

**ONTARIO TEACHERS' PENSION PLAN**  
**Benefits Adjudication Committee**

**Rules of Practice and Procedure for Appeals**

**PART 1 – GENERAL MATTERS**

**1.1 Definitions**

In these Rules:

- (a) **“Appellant”** means the person who submits an appeal hearing request form under rule 3.1;
- (b) **“Chair”** means in context, the Chair of the BAC or the Chair of a Panel;
- (c) **“BAC”** means the Benefits Adjudication Committee, a standing committee of the OTPPP, as constituted pursuant to section 87 of Schedule I of the Teachers’ Pension Act.
- (d) **“BAC Procedures”** means the committee procedures for the BAC;
- (e) **“Board Secretariat”** means the employees of OTPPP responsible for coordinating the hearing process and providing administrative support to the BAC.
- (f) **“document”** includes an audio recording, a video recording and an “electronic record” as that term is defined by the *Evidence Act*, R.S.O. 1990, c. E.23;
- (g) **“electronic hearing”** means a hearing held by conference telephone or some other form of electronic technology allowing persons to hear one another and to communicate simultaneously and instantaneously;
- (h) **“filing”** of any document means the effective delivery to the Panel, in accordance with these rules, and its receipt by the Panel;
- (i) **“holiday”** means Saturday, Sunday and any statutory holiday if the OTPPP’s Toronto offices are closed;
- (j) **“oral hearing”** means a hearing involving the parties and/or their Representatives attending in person before the Panel, and includes an electronic hearing;
- (k) **“OTPP”** means the Ontario Teachers’ Pension Plan Board;
- (l) **“OTPP Staff”** means the employees of OTPPP acting on behalf of OTPPP in an appeal to the BAC;
- (m) **“Panel”** means:

- i. members of the BAC who have been selected to hear an appeal; or
  - ii. members of the BAC designated to hear a procedural or pre-hearing matter in an appeal.
- (n) **“party”** or **“parties”** means the Appellant and/or OTPP Staff in an appeal to the BAC, and any other person whom the Panel grants leave to participate in an appeal;
- (o) **“Pre-hearing Conference Report”** means the report issued by the Chair or any other BAC member to the parties in Form 4, pursuant to subrule 3.5(12);
- (p) **“Pension Law and Policy”** means the Pension Law and Policy group within OTPP, including any individual within that group designated to determine a person’s complaint regarding a decision of an OTPP employee respecting that person’s entitlement to, or the amount of, a pension benefit, and from whose decision an appeal may be brought to the BAC under Section 87 of Schedule 1 of the *Teachers’ Pension Act*, RSO 1990, c T.1;
- (q) **“Representative”** means a person whom a party authorizes to act on their behalf in an appeal to the BAC;
- (r) **“Terms of Reference”** means the terms of reference for the BAC determined by resolution of the OTPP, as amended from time to time;
- (s) **“Vice-Chair”** means the Vice-Chair of the BAC or the Chair of a Panel, as the context indicates; and
- (t) **“written hearing”** means a hearing held by means of exchange of documents only, whether in written form or by electronic means.

## **1.2 Purpose of these Rules**

The purpose of these rules is to provide a fair, open and accessible process, to increase the efficiency and timelines of BAC proceedings, and to assist the BAC in exercising its authority to adjudicate appeals under Section 87 of Schedule 1 of the *Teachers’ Pension Act*, RSO 1990, c T.1. These rules, together with the Terms of Reference, and the BAC Procedures, apply to appeal proceedings before the OTPP Board.

## **1.3 Application of these Rules**

The effective date of these rules is December 9, 2020. These rules apply to appeals that are commenced on or after December 9, 2020. Appeals that commenced before December 9, 2020 continue to be governed by the Appeal Process and Hearing Procedures in place prior to December 9, 2020.

