file documents for the written appearance or Hearing;



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- b. a statement that the party notified may object to the appearance or Hearing being held as a written appearance or Hearing by filing an objection after receiving notice of a written appearance or Hearing;
- c. a statement that if the party notified neither objects to the appearance or Hearing being a written appearance or Hearing, nor participates in the appearance or Hearing in accordance with the notice, the Director may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding.

Serving a Notice of Appearance or Hearing

- 6.4 Unless otherwise ordered, notice of appearance or Hearing is sufficiently given if served under Rule 3.1.

Non-Attendance or Non-Participation

- 6.5 (1) Where notice of an oral appearance or Hearing has been given to any party in accordance with these Rules and any applicable legislation, and the party does not attend at the appearance or Hearing, the Director may proceed in their absence and that party is not entitled to any further notice in the proceedings.
- (2) Where notice of a written appearance or Hearing has been given to a party in accordance with these Rules and any applicable legislation, and the party neither objects to a written appearance or Hearing in the manner set out in the notice, nor participates in the appearance or Hearing in accordance with the notice, the Director may proceed without the party's participation and the party is not entitled to any further notice in the proceeding.

H. Written Appearances or Hearings

Written Appearances or Hearings – General

- 7.1 The Director may conduct a written appearance or Hearing, unless a party satisfies the Director that there is a good reason for not doing so.

Continue as Oral Hearing or Appearance

- 7.2 (1) Whenever appropriate, the Director may continue a written Hearing or appearance as an oral Hearing or appearance.
- (2) In deciding whether to continue a written Hearing or appearance as an oral Hearing or appearance, the Director shall consider the relative cost and delay of each format.
- (3) Factors in favour of continuing a written Hearing or appearance as an oral Hearing or appearance to be considered by the Director include, but are not limited to:



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- a. Where there is competing evidence from multiple witnesses, the evaluation of which would benefit from viva voce testimony;
 - b. Where credibility of key witnesses is an issue in dispute and would better be assessed at an oral hearing; and
 - c. Where material facts are in dispute and oral evidence would assist in ascertaining these facts.
- (4) If the Director decides to convert a written Hearing or appearance into an oral Hearing or appearance, the Director shall notify the parties of the decision or order and the procedures set down in the Rules for such a Hearing will apply.

Objections to a Written Hearing or Appearance

- 7.3 (1) A party may serve and file an objection to the Hearing or appearance being held as a written Hearing or appearance after receiving notice of the written Hearing or appearance.
- (2) If a party satisfies the Director that there is a good reason for not holding a written Hearing or appearance, the Director shall notify the parties of the objection and give a notice of an oral Hearing or appearance.

Oral Examination

- 7.4 In a written Hearing or appearance, there shall be no oral examination unless ordered by the Director, and the Director may impose conditions he/she considers appropriate.

I. Evidence

Form of Evidence

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

Hearsay Evidence

- 8.2 At a Hearing the Director may admit any evidence, including hearsay, relevant to the subject-matter of the proceeding, as per sections 15, 15.1, 15.2 and 16 of the SPPA, pursuant to section 8(6) of the Act.

Agreed Facts

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



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Labelling of Evidence

8.4 A party tendering evidence in writing shall clearly show their name on a covering document.

J. Conduct of the Hearing

Combining Proceedings or Hearing Proceedings Together

- 9.1 (1) If two or more proceedings before the Director involve the same or similar questions of fact, law or policy, the Director may, with the consent of the parties, combine the proceedings or any part of them or hear the proceedings at the same time.
- (2) Where the Director combines or hears together two or more proceedings the Director may do so subject to conditions he/she considers appropriate.
- (3) Where two or more proceedings are combined, evidence presented in each proceeding is evidence in the combined proceeding.

Recording of Hearing Proceedings

- 9.2 (1) The oral evidence taken before the Director at a Hearing shall be recorded at the request of a party or upon direction of the Director, pursuant to section 10(3) of the Act.
- (2) A request for recording by a party should be made to the Director at least 5 days prior to the commencement of the Hearing.
- (3) The recording shall be at the cost of the person making the request, pursuant to section 10(4) of the Act.

