

## PRIVATE TRAINING INSTITUTIONS BRANCH

### Commissioner's Practice Directive for Appeals under Division 2 of Part 5 of the *Private Training Act* – Requests for Oral Hearing

This practice directive is issued by the commissioner pursuant to s.53 of the *Private Training Act* and s.13 of the *Administrative Tribunals Act*. It is intended to be read together with the Commissioner's Rules of Practice and Procedure.

Consistent with the Commissioner's Rules of Practice and Procedure, a request for an oral hearing, including submissions detailing the reasons for the request, is to be submitted by the appellant to the commissioner together with the notice of appeal, and in any case no later than the deadline for filing the notice of appeal.

Unless otherwise ordered by the commissioner in his or her sole discretion, appeals will be conducted by way of written submissions.

The commissioner may grant a request for an oral hearing in exceptional circumstances based on a consideration of the following:

- (a) Whether the appeal involves a significant issue of credibility;
- (b) Whether there are significant factual issues in dispute;
- (c) Whether the decision on appeal has a serious consequence or impact on the appellant;
- (d) Whether an oral hearing is necessary for the full and fair presentation of evidence and argument by the parties;
- (e) Any other compelling reason to suggest that the fairness of the process may be compromised by proceeding by way of written submissions only.