## **1.4 Authority of these Rules**

**1.4(1)** These rules are made pursuant to section 3(f) of the Terms of Reference. If any conflict arises between these rules and the BAC Procedures, the provisions of these rules shall prevail. If any conflict arises between these rules and the Terms of Reference, the provisions of the Terms of Reference will prevail.

**1.4(2)** The Panel may exercise any of its powers under these rules on its own initiative or at the request of a party.

**1.4(3)** A failure to comply with these rules, or a defect in form or other technical breach, is an irregularity and does not render a proceeding or a step, document or order in a proceeding invalid.

## **1.5 Procedures**

**1.5(1)** The Chair or the Panel may make decisions regarding the procedures in an appeal, including modifying the procedures set out in these rules, or lengthening or shortening the time prescribed for the performance of any obligations under these rules, as may be required to maintain fairness and efficiency.

**1.5(2)** Where procedures are not provided for in these rules, the Chair or the Panel may do whatever is necessary and permitted by law to effectively determine the matter before it, including making a procedural order.

## **1.6 Computing Time**

**1.6(1)** In computing time periods under these rules or an order, except where a contrary intention appears,

- (a) where there is a reference to a number of days between two events, they will be counted by excluding the day on which the first event happens and including the day on which the second event happens;
- (b) where a period of less than seven days is prescribed, a holiday will not be counted; and
- (c) where the time for doing an act under these rules expires on a holiday, the act may be done on the next day that is not a holiday.

**1.6(2)** Submission of a document made after 5:00 p.m. EST or at any time on a holiday will be deemed to have been made on the next day that is not a holiday.

## **1.7 Representation of Parties to an Appeal**

A party to an appeal may be represented by a representative. If a party's Representative is not a person authorized under the *Law Society Act*, RSO 1990, c L.8, to represent a person in a

proceeding before an administrative tribunal, the Panel may exclude the Representative from the hearing if the Panel finds that such person:

- (a) is not competent to properly represent or advise the party or witness, or
- (b) does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

## **1.8 Prior Decisions of the BAC**

Upon the request of a party, the Board Secretariat shall provide to that party, within a reasonable amount of time, copies or summaries of prior decisions of the BAC in relation to the same subject matter. Portions of a decision may be redacted by Pension Law and Policy to protect personal information.

## **PART 2 – PROCEDURAL AND PRE-HEARING ORDERS**

**2.1** At any stage of an appeal proceeding, either on its own motion or at the request of the parties, a Panel may make orders on procedural matters and/or any matters that may aid in simplifying the proceeding or ensuring a timely, just and cost-effective determination of the issues on their merits.

**2.2** Other than issues that are addressed in a pre-hearing conference as outlined in subrules 3.6(8) and (9), a party will inform the Panel of any anticipated preliminary issues they expect to bring before the Panel by the later of:

- (a) 15 days prior to the hearing date specified in the written notice of hearing; and
- (b) the date on which that party becomes aware of the issue.

**2.3** The Panel will advise the remaining parties of a preliminary issue raised by any party as soon as practicable after it is raised and in any event no later than five days after the issue is raised.

**2.4** A pre-hearing motion relating to a procedural or pre-hearing issue may be determined by a Panel consisting of one or more members of the BAC as assigned by the Chair.

**2.5** The Panel assigned to hear the motion will determine whether the motion should be heard in writing or orally and, if orally, whether the motion should be heard electronically, and the Panel may give directions to the parties on all procedural matters relating to the motion.

**2.6** A Panel may amend any of the time limits set out in these rules to accommodate a pre-hearing motion under this rule 2.

## **PART 3 – PRE-HEARING MATTERS**

### **3.1 Commencement of Appeal**

**3.1(1)** A person aggrieved by a decision of Pension Law and Policy, as set out in the Pension Law and Policy Decision Letter, respecting the person's entitlement to, or the amount of, a pension benefit, may appeal the decision to the BAC by filing an appeal hearing request in writing with the Board Secretariat within two years of the delivery of the Pension Law and Policy Decision Letter to the person.

