

CHANGES TO THE LICENCE APPEAL TRIBUNAL RULES

On May 27, 2024, the Licence Appeal Tribunal (“LAT”) announced that they will be updating Rule 13 of the *Licence Appeal Tribunal Rules, 2023* and issued two new practice directions. These are the Preliminary Issue Hearing Practice Direction and Recording of Hearings Practice Direction for both AABS and GS matters. The updated rules will come into effect beginning on **July 1, 2024**.

Please note that Sandeep Johal has been made the **new Acting Associate Chair of the LAT** effective May 2, 2024.

This bulletin provides information about the application of the new rules and the content of the AABS-specific practice direction. This bulletin is intended as a guide only. Additional information will be provided on the [LAT website](#) in the following weeks.

Summary of Practice Direction: Recording of Hearings at the LAT

The Tribunal may now record in-person and electronic hearings on their own accord. The recording of the hearing is for the limited use of assisting the Tribunal in carrying out its functions and to provide quality services. **The recordings are for internal Tribunal use only and are not available to the parties or the public.**

The Tribunal will not record pre-hearing events, including case conferences and settlement conferences.

The Tribunal will make a recording when it is necessary to accommodate the needs of a party or representative under the Human Right Code. An accommodation request may be made under the Human Rights Code and must be approved by the Tribunal.

A party who wishes to record a hearing must request for permission from the Tribunal **no later than 10 days before the hearing**. The other parties may make submissions on the request. A party who records a hearing must provide a copy of the recording to all other parties and upon request, to the Tribunal at no cost to the Tribunal.

A party who wishes to retain a court reporter for a hearing may do so, granted that they advise the Tribunal and the other parties in writing **at least 10 days before the hearing**. The party who retains the court reporter does so at their own expense. The party that retains the court reporter must ensure all parties have an equal right to request, at their own expense, a copy of the transcript. The requesting party must provide a certified copy of the transcript to the Tribunal upon request at no cost to the Tribunal. The Tribunal may limit access to a transcript pursuant to Rule 13.1.

Summary of Practice Direction: Preliminary Issue Hearings

A preliminary issue is a question that could determine the outcome of an application regardless of whether the underlying claims have merit. This means that if a party raising a preliminary issue is successful, there is no longer a reason to conduct a hearing on the merits.

Under Rule 20.4 a party must notify the Tribunal and opposing party by identifying the preliminary issue in **the party’s case conference summary**. Where a preliminary issue is properly raised, the Tribunal will hear submission from the parties and decide whether the preliminary issue should be heard separately, in advance of hearing the substantive issues.

Preliminary issues are conducted in writing only and are adjudicated based on the parties' written submissions and documentary evidence. If the issue raised by a party would not completely dispose the application, the Tribunal will generally order the issue be heard together with the substantive issues. The Tribunal will issue a Case Conference Report and Order outlining the preliminary issue and submission schedule.

Parties can expect their productions and submissions for the Preliminary Issue Hearing to be **due within 30-40 days following their case conference**. If the preliminary issue decision does not dispose of the application, the hearing on the substantive issues will be held as set out in the Case Conference Report and Order.

The Tribunal will rarely grant an adjournment request on the basis that a party is not prepared for a Preliminary Issue Hearing, or for the substantive issue hearing that may follow a preliminary issue decision.

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