



Here's what you need to know about Motions

Motions are a type of hearing event that allows you to ask the Board to make an order on a matter before or during the hearing process. At the motion, you will be asked to give reasons for your request. Some samples of types of motion hearings include requesting:

- An adjournment;
- Someone provide documents;
- Directions on a procedure that applies to the case.

What is the process of requesting a motion?

Step 1. Send the OMB a letter describing your request.

Step 2. Wait for the OMB to make a decision on your request. It may:

- Turn it down;
- Advise you of appropriate options;
- Schedule a date for you to make submissions on the motion;

Step 3. If your request for a motion date is granted, the OMB will advise you of the date, time and location of the motion hearing.

Step 4. Once you receive the a date from the Board, you must send to other parties involved:

- A copy of the Notice of Motion;
- A brief and clear sworn statement (an affidavit) of the issues and facts that support your request;
- A statement about what you want the Board to order;
- Copies of any documents that will be used at the motion.

Where will the motion hearing be held?

Motion hearings are usually held in person, in or near the city or town that the matter takes place. Sometimes, the OMB hears a motion by telephone or video conference. In deciding what kind of hearing to hold, the OMB may look at:

- How many parties are involved;
- If the parties have been notified about the motion;
- How long the motion is expected to last;
- If evidence can be presented over the phone.

When do I deliver a Notice of Motion?

For a hearing in person or by telephone conference, you must deliver the Notice of Motion along with relevant documents to all parties *and* the OMB Secretary at least 10 days before the hearing of the motion.

You will have to file a sworn statement that this was done, before or at the hearing of an oral motion, or within 20 days of the Notice of Motion for a written hearing.

Can a party respond to a Notice of Motion?

A party can respond to a Notice of Motion. The responding party must deliver a Notice of Response to the Board if it intends to:

1. Use different reasons or documents;
2. Use a sworn statement as evidence;
3. Ask permission for a witness to provide oral evidence at an oral hearing.

Parties must deliver a Notice of Response at least two days before the motion. The party must also file a sworn statement that this was done, before or at the hearing of the motion.

Can a motion be made at the beginning of a hearing?

The OMB will only hear new motions during hearings if the need for the motion arises out of events or new evidence at the hearing.

Where can I find more information?

For information about motions and Affidavit of Service, refer to the OMB's *Rules of Practice and Procedure* (Rules 34-39). 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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