**3.1(2)** The appeal hearing request shall be made in Form 1 and shall include:

- (a) The Appellant's preferred hearing date from among the available scheduled BAC hearing dates offered by the Board Secretariat; and
- (b) The Appellant's preferred manner of proceeding, whether by oral hearing or written hearing.

**3.1(3)** The Board Secretariat shall schedule the appeal on the hearing date requested in the Appeal Hearing Request Form, provided that:

- (a) The Board Secretariat receives the Appellant's Form 1 with the Appellant's preferred hearing date no later than 100 days prior to the preferred hearing date; and
- (b) A hearing has not otherwise been scheduled on the Appellant's preferred hearing date.

If either of conditions (a) or (b) is not satisfied, the Board Secretariat will consult with the Appellant or the Appellant's Representative, OTPP Staff and the Chair in scheduling the appeal hearing on an alternative date. In exceptional circumstances, the Chair may direct that an appeal hearing be scheduled for a date other than the hearing date requested in the Appeal Hearing Request Form even if the conditions in (a) and (b) have been met.

**3.1(4)** Once the Board Secretariat has determined the date of the appeal hearing in accordance with subrule 3.1(3), the Board Secretariat will send a notice of hearing to the Appellant and to OTPP Staff. The notice of hearing will specify that an oral hearing will take place in English, but that English-French interpretation will be made available, if requested by the Appellant.

### **3.2 Procedural Conference**

**3.2(1)** After the Board Secretariat has received the Appellant's Form 1 and has scheduled the hearing date, the parties shall participate in a procedural conference.

**3.2(2)** The Board Secretariat shall, after consultation with the Appellant, or, where the Appellant is represented, the Appellant's Representative, and OTPP Staff, schedule a date for the procedural conference that is at least 20 days before the deadline for the Appellant's submissions and supporting documents set out in subrule 3.3(1).

**3.2(3)** The Chair or Vice-Chair of the BAC shall preside at the procedural conference.

**3.2(4)** At the procedural conference, the Chair or Vice-Chair will:

- (a) discuss with the parties the process for appeals set out under these Rules and the applicable procedural requirements;
- (b) confirm the application of the time limits set out by these Rules for:
  - (i) the submission of the Appellant's submissions and supporting documents;
  - (ii) the submission of OTPP Staff's submissions; and
  - (iii) the pre-hearing conference; ormake directions modifying those time limits;
- (c) confirm whether the Appellant requests English-French interpretation for the appeal hearing, if it is to proceed orally; and
- (d) discuss with the parties any other procedural matters that the Chair or Vice-Chair considers advisable to discuss.

### **3.3 Appellant's Submissions and Supporting Documents**

**3.3(1)** At least 65 days prior to the scheduled hearing date, the Appellant shall submit to the Board Secretariat:

- (a) the Appellant's submissions and supporting documents;
- (b) a signed statement affirming that the facts included in the Appellant's submissions are true; and
- (c) an Appellant Pre-hearing Conference Questionnaire, which shall be in Form 2.

**3.3(2)** The Board Secretariat shall deliver the documents required under subrule 3.3(1) to OTPP Staff within 5 days after they are filed by the Appellant.

### **3.4 OTPP Staff's Submissions and Supporting Documents**

**3.4(1)** At least 30 days prior to the scheduled hearing date, the OTPP Staff shall file with the Board Secretariat:

- (a) OTPP Staff's submissions, including the reason for the Pension Law and Policy decision and pertinent background information;
- (b) a signed statement affirming that the facts included in the OTPP Staff's submissions are true; and

(c) an OTPP Staff Pre-hearing Conference Questionnaire, which shall be in Form 3.

**3.4(2)** The Board Secretariat shall deliver the documents required under subrule 3.4(1) to the Appellant within 5 days after they are filed by OTPP Staff.

