

## Delivery and Filing of Documents

---

### 1.0 This Practice Direction:

- explains how to deliver a document to a party or representative
- explains how to file a document with the Tribunal
- explains when delivery or filing will be deemed to have taken place
- applies to Tribunal appeals and applications only.

### 2.0 How To Deliver A Document To A Party Or Representative

2.1 This section deals with the delivery of a document to a party or representative. This is also called “service” of a document.

2.2 A document may be delivered to a party or representative by:

- (a) regular, registered or certified mail to the last known address;
- (b) facsimile transmission (fax) to the last known fax number but only if the document is not longer than 15 pages or, if longer, with consent;
- (c) courier to the last known business or home address;
- (d) personal delivery to the party or representative; or
- (e) delivery to an adult person at the last known business or home address;

2.3 When service noted in section 2.2 is impractical, the Tribunal may direct notice by public advertisement or by other means.

2.4 Delivery of a document is deemed to have occurred when delivered

- (a) by mail, on the 5th day after it was mailed;
- (b) by fax, when the person sending the document receives a fax confirmation receipt, but if the fax confirmation receipt indicates a time after 5 p.m., delivery will be deemed to have occurred the next day;

- (c) by courier, on the second day after it was given to the courier;
- (d) personally, when given to the party or representative or when left with a person at the last known address.

**2.5** A document will not be deemed to have been delivered under sections 2.4(a),(b) and (c) if the party or representative satisfies the Tribunal that the document was received late due to absence, accident, illness or other cause beyond their control.

### **3.0 How To File A Document With The Tribunal**

**3.1** “Filing” means the delivery of a document to the Tribunal.

**3.2** Documents may be filed by

- (a) fax to the Tribunal’s fax number (416-326-5164)
- (b) courier or regular, registered or certified mail to the Workplace Safety and Insurance Appeals Tribunal, 505 University Avenue, 7th Floor, Toronto ON M5G 2P2.

**3.3** Filing is deemed to take place by

- (a) fax, when the person sending the document receives a fax confirmation receipt, but if the fax confirmation receipt indicates a time after 5 p.m., delivery will be deemed to have occurred the next day
- (b) courier or mail, on the date of receipt stamped on the document by the Tribunal.

### **4.0 Proof Of Service And Filing**

**4.1** If there is a dispute about service or filing, the Tribunal may require an affidavit or other evidence about the service or filing. Parties and representatives should keep supporting evidence, such as a fax confirmation receipt or courier receipt.

## **5.0 Right To Sue Applications**

- 5.1** For additional information on delivery and filing in Right to Sue Applications, see *Practice Direction: Right to Sue Applications*.

Dated at Toronto, Ontario this first day of October, 2007  
Workplace Safety and Insurance Appeals Tribunal  
I.J. Strachan, Tribunal Chair