

Notice of Hearing and Failure to Attend

1.0 This Practice Direction:

- outlines the process for setting hearing dates
- describes the effect of a party failing to attend a hearing.

2.0 Responsibility for Address Information

- 2.1 Representatives and participating parties are responsible for providing the Tribunal with adequate address and contact information.
- 2.2 Representatives and participating parties are responsible for advising the Tribunal as soon as possible about any changes to their address or contact information.

3.0 Setting a Hearing Date

- 3.1 The Tribunal will contact the appellant, any participating responding parties and their representatives in writing to offer a hearing date.
- 3.2 If the parties are unable to agree to a hearing date after two dates are offered, the Tribunal will set a hearing date.
- 3.3 The Tribunal will advise of the scheduled hearing date in the Confirmation of Hearing Notice.
- 3.4 The Tribunal will assign the length of the hearing based on the information in the file, for instance, the number of witnesses expected to attend.

4.0 Confirmation of Hearing Notice

- 4.1 The Tribunal will send a Confirmation of Hearing Notice to the appellant and any participating responding parties and their representatives, to the last address provided to the Tribunal by those parties.
- 4.2 The Tribunal will usually send a Confirmation of Hearing Notice several months prior to the hearing date.
- 4.3 The Confirmation of Hearing Notice contains the following information:
- the statutory authority for the hearing
 - the case name and WSIAT Number

- the purpose of the hearing
- the hearing date, time and estimated length
- where the hearing will be held (the hearing location)
- the language and dialect for interpretation, if applicable
- the list of parties and addresses and
- a statement that if a party does not attend, the Tribunal may proceed in the party's absence and the party will not be entitled to any further notice.

4.4 The Tribunal expects parties and their representatives to attend the hearing.

4.5 The hearing will commence at the time stated on the hearing notice.

4.6 If a respondent, after participating in the process to set a hearing date, decides not to attend, the respondent shall contact the Tribunal prior to the hearing date to confirm they have reconsidered and decided not to participate.

5.0 Failure to Attend – Representative or Respondent

5.1 If a responding party or a representative of any party does not attend within **30 minutes** of the time stated on the hearing notice, the hearing may start without that party or representative.

5.2 A party or representative is responsible for contacting the Tribunal on the day of the hearing if any unforeseen emergency prevents them from attending.

5.3 The Tribunal may make no effort to contact a party on the date of hearing or after the hearing if that party does not attend the hearing within the time provided above.

6.0 Failure to Attend – Appellant

6.1 If the appellant does not attend within **30 minutes** of the time stated on the hearing notice, the Vice-Chair or Panel:

- may decide the case on the basis of the written materials before it

- may direct the case be made inactive for 3 months. If the Tribunal does not hear from the appellant within the time, the case may be deemed withdrawn or abandoned, or
- may make any other order it considers appropriate.

Effective date: July 1, 2014
Workplace Safety and Insurance Appeals Tribunal