### **3.5 Costs of Supporting Documents**

Unless the parties agree or the BAC directs otherwise, each party shall bear all costs associated with or arising from the documents they submit for the purposes of the appeal including photocopying, transcriptions and translations.

### **3.6 Pre-hearing Conference**

**3.6(1)** For all hearings, the parties will participate in a pre-hearing conference for the purposes of:

- (a) discussing and planning the management of the hearing;
- (b) assisting the parties and the BAC in ensuring that hearings are as fair and efficient as possible; and
- (c) determining whether any of the issues can be settled or simplified.

**3.6(2)** Unless the Chair directs otherwise, the Board Secretariat shall, after consultation with the Appellant, or, where the Appellant is represented, the Appellant's Representative, and OTPP Staff, schedule a date for the pre-hearing conference, which shall be at least 20 days prior to the hearing of the appeal, and shall notify the parties of that date.

**3.6(3)** The Chair or Vice-Chair of the BAC shall preside at the pre-hearing conference.

**3.6(4)** The fact that the Chair or Vice-Chair has presided over the pre-hearing conference and has made the inquiries referred to in subrules 3.6(8) and (9), below, shall not in itself disqualify the Chair or Vice-Chair, as the case may be, from being a member of the Panel for the appeal.

**3.6(5)** The Board Secretariat shall provide all materials submitted by the parties in respect of the appeal to each party and to the Chair or Vice-Chair, as the case may be, at least 5 days prior to the pre-hearing conference.

**3.6(6)** The Appellant or the Appellant's Representative, and OTPP Staff and its Representative(s) shall attend the pre-hearing conference.

**3.6(7)** The pre-hearing conference shall take place by teleconference unless the Chair or Vice-Chair directs otherwise.

**3.6(8)** At the pre-hearing conference, the Chair or Vice-Chair may discuss the following matters with the parties:

- (a) Whether any or all of the issues can be settled;
- (b) Whether the issues can be simplified;
- (c) Whether there are any agreed facts;
- (d) The advisability of attempting other forms of resolution of the matter;
- (e) The number of witnesses to be called by each party, the identity of those witnesses, and the date(s) and time(s) when the party calling a witness expects that witness to testify;
- (f) Whether the Appellant or OTPP Staff intend to have any representatives, observers, and/or support persons at the hearing and if so, the identity of those persons;
- (g) Whether by reason of disability of any participant in the appeal process, it is necessary to accommodate the needs of that person at the hearing; and
- (h) Whether there are any impediments to the appeal being heard on the scheduled date.

**3.6(9)** After the discussion referred to in subrule 3.6(8), the Chair or Vice-Chair may discuss the following matters with the parties:

- (a) Any procedural or pre-hearing matter that a party intends to raise relating to the appeal;
- (b) The content and timing of the submission of any additional documents or information by a party for use in the appeal, to the Board Secretariat for provision to the other party. Unless the parties agree otherwise, any additional documents must be delivered to the Board Secretariat at least 15 days prior to the hearing date. Upon receipt, the Board Secretariat shall provide such additional material to the other party as soon as possible and in any case no later than five days after the Board Secretariat has received such documents.
- (c) Whether there should be a departure from the general rule that the members of the Panel may review before the hearing of the appeal the Appellant's Submissions, the OTPP Staff's Submissions and any additional materials filed by the parties for the purposes of the appeal; and
- (d) Any other matter that may assist in the just and most expeditious disposition of the appeal.

**3.6(10)** At his or her discretion, the Chair or Vice-Chair may direct that the hearing shall be closed to observers or that only individuals requested by a party be permitted to attend as observers.

**3.6(11)** The Chair or Vice-Chair may make directions at the pre-hearing on any procedural matter listed in subrules 3.6(8) and 3.6(9) in respect of which the parties do not agree and

which must be determined for the appeal to proceed, or on any other matters with respect to the conduct of the hearing. The Chair or Vice-Chair may, in his or her discretion, defer any such issue to the appeal hearing Panel for decision.

