



Information Sheet

Licence Appeal Tribunal

STATUTORY APPEALS FROM DECISIONS OF THE LICENCE APPEAL TRIBUNAL

This information sheet is intended to provide general information to Applicants and other parties. It does not constitute legal advice and is specific to the time when it is first issued. If you wish to obtain legal advice, you should consult a person licensed by the Law Society of Upper Canada (www.lsuc.on.ca) for representation.

How do I appeal a Licence Appeal Tribunal decision?

At the conclusion of your appeal, the Tribunal will issue a written decision which includes on the last page, below the adjudicator's signature, information regarding your statutory right of appeal. In most cases, but not all, the appeal is to the Divisional Court of the Superior Court of Justice of Ontario.

Section 11 of the *Licence Appeal Tribunal Act, 1999* provides for appeals to the Divisional Court for most appeals to the Tribunal. The *Highway Traffic Act* provides for appeals to the Superior Court of Justice of Ontario from decisions of the Tribunal concerning suspension of driver's licence due to medical reasons under Section 47. (1)(b) of the *Highway Traffic Act* or downgrade of the class of driver's licence under Section 32(5)(b)(i) of that Act.

Whether your appeal is brought under Section 11 of the *Licence Appeal Tribunal Act, 1999* or the *Highway Traffic Act*, you must bring your appeal within 30 days of the date the Tribunal issues its decision. This appeal period is not set by the Tribunal, and the Tribunal does not have the authority to extend it. The date the Tribunal issues the decision is provided at the end of the decision.

You will need to complete a Notice of Appeal to start your appeal to the Divisional Court or the Superior Court of Justice. In each case, you will be required to comply with the applicable rules and requirements of the Court when filing your appeal. These include rules on what forms to use, time-limits to meet, and the manner in which the documents are to be provided to the other parties. It is imperative that you review the applicable rules and requirements for filing your appeal to ensure that it is accepted by the Court.

The Tribunal encourages appellants to obtain legal advice with respect to any appeals that may be launched.

Forms that you will need to use for your appeal and information as to the process you must follow to appeal are available on the website of the Ministry of the Attorney General at <http://www.attorneygeneral.jus.gov.on.ca/english/courts/>. For general

telephone inquiries, call the Ministry of the Attorney General at: Tel: (416) 326-4263. Information regarding the Divisional Court, including Court addresses are available at <http://www.ontariocourts.on.ca/scj/en/divct>. Similar information for the Superior Court is available at <http://www.ontariocourts.on.ca/scj/en>.

To order transcripts of recorded hearings held at the Tribunal's Chambers, contact the Tribunal, which will provide you with the names of certified court reporters that regularly transcribe Tribunal hearings. For transcripts of hearings held away from the Tribunal's Chambers, contact the office of the court reporter present at the hearing. Contact information for these court reporters can be obtained from the Tribunal.

Tribunal staff members are not able to provide any assistance to parties in respect of appeals, other than providing contact information regarding court reporters for the purpose of obtaining transcripts.

Important Points to Remember

- The Tribunal encourages appellants to obtain legal advice with respect to any appeals that may be launched.
- You will be required to comply with the applicable rules and requirements of the Court when filing your appeal, so read the rules of the Court carefully.
- Two websites listed above can provide you with important information whether you are appealing under the *Highway Traffic Act* or under the *Licence Appeal Tribunal Act, 1999*.
- Always send a copy of your Notice of Appeal to the Tribunal.
- You have only 30 days from the date the Tribunal issues its decision to bring your appeal.