

SUMMONS TO WITNESS

A summons to witness (or subpoena) is a legal document that orders a person to attend a Board proceeding, sometimes requiring the person to bring specific documents to the hearing.

A summons is issued in blank by the Board (affixed with the Board seal, and the signature of a Board Vice-Chair). Parties are expected to complete the summons by filling in the person's name and the date and time of the hearing before serving it on the individual whose attendance they are requiring. If documents are being subpoenaed, a descriptive list should be attached to the summons.

A summons is valid only if it is served personally with the required attendance money. The Board prefers that attendance money be presented in cash. The Board uses the same summons rates for attendance and travel as set out in the *Rules of Civil Procedure* (see below).

A summons should be served with reasonable time to allow the individual served to be able to arrange his or her affairs to attend the hearing.

If a summons is served incorrectly, or without the required attendance money, it may be invalid. The Board may proceed with the hearing without the person's attendance, or the matter may be adjourned to allow for proper service.

It is in the interest of the parties and the Board to have a summons served properly.

Summonses to Witness are available from the Board's reception at 416-326-7500 (toll free at 1-877-339-3338)

SUMMONS TO WITNESS (SERVICE AND PAYMENT)

Statutory Powers Procedure Act, R.S.O. 1990, c.S. 22, s.12 (1) - (3.1)

- 12.-(1) A tribunal may require any person, including a party, by summons,
- (a) to give evidence on oath or affirmation at an oral or electronic hearing; and
 - (b) to produce in evidence at an oral or electronic hearing documents and things specified by the tribunal, relevant to the subject-matter of the proceeding and admissible at an oral or electronic hearing.
- (2) A summons issued under subsection (1) shall be in the prescribed form (in English or French) and,
- (a) where the tribunal consists of one person, shall be signed by him or her;
 - (b) where the tribunal consists of more than one person, shall be signed by the chair of the tribunal or in such other manner as documents on behalf of the tribunal may be signed under the statute constituting the tribunal.
- (3) The summons shall be served personally on the person summoned.
- (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.

Rules of Civil Procedure, Tariff A, Item 21:

Attendance money actually paid to a witness who is entitled to attendance money, to be calculated as follows:

1. Attendance allowance for each day of necessary attendance\$50.00
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 kilometres of where the witness resides, 24¢ a kilometre each way between his or her residence and the place of hearing or examination;
 - (c) more than 300 kilometres from where the witness resides, the minimum return air fare plus 24¢ a kilometre 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\$75.00