**3.6(12)** After the pre-hearing conference, the Chair or Vice-Chair shall prepare a Pre-hearing Conference Report in accordance with Form 4, listing every agreement reached under subrules 3.6(8) and 3.6(9), every undertaking given by one or both of the parties, and every direction made by the Chair or Vice-Chair at the pre-hearing conference report. The Chair or Vice-Chair shall send a copy of the Pre-hearing Conference Report to the parties and to the Board Secretariat. The Board Secretariat shall provide a copy of the Pre-hearing Conference Report to each member of the Panel prior to the appeal hearing.

**3.6(13)** If a party becomes aware of additional circumstances that would materially affect the conduct of the hearing before the commencement of the hearing, that party shall immediately deliver a written notice of the circumstances to the other party and the Board Secretariat and the Chair or Vice-Chair may schedule a supplementary pre-hearing conference.

**3.6(14)** Following the pre-hearing conference, a hearing date will be confirmed in writing by the Board Secretariat to the parties, after which the date may be changed only with the consent of the Chair.

## **PART 4 – HEARINGS**

### **4.1 Hearing Panel**

**4.1(1)** Unless the parties consent otherwise, the Panel for an appeal hearing shall be comprised of six BAC members and shall have the following composition:

- (a)** Either the Chair or the Vice-Chair, or both, will sit on the Panel. If the Chair is not a member of the Panel, the Vice-Chair will assume the Chair's duties.
- (b)** A minimum of one BAC member appointed by the Ontario Teachers' Federation and one BAC member appointed by the Ministry of Education.

**4.1(2)** Where possible, the Panel should reflect a balance between Ontario Teachers' Federation nominees and Ministry of Education nominees. However, a Panel without an equal balance of Ontario Teachers' Federation nominees and Ministry of Education nominees has full authority to hear and determine an appeal.

### **4.2 Manner of Hearing**

**4.2(1)** The hearing shall be held in the manner of hearing requested by the Appellant in the request for an appeal (Form 1) unless the Chair directs otherwise, in his or her discretion, on the basis that there is good reason to hold a different manner of hearing having regard to the relevant factors, including:

- (a) the preferences of the parties;
- (b) the suitability of a written hearing format considering the subject matter;
- (c) whether the nature of evidence is appropriate for a written hearing, including whether credibility is an issue and the extent to which the facts are in dispute;
- (d) the personal characteristics and circumstances of the parties to the appeal, including issues relating to geographical location, language, education, capacity, ability and disability;
- (e) the extent to which the matters in dispute are questions of law;
- (f) fairness to the parties, including any anticipated prejudice to a party;
- (g) access to justice considerations and the cost, efficiency and timeliness of proceedings;
- (h) avoidance of unnecessary delay; and
- (i) ensuring a fair, accessible, understandable and transparent process.

**4.2(2)** For an oral hearing, the Chair may, in his or her discretion, or on motion by a party, direct that some or all of the oral hearing be held as an electronic hearing, and may give any directions that the Panel considers appropriate in the circumstances respecting the format of the hearing and its conduct.

**4.2(3)** Notwithstanding subrule 4.2(2), the Panel will not hold an electronic hearing if a party satisfies the Chair that holding an electronic hearing is likely to cause a party significant prejudice.

**4.2(4)** Written hearings shall be conducted in accordance with the rules and procedures set out in Part 5 of these Rules. Oral hearings and electronic hearings, with necessary modifications, shall be conducted in accordance with the rules and procedures set out in Part 6 of these Rules.

## **PART 5 – WRITTEN HEARINGS**

### **5.1 Notice of Written Hearing**

Where all or part of a hearing is to be held in writing and a notice of a written hearing has not previously been given, the Board Secretariat shall give notice of the written hearing unless the parties waive the requirement.

