

FST Website posting

February 27th, 2023

News Type

Announcements

Financial Services Tribunal Notice of Public Consultations

The Financial Services Tribunal has announced that it is holding a 30-day public consultation commencing on **February 27th, 2023** concerning the following:

- revision of the Tribunal's Rules to expressly address frivolous, vexatious or bad faith motions under Rule 14 in a similar manner to the provisions of Rule 33 dealing with frivolous, vexatious or bad faith proceedings. Related conforming revisions are also being proposed for Rule 33;
- revision of the Tribunal's Rules and Electronic Hearing Practice Direction to further relax the Tribunal's approach to COVID-19-related in-person hearing protocols (while maintaining the flexibility to decide hearing formats (written, electronic, in-person and hybrid) on a consultative and discretionary basis, having regard to a variety of factors, including public health concerns); and
- suspension of the Tribunal's Discretionary In-Person Hearing Practice Direction.

Note – The Tribunal believes that a cautious approach is warranted in the presence of ongoing public health challenges, but that these changes will be responsive to the need for added flexibility and will ensure that panel chairs have the necessary discretionary authority to determine the appropriate hearing format in the circumstances of their proceedings based on established guidelines and consultation with the parties.

Industry members are encouraged to consider participating in this consultation. The draft revisions to the Rules and Practice Directions can be viewed at <https://www.fstontario.ca/en/>.

The Tribunal advises that until the draft revisions are finalized, they will be used as a general guide in connection with all proceedings.