
A GUIDE FOR REGISTRATION HEARINGS AT PROFESSIONAL ENGINEERS ONTARIO (PEO)

Licensing and Certificate Requirements

The requirements for the professional engineer, temporary, provisional or limited licences and a certificate of authorization are prescribed in the [Professional Engineers Act](#) (the Act) and [Ontario Regulation 941](#) (the regulation). The [Licensing Guide and Application for Licence](#) and the [Guide to the Required Experience for licensing as a Professional Engineer in Ontario](#) are written in simple terms to state the licensing requirements. Both guides can be downloaded from www.peo.on.ca.

Notice of Proposal

Where the Registrar proposes to refuse to issue a P. Eng. licence, the Registrar must notify the applicant along with written reasons. This also applies to cases where the Registrar proposes to refuse to issue, to suspend or to revoke a temporary, provisional or limited licence, or a certificate of authorization. The Registrar's notification takes the form of a Notice of Proposal (NOP).

Registration Hearing

If you receive an NOP from the Registrar, you are entitled to a hearing by the Registration Committee. The hearing is a quasi-judicial proceeding held before at least three members of the Registration Committee.

You and the Registrar are parties to the proceedings before the Registration Committee. As an administrative tribunal, the Registration Committee may hear sworn testimony on behalf of both parties and has the power to determine the disposition of the proposal in the NOP. Participants usually include:

- legal counsel for the Registrar;
- you, the applicant/licence or certificate of authorization holder;
- your lawyer/agent, if desired;
- witnesses if you or the Registrar request them;
- any other individuals who have a legitimate interest in the proceedings.

Requesting a Hearing

The NOP will include a [Request for Hearing Form](#).

To request a hearing, you must return to the Chair of the Registration Committee and to the Registrar the completed Request for Hearing Form not later than 30 days after you received the NOP. You may hand deliver the form, or fax, mail, email or send it by registered mail. The Registration Committee may sometimes extend the time for giving your notice. Upon receipt of your request, the Chair of the Registration Committee will confirm the request has been received, and ask both parties (you and the Registrar) to provide written submissions as to your preparedness to proceed to a hearing. The Chair will send you a form called a

Statement of Readiness form, which you should complete and exchange with the Registrar and file with the Chair of the Registration Committee. The Statement of Readiness form includes questions to the parties, such as the number of witnesses each party intends to present, any experts being proposed to assist the Registration Committee, or if you wish to attend a pre-hearing conference to discuss procedural issues before attending at the formal hearing of a panel of the Registration Committee.

If the request for a hearing is not received within 30 days, the Registrar will carry out the action stated in the NOP, as authorized by the *Professional Engineers Act*.

Where a hearing has been requested within 30 days, the Registrar will not carry out the proposed action until after the hearing has been held and the Registration Committee has given its decision and order.

Notice of Hearing

If you request a hearing, you will be sent a notice of hearing at least 10 days before the hearing, advising you of the date, time and location of the hearing. Hearings are held at the offices of Professional Engineers Ontario (PEO).

If you, your witnesses, or your agent or lawyer cannot attend on the date arranged, you may request that the hearing be rescheduled. To request a new hearing date, you must file in writing a motion with the Chair of the Registration Committee well in advance of the scheduled date. The motion should detail your reasons for requesting the hearing be rescheduled. You must also provide a copy of your motion to the Registrar.

The authority to grant adjournments rests with the Chair of the Registration Committee and the Registration Committee, depending on whether the request is made prior to or at the hearing.

You may wish to review relevant laws, particularly the [Statutory Powers Procedure Act](#), the [Professional Engineers Act](#) and its regulations. Copies are available from the PEO website through a link to the Ontario government's [e-laws website](#).

Withdrawing your Request for a Hearing

If you no longer wish to proceed with a hearing regarding the NOP, you must provide written notification to the Chair of the Registration Committee prior to the date of the hearing, with a copy to the Registrar.

