



The Ontario Special Education (English) Tribunal

Subject: PRACTICE DIRECTION – REPRESENTATION BEFORE
THE TRIBUNAL

Date of Issue: October 2008,
Dates of Amendments: May 2009, January 2011

NOTE: Practice Directions support the Tribunal's *Rules of Procedure*. In particular, they set out procedures to achieve uniformity in practice. In addition, they tell parties what the Tribunal expects of them and what the parties can expect of the Tribunal. In the event of an inconsistency with the *Rules*, the *Rules* govern.

INTRODUCTION

There is no expectation on the part of the Tribunal that parties will be represented. A party before the Ontario Special Education (English) Tribunal may be:

- self-represented; or
- represented by a lawyer or a paralegal, licensed by the Law Society of Upper Canada (LSUC) or be represented by another person who is permitted to provide legal services without a license, as set out in s.30 of By-Law 4 made under section 62 (0.1) of the *Law Society Act*, R.S.O., 1990 c.L.8.

The Tribunal applies this by-law by allowing an unpaid family member or friend, an employee or volunteer from an appropriate organization, such as the parent organizations for the various exceptionalities, or a volunteer or employee of a Legal Aid clinic to provide legal services without a license and to act as representatives.

PRACTICE DIRECTION

When the parties complete *Form A: Notice of Appeal* and *Form B: Response to a Notice of Appeal*, they are asked to state whether they will be represented and if so, complete the appropriate information requested on the form. If either party questions the eligibility of the other party's representative, this may be discussed during the initial teleconference.

The representative is responsible for:

- all communication with the Tribunal and the other party;
- for acting on their client's instructions; and
- for preparing and presenting their client's case to the Tribunal, as directed by their client.

Where a party is represented, the Tribunal will communicate with the party through the representative.

In accordance with the *Statutory Powers Procedure Act (SPPA)* section 23 (3), the Tribunal may exclude a representative from a hearing, other than persons who are licensed under the *Law Society Act*.

This step may be taken to prevent an abuse of the Tribunal process or where the Tribunal finds that the representative is not competent to properly represent or advise the party or does not appear to understand and comply at the hearing with the duties and responsibilities of a representative or advocate, as set out in the Tribunal's *Rules of Procedure* and in the *Information Sheets*.