



Ontario Liberal Party Rules of Procedure No. 9

## **Rules of Procedure for Arbitrations and Appeals** *("Arbitration Rules")*

*Approved by Ontario Liberal Party Executive Council on January 21, 2007.  
Amended on December 6, 2020*

**NOTE:** These Rules of Procedure supplement and are subordinate to the Ontario Liberal Party Constitution. Please refer to the Ontario Liberal Party website for the most current version of these documents.

### **1. Definitions And Interpretation**

- 1.1. These Rules of Procedure for Arbitrations and Appeals (the "Arbitration Rules") are enacted pursuant to section 5.9(e) of the Constitution of the Ontario Liberal Party (the "Constitution") and are subject in all respects to the provisions of that Constitution.
- 1.2. Unless otherwise defined by these Rules, all capitalized terms shall have the same meaning as in the Constitution of the Ontario Liberal Party.
- 1.3. If any provision of an Association's constitution conflicts with these Rules, these Rules shall prevail. If any provision of an Association's constitution or these Rules conflicts with the Constitution of the Ontario Liberal Party, the Constitution of the Ontario Liberal Party shall prevail.

### **2. Arbitrations And Appeals**

- 2.1. A Member of an Association who wishes to arbitrate a matter pursuant to Section 7.9 of the Constitution of the Ontario Liberal Party shall deliver a written petition to the Chair of the Arbitration Committee at the offices of the Ontario Liberal Party within seventy-two (72) hours of the occurrence of the disputed decision or event.
- 2.2. The petition must set out the decision being appealed, all relevant facts, the grounds of appeal, the determination the Member is seeking from the Board of Arbitration, and the Member's name, address and telephone number.
- 2.3. The seventy-two (72) hour time period for delivering a petition may be extended at the discretion of the Chair of the Arbitration Committee.
- 2.4. The petition, all investigations, all oral and written submissions, testimony and other proceedings conducted by a Arbitration Committee panel shall be held confidential and in-camera, unless the Arbitration Committee panel directs otherwise.
- 2.5. A petition must be accompanied by an initial deposit, by certified cheque or money order in the amount of \$1,000.00 payable to the Ontario Liberal Party, except where the petition:

- a) is not brought by, on behalf of, or against a Candidate or a Nomination Contestant;
- b) is not brought by, on behalf of, or against a candidate for election as a Leadership Convention delegate; or
- c) does not relate to a Nomination Meeting or an election of delegates to a Leadership Convention;

in which case the initial deposit shall be \$500.00.

- 2.6. At any stage of its dealings with a petition, the Arbitration Committee panel may direct that the Association or any party to the arbitration provide a deposit or a further deposit, by way of security for any costs that may be ordered.
- 2.7. An Arbitration Committee panel may deny a petition at any time before, during or after any proceedings if it determines that the petition is without substantial merit.
- 2.8. An Arbitration Committee panel may:
  - a) appoint any Inquiry Officer to act on behalf of the Arbitration Committee and mandate that Inquiry Officer to act expeditiously by way of investigating the disputed matters, seeking to resolve the disputes consensually between the affected parties and reporting to the Arbitration Committee panel as to whether or not the matters can be resolved expeditiously; or
  - b) inquire in writing about any fact or facts which it thinks would make it possible to expedite or dispose of the petition;
  - c) direct a hearing by way of written submissions, such submissions to be made in the manner, by those persons and within such times as the Arbitration Committee panel shall set out in its direction; or
  - d) direct a full hearing by way of oral and written submissions and testimony, all as the Arbitration Committee panel shall set out in its direction.
- 2.9. The Arbitration Committee panel may order that the costs of arbitration, or any part thereof, be paid by the Association or any party to the arbitration and may further order the retention or return of all or any part of the initial deposit or of any further or other deposits paid by any party or parties.
- 2.10. Subject to the Constitution, any person affected by a final decision of the Arbitration Committee may appeal the decision by delivering written notice of appeal to the President at the offices of the Ontario Liberal Party within seventy-two (72) hours of the decision being issued.
- 2.11. The notice of appeal must set out in full detail the grounds upon which the appeal is sought and the appellant's name, address and telephone number.
- 2.12. The seventy-two (72) hour time limit for delivering a notice of appeal may be extended at the discretion of the President.
- 2.13. A notice of appeal must be accompanied by an appeal deposit, by certified cheque or money order in the amount of \$1,000.00 payable to the Ontario Liberal Party.

- 2.14. The President, if consent to the appeal is not given, and otherwise the Executive Council, may order that costs of the appeal, or any part thereof, be paid by the Affiliated Association or any party to the arbitration and may further order the retention or return of all or any part of the initial deposit or of any further or other deposits previously paid.
- 2.15. The Executive Council, in hearing an appeal from the Arbitration Committee, shall not conduct a new hearing, but shall hear the appeal on the basis of the written decisions and reasons of the Arbitration Committee, together with the record of the hearing inclusive of evidence and submission furnished by the parties, or a summary of the record, as the Executive Council meeting hearing the appeal may, through its Chair, deem advisable.
- 2.16. In determining any petition or appeal, as the case may be, under these Rules, an Arbitration Committee Panel, the President and the Executive Council may take into consideration:
  - a) whether the petition or appeal appears to constitute an abuse of the process of arbitration and appeal;
  - b) that these Rules and the Local Constitution should be liberally construed to secure the just and expeditious determination of any arbitration or appeal on its merits; and

any interpretive direction as may be issued from time to time by the Ontario Liberal Party by way of general interpretive guidance, if such direction has been approved by the Executive Council.

### **3. Standing**

- 3.1 The decision maker of the decision being appealed shall be granted standing.
- 3.2 Where an appeal arises out of an election of officers for an Affiliate Association or for the Party and after the meeting where the election takes place has commenced:
  - a) only candidates at that meeting may commence an appeal,
  - b) the appellant and the winner of the election under appeal shall be granted standing, subject to section 3.4 of these Rules,
  - c) other candidates for the election under appeal may request, and be granted standing at the discretion of the chair of the Arbitration Committee panel
- 3.3 Where a dispute arises out of a nomination meeting and after the nomination meeting has commenced:
  - a) only Nomination Contestants at that meeting, including the Candidate, may commence an appeal, and
  - b) the appellant and the nominated candidate of that meeting under appeal shall be granted standing, subject to section 3.4 of these Rules,
  - c) other Nomination Contestants at the meeting under appeal may request, and be granted standing at the discretion of the chair of the Arbitration Committee panel
- 3.4 Prior to the hearing of an appeal, each party granted standing other than the decision maker, shall undertake in writing:

- a) to abide by the decision and any order of the Board of Arbitration, or if the decision is further appealed to the President or the Executive Council, the decision and any order of the President or the Executive Council;
- b) to be responsible for any costs ordered to be paid;
- c) not to discuss the appeal with the public, including representatives of the press.

#### **4. Finality**

- 4.1 Decision of President or the Executive Council made pursuant to sections 7.12 and 7.13 of the Constitution shall be final and not subject to further appeal.