If you do not withdraw your request for a hearing and do not appear on the set date, the hearing may go ahead without you. In such circumstances, the Registration Committee will likely direct the Registrar not to issue a licence or certificate, since no one would have been present to state your position.

At the Hearing

It is up to you or your lawyer/agent to present your position with all information relevant to your case. To support your case, you may want to give evidence yourself, call upon others (witnesses) to give evidence, and present relevant design documents, plans, petitions, letters and other documents. You must bring the original and at least six copies of any documents you intend to enter as exhibits at the hearing: one copy is required for each tribunal member at the hearing and one copy for the opposing party. Any document entered as an exhibit at the hearing will be entered into the Tribunal's record. These documents will not be returned to you.

Witnesses

You are responsible for arranging for the attendance of your witnesses. If you believe that one of your witnesses may not appear at the hearing, it may be safer to obtain a summons from the Registration Committee by requesting the Chair of the Registration Committee to issue a summons.

A summons is a written document you must arrange to be served personally upon your witnesses to ensure they appear at the hearing. Should you request that a witness bring documents, the evidence and documents sought must be relevant to the subject matter of the proceedings and admissible at the hearing.

Contact the Chair of the Registration Committee for information on the procedure to obtain a summons from the Registration Committee. You are responsible for arranging to have the summons served upon your witnesses.

If you would like to have a summons prepared for any witnesses for a hearing, you must provide written notice to the Chair of the Registration Committee that you wish to do so, **at least 10 days before the hearing date**.

For the Registration Committee to prepare a summons, you must provide:

- your name and hearing date;
- the full name of the witness;
- the complete address of the witness; and
- a description of any documents the witness must bring (i.e. relevant documents).

You may pick up the summons at the Office of the Chair of the Registration Committee in person, or request that it be sent to you by courier. The summons will not be mailed to you.

You must pay each of the witnesses you summon for their attendance at the hearing and other cost allowances as prescribed under the [Courts of Justice Act](#).

Interpreters

PEO will provide a French language interpreter if you need one. However, you must advise the Chair in advance of your hearing that you will need a French language interpreter. If you require an interpreter for any other language, you must arrange for the hiring of the interpreter at your own expense.

The Hearing Process

Parties present evidence at a hearing in the order the Registration Committee directs. You may call witnesses and file documents to support your case. The Registrar may call witnesses and file documents to support the Registrar's case. Testimony is normally given under oath. Under section 41 of the *Professional Engineers Act*, it is a provincial offence for anyone to knowingly make false or fraudulent representations or declarations, either orally or in writing, to procure a licence or a certificate of authorization. Each side may ask questions of the other side's witnesses, once they have testified.

After all the evidence has been introduced, each side will have the opportunity to make final arguments to convince the Registration Committee to accept its case. The final argument should highlight relevant aspects of the oral or exhibit evidence, and summarize why the party feels the Registration Committee should find in its favour.

The Registration Committee's Order

The Registration Committee will provide its final order in writing. A copy of the Registration Committee's written order will be mailed to the parties.

Appeals

A party to proceedings before the Registration Committee may appeal the Registration Committee's order to the Divisional Court. Appeals may be made on questions of law, or fact, or both. A Divisional Court Appeal must be filed in accordance with the rules of court. If you decide to appeal, you may wish to seek legal assistance. If you need a copy of the Record of Proceedings for use in an appeal, you must make a written request to the Chair of the Registration Committee. If you need transcripts of the proceedings before the Registration Committee, contact the Chair of the Registration Committee, who will provide you with contact information for the court reporter assigned to your hearing. There are fees associated with obtaining official transcripts from the court reporter.

Change of Information

You must notify the Registrar and the Chair of the Registration Committee immediately if your address or phone numbers change.

To inquire about the Hearing Process

Salvatore Guerriero, P.Eng.
Manager, Tribunal Operations
40 Sheppard Avenue West, Suite 101
Toronto ON M2N 6K9
Telephone: 416-840-1080
Fax: 416-224-1579
Email: sguerriero@peo.on.ca