## **5.2 Procedure on Written Hearings**

Where all or part of a hearing is to be held in writing, at or at any time after the pre-hearing conference but prior to the Panel making a decision in the appeal, the Chair or the Panel may give direction to the parties as to:

- (a) dates for delivery of further written materials;
- (b) the categories of information that must be included in the written materials; and/or
- (c) any other aspect of the procedure for exchanging and filing written materials.

## **PART 6 – ORAL HEARINGS**

### **6.1 Written Submissions for Oral Hearings**

For an oral hearing, written submissions will be made by the parties in the order and according to the schedule set out in these Rules and, if applicable, in the Pre-hearing Conference Report.

### **6.2 Conduct of Oral Hearings**

Unless the Panel otherwise directs:

- (a) At the beginning of the hearing, each party may give a brief opening statement that describes the issues that party will address at the hearing, beginning with the Appellant or the Appellant's Representative, followed by OTPP Staff.
- (b) The documentary evidence submitted by the parties shall be marked as exhibits, subject to the right of each party to object to any of the documents being made an exhibit and the Panel's ruling on any such objection.
- (c) Any facts to which the parties agree that are relevant to the appeal shall be presented to the Panel in a written agreed statement of fact, which shall be marked as an exhibit.
- (d) Evidence at the hearing will be presented by the parties in the following order: the Appellant will present all of his or her evidence, OTPP Staff will then present all of its evidence, and the Appellant may then respond with reply evidence.
- (e) Immediately after the testimony in-chief of a witness, the witness may be cross-examined by a party adverse in interest to the party who called the witness;
- (f) Re-examination of witnesses may be permitted in appropriate circumstances and will be limited to:
  - (i) matters arising during cross-examination which were not addressed during examination; and

(ii) clarifying matters which, though addressed in examination, become unclear during cross-examination.

(g) Members of the Panel may ask questions of parties and witnesses as they consider necessary;

(h) After the parties have had an opportunity to present evidence, the Panel will give all parties an opportunity to make final arguments in support of the order they want the Panel to make;

(i) The parties will make their final arguments in the order in which they were given an opportunity to present their evidence as referred to in (d) above.

### **6.3 Witnesses**

**6.3(1)** The Panel may order that:

(a) any particular evidence be presented by affidavit;

(b) the affidavit of a witness be submitted at an oral hearing; and/or

(c) a witness be examined under oath or affirmation at the hearing.

**6.3(2)** The Panel may direct a witness to confirm under oath or affirmation that certain written evidence was prepared by the witness or under the direction or control of the witness and is accurate to the best of their knowledge or belief.

### **6.4 Oath or Affirmation of Witnesses**

The Panel will require oral evidence given before it to be given under oath or affirmation.

### **6.5 Exclusion of Witnesses**

**6.5(1)** The Panel may order that witnesses be excluded from the hearing until called to give evidence.

**6.5(2)** An order under subrule 6.5(1) may not be made in respect of a party to the hearing or a non-party witness whose presence is essential to instruct the Representative for the party calling the witness, but the Panel may require such a party or witness to give evidence before any other witnesses are called to give evidence on behalf of that party.

**6.5(3)** Where an order is made excluding witnesses from the hearing, there will be no communication to the witness of any evidence given during their absence from the hearing, except with leave of the Panel, until after the witness has been called and has given evidence.

## **6.6 Recording of Hearing**

**6.6(1)** No person will make any audio or visual recording of any part of the hearing or take any photographs at a hearing, unless authorized by the Panel.

**6.6(2)** The Panel may arrange for the recording of an oral hearing for the purpose of creating an official transcript. The cost of the recording will be at the OTPP's expense.

**6.6(3)** Any party that wishes to obtain an official transcript of the recording of an oral hearing may make the necessary arrangements through the court reporting agency. The party that requests the transcript will be responsible for the cost of the transcript.

