

DISCIPLINE COMMITTEE PRACTICE DIRECTION: ELECTRONIC HEARINGS

Effective March 17, 2020, the College of Massage Therapists of Ontario (the “CMTO”) began operating remotely in response to COVID-19. As a result, all in-person hearings were suspended. Where feasible, alternative hearing options, such as telephone and written hearings, were considered in uncontested matters.

ELECTRONIC HEARINGS

Notice: Effective May 13, 2020, the Discipline Committee directs that all discipline proceedings (i.e. pre-hearing conferences, motions and hearings) will proceed by videoconference or telephone. Parties are invited to discuss with one another and notify the Hearings Office of their preferred format for the hearing no later than two weeks prior to the commencement date of the hearing.

Expansion of virtual access through remote hearings will ensure that the Committee fulfills its public protection mandate by moving matters forward expeditiously while minimizing disruption to the hearing schedule and ensuring compliance with public health guidelines. This direction is issued pursuant to the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*¹ and the Discipline Committee Rules².

This direction applies to matters currently scheduled with the Hearings Office as well as matters yet to be scheduled, including matters adjourned shortly after the provincial emergency declaration. Given the uncertainty of when it will be considered safe to resume in-person hearings, this direction remains in effect until rescinded by the Discipline Committee.

The Hearings Office will notify impacted parties of the necessary equipment and software required for electronic hearings. It will also issue detailed instructions and will work with hearing participants to test the videoconferencing platform in advance of the hearing.

To ensure public access, members of the public will be permitted to observe electronic hearings. Anyone requesting access is asked to contact the Hearings Office at hearings@cmtto.com.

¹ The [Hearings in Tribunal Proceedings \(Temporary Measures\) Act, 2020](#) came into force on March 25, 2020. The Act permits a tribunal to make any orders or give any directions that it considers appropriate respecting the format of the hearing and its conduct. The Act applies to a proceeding commenced before, on or after the day the Act came into force.

² Rule 8 of the [Discipline Committee Rules](#) permits the Discipline Committee to hold electronic hearings. Subrule 1.07(1) grants the Discipline Committee the authority to make any order that is necessary to control its process, taking into account the public interest, the interests of the witnesses and a registrant’s right to make full answer and defence to the allegations.