 ONTARIO LABOUR RELATIONS BOARD

**Application for Review – Overpayment Recovery**

*Employment Standards Act, 2000,*

*Ont. Regulation 637/2*

**Form A-103A**

 Fields marked with an asterisk (\*) are mandatory.

* Review Information Bulletin No. 24A – “Applications for Review – Overpayment Recovery under the *Employment Standards Act, 2000*”, the Filing Guide and the Board’s Rules of Procedure on acceptable methods of delivery **before** completing this form to avoid any delay in processing.
* All forms, Notices, Information Bulletins, the Filing Guide and the Rules of Procedure may be obtained from the Board’s website (http://www.olrb.gov.on.ca).
* This form may be filed electronically by attaching it to Form A-108 (Electronic Submissions Form).
* If there is insufficient space on the form, attach additional pages clearly identifying the relevant section of the form.

**Part A Contact Information**

## Instructions

* Provide contact information for the parties identified below. If you wish to add additional parties, use a separate page.
* If a party is an organization, provide the name and contact information of an individual who will be able to respond on behalf of that organization. When adding multiple individuals at the same organization, use a separate page and add an additional contact section, repeat the organization name and provide that individual’s contact information (e.g. name, email address, phone number).

**1. Party Applying for Review**

You must notify the Ontario Labour Relations Board **immediately** of any change in your address, phone number, fax number or email address. **If you fail to notify the Board of any changes, correspondence sent to your last known address or email address may be deemed to be reasonable notice to you and the application may proceed in your absence**.

## Applicant 1

Type \* [ ] Organization [ ] Individual

Organization Name

|  |  |  |
| --- | --- | --- |
| First Name | Last Name | Position/Title |
| Full Address (Number, Street, Unit/Apartment, Building Name) | Other Address Details (e.g. PO Box, R.R. #, c/o) |
| City/Town  | Province/State  | Country  | Postal/Zip Code  |
| Telephone Number Ext. | Fax Number  | Email Address  |

Additional Contact Information, if any (Assistant's Email Address, Alternate Telephone Numbers)

**Part B Identification of Order To Be Reviewed**

1. **Employment Practices Branch File Number (or ES Number):**
2. **I am seeking review of:**

**[ ] Order/Notice Number(s):**

List all orders you are seeking to review.

1. **I am attaching the following documents with this application:**

(check all that apply)

**[ ]** A copy of the Employment Standards Officer’s Reasons for Decision

**[ ]** A copy of the Order(s)

**[ ]** A copy of proof of payment to the Director of Employment Standards

**If there are relevant documents listed above that you are not attaching, provide an explanation as to why the documents are not attached:**

**Part C Timeliness**

1. **Date of Service of Order/Notice/Letter (as applicable):**
2. **This application for review:**

**[ ] is [ ] is not**

being filed within 30 calendar days after the day on which the Order, Notice, Letter advising of the Order, or Letter advising of the refusal to issue an Order, as the case may be, was served or was deemed to have been served.

**If your application is being filed after the 30 calendar day time limit, state all of your reasons why an extension of time should be granted by the Board:**

If you require more space, attach a separate document.

**Part D Proof of Payment**

**Your application will not be processed without a copy of your proof of payment to the Director of Employment Standards**

**[ ]** I certify that I have paid the full amount owing under the Order to the Director of Employment Standards in trust or provided

the Director with an irrevocable letter of credit acceptable to the Director in that amount. A copy of proof of payment is attached.

**Part E Remedy Requested and Material Facts**

**Note:** The Board **does not** review the conduct of and/or investigation by the Employment Standards Officer in coming to its decision. The Board starts its hearing with a “clean slate” in order to make its determination.

1. **What remedies are you asking the Ontario Labour Relations Board to order?**

If you require more space, attach a separate document.

1. **In support of this request, what material facts are you relying on?**

Include a detailed statement of the facts and events upon which you rely to support your position.

1. **Attached documents:**

Provide a list of the documents you are filing together with this form as instructed below.

Name your documents/attachments so that they are easily identifiable.

**Documents**

**IMPORTANT NOTES**

The Board’s forms, Notices, Information Bulletins, Rules of Procedure and Filing Guide may be obtained from its website [http://www.olrb.gov.on.ca](http://www.olrb.gov.on.ca/) or by calling 416-326-7500 or toll-free at 1-877-339-3335.

