

General Information about Oral Hearings: Taxi, TNS, Limousine or Other PDV Application

When does the Passenger Transportation Board hold an oral hearing?

The Board may hold an oral hearing if:

- there are many submitters
- there is conflicting evidence on file
- the application raises a significant policy issue

The decision to hold a hearing is at the sole discretion of the Board.

Why does the Passenger Transportation Board hold oral hearings?

Oral hearings allow the Board to hear spoken testimony from applicants, submitters and their witnesses. Hearing participants can bring witnesses to support their case. These witnesses can be questioned by others as well as Board members. This process allows the Board to assess whether the evidence is credible and reliable.

Are all applications decided by an oral hearing?

No. Most Board hearings are “written hearings” and decided based on information in the application file.

Are oral hearings advertised?

The Board publishes notices of oral hearings in its *Bulletin*. The *Bulletin* is posted on the Board’s website at least on Wednesday, except on holidays.

What is an oral hearing like?

Oral hearings at the Passenger Transportation Board are less formal than court hearings. However, they are structured and participants are expected to act appropriately. The Board hears testimony from the applicant, submitters and their witnesses. Participants

may represent themselves or have an agent or lawyer represent them. Members of the public may observe the hearings unless the Board holds a private or “*in camera*” session. In such cases, the public and some of the participants are asked to leave the hearing room.

Most documents and other information entered as “exhibits” in oral hearings are public documents.

Who participates in an oral hearing?

The applicant always participates in a hearing. Qualified submitters participate in a hearing. Occasionally, the Board may invite a person as a “guest” to give evidence at a hearing.

What is a submitter?

A submitter is a person, other than the applicant, who wants to participate in an oral hearing. Submitters may oppose or support an application. In practice, submitters usually oppose the application.

What are the requirements for becoming a submitter?

Submitters must file a written submission with the Board. They must provide a copy to the applicant. Submitters must pay a \$50 fee. The submission and fee must be delivered to the Board within the time set out in the oral hearing notice.

What if there is a problem with the date of an oral hearing?

Applicants or submitters may ask the Board to adjourn the hearing. Adjournment requests must be in writing. They must be copied to the applicant and any known submitter.

The Board reviews all adjournment requests and considers:

- ◆ The reason for the adjournment
- ◆ Whether an adjournment would cause an unreasonable delay
- ◆ The impact of refusing an adjournment on the applicant
- ◆ The impact of the adjournment on the public interest

How many Board members are there at oral hearings?

Usually, panels consist of one or two Board members. The Board Chair assigns hearing panels and appoints a hearing chair.

The panel makes the decision. If there are two panel members and they do not agree on the decision, the decision of the hearing Chair will be the decision of the Board.

How do oral hearings proceed?

Most public hearings proceed as follows:

1. *Introduction*
2. *Opening Statements* – The applicant makes its statement and then submitters make their statements.
3. *Applicant's Case* - The applicant presents its witnesses and other evidence. Witnesses will be asked to affirm the truth of their statements. Witnesses may be questioned by submitters. Evidence that is not oral evidence will be entered as an “exhibit”. Exhibits are public documents unless the Board receives them in confidence.
4. *Submitter's Case* –Submitters present their witnesses and other evidence. Witnesses will be asked to affirm the truth of their statements. Witnesses may be questioned by submitters. Evidence that is not oral evidence will be entered as an “exhibit”. Exhibits are public documents unless the Board receives them in confidence.
5. *Closing Statements* – Submitters give their statements first. The applicant gives its statement last.
6. *Oral Hearing Adjourned* – the Board adjourns the hearing. This ends the oral hearing.
7. *Board Decision* – the Board reviews the evidence from the oral hearing and makes its decision. The decision is sent to to the applicant and the Registrar of Passenger Transportation. A copy is also sent to hearing submitters. The Board's decision is published in its *Bulletin* and posted on the Board's website.

Note: The Board may change the order of the proceedings.

Is any information given to participants before an oral hearing?

The oral hearing notice will include a date for a “pre-hearing conference”. Applicants and submitters participate in pre-hearing conferences. These are usually telephone conferences. A Board member leads the conferences.

The purpose of the pre-hearing conference is to discuss hearing procedures and processes. The Board will ask hearing participants to give an overview of the evidence that each will present. Participants will be asked how many witnesses they are going to call. Participants will be asked to give a summary of any documents or other evidence that they will present.

At the pre-hearing conference, the Board will set dates for exchanging witness lists and documentary or other evidence.

The Board may also make rulings on matters raised by participants, such as adjournments.

Where can I find more information on oral hearing processes, procedures and requirements?

The above is an overview of oral hearings.

If you are going to be an applicant or a submitter at an oral hearing, you should read the Board’s Reference Sheet 12: Preparing for an Oral Hearing: Taxi, TNS, Limousine or other PDV Applications

Other relevant material includes the:

- Passenger Transportation Act
- Administrative Tribunals Act
- Board Rules of Practice and Procedure

Copies of materials are available on the “Legislation” page of the Board’s website.