

Summary of Contents

Volume 1

Chapter 1.	How Did Administrative Law Evolve?
Chapter 2.	Creation of Administrative Agencies
Appendix 2A.	Agencies to which Appointments were Published
Appendix 2B.	Report of the Task Force on Administrative Tribunals
Appendix 2C.	The Ratushny Report
Appendix 2D.	Draft Act to Create a Council of Administrative Agencies
Chapter 3.	Administrative Agencies and Government Policy
Appendix 3A.	MOU Best Practices Guide
Chapter 4.	Appointments to Administrative Agencies
Appendix 4B.	Appointments to Administrative Agencies in Canada: A Partial Bibliography
Appendix 4C.	Status of Members of Administrative Tribunals in Quebec
Appendix 4D.	Oath of Office and Secrecy
Appendix 4E.	Conflict of Interest
Appendix 4F.	Sample Time Docket
Appendix 4G.	Appointments—The Ratushny Report
Appendix 4H.	2016 Federal Government Process Respecting Governor in Council Appointments
Chapter 5.	The Chair
Appendix 5B.	Interviewing Documents of Ontario
Appendix 5C.	Hallmarks of a Good-Quality Adjudicative Decision
Appendix 5D.	Guidelines for Review of Draft Decisions
Appendix 5E.	Practice Direction: Reconsiderations
Appendix 5F.	OMB Performance Appraisal
Chapter 6.	Codes of Conduct for Agencies
Chapter 7.	Grant and Subdelegation of Authority

PRACTICE AND PROCEDURE BEFORE ADMINISTRATIVE TRIBUNALS

Appendix 7A.	Ontario Municipal Board Rules of Practice and Procedure
Appendix 7B.	The Ontario Municipal Board: A Draft Procedural Order of the OMB
Chapter 8.	Areas of Major Concern for Agencies
Chapter 9.	Discretion
Chapter 10.	Binding and Non-Binding Agency Instruments—Orders, Rules and Guidelines

Volume 2

Chapter 11.	Federal/Provincial Relations
Chapter 12.	The Public Interest
Chapter 13.	The Duty of Fairness and Powers of an Agency to Control its Own Procedure
Appendix 13B.	The Compendium of Model Rules of Practice
Appendix 13C.	Sampling of Decisions Respecting the Application of <i>Valente</i> Independence Requirements to Agencies
Chapter 14.	Board Counsel and Staff
Appendix 14A.	Contract for Outside Consultant or Lawyer
Chapter 15.	Prehearing Conference (PHC)
Appendix 15A.	Form of Notice
Appendix 15B.	Form of Procedural Order (Post-hearing Conference)
Chapter 16.	The Conduct of the Hearing: Powers and Procedures
Appendix 16A.	A Typical Published Notice
Appendix 16B.	Sample Notices of Hearing Given by Mail
Appendix 16C.	Affidavit of Service
Appendix 16D.	Notice of Intervention
Appendix 16E.	Procedural Order: Re Interrogatories—How a Party May Intervene and Put Interrogatories to Opposing Parties
Appendix 16F.	Interrogatory with Answer
Appendix 16G.	Tribunal Subpoena
Appendix 16H.	Hearing Room Set-Ups
Appendix 16I.	Reporter's Contract
Appendix 16J.	Canadian International Trade Tribunal Act, R.S.C. 1985, c. C-18.3 (Confidentiality Provisions)

SUMMARY OF CONTENTS

- Appendix 16K. Statement of Principles on Self-Represented Litigants and Accused Persons
- Appendix 16L. British Judicial College's *Equal Treatment Benchbook* (2018 Edition) Advice Respecting Identity Obscuring Religious Garb

Volume 3

- Chapter 17. Indigenous Peoples and Tribunal Hearings
- Chapter 18. The Role of the Presiding Member and Panel Members
 - Appendix 18A. Opening Statement
- Chapter 19. Use of Agency Staff and Counsel
 - Appendix 19A. Fact Sheet
 - Appendix 19B. Structure of NEB—Function of Each Branch
- Chapter 20. The Duties of a Hearing Clerk
- Chapter 21. Public Access to Agency Proceedings
 - Appendix 21B. Procedural Order for In-Camera Hearing
 - Appendix 21C. Declaration and Undertaking Not to Disclose
 - Appendix 21D. Presiding Member Dialogue
- Chapter 22. Evidence and Witnesses
 - Appendix 22A. Typical Curriculum Vitae
- Chapter 23. Outside Consultants and Outside Evidence
- Chapter 24. Preparing for a Case Before an Agency
- Chapter 25. Advice to Witnesses
- Chapter 26. Argument of Counsel
- Chapter 27. The Digital Age And Administrative Tribunals
- Chapter 28. Agency Decisions and Reasons
- Chapter 29. Tribunals and the Charter of Rights
- Chapter 30. Tribunals and International Law
- Chapter 31. Stated Case
- Chapter 32. Canada's Access and Privacy Legislation
- Chapter 33. Funding
- Chapter 34. Costs
 - Appendix 34B. Criteria for Costs
- Chapter 35. Authority of an Agency to Rehear or Reconsider Decisions
- Chapter 36. External Review of Agency Decisions: Petitions to Cabinet

