



# College of Veterinarians of British Columbia

## *Registration Committee Policy:* **Registration Hearings**

Approved by Council, December 2021

---

### INTRODUCTION

1. This policy applies to all hearings held by the Registration Committee (the “Committee”) of the College of Veterinarians of British Columbia (the “College”).
2. In the case of any inconsistency between this policy and the *Veterinarians Act*, SBC 2010, c. 15 (the “Act”) or the Bylaws of the College (the “Bylaws”), the Act and Bylaws prevail.
3. This policy is made pursuant to section 2.6 of the Bylaws.
4. This policy is a guideline and does not have the force of law.

### DEFINITIONS

5. “**Applicant**” means the same as set out in section 2.1 of the Bylaws.
6. “**Panel**” means three members of the Committee appointed to hold a hearing or decide an application.

### PANELS

7. The Committee may appoint a panel to decide an application made to the Committee.
8. The Committee may authorize the Chair of the Committee to appoint panels.
9. The Committee or Chair of the Committee may appoint one of the panel members as the chair of the panel.
10. The majority of the members of a panel must be registrants.

11. If a panel is appointed, the chair of the panel will preside at the hearing and communicate with the parties on behalf of the panel.
12. A decision of a panel is a decision of the Committee.
13. After making a decision, the panel will promptly report the decision to the Chair of the Committee.

## **MODE OF HEARING**

14. The Committee, or if a panel has been appointed, the panel, may decide whether the mode of hearing will be:
  - (a) an in-person oral hearing;
  - (b) an electronic oral hearing;
  - (c) a written hearing; or
  - (d) a combination of one or more of the foregoing modes of hearing.
15. The applicant or the College may apply in writing to the Committee, or if a panel has been appointed, the panel, for a ruling that a different mode of hearing should be adopted.
16. The Committee or panel will give written notice to the parties of the mode of hearing.
17. If the Committee or a panel decides that the hearing will be an electronic oral hearing, the Committee or panel may issue protocols for the conduct of an electronic hearing, and may retain a third party to host the electronic hearing.
18. The applicant and the College are parties to the hearing and may be represented by legal counsel.
19. The Committee or panel may obtain advice from its own independent counsel.

## **SCHEDULING A HEARING**

20. The timing of a hearing is within the discretion of the Committee, or if a panel has been appointed, the panel.
21. The Committee or a panel will make reasonable efforts to ensure that the hearing proceeds on a date or dates that are convenient for both the applicant and the College.

22. The Committee or panel will provide written notice to the parties of the date(s), time(s) and location of the hearing.

## **DISCLOSURE**

23. The College must disclose to the applicant all documents in its possession that are relevant to the issues to be decided at the hearing including all documents that the College may tender in evidence at the hearing.

24. The applicant must disclose to the College all documents which the applicant intends to tender in evidence at the hearing.

25. The College and the applicant must each deliver to the other the name and a brief summary of the anticipated evidence of each witness that each party intends to call at the hearing and a list of the documents each party intends to tender in evidence. Supplemental names and lists may be delivered thereafter as necessary.

26. The Committee or a panel may set timelines for the exchange of the materials referenced in paragraphs 23-25 at the time the hearing date is set.

27. A failure to comply with a time requirement set by the Committee or a panel does not by itself make the document or evidence inadmissible, subject to the Committee's or panel's obligation to ensure procedural fairness.

## **PRE-HEARING APPLICATIONS**

28. The applicant or the College may apply to the Committee, or if a panel has been appointed, the panel, to adjourn a hearing.

29. The Committee or a panel may deny or grant the requested adjournment, with or without conditions.

30. Without limiting other pre-hearing applications either party may bring, the applicant or the College may apply to the Committee or a panel for a direction:

(a) that a person, including the applicant or the College as the case may be, produce records the person owns or controls that are relevant to the hearing; or

(b) requiring a person to provide oral or written evidence, including under oath or affirmation.

31. A pre-hearing application must be in writing and must set out the grounds for the application, the relief requested, and be accompanied by any evidence relied upon.
32. A response to a pre-hearing application must set out the grounds for the response, the position taken on the relief requested, and be accompanied by any evidence relied upon.
33. The party making the pre-hearing application must deliver the application, including all accompanying evidence, to the other party and to the Committee or panel at least 7 business days prior to the date set for the hearing of the application. The party responding to the pre-hearing application must deliver any response to the application, including all accompanying evidence, to the other party and to the Committee or panel at least 2 business days prior to the date set for the hearing of the application.
34. The Committee or panel may lengthen or shorten the times set out in paragraph 33.
35. The Committee or panel will decide whether to allow or require oral submissions relating to the pre-hearing application, and whether testimony of witnesses is necessary.

