



INFORMATION SHEET - SUMMONS REQUEST

Note: A summons is a document that requires a person to attend at a hearing to give evidence on a certain date(s) and requires a witness remain or to re-attend until their testimony is no longer required by the Hearing Panel of the Tribunal. The summons takes legal effect when it is served on the witness in Ontario.

A summons issued by the Chair of the Tribunal shall be served personally on the person summoned. **It is the responsibility of the party requesting the summons to ensure that it is served and that the prescribed fees are paid to the witness (See Tariff of fees below).**

Request for Summons

A party to a proceeding may request a summons.

A summons request should be made **in writing** by filling out and submitting the “Request for Issuing a Summons” form at least **fifteen (15) business days** prior to the hearing.

The party requesting the summons must provide:

- the name, current address of the witness
- a brief statement outlining why the testimony (or attendance of the person being summoned) is necessary for the hearing
- The list of documents/items the person being summoned requires to bring to a hearing, if any.

Note: The person requesting the summons will be contacted if additional information is required by the Chair of the Tribunal.

Review of the Request for Summons

The Chair of the Tribunal will review each request for a summons to determine whether to issue a summons.

If the Chair agrees to issue the summons, a summons will be prepared for the requestor, and that requestor will be contacted by the Chair’s Administrative Staff when the summons is ready to be picked up. The Requestor must arrange for pick-up of the summons and then service on the person being summoned with the prescribed fees.

If the Chair declines to issue the summons, the party may raise the request at the hearing before the Tribunal’s hearing panel.

Attendance Fee(s) to the Witness

Subsections 12 (3.1) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended, provide as follows:

Fees and allowances

(3.1) The person summoned is entitled to receive the same fees or allowances for attending at or otherwise participating in the hearing as are paid to a person summoned to attend before the Superior Court of Justice.

(“A summons to witness shall be served on the witness personally and not by an alternative to personal service and, at the same time, attendance money calculated in accordance with Tariff A shall be paid or tendered to the witness”, Rules of Civil Procedure, R.R.O. 1990, Reg. 194, r. 34.04 (4)).

Tariff A

1. Attendance allowance for each day of necessary attendance: \$50.
2. Travel allowance, where the hearing or examination is held,
 - (a) In a city or town in which the witness resides, \$3.00 for each day of necessary attendance;
 - (b) Within 300 kilometers of where the witness resides, 24¢ a kilometer each way between his or her residence and the place of hearing or examination;
 - (c) More than 300 kilometers from where the witness resides, the minimum return airfare plus 24¢ a kilometer each way from his or her residence to the airport and from the airport to the place of hearing or examination.
3. Overnight accommodation and meal allowance, where the witness resides elsewhere than the place of hearing or examination and is required to remain overnight, for each overnight stay: \$75.