



Here's what you need to know about recovering your hearing costs

If you believe that another party involved in your matter acted **unreasonably, frivolously or in bad faith**, you may ask the OMB to order that party to pay some or all of your expenses or costs. It is unusual for the Board to order an award of costs against another party. Unlike the Courts, costs awards are not standard. Before the Board can consider an award, it must make sure that:

1. You are a party in the matter;
2. You ask for compensation or an award of costs;
3. The party being asked to pay appealed incorrectly or acted improperly;
4. The party being asked to pay is given a chance to respond.

Some examples of improper activities include:

- Missing a hearing event;
- Not co-operating during a hearing;
- Changing a position without notice;
- Being unprepared for a hearing;
- Not complying with an OMB directive;
- Causing unnecessary delays;
- Not presenting evidence;
- Presenting false or confusing evidence;
- Continuing to deal with inappropriate issues;
- Not making efforts to combine similar submissions.

How do I recover my hearing costs?

Step 1: Ask the Board for an award of costs **before** the hearing ends or **within 30 days** after the written decision is issued.

Step 2: In your written submission to the Board, you must include the name of the party you are seeking costs from, the reasons for your request and the estimated amount.

Step 3: Follow the directions of the Board. The Board may ask you to:

1. Appear in person; OR
2. File a written submission.

Step 4: Prepare your written submission or notice of motion. You must include:

- The reasons for your request;
- The amount requested;
- An estimate of the extra preparation or hearing time caused by the misconduct;
- Copies of supporting invoices or a sworn statement (an affidavit) verifying the expenses; and
- A sworn statement verifying that the expenses were necessary.

Step 5: The Board will inform you of its decision

What expenses can I include in my request for costs?

The OMB may order that you receive payment for your expenses from preparing for and attending a hearing. These expenses may include lawyers' preparation and hearing time and, consultant and witness fees.

The OMB will generally require documentation to verify these expenses were incurred.

For expropriation issues, costs are awarded only as provided under the Expropriations Act. The Board may refer the amount of costs to be decided by an Assessment Officer of the *Superior Court of Justice*.

Where can I get more information?

For complete details on recovering hearing costs, refer to the OMB's *Rules of Practice and Procedure* (Rules 99-107). They are available at www.omb.gov.on.ca, or by calling (416) 212-6349 or toll free 1-866-448-2248.

Please Note

The information contained in this information sheet is not intended as a substitute for legal or other advice, and in providing this information, the Ontario Municipal Board (OMB) assumes no responsibility for any errors or omissions in this information sheet, and shall not be liable for any reliance placed on the information in this information sheet. Additional information, including the OMB's *Rules of Practice and Procedure*, is available at www.omb.gov.on.ca, or by calling (416) 212-6349 or toll free 1-866-448-2248.



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