## **6.7 Interpreters**

If the Chair is notified at the pre-hearing conference that a party or witness requires an interpreter (other than an English-French interpreter which will be provided throughout the hearing if requested by an Appellant), the Panel may provide an interpreter, at OTPP's expense, for the purpose of interpreting oral testimony given at the hearing, where the Panel is satisfied that the presence of an interpreter is necessary and appropriate.

## **6.8 Expert Witnesses**

**6.8(1)** With leave of the Panel:

(a) A party may call an expert witness at an oral hearing; and

(b) A party may tender an expert report at a written hearing.

**6.8(2)** The Panel has the right, in its discretion, to retain its own expert witness to assist the Panel in determining the appeal.

## **6.9 Duty of Expert**

**6.9(1)** It is the duty of every expert engaged by or on behalf of a party to provide evidence in relation to a hearing:

(a) to provide opinion evidence that is fair, objective and non-partisan;

(b) to provide opinion evidence that is related only to matters that are within the expert's area of expertise; and

(c) to provide such additional assistance as the Panel may reasonably require to determine a matter in issue.

**6.9(2)** The duty of the expert prevails over any obligation owed by the expert to the party by whom or on whose behalf the expert is engaged.

**6.9(3)** Any expert who gives evidence at a hearing will certify, either in writing or during oral evidence, that they acknowledge and understand the duty described in this section.

## **PART 7 – DISPOSITION OF THE APPEAL**

### **7.1 Decision in Writing**

Regardless of the manner in which the appeal is heard, the Panel shall issue a written decision disposing of the appeal and its reasons for the decision. The Board Secretariat will send the decision to the parties.

### **7.2 Correction of Errors**

The Panel may, at any time, correct a typographical error, calculation error or similar error made in an interim or final order.

## FORM 1 – APPEAL HEARING REQUEST FORM

Use this form to identify your preferences for the hearing of your appeal of a decision made by the Ontario Teachers’ Pension Plan (OTPP) about your entitlement to benefits. After reviewing the publication Your Guide to Benefit Appeals, please complete all sections of the form. Submit your completed form to the address listed below at least 100 days before your preferred hearing date.

Member information

Name last	first	middle
<hr/>		
Address street	City	
Province	postal code	
Telephone home	work	

Email address:

Hearing preferences

Format:

- In writing – neither you nor staff of the OTPP attend the hearing. The BAC panel will meet, review each party’s written submissions, and make a decision based on their review.
- In person – you or your representative and a representative of the OTPP will present your respective positions to the BAC panel and answer questions.

Date of the appeal (subject to deadline for submission of form) – please rank your order of preference:

Dates subject to availability

\_\_\_ [date 1] (deadline to apply: [date 1 – 100 days])  
 \_\_\_ [date 2] (deadline to apply: [date 2 – 100 days])  
 \_\_\_ [date 3] (deadline to apply: [date 3 – 100 days])

English- French Interpretation Required:

Yes  No

Signature

Signature

Date

yyyy mm dd

Return this form to:

Ontario Teachers’ Pension Plan Attention: Board Secretariat/ Charmaine De Souza y  
5650 Yonge Street, Toronto, Ontario M2M 4H5  
[BoardSecretariat@otp.com](mailto:BoardSecretariat@otp.com) x:Fax: 416 730-3771

**FORM 2 – APPELLANT PRE-HEARING CONFERENCE QUESTIONNAIRE**

***Appeal hearing date:***

***Date of pre-hearing conference:***

A. What issue(s) do you want the BAC to make a decision with respect to?

B. What is the outcome you want from the BAC?

C. What issues, if any, do you believe may be settled upon further discussion?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

D. What issues, if any, do you believe may be simplified before the hearing:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

E. Are there any facts that you think you and OTPP Staff agree on?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

F. Do you have any proposed witnesses for the hearing? If so, what is the anticipated length of their evidence?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

G. Are there any impediments to the appeal being heard on the scheduled date?  
If so, please list them:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

H. Are there any other matters that may assist in the just and most expeditious disposition of the appeal?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

I. Please indicate whether you will be attending the hearing on your own, with a representative and/or accompanied by an observer :

I plan to attend the hearing by myself.

