



Here's what you need to know about requesting a summons for a witness

If you want someone to give evidence at a hearing, you may ask the OMB to issue a **summons** that orders him or her to attend.

An OMB summons tells witnesses:

- That they must attend the hearing;
- Details about the hearing;
- Which documents they need to bring to the hearing.

What is the process of requesting and issuing a summons?

1. Fill out a Request for Summons form from the OMB. It is available on the website or by calling the Board. There is no fee to request a summons.
2. Return the completed form to the OMB by mail or fax. The OMB Secretary will sign it and issue the summons to you with instructions. Follow these instructions.
3. Sometimes, the Board may ask for more information. If so, please provide the information as soon as possible. In this instance, the Board will require a list of the people who have received a summons.
4. In rare cases, the OMB may issue a summons without the name of the witness. You will have to complete the form and insert the name.
5. Please send the summons to the witness at least **five days** before the hearing. The witness must receive the summons in person. You cannot mail or courier it.

What if the OMB denies my request to summon a witness?

If your summons request is denied, the Board will notify you of the denial by letter.

Do I have to pay the witness I have summoned?

If you summon a witness you are responsible for their costs. The fees are set out in the **Courts of Justice Act, Rules of Civil Procedure** Tariff A (Part II – Disbursements). Payment must be made to the witness when the summons is delivered.

What if someone doesn't attend a hearing after receiving a summons?

This rarely happens. If it does, you can ask the OMB for a warrant. The OMB may request the Superior Court of Justice to issue the warrant.

Should I use expert witnesses?

It's a good idea to hire expert witnesses to give evidence about technical questions at the hearing. Expert witnesses may have to prepare written statements about their education, experience and opinions on the issues. They may also be asked to submit a list of the reports they intend to use at the hearing. You may have to send the other parties and their representatives copies of your expert witnesses' statements and reports before the hearing begins, depending on pre-hearing requirements issued by the OMB.

Where can I find more information?

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



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