



Here's what you need to know if you disagree with an OMB decision

If you disagree with an OMB decision, you may be able to ask the Board to review it. If an error in law is made, you can ask the Divisional Court for an appeal or a judicial review of the decision. **The OMB rarely grants reviews and/or changes a decision.** For the OMB to consider a review, you need to prove that it made an error that if known may have changed the decision resulting from the hearing. The OMB would need proof that it:

- Acted outside its jurisdiction;
- Violated the rules of natural justice, such as by not giving notice of the hearing;
- Made a material error of fact or of law;
- Heard false or misleading evidence that could have changed the decision;
- Should consider new evidence not available at the time of the hearing that could have changed the decision.

The OMB will turn down review requests that rely upon the same evidence or re-argue the same issues that were covered at the hearing.

How do I request that an OMB decision be reviewed?

1. Send the OMB Chair a sworn statement (an affidavit) outlining your reasons. Include any documents you want to use as proof.
2. Send the request within 30 days of the OMB's written decision.
3. Include the filing fee (usually \$125) with your submission. Fees are payable by certified cheque, money order or solicitors trust account and must be in Canadian funds. The cheque must be made out to the Minister of Finance.

What happens after I send the request?

If it appears that there might have been an error that may have changed the decision, the Board may hear a motion (a type of hearing) or may ask the parties to reconvene to re-hear the matter. The Board, after hearing the motion, may decide to schedule a re-hearing, or it may reject the request.

You will have to provide the other parties who attended the hearing with the notice of motion along with your sworn statement at least 30 days before the date of the motion hearing.

Can the OMB turn down the request for a review?

The OMB will turn down your request if:

- A non-party makes the request;
- It is filed more than 30 days after the OMB decision issues;
- The requester does not supply all of the information within 21 days of the Board's request (unless there are very good reasons to extend the time); or
- It is a second request by the same party.

How can I appeal or ask for a Judicial Review of an OMB decision?

If you think that the OMB made an error on a question of **law** in its decision, you may bring a motion to the Divisional Court for an order of the Court allowing the appeal to proceed.

In certain rare circumstances, you may be able to seek Judicial Review in the Divisional Court.

People usually use a representative to appeal to a court or ask for a Judicial Review because of the complex procedures and issues.

Where can I find more information?

For more details about reviewing an OMB decision, refer to the OMB's *Rules of Practice and Procedure* (Rules 112-118). They are available at www.omb.gov.on.ca, or by calling (416) 212-6349 or toll free 1-866-448-2248.

Please Note

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