I plan to be represented at the hearing by:

\_\_\_\_\_ *[please state the name of your representative and their relationship to you (legal counsel, union representative, family member etc.)]* and I

will or

will not

also attend the hearing in person.

I plan to attend the hearing in person without a representative and will be accompanied by \_\_\_\_\_ person(s) who is/are attending as observer(s).

J. The Ontario Teachers' Pension Plan is committed to providing its services in a way that respects the dignity and independence of people with disabilities. Will you be using any assistive devices or require any assistance due to a disability? If so, please specify:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Date: \_\_\_\_\_

Signature \_\_\_\_\_

**FORM 3 – OTPP STAFF PRE-HEARING CONFERENCE QUESTIONNAIRE**

***Appeal hearing date:***

***Date of pre-hearing conference:***

***Name(s) of OTPP Staff attending the pre-hearing conference:***

A. What issues, if any, do you believe may be settled upon further discussion?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

B. What issues, if any, do you believe may be simplified before the hearing?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

C. Are there any facts that you think you and the Appellant agree on?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

D. Do you have any proposed witnesses? If so, what is the anticipated length of their evidence?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

E. Are there any impediments to the appeal being heard on the scheduled date? If so, please list them:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

F. Are there any other matters that may assist in the just and most expeditious disposition of the appeal?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

G. Will OTPP be represented by an external party at the hearing?:

No

Yes, OTPP will be represented at the hearing by:

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

**ONTARIO TEACHERS' PENSION PLAN  
Benefits Adjudication Committee**

**FORM 4 – PRE-HEARING CONFERENCE REPORT**

***Appeal hearing date:***

***Date of pre-hearing conference:***

***Appellant:***

***Appellant's Representative (if applicable):***

***OTPP Staff Representative:***

A pre-hearing conference relating to this appeal was held on [date]. In attendance at the pre-hearing conference were:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

At the pre-hearing conference, the parties agreed that:

A. The following issues can be settled:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

B. The following issues can be simplified:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

C. The following facts were agreed upon at the pre-hearing conference:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

D. It is [advisable/inadvisable] to attempt other means of resolving this matter.

E. Interpretation is not required for the hearing.

*OR*

Interpretation is required for the hearing, the details of which are as follows:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

F. The anticipated witnesses and the dates and times they are to be called, and expected length of their evidence, are as follows:

Appellant's witnesses

<b>Name</b>	<b>Date/time and expected length of evidence</b>
1. _____	_____
2. _____	_____
3. _____	_____

OTPP Staff's witnesses

<b>Name</b>	<b>Date/time and expected length of evidence</b>
1. _____	_____
2. _____	_____
3. _____	_____

G. By reason of disability of the following person(s), it is necessary to accommodate the needs of that person at the hearing in the following ways:

1. \_\_\_\_\_

- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

H. There are not any impediments to the appeal being heard on the scheduled date of \_\_\_\_\_.

- or -

The following impediments to the appeal being heard on the scheduled date of \_\_\_\_\_ have been identified:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

I. The following procedural or pre-hearing matters relating to the appeal have been agreed to:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

J. Additional information/submissions to be produced by the parties:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

K. The parties [agree/do not agree] that the BAC Panel may review the Appellant Submissions, OTPP Staff Submissions and any additional material filed by the parties before the hearing of the appeal.

L. The following items will assist in the just and most expeditious disposition of the appeal (specify any other matter that may assist in the just and most expeditious disposition of the appeal):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

M. At the pre-hearing conference, the following undertaking(s) was/were made by:

By the Appellant:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

By OTPP Staff:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

N. The Chair/Vice-Chair made the following directions at the pre-hearing conference:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

O. Decisions on the following issues have been deferred to the BAC Panel:

4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*[Signature and name of Chair/Vice Chair]*