PRACTICE AND PROCEDURE BEFORE ADMINISTRATIVE TRIBUNALS

- Appendix 36A. Example of Notice Given Respecting Federal Petition to Cabinet
- Appendix 36B. Examples of Federal Orders-in-Council Made Respecting Petitions to the Governor-in-Council
- Chapter 37. External Review of Agency Decisions: Appeals to Court

Volume 4

- Chapter 38. External Review of Agency Decisions: Judicial Review
- Appendix 38A. Practice Notice Constitutional Questions
- Chapter 39. Implied Powers of an Agency
- Chapter 40. Contempt

Volume 5

- Chapter 41. Alternative Dispute Resolution
- Appendix 41A. Administrative Procedure Act
- Chapter 42. Private Courts
- Chapter 43. An Administrative Advisory Commission
- Chapter 44. Needed Structural Changes
- Chapter 45. Drafting Legislation
- Chapter 46. Increased Statutory Powers for Agencies
- Chapter 47. The Ombudsman
- Appendix 47A. Ombudsman Act
- Chapter 48. Labour Arbitrations
- Chapter 49. Self-Governing Professions
- Appendix 49B. Self-Governing Bodies
- Chapter 50. Administrative Procedure Statutes
- Appendix 50B. Appointment Agreement for Regulatory and Adjudicature Agencies
- Appendix 50C. Competency Frameworks
- Appendix 50D. Performance Management
- Appendix 50E. Performance Management for Appointees—A Step by Step Guide
- Appendix 50F. Model Code of Conduct
- Chapter 51. The Annotated British Columbia Administrative Tribunals Act S.B.C. 2004, c. 45
- Chapter 52. Bias

SUMMARY OF CONTENTS

- Chapter 53. Legitimate Expectations
- Chapter 54. Strategic Lawsuits to Discourage Public Discourse
- Chapter 55. Injunctions to Enforce the Statute

Volume 6

Appendices

- Appendix A. Cases and Comments

Appendix B. Legislation

- Appendix B1. Notice Provisions Respecting Constitutionality or Validity of Legislation; Interpretation Act Provisions Codifying the *Carltona* Principle
- Appendix B2. Provincial Interpretation Act Provisions Codifying the *Carltona* Principle
- Appendix B3. Canadian Bill of Rights, S.C. 1960, c. 44
- Appendix B4. Conflict of Interest Act, S.C. 2006, c. 9
- Appendix B5. Constitution Act, 1982
- Appendix B6. Federal Courts Act, R.S.C. 1985, c. F-7
- Appendix B7. Personal Information Protection and Electronic Documents Act
- Appendix B8. Administrative Procedures and Jurisdiction Act, R.S.A. 2000, c. A-3
- Appendix B9. Alberta Bill of Rights, R.S.A. 2000, c. A-14
- Appendix B10. Administrative Tribunals Act
- Appendix B11. Judicial Review Procedure Act, R.S.B.C. 1996, c. 241
- Appendix B12. An Act to Avoid Conflict of Interest by Members of the House of Assembly, Members of the Executive Council and Public Employees, S.N.S. 2010, c. 35
- Appendix B13. Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009, c. 33, Sch. 5
- Appendix B14. Judicial Review Procedure Act, R.S.O. 1990, c. J.1
- Appendix B15. Public Service of Ontario Act, 2006 (Excerpts and Related Regulations)
- Appendix B16. Regulated Health Professions Act, 1991, S.O. 1991, c. 18
- Appendix B17. Statutory Powers Procedure Act, R.S.O. 1990, c. S.22
- Appendix B18. Judicial Review Act, R.S.P.E.I. 1988, c. J-3
- Appendix B19. Act Respecting Administrative Justice
- Appendix B20. Charter of Human Rights and Freedoms

PRACTICE AND PROCEDURE BEFORE ADMINISTRATIVE TRIBUNALS

Appendix WP. Words and Phrases

Table of Added Cases

Table of Cases

Index