Court Reporters

9.3 The Director may arrange for the recording of the proceedings by a qualified court reporter.

Adjournments

- 9.4 (1) A Hearing may be adjourned from time to time by the Director or upon a motion brought by one of the parties where it is shown to the satisfaction of the Director that the adjournment is required in the interests of justice.
- (2) In granting an adjournment, the Director may impose such conditions as the Director considers appropriate.



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Oath or Affirmation

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

Expert Assistance Sought by the Director

- 9.6 The Director may request a person having professional, technical or other knowledge to assist the Director in respect of any matter.

K. Vulnerable Witnesses

Support Persons

- 10.1 The Director may permit a support person to be present and to sit near a vulnerable witness while testifying and may issue directions regarding the conduct of the support person during the testimony of the witness.

Location of Vulnerable Witness

- 10.2 The Director may permit a vulnerable witness to testify outside the Hearing room or behind a screen and may permit the use of a device that would allow the vulnerable witness to not see a Party if the Director is of the opinion that the exclusion is necessary to obtain a full and candid account of the vulnerable witness's testimony.

Conduct of Vulnerable Witness Examination

- 10.3 The Director may order that order that a Party not personally conduct the cross-examination of a vulnerable witness if the Director is of the opinion that the order is necessary to obtain a full and candid account of the vulnerable witness's testimony.

L. Public Access

General Rule

- 11.1 A Hearing shall be open to the public except where the Director is of the opinion that it ought to be closed, pursuant to the Act and the SPPA.

Conduct of Observers

- 11.2 (1) Any member of the public may attend a Hearing that is open to the public. The Director may exclude, at the Director's discretion, any person that the Director deems detrimental to the process.



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- (2) No person shall attempt to take a photograph, or an audio, video or transcribed recording at a Hearing, or publish, broadcast, reproduce or otherwise disseminate a photograph or audio, video or transcribed recording or other record taken in contravention of this Rule. A request for recording by a party should be made to the Director at least 5 days prior to the commencement of the Hearing pursuant to Rule 9.2.
- (3) Rule 11.2(2) does not apply to a person unobtrusively making handwritten or typed notes or sketches at a Hearing and also does not apply to a person with a disability using a device to facilitate their full participation at the Hearing.
- (4) No person shall interfere with or disrupt a Hearing including by making a noise, signaling, or using gestures or by otherwise communicating with any participant about the Hearing.

M. Decision and Appeals

Decision

- 12.1 After the Hearing, the Director may decide to carry out the proposal to suspend, refuse, revoke or impose conditions on the authorization; or to grant or reinstate the authorization, pursuant to section 8(7) of the Act.

Appeals

- 12.2 The Applicant may appeal Director's decision to the Divisional Court by filing a notice of appeal with the Court within 30 days after receiving notice of the Director's decision, pursuant to section 11 of the Act.

N. Costs

Requests for Costs

- 13.1 Where a party believes that another party has acted unreasonably, frivolously, vexatiously, or in bad faith, that party may make a request to the Director for costs. A request for costs may be made to the Director in writing or orally at any time before the Director's decision in the Hearing is released.

Submissions on Costs

- 13.2 The Director may require the parties to make submissions on costs. Any submissions on costs shall address the reasons for the request and the particulars of the conduct that are alleged to be unreasonable, frivolous, vexatious, or in bad faith.



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Costs Orders

- 13.3 The amount of costs ordered by the Director shall not exceed \$2,000 for each full day of attendance at a Motion, pre-Hearing Conference or Hearing. In deciding whether to order costs and the amount of costs to be ordered, the Director shall consider all relevant factors including: the seriousness of the misconduct; whether the conduct was in breach of a direction or order issued by the Director; whether or not a party's behaviour interfered with the Director's ability to carry out a fair, efficient, and effective process; and prejudice to other parties.