## **PRE-HEARING CONFERENCES**

36. The Committee or a panel may direct that a pre-hearing conference will be held.
37. The applicant or the College may request in writing that a pre-hearing conference be held.
38. The Committee or panel will notify the parties in writing of the date, time and location (including by way of videoconference link) of a pre-hearing conference.
39. At a pre-hearing conference, the Committee or a panel may decide any matter of procedure relating to the hearing, including an application.

## **EVIDENCE AT HEARINGS**

40. If the hearing is an oral hearing, evidence shall be entered by way of oral testimony unless the Committee or panel directs otherwise.
41. Evidence given by witnesses at an oral hearing shall be under affirmation unless the Committee or panel directs otherwise.

42. Any member of the Committee may administer an affirmation. The language of the affirmation is contained in Appendix "A" to this policy.
43. If the hearing is a written hearing, evidence of witnesses shall be entered by way of affidavit unless the Committee or panel directs otherwise.
44. Nothing in paragraph 43 is intended to preclude the admission into evidence of an agreed statement of facts, an agreed book of documents, or other written materials entered into evidence by consent.
45. If the hearing is a combination of an oral and written hearing, the Committee or panel shall direct the parties on the method(s) for entering evidence.
46. The rules of evidence shall not be strictly applied, subject to the Committee or panel's obligation to ensure procedural fairness.
47. Expert reports, if any, must be exchanged in accordance with the following schedule unless the parties agree otherwise or unless the Committee or panel directs otherwise:
  - (a) any expert report of the applicant must be delivered to the College or its counsel at least 60 days prior to the hearing;
  - (b) any expert report of the College must be delivered to the applicant or their counsel at least 30 days prior to the hearing;
  - (c) any reply expert report of the applicant must be delivered to the College or its counsel at least 7 days prior to the hearing.
48. If a party intends to call an expert as a witness without having the witness prepare an expert report, the party shall, unless the Committee or panel directs otherwise, deliver a detailed summary of the anticipated evidence of the witness to the opposing party in accordance with the timelines set out in paragraph 47.
49. Unless the Committee or panel directs, an expert will not be allowed to give opinion evidence that falls outside the scope of the expert report or the summary of the expert's anticipated evidence.
50. A failure to adhere to the timelines in paragraph 47 or 48 does not render an expert report, or the evidence of a witness, inadmissible, but may be taken into account by the Committee or panel if an application is made to exclude or strike an expert report, to exclude the evidence of a witness, or to adjourn the hearing.

51. Nothing in this policy is intended to limit the parties' rights under subsection 34(6)(b) of the Act.

## **ONUS AND BURDEN OF PROOF**

52. The onus is on the applicant to establish a basis for the relief sought by the applicant.

53. Any matters of fact which must be proved by the applicant must be proved on a balance of probabilities.

## **HEARING PROCEDURE**

54. Unless the Committee or a panel otherwise directs, the order of proceedings at a hearing will be:

- (a) opening submission of the applicant;
- (b) opening submission of the College;
- (c) the tendering of the applicant's evidence, including the examination and cross examination of any witnesses;
- (d) the tendering of the College's evidence, including the examination and cross examination of any witnesses;
- (e) closing submission of the applicant;
- (f) closing submission of the College; and
- (g) reply submission, if any, of the applicant (limited to addressing matters raised by the College which the applicant did not already address in its closing submission).

55. Parties are responsible for arranging the attendance of their own witnesses.

56. If the hearing is electronic, the parties are responsible for ensuring that their witnesses have access to the necessary technology to participate in the hearing without impediment or interruption.

57. Witnesses other than the applicant will not be permitted to listen to, or watch, the hearing prior to giving their own testimony.

58. Hearings of the Committee are not open to the public.

59. The Committee will arrange for a licensed court reporter to be present at an oral hearing for the purposes of recording the hearing and, if necessary, so that a transcript of the proceeding can be produced.
60. The Committee or panel shall provide written reasons for its decision.
61. In a case of urgency or where the circumstances otherwise dictate, the Committee or panel may deliver a decision orally at the conclusion of the hearing, with written reasons to follow.
62. The Committee or panel will not impose conditions on the applicant's ability to re-apply for registration without giving the applicant an opportunity to be heard in relation to such conditions.
63. Promptly upon preparing its written reasons, the Committee or panel will provide a copy of the reasons to the applicant and the Registrar.