**FRENCH OR ENGLISH**

Vous avez le droit de communiquer et recevoir des services en français et en anglais. La Commission n’offre pas de services d’interprétation dans les langues autres que le français et l’anglais.

You have the right to communicate and receive services in either English or French. The Board does not provide translation services in languages other than English or French.

**CHANGE OF CONTACT INFORMATION**

Notify the Board immediately of any change in your contact information. If you fail to do so, correspondence sent to your last known address (including email) may be deemed to be reasonable notice to you and the case may proceed in your absence.

**ACCESSIBILITY AND ACCOMMODATION**

The Board is committed to providing an inclusive and accessible environment in which all members of the public have equitable access to our services. We will aim to meet our obligations under the *Accessibility for Ontarians with Disabilities Act* in a timely manner. Please advise the Board if you require any accommodation to meet your individual needs. The Board’s Accessibility Policy can be found on its website.

**COLLECTION AND DISCLOSURE OF INFORMATION AND DOCUMENTS**

Any relevant information that you provide to the Board must in the normal course be provided to the other parties to the proceeding. Personal information collected on this form and in written or oral submissions may be used and disclosed for the proper administration of the Board’s governing legislation and case processing. In addition, the *Tribunal Adjudicative Records Act, 2019* requires that the Board make adjudicative records (which include applications filed and a listing of such applications) available to the public. The Board has the power to make part or all of an adjudicative record confidential. The *Freedom of Information and Protection of Privacy Act* may also address the treatment of personal information. More information is available on the Board’s website www.olrb.gov.on.ca. If you have any questions concerning the collection of information or disclosure of adjudicative records, contact the Solicitors’ Office at the number listed above or in writing to the OLRB, 505 University Ave., 2nd floor, Toronto, ON M5G 2P1.

**E-FILING AND E-MAIL**

The Rules of Procedure and Filing Guide set out the permitted methods of filing. **In the event of emergencies or other circumstances, the Board may post a Notice to Community on its website, which will prevail over the Rules of Procedure and Filing Guide. You should check the Board’s website prior to filing.** Note that the efiling system is not encrypted. Contact the Client Services Coordinator at the numbers listed above if you have questions regarding e-filing or other filing methods. If you provide an e-mail address with your contact information, the Board will in most cases communicate with you by e-mail from an out-going only generic account. Incoming emails are not permitted.

**HEARINGS AND DECISIONS**

Hearings are open to the public unless the Board decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library and [www.canlii.org.](http://www.canlii.org/) Some summaries and decisions may be found on the Board’s website.

**Documents to be Delivered**

Before filing your Application for Review with the Board, you must deliver it, including all documents you are filing with the form, to each party named in this application **and** to the Director of Employment Standards.

Delivery may be made to the Director of Employment Standards by one of the following methods:

**REGULAR MAIL OR HAND DELIVERY:**

Director of Employment Standards
Employment Practices Branch
Ministry of Labour
400 University Avenue, 9th Floor
Toronto, ON M7A 1T7

**EMAIL:** appforreview.directorofES@ontario.ca

**OR FAX :** 1-855-251-5025

 **Note to each party listed in this application:** The documents listed above should have been delivered to you by the Applicant.

**Once the above-listed documents have been delivered to the other parties, you have five days to complete the following Certificate of Delivery and file the completed form and attachments with the Board.**

**[ ]** I have reviewed this form to confirm it is complete

Date (yyyy/mm/dd) \* :

**Certificate of Delivery**

I, ,

Name \*

,

Title

certify that the documents identified above were delivered to each of the parties as set out below:

**Note: You must complete delivery information for each party separately.**

Use the “Add” button below if completing electronically.

**Delivered To**

Name of organization (if applicable) and name and title of person to whom the documents were delivered \*

Address or fax number to which the documents were delivered \*

**Method of delivery \***

Hand Delivered

Courier

Fax

Regular Mail

Other

**File with the Board**

* File the completed form and any attachments using a method permitted by the Board’s Rules of Procedure.
* Save and Print a copy of your completed form and all attachments as the Board will not return them to you.
* To e-file, attach this for to Board Form A-108 (Electronic Submissions Form). You will receive a confirmation email once that form has been successfully submitted.
* If you choose not to e-file, print this form by and then file with the Board together with any attachments.

Submitted By :

|  |  |
| --- | --- |
| First Name \* | Last Name \* |